

DEPARTMENT OF EDUCATION

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SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES

ADVISORY COMMITTEE MEETING

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Monday,

October 23, 2006

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The meeting was held in the Barnard Auditorium of 400 Maryland Avenue, S.W.,
Washington, D.C., at 9:00 a.m., David Long, Chairman, presiding.

PRESENT:

| | |
|------------------|---------------------------------|
| DAVID LONG | CHAIRMAN |
| DEBORAH PRICE | MEMBER |
| KIM DUDE | MEMBER |
| FREDERICK ELLIS | MEMBER |
| MIKE HERRMANN | MEMBER |
| MONTEAN JACKSON | MEMBER |
| RUSSELL JONES | MEMBER |
| SHEPPARD KELLAM | MEMBER |
| SUSAN KEYS | MEMBER |
| TOMMY LEDBETTER | MEMBER |
| SETH NORMAN | MEMBER |
| MICHAEL PIMENTEL | MEMBER |
| DENNIS ROMERO | MEMBER |
| BELINDA SIMS | MEMBER |
| MARY ANN SOLBERG | MEMBER |
| HOPE TAFT | MEMBER |
| HOWELL WECHSLER | MEMBER |
| MARIELA SHIRLEY | SURROGATE FOR DR. RALPH HINGSON |
| CATHERINE DAVIS | EXECUTIVE DIRECTOR |

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1 PROCEEDINGS

2 (9:04 a.m.)

3 CHAIRMAN LONG: Thank you very much. Welcome everyone from across
4 the country. Glad to be back together again.

5 The first thing I want to do is, as we open, is to remind us of, first of all, the
6 charges that were given to us by the Secretary. As we recall, three in nature, and thus the reason that
7 we are back here today with our second panel.

8 Our first panel and the three questions in areas that the Secretary asked us to focus
9 on was with the state grants program, and that was from our first set of panelists and panels.

10 And then today, we are back and our second area that we will be discussing today
11 will be persistently danger, so the unsafe school option with NCLB.

12 And then we will be back the third time with our third focus group that will deal
13 with data.

14 Also, a reminder of the schedule, starting at 9:00 a.m. sharp, very good, thanks to
15 you. Then in just a few minutes we'll be starting on the first panel, and I'll introduce them. Then our
16 four panelists will make presentations, and then as soon as they're done, then there will be a free
17 flow with questions from the committee so that we can better understand some of the things that you
18 are talking about.

19 And this first panel will go from 9:10 until 10:20, and then we'll take our first
20 break. But I just wanted to codify the first part of the morning.

21 I would like to now introduce our panelists for our first panel this morning. Annie
22 you have a big smile so I'll introduce you first.

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1 Annie Salsich is a senior program associate at the Vera Institute of Justice, a
2 nonprofit policy and research institute that works closely with leaders in government and civil
3 society to improve the services people rely on for safety and services. Annie recently completed a
4 national research project to examine the unsafe school choice option of No Child Left Behind.

5 Prior to this project, she worked as an analyst on AFFIRM, a Vera demonstration
6 project that trained New York City School safety agents how to use the techniques of positive
7 reinforcement as a means of preventing school violence.

8 She received her BA at Vassar and is now enrolled in a Master's program in social
9 work at Hunter College.

10 Annie, welcome.

11 Our next panelist is -- and, Peter, I'll jump over to you -- Peter Pochowski, who
12 was appointed Director of the Division of Safety and Security for the Milwaukee Public Schools in
13 1999. Previous to his employment with NPS, the largest school district in the State of Wisconsin,
14 Peter spent 26 years with the Milwaukee Police Department where he rose to the position of the
15 department senior captain, a title he held before joining NPS.

16 Peter is also the Executive Director of the National Association of School Safety
17 and Law Enforcement Officers.

18 Welcome, Peter.

19 And next we'll go to Bill Bond. Bill served as principal of Heath High School for
20 eight years before coming to NASSP. He is now the resident practitioner for safe orderly schools,
21 which is generously sponsored by AID VALIC.

22 On December 1st, 1997, during his tenure at Heath High School in Peduca,

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1 Kentucky, the tragic school shooting occurred. This shooting, along with other shootings across the
2 nation, has precipitated his keen involvement in safe school awareness.

3 Mr. Bond also represents NASSP, National Committees for School Safety, and is
4 co-chair of the National Anti-Bullying Campaign.

5 Bill, welcome.

6 And last but not least, Jerry. Jerry Barber is the Assistant Comptroller responsible
7 for the oversight and administration of the State Audit Bureau within the Office of the State
8 Comptroller's Division of the State Services. Prior to being appointed Assistant Comptroller, Jerry
9 served as an audit program director for about ten years with the State Audit Bureau. Jerry is a
10 certified public accountant, certified information systems auditor, and certified government financial
11 manager. He has a Bachelor's of business administration from Sienna College.

12 Jerry, welcome.

13 Again, thank you collectively to all of you that took the time out of your busy
14 schedule to be here with us and to share your expertise and your experience. We are definitely
15 looking forward to this, and as we all know, this is a critically, critically important area for us and
16 the children of the United States right now.

17 So, again, thank you, and with that, Annie, let's start with you, if we could.

18 MS. SALSICH: Okay. Especially thanks to the full committee for inviting me
19 here today.

20 As many of you know, and this is helpful for me. I didn't realize I was the
21 absolute first one. So I wasn't going to incorporate too much of a summary of the criteria that states
22 are using, but I will do that a little bit more since this is the first presentation.

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1 While the unsafe school choice option has received a fair share of media attention,
2 especially in its first year of implementation, which was back in 2003 to 2004, nonetheless the
3 mandate has received fairly little formal analysis by academics and researchers and educators. And
4 with that as a backdrop, it's truly an honor to be here today to share with all of you findings from
5 Vera's 2004 qualitative study in which we conducted a series of interviews with education officials
6 and parents and young people and practitioners and researchers to determine how people in the field
7 were responding and are responding to the unsafe school choice legislation, and to then compare
8 those responses to a comprehensive review of the research literature on the issue of school safety.

9 Now, our study, and I'm not sure if this is right, what I'm about to say. I believe
10 you have a copy of the report in your folder. You do. Okay.

11 Now, the actual report though I have on a jump drive. So if it's okay if we can
12 make copies for the committee members, that would be great. The actual text is fairly brief. The
13 appendices are longer. So the text shouldn't take too long to read.

14 The report that we drafted on our study you will have a copy of. The most
15 pertinent findings of that report are what I'm going to talk about this morning with all of you.

16 It's important for me to stress up front though before going any further that as of
17 yet the report has not been authorized for wider distribution in the field. So what you will have in
18 front of you is essentially a confidential draft to keep to yourselves as much as possible.

19 However, I do want to state here -- I'll do my little pitch -- that it is our sincere
20 hope that we will be able to distribute that to the wider public and to the field of education fairly
21 soon.

22 So let me give you a quick road map for the presentation. So ignore this slide for

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1 just a moment. I'll just give you a sense of what you have in store for you for this morning, of what
2 I'm going to talk about for about 15 or 20 minutes.

3 And if someone wouldn't mind -- I'm sure you're doing this -- but I'm getting close
4 to the time, just remind me.

5 So the presentation will begin with a really brief overview of what our research
6 and policy questions were that sort of drove this study, what we aim to answer in doing the
7 qualitative analysis.

8 Then I'll describe briefly the methodology that we used to answer those questions.

9 Next I will provide a brief snapshot of the state criteria that states across the
10 country have been using under the unsafe school choice option, some of the differences and
11 similarities in those criteria and the number of schools that have been identified to date.

12 Following that, the remainder of the presentation will really focus on what we
13 found and what we heard in the field. Within that, one thing I'm particularly going to stress is an
14 issue that we found fairly remarkable, which was that there was widespread agreement both in the
15 field and in the research literature as to what constitutes an unsafe school.

16 Now, note that I'm not using "persistently dangerous" for a moment, but what
17 constitutes an unsafe school, and so we're going to talk about that a little bit as well.

18 And finally, I'll wrap up the presentation by highlighting some strategies that we
19 at Vera, based on our analysis and our findings, think states could begin to use to better identify and
20 then respond to schools that are struggling with safety.

21 Okay. So let's start with the research and policy questions. We, of course, began
22 our study with the very basic analysis of what have states done. Under the unsafe school legislation,

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1 as I think of you know from the briefing materials, states are required to identify schools that are,
2 quote, persistently dangerous, and to give students and the parents within that school an option to
3 transfer to a safe school in the same district.

4 In addition, the unsafe school choice option, which I'm not going to talk about as
5 much, also has a line in it that talks about even in schools that aren't defined as persistently
6 dangerous. If a child is a victim of a serious crime, that child has an option of transferring as well.

7 What I'm focusing on more is the criteria of how states are defining persistently
8 dangerous schools, and persistently dangerous schools is the language of the legislation. So that's
9 the language I'm going to be using throughout most of this presentation.

10 Above and beyond just simply understanding what states have done and what on
11 paper their criteria are, we wanted to go into the field and talk directly to people who work in
12 schools on a daily basis or on the issue of school safety, and hear directly from them what they think
13 is meant to be achieved by identifying persistently dangerous schools; what in their experience and
14 their expertise they think actually constitutes an unsafe school, so for a moment stepping away from
15 the language of the legislation and talking about safety, not specifically persistently dangerous; and
16 finally, talking to them about what are some strategies that states can begin to use to work within the
17 framework of USCO in the future.

18 And if anyone has questions because I didn't incorporate a lot of detail about
19 background of the legislation, feel free to ask. You might have a lot of that in your briefing, but if
20 it's not there, just chime in.

21 So in order to begin to answer these questions, we conducted a total of 44
22 interviews with people who were intimately involved or had expertise in the law's implementation

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1 where they were or across the country. The interview pool is comprised of the seven constituency
2 groups that you see up here. So I'm not going to go over all of them right now. You can see them
3 on the slide, and then you can see the breakdown of how many representatives fell within each
4 constituency group.

5 The respondents represented rural, suburban and urban jurisdictions from 17
6 states across the country. So we tried to get a fairly representative sample of both the jurisdictions
7 and levels of expertise and areas of expertise.

8 In the report, which you all have a copy of, there's a much more comprehensive
9 explanation as to why we focused on these constituencies and who we chose within the
10 constituencies and why.

11 I mean, obviously 44 people, you have to be fairly discerning and careful about
12 who you're talking to, and so I'm not going to go into detail on that. But when you have the draft
13 report, there is a page that can give you a little bit more background on that.

14 To guide our interviews, we used a semi-structured interview protocol that we
15 tailored to a certain degree for each constituency. Now, it's important to stress that it was semi-
16 structured. We worked within essentially what they call a grounded theory model, which is that we
17 had some questions that we wanted everyone to address, but we wanted to see where the respondents
18 took us. We wanted there to be open ended questions so that we could begin to understand what
19 were the real issues that people saw within the unsafe school choice option.

20 Because of that and with the permission clearly from the people we were
21 interviewing, we taped and transcribed the interviews, and then we used -- and this may interest
22 some of you. It may not for others, but just from a data perspective -- we used NUDIST, which is

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1 the name of a hypertext qualitative data study software which helps researchers code and pull
2 meaning out of multiple interviews.

3 So by that way we were able to sort of see where people were falling across
4 interviews.

5 So as I stated, we began our study just by looking at what states had done. Also, I
6 should mention here, and again, you may be aware of this, the study fell under a grant, unsolicited
7 grant from the Office of Safe and Drug Free Schools, and so when I said that it's not directly, we
8 gave the report to the OSDFS leadership, which was a great partnership.

9 So as a foundation of our study, we turned to see what states had done. This is a
10 very brief analysis here. There is a lot of things that you can talk about in the different ways that
11 states chose to use their criteria, and in our report, as well, there's a long appendix that actually pulls
12 out state by state what states decided to do, and we can get that to you as well, and that's for the first
13 year of implementation that we focused on, although it hasn't changed much.

14 So essentially, the key areas that states chose to look at and identify in persistently
15 dangerous schools were within two areas. So they either picked one or did a combination of the two,
16 which is that they looked at incident reports of serious violent crimes and/or the disciplinary
17 outcomes that resulted from those incidents, meaning suspensions and expulsions.

18 Also, in general, states tended to look at a minimum of two consecutive years.
19 Some states required three consecutive years. I don't think there was any state that just called for
20 one year for the criteria to be met alone.

21 And so what you begin to see is that the criteria is fairly high, and it's very much
22 based on the rates of incidents that you would consider the most serious in a school.

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1 So the approaches were somewhat similar. However, the outcomes really varied
2 in how this played out. To a certain extent they varied. Most states did not identify any persistently
3 dangerous schools and have yet to identify any persistently dangerous schools, and the years that I
4 have up here are for the first two years. The third year, the most recent year, I actually don't have the
5 full name of the states. I think some changes have taken place. Sometimes schools have appeal
6 systems. So I didn't want to put that up here unless it is absolutely accurate. The first two years
7 though this is how it played out.

8 So essentially a school designated persistently dangerous in one state may not
9 have had that persistently dangerous label if they were in a different state based on the varying
10 criteria. States are left to themselves to establish and design the criteria, and that's a really important
11 thing to mention here. There's no mandate as to how they go about doing that.

12 So in 2003 and 2004, which was the first year of implementation, a total of 47
13 schools in five states were designated persistently dangerous schools. So I'm not going to mention
14 the numbers here. You have them in front of you, but it was Oregon, New York, two in New York -
15 - I come from New York, and that was a bit shocking, but don't put that on the record -- New Jersey,
16 Puerto Rico, and Pennsylvania. So these were the only states that were included here.

17 And for example, just to give you a sense of how the schools actually played out,
18 I mean, it was also interesting to see what these schools looked like. In New York, for example, just
19 because that's my area of knowledge more than the other states, the two schools that were identified
20 were very small schools. One was a special education school. Neither of these schools had been on
21 the radar screen of the city, and New York City does have an impact school list which are deemed
22 sort of the most high risk, dangerous schools. These two schools were not on that list.

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1 So I mean, it was just interesting to see how schools fell on these lists.

2 In 2004 -- I've got to get going -- so 2004 to 2005, a total of 41 schools in four
3 states.

4 So what you begin to see is that the criteria that has been set is fairly high, if not
5 impossible, to meet by many states, and there has been a concern about that.

6 So let's jump to the responses from the field. Through careful analysis of our
7 interviews, our basic findings suggest that while most people we interviewed do believe that the
8 intent of USCO, which I'm going to call it here, is well meaning; that the idea of giving every child
9 an opportunity to go to a safe school environment is something that we in this country need to do.

10 However, every respondent that we spoke to expressed serious, serious concerns
11 about this legislation, and we'll begin with the first.

12 The wide majority of interview respondents pointed out that the language of the
13 legislation is incredibly stigmatizing for schools. To define and identify a school as persistently
14 dangerous can have huge social, political, and economic ramifications that extend beyond the local
15 school.

16 Two, many respondents felt that this stigma was highlighted due to a lack of
17 resources that or levels of assistance that were included in the USCO legislation.

18 Now, it's important to stress here that people weren't just saying money. It is an
19 unfunded mandate, but people were also saying that what USCO doesn't provide is a level of support
20 and assistance and advice as to just strategic planning about what these schools can do if they are
21 identified as persistently dangerous.

22 Now, while USCO allows transfers, many people said that that wasn't sufficient

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1 for them, that they would rather than have the youth who was victimized transfer out of the school or
2 the youth who chose to transfer out of a dangerous school transfer out, they would prefer to see the
3 school changed and fixed and improved, and that's where the focus should be.

4 Nothing in the legislation prevents this from happening, but many respondents
5 said that working under such a harsh label can be daunting and overwhelming for schools, many of
6 which are already working under resourced and really need help knowing how to use their funding
7 in the most optimal and effective manner to create safe environments.

8 Third, people talked about the challenge of identifying unsafe schools across a
9 state, and what we're talking about here is data, which I know is also your third area of focus at the
10 Advisory Committee. People express some real concerns, including state education officials and
11 local education officials about the reliability and consistency of focusing only on incident reports
12 and suspension and expulsion data, with the understanding that suspension and expulsion data
13 ranges widely from district to district, even from school to school within a district.

14 One incident that results in a suspension in one school may not result in the
15 suspension in another school.

16 People also expressed concerns just about under reporting, and this was not an
17 attack on school officials. People said largely this is unintentional because of poor training
18 sometimes with a staff who are reporting the crimes, but there is often a fear on the level of school
19 officials of getting bad publicity and being punished for reporting high levels of incidents.

20 One other issue on here is that people were concerned that schools that may report
21 a high level of weapons incidents and weapons incidents here can include possession, not use, that
22 some of these schools may be punished for actual prevention and intervention. So schools that

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1 actually intervene and find weapons before they are used may look to be more dangerous than those
2 schools that actually never find the weapons.

3 Finally, I think the most important thing that we heard was over and over again
4 people said that this label of persistently dangerous has spurred states to set a threshold that is so
5 high that schools that are genuinely struggling with safety issues are left untouched and virtually
6 unseen by the legislation.

7 And more precisely, that USCO has not advanced a national effort to identify
8 unsafe schools, an element, a task that everyone we spoke with thought was incredibly important. so
9 that here, again, is the differentiation between persistently dangerous, a really loaded label and term,
10 and what people think still needs to happen, which is states need to be helped in identifying unsafe
11 schools.

12 So what I'm going to do now, and I'm going to do this fairly briefly because I have
13 three minutes Dave is telling me, and luckily I can give you the report. So I can do this briefly and
14 you can get more information after.

15 So in light of these findings, we turned to our respondents and asked them, well,
16 what do you think constitutes an unsafe school. Officials clearly felt that they needed help. States
17 needed help on how to identify these schools, and that was a need.

18 But how do we know what's an unsafe school and what isn't? And it was amazing
19 to see the level of agreement across officials, across respondents and across the research literature,
20 that there are key factors that people in the field of education believe constitute an unsafe school.

21 And what we were able to do with our qualitative analysis and with the hypertext
22 software is to really code and pull out five factors that seem to be repeated the most, and you'll see

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1 them up on the screen here.

2 So every one we spoke to said that, of course you need to include an analysis of
3 serious violent crime without a doubt. No one said that that should be included in a criteria to
4 identify an unsafe school.

5 However, everyone stressed that you also need to look at school climate factors,
6 and this is something that, as most of you know, is really a hot topic in the literature right now, and I
7 have to say it was really striking to hear that people out in the field absolutely agree, and they see
8 this in the schools every day in the schools that they work in.

9 And so they stress that in addition to looking at serious violence, you must begin
10 to look at and assess bullying, intimidation, and harassment is one. Studies have shown, and we
11 have citations in the report that many students are more fearful of the consistent and often severe
12 bullying that occurs in schools than they are of the serious violent incident occurring.

13 And, again, you can look at the citations in our report for that, and many of the
14 people that we spoke to who work in the field of school safety on a daily basis stress that they see
15 this all the time in schools; that what leads up to a serious violent incident are often the consistent,
16 reoccurring episodes of consistent bullying and harassment in schools.

17 The third element were disorder common areas, and for those of you who work in
18 schools who are on the committee, I mean, this is something that everyone talked about, and from
19 my work in working on school safety, I definitely relate to this, which is that people said across the
20 board if you walk into a school and you see chaos, then that is not a good sign for the level of safety
21 and the level of positive school climate in the school.

22 And they spoke specifically to a few areas. One, which I really want to highlight,

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1 which may seem surprising, is that the majority of people we spoke to talked about bathrooms.
2 They talked about if you go into a school and you talk to kids and the kids are afraid to go to the
3 bathrooms, that is a huge indication of a school that is not safe.

4 And I can't even stress here the repetition that we heard on this issue around
5 bathrooms. Other hot spots, hallways, stairwells, things like that, really talking directly to students
6 and hearing from them if they feel safe or unsafe in areas of the school and if there is a sense of order
7 that they know will keep them safe in their school environment.

8 Next we have a lack of emotional connectedness to schools. Again, there are
9 research studies that point to this. In fact, there's one that I think is worth mentioning by Russ Skiba.
10 It found that students' sense of belonging had a greater influence on their perception of safety than
11 the incidence of serious violence.

12 So, for example, the survey statement most frequently associated with perceptions
13 of safety was, quote, I feel welcome when I am at school.

14 In our interview respondents corroborated this again and again.

15 Finally, inconsistent disciplinary practices. Very briefly what we're talking about
16 here is no sense of consistency in expectations, and sometimes you get caught; sometimes you don't.
17 That level of disciplinary inconsistency was brought up again and again as an indicator of a school
18 that may be unsafe.

19 And keep in mind that all of these are in conjunction with serious violent
20 incidents.

21 So to wrap up, these are two strategies that we are sort of putting out there in the
22 field as possible ways that schools -- and before I get into this, I want to say that these come from an

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1 acknowledgement that states are still required to comply with USCO, that that is not off the table,
2 and that they still need to work within the framework of the legislation.

3 But also, an equal acknowledgement that states are not happy with the way that
4 they need to work under this legislation, and so what we tried to do in the findings and in the
5 strategies that we suggest is find a way and propose a way that states can still work within the
6 framework and comply with the legislation, but identify and respond, most importantly, to schools
7 that are struggling with safety in the way that they deem meaningful and in a way that truly
8 resonates with what they see as critical issues in schools.

9 So the two strategies that we propose, the first one is that states should begin to
10 use multiple data sources to do their school safety assessments. One of the things that many
11 respondents stressed is that the anonymous use of school climate surveys are very critical in talking
12 about this. So, again, assessing directly from students and young people and staff themselves about
13 what they're feeling and what their perception of safety is in a school is a way to level out and
14 balance what you're seeing in hard paper and sort of quantitative reports.

15 Specifically, there are many surveys. The Oregon Center uses one. Hamilton
16 Fish Institute has a great one. Vera has one. There are many people that are developing these school
17 climate surveys.

18 They essentially measure climate, perceptions of safety, levels of respect, and sort
19 of collaboration between school members and can identify hot spots. Also, to help you figure out
20 what a school can do to respond to the issues of school safety.

21 The second strategy is to acknowledge that doing a school climate survey across
22 an entire state may be very well unrealistic, that it can be expensive, that you have to deal with

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1 passive or active consents. You know, there are issues that make this hard.

2 So the second suggestion is to do a watch list, working under the unsafe school
3 choice option and some states have already done this. What this means is to identify schools that are
4 struggling and showing signs of poor climate, you know, unsafe environment similar to using the
5 factors that we describe, but rather than instantly identify them as persistently dangerous, put them
6 on a watch list and work with them, and on those schools do school climate surveys so that you can
7 begin to better understand what's going on in the school.

8 So both know what it is that you're identifying and also know how to help that
9 school.

10 Indiana and Florida are two states that have been doing this. There are many
11 more states that have included this into their criteria, and we think it's something that the federal
12 government and state officials can begin to look at as well.

13 So in quick conclusion, I just want to thank you for the time in speaking here and
14 sharing more importantly not just our findings, but sharing the voices of the people that we spoke
15 with. I think that's really critical.

16 And please feel free if you have questions at the end of this to let me know.

17 CHAIRMAN LONG: Annie, thank you very much. That was very, very
18 informative. We appreciate that.

19 We will be doing just that at the end. After we've heard from all of the panelists,
20 then we'll have a dialogue back and forth of the committee. So thank you.

21 Next we'll move to Peter Pochowski. Peter?

22 MR. BOND: He just stepped out of the room.

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1 CHAIRMAN LONG: Okay. Next, as I said, we'll move on to Bill Bond.

2 (Laughter.)

3 CHAIRMAN LONG: And, Bill, thank you for being so very flexible.

4 As I indicated earlier, Bill also today is representing NASSP and has a lot of
5 personal experience.

6 So, Bill, if you would.

7 MR. BOND: Thank you.

8 I just want to piggyback on what she has started here and what her research said.
9 When we're looking at persistently dangerous schools, I think about the kids who go to school every
10 day and they're going to be humiliated and intimidated and how they would define a persistently
11 dangerous school.

12 The way we're looking at it now, we're defining a persistently dangerous school
13 by strictly overt violent acts that we can identify, the simplest of all criteria. But I think if we
14 interview students, they would identify a persistently dangerous school by their perception of how
15 they go to school.

16 Where you might have very few instances of a fight, where people are hit with
17 their fist, there are hundreds of thousands of kids that go to school every day and are hurt by words.

18 In our business as educators, and I'm a high school principal, we do a great job if a
19 kid pops another kid up beside the head. You're going to see a certainty of consequences.
20 Something is going to happen. There's going to be almost 100 percent certainty of consequences.

21 And many people think you change behavior by how severe consequences are.
22 You don't change behavior by how severe consequences are. You change behavior by how certain

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1 consequences are. They don't have to be that severe. They have to be that certain.

2 And in the area of bullying or humiliation, the certainty of consequences is very
3 small, very small. So when we looking a persistently dangerous schools, I think we need to follow
4 up on what the research has found and start to look at school climate and how kids are treated at
5 school and what happens.

6 And you think, well, you know, that kid is hit up beside the head. I can tell you
7 by personal experience of being hit up beside the head and hitting people up beside the head and
8 words, words. Words will cut you to the heart, and they will do more damage than being hit up
9 beside the head. And the effect on that child will be longer lasting and be more detrimental than if
10 he were hit in the head.

11 So what I would like to see is in this legislation, in this situation, where we would
12 try to get at this issue of a persistently unfriendly school, a persistently dangerous school to a child
13 through the use of school audits, climate surveys.

14 I think that I'm not mandating a survey that we're going to turn into the federal
15 government, but I think in this legislation it would be easy for each state to mandate that a school
16 climate survey be conducted in the school. The survey could be maintained at the school because it
17 would be for the use of administrators to make decisions.

18 I think that I wouldn't want to see a survey where the results had to be sent to the
19 state or you know I wouldn't want to see one sent up here, but we could require a survey be done and
20 the results to be kept at the school, and if someone from the state wanted to come and look at the
21 survey, you know, they would have a right to go look at the issues that were there.

22 And by doing a survey, school climate survey, school audit, something along this

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1 line, we need to bring into the discussion how unsafe kids feel because of simple acts, simple acts in
2 school, and I believe that when you become aware of the data of what's happening with kids,
3 principals, school administrators would take action.

4 But right now we're data driven, and if they don't have that data and if everything
5 we're doing is about kids being hit up beside the head, well, then I think we're missing the point of
6 what a persistently dangerous school is to a student.

7 Thank you.

8 CHAIRMAN LONG: Thank you very much, Bill. We appreciate that.

9 Next, Peter Pochowski. A reminder on the introduction that Peter is the
10 Executive Director of the National Association of Schools, Safety, and Law Enforcement Officers.

11 Peter.

12 MR. POCHOWSKI: Good morning, everyone, and thank you for inviting us.
13 And I want to thank you for giving us the opportunity to address the concerns that we have about the
14 persistently dangerous and the law in itself.

15 I guess we have a case this morning here of bad news and good news. The bad
16 news is that Annie stole all my thunder, and the good news is that for the Secretary and certainly for
17 this committee, her and I have not talked about these issues, hadn't met her until an hour ago, and
18 you can see that across the country, from Milwaukee to New York, to Denver, California, and
19 Florida, these are the same issues that we're seeing and hearing from the field.

20 So as I represent my colleagues in MASSLEO and School Safety from across the
21 country, I think you'll hear a continuous theme from all of us.

22 The first problem that we see is the problem of the 60 percent/40 percent

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1 mandate. It seemed to be okay at first because we all know that there's a direct link between drugs
2 and safety, and even before these most recent incidents, safety has become a much greater concern
3 for us, not that drugs have gone down, but the safety concerns have risen.

4 For example, just in Milwaukee we reduced 204 activities down to seven because
5 we want to be able to focus our energies on those that we thought we'd have a chance of succeeding,
6 and a lot of that has to do more with behavior modification, anger management, character building
7 because we believe that these are some of the root causes of the problems.

8 But the greater need is for teacher safety program, for example, crime
9 prevention/intervention. We're finding that a lot of classroom teachers certainly in the urban
10 environments are not prepared coming out of college for what they're about to address.

11 The CPI Program, and this is not an endorsement of any particular program, but it's a
12 program like this where they are taught how to handle these kinds of things that they didn't see and
13 they were not taught in college.

14 The classroom organization management program, the same thing again, not an
15 endorsement of any particular program, but teachers are taught to teach. They're not taught how to
16 manage their classroom and how to manage that class clown. And we found that early on if these
17 people are trained on how to handle these, you don't develop a second or third class clown.

18 And then the crisis planning. None of us can predict with any degree of certainty
19 when the next school shooting will happen. So we have to prepare everybody to be ready for it, and
20 of course, it has to start with our teachers.

21 And I agree with the comments that have been made previously that bullying is a
22 greater concern for our students than it is for adults, it seems. They have a different opinion of

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1 what's unsafe in their schools than we do. We worry about metal detectors and shootings, and you
2 ask students about their concerns about safety, and it turns out to be bullying.

3 The bathrooms was another big one, and that hallway light that seems to be out a
4 lot. It has very little to do with the guns. In fact, I've interviewed panels of kids from School A and
5 School B, both of them that have reputations as challenged areas of our city, and I'd ask High School
6 A, do you feel safe? Yes, I do.

7 And any problems there?

8 Well, a few fights and everything else, but it seems to be a gang bangers fighting
9 each other. So I don't feel unsafe.

10 Well, would you ever transfer over to School B?

11 Oh, heavens no. That's a terrible school.

12 Now, you ask that same question of the students at School B, and they're perfectly
13 find with their schools, but they wouldn't transfer over to School A either.

14 It's just the reputation and the media that get into this. You'll find out the media is
15 playing a bigger role than I think they should be.

16 The next issue is the problem of persistently dangerous schools. Again, I have to
17 agree with Annie that this is a stigma that's attached to people, and it may be unnecessary, and it may
18 be unfair. It does cause an undue hardship to an already challenged principal. Principals of today
19 are different than the principals of maybe 20 years, certainly 30 or 40 years ago. When we stamp
20 somebody with that term "persistently dangerous," the media jumps on that, and I get calls from
21 around the country and, quite frankly, from around the world, London, Japan, asking about
22 persistently dangerous schools.

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1 I have a friend who has children in one of the East Coast schools that was
2 identified with having a significant number of persistently dangerous schools, and her sister took her
3 kids out of Philadelphia schools because of that, and that's totally unfair. She was perfectly happy
4 with the schools, but the media made such an issue of that school district, and quite frankly, I
5 applaud that school district for being honest and reporting and setting a standard and then
6 maintaining that standard.

7 I need to underscore the importance of what the media is doing to our schools
8 today, certainly in light of the incidents that have recently happened. I've talked to some of the
9 members of the panel. We're spending a lot of time lately addressing media issues for things that
10 five, six, seven weeks ago were third, fourth or fifth on my plate. I was more concerned about bird
11 flu issues this past summer than I was concerned about Columbine issues, not that they ever go
12 away, but it's a constant shifting of our priority.

13 But the media, when they get this one, they jumped all over it, and I haven't been
14 able to do anything but work on these issues since then.

15 Another problem -- well, I need to go back on the recommendations. I think
16 there's another way to do this. So we have schools, SciFi schools, schools identified for
17 improvement. We don't call them persistently stupid schools. We call them schools that are
18 identified for improvement.

19 If we attach a stigma like "persistently dangerous" to a school, that principal, like
20 those of us in the school safety business, will spend an inordinate amount of time defending and
21 responding to that, and it takes their eyes off the ball, and that is to educate our kids.

22 I think if we tone this term down a little bit, I think it would give our principals a

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1 fighting chance to get done what we want them to get done.

2 The other problem is the -- this is a Department of Education, not just a
3 Department of Justice compliance problem. It really causes our principals in some cases to under
4 report. Certainly there's laws requiring people to report crimes, but in a school it's not that clear cut.

5 If a kindergartner steals the milk money of another kindergartner, then that is a school and a parent
6 problem. But if that happens in high school, then it's a law enforcement problem. And those are
7 clear-cut examples.

8 But what about in between. At what point is there a cutoff? At what point does
9 this become a crime?

10 And, quite frankly, all of us have jobs where we have to respond. We have
11 evaluations, but in this case they're the ones who make the decisions in the school whether the police
12 are reported or not, whether the call is made or not, and if anybody thinks that this is exact and that
13 100 percent of these crimes are being reported adequately, it's naive.

14 I'm not sure human nature being what it is that all of us would present information
15 that make us look bad like we're not controlling our schools, and I think as I talk to my colleagues
16 around the country, this is a significant problem, the potential for under reporting.

17 I saw this when I first came out. I've done as much as I can to work with our
18 principals in Milwaukee to talk about the importance of persistently dangerous schools and how we
19 worked to downplay that stigma. We will understand internally what that is, but it does need to be
20 addressed, and I think that that can be changed.

21 We can eliminate the terms altogether. We could change the terms, and I think
22 it's important that we refocus our energies on the key player here, and that's the principal because the

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1 single most important safety factor in any school, the single most important safety factor in any
2 school is a principal, and it's a principal who is concerned about the safety of that school.

3 It's not often that you will get a state to say this, that we have too much flexibility,
4 but the fact of the matter is I share the pain of my colleagues in Philadelphia and Denver and
5 Jacksonville, Nashville. We all have the same problem, and the media will take incidents from one
6 city and then play it off the other cities, getting calls asking about this particular city, "Do you think
7 that's right? How does Milwaukee stand up to this?"

8 And we're not sure that it's fair because the criteria being evaluated is not the
9 same. Football game scores are easy to measure. It's the same ground rules, but it's not the
10 persistently dangerous schools.

11 And the other concern, as Annie pointed out, some states will set the bar so high,
12 they'll set it so high that nobody will ever be declared persistently dangerous. It circumvents what
13 the law is intended to do, and it circumvents what information is getting into the hands of our
14 parents, and I think that's a bigger crime.

15 My recommendation is that we mandate some criteria, some. Let's just say, for
16 example, you have five criteria in your state. If the federal government mandated maybe two of
17 those, you'd have to include these two criteria. It kind of minimizes the peaks and valleys of the
18 reporting process, and yet it gives the federal government that control that they're still looking for in
19 the reporting process.

20 And that ends my recommendations. I would like to say one thing. Even before
21 the recent events that have happened, cities across the country, especially the urban environment,
22 with the reduction in funding, COPS Programs, et cetera, we're struggling to find ways to make our

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1 schools safer. For example, in Milwaukee we tried to hire police officers, Milwaukee police
2 officers, to patrol outside our schools. We had a number of incidents occurring after school. Our
3 folks did a great job on the inside. We had some trouble on the outside.

4 And when the police department could not give us the people, then we had to take
5 education dollars. The school board had to approve it. A contentious fight over this, but we all
6 agreed the bottom line is that we needed those schools to be safe after school.

7 Now, we're looking at, because of incidents that have happened, that we're even
8 taking more money out of our educational dollars to make our schools safer by adding police
9 officers. Two separate entities in the City of Milwaukee, we do not have a school police department.

10 We have the Milwaukee police and the Milwaukee Public Schools, and the service is directly by
11 assigning one squad card for each of our districts, and we don't think that's enough, and yet the
12 police department, number one, doesn't have the money to add to their resources, and number two,
13 they don't have the police officers to add.

14 So we're putting money and looking at putting money into our budget next year to
15 see if we can't hire additional police officers through the police department to help enhance our
16 safety in schools.

17 Taking educational dollars for security in schools is not a step that we enjoy
18 doing. It's something that we regret, but we have to do it first. In Milwaukee we have a very simple
19 model, and that is "education first, safety always." And I believe that, and I think you for giving us
20 the opportunity to discuss this.

21 CHAIRMAN LONG: Peter, thank you very much. We appreciate your being
22 here and the information you shared.

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1 Next we'll be moving to our final panelist on this panel, Jerry Barber, and a
2 reminder that Jerry is the Assistant Comptroller from the State of New York.

3 Jerry.

4 MR. BARBER: Good morning.

5 Thank you, David.

6 On behalf of New York State Controller's Office and Controller Alan Hevesi, I
7 want to thank the Advisory Committee for the opportunity to present our findings on an audit of
8 school incidents, violent incidents and disruptive incident reporting that was conducted about a year
9 ago. We hope that our report adds some transparency and accountability for the important issues of
10 the identification of persistently violent schools and the unsafe school choice option.

11 Today I will only be able to give a high level overview of our audit report, but it is
12 available. It's a public report. It can be obtained on the Web. You can take a look at the report. It
13 has a lot of detail. It is pretty data rich.

14 The agency, the State Education Department's response on behalf of all the school
15 districts in the State Education Department is appended to the report. So you can see their position
16 on the findings that we had.

17 I would like to say also that the Education Department was very proactive and
18 very receptive to the audit results. It was a pleasure working with them.

19 At the same time that we released our audit report, they released their own press
20 conference release and their statements about what they were going to do to rectify and address the
21 situation. So it was a very positive experience from that regard.

22 Another point I'd like to make is that the audit basically relies on criteria that are

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1 set forth in the law. In our case in New York State, the SAVE Act became law in July 2000, and it
2 mandated a uniform violent incident reporting system be established statewide. It became effective
3 in the 2001-2002 year, and of course it's consistent with the No Child Left Behind Act requirements
4 for the identification of persistently violent schools and the unsafe school choice option, my point
5 being that the auditors only audited what was set forth in the law, and that pursuant regulations and
6 policy, not to suggest that this is the best model going forward, but it was the criteria that we had at
7 our disposal to audit against.

8 A bit of background. I'll hopefully make this brief. In New York State, 700
9 districts outside of New York City with 3,000 schools. Each of the schools is responsible for filing
10 an annual incident report which rolls up to the district level, which then rolls up to the state
11 education department.

12 In New York City, it's a separate reporting mechanism through the New York
13 Police Department, and I believe there's -- and the New York City Department of Education
14 oversees it, and there's like 11,000 school buildings in New York City. Our audit focused only on
15 those districts and schools outside of New York City.

16 There's a separate audit being planned for the City of New York by the City
17 Controller.

18 The New York State Education Department summarizes all of the district reports
19 into a database, computes the violence index, and makes the statistics public to the governor, to the
20 legislature, to the Board of Regents. So it's a fairly open and available system of information.

21 Just briefly, the objectives of the audit. What answers we have tried to provide in
22 doing this work, the schools properly report incidents. The answer to that question based on, I think,

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1 a pretty comprehensive scope of work was that there's a high risk that they are not accurately
2 reporting factors, quite frequent under reporting.

3 Does the Education Department accurately compile the data that obtains? We
4 believe that it was reasonably accurate, the data that was compiled. There were some data
5 conversions, data error correction problems, but by and large the data itself, which was the basis for
6 the school rankings was accurate.

7 And are schools properly identified as persistently dangerous? There's a high risk
8 that that's not the case based on the widespread under reporting. Again, I want to emphasize that
9 we're only using the criteria that was available to us, pursuant to the law and the regulations. We
10 audited against the state's own criteria. So there may be other research or other program ways of
11 approaching it. We did not take that into account.

12 The scope of the audit. We looked at the entire incident reporting from its roll-out
13 in September '01 through the end of our field work in February '06. Again, it was schools outside of
14 New York City. We essentially compared the SED database to the actual incident reports and data
15 that was on file at 15 school districts, including two large cities, six small cities, six suburban and
16 three rurals. So we think we had a very good cross-section of schools. It covered 17 high schools in
17 total and three elementary schools.

18 And we focused on the 2003-2004 incident data because SED advised us that the
19 first two years of data had a higher likelihood of inaccuracy because of problems in the initial roll-
20 out of the system, lack of understanding, training, other things that had to be accomplished.

21 So we went to what we thought was the first reliable year of data, '03-'04, and we
22 also did a phone survey with 35 districts to understand their interpretations of the law and the

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1 requirements and to get their input as well.

2 In the New York State violent incident reporting system, there are 17 different
3 types of incidents they had to report. However, only the most egregious of those go into the
4 calculation of the violence index, and basically those seven or eight that are included are factored
5 with enrollment to come up with a score. If your score is 25 or greater, you are initially assigned the
6 ranking of temporarily in a persistently dangerous school classification.

7 If in a subsequent year your score stays at 25 or higher, you risk being classified
8 as persistently dangerous unless information can be provided to the Education Department that
9 would convince them to otherwise make you not persistently dangerous.

10 In the reporting system there is different information that is provided in
11 supplemental information for weapons, violence involving weapons. The system's name is the
12 violent disruptive incident reporting system, also known as VDIR. The reports are due to the
13 Education Department October 31st annually based on the prior year's experience.

14 It's a hard copy reporting system, which in this day of technology was a little bit
15 hard to understand why this couldn't have been set up in a systematic way for on-line reporting, data
16 verification, et cetera. So it was somewhat cumbersome and somewhat error prone.

17 Audit results come with a different perspective here. We found that the system
18 that was designed by New York State pursuant to the law and regulations was very comprehensive.
19 It was very rich in procedures and instruction. It did what the law asked it to do.

20 The problem here was in our opinion the New York State Education Department's
21 oversight of the system was weak at best. In particular, there seemed to be a lack of concern or a
22 lack of attention to obvious under reporting. When we went out and did our district audits, we found

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1 in the 17 school districts that I believe it was ten of those school districts had under reporting of at
2 least 38 percent of their data, and I think there was eight of them that had 50 percent under reporting.

3 And this wasn't all in the category of other disruptive incidents. It also spanned
4 into the more higher egregious categories of weapons possessions and things of that nature. So it
5 was across the board.

6 I should also say that there were several districts that did it very well and had a
7 very low error rate, and in some ways, you know, you get penalized for that in some respects, but
8 there were a few districts that did very well, but the predominance of them didn't.

9 And the other major problem that we had was that it was kind of interesting to
10 note that when a school district was temporarily identified as persistently violent in its subsequent
11 year's reporting, it was able to go back and amend its prior year's reporting, and it was able to do so
12 without documentation or verification by the State Education Department.

13 So, in fact, a number of schools that were initially assigned temporarily
14 persistently dangerous status reversed to safe schools by amending their prior year data, and that's
15 not a problem that someone corrects their errors by any means, but the point was from the audit's
16 perspective, there was no documentation submitted by the districts to establish that, no verification
17 performed by the State Education Department, and as part of an overall problem that there is no
18 verification at all of what's happening in the incident reporting mechanisms.

19 So those were problems and it led us to conclude that compliance with reporting
20 requirements was poor. In fact, there were 15 superintendents in one county alone that refused to
21 sign their certifications, and that created quite a bit of controversy in Albany as to whether these
22 matters should be brought to the attention of school boards or whether there should be amendments

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1 to the law that would create a penalty or a potential loss of license by a superintendent who failed,
2 but would not refuse, in fact, to certify their data.

3 This next table, this is one of the more egregious schools of under reporting. I
4 won't go through it line by line, but as you can see, the under reporting spans the various categories
5 including some of the more egregious ones, and this is presented in order of the most egregious
6 categories.

7 And the bottom line for this particular school, 144 incidents were reported for the
8 2003-4 year to the State Education Department, and our review of records at the school district, as
9 well as police reports; we also went to police precincts in this case to gather data; identified 924
10 reportable incidents. And wherever we had problems in making our determinations, as I mentioned
11 here, there's a lot of confusion about these penal law definitions that were used in New York State, a
12 lot of room for interpretation.

13 We relied on the Education Department to help us make interpretations. So this
14 was not the case of the auditors who were not program people making these classifications alone,
15 these determinations alone. We tried to be very fair about that.

16 And we talked about this issue that schools would be persistently or tentatively
17 labeled persistently dangerous and then would get their status revoked in a subsequent year by
18 amending prior year data. There was also some instance where the schools all of a sudden in year
19 two had indices that were below the 25, which was kind of remarkable, and we thought that should
20 have been verified.

21 There were also some schools that were able to convince the State Education
22 Department that they had made progress in their violent incidents, but had still not hit the violence

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1 index threshold of 25, and a couple of those schools were able to avoid persistently dangerous.

2 So at the end of the synopsis, I think we looked at the 2003-2004, 2004-2005
3 years. Twenty-one schools were on the bubble that could have been labeled as such. Four remained
4 on the list when all was said and done, and we think that there should have been a lot more work to
5 verify that information.

6 As auditors we try to always get to what is the cause of the problem, and in this
7 case, you know, there was obvious causes of training that was given late in the process, confusion
8 about penal code definitions, a lack of verification in monitoring of information, but at some point
9 you have to ask yourself is this a case of mistakes or deliberate under reporting or both.

10 And probably, although the audit report can't exactly say that, there's room to
11 believe that there's a little of both going on here.

12 We've already talked about the problems. We need more aggressive oversight by
13 the Education Department. We need better procedures for data verification. We need effective and
14 consistent training.

15 A program was rolled out in '01-'02. Full fledged training didn't occur until much
16 later. Districts reported to us that the training was given inconsistently throughout the state. No
17 records were kept to assure that the right people were at the training. The whole training issue needs
18 to be addressed in a more comprehensive basis.

19 And as part of the process, again, verification of reported numbers, some routine
20 auditing of all the numbers, some specialized reporting whenever the numbers are amended, along
21 with documentation.

22 It's also an opportunity if we had a good automated system to begin to apply

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1 analytical review procedures to the data to look for anomalies, to look for high risk districts, begin to
2 pattern information for targeting limited audit resources.

3 And finally, it can't be under emphasized, the need for better training for district
4 officials. We made 12 recommendations. The State Education Department was in complete
5 agreement with the recommendations, was very responsive, and began follow-up immediately and
6 began to relook at the classification of persistently dangerous schools.

7 I thank the committee for the opportunity to provide the overview of the audit.

8 CHAIRMAN LONG: Thank you very much, Jerry.

9 If I could now ask the other committee members to please come up. Annie, Bill,
10 and Peter, if you could come up, we'll now enter into a dialogue with the committee and give them
11 an opportunity to ask questions, and hear some answers from experts.

12 As we do that, we've heard all about you and we know you. I would like to take
13 this opportunity to briefly introduce the committee members and have them introduced to you so
14 that you know who is here and where they are from and who they represent.

15 Let's if I could start with Deborah Price to my right.

16 MS. PRICE: I'm Deborah Price, and I'm the Assistant Deputy Secretary for the
17 Office of Safe and Drug Free Schools.

18 MR. LEDBETTER: I'm Tommy Ledbetter, principal at Buckhorn High School in
19 New Market, Alabama.

20 MS. SOLBERG: I'm Mary Ann Solberg, the Deputy Director of the Office of
21 National Drug Control Policy.

22 MS. SIMS: I'm Belinda Sims. I work at the Division of Epidemiology Services

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1 and Prevention Research at National Institute on Drug Abuse.

2 MR. JONES: I'm Russell Jones. I'm a professor of psychology at Virginia Tech
3 University. I'm a disaster and trauma expert.

4 MS. KEYS: I'm Susan Keys. I'm the Branch Chief for Prevention Initiatives in
5 PRIOR E (phonetic) Program at the Center for Mental Health Services at the Substance Abuse and
6 Mental Health Services Administration.

7 MR. WECHSLER: Howell Wechsler. I'm with the United States Centers for
8 Disease Control and Prevention. I'm the Director of the Division of Adolescent and School Health.

9 MS. SHIRLEY: Mariela Shirley from the Division of Epidemiology at
10 Prevention Research at the National Institute on Alcohol Abuse and Alcoholism representing Ralph
11 Hingson, our Division Director.

12 MR. HERRMANN: I'm Mike Herrmann, Executive Director of the Office of
13 School Safety and Learning Support for the Tennessee Department of Education.

14 MR. JACKSON: My name is Montean Jackson, Coordinator of Safe and Drug
15 Free Schools, Fairbanks, Alaska.

16 MR. KELLAM: I'm Shep Kellam. I'm a researcher and do research and
17 prevention in schools, work for the American Institutes of Research, and prior to that was professor
18 at the School of Public Health at Hopkins.

19 MS. DUDE: Hello. My name is Kim Dude, and I'm the Director of the Wellness
20 Resource Center at the University of Missouri in Columbia, and I think I kind of represent higher
21 education here.

22 MR. PIMENTEL: I'm Michael Pimentel. I'm the Chief of Police for the San

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1 Antonio Independent School District in San Antonio, Texas.

2 Ms. Taft. My name is Hope Taft. I'm First Lady of Ohio. I'm co-chair of the
3 Leadership to Keep Children Alcohol Free. I'm a certified prevention consultant and been involved
4 in alcohol and drug prevention and community coalitions since 1986.

5 MR. NORMAN: I'm Seth Norman. I'm a criminal court judge out of Nashville,
6 Tennessee. I also operate a 100-bed residential treatment facility for nonviolent felony offenders.

7 MR. ROMERO: Good morning. My name is Dennis Romero. I am the Acting
8 Director for the Center for Substance Abuse Prevention and the Substance Abuse Mental Health
9 Services Administration.

10 Thank you.

11 MR. ELLIS: My name is Fred Ellis. I'm the Director of the Office of Safety and
12 Security at the Fairfax County Public Schools, Fairfax, Virginia.

13 CHAIRMAN LONG: And my name is Dave Long, and I'm the County
14 Superintendent of Schools from Riverside County, California.

15 Again, thank you all for being here, and we would now, as I have indicated, like
16 to enter into a question and answer and a discussion phase.

17 So I would entertain any questions from the committee, and we will attempt to
18 keep those in order, meaning one, two, three.

19 MR. ROMERO: Good morning. This question is for Annie.

20 In your report under the factors that constitute an unsafe school, you provided a
21 list of approximately five items. I noticed that under the second item, which was bullying,
22 intimidation and harassment. Was there any feedback from the surveys and the research that was

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1 done on the issue of gangs as well, one.

2 And then the other part of the question is although everyone -- actually Peter and
3 Annie both alluded to the issue of violence and, more specifically, you were the only two that sort of
4 alluded to trauma, although no one said the word "trauma." And I am wondering. That's also an
5 area that we need to be mindful of because of its repetitive nature and the unhealthy way in which it
6 gets acted out later.

7 MS. SALSICH: Sure. Interestingly, the issue of gangs did not come up explicitly
8 in the interviews that we did with people, and I say "interestingly" because I think that there is a lot
9 of media attention and various attention on gangs, and not to say that it is not an issue. It is, but
10 when we spoke to people, including young people, and two of the young people we spoke with
11 come from New York City high schools and larger schools. I think that there's a possibility that
12 implicitly in what they were talking about that may be an issue, but they were really focusing on sort
13 of the daily context of feeling uneasy or feeling scared in school.

14 Now, whether or not that comes from gang involvement or gang presence in
15 schools, that may be the case, but they did not explicitly bring that up.

16 MR. POCHOWSKI: And I would add that, again, to underscore what she said,
17 her notes are like she got my notes before we started --

18 (Laughter.)

19 MR. POCHOWSKI: -- gangs are a problem, but it's not as exciting a problem as
20 the press would and the media would like it to be. In Milwaukee, again, it's not to say there's not a
21 gang problem because I can see people saying, "Oh, my God, you should be in my city where we
22 have a gang problem," but it does not rise to the level that the media, MTV and whatever, makes it

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1 out to be.

2 But in Milwaukee we're introducing a new program. It's a prevention, and this is
3 a word that's foreign to some people in this business, is prevention because if we are not proactive
4 today, we will be reactive forever. We want to prevent kids from getting into gangs early on, and we
5 need to put some money and some resources, giving our parents and our teachers when they start to
6 identify kids who are exhibiting those behaviors, wearing colors or they're wearing their hat to the
7 left or right or doodling and drawing gang symbols; we need to intervene early on.

8 It is so expensive and so difficult to get them out of gangs. So we need to spend
9 our time and energies on the front side.

10 CHAIRMAN LONG: Excuse me. Howell and then Russell, and then Den.

11 MR. WECHSLER: The first two speakers spoke of the importance of conducting
12 student surveys and their perceptions of the climate of the schools. I just wanted to ask Peter
13 whether he thought that safety officers would agree that that's an important mechanism for
14 classifying schools as acceptable or unacceptable.

15 MR. POCHOWSKI: I think what was mentioned here is that it should be a part
16 of that evaluation, a broader criteria. If the kids -- and, again, I go back to this interview I had with
17 kids. Now I'm perfectly fine, yeah, a little bit of this or that, but they don't see it the same way we
18 do.

19 But what they see and what their parents see needs to be considered when we put
20 this criteria together. In fact, it may be the most important criteria because we're customer oriented.
21 These are our customers, and today as the educational dollar, we're fighting more and more to get
22 that student into our school.

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1 When something like persistently dangerous is tagged onto that school, no parent
2 wants to send their child there, and it takes a long, long time for us to undo the damage of that.

3 MR. JONES: Yes. I guess this is to the panel maybe more of a comment than a
4 question, but to follow up on Dennis' earlier question about trauma, I'm wondering the extent to
5 which that question or questions related to trauma were asked in the various surveys that were
6 conducted.

7 I think the reason that's relevant is because we know trauma is universal and we
8 know that trauma drives many of the behaviors that are being targeted here.

9 MS. SALSICH: If I could take a stab at that first, again, it wasn't in the interview
10 protocol that you'll see in our report. It wasn't a direct question, but one of the youth that we
11 interviewed and he gave consent to, you know, have his name and jurisdiction mentioned came from
12 Springfield where there was a shooting, I think, back in '98. I'm forgetting the exact date.

13 And so he was in the school. He was a victim of the shooting, but survived, and
14 so I guess to speak about that, it was interesting to talk to him. You know, clearly, he had
15 experienced a traumatic experience within an environment that he thought was safe, and he was very
16 assertive in saying that he didn't think the school was an unsafe school, you know, even after
17 everything that happened. I think that he was reflecting on -- he was saying it was a random act, that
18 there were signs that should have been picked up, but he even after that did not see the school as an
19 environment that was unsafe and actually fought against having metal detectors in the school.

20 So just as one, that's a very specific example. I mean I think you're probably
21 speaking more largely about the volume of trauma that can be experienced in schools even without a
22 shooting or a serious incident, but that is an example that we found interesting.

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1 MR. JONES: Yeah, and I guess a very important point is the fact that we often
2 focus on one trauma, a school shooting. The media, of course, runs with these kinds of stories, but I
3 think what's really essential is the importance of looking at trauma and just the role of trauma.

4 I'm a consultant, in fact, from SAMHSA. To look at the impact of Katrina on
5 children, for example, and in my numerous visits there, many people responded that, yes, Katrina,
6 but we lived Katrina 24-7 because of the trauma, because of the state of affairs in that part of the
7 country.

8 So, again, I'm just highlighting the need to look at trauma and to actually ask for it
9 on various questionnaires. We know, for example following 911, 64 percent of a group of
10 adolescents reported that they had had an incident that would qualify for a criterion one post
11 traumatic stress event.

12 So, again, just the importance of the role of trauma when looking at these schools.

13 MS. PRICE: Jerry, in fact, your slide is still up. You mentioned the 12
14 recommendations that you had. I'm not going to quiz you and make you list all of them, but can you
15 give us the nutshell of that or maybe give us follow-up with getting us -- I'd be curious to see your
16 recommendations.

17 MR. BARBER: Well, actually I have the report right with me. So I can just give
18 you the highlights, I guess. Just bear with me for a second.

19 MS. PRICE: Sure.

20 MR. BARBER: Make site visits to the school routinely based on risk to
21 determine, you know, which schools ought to be targeted for data verification.

22 There was particular recommendations to the schools where we found under

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1 reporting, you know, go back to those schools. You have to do something there. You have to
2 recalculate and make sure that the persistently dangerous designation was correct in those instances
3 where you reversed it.

4 We talked about streamlining the incident reporting system to make it more user
5 friendly. It was very cumbersome and prone to error.

6 Had to remind schools that they had to retain their documentation in accordance
7 with the law because in some cases documentation was missing. I think there was a six-year
8 requirement that the data be maintained.

9 Do a comprehensive review of all the policies and procedures and material that
10 have been put together, advising the districts on the subject matter, and eliminate inconsistency.
11 Streamline it clarifying matters, and follow up with necessary training, and provide a uniform
12 training program in instant reporting and mandate attendance at the program, and offer the program
13 early enough in the reporting cycle to allow timely implementation.

14 So it was very much process oriented in a lot of cases.

15 And require districts to affirm their annual incident report that they have given
16 parents a choice of a different school when their children are victims of violent crimes.

17 Automate the process, and I think most of the recommendations are in that rubric.

18 MS. PRICE: Thank you. That's helpful.

19 CHAIRMAN LONG: Jerry, would it be possible to get that list, that sheet to
20 Catherine? Perhaps she could get that to us.

21 Thank you.

22 Now I've got and I'll try to keep it in order, Shep, Fred, Tommy -- let's see. I'm

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1 trying to keep it. Shep, if you'll go ahead, I'll try to keep the order.

2 MR. KELLAM: I have to own up I'm a public health psychiatrist, and so we do a
3 lot of randomized field trials in schools, particularly in partnership with Baltimore City Public
4 Schools. I think that this is a really fundamentally important panel.

5 I want to add a fifth dimension. It's almost as if -- and pick up on some stuff that
6 you guys have been talking about. Peter alluded to a kind of developmental picture in this. You
7 train teachers and parents early on how to manage classrooms.

8 There's a whole body of research that tells us that the problem, the kids who are at
9 the highest risk of the problems we're talking about are identifiable early on in first grade and
10 probably earlier if we had a chance to get at how they're adapting to the role of student. About let's
11 say somewhere between 15 to 25 percent of the kids entering first grade, for example, in
12 Baltimore are at high risk of doing the kind of behavior we're talking about.

13 In a sense, without proper training of teachers, these kids create the school
14 climate. They, in fact, are the ones that Bill talks about who are humiliating, insulting, bullying, and
15 occasionally do very terrible things, not necessarily the kids who may haul out a gun and
16 indiscriminately shoot six kids out of some kind of more distant indifferent kind of mental illness
17 phenomenon or some other kind of situation, but basically the problem we're talking about can only
18 be thought about if we think developmentally.

19 Kids don't show up in high school or are easily manageable if you don't, in fact,
20 recognize that these kids were kids who didn't learn to read in first grade and nobody socialized into
21 the role of student. There's an enormous amount of research data suggesting that the problem really
22 has to be dealt with early on, not that you don't need to respond to high school, but that you had

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1 better start with kindergarten and first grade because that's where the experience and success and
2 failure really tracks kids into whether they, in fact, go to the college preparatory courses or whether
3 they go into the trouble in the halls curriculum.

4 So I think that that's an important dimension for us to think about. And our own
5 data, and there's plenty of data on this, this 15 or 20 percent of kids and 25 percent, if they go into a
6 poorly managed first grade classroom, the risk of those kids by middle school being highly
7 aggressive and disruptive is up to 59 times the average kid, up to 59 times.

8 If the same kid goes into a well managed first grade classroom, the risk is
9 something like 2.7 times the average kid. That's the impact of teachers having tools.

10 What's the prevalence epidemiologically speaking? About 50 percent of teachers
11 and not being able to manage their classroom, largely new teachers, but not necessarily.

12 The other 50 percent do fairly well even without some special programs in
13 classroom behavior and management. Read classroom behavior and management as helping kids to
14 learn how to be students. It's not necessarily economic and class driven. It happens from families
15 that don't prepare kids well of all types and kinds.

16 So we have to think developmentally. We have to think about giving teachers and
17 parents tools early on.

18 And, by the way, the same risk factors that produce school failure also produce
19 aggression disruption, and they produce drug abuse, and it is preventable. You can, in fact,
20 intervene early on and show the impact on the kids who experience well managed and good
21 socialization experience early on and who do learn to read and learn how to behave as students, that
22 they are, in fact, markedly reduced in the prevalence of later drug abuse problems.

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1 So I think that we're in need of enriching the framework that you guys laid out in
2 terms of core foundation. There's no question about school climate being important and early
3 intervention being key.

4 MR. POCHOWSKI: If I could comment on it, we're finding that the programs
5 that we're having the most success with are getting younger. For example, years ago the DARE
6 program was seventh and eighth grade. Our officers are coming back saying it's too late. They
7 already have their minds made up.

8 Then you have to take that tray of square ice cubes, melt it down, and then put
9 them into the round ice cube tray to refreeze in the direction you want them to go.

10 Our gang intelligence unit is directing all of that at our fifth, sixth, and seventh
11 grade parents and teachers because I agree with you 100 percent, Mr. Kellam. We have to get
12 earlier to have any influence at all on these kids.

13 MR. KELLAM: By the way, the predictive power from first grade into age 40 or
14 so doesn't really diminish. If you take teachers' ratings of how well kids are adapting at being
15 students in the fall of first grade, you can really identify kids who are going to be in trouble if you
16 don't pay attention to helping them socialize into the role.

17 I mean, we've got follow-up studies into age 40 of cohorts of kids, the Woodlawn
18 studies that I was intimately involved in. They have been followed up into the age 40s, whole cohort
19 of 1966 first graders.

20 So these tracks begin early on, and you've got to intervene early on, kindergarten,
21 first grade, second grade. That's where they experience the success and failure, is really moving kids
22 into the course of their lives.

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1 MR. BOND: Having said all of that, you know that this legislation, persistently
2 dangerous schools, is basically just a political situation and it's directed towards high schools, and it
3 affected only 41 schools in the entire United States.

4 So what I was talking about is very similar to what you're talking about, to use
5 this legislation to be more proactive, to let principals gather data on these issues early on, and to use
6 the funds and to use the big stick that you have, and that's what you have; you've just got a big stick,
7 and to get them to do the surveys and get the data.

8 Because only after they gather the data about students being humiliated in their
9 schools and so forth like that can they become aware of what issues they have. Right now there's not
10 a push for them to use that kind of data because there's no mandates to do it, and if you wanted to
11 identify persistently dangerous schools, people in the business, we all know you could take their
12 reading scores and predict that more accurately than you could with all this data that you're using.

13 You know, reading scores predict dangerous schools more than the data that
14 you're collecting.

15 CHAIRMAN LONG: If we could.

16 MS. SALSICH: Very quickly, just to highlight also and back up, this comment is
17 that what becomes so difficult when working within high schools is this notion that there's just no
18 hope for these kids. These kids, you know, the language can be manipulated to say, well, these kids
19 were like this back in first grade, and now, you know, you see that all the time in high schools.

20 And so to really combat that and to say this is a failure of the system, not of these
21 kids who are 18 years old and in ninth grade, you know, all of that, that this is something that we as
22 a system need to be held accountable for.

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1 CHAIRMAN LONG: Okay. Again as I turn to Fred, I want to check the order
2 and make sure that I have some semblance here of correctness. Fred, Tommy, Susan, Russell, Seth.

3 Did I miss anyone as we get that far?

4 Okay. Fred.

5 MR. ELLIS: I don't think there's much debate about the intent of the legislation in
6 that I think all legislation starts out with good intent, and then it recognizes that education can't take
7 place in an environment that's disruptive and disorderly and disruptive of the whole educational
8 process.

9 And I also think that the intent of the legislation is to force schools to share data
10 on violent incidents, that culturally, historically they have -- I think there is a perception that the
11 education community has had a rather paternalistic view of discipline data and crime data, and also
12 to give parents options to get their kids into a safe environment and ultimately force schools to spend
13 time and effort on safety and security issues, just as they've spent time and effort on academically
14 challenged schools.

15 And I think that that intent is good. I think the one point everyone makes and I
16 think is a really good one in terms of the labeling being very harsh, and I think that's probably the
17 easiest piece to look at in terms of this legislation, in terms of the persistently dangerous being a term
18 that is probably inappropriate and unnecessarily harsh and causes a lot of unintended consequences.

19 And I think the other point that's well made is the issue of the culture and climate
20 of the school, but I think here's where we run into a challenge, and I'd like to hear from the panel,
21 whoever you think is appropriate.

22 Two questions. One, how do you measure it? I know there are a lot of surveys

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1 and audit forms and those kinds of things, but in terms of if you want to include a measurement of
2 culture and climate of a school, how do you suggest the federal government intercede in that when
3 we can't even get the states to agree on crime data to report from schools? How are we going to get
4 them to agree on a measurement of culture and climate, and then set a bar, set a standard, an
5 actionable standard parameter?

6 You know, is it 70 percent based on this instrument, blah, blah, blah, that, you
7 know, Shep develops? You know, I'm not sure. How do we get that?

8 What would that look like I guess is my question, and then also getting back to a
9 comment Mr. Bond made, I think your comment was that you had suggested that this climate survey
10 data be kept at the school and not shared with the state or, God forbid, the federal government.

11 I kind of would like you to maybe elaborate a little bit on that because I think
12 that's the kind of comment that drives some of the parents' concerns and certainly at the federal level.

13 MR. BOND: The data on school climate that would be collected would be used
14 to motivate the principals and the staff to make changes. If you are looking for an accountability
15 system and you want to have a certain number and you want an accountability system for the state
16 and the federal government, then so be it. Have an accountability system, but you can either say our
17 priority is for change and improvement or our priority is for accountability, but you're going to have
18 a hard time achieving both.

19 And the reason I suggested that it not be something you mandate that you send in
20 is because we're going to get back in that scenario of how the test was given, how it was used, and so
21 forth like that.

22 The survey is simply to give the school administrators the data they need to use to

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1 make changes and to mandate that that data be collected. I trust the administrators of schools to, if
2 they have data, to follow through with that, you know. I trust them to do that, and I don't see that we
3 have to have a high accountability system at the federal government.

4 But if you want to have a high accountability system, then you lose the
5 effectiveness of the program, but you can still -- then you can have your high accountability, but you
6 right now have an example of a useless program. You know, you can look. You have high
7 accountability. You have accountability, but you have completely an ineffective program.

8 You know yourself 41 schools in the whole United States were affected. What
9 are we wasting our time talking about it for? You know, you can keep this legislation there, and it
10 has got high accountability, but it's absolutely meaningless.

11 And when I suggested surveys, what I suggest is that each state like, for example,
12 at Mike's state in Tennessee, they pick a state survey and mandate the schools do that. If Mike wants
13 to go do an audit of that school, he would have access to that survey, but the survey information
14 could be kept at each school.

15 But if someone in the State Department at Nashville wanted to go look at that data
16 at any time, it would have to be made available, but the important thing about the data is to have it at
17 school in order to generate change and for people to become aware that they have an issue.

18 MR. ELLIS: Some would suggest that the important piece is that the data be
19 available to parents. Is that envisioned in your scenario?

20 MR. BOND: I think that if parents wanted it, it should be available. Parents
21 should know that's available. That's an easy situation to do.

22 The idea though that you are collecting a school climate survey even at the state

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1 level or at the federal level will make it a useless survey as opposed to an effective survey.

2 But if the parents want the data, that should be readily available. That should be
3 data that's readily available. In fact, you could mandate that that even be made available to any
4 parent at any time they want to see it.

5 On the thing of school choice and so forth like that, there's a misconception, I
6 think, of the people of how parents choose a school. Russell was talking about trauma a while ago.
7 In 1997, I had three kids killed and five students shot at a school. The school had 486 students.

8 Three years later, because of school choice, we had 639 students. The reason
9 parents chose to send their students there was because of the way they were treated by the staff and
10 by other students, the school climate, not that a terrible trauma had been there.

11 It was the only school in the district that increased in enrollment, and we had been
12 the one who had had the terrible trauma.

13 To parents and students, a persistently dangerous school is one where they're
14 humiliated and they don't feel comfortable and that they are not learning at high levels. You don't
15 learn at high levels when you're humiliated.

16 MR. POCHOWSKI: Can I add in June of this year I gave an award in Milwaukee
17 to one of our middle schools for the safe school environment that was in that school. This was a
18 very active principal. Teachers were always in the doorways doing what teachers and adults should
19 be doing in a school, and then six weeks later we added up all of the statistical data and found out
20 that they were on the edge of a persistently dangerous school.

21 I think what Bill is saying has a lot to say about that. The people love this
22 principal. She's aggressive, hands on, completely above board and honest in reporting everything,

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1 and I would submit to you today that if Tony LaRussa and Mr. Layland were maybe during the
2 seventh inning stretch given authorization to control the score board, they might not slip a number in
3 there, just human nature being what it is.

4 But I think more of the leadership of the principal needs to be the focus of where
5 we're going as opposed to the numbering and reporting the data because it really is a true review or
6 reflection of what's going on in that school.

7 MS. SALSICH: I just want to respond quickly to the survey question as well
8 because you're absolutely right. It's really challenging to talk about how do you validate a survey
9 across a state, how is it measurable from one state to another, and I have no easy response.

10 But I do want to point out Florida is a really powerful example, and I think
11 Lorraine Allen presented at your last meeting about the grants, but she and her staff have been
12 working really hard to have this tiered approach to the USCO analysis where they do it on data, and
13 then they are developing a validated instrument to use across the state.

14 Validated means that you know what you're testing in one school is the same as
15 what you're testing in another school, and that that would be used as the second tier and that they do
16 have a threshold that they are proposing as a state.

17 Now, it's not that there's any direct threshold that has to be used, but I think it's the
18 preliminary model that could be really interesting to track and see what happens with that.

19 So just to answer, it is challenging, but I think there is a way to do it.

20 CHAIRMAN LONG: If we could then move to Tommy, Susan, Russell and
21 Seth.

22 MR. LEDBETTER: We've had a good discussion, I think, but I guess I'm still

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1 trying to get a handle or grasp what the problem is. In our previous meeting, we were dealing with a
2 different subject with the state grants. Today we're talking about persistently dangerous schools.

3 Well, when I go back, I keep hearing some of the same things in your
4 presentations, and I want to make sure that I'm not misrepresenting what you're saying.

5 Annie didn't say it, but there was a reference there about the rates of suspensions
6 and expulsions resulting from serious or violent crimes; that from one state to another those things, it
7 was almost like they could be manipulated a little bit.

8 As a high school principal, I know that if I'm being criticized for the number of
9 expulsions or the number of suspensions I have, the next year those numbers are down. Okay? So I
10 understand what you're saying.

11 But that doesn't mean that we have turned our back on incidences of violent
12 crimes or problems.

13 But, Jerry, you made reference to one of your objections in here says the schools
14 properly report instances. I'm wondering here are we saying that schools are deliberately
15 misrepresenting those things?

16 Because one of you, and I went back through my notes and I couldn't find who it
17 was, made reference to the fact -- and, Annie, I think it was you -- that one of the strengths of this
18 legislation in the beginning, I believe, was the fact that the states had control, had so much control of
19 it, that the states could set the criteria and so forth.

20 Well, listening to this panel today, I get the impression that that's a fault of the
21 whole thing because, Peter, you made reference to the fact that you felt like that at least two out of
22 the five indicators should come from the federal government, if I understood you correctly.

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1 MR. POCHOWSKI: Yes.

2 MR. LEDBETTER: That there's so much leeway in the interpretation from state
3 to state. Is that the problem that we've got? Because now I hate to think that the principals who are
4 out there in the schools are intentionally manipulating the data. I hate to think that. That may be the
5 case, but I hate to think that because, you know, I'm one of them.

6 And I know that in the State of Alabama all of our instant reports go into the
7 computer. they all go straight to Montgomery. The state has them. So it's very difficult for us to
8 manipulate all of that data. It comes back to us at the end of the year from the state.

9 But from state to state everything seems to be different, and I'm wondering is that
10 the biggest problem that we have dealing here because the definition of an unsafe school or a
11 persistently dangerous school is different from one state to another.

12 And some of the data I had made a note. Annie, I was going to ask you. I think
13 you were the one who identified the number of schools, but you had a listing of the number of
14 schools that from one year to the next -- and some of those schools you said would not have been
15 identified as persistently dangerous if they had been in another state where the standards were much
16 higher than they were in the state where they are at.

17 MS. SALSICH: Yeah, and I didn't do an actual analysis of that to run the criteria
18 on states, but I think that what we heard from our respondents is that they were very skeptical as to
19 whether, you know, if they could take the criteria from one state and lay it on top of another state,
20 you know, what would have happened.

21 But one thing I want to respond directly to, this notion of what is the problem. Is
22 it that there's so much flexibility? Should there be less? Should there be more?

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1 When we spoke to people there was such controversy about this. There were
2 some people who felt that, you know, if you're going to mandate us to do something, just tell us what
3 it is. Just tell us what it is that we're supposed to be looking at, which would, you know, fall on the
4 side of give us more parameters to work within.

5 And then many other people felt that, no, the real issue here is that there should be
6 state flexibility, but there should be more guidance of how do we go about doing this. So even if
7 you're not mandating us as states as to what we absolutely need to look at, help us try to find the
8 parameters for ourselves because I think a lot of people that we spoke to felt that there was just no
9 guidance as to how on earth do you go about identifying persistently dangerous schools.

10 So to answer the question, we from our findings did not come out on the side of
11 that because we wanted to list to the voices that we interviewed, and they were conflicting. People
12 felt differently about that issue.

13 MR. LEDBETTER: Well, I guess my question to any of you is this. This is
14 federal legislation. Can we fix this federal legislation by giving specific definitions to the terms?

15 MS. SALSICH: I don't think so, but how do other people feel?

16 MR. POCHOWSKI: Well, we have made a lot of changes to our constitution,
17 and it's a pretty good document, too. I think this legislation, as Fred said earlier, the intention was
18 good, and I think with some tweaking -- will it ever be perfect? No, because we're talking about as
19 long as we're recruiting principals from the human race, we're going to have people who are going to
20 try to do the right thing, and I really believe I've never met a principal who went into the school that
21 day to try to just modify the figures to make themselves look good.

22 They went in there to teach kids and administer and in a very tough environment

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1 today. It's different than it was a few years back.

2 But I think that in the absence of respect, there's an old Chinese proverb that I
3 actually made up --

4 (Laughter.)

5 MR. POCHOWSKI: -- that in the absence of respect fear will do nicely. We
6 have principals who really want to do right. They want to report the right stuff, but they don't know
7 what the right stuff is.

8 I was part of a committee to recommend these things, and the principals are not
9 understanding state law, didn't know what a crime was, thought that stealing the milk money was
10 just stealing milk money. It's just handled here.

11 But at what point does that become a crime? Some of the information that was
12 put on the slide from the survey showed an under reporting school. I didn't look at the numbers all
13 on one side. It showed a whole lot of numbers on the right side, actual numbers versus what the
14 principal reported.

15 But I looked at a couple of numbers that she reported or he reported that weren't
16 reported over here. So it showed me that that person was trying to report some of these things.

17 So there's an educational part of this that needs to be handled so that they clearly
18 understand what the law is. The criteria that we used, for example, in Wisconsin has a lot to do with
19 the state law. They don't understand state law. They're educators. They want to educate kids.

20 We have to work together to give them the information, the tools that they can use
21 to make and report this stuff accurately. There will always be some faction of us. None of us like to
22 admit it, but the fact is there will always be a faction who will want to under report to make

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1 themselves look good, and we'll have to deal with that through spot checks by the state, the federal
2 government, and then something has to happen to that individual.

3 MR. BARBER: Principals don't have to manipulate this law, Tommy, and you're
4 well aware of that. The way this law is structured right now and the way it's interpreted only a
5 principal in Pennsylvania and New York would even have to be concerned about it. You know,
6 there's not any other states where it's even an issue because of the way the law is, the way it's defined
7 in each separate state.

8 California is a big state. It doesn't have one single persistently dangerous school.
9 What we've got to stay away from is Pennsylvania, see. That's what the data shows you.

10 But the very idea, first, the word, we all know the word "persistently dangerous"
11 was a death sentence to this legislation. You know, when that word was attached, then you had
12 already said this is going to be ineffective, and that's the very essence of it, is that word right there,
13 "persistently dangerous."

14 MS. SALSICH: I hate to say one more thing, but I think it's critical here. I think
15 this is a really big issue, and I think in coming here today I was wondering how this was going to
16 come up, you know, because as an Advisory Committee you're looking at recommendations that
17 might need to occur for this legislation.

18 Although our findings were mixed on this so that this is purely, you know, my
19 thought based on the things that I've read and the research, I would say I would advise to be very
20 hesitant about talking about making a very structured federal requirement as to what a persistently
21 dangerous school is.

22 I think that Peter's recommendation earlier was a really wise one of saying make

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1 an element of the criteria possibly mandated, but not all of it, and the reason I say that is because
2 states honestly, states are already resentful about this legislation, and I think that what they are
3 asking for is to be given the support and the advice about how to make wise independent, flexible
4 decisions and how to really make criteria that resonates with them, but not to have something forced
5 on them.

6 I really think it's critical to state that because there could just be a whole other
7 level of backlash if that is the response to how this legislation needs to be changed, not to say that
8 some of the elements of the criteria shouldn't be mandated, but probably not all.

9 That's just my pitch on that.

10 CHAIRMAN LONG: I'm sorry. We'll go Susan, Russell and Seth and keep
11 about two minutes each. I hate to be the person to put the parameters on it, but we are getting close
12 to the witching hour.

13 MS. KEYS: Okay. Thank you.

14 I just wanted to make the comment that I think it's reinforcing the point that has
15 been made several times. Consistently I think you've all spoken to the point of how stigmatizing the
16 legislation is, and we also heard that schools get punished if they're really good at prevention and
17 identifying problems, that we should change the school, not transfer out.

18 And Bill said can you really have both change, support change at a school level
19 and also expect the reporting of accountability data. I think we're really in between a rock and a
20 hard place. What I'd like to ask the committee to do is to tell us what they think would be helpful.

21 How might we describe what it is that we need to have in order to satisfy our
22 legislative mandate and also be supportive of schools and not punitive? That's one question.

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1 The second question is just out of curiosity. What's the data infrastructure like in
2 states and school systems to actually be collecting this data? And is that something also that we
3 need to be considering?

4 So first of all, what would your recommendations be around language and data
5 infrastructure?

6 MR. BOND: I think it was said earlier. We chose a term, "persistently
7 dangerous," that gave this the absolute null and void of any effect. It's just like we fought the zero
8 tolerance for years. You know, we all know how absurd it is to suspend a kid from school a year for
9 having an aspirin, but if you have a zero tolerance policy, it's easy for us to sit back and say, "We
10 have a zero tolerance policy, and that's an aspirin, and they're suspended for a year."

11 And then the public thinks we're absurd, and we're a laughing stock. Well, this is
12 a situation where you chose a term, "persistently dangerous," that's just like the term "zero
13 tolerance." It's a policy that you cannot win with. You're going to be a laughing stock because of
14 the way we've chosen this term.

15 But then you also want states' flexibility. Well, states have flexibility, and each
16 state has its own reporting system even within criminal justice. A felony in one state is not
17 necessarily a felony in another state. So you're trying to mandate a federal law about criminal
18 activity when the definition is different in all 50 states.

19 There are some acts that are misdemeanors in Virginia and they're a felony in
20 Tennessee. And so you've got that issue.

21 What you can do, as I said, to make this effective, to make this an effective agent
22 for change, we've got to change the terminology where we're looking like we're trying to be of an

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1 assistance to a school district and not to be a death sentence.

2 And when you say "persistently dangerous," look. You're just saying you are
3 through. You know, you are finished as a high school or as an institution.

4 And it's also geared towards the way the reporting goes. It's also geared toward
5 high school, as someone said. There's almost no chance of an elementary school even coming into
6 play here, but we often know that what happens in the elementary school is where the most
7 important education and the most important issues are.

8 So that's why I'm saying you fundamentally need to look at what you're trying to
9 achieve. Are you trying to help or are you just after high accountability? If you have no carrots and
10 all you have is a big stick, so be it. But you need to decide whether you're into the help business or
11 the punishment business.

12 MS. SALSICH: I jotted down -- oh, go ahead, Jerry.

13 MR. BARBER: I'm sorry.

14 MS. SALSICH: Go ahead.

15 MR. BARBER: Just a quick point. I fully understand and appreciate, you know,
16 the need to make this a help situation, the program needs there, but I think also that the
17 accountability end of things can't be lost.

18 Just talking with my own friends and family and people in the community, there
19 is a definite sense that people want to have some way of understanding what is the level of safety, if
20 you will, as opposed to persistently violent of a school, and more so today than ever. So whatever
21 you folks decide to do I think at some point you've got to keep that accountability perspective there
22 and probably marry it somehow with this notion of help, and how do you get better.

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1 I don't know, but I don't think you can weaken it too much. It may need to be
2 standardized or it may need to be tweaked for language, but I think people are demanding to know
3 how it is that their school is behaving in that way.

4 MS. SALSICH: I just wrote down a few. You asked for recommendations of
5 what you think could help out with this, and some of them may be repetitive.

6 So I think one is the language, right? The language needs to be changed, the
7 label, and that's pretty clear-cut.

8 I think second is the assessment, that the accountability can't be lost, but there
9 needs to be advice and support as to how to truly identify a school that's unsafe.

10 Third, I think this is really critical, and whether or not this is financial resources,
11 which it probably is, and I know that there's probably a tabu on saying this, but I think that schools
12 really need technical assistance on how to respond to chaos, to poor climate, and to school violence.

13 Especially when you're talking about large schools or urban schools, it is really
14 difficult in the midst of busy schedules to know how best and most effective to respond to the issues,
15 and I think that there are good models out there of technical assistance that some school safety
16 centers do, but oftentimes schools can't afford that. And I think that that would be a huge assistance.

17 And the fourth thing is something that we heard a lot in the interviews that we
18 did, is that people really wanted to talk about, well, let's flip it and find out how do you identify a
19 safe school, and especially with high schools. I think that people don't know of the really good
20 models of high schools that maybe you would think would be dangerous because (a) they're large or
21 (b) they're in urban areas or they're in an environment where there is gang activity, but they're doing
22 really well.

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1 And I think that people wanted to have examples like that, sort of case studies to
2 understand what it is that makes a school safe even in the face of obstacles that everyone would
3 think they wouldn't be safe.

4 And so I think that that's another recommendation that this Advisory Committee
5 could look at, is can you do some case studies like that.

6 There are lots of case studies for elementary and middle schools because there's
7 more success in turning around a school when it is in terms of violence for that level.

8 When it comes to high schools, people are lost. You know, it's a lot more
9 challenging, and so I think that that would be helpful.

10 As far as the data is concerned, this is something that we heard a lot, that stages
11 often have very fragmented data systems, and that is a very big challenge for them.

12 CHAIRMAN LONG: Russell and Seth.

13 MR. JONES: Yes, and I'll be brief.

14 I was going to say, first of all, Annie, I was very pleased to hear of the use of
15 NUDIST in analyzing the data.

16 MS. SALSICH: Yes.

17 MR. JONES: I think the need for methodological rigor in the kind of studies and
18 the kind of projects that are being carried out certainly require that.

19 But I hear from the panel, I mean, just -- I don't know if you guys were given a
20 task that, you know, was doomed to fail. You know, I hear that there are problems with, first of all,
21 the definition of the initiative, then the measurement, the assessment, the reliability of the data, the
22 psychometric properties of the data, and I think, Jerry, you even mentioned, you know, now what do

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1 we do with these data and, you know, what's the analytic plan and that kind of thing?

2 And I think it kind of raises a philosophical question, and I'm just wondering, and
3 this may be more to us than to you guys; I'm just wondering what was the thinking and, you know,
4 the definition of the initiative, the "persistently dangerous schools."

5 I mean, when you label an initiative with that kind of a term, you know, you
6 really wonder what can the outcome be. You know, we've learned from years and years and years of
7 studies and, you know, anecdotes from individuals in terms of the impact of labeling. You know, if
8 you label a child as mentally retarded, if you label a child as a bluebird versus a blackbird, if you
9 label a doll black versus white, on and on and on and on and on and on, all of the different negative
10 consequences of labeling we know.

11 So I guess I'm just raising kind of a philosophical question. What was the
12 thinking and the rationale of this particular labeling of the initiative?

13 MS. PRICE: Well, I'm going to jump in and answer the question because it really
14 was an act of Congress, and Congress is the one who identified this and drafted this legislation. And
15 I think their intention was to give -- when there's a school that has consistent negative behavior,
16 violent behavior, that parents have an option to be able to move their child out of that school and into
17 another school within that district because, as we all know, parents are confined to go to the school
18 in their neighborhood, so to speak, within a parameter.

19 But I think the only way we can answer the question you asked is to look at the
20 legislative history and to look at the dialogue that went on on the floor, either in the committee or on
21 the floor of the Senate and House to actually see what their thinking was.

22 But generally, I was in the Senate then, and I can generally tell you theirs came

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1 from a good, you know, as Fred said, a good intention. I mean, they wanted to be able to allow
2 parents the option to take their child out of what is perceived to be a dangerous school and put them
3 in a safe school, and that's how this came about.

4 Now, you know, as many people always say, the devil is in the details, and I think
5 we've come face to face with the devil in many aspects of this legislation, but the intent of it was
6 basically to provide for parents who are concerned for their children.

7 MR. JONES: Yes. Well, based on that, I guess one of the recommendations that
8 I would have is that we would have some input in terms of the wordage of legislation. You know, I
9 guess I just can't understand and appreciate the thinking behind this label.

10 MS. PRICE: Yes, and that's one reason why the function of this Advisory
11 Committee is to give advice to the Secretary of Education for her to take into consideration. It's
12 advice and recommendations, not a mandate, about what we've learned about these different issues
13 we're looking at.

14 Reauthorization for No Child Left Behind, you know, it's up for reauthorization
15 next year. If there are elements that we see regarding this, regarding whatever we're looking at that
16 we think we might have significant input in, that's what we're supposed to tell her.

17 MR. JONES: Yeah, and I think that's great.

18 MS. PRICE: So that's basically our job.

19 MR. JONES: Yeah, that's what we do, but because I think what our wonderful
20 panel is telling us, we've given a charge that's really difficult to fulfil, and I think that's possibly a
21 function of the philosophy of the initiative.

22 I won't ask anymore question. Susan took my other question in terms of just

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1 lessons learned, you know, from each of you, and you have all shared things that could be different
2 that would enhance the likelihood of this type of program succeeding.

3 Thank you.

4 CHAIRMAN LONG: And I apologize. We are running short here. Seth, here I
5 waited to have you ask a question. I love the way you talk and now you're not going to.

6 MR. NORMAN: I'll save it.

7 CHAIRMAN LONG: Seth, go ahead.

8 MR. NORMAN: A number of my comments related to the diction problems. I
9 assume that's why I'm on this panel. I've listened all morning long and I've listened for two or three
10 sessions here, and I've never heard anything about drugs or drug free environment.

11 I understand that the law says "safe and drug free schools." Is there no correlation
12 between safety and drugs in your experience?

13 I know that in Mr. Barber's report there were 924 incidents, I believe, and only 22
14 of them involved drugs. Is that true throughout the system that drugs have very little to do with
15 safety?

16 MR. BOND: In a real life situation in a school, drugs have very little to do with
17 the safety of the school. They have to do with the safety of the community, so forth like that. But
18 drugs have a negative effect on a school. They have a negative effect on achievement. They have a
19 negative effect on dropouts. They have a negative effect on a lot of areas, but they have every
20 minimal effect on whether a school is safe or unsafe.

21 MR. NORMAN: Then should we reconsider the allocation of funds from the way
22 they're divided now? Some of them go to the drug free portion of it and some of them go to the

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1 safety portion of it under the legislation, as I understand it.

2 MR. BOND: I said drugs have a major effect on achievement and dropouts and a
3 lot of other areas that schools have a mission to accomplish, and drugs have a very negative effect,
4 but they have a very small effect on this area of whether the school is safe or not safe.

5 The drugs lead to unsafe conditions that surround the school, not necessarily the
6 inside. We're certainly finding students with drugs. There are flights about some drugs, but it's not
7 the same impact. That's why I suggested earlier give the states the flexibility because in some states
8 they may have more of a drug problem.

9 But the security issue for me is I'm watching the trend lines, and they're going in
10 the wrong direction for the security issues, and again, I believe that it's important on the prevention
11 side, prevent, prevent, prevent.

12 And I also want to remark to Mr. Jones to remember this was very popular
13 legislation when it was passed, I think among the most popular ever. I think the country realized
14 something is going on in our schools. We're not sure what. It's like the frog in the boiling water.
15 You know if we're sitting around long enough, those of us, all of a sudden we start reading these
16 headlines and say, "My God, what happened to my school?"

17 My high school that I graduated from a few years back -- I'm not sure if President
18 Lincoln was around to change legislation -- but I had one principal and one vice principal in a
19 school, all boys, of 2,000 of us. Today there's a principal, four assistant principals, and ten security
20 people in that school, and I'm not sure that I wasn't safer back then.

21 But this is what -- you know, I don't mean to offend or scare people off, but we
22 sugar coat too many things. You're going to lose the message. This is a new era. We have to look

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1 at this.

2 Drugs certainly play a part in what's going on. It has a major part in our parents,
3 more than the kids, I think, because we don't get the parental support that we really need. Forty
4 percent of our kids go to bed at night without a father. It makes it difficult for that child to be raised.

5 And I raised two children with my wife, and I know how hard it was for two of
6 us. I take my hat off to those single parents who are doing that, but a lot of our kids are being raised
7 in an environment that's not even with their parents. Grandparents are raising a lot of our kids.

8 And those of us who are grandparents, I don't have the energy for that anymore,
9 and it's going to reflect in the kids.

10 So what I'm saying is we have to have this conversation. This is good that we're
11 talking about it, and I really applaud the Department of Ed. for giving us this opportunity to analyze
12 what we've been handed. Let's tweak this a little bit and make it that we can all make our school
13 safer, and that's really what the objective of that law was, and that's what our Department of
14 Education is trying to do today.

15 CHAIRMAN LONG: I'd like to take this opportunity to thank Annie and Bill and
16 Peter and Jerry for, as I indicated when we started, taking the time and coming to us with your years
17 of experience and high level of expertise.

18 And I'd also like to give a stroke and a thank you to the committee for the quality
19 questions so that we could learn. So thank you very much.

20 MS. SALSICH: Thanks for having us.

21 (Applause.)

22 CHAIRMAN LONG: And with that we will take a break, and we will reconvene

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1 at 11:20.

2 (Whereupon, the foregoing matter went off the record at 11:11 a.m. and went back on the record at
3 11:26 a.m.)

4 CHAIRMAN LONG: This is, as I indicated, Panel 2, and as I did as we started
5 the first time this morning, I would like to introduce our panelists.

6 First of all, Rich Rasa joined the Education Department of Inspector General
7 more than 20 years ago, in the summer of 1982, and Rich has been the Director of the OIG State and
8 Local Advisory Assistance Staff since 1991.

9 Prior to coming to the Education Department, Rich was an auditor and an
10 inspector for the U.S. Department of Agriculture, Office of Inspector General, Foreign Operations
11 Staff, and conducted audits and inspections of U.S. agriculture programs primarily overseas.

12 Rich is a graduate of St. Francis College in Loretta, Pennsylvania, with a Bachelor
13 of Science degree in accounting.

14 Welcome, Rich.

15 The second panelist, to Rich's right, is the Regional Inspector General for Audit,
16 Bernie Tadley, has managed ED OIG's audit activities for the Philadelphia office since 1997. This
17 office has the responsibility for audits that are conducted in Pennsylvania, Delaware, Maryland,
18 Virginia, West Virginia, and the District of Columbia.

19 Previously Bernie was the team leader for the non-federal audit and an Assistant
20 Regional Inspector General. He started his career with the Department of Labor, OIG in May of '93
21 before transferring to ED in March 1984.

22 Bernie is a graduate of LaSalle University in Philadelphia, and a licensed CPA in

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1 the State of New Jersey.

2 Bernie, welcome.

3 And to Bernie's right, Paul Kesner is currently the Director of the State Grants
4 Program, U.S. Department of Education's Office of Safe and Drug Free Schools. In this role, Paul
5 works with the department's efforts to support states in their efforts to create and sustain safe and
6 health schools for our nation's students.

7 Prior to coming to the department, he served as the Dean of Student Affairs in
8 West Virginia and has also served as a teacher and school principal in the State of Maine.

9 Welcome, Paul.

10 And we'll start with Rich, then to Bernie, and then to Paul, and as we did with the
11 last panel, gentlemen, presentation, waiting to hear your expertise, and then we'll enter into a very
12 important part of this, which is a dialogue with the committee asking questions and talking with each
13 other.

14 So, first of all, Rich.

15 MR. RASA: Good morning, everyone. We have a short statement. Actually
16 there's a longer statement in your packet, and we chose to save time and give you the Evelyn Wood
17 version this morning. So here we go.

18 I'm Rich Rasa, Director of State and Local Advise and Assistance for the Office
19 of Inspector General, and to my right is Bernie Tadley, our Regional Inspector General from
20 Philadelphia.

21 I want to thank you for inviting us to participate today and present the work that
22 our office has conducted regarding the implementation of the unsafe school choice option area.

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1 The issue of safe schools is one the OIG has been examining since 1999, and the
2 USCO specifically since 2004. We chose to review the implementation of the USCO for two
3 reasons: one, it was new to the ESEA, and, two, it is an important issue in helping to insure that
4 students learn in a safe environment.

5 As many of you may know, we've worked closely with the Office of Safe and
6 Drug Free Schools in planning our work in this area and have relied on their expertise and assistance
7 as we work to meet our audit objectives and fulfill our mission to the U.S. Department of Education.

8 Starting in 2004, we performed USCO audits in five states: California, Georgia,
9 Iowa, New Jersey and Texas. We sought to determine whether the state's USCO policy was in
10 compliance with applicable laws, regulations, and guidance and whether the policy was adequately
11 implemented at the state and local levels.

12 In each state, we selected local educational agencies and schools to visit. We
13 interviewed state and local officials and examined documentation related to the policy development
14 and implementation, data collection, and review.

15 Where applicable, we reviewed parental notification of the persistently dangerous
16 schools determination and the option to transfer. We also looked at fulfillment of subsequent
17 transfer requests, and the development and implementation of a corrective action plan.

18 Additionally, we reviewed documentation associated with appeals and
19 adjustments submitted by schools determined to be PDS where applicable.

20 Following the completion of our field work, we issued individual audit reports
21 that identified specific issues of concern at the state and local levels and provided suggested actions
22 to address each concern.

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1 We have a handout for you that includes a summary of these reports which are
2 available in full text on our Web site, and the handout is in your binder.

3 What I'd like to cover in the time we have allotted are those overarching issues
4 identified from our audits. These issues we believe are applicable to other states.

5 We also talk about the need to strengthen the statutory requirements of the USCO
6 and provide examples that show how important the proposed changes are.

7 These issues were presented to the department in February 2006, which I will
8 discuss as well.

9 First, here are three issues we identified during our USCO reviews.

10 One, some states' policies may not meet the intent of the USCO. Four of the five
11 states we reviewed used disciplinary action, such as long-term suspensions or expulsions, to define a
12 USCO incident for the purposes of reporting. We discovered that violent criminal acts might not be
13 factored into states' determination of PDS due to these qualifiers.

14 Likewise, requiring a certain grade of long-term suspensions or expulsions may
15 not be conducive to accurate PDS determinations as these disciplinary measures are often avoided in
16 favor of other corrective action, such as the transfer to an alternative program.

17 The four states that use disciplinary action qualifiers had no schools that met the
18 criteria for PDS in 2003 or 2004.

19 Two, USCO was not adequately implemented at the local level. We found that
20 reporting practices and the level of compliance vary significantly across states or districts in the
21 states, including our view.

22 For example, in Georgia, we found 44 unreported USCO incidents, including

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1 aggravated battery, five felony weapons offenses, one terrorist threat, eight felony drug violations,
2 and 29 non-felony drug violations.

3 In Iowa, we found four weapons violations and seven assaults/fights, including
4 one assault on a teacher. It occurred and went unreported.

5 In one New Jersey district, two of the schools we visited reported less than 15
6 percent of the incidents that occurred. Only one of the four districts we reviewed was found to be in
7 full compliance with the USCO reporting requirements in New Jersey.

8 As a result of the inconsistent reporting, data used to determine PDS for the audit
9 period we examined may not have been sufficiently reliable to provide accurate and equitable PDS
10 determinations across districts in each state.

11 Three, districts could not demonstrate that victims of violent crimes were offered
12 the opportunity to transfer. The school districts we reviewed were unable to demonstrate
13 compliance with the USCO requirement that victims of violent crimes are to be offered the
14 opportunity to transfer to a safe school.

15 States were expected to implement this provision as of 2003-04 school year. Our
16 review revealed that the school districts had no formal policies or procedures in place to insure
17 compliance and had no alternative documentation to show that affected students were offered the
18 opportunity to transfer.

19 In February 2006, we presented the department with steps we believe they should
20 take to insure that the intent of the law is met.

21 One, requiring the states to insure that violent criminal offenses are factored into
22 the PDS determination without requiring the offense to be qualified by disciplinary action.

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1 Two, insuring that states' annual certification of USCO compliance is based on
2 verification from districts that documentation is available to support that incidents have been
3 reported in accordance with the state's policy.

4 And, three, confirming that districts have implemented policies and procedures to
5 insure that the transfer option is offered to victims of violent crimes.

6 The department concurred with the issues we raised and indicated it does strongly
7 encourage states to take appropriate action. The department, however, also made it clear there is no
8 statutory regulatory requirement in these areas. Therefore, it has no means to mandate or enforce the
9 action steps without statutory or regulatory change.

10 With this in mind, we provided the department with interim steps we believed it
11 could take until Congress would take up the ESEA reauthorization next year. These steps are:

12 Insure that state policies are effective for the purpose of, one, identifying unsafe
13 schools and, two, providing victims of violent crimes the option to transfer to a safe school at a
14 maximum within 14 days after the student is determined to be the victim of a violent crime.

15 Now, I'm going to turn it over to Bernie who's going to talk to you a little bit
16 about what we think needs to be strengthened in the USCO.

17 MR. TADLEY: Thank you, Rich.

18 In our audits, we found issues related to the determination of persistently
19 dangerous schools in four out of the five states that resulted in persistently dangerous schools not
20 being identified. Base on our concern that states were not using effective criteria for identifying
21 persistently dangerous schools, we conducted additional research to determine the criteria for
22 persistently dangerous schools nationwide.

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1 We found that over 50 percent of the states did not follow the department's non-
2 regulatory guidance for setting the criteria used to determine persistently dangerous schools. We
3 identified some common trends that we saw in the state's USCO policies that are not consistent with
4 that departmental guidance.

5 For example, a number of violent offenses being excluded from the persistently
6 dangerous school determination.

7 Two, states tend to measure the disciplinary outcomes rather than the occurred of
8 violent incidents.

9 And, three, states require thresholds to be met for two or three consecutive years
10 before identifying the school as persistently dangerous.

11 We reviewed the USCO policies in depth and further found in one state the
12 requirement is that two percent of the student population have to be a victim of violent crime in each
13 year for two consecutive years before determining the school to be persistently dangerous.

14 In addition, there has to be an indication that the perpetrator would need to be
15 found guilty for an incident to be included in the determination of a persistently dangerous school.
16 Under this state's USCO policy, a school with 1,000 students could experience four homicides and
17 seize a weapon from students on 19 occasions each year without qualifying as a persistently
18 dangerous school.

19 In another state, the number of violent incidences is compared to the student
20 population for determining persistently dangerous schools. The set thresholds and per population
21 range must be met in each of the two consecutive years for a school to be determined persistently
22 dangerous. A school with over 1,200 students must have more than 225 violent incidences in each

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1 of the two consecutive years before it would reach that designation as a persistently dangerous
2 school.

3 An average school year has 180 days. That means a school would need to have
4 more than one violent incident per day to occur for two straight years in that state to be determined a
5 persistently dangerous school.

6 In another case we saw, a district Office of Inspector General reported that during
7 the 2003-2004 school year there were more than 1,700 what they classified as serious security
8 incidents in city schools. Included in those 1,700 was 464 weapons offenses. None of the schools,
9 however, had been identified as persistently dangerous.

10 As another example, a state had a policy that determined persistently dangerous
11 schools based on one year of incident data. However, the policy was apparently discarded because it
12 would have identified 36 schools.

13 In this case an SEA official noted that they were not a big state, and 36 would be a
14 huge number.

15 In 2003, the U.S. House of Representatives Committee on Education and Work
16 Force, the Subcommittee on Education Reform, held hearings on the issue of persistently dangerous
17 schools. The hearing was held in Denver, Colorado.

18 In his opening comments, subcommittee Vice Chairman Tom Osborne stated that
19 as of September 30th, 2003, only six states have identified any schools that are unsafe, and of those
20 six states there are 52 schools, and I believe 28 of those 52 schools come from Pennsylvania.
21 Twenty-seven of the 28 in Pennsylvania come from Philadelphia. So obviously we have a wide
22 range of what people are deeming unsafe and what they aren't.

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1 Three years later, the sentiment appears to hold true. Data collected by the
2 department for the 2004-2005 school year indicated that while the number of states reporting
3 persistently dangerous schools has increased to seven, the number reported for persistently
4 dangerous has decreased to 36 schools.

5 Based on the issues identified through our audits and with the information we
6 continue to gather from the states on USCO policy, it's imperative that statutory changes be
7 considered to strengthen the USCO. We encourage the department and the U.S. Congress to
8 consider amending the USCO provisions of the No Child Left Behind Act to require states to insure
9 that their USCO policies meet the following basic requirements:

10 That all violent incidents, according to state code, are factored into the PDS
11 determination without use of disciplinary action qualifiers;

12 That benchmarks for determining persistently dangerous schools are set at
13 reasonable levels that are supported by objective and reliable data;

14 Thirdly, that the persistently dangerous schools are identified based on the most
15 current year of data.

16 We thank you for the time and the consideration of the information that we
17 presented and the ideas that we have, and we're now available for any questions.

18 CHAIRMAN LONG: And thank you, Rich, and thank you, Bernie. And we'll
19 turn to Paul, and after we're finished with Paul's presentation, we'll open it to question and answer.

20 Paul.

21 MR. KESNER: Thank you, Dr. Long and Assistant Deputy Secretary Price,
22 members of the Safe and Drug Free Schools Advisory Committee.

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1 I want to thank you for the opportunity to present and reflect on the challenges of
2 the Office of Safe and Drug Free Schools and our work with states on the implementation of the
3 unsafe school choice option under No Child Left Behind.

4 As you work toward making recommendations for reauthorization, I've had the
5 opportunity to work with the state grants program now for about a year and a half. You've heard the
6 testimony of associations and organizations this morning, that of the U.S. Department of Education's
7 OIG, and this afternoon you'll hear from state representatives and their implementation challenges,
8 and it doesn't sound surprising that you keep hearing some of the same themes come over again, and
9 I hope that I'm not too boring by offering you some things you've already heard again. If so, I can
10 hush up.

11 I'm also technologically challenged at times. So I hope I press the one that says
12 mouse? Oh, the arrows. Okay. And you'll notice that the PowerPoints are bland.

13 I wanted to start by taking a look at the statute. Clear back in the back of No
14 Child Left Behind, in Section 9532, and remember that the safe and drug free schools' authorizations
15 are at 4112 and back in that area. So this is in the back of the statute.

16 There are two parts to the unsafe school choice option, or USCO, which we quote
17 here. Part 1 deals with persistently dangerous schools. Note that it says, "Each state receiving funds
18 under this act shall establish and implement a statewide policy."

19 The policy is to be statewide, and that definition of persistently dangerous
20 elementary or secondary school is to be determined by the state in consultation with a representative
21 sample of local education agencies.

22 The second part of the unsafe school choice option calls for the opportunity for a

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1 student who's a victim of a violent criminal offense as determined by the state law be allowed to
2 attend a safe public school within that local educational agency. This opportunity to transfer can
3 also be to a public charter school.

4 As you've already been presented, in school year 2003-2004 there were 47
5 determinations in five states and in '04-'05, there were 41 determinations in four states and '05-'06
6 there were 36 determinations in seven states.

7 I want to be clear here that when we use the term "school year," we're referring to
8 the year for which the determination is made, not the year that the data has been collected. This is
9 the year, for instance, determinations were recently made for the '06-'07 school year.

10 States do report the number of persistently dangerous school determination to the
11 department through their consolidated state performance report, and that consolidated state
12 performance report has two parts. Part one is where the persistently dangerous report is contained,
13 and it is submitted generally each year in the month of December.

14 So we will be getting official numbers from states for the '06-'07 school year in
15 December. Prior to that point, we Google. We go to newspapers and everything else to find those
16 numbers. States report them officially to us in December.

17 Another interesting thing. The states aren't required to offer to us or to report to
18 us, but I thought you might find of interest in your consideration today is transfer information, and
19 while they are not collecting to report it, through monitoring we've asked states to tell us if they
20 would some examples. We found that the states -- and I don't have all of the states' information here,
21 but the few I have I thought you would find of interest.

22 Last year Pennsylvania who had several determinations of persistently dangerous

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1 school, had 12 students who transferred because of the determination of persistently dangerous
2 schools. In other words 12 students opted to go to another school because their school had been
3 deemed persistently dangerous.

4 Throughout the state though there had been 47 who transferred because they had
5 been the victim of a violent crime. So we see more in Pennsylvania transferring because of
6 victimization than because of determination.

7 Interesting number in Maryland, and again these aren't audited official figures, but
8 just some that were given to us. Because of determinations of persistently dangerous schools, 481
9 students opted to transfer in Maryland.

10 In DCPS, about a dozen students in DCPS, the District of Columbia Public
11 Schools, does not have any determinations of persistently dangerous schools, had about a dozen
12 students asking for a transfer because of victimization.

13 The Department of Education through the Office of Safe and Drug Free Schools
14 has taken on several efforts in helping states implement the unsafe school choice on several fronts.
15 One is the non-regulatory guidance, which I believe you have copies of in your binders.

16 We have provided workshops at our national technical assistance meetings. We
17 have also provided meetings to offer assistance and participated in meetings where we could offer
18 workshops on persistently dangerous or unsafe school choice implementation.

19 We have awarded discretionary data grants to states, known as the grants to states
20 to improve management of drug and violence prevention program. These grants have been awarded
21 to states to develop, expand or enhance the capacity of the SEA and LEAs and other state agencies
22 and community based entities to collect, analyze and use data to improve the management of drug

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1 and violence prevention programs administered to the state.

2 And we offer ongoing monitoring and technical assistance as a part of that
3 monitoring with the states.

4 The non-regulatory guidance. In May 2004, the department issued non-regulatory
5 guidance. While the document offers clear direction to states, the NRG, another government
6 acronym, but it saves saving "non-regulatory guidance" repeatedly for you, is purely that. Notice in
7 the title "non-regulatory." There's no regulation to back it. And it is guidance. It's guidance that is
8 issued to states to follow, and this guidance highlights some important aspects of USCO and
9 provides guidance on some provision that may be useful in administering these requirements.

10 But you can tell from that that it's not mandated, and it's not incumbent upon
11 states to follow that direction or take that guidance. And any of us who have children know that
12 guidance is often offered and not always followed, at least in my case, with my daughter.

13 The NRG offers guidance to states in such broad topics as how to establish a state
14 USCO policy. It offers guidance on how to identify persistently dangerous schools. School safety
15 and data collection, providing safe public school choice options to students attending an unsafe
16 public school, and identifying violent criminal offenses and providing a safe public school option to
17 students who have been victims of a violent criminal offense.

18 In the very first paragraph of the guidance, to comply we say with USCO states
19 must, one, establish a state USCO policy; two, identify persistently dangerous schools; three,
20 identify types of offenses that are considered to be violent criminal offenses; four, provide a safe
21 public school choice option and certify compliance with USCO.

22 One issue. As you've heard today from the Vera report and from others, the

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1 period of time that is used in making determinations of persistently dangerous schools is not
2 outlined. Many states have defined persistently dangerous schools as schools that meet established
3 criteria over a period from two to three years, and we find that is the case in most situations.

4 Question B(5) though in the non-regulatory guidance strongly encourages states
5 to define persistently dangerous based on a shorter period, specifically one school year. So the
6 periods of time vary from states.

7 Another issue which we have heard about is data. One of the biggest hurdles
8 facing implementation of USCO is improving state and district data collection. As you've heard
9 from previous presenters, this continues to be a challenge for states and districts.

10 Some states often find that some of their districts collect good data on school
11 violence while others do not. This forces defining persistently dangerous using the lowest common
12 denominator data. For instance, school safety data is often aggregated by county or district level, not
13 by school level where determinations of persistently dangerous must be made.

14 So the states, one state in particular, I know, face the challenge of disaggregating
15 the data that had been compiled into a statewide report to isolate individual schools so that
16 individual determinations could be made.

17 Two, consistencies in coding data. In some states, how violent crimes are defined
18 vary within the state, and in fact, what constitutes a weapon may vary between counties. How
19 schools report data consistently remains, as you have already heard, a challenge.

20 For instance, one presenter today talked about the developmental aspects of it.
21 Are kids in line in kindergarten who shove guilty of an assault the same as kids in high school who
22 may get into a shoving match? There are opportunities here and consistencies in coding data and

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1 reporting accurately what is happening.

2 The management of data: how the state has defined violent acts used to determine
3 persistently dangerous schools. Those definitions are not always aligned with the data and
4 information that the schools are collecting. You've just heard Rich and Bernie tell of several states
5 and what they used in their determinations to define persistently dangerous schools, and those
6 definitions of persistently dangerous schools do not necessarily align with the information and data
7 that schools are collecting.

8 The non-regulatory guidance encourages using information collected for the
9 requirements of the uniform management information report system, or the UMIR system, as part of
10 the definition. Data on truancy rates and data on the incidence of violence and drug related offenses
11 resulting in suspension and expulsion is already supposed to be being collected on the school level
12 and is supposed to be reported publicly.

13 Ideally states would double up on these data collections and use some of the data
14 that they're already collecting as part of their persistently dangerous definition.

15 The NRG suggests that objective data encompassing areas that students and
16 parents would consider in determining a school's level of safety, including violent criminal offenses
17 and making determinations of persistently dangerous schools. Some states use only criminal
18 offenses. Some use disciplinary offenses. Some use both.

19 But what the NRG suggests and offers to school districts is that they would use
20 objective data, and this objective data would encompass those areas that the students and the parents
21 feel important in determining a level of school safety, including, among other things, violent
22 offenses.

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1 Types of data that could be used include information from records detailing the
2 number of referrals to law enforcement for bringing a fire arm, which states are already reporting
3 through the Gun Free Schools Act; results from student surveys about issues such as fights in
4 schools; or data on gang presence on school grounds.

5 It's important though that the information be attributable to individual school sites,
6 and it should be valid and reliable.

7 There's a hesitancy to categorize schools as persistently dangerous. We've heard
8 that already. I keep making sure I'm on the right slide.

9 Because of the potential ramifications associated with that terminology -- and
10 you've heard that already, and I don't want to belabor that, but it is an important part because the
11 word "persistently dangerous schools" appears in the statute -- the terminology is much more
12 pejorative than the terminology used by other No Child Left Behind Programs, such as failing to
13 make adequate yearly progress.

14 Locales for schools are labeled as persistently dangerous could suffer
15 economically should housing and real estate prices have a result of the stigma of an unsafe area.

16 No Child Left Behind does not offer funds to supplement any corrective action
17 schools wish to undertake, and thus, once a school is labeled as persistently dangerous, the LEA
18 and/or the SEA would have to provide funds for improvement.

19 We heard mentioned earlier that it's an unfunded mandate.

20 Also, the cost of transporting students, especially in locales where the closest
21 school may be a great distance, can be a factor, and then there are, of course, many LEAs in which
22 there's only one high school or one middle school for students to transfer to, and if they're in the

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1 school that's unsafe, if they're in the school where the victimization took place, where do they
2 transfer?

3 And the statute says they shall be offered the opportunity to transfer to a school
4 within that LEA.

5 As I mentioned earlier, there are financial constraints. Financial support for new
6 data collections process, those need to be provided and offered within the skeleton of what's already
7 there. There's no allotment of funds to improve schools deemed persistently dangerous, and the
8 bussing transportation not only offers a logistic challenge, but there is a financial challenge there as
9 well.

10 In cases of victimization, in the second part of the law, often the burden of
11 transferring is on the victim rather than the perpetrator. Although the statute says that it can be the
12 other way around, often we find that that burden is placed on those who are the victim.

13 In closing, just a few thoughts of my own. There's a wide scope of state laws and
14 regulations, data collections and challenges, and financial constraints, and I believe we've heard that
15 perhaps because of these constraints there's not the possibility or it probably wouldn't be prudent to
16 offer a model unsafe school choice option policy. Perhaps it would be more effective to offer a clear
17 list of items for states to use in policy development as they look at what is unique in the needs of
18 their state, their community, and their parents and their students.

19 There's also the issue of nomenclature. We've heard that again, and I'll say it one
20 last time and I won't say it anymore. "Persistently dangerous schools" is pejorative.

21 In Annie's presentation, she talked about watch lists. We found in our monitoring
22 that approximately half of the states offer a watch list for those states that are especially states that

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1 are doing two and three-year data collection, those states that are nearing becoming an unsafe school
2 choice and offering some support or technical assistance to those schools that are on the watch list.

3 Training and TA for LEAs and collection of data and compliance, and for those
4 issues that Rich and Bernie mentioned on the accountability, making sure that it's understood how
5 data is to be reported and collected and turned in.

6 Thresholds are a definition of what constitutes persistently dangerous. Could it be
7 that the number of assaults per 100 students or some sort of threshold like that could be a way of
8 looking at this?

9 And a clear indication of what data sources will be used and who is responsible
10 for collecting and interpreting that data. Certainly there are theoretical underpinnings to the unsafe
11 school choice option that lie and are important. Implementing and working with states as it's their
12 responsibility to implement the unsafe school choice option is sometimes difficult at best, and as you
13 all have looked at all the other things that safe and drug free schools looks at, the unsafe school
14 choice is one part of that.

15 We appreciate your time in looking at this today, and we stand ready to help in
16 any way we can in helping you as you carry out your recommendations.

17 Thank you, Dr. Long.

18 CHAIRMAN LONG: Thank you very much, Paul. We appreciate that.

19 At this time if we could, sa we did with the first panel, offer up questions and
20 enter into that important phase.

21 So from the committee, any? Yes, Shep.

22 MR. KELLAM: The thing that comes to mind first, and this is really an

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1 informative presentation you guys are giving us, we haven't talked about how the information
2 systems you're discussing tie into information systems that already exist in school buildings or don't
3 exist.

4 For example, some school districts have no computerized information system.
5 Take Anne Arundel County, for example. So tracking kids over time is not really so easy. It's all
6 hard copy stuff.

7 In some sense the information systems in general need to be looked at so that we
8 understand how to integrate the kind of information that we're talking about here into ongoing
9 information systems for efficiency as well as for use in mentoring and monitoring and fixing the
10 issue in the building. So that's one issue.

11 And I think there are information systems that could easily -- for example, most
12 schools grade kids on behavior, on conduct and deportment. In some ways those are available to
13 integrate with what is the maximum level you would tolerate in a school building so that the climate
14 is one of danger.

15 Notice I said "climate." And we're talking now about how to use the information
16 to fix the problem and it's not just parents who have information about the school, but the school
17 building itself needs to understand how to work with parents to formulate ways of moving the
18 problem forward.

19 And I think that's better developed if we integrate these information systems so
20 that the reading scores, the algebra scores later on are all tied into the behavioral issues, if not the
21 psychological. Set aside for a moment, not very long though.

22 The other thing that I think that is important for us to think about in terms of

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1 information systems, again, is the developmental issue. Is it the case that it's important to notice kids
2 who are shoving each other in kindergarten?

3 If they do it persistently, those are the kids who, in fact, we're worried about in
4 Grades 10, not much beyond because they're also contributing to dropout rates. So disappearing
5 from the school district is not really such a hot idea as a solution to school climate.

6 But we've got to talk developmentally. We have to understand how this is an
7 ongoing socialization process of how to teach kids how to read, how to do algebra and math and so
8 on, and how to be a student, and it ain't intuitive.

9 So that process has to be integrated with the data we're talking about collecting
10 and the information systems needs to be integrated with the ongoing school information systems.
11 Otherwise we're going to go nuts with independent data systems, you know, that have this kind of
12 pristine quality but will inevitably fail either to maintain reliability and faithful criteria or to be used
13 for anything other than mish-mash, blaming schools, which is an old habit. Fire the managers,
14 which is what we do to superintendents.

15 I would say that we need to think developmentally. We need to think about
16 integrating information systems. We need to think about Schools of Education because teachers are
17 unprepared to teach kids how to behave.

18 Generally speaking, Schools of Education don't train teachers how to manage
19 classrooms early on or later on. NK doesn't require it. The national accreditation of Schools of
20 Education doesn't require as far as I know how to teach teachers how to manage classrooms.

21 We're talking about an absence of socialization of kids coupled with the potential
22 for failure to learn that goes on early on, and you can track these kids from preschool and certainly

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1 by first grade through their life course.

2 And there's tons of research on that. It's the most important; other than gender,
3 early aggressive disruptive behavior is the most important risk factor we know that tracks kids over
4 the life course.

5 So I would say that we need to discuss integrating information systems,
6 understanding the developmental trajectories, and understanding how this can be used for formative
7 issues, like moving teachers to be more skilled at managing classrooms.

8 The epidemiology is that roughly 50 percent of teachers in Baltimore at least who
9 teach first grade don't do it very well and have not gotten the training. About 50 percent can do it
10 intuitively or whatever way, but half of the teachers, in other words, who are socializing kids in the
11 first grade are not able to do that for absences of tools, of effective, proven tools.

12 MR. KESNER: If I may add onto that, we took a list of the schools that have
13 been determined to be persistently dangerous, and looking at this whole integrated information is
14 interesting because it really does need to be that. My experience as a teacher and working in a
15 school tells me that.

16 But we looked at the schools that have been deemed as persistently dangerous by
17 all the states and then tried to go and find out where they were with their education progress, and we
18 found -- and this probably isn't a surprising answer to the hypothesis -- that about 75, 80 percent of
19 those schools who were persistently dangerous were also in need of adequate yearly progress, and
20 they were having challenges there. So that's not a surprise.

21 What may be a surprise is what was going on in those 20 percent, what else was
22 going on there and what else was happening there. But there are correlations and it is an integrated

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1 process, I agree.

2 MR. KELLAM: Well, just to add that those correlations are longitudinal, not just
3 cross-sectional. So, I mean, if you want to get into what is going on in the first grade where a kid is
4 misbehaving, it's fairly to learn highly correlated with it, and kids either withdraw, act out, or both.
5 They become isolated, aggressive, disruptive kids.

6 It's two and a half times more likely among boys than girls. You know, there's all
7 this stuff we know and that we somehow have to bring to bear and bring it all together. But early
8 socialization is what we're talking about here. It has got to do with reading, behavior.

9 And, by the way, how you feel about yourself directly stems from how successful
10 or failing you're doing.

11 MR. RASA: Can I make one comment on the integration of data? We would
12 agree with that, and the persistently dangerous school area wasn't the first time that we were out
13 doing audits on data systems and recording data and making sure it's accurate, reliable and complete.

14 If we don't have the internal controls in place to make sure that that happens,
15 which I think ties into your idea of making sure that the system is efficient and effective in recording
16 the information; if we don't have that, we're not going to be able to rely on the data that we're all
17 looking at, that we looked at in five states and Jerry looked at in New York.

18 To get ready for this meeting, I read the New York report because, number one, I
19 find the Comptroller General of New York, their reports, not only very interesting, but informative
20 and they're very much to the point.

21 And as I read through that report, I mean, that is the most recent example of the
22 similar kind of information that we found in the five states that we reviewed. If you don't have time

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1 to read our work, I would definitely read Jerry's because it is a very large state. He talked about a lot
2 of unreported violations, which ties back, I think, to this idea of the effectiveness of the system that's
3 in place, whether it's in New York or California or Texas, Georgia, any of these other states that
4 we're looking at.

5 One of the things he pointed to was this idea of certification and that some
6 superintendents and maybe school principals did not want to certify their data. We've run into that
7 before on other programs we looked at, and one of the things that we try to make sure is that when
8 people certify, that if they're aware of weaknesses in their system, that we give them the wherewithal
9 to say what those weaknesses are so that they can do full disclosure.

10 I certify, but I know that we have some issues here. I know that our definition
11 that was developed at the state level for PDS doesn't necessarily match up very well with what's
12 collected. So we're trying to maybe possibly fit square holes into round situations there.

13 So the idea of certifying but with full disclosure. I'm certifying that I have
14 weaknesses in my system, and therefore I can sign this statement. I think that's something that we
15 see in this program and we see in any program we go out and do data audits on.

16 CHAIRMAN LONG: If we could go Fred, Kim, Russell, Belinda.

17 MR. ELLIS: Mine will be quick.

18 I appreciate the information you guys reported. I think it's very helpful and
19 enlightening unfortunately on the data collection and reporting, which is I think to a large extent why
20 we're here.

21 My question, I guess, really is for Mr. Kesner in terms of some of the things that
22 Department of Ed has recognized and kind of made some recommendations that you've reported

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1 here in terms of, you know, the issues with the nomenclature, use of the watch list, training, and TA,
2 and coming up with thresholds and those kinds of things that we've talked.

3 One of the things you didn't talk about though is one of the issues that you did
4 identify, the transfers, transfers of the kids. Obviously the school systems seemingly don't do a great
5 job of notifying parents and students who are victims of serious violent incidents that they have a
6 right to transfer, and that has all kinds of implications, not only for cost, as you mentioned, bus
7 transportation, but also in the victimization, again, of a victim.

8 So my question to you, Mr. Kesner, is do you have any suggestions or opinions
9 on what, if anything, that portion of this law should, might, could look at suggested changes in
10 terms of transfer options, you know, and particularly addressing the issues where there are no
11 options available for the student to land.

12 And is it appropriate, for instance to ask or require the victim to move?

13 MR. KESNER: I think we can, first of all, in the report that OIG gave, and we
14 concurred with that, the school districts have a burden and responsibility to insure that a victim after
15 at least 14 days after knowing that they're a victim, be offered that opportunity to transfer.

16 And we are aware, too, that the choice should be the victim's, and in our guidance
17 we offer school districts, you know, you can choose to move the victim or you can choose if the
18 perpetrator is known, you can choose to move the perpetrator, and some states do that. Some school
19 districts do that, move them to an alternative school.

20 So I think it would be incumbent upon states to look at all of their options and
21 look at their options also when it seems like there's a burden that they can't get around. For instance,
22 one middle school, what do you do? How can we look at addressing within our own situation the

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1 best way for our children to be safe?

2 Some schools where it's open enrollment, it's not that much of an issue. A student
3 has the right to go anywhere in the state that they really want to, but within states where that isn't the
4 case, I think that's something -- part of the flexibility of this needs to be that the state look at and the
5 local district look at what can we do to make this a better opportunity for a student to be in a safe
6 learning environment where they feel comfortable in learning.

7 MR. RASA: I'd also like to add something. In preparation for this, we also
8 looked at this 2003 hearing that took place. When we read through it, there was quite a few folks,
9 and I imagine some of you folks may have been at that hearing in Denver.

10 One of the themes in that hearing that we read through was the importance of
11 parents and the information that gets to them and making sure that the information is on time. In this
12 case of the victim transfer policy, that's real important.

13 I mean, we know of actually a couple of years ago when we were first getting into
14 this work where I was looking at the news one night, and this very issue was right on Channel 4
15 where a girl at a school had been harassed over a period of several weeks and now was beat up and
16 put in the hospital.

17 And what came out in the news was this idea that the school administrators knew
18 about the situation well in advance, and the question I had at that point was did the parents of that
19 child know that they were going through that situation.

20 And I think it's real important as we proceed through our work, and we're going to
21 be issuing a perspective paper of the OIG on this subject in the next couple of months probably.
22 Actually we wanted to issue it before this meeting so that you all would have it, but we also wanted

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1 to listen to what was said at this meeting and use that information to help us develop some more
2 ideas.

3 But we definitely consider this idea of victim transfer option to be very important,
4 and the idea of information getting to parents as they need it.

5 Thank you.

6 CHAIRMAN LONG: Kim.

7 MS. DUDE: Well, first, understand that I come from a higher education
8 perspective, not a K through 12. So keep that in mind when I make my statements.

9 But it seems to me this legislation is very ironic in that in a sense, it penalizes the
10 schools that are doing the most about the situation because there's clearly a difference between the
11 number of situations that actually happen and the number of situations that are actually caught.

12 And so the fact that the schools that are doing the most and actually holding
13 students accountable and accurately reporting them are more likely to get this PDS designation. So
14 the reward is not in there to do more, which seems ironic and, honestly, sort of foolish.

15 And it also is counterproductive in that what I have found through my work is that
16 the more students know that their fellow students are being held accountable for something, the less
17 likely they are to do the particular offense. For example, if I know through self-reported data, mind
18 you, I know what percentage of my students drive under the influence of alcohol; I also know what
19 percentage of my students are arrested for a DWI; and I know that as that number of students who
20 were arrested went up, the number of students who drove under the influence went down.

21 And so the school districts that are, in fact, doing the most are the ones who
22 probably, that logic would tell you, the students would then do it less often because they know they'd

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1 be getting in trouble for it.

2 And whereas the schools that are either not doing anything about it or are doing
3 something about it but not telling anybody because they don't want to get this designation are not
4 only not reporting it, but, in fact, could be creating a system where the students think, "Oh, I'm not
5 going to get caught. So I might as well go ahead and do it."

6 And I love the quote that Bill Bond said. I even wrote it down. It says you don't
7 change behavior by the severity of the consequences. You change the behavior by the certainty of
8 consequences.

9 So the school districts that are going to consistently enforce and do it with
10 certainty and let people know they're doing it, not only the parents, but the state or whoever else, the
11 federal government or whoever else they're reporting it to, those should be the schools we are
12 rewarding. And instead, it sounds to me like those are the schools we are, in fact, penalizing.

13 And also find that when I talk to parents during freshman orientation and I tell
14 them how bad the situation is on campus and how much we're doing about it, they're thrilled to find
15 out we're doing something about it, and they're not as likely to take their son or daughter and send
16 them to a different college because we're admitting we have a problem and we're admitting we're
17 doing something about it.

18 And I explain to them if you're visiting a campus that says they don't have a
19 problem, they're either living under a rock or trying to pull the wool over your eyes, and so the
20 parents appreciate that honesty. And so I guess I'm finding this whole conversation and the fact that
21 this legislation exists to be ironic, foolish and counterproductive.

22 And I think we should be rewarding these very schools that are doing the most

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1 about it.

2 MR. JONES: Thank you.

3 Yeah, I agree. You know, a very basic tenet of behavioral sciences and more
4 specifically the functional analysis of behavior as pointed you by B.F. Skinner many years ago,
5 behavior is a function of its consequences, and I'm wondering the extent to which there is buy-in by
6 children, parents, teachers, school systems, and states.

7 You know, what is the feedback loop or what is in it for them? I mean obviously
8 it's not working. I think we can say that. The reporting, you know, on and on and on, but what's the
9 incentive? Do we know what the incentives are for folks to be involved in this particular initiative,
10 and then to what extent are those incentives being provided to individuals?

11 MR. KESNER: I would say intrinsic motivators.

12 MR. JONES: We know that often doesn't work.

13 MR. KESNER: Right. And I guess part of that, part of the foundation of No
14 Child Left Behind is the flexibility that entities, states, local entities can work around issues that are
15 important at the home front and then they can deal with developing programs for accountability
16 around those issues that they feel are important.

17 And perhaps that's what we need to look at with this more, and as we look at
18 states determining -- and that's probably, I would think, why that is in the law, that in conjunction
19 with a representative sample of local education agencies, what is it that's important within the state
20 and how do we go about it?

21 And you're right. There must be a motivator. There must be a reward, and I think
22 sometimes we look at doing the right thing. That's good, and we should emulate that, but there

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1 needs to be more that principals and superintendents can put in their pocket and say, "I've got some
2 resources to assist me in doing this and working with that."

3 I agree wholeheartedly. As Kim was talking about the higher ed., part of the
4 Campus Crime Act was not to identify schools, but just to list numbers. These are things that occur.
5 These are things that happen.

6 And it's part almost of a consumerism. Not only are schools reporting campus
7 crime, but they were reporting graduation rates, how their athletes were doing, were they persisting,
8 were they graduating, were they dropping out, and those sorts of things, almost a consumerism type
9 of action or student right to know act.

10 And in many ways maybe this all gets at saying that label right up front,
11 "persistently dangerous schools." So rather than offering a motivator, maybe we're offering a dis-
12 motivator.

13 MR. RASA: I think we heard a lot this morning about disincentives, and so
14 probably we don't need to go into that a whole lot, and there's maybe even a whole lot shorter list of
15 incentives that want to make people get into the game, report the right numbers, and that somebody
16 would use that data.

17 I'll take you back again to that 2003 hearing. Right in the middle of it -- and it's a
18 package about this thick of everybody's statements and what people said like we're doing today --
19 somebody said, "Well, who's the customer? Who's the customer for this?"

20 And I think if you take it down to the lowest level, the customer is your parent of
21 the child that's going to that school where possibly incidents are going on. If that parent doesn't
22 know about those incidents, and we heard a lot of information this morning from the survey from the

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1 Vera Institute and all the other folks, if the parent doesn't have that information and that information
2 isn't accurate, reliable, complete and on time, that kid will probably continue to go to that school
3 without the parent's knowledge that that school may have some problems.

4 Now, as we all know, if the parent has some knowledge, and it's good knowledge
5 and good data, maybe they can operate better at some of these parent-teacher meetings and that sort
6 of thing and find out what's really going on. What we need to do is make it easier for them to get
7 that data, and I think it's about as simple as that.

8 If we take it down to the lowest level of the customer, the parent, the student, all
9 right, what are we going to do for them in making sure that they know what's going on at their
10 school?

11 And it works from there. That's your incentive.

12 MR. JONES: You know, I just think that at an even more basic level, just, you
13 know, the involvement of children and parents in the whole initiative I just think would do so much.

14 You know, I was at a meeting in New York City at Columbia, the Center for
15 Poverty for Children in Poverty, and we were just talking about the importance of engagement, the
16 importance of having individuals involved with the development of particular initiatives and,
17 therefore, their buy-in. I mean, there were Native Americans around the table. There were Asians.
18 There were African Americans, and just the importance of being part of the process.

19 We continue to do this. We come up with our programs and our ideas, and we
20 throw it out to people and say, "We want you to do A, B, and C," and they were not part of the
21 process.

22 One of the things that we did in New Orleans and Baton Rouge in August was to

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1 actually carry out focus groups with 100-plus crisis workers to find out from them what they felt
2 were the needs of the people, were their needs in terms of the recovery process, problems that they
3 had faced, et cetera, possible solutions.

4 You know, I just don't hear any of that kind of thinking taking place in this
5 initiative, and therefore, it's not working.

6 You know, one thing that I haven't heard all day is the whole notion of cultural
7 competence. To what extent are we considering the belief systems, the backgrounds, the race, the
8 ethnicity, et cetera, of individuals that are involved in these initiatives?

9 You know, that's across the board, you know, not only the children, but the
10 parents, you know, the administrators, et cetera. You know, what's in it for them? And the extent to
11 which they are not a part of the developing process of the initiative, boy, I really don't think it's
12 going to work.

13 And we've got lots and lots of research that demonstrates that, you know, in
14 psychology and sociology, et cetera. The whole notion of engagement, getting individuals involved
15 at the ground level, getting their feelings, thoughts, et cetera, I just think that's a key piece that's
16 really missing.

17 MS. PRICE: Russell, if I could respond to that, while it may have done it badly
18 and not be ideal, but one of the elements about having states make those definitions and
19 determinations and the school districts, that's what that's supposed to be doing.

20 Now, I mean, initially that was looking to having the community identify the
21 issues of that community around all of No Child Left Behind, but this element particularly.

22 Now, it may have done it badly, and in the long run we may see that, well, we

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1 need some base line definitions or something and then build on that, but you know, that was the
2 thinking when they developed this legislation, and that was how they would incorporate that.

3 One element that I think Paul mentioned -- I don't remember actually if he did or
4 if I just know it so I think he did -- but while school districts are not required to tell the Department
5 of Education, there's no requirement for them to tell the Department of Education what schools are
6 identified as persistently dangerous until they do their consolidated report. There's two questions,
7 and there they identify numbers in December.

8 But the requirement is that 14 days prior to the beginning the first day of school,
9 they have to identify themselves, and generally it's done in the newspapers, the results of who is
10 identified as persistently dangerous.

11 So parents then can see that and make the choice. Granted, if the school only has
12 one high school or only has one elementary school or vice versa, there's not a lot of choice involved
13 in that, but that 14 days.

14 And that's why Paul said we search the newspapers. We do Lexus Nexus
15 searches, Google searches and all of that, and that's how we accumulate that information prior to
16 when it's out there in the December consolidated report.

17 You know, one of the things we're talking about is there are a lot of issues
18 regarding this legislation that, you know, are problems. You know, I think we've identified that. I
19 think tomorrow is really where we need to start saying, well, considering all we've heard, how do we
20 move forward.

21 But you know, they made their best effort on the Hill when they drafted this, and
22 now we've learned a whole lot more about it, and it needs addressing.

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1 MR. JONES: Yes, and I think, you know, I hear exactly what you're saying.
2 They were good intentions and having states involved, et cetera, but I think the proof is in the eating
3 of the pudding, and I think we can see that it is not working and, therefore, there are some very
4 fundamental, yeah, basic steps at the very baseline level that need to be taken that haven't been.

5 CHAIRMAN LONG: Belinda.

6 MS. SIMS: I appreciate all of the comments made after this panel because some
7 of the things that I was thinking about have been addressed. Kim, I really appreciate what you were
8 saying about sort of the irony of this whole thing.

9 And I wanted to find out in the audits of the data systems or trying to account for
10 these numbers were you able to sort of figure out what was done. What accounts for the
11 improvements in the numbers that we see, for example, for Pennsylvania?

12 There are three school years reported here, and it was 28 in one school year down
13 to 14, down to nine. What did they actually do? Is it just that because they started, you know,
14 identifying these problems and providing whatever the consequences for the problems that the
15 numbers went down or did they actually do something else that would have been more positive in
16 terms of improving the climate and other things that have been said about what we might need to do
17 to address the problem?

18 MR. RASA: I'll let Bernie and then I'll fill in.

19 MR. TADLEY: Well, I'm going to dodge the question unfortunately. We
20 actually didn't audit Pennsylvania, and some of the things we couldn't really say as far as what
21 happened between one year to the next.

22 In our audits we took the initial year that the PDS determinations were made in

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1 the five states that we looked at, and we looked at issues about how the policy was developed,
2 whether the policy was being implemented properly at the state and at the local level, and those are
3 some of the issues that we had.

4 Specifically for the improvement in Pennsylvania, I couldn't really address as
5 what may have happened. We really didn't do that through audit.

6 MR. RASA: And Bernie is right. We didn't audit Pennsylvania. However, when
7 the data goes down like that, it doesn't necessarily mean -- it's hopeful that there were improvements
8 and hopefully that maybe schools got better. Unfortunately in some cases because the data goes
9 down, it could be that there were appeals made and that the school may have the same data and
10 somehow was able to fix it, and we've heard this morning from New York. Again, I direct you to
11 that report. It is the most current on a big state, and there are issues that are plainly stated in that
12 report that talk about that situation where appeals are made, the data disappears, or the data
13 disappears and there's no documentation, the worst case scenario.

14 Auditors don't like it at all when we go out and we don't find any documentation
15 to support a decision, and in this case where the data goes down.

16 Certainly if we went out and we found out that there were action steps that were
17 taken in regards to previous year's data and that there was verifiable information that showed that
18 schools did improve somehow, that would be your best case scenario.

19 MS. SIMS: I think I would be even more worried if numbers only improved
20 because appeals are made and then, you know, numbers are taken away versus -- even though there
21 seem to be numerous problems with this program, schools who do identify problems, if they don't
22 then use that information to make genuine improvements in what they're doing, that's a bigger

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1 problem.

2 CHAIRMAN LONG: Mike.

3 MR. HERRMANN: Thank you.

4 It strikes me one of the real challenges for this committee is trying to reach an
5 acceptable level of improvement given existing resources, and you know, when you start talking
6 about different states and data collection and whatnot, it's just a big apple to try and chew.

7 Paul, I know the department has spent a lot of time talking to states about data
8 that's collected. Are there two or three indicators that hold some promise in terms of being
9 somewhat consistent across states that would be a starting point?

10 MR. KESNER: That's a good point, Mike, and you know because you're in the
11 seat what's going on.

12 A couple of points that we have, and I mentioned two from the UMIRS
13 collection, the uniform management collection. One of those particularly would be the
14 suspensions/expulsions for physical fighting. Truancy data is also collected at a school basis and
15 reported on a school basis, but the problem with truancy are definitions of truancy vary even within
16 states, and so that's a challenge, but that's one there.

17 I'd also offer the information that states currently gather for the Gun Free Schools
18 Act: number of firearms brought to campus or brought to school, number of suspensions or
19 expulsions based on that. Those are data that are already being collected and could be incorporated,
20 I think within the infrastructure of what they're doing.

21 MR. HERRMANN: What about the victims of violent crime?

22 MR. KESNER: The victims of violent crime, what we've been working with in

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1 states and as we've audited our monitored states -- they audit; we just monitor -- is that we ask how
2 states are carrying it out, and one of the common features is that -- and I thought this was a very
3 unique thing -- the LEA has a form that they actually document on when a student reports to them
4 that they've been a victim, and then they document that that student has been informed of their
5 opportunity to transfer and asked, and the parents, have actually documents that the parents are
6 informed of that opportunity to transfer.

7 So I think tracking that, that information that's already being collected, is
8 something that's easy to do. It's already being there, and it's already being collected.

9 MR. HERRMANN: Very good. Thank you.

10 CHAIRMAN LONG: Dennis.

11 MR. ROMERO: Thank you.

12 First of all, I failed to thank the previous panel and this panel as well. The
13 information that you're providing us is just extremely helpful, and it's a wonderful learning curve for
14 me. I will say that, and I appreciate the information.

15 A couple of thoughts and then a question as well. I hope that as we're hearing all
16 of this information that we really as a committee, we keep in mind the importance of looking at this
17 issue from a developmental standpoint, and I think it was Shep who put it really well. We need to
18 look at the impact of children.

19 A famous abolitionist once said it's easier to work with children than it is to fix
20 adults, and I think that holds so true to this effort.

21 So needing to focus on prevention has to be at the forefront of this.

22 The second thing is looking at the role of parents. I mean, we're hearing that

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1 parents seem to be out of the loop. So what are ways that we can better engage the parents and get
2 parents more involve more in the loop of things?

3 I said in the prior panel that I'm concerned about the issue of trauma. We are not
4 focusing on trauma enough and the impact of trauma, the victimization of trauma and the stigma
5 that's associated when a child is identified as either being bullied or being singled out, segregated.

6 The trauma of that child and the lifelong scars really need to be given a real look.

7 Having said that, my question is for Paul. Paul, in your third slide, you mentioned
8 the Department of Education's efforts. You mentioned the non-regulatory guidance, the workshops
9 and meetings.

10 Then you went into the data grants, and you mentioned something about you
11 would not -- and maybe I'm wrong, and I wanted you to sort of speak to this -- you mentioned that
12 the data grants were not focusing on substance abuse, were not focusing on drugs. Was that how I
13 understood it?

14 MR. KESNER: No. The data grants actually are grants to offer support to states
15 for all the areas within safe and drug free schools. So enhancing data collection not only with
16 victimization, but also with drugs, substance abuse, how states monitor and collect that data and
17 enhancing the infrastructure, if you will.

18 I almost refer to them as infrastructure grants. Beefing up how states can collect
19 data on all of the issues across safe and drug free schools, and actually they're called -- I'm trying to
20 find my sheet here with the name of it -- but they're called data grants for the collection of substance
21 abuse and violence prevention program grants.

22 So those grants, while they were only offered for two years, funds were only

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1 available for two years, and I believe there may have been 17 or 18 states who took advantage of
2 that; they were there to help states increase their infrastructure an their capacity for data collection.

3 MR. ROMERO: Have those grants ended already?

4 MR. KESNER: No. They're in process.

5 MR. ROMERO: Okay.

6 MR. KESNER: Yes.

7 MR. ROMERO: Thank you.

8 MR. KESNER: Thank you.

9 CHAIRMAN LONG: Kim.

10 MS. DUDE: Speaking of data, have surveys been done in not only the schools
11 that are PDS schools, but non-PDS schools, surveys of students to find out their perception of the
12 safety of those schools?

13 And then also, coincidentally, to know what their alcohol and drug use may
14 happen to be, to see if there's any correlation. Do the students at the PDS schools actually feel less
15 safe than the students at other schools, or is their alcohol and drug use higher than the non-PDS
16 schools?

17 Because if what we're really going after is, as somebody said earlier, their
18 perception of safety as well as whether or not they are safe, perception of safety has a whole lot to do
19 with your ability to feel like you can learn and feel comfortable and welcomed in that school.

20 So I'm very curious about if those kinds of surveys have been done as well or are
21 we strictly looking at incident data?

22 MR. KESNER: I don't know that any have been done. They don't report that to

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1 us. What we have found in some instances is that that does happen, and one state hasn't had any
2 definitions of persistently dangerous, and I believe it is Florida. Part of their process is if a school on
3 paper is persistently dangerous, then there is a survey of the community of the students to see what
4 are the community's feelings about or thoughts or perception of the school and of the safeness of that
5 school.

6 But, no, there are none that I know of that have occurred formally.

7 MS. DUDE: Because it seems to me in a survey like that you could also have
8 questions like have you ever brought a gun to school or have you ever bought or sold drugs or used
9 drugs in schools; that it would be interesting to look at the schools that really do -- the PDS schools
10 that really are doing something about it. At least that's my perception, that they're doing something
11 about it, to see if that use changes because they are actually enforcing those rules.

12 CHAIRMAN LONG: Seth.

13 MR. NORMAN: I've been hearing inconsistencies from different states, is what
14 I've heard you all say in these reports. Under the reporting section of the act, is there a list or are
15 there definitions?

16 For instance, you said that truancy varies from state to state. Now, would it be
17 beneficial if this act said under the reporting section truancy means, and it's defined, or crime means
18 or serious violence means, and you had a definition, and the state had to follow those specific
19 definitions in their reports? Would it be helpful?

20 MR. KESNER: It certainly would be helpful in collecting and analyzing the data
21 and aggregating the data. Part of the flexibility has to lean upon what the state determines, but
22 certainly in our guidance we offer things that states could look at in making determinations. While

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1 it's not regulatory or it's not mandated, we do offer some guidelines that states can use in making
2 determinations.

3 But you're right. It certainly does help when you have common definitions.

4 CHAIRMAN LONG: Okay.

5 PARTICIPANT: I believe I heard in an interagency meeting a month or two ago
6 that education across the department is developing new core measures; is that correct? Measures
7 across the agency, not only in the area of safe and drug free schools, but in academic achievement.

8 MS. PRICE: We have what you might be referring to. It's not core measures, but
9 the Secretary has priorities, and her priorities are of academic achievement. So as we develop our
10 grants, even those grants that are from safe and drug free schools, that academic achievement is an
11 element and outcome of those grants.

12 And so that might --

13 MS. SOLBERG: Those are measures, six or seven measures related to that; is
14 that correct? Or at least that's what we were told. My question was going to be is there a measure in
15 the core measures that education uses that measures school violence so that we have some kind of a
16 consistent set of numbers to compare across all school districts.

17 MR. KESNER: One of the things that's happening is the EDEN System, and I
18 can't remember what the acronym means, but it's educational data, and it's a consolidation of how the
19 department receives data. And around that there has to be -- for instance, I mentioned our
20 consolidated state performance report. What will soon happen over the next couple of years is that
21 we will receive -- right now we receive the consolidated state reports as Word documents or PDF
22 documents and we have to go down through, and we have common questions like how many

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1 persistently dangerous schools did you identify this past year, and they plug that number in.

2 What will happen as a result of EDEN is that there will be a collection, and there
3 will be core elements described more in the academic areas, reading comprehension, mathematical
4 abilities or whatever.

5 But there is a movement to consolidate the data in the way we see the data. For
6 instance, I understand, although I haven't seen it, that in the future not only will we get the number of
7 persistently dangerous school in the state, but they will also be identified by the LEAs that were
8 persistently dangerous because of the data collection mechanisms rolling together.

9 But as far as common core definitions, there are some, but it's not all the way
10 across yet.

11 MR. TADLEY: I think one other thing I'd like to add to that is through our audit
12 work we could see where there were issues in a school district where it wasn't even consistent from
13 school to school within a school district on how they reported upon things, and you know, that was
14 difficult for us at times to see how they couldn't have the same incident happen at two different
15 places, but it was determined to be something different at one school as opposed to another.

16 CHAIRMAN LONG: Susan.

17 MS. KEYS: Thank you.

18 I wanted to sort of build on the point that Kim was making and also from our
19 earlier panel where we had input about the value and importance of school climate and the
20 perceptions of people that live and work in those environments about that, and you also mentioned
21 in one of your slides that student curves about fights on school grounds could be another type of data
22 that could be used.

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1 And it seems to me that if we really want to have a program where there's the
2 integrity of data, we need to be thinking about how we build sort of a network of data sources, that
3 we don't put all of our tricks in one tool kit, which is incidents, but that we look at how we really
4 define a school environment and we do that in a number of ways.

5 And my question to you is really the feasibility of developing those multiple
6 sources and the feasibility of asking states to develop a report that moves beyond just looking at
7 incidents, but to some of the other factors that we've talked about is important.

8 MR. KESNER: The first thing I think of is what our current legislation asks is for
9 two things, for states to develop a policy and identify persistently dangerous schools and then offer
10 transfer to those students in those schools and to those students who are victims.

11 Ideally it would be and I think a challenge to states, should be how do you want
12 your schools to be perceived both internally, externally; how do we move toward a more supportive
13 learning environment.

14 As we heard from the earlier presentation, there are several surveys. There are
15 ways to connect to that information and to get that information. So in an omnibus sort of way, it
16 certainly would be legislatable, I would think, that states report how that is going on and what is
17 happening within that state.

18 MR. JONES: Just a comment and then a quick question, but a couple of things,
19 two things that I just hear that I think we really need to consider is Seth talking about the glossary.
20 Once terms are actually defined, and then the need for a consistent data core that Mary Ann is
21 making reference to, because without either of those, boy, we're going to miss the boat again. I
22 mean it just ain't going to get it done. Those are just basic, basic steps.

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1 But I'm just wondering. In terms of the children that are victimized and then
2 those children that are actually committing the offense, I'm wondering to what extent data are being
3 collected on those children and then possible interventions.

4 I'm kind of putting on my clinical hat, and then the interventions that are being
5 engaged and what those data are looking like.

6 MR. KESNER: In our monitoring we haven't found a lot of information about
7 those sorts of things. Actually we were pretty tickled when we found out the number of students
8 who had transferred and that they had transferred and offered the transfer to these students, but we
9 have not tracked that number, Russell, to this point. It would be good to know though.

10 MR. JONES: Yes, indeed, it would be.

11 MR. RASA: Maybe if I could get in, actually I'm still thinking about what
12 everybody has been saying, and this idea of a school climate survey and multiple data sources and
13 how are we going to know if a school is having a problem; what data is easily gotten for folks either
14 at the school level, the district level, the state level, and how does it come up to us?

15 I mean that's a big issue, and there's a lot of work involved there. Here's the thing.
16 In our reauthorization ideas that we have in our paper that we submitted to you all, the first one talks
17 about the idea of having all violent incident data being reported that goes to the state code.

18 Now, it would seem to me that each state code would have that all laid out, and
19 we know that they do. Different states have longer lists than others, but if a parent were to know that
20 any violent incident at that school was going to be listed, categorized, and they would be informed
21 about it so that they can make some decisions, I think there's the body of data that we need to get at.

22 You know, after doing five states and doing the work that we've done, we put that

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1 as one of our number one issues that we're putting in front of the department.

2 School climate survey is another group of data, and we do like this idea of
3 multiple data sources. All right? It would seem that the listing of the indicators of school violence,
4 these incidents, is a red flag, and hopefully the principal, the CEO at the school level, is also doing
5 some information to find out what really is going on, which ties you into that school climate survey.

6 But you almost need -- I don't know which comes first, to tell you the truth, and
7 that's why you all are here. All right? We're just the auditors on this, but this idea of having multiple
8 sources of data and sort of confirming each other is a good idea.

9 MR. LEDBETTER: Just a statement. I promised David I would keep this very
10 short. It's not a question so much as it is a statement.

11 I'm in agreement that we need some workable definitions of these terms, but
12 realistically, when we use a term like violent incidents, what constitutes a violent incident, I can only
13 speak from one school's perspective. I won't try to speak nationally.

14 But if we have, with 1,100 students, if we have ten fights during the year, nine of
15 those ten fights are between girls. Every one of them are a result of one of them flirting with the
16 other one's boyfriend somewhere at the mall or someplace on the weekend or one of them calling
17 somebody's girlfriend or boyfriend, and it all starts someplace else, happens someplace else, but it
18 comes to school.

19 Now, does that make a school a dangerous environment? Now, those are the
20 kinds of things that factor into a lot of this, I believe. We've got to be very careful that whatever
21 definitions that we look at, that there needs to be some leeway in it because it may have nothing to
22 do with what happened at the school. That's just the only place where the two of them came into

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1 contact.

2 And all of a sudden, if we're not very careful, we have branded a school with this
3 terminology in the newspaper that kills the school, and I know that probably one out of ten incidents
4 at my school where there is a fight is something that happened at school. The other nine were things
5 that happened somewhere else and they come to school. But nine out of ten of ours are between the
6 girls. They're not between boys. The boys, I don't know if they just don't want to fight over the girls
7 or what --

8 (Laughter.)

9 MR. LEDBETTER: -- but the girls, they're the ones that we have to deal with
10 when it comes to fighting.

11 Now, I know that our situation is probably not typical of some schools, but would
12 that make us become a school with a violent climate? You know, I don't think so, but whatever the
13 definitions are that we look at, I think that there's a lot more to consider than just whether or not
14 there was X number of fights at a school and so forth.

15 So that's all.

16 CHAIRMAN LONG: I would like to, now that he's back, Bill, this is for you
17 because when it has been repeated two or three times, it becomes a Bondism. So I'd like to repeat
18 that Bondism and then tie it back to something that was mentioned here by Rich, and that is -- and
19 I've heard it mentioned a few times -- that we change behavior by the certainty of the consequences.

20 And then this is just a question for you, Rich, because I heard earlier that you said
21 there were some superintendents that would not sign the reports, and that there were some notices
22 that were not sent out.

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1 So I was curious as I put those two together in my mind. What were the
2 consequences associated with no doing that? What were the consequences for those superintendents
3 that didn't sign those? What were the consequences for those schools that didn't send those out?

4 MR. RASA: Okay. The example that I was using actually came out of the New
5 York report that Jerry was going over this morning, and I'm as interested in what the consequences
6 were on that case as you are because there's a good reason that when folks submit data reports that
7 we like this idea of certifying it, certify it that it is accurate, reliable, and complete, and we can use it.

8 In cases where -- and I'll just give you my opinion from what I read -- if a
9 superintendent did not sign a certification, there's probably a good reason for that, and somebody at
10 the district level should really be looking into that to find out what the barrier was there.

11 If there was a weakness in the data system and that was preventing that
12 superintendent from saying, "You can rely on my data. It's accurate, reliable and complete," folks
13 need to know what that weakness is and do something about it.

14 The superintendent should be able to sign a certification and put some caveats
15 into that certification that other than these things or taking into account these weaknesses, I am
16 signing this certification, the idea of not signing -- well, let's put it this way. That's a red flag.
17 Somebody should be looking into it.

18 Certainly the state should be aware of how many times certifications come up to
19 them where data is rolled up from districts and then sent on to us at the federal government because
20 there's this idea of a certification in the information that we get as well, and it's real important that if
21 we start seeing states not signing certifications that I know Deborah would be asking questions and
22 Bill Monduleski and Paul.

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1 But from an auditor point of view, that's a real red flag.

2 CHAIRMAN LONG: And I appreciate that because we can talk all we want, but
3 then if we do not follow the process, and we're here to talk about changes, but if we don't follow that
4 process, there is no reliability and we can't make those changes.

5 MR. RASA: That's right.

6 CHAIRMAN LONG: And I've always wondered this, and you've clarified this
7 for me. I always wondered what auditors did and now you told me you read audits from other states.

8 MR. RASA: We absolutely do, and I've got to tell you in New York, the
9 Comptroller's Office puts out some very good audits. Anybody who read the Rosalyn School
10 District audit on how a superintendent, assistant superintendent stole a lot of money, we sent that out
11 to all our auditors for them to read that audit report.

12 And like I said, I read their most recent one on this subject, and it's an affirmation
13 of what we've found in the five states that we've looked at. So we're glad they did the work.

14 CHAIRMAN LONG: Thank you.

15 Shep.

16 MR. KELLAM: I'm worried about this conversation. I don't think we can get
17 there from here. I think that the problem is not so much to improve the reliability of the data by
18 itself. I think there's some inherent problems as you all have been suggesting with the basic idea of
19 finding out which schools are unsafe.

20 And the problem, I think, is that, as I said several times now and before that, we're
21 not thinking developmentally about the kids who are coming into a high school, where they come
22 from and where does the problem start, which is the basic public health notion. We're acting as if

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1 the problem is where the kids are, and that somehow the reporting about the high school is going to
2 allow us to judge the high school in terms of its environment for my kid.

3 Number one, it's extremely important that we understand that our real purpose is
4 to somehow turn this data into fixing issues and not just, in fact, being pejorative. We've all agreed
5 today. The problem is how to do that, and we can't do it with an isolated system. It has to be
6 somehow tied into monitoring kids' progress in general in the school around the central mission of
7 the school

8 And just as no kid gets left behind has a big emphasis on assessment, this is
9 another parameter, and we're getting closer when we say, okay, multiple sources of data. The next
10 step is integrating these multiple sources of data into a single system which allows strategies to be
11 developed which, in fact, move the school building, and not just the school building.

12 I went to a wonderful city high school in Baltimore as a kid, and I knew damned
13 well that the kids who came there were attracted to 14 tracks literally. I was in A1 or whatever in the
14 hell it was D1 or something, and there were kids in D14. They didn't go to college.

15 If you ask where is the distribution of anguish and fighting, it was across those
16 tracks and involved kids who, in fact, felt like they were failing and they were moving out elsewhere
17 than into college and the mainstream.

18 Now, why am I saying that? Because this process begins early on in first grade.
19 The socialization within a few weeks of first grade will allow you to track kids, and we've shown
20 this and many studies, including our own work in both Chicago and in Baltimore, you could start
21 with fall of first grade teacher ratings as to who's aggressive/disruptive and have a hell of a good fix
22 on (a) the reading achievement over first grade, but the age 40 to 50 drug abuse problems and

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1 criminality and antisocial personality disorder.

2 In other words, there's a development trajectory you have to pay attention to, and I
3 think that it's very important for us (a) not to create information systems in isolation because they
4 end up being pejorative, but rather, they need to be integrated into formative processes of fixing the
5 issue, and unless we develop that kind of information system, it's not going to happen, and the
6 punishments are far worse than the positive consequences, and so you get unreliability.

7 Worse, you don't fix the problem. So this process, this legislation has to be
8 integrated with the whole mission of the school system, and when we talk about a school, we're
9 talking about in high school the consequences of preschool and elementary school where these
10 trajectories really begin to drive kids into different tracks and different modes of behavior, if you
11 will.

12 And it's fixable. The fact is that these early predictors are really much more
13 malleable, as some guys were saying earlier, the last panel, and you guys are nodding yes. I mean,
14 it's fixable early on. It's very unfixable later on. It's a difficult, and in fact, it keeps a lot of us
15 employed and doing prevention research and police work and all kinds of things.

16 I mean, increasingly we're in the business of, in fact, studying and making our
17 livings out of, you know, problem behavior. Well, I think that we ought to recommend that, in fact,
18 we start by training teachers and Schools of Education. I think we ought to start by indicating that
19 the criteria that are important in first grade, kids are not going to be carrying guns to school in first
20 grade. They might by middle school, but the criteria early on are predictive of later.

21 I mean, the same kids are, in fact, pushing and shoving and inattentive early on or
22 are not being socialized properly, are the kids who have the big problems later on. That group, that

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1 population of kids that are consistently antisocial, age appropriately antisocial are the population
2 we're talking about.

3 So I just think we need to be integrative of information systems. We need to think
4 formatively and not summatively, and so on.

5 Anyway, that's my hear aid going on.

6 CHAIRMAN LONG: We have time for one very quick wrap-up question, and
7 then, Catherine, I think you have something. Do you have something to hand out? Okay. Distribute
8 and then the lunch will be held in the training room.

9 Is there one final question? You're on the clock, Russell.

10 MR. JONES: I'm on the clock.

11 You know, I think the bottom line, and I think we're back to where we ended up at
12 the last meeting. You know, to get the job done, you know, the Department of Education by itself
13 can't do it, you know. I mean, schools can't do it. States can't do it. It's all about partnering. You
14 know, it's what we said before. It's partnering, you know, bringing in the fourth multipliers such as
15 psychologists, social workers, et cetera, those organizations to assist in the contextualizing of
16 information and the contextualizing of projects, and then in terms of the data collection.

17 I mean, we do that well. You know, we're trained in that, you know, collecting
18 the data, interpreting the data, making sense of it. You know, again, just back to the role of
19 partnering, and I think the extent to which we do that, I think we're going to move this train much
20 further along the track than where it is now.

21 CHAIRMAN LONG: Thank you.

22 And with that, a very special thank you to Paul and Bernie and Rich. Thank you

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1 again so much for coming and sharing your expertise with us.

2 Let's give them a thank you.

3 (Applause.)

4 CHAIRMAN LONG: It is now 1:05. We will break for lunch. Catherine will
5 distribute that information to you.

6 MS. DAVIS: This is the Department of Education's non-regulatory guidance that
7 Paul referred to for your reference. So you all can go to lunch, and I'll just -- they'll be waiting for
8 you when you get back.

9 CHAIRMAN LONG: And we will start at 1:55.

10 (Whereupon, at 1:08 p.m., the meeting was recessed for lunch, to reconvene at
11 1:55 p.m., the same day.)
12
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1 AFTERNOON SESSION

2 (2:02 p.m.)

3 CHAIRMAN LONG: If we could have our next panel please come up. We'll
4 start with Susan and then we'll go -- the order is important so that the folks who are flipping things
5 on the screen, so that they'll know.

6 So if I may, let me introduce our third panel for the day. First of all, on my left,
7 Susan Martz, currently the Director of the Office of Program Support Service at the New Jersey
8 Department of Education. Since joining the department in 1988, Susan has served in a variety of
9 roles in the areas of grants management, development and special education. Susan holds a Master
10 of Arts in educational psychology from Rutgers Graduate School of Education, and B.S. in
11 psychology from Rutgers University, and holds the following state issued certifications: school
12 administrator, principal supervisor, elementary school teacher, teacher of the handicapped and
13 nursery school teacher, quite a broad range of experience here.

14 Welcome, Susan.

15 And on Susan's left, Mr. Cory Green is the Senior Director for the Division of
16 NCLB Program Coordination at the Texas Education Agency. Mr. Green has been with the Texas
17 Education Agency since 1995. Prior to TEA, his teaching experience includes nine years in high
18 school agriculture science and technology.

19 Mr. Green is a graduate of Tarleton State University where he received his
20 Bachelor of Science degree and Master of Science teaching degrees in agriculture education.

21 Welcome, Cory.

22 And on Cory's left is Meredith. Meredith Rolfe is the Administrator of the Safe

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1 and Healthy Kids Program office of the California Department of Education. Prior experience
2 includes SDSFC Coordinator in a large California school district; also Safe and Drug Free Schools
3 Coordinator for the SAC Meadow County Office of Education, and she has written several state
4 sponsored drug and tobacco use prevention curricula.

5 Welcome, Meredith.

6 Janelle Krueger has been a consultant with Prevention Initiatives, initiatives at the
7 Colorado Department of Education for 16 years. She has served as a program director for the Safe
8 and Drug Free Schools and Communities Program since 1998.

9 She also specializes in police-school partnerships, having been a certified peace
10 office for 15 years. In addition to these duties, Janelle is also the Homeland Security Coordinator for
11 her department which lends an additional perspective to her focus on school safety.

12 And welcome to all four of you. We look forward to hearing from you and all of
13 the things that you can lend to us, for us with your years of experience.

14 And with that we'll start with Susan.

15 MS. MARTZ: Good afternoon, everyone.

16 You probably have copies of the PowerPoint presentation. As you can see, I have
17 a lot to say, but I'll try to make it briefer than what it appears.

18 I do sit before you, and I think this morning was very informative for me, as the
19 representative of the state department that has really, we believe, tried to follow both the statute and
20 the non-regulatory guidance.

21 We're using existing data, which is something that everyone has been discussing
22 this morning. It is reported. It's statewide reported data. We use it for reporting on the UMIRS as

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1 well as Gun Free Schools Act, as well as to our state legislature on a yearly basis.

2 We're also a state that has identified persistently dangerous schools. We've been
3 audited by the Office of the Inspector General, and we are a recipient of the Title IV data grant that
4 you've talked about. So hopefully I won't be saying too much in addition to what I had prepared
5 because of all of the things I heard this morning.

6 Basically I just wanted to give you a brief overview of what we tried to do in our
7 state in the development of our policy. We developed it in cooperation with a representative
8 sampling of our LEAs. That in and of itself was a challenge, and it took us quite a long time to do
9 that.

10 Once we developed the policy, we shared it with our Attorney General's
11 Education and Law Enforcement Working Group, which is active in our state, as well as our NCLB
12 Advisory Council and our Leaders for Educational Excellence, which represents all of our state
13 education organizations, including the state PTA.

14 We had it approved by our state Board of Education. We also believe that our
15 school districts are all compliant with this regulation, and we require our two school administrators
16 to certify their compliance when they comply with their No Child Left Behind funding on a yearly
17 basis.

18 I wanted to begin with the Victims of Violent Criminal Offenses provision. I
19 know we spent a lot of time this morning listening about persistently dangerous schools and the
20 victims piece came in a little bit, but for us it was really important to carefully describe this provision
21 of the statute.

22 We worked with our Attorney General's Office, the Division of Criminal Justice

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1 to come up with the definitions of the criminal offenses, and we tried to make them clear for all of
2 our school administrators so that they would be better able to identify if a student was a victim of a
3 violent criminal offense.

4 I believe all of you have a copy of our policy in your packets. I think you do.
5 And, again, I just gave that to you so that you would have a sense of what we were trying to work
6 on.

7 On page 8 it starts with all of our definitions. We go through homicide, assault,
8 sexual assault, and we try to really help our districts understand what they were supposed to do.

9 Additionally, this section applies to completed offenses as well as threats and
10 attempts, and we made that determination, again, based upon the discussion with our Criminal
11 Justice Division.

12 Other than that, you can see our definition of the criteria for victims on pages 6
13 and 7. A referral had to be made to law enforcement and also there are several other criteria there
14 that you can see were carefully defined.

15 Districts that are receiving NCLB funds have to provide these victims, if they are
16 victims while on school grounds, they have to provide them with the option to transfer within ten
17 days and complete the transfer within 30 days.

18 And the one thing that I just wanted to also let you know is I think you have in
19 your packet some forms that we use for our electronic violence and vandalism data collection
20 system. There are four forms there.

21 As part of our implementation of unsafe school choice, we've included on our
22 victims page an area where we collect whether or not a student was a victim of a violent criminal

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1 offense.

2 I know I'm talking quickly, but our districts have to report all incidents, and then
3 there's an offender page. They have to describe the offender. There is a victims page where they
4 have to describe the victim, and on that page they have to indicate whether or not the student was a
5 victim of a violent criminal offense. If so, if the transfer option was given because there is a transfer
6 option, and if so, whether or not the parent accepted the option.

7 Our persistently dangerous schools provision is on pages 2 through 5 of our
8 policy, and our staff in our school districts in New Jersey by regulation are required to report
9 offenses, and the districts are required to report incidents.

10 Our chief school administrators are required on an annual basis to verify the data
11 that they report in the system, and it is a signed verification form that they have to send back to us.

12 Additionally, we provide them with guidance on a yearly basis and training, and I
13 also, I think, included in your packets -- there's information that you'll see. There are definitions of
14 different offenses, as well as -- and I'm looking at Catherine because I assume they're in the packets -
15 - and there's also scenarios that we developed, and they're kind of descriptions of things that they
16 might see, and there are considerations for them to make a decision as to whether it might be a fight
17 or a simple assault.

18 These are all things that we developed to try to help with consistency across our
19 districts and across the schools within our districts because we recognize that the whole data
20 collection system is a very difficult one.

21 As I said before, we're getting one of the Title IV data grants, and we're using
22 money that we're getting through that data grant to help improve the system, both the reporting

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1 component of it so that people can more easily access their information, but also we're developing a
2 video tape that will be given out to all of the schools to help them so that they can use it for training
3 within their schools so that people know how to appropriately categorize or classify the incidents.

4 Our criteria is a little complex. I'm not going to go into it in detail, but with our
5 schools, if they have seven or more Category A offenses, and there's a list of those offenses on the
6 next slide, or a score of one or greater on an index of Category B offenses, they are considered
7 dangerous. The persistent definition comes in if they meet that criteria for three years in a row.

8 And if you look at the Category A offenses, we have statute in our state as well as
9 regulation that requires that kids be removed if they commit one of these offenses. So it was
10 determined by our group of local folks that helped us to develop the criteria that those should
11 absolutely be ones that we count.

12 And we did a statistical analysis to come up with which -- how to set the numbers,
13 and I'm not going to go into a lot of detail on that, but you can see that a lot of consideration was
14 given as to how we were going to define these.

15 And then our Category B offenses, again through a statistical analysis, we
16 determined that these really were affected by school size more, and so we applied a formula to these
17 in order to control for school size to make it a more normative curve as we define the index.

18 But as you can see, the offenses that we're talking about, there are quite a number
19 of them here. We're talking about firearms offenses, aggravated assault, assault with a weapon, gang
20 fights, robbery. I know harassment and bullying was an issue that everyone talked about this
21 morning, and that is included in one of the offenses that we count when we determine whether or not
22 a school is persistently dangerous.

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1 The parental notification, again, is one where the schools must offer within 15
2 calendar days of the notice and they also have to be compliant by submitting documentation to our
3 regional offices for them to check that the schools have offered the transfers and completed the
4 transfer options. And we have folks that are looking at that again on a yearly basis.

5 And as is required by the statute, the transfers have to occur before the beginning
6 of the school year.

7 The other thing that we're requiring are corrective action plans from all of our
8 schools. So if they are determined to be persistently dangerous, they have to submit a corrective
9 action plan to us.

10 We also meet with the schools in order to review what the requirements. We give
11 them what we call a press kit, how to go about notifying the public as to what has happened, the
12 requirements, the notification to parents, what should be included in the letter, and we work with
13 them a lot on preparing them to be able to address their community in regard to what they're seeing
14 and why they were designated as persistently dangerous and what they are going to do about it.

15 It has really proved to be very successful in the sense that the schools or the
16 principals have met with the community and the parents, and in talking through the actions that they
17 believe they're going to take in the next school year in order to address the incidents, we've had very
18 few transfers or parents wanting a transfer option.

19 We are also one of the states that has identified early warning schools, and for us
20 early warning schools are those schools that meet the persistently dangerous school criteria, and they
21 meet it for two years.

22 So they haven't met it for three years, yet they've met it for two. We meet with

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1 them. They also have to do corrective action plans in order to address the issues.

2 The other thing that we've done is for any of our schools that were identified as
3 early warning schools or persistently dangerous schools we're trying to provide them with some
4 additional technical assistance. We created a technical assistance project at one of our institutions of
5 higher education. It provides technical assistance to all schools in regard to their Title IV
6 applications and how to go about setting outcomes and selecting programs, but it also provides
7 specific on-site technical assistance to any persistently dangerous schools or early warning schools
8 to help them use their data to assess their problems and to develop a corrective action plan.

9 And these are our numbers. As you heard this morning, the numbers have gone
10 down. You know, there are obviously two things that we're looking at here. One is are the numbers
11 declining because people aren't reporting because they don't want to be identified or are the numbers
12 declining because people are implementing better programs and really addressing the needs in their
13 district?

14 Related but not required by the unsafe school choice options, we also do a report
15 to our legislature on a yearly basis regarding number of incidents, and we've identified about 19
16 different schools that we feel have had dramatic declines in their incidents.

17 And we have developed a protocol to go on site now to review what they've done
18 to determine whether these declines are because they're not reporting their data they should be
19 reporting it or whether they're due to best practices.

20 And we really did take that approach because we just weren't going to assume up
21 front that the declines were because they weren't reporting. So we'll be doing that as this year goes
22 on.

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1 As I said before, we also were audited, and I'll sort of give you the other side of
2 the audit. We weren't one of those nice states. We weren't very nice to the auditors. We were nice
3 while they were out there. We gave them everything they asked for.

4 And as you can see from the dates here, it took about a year. Actually we were in
5 communication almost every week because there was always something that they needed or wanted
6 or that they were going to look at.

7 And I think the one thing for us, they did visit, I think, three or four schools in our
8 state. We have 650. It was difficult to accept the audit when it came in because we felt there were a
9 lot of things that we did right that weren't addressed. And it's probably not the auditor's job, but we
10 would have felt better if they at least had acknowledged the fact that we followed the policy and we
11 followed the law. We wrote the policy the way we were supposed to. We were, you know, being
12 pretty comprehensive, but they did have some issues, and some of the issues they had we agreed
13 with. The consistency of the data certainly is one of the issues that, as you've heard today, everyone
14 is really taking a look at.

15 Just to give you an idea of how it worked for us and how there were positive and
16 negative impacts on that audit, it was very time consuming, and I'm sure it was time consuming for
17 them, too, but we were told up front. We were one of the states that had some schools that had
18 appealed the persistently dangerous schools designation, and we had awarded appeals to a number of
19 our schools, and the review that we did was based upon the incidence that resulted in them being
20 categorized as persistently dangerous, and the auditors felt that we really needed to go out to those
21 schools and review all incidents before we could grant an appeal.

22 You know, in hindsight, okay, that might have been a good idea, but we didn't do

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1 it, but we rectified the situation because that was the only year we were going to offer the appeal.
2 From that point on, we had already set in place that schools would have to verify their data before
3 we would even use the data in order to calculate or determine persistently dangerous schools.

4 So that became a moot point because we were not doing it anymore. So our
5 schools now can appeal the persistently dangerous school designation because of their data. They
6 submitted it, they verified it; we're considering them to be the accurate numbers.

7 There were some other issues regarding our definitions, and when the audit report
8 went to the Office of Safe and Drug Free Schools, that office didn't uphold some of those. In other
9 words, they supported the state in that we had to set our own definitions, and as long as we were
10 being consistent with those, that was appropriate.

11 We did include in our definitions, especially for things like simple assault,
12 consideration of a child's age or developmental age, the chronological or developmental, because we
13 did have schools, you know, with kindergarten children who were reporting assault on staff
14 members if a child was having a tantrum and then hit the teacher while the child was having a
15 tantrum.

16 And according to our definition, that's not a simple assault. So we had to take that
17 into consideration.

18 But ultimately, we're working with the Office of Safe and Drug Free Schools now
19 as a result of the audit to do 90-day updates on how we are progressing in order to meet the
20 requirement.

21 And then the other issue that we have, and I'll speak more about this a little later,
22 has to do with special services schools, and in our policy we don't designate them as persistently

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1 dangerous schools even if they have high incidence because they have special education. All special
2 education students are sent there for a reason, and I'll go into that a little bit more, but that's another
3 area that we're currently working with the department on.

4 So we've done a lot of work in the area. We thought we were doing a pretty good
5 job and we know that there's a lot more to do, but I did want to start out by saying that we do believe
6 in our state that there has been some positive impact. You've heard it today. It certainly did raise the
7 awareness of the importance of school safety and elevated its status in our state, anyway, by virtue of
8 the fact that we had to write a policy on it.

9 It also focused the attention of districts on the need to really analyze their data.
10 They've been reporting this data to us for a long time. We've been trying to get them to really pay
11 attention to their data, and this forced the issue.

12 It has motivated schools to implement programs to address specific problems, and
13 it has fostered a communication with the community, both at the state level, because we convened
14 our advisory panel to help us develop the policy, but also at the local level, as I told you before, with
15 parents having to talk more with their principals about what was going to happen in their schools.

16 How much of this was an impact of the actual federal law and how much of it was
17 an impact of what we were doing in our state anyway, it's hard to really tease that out. We do have
18 regulations regarding reporting. We have a statute and regulation regarding if someone knowingly
19 falsifies the record. We have a regulation that districts must take action.

20 We do have also harassment, intimidation bullying policy requirement in our
21 state. The school districts have to annually report to the public on their incidents of violence and
22 vandalism once a year in our state, and we do have a security initiative now in our state where there

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1 have been on-site visits in our schools.

2 So we have a lot going on. So it's really hard to know which had more impact.

3 As you can see just from some of my sidebar comments that we have felt
4 challenged trying to implement this. The database itself, identifying persistently dangerous schools
5 out of 2,500 schools, providing training and follow-up on those that are considered to be persistently
6 dangerous has all put a strain on our department, although we're trying to do it the best that we can.

7 The districts really have been challenged, especially if they have to notify parents
8 of the designation and they don't have an option for transfer. That certainly has proved to be a
9 challenge for them.

10 Also, the requirement to transfer students to schools that are at or near capacity
11 has just created situations where those classrooms get larger, and it's very difficult for the schools to
12 deal with that, as well as trailers. Sometimes they're the option. So, you know, who's to say that the
13 trailer is more safe than the school that the child was moved from?

14 Very short turn-around for us in our state because we're trying to use current year
15 data between the time we identify the schools and the time the schools have to give notice and the
16 time that they have to transfer. It's like a matter of a month. So it's very difficult for us in that
17 regard.

18 And also for the LEAs, it's really a challenge for them to implement this without
19 additional resources.

20 Now, I know I'm like really short on time, although my friend on my left told me I
21 could take a little bit of his if I had to. I do have in the packet also, you can see some of our
22 concerns regarding transfers, regarding the relationship -- and I want to emphasize this -- between

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1 the SEA and the LEAs that we've identified.

2 Rather than us now providing them with technical assistance and training, there is
3 a bit of an animosity there and a lack of trust because we now have identified them as persistently
4 dangerous schools, and it's in the press, and it doesn't make for the best situation.

5 Also, there's a tension between the parents and the schools, as I said before. If
6 they don't have a transfer option, that is very difficult.

7 There is a lack of correlation in our state between the schools that we're
8 identifying and how the communities view those schools. We have to work on that. We may have
9 to change our criteria because we're not sure that we're really identifying the right schools at this
10 point.

11 High incidence occurring in a school based upon the behavior of one or two
12 students is also an issue that we're trying to deal with. Sometimes you have repeat offenders, and so
13 the numbers go up in that school and it's one child, and that really is not a very good way to be
14 identifying schools.

15 Also, the lack of credibility in our state about the law itself because there are so
16 few states identifying persistently dangerous schools. So there really is a question about the law
17 itself.

18 Now, to just quickly go over some of the recommendations, of course the first,
19 and I think you probably would have expected this, is to repeal it. Just repeal it the way it's written.
20 It's not working for us.

21 But really, we understand that or we feel that the labeling without support is a true
22 problem for us, and I know that there are other states besides New Jersey that are doing a lot of

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1 things in this area, and they don't really need a federal regulation to tell them to do it.

2 The inconsistencies and variability across the states, of course, also doesn't allow
3 for a meaningful analysis at the federal level as to whether or not it's working.

4 And if repealing it is not an option, then recommendations if retained. Our state is
5 looking for uniform criteria. I know some states are not.

6 A clear definition of what a persistently dangerous school is, as well as some
7 dedicated funding. We truly believe, and especially at the LEA level, if they can get some funding
8 for corrective actions, for providing transfers, transportation to transferred students, for placing
9 perpetrators in alternative programs, that would be very helpful

10 Additionally, we are emphasizing the importance of focusing on the victims of the
11 violent criminal offenses. We believe that that really affects far more students and would rather see
12 our time spent there than spent on running data and identifying schools as persistently dangerous.

13 Also, we believe that there is a true benefit to intervening with the victims of
14 violent criminal offense. I mean that they really -- although they don't get the headlines, that is the
15 section of the provision that really we should be concentrating on.

16 Okay. Extending the time lines would be helpful. If we are to use current year
17 data, that we really need to some flexibility there.

18 The exemption of special education, as I stated before we think is very important
19 because many of these schools are including very aggressive, violent kids, and they're put there
20 because the LEAs can't work with them, and we either have to figure out a way to come up with
21 different criteria or not identify them as persistently dangerous.

22 Plus, if the students are put there based upon their IEP, you can't just transfer them

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1 somewhere else. There would have to be an IEP meeting and another place would have to be
2 selected.

3 So although we're working on that right now with the Office of Safe and Drug
4 Free Schools, we wanted to just put that out on the table.

5 The other thing is we've used corrective action plans with our schools. We
6 believe that that might be a way for us to address some of the issues, that if there's some flexibility
7 instead of a transfer, we can require corrective action plans that are approved by the state. That
8 could help to address some of the issues regarding either that there is no option or that the only
9 option would affect desegregation order or might affect health, fire, and safety codes. So we think
10 that that might be a way to go.

11 Okay. So in conclusion, we do believe that, as everyone said, that the law was
12 admirable in what it was trying to do, but we don't really feel that it's reaching it, and we believe that
13 promoting transfers rather than concentrating on making the school safer is really not a way to go.

14 We also don't believe that it's necessary to have that negative label on a school in
15 order to get them to change, and we believe that the overall impact has been counterproductive.

16 So if repeal is not in the plans, then we'd like for you to give serious consideration
17 to some of the things that I suggested today in order to make changes to the law.

18 Thank you for your time.

19 CHAIRMAN LONG: Thank you very much, Susan.

20 Next we could hear from the State of Texas, Cory.

21 MR. GREEN: Thank you.

22 This afternoon you're going to hear four different perspectives from state agencies

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1 about how the unsafe school choice law is implemented within their state, and I would like to put out
2 there that there is no wrong way it is being implemented necessarily. There are differences in the
3 implementation due to various factors that go on within those states.

4 In the State of Texas, just to give you a little bit of background, we have over
5 1,200 independent school districts and charter school districts. We have almost 8,000 different
6 school campuses, and 4.5 million students.

7 So our implementation of the law is slightly different than what you just heard
8 from the State of New Jersey.

9 Also, let me first tell you in your handouts you have a brief three-page description
10 of the implementation of our state. I am not accustomed to speaking from notes, and so I will tell
11 you up front that I will deviate from what is written, but it will at least provide you a generic guide to
12 the implementation for later reference.

13 The issue of labeling in the title of unsafe school choice and persistently
14 dangerous schools, Texas took that on from the very beginning. We implement unsafe school
15 choice option as the school safety choice option simply because of the little bit more positive nature
16 of the title.

17 We do, however, still identify persistently dangerous schools as it is written in
18 statute, but any time we are talking about the implementation of this statute, we refer to it as school
19 safety choice option within our state.

20 We annually provide a notification to school districts in the month of July to
21 notify them if they have any campuses within their district who have been identified as persistently
22 dangerous schools and to remind all districts of the requirement that the victims of violent criminal

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1 offenses must also receive the school choice transfer option.

2 We post guidance documents on our Web site, along with the letter of
3 notification, and we provide specific guidance documents and forms for data collection to any school
4 district and campus who has had a persistently dangerous identified.

5 Staff in our division then follow up with those schools who have been identified
6 as persistently dangerous, reviewing their corrective action plans and maintaining regular telephone
7 contact with those campuses as they implement that plan throughout the year.

8 You can see from the handout the state has also identified what would be
9 considered a victim of a violent criminal offense, having multiple types of offenses that qualify. The
10 victim of a violent criminal offense actually is, as New Jersey said, a piece of the legislation that we
11 strive to focus on, a little bit more than the persistently dangerous school termination. And as we've
12 started collecting data over the last school year and validating that data to see how many students are
13 actually being offered the chance to transfer, those numbers are reporting that we have had in
14 preliminary data more numbers of students transferring because of the victims of violent criminal
15 offenses than for the persistently dangerous school option.

16 Now, granted we have very small numbers of persistently dangerous schools.

17 Our definition of a persistently dangerous school is based on three years of data,
18 and it's basically set up that the campus has to have three or more mandatory expulsions per 1,000
19 students.

20 Now, in Texas we have a statute that requires mandatory expulsions for a list of
21 different types of incidents. So we have 13 types of incidents that require mandatory expulsion in
22 three incidents per 1,000 students in three consecutive years identifies the schools as persistently

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1 dangerous. You'll see from the handout that those incidents include use, exhibition or possession of a
2 firearm, a club, a weapon, incidence of arson, on down the list, including aggravated assault of a
3 student or school employee, sexual assault or aggravated sexual assault, and we also include felony
4 controlled substance and felony alcohol violations.

5 This is one issue that some of our school districts have concern with in our
6 definition of persistently dangerous school in that it appears we are one of the fewer number of states
7 who do actually include alcohol and drug offenses in the definition.

8 We at the state level do believe that they are consistent with indicators of school
9 violence, and so we have chosen to include those types of offenses in our definition.

10 Our definitions for victim of violent criminal offense and for persistently
11 dangerous school are going to be reviewed starting in a meeting next month where we're bringing in
12 our original committee who met with us to determine the definition, as well as additional people
13 from schools who have been identified as persistently dangerous and from schools who were
14 preliminarily identified through the data validation process, were removed from the list because of
15 data reporting errors.

16 So as we go into the next identification for the 2007-2008 school year, we're
17 going to be revisiting the definition to see do we need to make any changes to the persistently
18 dangerous school definition.

19 Texas did not identify persistently dangerous schools in the first two years, and in
20 implementation in '05-'06, we had two schools identified, and we currently have four schools
21 identified as persistently dangerous in the current school year.

22 All of the campuses are secondary school campuses. We have one ninth grade

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1 center who has been identified for the second consecutive year.

2 As we look at the number in our case increasing, even though they're still small
3 numbers, we have provided statewide a lot of training to districts, a lot of training on reporting
4 incidents correctly, a lot of training on coding those incidents correctly so that they're reported to the
5 state correctly.

6 As we have increased the training, the numbers of incidences has also increased,
7 and we feel like districts are actually making a very valid, strong attempt to correctly report and code
8 all incidents that are reported to the state.

9 We also have additional efforts going on within our state for school safety, and
10 I've highlighted a couple of items in the handout for you, but in the state we also have a statute that
11 requires the district to provide a school transfer option to any victim of a sexual assault or
12 aggravated sexual assault if the perpetrator also attends that campus.

13 If they cannot provide a transfer within the district, the state statute on this issue
14 requires the transfer outside the district. If the victim does not wish to transfer from the school, the
15 district is then required to transfer the perpetrator.

16 Within the unsafe school choice options, the state also strongly recommends
17 additional flexibility for students related to the school choice transfers. Any time the district does
18 not have another grade appropriate public school campus within the district, the state strongly
19 encourages districts to work across district lines to find an appropriate grade level campus within a
20 neighboring school district who will accept the transfer.

21 School districts are also advised to explore state and federal funding resources and
22 encouraged to provide transportation for the transfer, and any time a victim of a violent criminal

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1 offense requests a transfer the state also encourages the district to have a local policy to allow any
2 siblings to transfer away from the campus as well if it's deemed in the best interest of the child for a
3 safe school environment for that child.

4 As we begin data collection over the '05-'06 school year, we had in preliminary
5 data 87 school districts report having students who were victims of violent criminal acts. Ninety-
6 eight students transferred because of those violent criminal offenses. Sixty-seven campuses were
7 transferred to within the school district, and we had three districts who were able to arrange out of
8 district transfers for those victims of violent crimes.

9 As we talked about persistently dangerous schools, I feel I have to talk about
10 some of the concerns that school districts have with this legislation and the implementation of this
11 legislation. Because of several programs and policies that are already in the state for school safety.

12 Many districts feel that if they are really active in preventing school safety
13 incidents that they're more likely to be identified as persistently dangerous schools. Because of our
14 mandatory placement program and disciplinary alternative education programs to remove the
15 students from the school campus, many schools feel like they're basically being hit twice for having
16 an offense. They're already following state law to remove that student from the campus with the
17 mandatory placement, but then by doing that, having that offense, they're also likely to come up on a
18 persistently dangerous school list.

19 Implementation of zero tolerance programs are often considered to be more likely
20 to identify the student or to identify a campus as being persistently dangerous, and then there's other
21 community programs, such as one example where the community law enforcement upgrades non-
22 felony offenses on school groups to felonies, and in that instance, that campus in that district or in

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1 that community is more likely to be identified as a persistently dangerous school.

2 Many of our districts have very strong prevention programs in place for both drug
3 prevention and for school violence, and while no one will argue with the intent of the unsafe school
4 choice option, the implementation of it is an issue.

5 Being an unfunded mandate, schools that are identified as persistently dangerous
6 and required by the state to have the corrective action plan in place and to implement that corrective
7 action plan, many of these schools spend thousands of dollars, 40 and \$50,000, to implement plans
8 and to make changes.

9 Now, they don't argue that the changes are not good, but to be required to do
10 something with no funding to do it, it puts a burden on the district, and at some point you have to
11 start looking at where the resources are coming from.

12 I'm keeping my remarks very brief today because my panelists have additional
13 slides and information that I think is very important for you as a committee to see, but I want to close
14 with telling you that when a school is identified as persistently dangerous, it's not just school
15 personnel who will argue that there's not a danger problem on that campus. My office this year
16 received phone calls, E-mails, and letters from teachers, staff, community members, and parents
17 arguing with us very strongly that their schools are not persistently dangerous environments.

18 The one thing that we feel might help, we need state level flexibility because we
19 are a local control state. We need the flexibility within the implementation of the statute, but we
20 need stronger guidance from the department to outline what type of definition is preferred, if there is
21 any mandatory requirements to be added to a definition. I would encourage you to look at ways that
22 you can still allow states to be flexible in using existing data systems. Allow states to have the

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1 flexibility to implement statute that will work within their states for their districts.

2 Thank you.

3 CHAIRMAN LONG: Thank you very much, Cory.

4 And now, Meredith, if we could hear from the State of California.

5 MS. ROLFE: I'm Meredith Rolfe with the California Department of Education,
6 Safe and Healthy Kids Program Office.

7 The content area, to give you an overview, the content area in my office is the
8 umbrella, the strand that runs through everything; the content area is youth development, positive
9 youth development. But I have mental health services. So everybody in my office is mentally
10 healthy. We have tobacco use prevention education, one drug that we get a pot of money for
11 because of an initiative that came through in California.

12 We have drug use prevention content, drug use intervention, and in fact, the
13 intervention of all behaviors of concern in my content area. Violence prevention, and safety schools,
14 and I'm giving you that picture so that you can get a feel for what the other people in the other states
15 in my position have, in general, I think.

16 I do have a large staff. I have 25 people on my staff. We're lucky. I use multiple
17 funding sources, put them together, and you'll see a little bit more about how we do some of the
18 things in our state.

19 But so that you can get a feel for the education world structure in California, we
20 have 11 superintendents' regions. Each of those regions has several counties within.

21 We have 58 counties in California, and each of those counties has a County
22 Office of Education. I use my multiple funding strands to fund at least -- you know, the funding that

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1 goes to the county office is based on ADA so that it depends on the size of the county, but I have at
2 least one person in each county funded really to coordinate the whole process for all of their LEAs.

3 We have 6.3 million kids in California. We have over 9,000 schools, and at this
4 moment, it's somewhere between 1,300 and 1,400 LEAs, and that includes the charter schools. So
5 you can imagine. Twenty-five sounds like a good size staff if you're Janelle probably, but you
6 know, 25 people, and nine of those people are consultants. That's an internal job title for state
7 workers, but those are the people that deal with the content areas. So there's a lot to cover.

8 I'm going to focus on persistently dangerous schools. My office assembled a
9 group of people, our persistently dangerous schools advisory committee in March of '02, shortly
10 after the No Child Left Behind bill passed. The people on that panel, committee represent 20
11 randomly chosen school districts. We have very large, very small, and right in the middle size
12 school districts represented. We have urban, rural, and suburban represented on that.

13 Over half of the people on the panel were parents of kids in public schools, and it
14 was a very ethnically diverse panel.

15 It also included legislative staff, the governor's staff, people from the Office of the
16 Attorney General, and from several of CDEs' state offices.

17 The process was very open. We did a lot of brainstorming. We took a lot of far
18 and out-of-the-box ideas. Everything was considered.

19 The goal of the group was to develop policy to define persistently dangerous and
20 to identify implementation issues.

21 Over the first time, the first three days that the panel met back in March of '02,
22 March and April, we spent a total of 24 hours together hashing over definitions, philosophy,

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1 everything that you can imagine that pertained to persistently dangerous schools, and the option, but
2 we came up as a group with some, we think, good ideas.

3 The committee believed that the process must improve safety at the highest risk
4 school sites, not simply identify schools and give a list of names of schools or even a number of
5 schools. The whole point of this has to be to make the schools safer.

6 We decided we had to use objective data, and that we had to use existing data
7 because data collection is very expensive.

8 The committee also decided that persistent meant over a period of time had to be
9 more than one year.

10 The implementation issues were basically the data collection process, and we
11 came up with the UMIRS data collection, and it was going to be reported back to the state on our
12 statewide consolidated application.

13 The advisory committee came up with a definition, recommended it to our state
14 school board, and the state school board adopted that. It uses existing expulsion data for the most
15 serious offenses. We the -- I believe it's from the FBI list as the most serious offenses, and then two
16 years later, we reconvened and added non-student gun violations. So that meant somebody coming
17 on campus who was not a student of that school and who couldn't get expelled if they were caught,
18 hopefully, that would count with the same balance of the same value as an expulsion. So we had ten
19 items.

20 To be considered persistently dangerous, a school must have high rates for three
21 consecutive years, and we thought that was very important. With our process, the first year schools
22 are called at risk, and then they have a three-year period to pull it all together, to solve the problems.

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1 We give them a -- originally we developed this what we thought was really dynamite packet that
2 would go out to the persistently dangerous schools, and then after a while we figured out, you know,
3 let's just give that out to everybody.

4 So we put it on line, and it's very -- I think it's very helpful. We have documents,
5 booklets that have been developed by CDE and by some of our other state agency partners on things
6 like hate crime, classroom management, truancy, all kinds of topics.

7 As I said, we reconvened in '04, and we've had three years of data now, the '03-04,
8 '04-'05, and '05-'06 years. Twenty-four sites have been on an at risk list now, and almost all of those
9 cleaned up their act after one year. So we still think that we're doing the right thing.

10 The offenses are causing serious injury, robbery and extortion, assault and battery
11 against a district employee, sexual assault or battery, firearm violation, selling a controlled
12 substance, possession of an explosive, brandishing a knife, and hate violence. All of those are
13 expulsion concepts or triggers.

14 And then, again, in '04 we added non-student firearm violation.

15 The '05-'06 year was the first year we collected the data on non-student firearm
16 violation, you know, bringing a gun, non-student firearm violation, and that year we only had 19 that
17 were reported, and we believe that's way under reporting, and we think it's because it was the first
18 year. We're hoping that it was because it was the first year of collecting that data, and they weren't
19 ready, prepared to report it.

20 No school so far has been considered persistently dangerous, and we believe that's
21 because we give them -- our idea is to make the schools safe, not to catch them. And so we give
22 them the three years. That's why we think -- and we think we have really good advice or packet for

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1 them.

2 Lessons learned. Hard data isn't hard. Schools with high rates can be safe, and
3 that can be because the principle really clamped down, you know, in a year, and there were a lot of
4 expulsions.

5 It might be a new principal comes on board or it might be that they were at risk
6 the year before or they were getting pretty close to that, that risk trigger, and so there were a lot of
7 expulsions. That doesn't necessarily mean that it's an unsafe school.

8 Schools with low rates can be dangerous, and that might be because the
9 administrator is ignoring the problem or because there's under reporting. Under reporting can be
10 because it's on purpose or it can be because it's not on purpose, because there were mistakes made.

11 Schools with low rates may be fear. There may be a perception of being unsafe.
12 If a school has lock-down a lot, if they have a police presence on campus all the time, people can
13 feel unsafe.

14 And identifying sites based on incident data lone, in other words, hard data alone,
15 is unfair. You won't come up with a true unsafeness.

16 Okay. Lessons learned. Some people feel that it's not statistics, but the absence
17 of a good safe school plan or program that indicates high risk. A good site safety program includes
18 hard data and a site safety program would include data collection and analysis, science based
19 prevention, and that's based on the analysis of your data collection, NIMS compliant crisis response
20 programs. NIMS is National Incident Management System. Ongoing training, and planning to keep
21 the plan alive.

22 In California, we have a safe school plan that's mandatory of all school sites. The

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1 safe school plan has to be renewed every year. It has to be redone every single year.

2 We feel that it's very important for a student assistance program to be at every
3 single site. It's an SAP. That way you're giving help to the kids who are causing the problems, who
4 are making the school unsafe. You're not just saying they're a problem. You're saying, "Let me help
5 you with that behavior of concern."

6 We believe that these kids need intervention and they are students with behaviors
7 of concern, that we need to be concerned about them.

8 Labeling persistently dangerous is so emotionally loaded that it defeats the
9 program's purpose. You've heard enough about that. I won't say anything more.

10 And administrators must also focus on having a positive school climate and
11 having positive youth development activities ongoing. The school climate is ultimately responsible
12 for whether it's a safe school or not.

13 I ran across something a couple of days ago that I just wanted -- talking about the
14 title "persistently dangerous" -- it's the social cognition theory of behavior change, and the bottom
15 line is that the benefits must outweigh the barriers. I think that's a very important thing to remember.

16 Some behavior of concern might be bullying, might be alcohol and drug use. We
17 definitely believe that there's a connection between alcohol and drug use and school safety. It might
18 be the student who's at risk of committing suicide.

19 How do you improve the highest risk school sites? They need resources for
20 improvement. That's a must, or schools will avoid the label rather than dealing with the problem.

21 A high priority site would need intervention and prevention, both. We played
22 around with some numbers to see what that would cost, and in California full-time law enforcement

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1 officer is about \$120,000 a year. A half time prevention-intervention coordinator for a high risk site
2 itself would be may be another \$60,000. That's a lot of money.

3 Alternatives for identifying school sites. There are many possible ways to
4 identify the sites, but no process will result in a positive outcome unless LEAs are convinced that the
5 process will benefit them and their students. Any process must be initiated with a campaign to
6 assure the support of the LEA administrator.

7 So we thought about, okay, how can you get the top-down buy-in that you need,
8 and so we came up with this campaign. The state superintendent, my boss or their bosses, should
9 emphasize the importance in a public campaign. oftentimes we don't have access to those people,
10 but they need to be involved in influencing the top people in the schools.

11 Each LEA administrator should be able to know their students' perception in that
12 LEA, the perception of safety. In California we have the California Healthy Kids Survey, which is a
13 student survey. It asks questions on all kinds of health behaviors. There are 25 questions on student
14 safety, and we also have a staff survey. When you look at those two pieces together, you get a really
15 good feel. A superintendent or principal can get a really good feel for their site or their district's,
16 students' and teacher's perception of the safety of the school. I think that's very important.

17 You could have workshops on the connection between perceptions of safety and
18 academic achievement. You all must know that there's a lot of research out there showing that
19 connection now.

20 Once you have the top-down buy-in, there's a number of alternatives for
21 implementing the program, and here are some possibilities. We cam up with three.

22 Number one, require each LEA to nominate one site or two percent of their sites,

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1 whichever number was higher, and these would not be called persistently dangerous. They'd be
2 called highest priority school safety sites.

3 The nominated sites with the lowest student perception of safety at school would
4 receive a grant to improve the school safety.

5 Let's take a look at what this concept would look like in California, for example.
6 We have over 9,000 schools. Two percent of that would be 180 sites in California. If we only
7 funded 15 percent of those sites, that would be 27 high priority schools. You know, that could be
8 funded.

9 Nomination could be based on hard data plus local knowledge. So some of the
10 hard data things that could be considered would be suspension/expulsion, anonymous survey data,
11 absence of a good safety plan, local crime data, other local knowledge, such as an administrator's
12 knowledge of the school site conditions and of the school principal's expulsion philosophy, so to
13 speak.

14 Some of the California questions asked how safe do you feel when you're at
15 school. In the past 12 months, how many times have you been afraid of being beaten up? In the past
16 12 months, how many times have you been threatened or injured with a weapon?

17 And, by the way, only ten percent of California's students felt unsafe or very
18 unsafe, a combination of those two things.

19 Alternative 2, use local hard data plus local knowledge of the schools to interpret
20 the data. In California, that would be -- oops, identify one percent of the sites using that data. In
21 California, that would be 90 schools.

22 Have a grant application, and that 90 sites or that one percent would be qualified.

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1 It would be the only ones qualified for the grant. We could call them highly qualified schools.

2 Again, LEAs will only cooperative if there are incentives. So funds are crucial.
3 You've got to make the places safer, not just identify them.

4 The grant process would ask for local interpretation of state and local data. For
5 example, is the data just a symptom of a crack-down? Is it reflective of the real problem? Maybe
6 there's another site at the district, within the district that's really more dangerous than the one that has
7 the high numbers. You know, local people know the answer to those questions. Use that local
8 knowledge.

9 Alternative 3, simply use an anonymous survey seeking student perception of
10 safety. It's not subject to as much reporting bias as incident data is, but then perceptions don't already
11 reflect reality. So use a combination with other information.

12 There should be a standard survey, and Janelle and I don't agree on this one, but
13 there should be a standard survey nationwide. So even if it's just a few questions that are asked, if
14 you had this, you could use the data at the statewide level to identify one or two percent of the
15 school sites, and then that could be followed by a grant application or the state could just pick a
16 number and say, "We're going to fund the 30 in California." We'd probably pick something like 30,
17 20 to 30, worst scores or lowest score, and require them to take the money and require them to fix
18 their problems.

19 Okay. Recommendations. Number one, reauthorization should mandate
20 identification of high priority schools, not persistently dangerous schools, and should provide funds.

21 Number two, there should be no identification of school sites unless they're given
22 funds or some other positive incentive, and I'm not sure what that would be.

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1 Title IV funding must be retained or there's no point in talking about improving
2 school safety.

3 Title IV funds all schools, all LEAs. All LEAs need funding for having their
4 schools be safe and for being drug free. But we also need targeted, high priority funding. We need
5 funding focused on school safety, but we also need enough funds for drug prevention. It's very
6 important. Often students' use of drugs and alcohol makes the school less safe.

7 And finally, if the United States loses safe and drug free schools' funding, you'll
8 really see some persistently dangerous schools.

9 CHAIRMAN LONG: Thank you, Meredith.

10 And now if we could hear from the State of Colorado, Janelle.

11 MS. KRUEGER: Hi. Thank you for welcoming the state agency representatives
12 to the panel presentation today.

13 I really want to comment the U.S. Department of Ed. for turning a lot of attention
14 to the people in the states that have a lot to do with implementing the law because I think that is just
15 a really critical perspective to have, and so I'm just so delighted that there's a lot of attention being
16 paid to that in your work.

17 And we're delighted to be here to try to give you a lot of information so that you
18 can make some informed decisions. And what I'm going to do in my presentation is I've broken it
19 into three different area. The first one is going to be reviewing some of the reasons for the resistance
20 that we were meeting at the time that we were trying to set out to implement this, and then we will
21 go into how Colorado approached the work.

22 Part of the approach had to do with trying to overcome some of that resistance,

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1 and then I'll also conclude with some of the recommendations that I have thought of.

2 To begin with, it must first be stated that when you talk about the resistance to this
3 law, I think we've already had a pretty honest dialogue about that, but I think some people have been
4 afraid to be honest about criticizing this law, whether it be good policy or not, because they're afraid
5 of being perceived that they don't care about school safety.

6 I can tell you we have school educators who are bending over backwards in the
7 name of school safety, protecting their children, sending them back home to their parents every night
8 having had a good school day.

9 And so I wanted to just state that in writing and have that on the record, that
10 people should be free to express opinions about it, and I think if you're deprived of any of that kind
11 of honesty, then you're not going to make as good of a decision as what you otherwise might not
12 have been able to make. So that's on the record.

13 The thing in Colorado is that we have not really had a need for this law because
14 we are one of the public choice states. Sometimes people refer to that as open enrollment.

15 And so we already met the intent of this law in that our state statutes provide for
16 parents being able to enroll their children in districts other than where they reside. They can also
17 have their children transfer between schools within the district, and they can enroll them in a school
18 other than the attendance area of a school where they reside.

19 And so we've been promoting choice for quite some time. We are also a strong
20 advocate for things like home school, charter school, online or virtual schools, and so parental
21 choice has kind of been our middle name.

22 So when this law came along, we knew that we were going to have to work with

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1 it, but we also knew that it probably wasn't going to do anything different for us because it was about
2 really helping parents make the best education choices for their child, and we were already
3 permitting that.

4 We also share with parents a lot of school safety data. The Safe School Act was a
5 result of the Columbine High School tragedy in the April of '99. Our session in 2000 was the first
6 legislative session, and when it enacted the Safe School Act, it mandated school by school safe data
7 reporting, and so we have elements that we have been collecting since that time.

8 The companion piece to that is the school accountability report where we -- you
9 see a panel of it there -- where there is safety information included on a school unique to that school
10 report card, and a lot of this information is very public. The incidence there that you see are drugs,
11 alcohol, tobacco, assault, fights, dangerous weapons, other felonies, all code of conduct violations.

12 And so you can find this information in other areas, such as the Web sites. There
13 are many communities that publish their entire school accountability report in their weekly
14 newspaper. They will include it in their annual reports to the school board.

15 There's been a lot of attention given to that information, and so school safety data
16 is pretty high profile, and I think a lot of that does date back to the history with Columbine because
17 there was just a spotlight focused on what was going on within individual building level settings.

18 Regarding the victims of crimes, we also have -- you know, the victims would
19 also be able to take advantage of that school choice option in that they could transfer within the
20 school year. They don't need to wait until the end of the school year to reenroll somewhere else.
21 They wouldn't have to wait for the state to determine it and then notify the school and then have the
22 school notify them.

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1 And so that option always has been available, but we also advocate for the victim,
2 that if a victim didn't want to leave their school environment, we put the responsibility on the
3 perpetrator to be held accountable for committing the offense in the first place. We think they're the
4 ones who should be inconvenienced, and they have lost the right to attend that school because they
5 behaved badly. It's a behavior choice, and so we put the perpetration into the responsibility of re-
6 enrolling somewhere else.

7 And if there's not an available school for that, then the school has to adjust the
8 perpetrator's schedule in order to avoid contact with the victim. That is provided that they are
9 expelled for the behavior, and that there has been some criminal adjudication, either pronounced
10 guilty or gone through juvenile diversion or something like that, but they do have to be processed
11 through the criminal courts in some way.

12 Because Colorado already met the provision when this was first passed, a lot of
13 people term this a solution looking for a problem, and I had never heard that expression before, but
14 that was one thing that came up over and over, was that this is a solution looking for a problem.

15 Secondly, all new requirements in Title IV with the passage of NCLB are
16 unfunded mandates, and the reason we say that is because the formula changed with the onset of No
17 Child Left Behind. The state was able at one time to retain nine percent of its allocation, and No
18 Child Left Behind now has it retaining only 93 percent.

19 And so with that loss, some of the states lost a significant amount in the very same
20 year that No Child Left Behind was enacted.

21 This is our funding history for the administration and technical assistance dollars
22 that we get in Colorado. Our highest level of funding was prior to Columbine. We had a dramatic

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1 decrease after that year. It has steadily gone down, and you see I've noted where USCO, or the
2 unsafe school choice option, was enacted. They call it the No Child Left Behind Act of 2001. It was
3 signed by the President in January of 2002.

4 That means that in the 2002-03 school year would be the first year that the
5 provisions of No Child Left Behind would be implemented locally, and that year was the first year
6 then that the allocations followed according to the new formula.

7 And so you can understand the environment we were in where we were all feeling
8 a little defeated and demoralized, given more work and requirements, having sufferance one of the
9 largest cuts in our history.

10 The motive of the law has always been somewhat questionable because even
11 though the surface looks like it is about school safety, there was no support written into the law to
12 accompany then addressing safety, and the same way with transportation. There was no assistance
13 given to parents who might want to transfer to a different school if that meant having to find a school
14 out of the district.

15 There were some other title programs within No Child Left Behind that did
16 provide some transportation support for parents on some other issues, and it requires them setting
17 money aside in order to aid those families. But that wasn't given the same attention in this particular
18 provision, and so people kind of wondered is this really about supporting the parental choice to
19 choose another school, and where would they find aid in order to do that if they didn't have it within
20 their own means?

21 And then although the intent of the law, like you've heard, has never been
22 questioned, I think the framers of this really were intending to aid those districts and those schools

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1 that maybe didn't have any other choice than to have to go this route.

2 But, for example, if there was no other school available, then what you put the
3 parents in the position of doing is intentionally sending their child to a school that has been labeled
4 persistently dangerous. You're also asking teachers to go teach in a school that has been labeled
5 persistently dangerous, and people were questioning if there's any liabilities that would accompany
6 that.

7 And it is quite awkward, and for me it has always raised a moral issue that if a
8 school is truly persistently dangerous, why shouldn't a state shut them down. I can't believe that we
9 would still allow them to remain open if they truly are persistently dangerous, and so it has always
10 been kind of counterintuitive in that way.

11 Also, we were given a pretty hard and fast deadline to get this implement. There
12 was a lot of attention. The media was given it a lot of attention. USA Today reporters were calling
13 around all of the states wanting to know what's your criteria. Do you have schools identified yet?

14 The U.S. Department of Ed. had given us a deadline, and because there was kind
15 of a rush to hurry up and get it done, have the schools notified by the beginning of the '03-'04 school
16 year, et cetera, there was no time for many states to look at their data on a school-by-school level
17 because some states didn't even have it.

18 This may be one of the reasons why there have not been more schools identified
19 as persistently dangerous, because there wasn't enough school-by-school data available to begin with
20 in order to make that kind of assessment.

21 There has also been speculation lingering about whether or not the judgment of
22 persistently dangerous would be believed, and I think you've heard at least some of the other

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1 panelists that for the schools that have been identified, some of the faculty and the parents and
2 community members themselves would not accept that finding.

3 And so I think another question is: so what's the disconnect? And is it really only
4 about what the data says compared to what their personal experience is?

5 We believe that parents have the ability to judge the safety of their school based
6 on their own child's individual experience and the child's word of mouth for how they describe
7 what's going on in their school.

8 We also believe they hear a lot of it by word of mouth through other parents, and
9 then they have their own individual experience any time they visit the school campus. And so
10 there's a lot of other data that goes along with this other than what a state would say because of doing
11 some kind of statistical analysis.

12 Laws that require reactionary measures run counter to the preventionist belief
13 system. I heard somebody say earlier that this is filled with irony, and it is. The very people who
14 are charged with implementing it are probably the very people who would never choose to be in
15 relationship with educational professionals, you know, for this purpose.

16 And, again, they're all dedicated to school safety, but over and over and over at
17 our national meetings when the counterparts get together and talking about where are you at with
18 implementing this, you could just see that it was a violation of a lot of people's belief systems
19 because we would rather empower people. We want to prevent things from happening, and we don't
20 want to spend a lot of energy reacting after children have behaved badly. We would rather teach
21 them the skills in order to reduce the propensity for them to behave badly in the first place.

22 And number seven, people couldn't seem to get past the actual words, and I don't

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1 know if there could be something different. I like Meredith's description about seeing if we can't get
2 people over that hurdle, but this came up over and over.

3 When we were looking at persistence and dangerous, we kept thinking you know
4 what that implies, is that the situation is so bad that if you choose to continue attending the school,
5 you are accepting a high risk, and it means that your child could very well become injured or
6 something like that.

7 It seems like it was done as more of a predictor and to put people on notice saying
8 beware because the school has demonstrated historically that there's something wrong in their school
9 climate.

10 And so we were running into just a big hang-up with those words in particular.

11 One of the colleagues at one of our national meetings said, "We don't have
12 persistently dangerous schools. What we have are safe schools with a few students who
13 occasionally pose a danger to a few other students."

14 I'm going to go ahead. I'll skip because of the time, but you have the comments in
15 the power point. If you want to read those later, you're welcome to do that.

16 Our approach to implementing this first was we didn't let the detractors distract us
17 too much. We wanted to seize the opportunity to have conversations about school safety. So what
18 we did was pay attention to the process, and we did a highly inclusive process where we invited a lot
19 of the other education state agencies, as well as locals to come together in order to help us develop
20 the policy.

21 One of the ways we did that was we had a safe school committee that had been
22 impaneled by a broader committee that was working on all NCLB implementation related issues. So

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1 we were a subset of a working group.

2 And then in order to supplement that with local representatives, we had a safe
3 school forum where we brought almost 50 people together representing various aspects, school
4 board members, school research officers, safe and drug free school coordinators, parents, students,
5 and we had small group-facilitated discussions in order to talk about what kinds of things provide a
6 safe climate, what kinds of things jeopardize that safety, what would their recommendations be that
7 we would look at.

8 I'll skip over Colorado demographics just other than to say in every state that has
9 a diverse population we are still a frontier state. We have over half of the state classified as small
10 rural, but our population center is the Denver metro I-25 corridor down the middle of the state, and
11 so whenever we're trying to implement a policy and it's a one size fits all, we have a lot of diversity
12 in order for that to pertain to.

13 One of the times, since I am almost out of time, is I'll talk a little bit about what
14 we were considering as we approached this work because this is what dawned on the committee, and
15 this became our guiding philosophy.

16 the first one was for a value of trying to identify schools that are truly and
17 persistently dangerous as opposed to schools where some unsafe behaviors occur, but overall they
18 are basically safe.

19 And then we knew that we had a need for the data to be objective. You've already
20 hear that sometimes there's problems with suspensions or expulsions. If you start a new school
21 resource officer program, you can bet that your data is probably going to go up because they're going
22 to be more likely to report everything to the school resource officer because they're so much more

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1 accessible.

2 So you do have to be really cautious about how do you place judgment on that
3 behavior given different contexts like that.

4 We had to have the indicator data that was already collected by CDE. That's
5 Colorado Department of Ed. We had no time to invent new data sets by which to start collecting,
6 and we wouldn't have wanted to anyway because the schools are under such a data burden, and we
7 already felt like we had enough safety data collected. So we went with that.

8 We did want to create a system that encourages more accurate reporting rather
9 than dwelling with disciplinary problems that don't rise to the level of dangerousness.

10 And we wanted to see if we couldn't use this to direct more assistance to those
11 schools that would rise to the top as having the most serious problems, and so it could help target
12 that.

13 The criteria that we used include the alcohol, drug, assault, fight, robbery, other
14 felonies, firearm, expulsions, and then we also added the number of school employees engaging in
15 unlawful behavior. That's because we believe that they're role models. The adults have a lot to do
16 with helping maintain that safe civil climate. If there would be a pedophile, for example, on staff,
17 and you know, they can leave a trail of numerous victims in their wake, and so we just felt like this
18 is a way of saying don't overlook the data that you might have regarding what the adults are doing
19 on campus as well.

20 And I'm sorry I'm just about out of time, but I want to respect your time for
21 questions. You can see our criteria is set relatively high. One of the reasons for that was because we
22 have discovered a major glitch in our state statutes that had to do with the assault/fight category, and

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1 too many people were over reporting assaults. They were including all fights in that when, because
2 of the way the statutes have us collect data, we don't actually collect fights, and we don't define
3 fights.

4 But the districts were trying to be really honest with it, and so there were a lot of
5 schools that reported them anyway, but they had their own definition. Some schools included them;
6 some did not, and we felt like that data was so faulty that the first year of collection, actually until it
7 has been fixed through an amendment this past legislative session, we really couldn't use that very
8 well.

9 We were worried about if we identified too many persistently dangerous schools
10 it would reinforce everybody's belief that this isn't a valid law to begin with. We have to have
11 quality data. If the data is shaky, they're not going to believe that this law is serving a good purpose.

12 And so we were trying to pay attention to those issue as well.

13 This kind of reinforces what you've heard before also, is that if you really are
14 working with some kind of credible data, you've got what I call the three Rs. You have to have
15 them.

16 Every school needs to consistently working off their code of conduct policies to
17 where they're referring the students for disciplinary action, and you might find inconsistencies in that
18 across the board. They have to report those referrals to the districts, and then those districts report it
19 to us.

20 In order to report it, you have to record it, and then you also have to have standard
21 definitions by which all of that happens.

22 So if there is a weakness in any one of those four things, it weakens the integrity

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1 of what your school safety reporting system is.

2 Mr. Chairman, are you going to give me like just a couple more minutes to get to
3 the recommendations?

4 CHAIRMAN LONG: Yes.

5 MS. KRUEGER: Okay. Thank you.

6 (Laughter.)

7 MS. KRUEGER: Obviously, one of the options is always going to be that you
8 could eliminate the provision.

9 The second one is if you wanted to just leave it as is with no changes, I think a lot
10 of states actually could live with that. I think they've done enough work around more school-by-
11 school data. The uniform management information reporting system has had more time now and so
12 the assumption would be that more states would have the ability to continue analyzing more school-
13 by-school level data.

14 If that system has some time to stabilize, then they learn about where are their
15 problems. Can we give more guidance to the schools? If that has been provided, then the schools
16 that have already done the work to develop the policy would still have flexibility to modify their
17 policy if they saw fit. And that would all be state-by-state determined.

18 The third option would be to retain the USCO provision with some revisions.
19 One of them could be to allow states to opt out if they can clearly demonstrate that they already do
20 meet the intent, and that would have to really be actually that they do something like open
21 enrollment. They'd have to show you copies of the laws that permit that. They can't just check off on
22 a list that they assure that they are doing it.

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1 But if they are providing a lot of school-by-school safety data publicly for parents,
2 then I think, you know, certainly that could be entertained.

3 By letting the state opt out, that also allows the states for which this provision is
4 working well. It doesn't interfere with that. And so if the only thing that they can do is use a law
5 like this to gain that kind of leverage, to work with the school more closely, if they've got resources
6 to provide technical assistance, then they would still be able to make the law work for them if that's
7 what they are finding success with.

8 I do have a point on here about -- if I can find my place -- about changing the
9 name of safe school choice option. You heard Cory talk about that.

10 I actually have a miswording in this one statement. You might want to correct it.
11 It should read, "If most states use at least two years of data, then you can consider having that added
12 to the law."

13 I know the Congress is the one who actually makes the law, but I think sometimes
14 if you have current practice and you know that nobody is going to have heartburn about that, then go
15 ahead and codify it, if that's going to be such a regular thing that people have already thought was a
16 good thing to do.

17 I believe that resistance has waned, but not everybody still would believe that this
18 is good policy. I think it's still riddled with a lot of problems, and I'm not sure that we have the
19 answers to overcome it.

20 As you can see, what we did was really pay attention to the process. I think by
21 including a lot of credible representatives in it, I always knew that nobody is going to be happy with
22 the outcome. It's just such a controversial law that they're going to criticize what you choose to do.

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1 Somebody will find fault with it.

2 But I didn't want them to fault the process. I think they knew we gave it our best
3 shot. We did spend about \$7,000 in order to make this thing happen because we were paying the fill
4 sill tillers (phonetic) at the Safe School Forum. We were reimbursing mileage. We had school board
5 members driving in as far as like the Nebraska state line. We had the Rocky Mountains, and we feel
6 like if people have to come in and lodge the night before in order for us to include them in the
7 process, then somebody owes them compensation for that.

8 And so we did track our costs because it was an unfunded mandate.

9 I do want to back up on this point, and this is where we maybe contradict some of
10 the other states, but I still respect their recommendation for more nationalization or standardization
11 or more federal guidance. If that is the way they are used to operating, then that is what works for
12 them, and even though we differ, I think we have a lot of respect for recommendations coming
13 forward because it fits the state context.

14 Colorado is a very strong local control state. I've always heard that there's only
15 actually about six truly local control states left in the country, and I know Colorado is one of them.

16 We believe in a lot -- I'm a state sovereignty rights person, and I don't know if
17 that's because I was a criminal justice major and I studied a lot of constitutional law or what, but I
18 really am concerned about one of the quotes on here. I think I skipped over it, but somebody said no
19 child left behind is basically the federalization of the American public school system, and it basically
20 is.

21 And so when you are not used to treating local schools from a top-down manner,
22 but you are kind of stuck mediating between the federal level getting very prescriptive at the

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1 building level, and the state has to have a role in mediating between the locals and the feds., there's a
2 lot of tension around that.

3 One of the reasons I believe in a lot of state sovereignty is because we have
4 unique histories. We've got unique circumstances. A lot of the school safety data is tied to criminal
5 statutes. Some of the definitions are aligned to criminal statutes. Those are all unique to the state.

6 Some of the education related titles are unique to the state. The state legislature
7 and the education community is who has ownership over what it is that they're choosing for
8 themselves.

9 If you have mandatory reporting items, those are going to be unique to the state.
10 Your level of resources are unique to the state, time, staff, et cetera. We really believe people have
11 to own it, and local demographics are very unique to the state as well.

12 I wish I had 25 staff members that Meredith has because I know you'd probably
13 see a whole lot of different work being done in Colorado, but we don't. So I'll leave it with that and
14 turn it back over to the chair.

15 And thank you very much for your patience on listening to us.

16 CHAIRMAN LONG: Thank you very much, Janelle. Thanks to the rest of the
17 panel.

18 We will now turn to the committee and questions, our question and answer
19 session so that we can learn more.

20 So we'll entertain questions from the committee, and we'll start first with Deb.

21 MS. PRICE: Well, I have a question that, as my mother would say, sort of stirs
22 the pot, but I think it's just a question to throw out there, and I think it would be helpful to hear your

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1 response to it, especially because you are in there working from the state level doing this.

2 And my question is, you know, we've had some discussions about the intent of the
3 law and the desire of what Congress was trying to do when they implemented the law, but my
4 question, to put it bluntly, is if it weren't there, would you be better off? I mean, are you better off
5 because the law is there?

6 You know, has it had a positive impact on your state, indifferent, just in general to
7 kind of get down to the bottom line?

8 MS. MARTZ: I'd just like to say that I don't think we're necessarily better off
9 because I think that we have a lot of initiatives going on in our state that still would be holding
10 districts accountable to have their school safe. So it just adds one more thing for us to do.

11 I would rather spend the time and energy instead of identifying schools in this
12 way, responding, writing reports, doing whatever we have to do on spending the time to look at our
13 data, work with our schools, and improve the safety and security of the schools.

14 And I don't think we're unique in New Jersey, but in New Jersey we do have a lot
15 of things already that are going to guide us in that direction, that we don't need the federal law to do
16 that.

17 MS. PRICE: So is it duplicative of what you already have?

18 MS. MARTZ: Well, we don't identify any schools as persistently dangerous.

19 MS. PRICE: Right.

20 MS. MARTZ: But, yes, I think it is just --

21 MS. PRICE: The intent.

22 MS. MARTZ: Yeah.

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1 MR. GREEN: I'd have to agree that I don't know we're better off with the law.
2 We also have so many other programs and state initiatives for safe and drug free schools, safe
3 schools issues available to districts that it's actually -- it's one more theme that we have to deal with
4 and for every new school that becomes identified, it starts the negative impact of the determination
5 all over again. So it's a yearly thing that someone is going to be identified, and we're going to have
6 to work through the entire process with that group of schools to try to show them that there can be a
7 positive outcome from it.

8 And while some of our schools seem to go through the corrective action process
9 simply because they have to, some of the schools also do really embrace the issue we've got it
10 identified. We have to do this. Let's do it right, and let's really make a difference with the students.

11 MS. ROLFE: I wouldn't say we're better off with it in California. We have a lot
12 of initiatives. We have partnerships with other state agencies. We have trainings going on
13 throughout the state on safety, three different training models. No, we didn't need this.

14 MS. KRUEGER: And I think I would ditto that as well. A lot of it, as I said,
15 because we already met the intent, I don't think it has changed local practice in any way, shape or
16 form.

17 I do think it has caused more anxiety about the reporting of data, and if people are
18 so afraid of being labeled in this way that they may start declassifying certain behaviors or changing
19 what they call them for the purpose of not having to report.

20 MS. PRICE: And to just follow up, I mean, certainly, I mean, you are for states
21 that are more visible than some states. Some of the more western states or smaller states may not
22 have the -- I don't know -- the visual. I mean, Texas, you're the biggest thing in the world, but just as

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1 you work with other people who have similar positions that you do in other states, do you think that
2 that's a general perspective or unique to your view?

3 MS. MARTZ: I mean, I think that's kind of hard to address, but I know where
4 you're going with this, that there could be other states out there that maybe need this in order to give
5 them the impetus to move in the direction that we're moving in.

6 And you know, perhaps a consideration is rewriting it so that if states can
7 demonstrate that they already have state law and state initiatives that are accomplishing the same
8 thing, almost kind of a waiver provision, then they wouldn't have to comply with the federal versus
9 those states that don't have anything in place.

10 MS. ROLFE: You've got two very large districts and a medium size district. I
11 think we're pretty representative.

12 MS. KRUEGER: But, you know, I would have to say something about the
13 demographics being so different. I am a little bit familiar with what Florida is doing. They've got 64
14 counties, and their school district is aligned to their county boundaries, and that lets them be pretty
15 asset rich as far as data analysis because any time like their county social services or county public
16 safety and all of that, when they're assessing data, they're assessing their school age population.

17 And in many other states they don't have a luxury because they're not structured
18 that way.

19 Florida also has 2.3 million children, and I don't know what their safe and drug
20 free school allocation is, but we don't even have a million. We've got like a little over 700,000, and
21 so the resources that we get on student population is very different than what a Florida would get
22 even though they have half the districts and they probably get ten times the amount of money.

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1 You know, it's a real apples and orange comparison. And so I would ask that
2 there's some kind of sensitivity given to not creating more work for the states because, one, it's going
3 to remain an unfunded mandate. That's probably a given unless somebody decides that money does
4 need to be put in to build this program back up.

5 But in the context of shrinking budgets, what the federal dollars are also up
6 against is there are many states that have done tax revenue and spend limitation bills. In Colorado it
7 is called the Tabor amendment. So it's really hard for us to even get state dollars that would increase
8 FTEs within our department to keep doing the work that is primarily driven at the federal level.
9 That's very difficult.

10 And then we also have a lot of real districts that are losing students, and so their
11 per pupil operating revenue is going down. There are some states that don't have very many rural
12 districts. There are some states that have a tremendous amount, hundreds of tiny rural districts.

13 And so it is very difficult. I am sensitive to how complex it is in order to -- you
14 know, I don't think one size fits all, but I feel like a lot of times the Congress is trying to figure out
15 how to make one size fit all. So if you can build some flexibility into the law, that sort of helps
16 alleviate the stress that that causes.

17 MS. PRICE: Just one other thought. You know, the Sheriff of Bailey, Colorado
18 wa at the White House conference, gosh, it seems to be a month ago, but it was just last week, and it
19 was interesting because when he was on the panel that was moderated by the Attorney General, it
20 was mostly law enforcement, and you know, he was asked some questions. This issue came up, and
21 he said, you know, he still considers his school a very safe school in spite of what happened, that that
22 one incident is not the defining determination. You know, it does not define the school. It was a -- I

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1 can't think of the right word, but you know, it was something that was --

2 CHAIRMAN LONG: Anomaly.

3 MS. PRICE: Anomaly. Exactly it. It was bizarre that it occurred.

4 But I thought listening to him talk about it from that perspective, he thought his
5 school was a very safe school. It's just different.

6 CHAIRMAN LONG: Russell and then Howell.

7 MR. JONES: Yes. You guys are doing some fascinating work. I mean, it sounds
8 like it's working to the extent that it can, given the context and some of the thinking behind its
9 inception.

10 But I'm wondering to what extent are you guys sharing the good things that you're
11 doing with other states, and then the extent to which there were existing infrastructure, existing
12 partnerships that have enabled you to move forward at the pace that you seem to be moving.

13 MS. ROLFE: In California, we have an infrastructure that is funded through my
14 office with all of my funding sources. Actually based on the principles of effectiveness, which I
15 don't know if you've all been brought on board with that, which we live by, we have all of our
16 funding.

17 CHAIRMAN LONG: Meredith, excuse me. Could you pull that mic over there
18 also?

19 MS. ROLFE: Okay. All funding that comes through my office is pretty much
20 run on the principles of effectiveness. So we have the data collection system that is at the site level.
21 We have, you know, processes to do all of that, and we have lots of partnerships, too.

22 I forgot what your question was.

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1 MR. JONES: Yeah, I was wondering what those partnerships were. Are you
2 working like with Marlene Wong with National Child Traumatic Stress Network or any of those?

3 MS. ROLFE: No. Mostly state things. We have a school law enforcement
4 partnership with the Attorney General's Office that we meet with them every week. We have
5 another partnership with alcohol and drug programs and the Attorney General's Office to do a
6 separate data collection process.

7 We have a Governor's Prevention Advisory Council where I meet with higher ed,
8 all state agencies looking at prevention with them. You know, we're real partner oriented.

9 MR. GREEN: We have basically the same type of thing. We have various
10 committees that work on statewide level bringing all of the different state agencies together. We
11 have a Texas School Safety Center that provides services to the entire state. We have a statewide
12 safe and drug free schools initiative. We have various types of partnerships with law enforcement as
13 well so that you bring all of the partners together to the table.

14 And some very simple things is that I send my staff members to law enforcement
15 conferences to do presentations in the network and to bring the education side to law enforcement as
16 well, and that helps build the relationship.

17 So it's done on a statewide level, but it's also very, very small things that are done
18 as well.

19 MS. MARTZ: Well, first of all, in the office that I work in, we're responsible for
20 health services. We're responsible for character education, safe and drug free schools, after school
21 programs, non-public schools, home instruction, a number of things.

22 So what ends up happening is that all of the advisory groups to all of those

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1 different aspects of non-in school educational programs also have some input.

2 I have to say luckily for us, we also have a state legislature that's very concerned
3 about school safety. So there have been a number of laws instituted as I mentioned before right
4 down to school policies on harassment, intimidation, and bullying, and each school is required to
5 have such a policy.

6 So the legislature has been very supportive. The organizations that we've worked
7 with over the years, law enforcement organization, and the fact that within our state we have
8 governor level and attorney general level groups that meet frequently, have all supported some of the
9 things that we're talking about here today.

10 So I think that in some states, as Deborah pointed out before, they're further along
11 than others because of the kinds of things that they've been working on, and certainly all of those
12 groups make a huge difference if you have that kind of support, although they all draw on you, too,
13 because everybody wants to do something a little bit differently. So the challenge is bringing it all
14 together to make it focus on the same intent or goal.

15 MS. KRUEGER: In our efforts, our infrastructure also includes a lot of
16 interagency-state partnerships, such as with the Alcohol and Drug Abuse Division and our Division
17 of Prevention within our Department of Health and Public Environment, Department of Public
18 Health and Environment.

19 We have in our department an initiative for positive behavior supports, which is a
20 whole school climate change regarding letting the kids decide what their standard of behaviors are
21 desired to be and offering incentives and rewards for the kids who demonstrate those desired
22 behaviors. That's a really growing initiative within our state, and so far the results have been very

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1 positive where they've seen dramatic decreases in disciplinary problems within those school settings.

2 There's just a lot of effort going on continuously, and when you do have a really
3 lean state government, you broker resources among the other expertises in the state. Our Safe to Tell
4 initiative is a collaborative between the Attorney General's Office, the Colorado Trust.

5 We have a Center for the Study and Prevention of Violence at C.E. Boulder. Dale
6 Elliot was also included as a presenter in the conference last week.

7 And so we all work together constantly, and that way we share the work load
8 across many people and can line up our little resources behind some of those targeted statewide
9 initiatives.

10 MR. JONES: Yes, I just think that really underscores the importance of
11 partnerships and having those things in place early on prior to these types of initiatives.

12 Thank you.

13 CHAIRMAN LONG: Howell.

14 MR. WECHSLER: I want to thank and congratulate each of the members of this
15 panel. Each of you came to the table with very concrete, well thought out ideas for improving
16 USCO, and it's tremendously helpful for the work of this panel.

17 Perhaps it's not surprising that in my opinion, at least, the most outside-of-the-box
18 ideas came from California, and I'd be curious. I would like to hear the other three members of the
19 panel respond to Meredith's ideas for her three different alternatives for identifying the highest
20 priority school safety sites.

21 What did you think of that?

22 MR. GREEN: Well, looking at one or two percent, that would get higher

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1 numbers in Texas. We'd have numbers similar to what California was talking about, but I don't
2 know that we're looking for a national survey. I think we have to have some flexibility within the
3 state's implementation of implementing the statute, but our definition looks at what basically comes
4 down to .3 percent compared to California's one percent, and so I'm wondering a little bit myself just
5 thinking through the process as to how different the numbers would be if we were to go to that type
6 of model from what we have now.

7 MS. MARTZ: Not that I can remember all three of the options, but I have to say
8 the idea of identifying high priority and providing resources to address the needs, that's a concept
9 that certainly we would support. Because as we've all said here, I think the issue is if we want to
10 create safe schools, it's not enough just to say you have a problem. We have to do something about
11 it, and we have to provide them with the resources to try to do something.

12 MS. KRUEGER: Regarding the survey, Colorado has finally worked through a
13 collaboration over the last three or four years to come up with a survey that was administered by
14 enough districts to give us weighted data for the first time in ten years. We have always left it up for
15 local choice to have them pick their own survey instrument.

16 And because we've made that kind of effort, I don't know that we would be too
17 open to trying to promote yet another survey in addition to that. It's that ownership thing again, to
18 where most districts will only take time to do one survey at the most per year or every couple of
19 years, and so I don't know that we would be too excited about one of the national standardized
20 surveys, although we would offer it as a choice because we feel like if the districts want it and like
21 those better, that's their decision.

22 And then targeting to the highest need, my question would be more what would

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1 that work look like, who's available to do the work, at what cost. If there's money available to help
2 those districts, where would that money come from?

3 I'd have a hard time seeing if it was -- I think the concept is good, but again,
4 you're looking at implementing it, how to make that happen.

5 And we have history in safe and drug free already. When the law was
6 reauthorized in '94, it created a separate pot of money to devote to the high need districts, and that
7 also was to look at data in order to isolate which districts in the state would be considered the highest
8 need. In Colorado's allocation, we had to set \$1 million aside and make it available only to ten
9 districts, and so it was the same kind of concept.

10 What happened was they were able to improve upon those circumstances, but
11 when the law was reauthorized again, the money went away. It changed, and so everybody felt
12 penalized because now they were the highest need. They were doing good work and turning the
13 corner, and then the rug got pulled out from underneath them.

14 There was other objections from other districts saying, "How can they get
15 rewarded with all of the money for being the highest need? They've got the worst problems and
16 here we're working really hard keeping the problems down, but we get no reward for it."

17 And so I remember people having a lot of talk about that at our state advisory
18 council meetings that were made up of local districts. So I don't know if we'd be facing the same
19 kind of an issue or not.

20 MS. ROLFE: Just as an aside or as a whatever, but if Deborah's office could pick
21 five questions, they could plug them into yours. I mean, you could add it onto your survey and your
22 survey, kind of things that you do. You don't have to take the whole thing. It doesn't have to be 20

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1 pages. It could be, you know, the highest priority questions that you want answered across the
2 whole United States.

3 CHAIRMAN LONG: Thank you.

4 We'll go Hope, Seth, Mike.

5 MS. TAFT: Thank you all for testifying.

6 I think you all would agree with this quote. Attempting to describe the world
7 through the use of frequency counts, percentages and cross tabulation tables is like describing the
8 ocean floor one sand pebble at a time.

9 And so I want to thank you all for bringing a real face to the issue and would like
10 to ask you to talk a little bit more, particularly Meredith, about your comment that Title IV, safe and
11 drug free schools money needs to go to all schools, and that if you didn't have that money and if you
12 didn't relate alcohol and drug use to violence, that persistently dangerous schools would go up.

13 MS. ROLFE: I didn't pay her to say that, but I did hand out -- I think Catherine
14 handed out something for me or maybe not yet.

15 Just before I left, San Diego County Office of Ed. sent me some overheads that
16 the coordinator there put together, and it showed the comparison of the funding. You know, I think
17 the funding was in bars, and then the drug use rate was on lines.

18 Yes, you ave that, and that I thought was just really excellent because it shows
19 that the reaction to the funding going down was that the drug use went up.

20 Drug use is connected to school safety. I mean, I don't think you can get around
21 that in California. Kids are using drugs on campus. We know that from our CHKS data. That's our
22 data that's showing that.

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1 The funding now goes out as an entitlement to every LEA. So once there's no
2 money going to every LEA, the things that we're doing will no longer be there, and you know, you
3 see all of us are doing a lot already with the small amount of money, relatively small, relative to the
4 problem.

5 With the small amount of money that we're getting, we're doing a lot, and once
6 you pull that away, you know, who knows what's going to happen.

7 I mean I think I know what's going to happen. I think that you're going to have
8 some very unsafe places.

9 CHAIRMAN LONG: Seth, Mike, Russell, and a reminder that we have five
10 minutes.

11 Was that Seth or Shep? Shep, you wanted to go. I'm sorry.

12 MR. NORMAN: No.

13 CHAIRMAN LONG: I'm sorry. I just wanted to hear Seth say no.

14 MR. KELLAM: I guess I was struck. We're talking about this program in terms
15 of does it help, and one of the emphases is on how much this program really costs nationally, and no
16 doubt it varies from one place to another. We're talking about an enormous amount of staff time,
17 and we're talking about an enormous amount of time that we're not funding by virtue of funding this
18 program.

19 It's not a question of is the program effective or not. That's half the model. The
20 other question is if you didn't spend the money on this program, would you be able to use the money
21 better on another program, and I haven't heard anything that suggests to me that there's anything like
22 effectiveness or at least no data on effectiveness for this program, but there are a lot of programs out

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1 there that there is data on that warrant effectiveness, you know, as an important criteria for using
2 them.

3 And I think we need to keep in mind that it's not just a question of is it helping.
4 The question is: compared to what? Compared to improving classroom behavior management in
5 elementary schools or compared to a myriad of other kinds of programs that, in fact, you know, have
6 to do with conflict resolution or other programs or middle school protection against peer influence in
7 the wrong direction?

8 We're talking about alternatives and not just is the program a good thing. And I
9 haven't heard any evidence that we have any data on that and plenty of testimony and some
10 descriptive data suggesting that it's a bad idea.

11 I think we need to keep in mind that we're not just doing X. We're doing X
12 instead of Y.

13 MR. HERRMANN: First of all, my cudos to all of you. I think you did an
14 excellent, excellent job laying out the frustrations of the unsafe school choice option.

15 My question is kind of related to effectiveness really. Bottom line: I know every
16 time you hear a rumor, "did you hear about the shooting at so-and-so," your ears go up and your
17 blood pressure goes up a little bit, and you wonder is that one of my schools.

18 I guess my question is after all of the work that you've done, do you feel that the
19 process that you have in place identifies those schools that you are most concerned about.

20 MS. MARTZ: I think I've already said no to that, and I --

21 MR. HERRMANN: Just say it again.

22 MS. MARTZ: I will say it again. I believe that when we look across our state,

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1 we can identify other schools that we think are more dangerous than the one we're identifying. We
2 haven't figured out a way to get the formula to identify the ones that we truly believe are the more
3 dangerous ones.

4 And I think also, you know, we've heard here today that the schools that are
5 reporting are the ones that are getting identified. The ones that maybe are being very aggressive in
6 taking a look at what's going on in the school and really trying to quantify what's happening are the
7 ones that are being identified.

8 And I have to say that absolutely -- and this gets back to one of the other
9 questions -- that there are limited resources in every state, and for every second, minute, hour that we
10 have to spend working on this, it's time that we're not spending working on something else, and
11 some of the most positive work that we're doing right now -- and this gets back to the infrastructure -
12 - is because our state agency is also responsible for the governor's portion of safe and drug free
13 schools.

14 And we have a multitude of programs that we're running right now regarding
15 social and emotional learning, social norms, all kinds of things that we're going to be sharing
16 statewide that are going to be having a far greater and more positive impact on our schools than will
17 this particular provision.

18 CHAIRMAN LONG: And I apologize. The last question, we have about a
19 minute.

20 MR. JONES: Yes, this is a quick question. Just in terms of, you know, when we
21 look at the final outcome, I'm wondering the extent to which the quality of life for those that are
22 victimized and those who do the victimizing, the perpetrator, do we have any data in terms of the

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1 quality of those individuals' mental health at this point?

2 MS. ROLFE: Do you mean kids that have been identified as having trauma?

3 MR. JONES: Yes.

4 MS. ROLFE: Is that what you mean?

5 MR. JONES: Right, right. Both those that have had trauma and then those that
6 have committed the trauma.

7 MS. ROLFE: Okay.

8 MR. JONES: So just in terms of outcome, where are we with that?

9 MS. KRUEGER: Traditionally, the educational system probably wouldn't collect
10 that data, but if you've got an assessment center set up in a local community and the local school has
11 a component of that, then there may be some local data, but there's no system that I'm aware of that
12 would have that trickle up to the state level to where you would ever trace it back down to the
13 quality of life issue.

14 MS. MARTZ: Yeah, actually we've just gotten to the point in New Jersey over
15 the past two, I think, two to three years where we're just collecting information on given an incident
16 if the student has been determined to be a victim of a violent criminal offense, if so, was the option
17 given and did they exercise the option. So we're just getting to the point where we're collecting that
18 data, let alone the --

19 MR. JONES: Yeah. I think that's just such a fundamental question, a
20 fundamental issue. You know, we're talking about effectiveness. I mean, how can we say we're
21 effective if those persons that are impacted most by this entire process, if we don't know the outcome
22 and the follow-up, the longitudinal impact?

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1 It really raises some very serious questions.

2 MS. ROLFE: Well, one thing is for sure. It has nothing to do with persistently
3 dangerous schools. You know, those kids are not being tracked by persistently dangerous schools,
4 and in California we don't have that data. We're hoping to have a statewide student assistance
5 program process, and we will be collecting that kind of data with that, but that has nothing to do with
6 this.

7 MR. JONES: Was that part of the legislation, Debbie?

8 MS. PRICE: I'm sorry?

9 MR. JONES: Was that part of the legislation? No?

10 MS. PRICE: You saw the legislation up there on the screen. It's two little, short
11 paragraphs.

12 MR. JONES: Yeah.

13 MS. PRICE: And, again, it's a provision, and the only means of -- unfortunately it
14 is not the right word -- is non-regulatory guidance, and you know, we've looked at ways to
15 strengthen, to do this. I mean all we have the ability to do at this point is non-regulatory guidance.
16 We cannot dictate down to the states in any framework other than what we already have.

17 MR. JONES: Thank you.

18 MS. PRICE: What we have put in place.

19 CHAIRMAN LONG: Thank you.

20 As we close this section panel, all of the information and all the good discussion,
21 but I was also struck with something that sometimes we just go past, and that is an obvious for all of
22 us. I can't think of a country in this world where we can come together like this, have very candid

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1 questions asked, have very candid answers given back for those of you what have run the programs
2 in four of our fine states, representing, again, a reminder for us. These four people represent over 12
3 million of our students.

4 So thank you for the wonder questions. Thank you for your candor. Let's give a
5 big thank you to this panel.

6 (Applause.)

7 CHAIRMAN LONG: It is now just before five of four. We'll reconvene at 4:10.
8 (Whereupon, the foregoing matter went off the record at 3:55 p.m. and went back on the record at
9 4:13 p.m.)

10 CHAIRMAN LONG: We have come to the time for public comment. If there is
11 anyone in the audience that wishes to make public comment, would you please step up, and here we
12 have a microphone, please step up to the microphone, give your name and where you are from.

13 MS. MOHAMMED: My energy works better when I stand up.

14 We made some notes today and we want to thank you all for the opportunity to
15 engage the committee, and we want to thank Secretary Spellings for providing the opportunity for us
16 to communicate.

17 My name is Linda Mohammed. I am a parent leader in Baltimore City,
18 Maryland, and we are very involved, and we're very involved in our parent community.

19 We want to first thank all of the panel because I learned a lot today. Resourcing
20 is something that we find to be very essential, especially in urban areas. We have a lot of lack of
21 resourcing going on in urban schools land we have a lot of -- well, not a lot. We have exact
22 numbers, 11 persistently schools that are listed in Baltimore, and I have one in my neighborhood.

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1 So we thought it was really essential that we be here today.

2 I made notes so I can remember some of the stuff I want to say today. We have a
3 couple of recommendations, but we wanted to communicate to the committee that an initiative that
4 the parents and the citizens in Baltimore, Maryland, we started as a self-help solution to bring
5 solutions to the community and at large maybe nationally at some point where the parent citizens are
6 engaging themselves, organizing themselves because we realize that the parents sometimes, parent
7 citizen, is under valued.

8 And when we say that we mean not clearly communicated to. When we have
9 meeting such as this, we're always the last to be heard, which sometimes can bring difficulty because
10 you may have to get home to your babies, and you don't get the chance to clearly communicate that
11 because you don't have the time constraints that some people do have to sit in long-term meetings.

12 But we're excited about our initiative and our movement that is happening in
13 Baltimore, and just to put a plug in, it's going to happen October 20th that Baltimore City parent-
14 citizen, and we're going to hold a press rally through our appointed and elected officials to try and
15 give a better perspective in turning back the tables so that we can know that the parent is valued and
16 that our self-esteem is better.

17 There's been a lot of training that came through Title I funding, which is part of
18 NCLB that cause the parents to have more of a literate perspective, and it has really helped a lot of
19 the parent leaders. A lot of the parent leaders already had taught themselves, you know, through the
20 Internet and all of the other resources that are available.

21 Our target audience are the parents who do not have a voice, and it's really
22 interesting. When you talk to them, there are some real good stories, where you have grandmothers

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1 who are really helping out, moms that are really doing their best, and then we have the real tragic
2 stories.

3 So we want to help ourselves and bring solutions and to help our administrations
4 to help us help ourselves.

5 Through that, we realize that the partnership is lacking. That's something that Mr.
6 Jones so clearly spoke to. We were able to put together a presentation, and we titled it "Urban
7 School Violence Is not Televised," not that the balance doesn't occur in the urban areas, but the
8 components which make up the violence is a little different sometimes because of the social and
9 economic basis that we have. The parents are not able to be a part, always and consistently be a part
10 of communicating and being communicated to. So that helps in the under value part of the parent.

11 But as a majority, we realize that that parent can still get information, and we can
12 help as other parents. And what really helps us in our initiative that we're doing is that it's not an
13 entity that is supporting us. It's the parent citizen that's really doing this. It's not we're the funding
14 and the parent is not intimidated by that because we find that the gap of communication has occurred
15 and the language barrier has caused the parents not to trust the administration because they don't
16 speak the same language.

17 We have a lot of parents who may not be the so-called literate parent, but they do
18 understand language, and they do have a language that they speak, but because they're not
19 communicated in that way, it has presented a major challenge. So they say nothing.

20 One thing I wanted to commend Dr. Kallam. Help me pronounce your name. is
21 it Kellam? Okay. Kellam.

22 Because when he spoke and I heard "Baltimore," I was so happy because I don't

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1 get to see Baltimore out and about, you know, like I would like to see Baltimore because we do have
2 a lot to offer as far as resourcing because of the challenges that our city has provided us, and a lot of
3 the good things that have happened in Baltimore through parent involvement.

4 But early intervention is something that we put in our proposal, that targeting that
5 parent, especially we found that parents that are in pre-K or Head Start, they're ready to go, and that
6 audience is not valued enough because that's a perfect opportunity to get the parent.

7 Well, you have middle schools that have parents that are involved. However,
8 agreeing with the doctor, it's almost too late sometimes for the teenager. I'm not going to say we
9 give up because I think there's always opportunities when there's life. The challenges are different.

10 But we have a whole audience that we find in collecting our data that the parent
11 who has a pre-K or Head Start child is more involved, and to keep them engaged is what one of our
12 initiatives is to do.

13 One way that we as parent leaders have identified unsafe schools is low test
14 scoring or failing test scores. We have the opportunity to be on the part of our state superintendent's
15 family council committee, and they recently showed us that historically black American children in
16 the State of Maryland have consistently failed our state assessment.

17 So I posed the question that night: what is the state doing to help us and our
18 children in these areas? And I'm posing this to the local agency and to ourselves as parents. What
19 are we going to do to help our children?

20 So what we recommend is we're going to work on our school board and help our
21 school board help us; engaging the parent from the parent perspective, and it's free and it's low
22 budget, and it's something that if the administration chooses to engage the parent properly, we can

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1 really accomplish a lot because it takes a lot of organization skills really without funding because our
2 initiative is not funded. It's just parents taking the time to do what is necessary to do.

3 So we recommend even to the council today that we truly feel that, well, honesty,
4 honesty is a really good policy when it comes to the parent. I believe it was one of the panel
5 members spoke today, and it really touched me and encouraged me because when you're honest
6 about the system not working, it makes the parent know that you are able to communicate honesty.

7 So then when we see that, we go, "Oh, I can really talk to you," and then that's
8 engagement. That's the moment of engagement because the system is saying, "Oh, we know we're
9 not doing everything that we can. So help us." That's what it means to us.

10 We also recommend from a national level to help bridge the gap particularly in
11 urban areas, communication. The Department of Education could help bridge the gap of
12 communication between the parent and the administration because there's big distrust on both ends.

13 They may see me -- I'm not saying they do -- but they may see me as a parent
14 who's agitating, you know, not really trying to help, but just saying something where really I'm really
15 trying to help and to be seen that way.

16 The other day I was coming from the market with my two girls and I saw this
17 handicapped man. He either had MS or some type of degenerative disease, and he had grocery bags.
18 And I passed him, and I went, "Oh, I've got to go help him," because that's the kind of heart that I
19 have as a person.

20 But as I was trying to make a U turn to go and help him, I saw about six people
21 pass this gentleman in cars and walking, and he could not walk, but he was trying to carry his
22 groceries.

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1 What I saw in that scenario, I saw the heart of the people. We have to recognize
2 who our audience is, what kind of help they need, I mean, and really look at it realistically. This was
3 a handicapped person who was having difficulty carrying his groceries, but yet no one was able to
4 see him as that.

5 Man up, that some jargon that we use in our community. Man up means do what
6 you have to do to make it. Well, we want the administration nationally, locally, well statewide and
7 locally, to realize who the audience is that you're representing, who you're really working for, and if
8 that becomes part of the topic, then it's better to assess how to come to the multifaceted solutions
9 because we've got multifaceted problems. There can't be just one solution.

10 We think that there's a lot of information. I'm really happy about being here,
11 listening and being able to resource with such high scholars, but if the audience is not targeted
12 properly, then what we're doing is wasting time basically, and that's how we feel as parents. We feel
13 that the time will be wasted.

14 So we recommend nationally that we could have some type of conference like
15 that where the honesty is open, where no one gets in trouble.

16 As a PTA leader, I represent my school, and it's interesting. When the
17 administration of the school comes to me and says, "Ms. Mohammed, we have this issue. Can the
18 PTA get involved?" I go, "Yes, we can."

19 "But we can't help you, Ms. Mohammed. We're going to have to stay in the
20 background."

21 To me I appreciate that because they have to keep their jobs. However, that's
22 difficult. It's difficult to represent an absent person. They get consequences, something who they

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1 really care about, but they can't represent properly.

2 So I think we should take a look at that as far as the staff and administration
3 because we have a lot of teachers who are willing to help, willing to get in the trenches, but they may
4 have heavy consequences to pay if they do such a thing.

5 Well, I remember my teachers, as Dr. Kellam has said she he remembers his
6 school. I remember my teachers were very involved. They came to my mom, our home, and talked
7 to her. They were in the trenches, and that's how I believe the trust was given to the school systems
8 of our country, because the school system at that time exhibited that type of behavior.

9 Well, no longer is that the case. So with these recommendations, as a parent
10 advocate, we hope that you all are able to take this seriously because we are very avid on
11 accountability. We appreciate all of the efforts that you all do from the state level and local level.

12 We recognize that, but we also recognize that there are some major problems in
13 urban areas where the communication is really, really short. We understand that our children's lives
14 are at risk, and that it's important to us.

15 I'm sorry. I have like a cold from my baby girl. You know, those germs are really
16 strong. So forgive me for my voice goes in and out.

17 But I want to commend you for your efforts. The door is open, and it's really
18 interesting how easy the door opens. And I don't know if a lot of administration know or parents
19 know that it's just really just go call and say, "Oh, yeah, you can come." It's just that easy.

20 But because of the history of the relationships, the trust is not there. So we're
21 going to have to gain that back, and you have parents who want to be here. So I'm asking you to
22 embrace that.

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1 Please accept our recommendations as a parent leader, and thank you for the
2 opportunity.

3 CHAIRMAN LONG: Thank you, Linda.

4 Anyone else for public comment?

5 MS. KRUEGER: I'm Janelle Krueger again with the Colorado Department of
6 Education.

7 And I didn't come prepared to make any public comments, but just hearing some
8 of the other conversation earlier and having some side conversation during the break made me think
9 of some things. So I'll seize the opportunity to quickly share with you some other concerns, as well
10 as recommendations since it will be the only opportunity I'll probably ever have to visit with you
11 again.

12 First of all, I would recommend staying the course with the principles of
13 effectiveness. A lot of people have put a lot of time and energy into making those more effective,
14 and I think they're serving the field really well.

15 In response to whether or not there's evaluation results about effectiveness, I can
16 tell you that the local programs are the ones who can speak to that effectiveness, but we don't always
17 collect all of that information.

18 So don't confuse absence of data at a state or national level with absence of data at
19 the local level. I can tell you it exists. We collect it in our state, and how we measure some of that is
20 not through scientific evaluation, but we hold districts accountable to achieving their goals.

21 So if they assess their data through the principles of effectiveness, if their goal is
22 to reduce bullying behaviors, they implement a bullying prevention program. At the end of the year

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1 they have bullying prevention behaviors reduced according to their goals. They will attribute the
2 results to that prevention program.

3 School teachers have the eyewitness account that the kids are actually practicing
4 the skills that have been taught in that curriculum, and you're not going to be able to ever talk a
5 teacher out of what they know to be an eyewitness account of what they see, and they will tell you it
6 was safe and drug free that made that happen because absent the money, they wouldn't have
7 purchased the curriculum. They might not have planned around the behaviors in order to apply for
8 their grant.

9 And so, again, they do have a lot of that evidence locally.

10 There's a major concern growing, I think, among people that this program no
11 longer emphasizes substance abuse prevention in ways that it has in the past. Part of what attributes
12 to that is that when the principal's effectiveness require data assessment, we saw a shift in Colorado
13 that a lot of people started assessing discipline problems.

14 And alcohol and drugs are very outnumbered by all the other type of discipline
15 problems that have to do with safety, safety related behaviors.

16 And so it's very easy for a person to apply for the money by speaking to discipline
17 problems that don't always get at the alcohol-tobacco-drug problems.

18 Secondly, when the high profile school shootings began in the mid-1990s and
19 have continued, there was a major shift in emphasis for what schools needed to do in order to secure
20 campuses and create more safe environments.

21 We saw an emphasis on threat assessment, how to intervene with kids if they're
22 making a threat, if you think they're going to commit targeted violence. So we see shifts around

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1 those growing needs and emerging needs, but a lot of that doesn't have anything to do with substance
2 abuse, and so it has weakened that.

3 One of the other things that has happened is when states consolidate their
4 application for all of the No Child Left Behind funding, every title program has to make a sacrifice
5 and cut back on the level of detail that it includes in the application. So safe and drug free had to
6 sacrifice some of that specificity, and it weakened the state's ability to hold them accountable for
7 exactly what all was going on and how they would speak to it.

8 One of those sacrifices the NCLB has brought about is the weakening of working
9 with advisory councils in the community. Prior to No Child Left Behind, they were formalized and
10 they were referred to in the law as a regional advisory council or subregional. But it meant that they
11 were formal and they recommended all of the representatives that should be sitting on those
12 councils, and then it was up to the communities to staff those councils how they wanted.

13 That has been taken out, and even though a consultation is still required, there's
14 nothing formal about it. If somebody wanted to call up somebody on the phone and say, "We're
15 going to do this with our money this year. What do you think?" and they go, "Oh, yeah, that's fine,"
16 well, is that a consultation?

17 A lot of people would say, "Yes, I made the call. We had a conversation. It was
18 the Chief of Police. It was the parent. It was the," you know, whoever.

19 But there's no way for the state really now. We don't have a good leg to stand on
20 to monitor for it or to ask for a lot of detail about that.

21 So I think there needs to be some strengthening about getting back to a systems
22 approach to make sure that there are the right players, helping the district's plan, adding their

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1 resources to the table, adding their data to the table, and being more comprehensive in that.

2 So anything to strengthen consultation in the community would be welcome.

3 One of the other things that has drifted away from substance abuse, not just with
4 the high profile shootings, but 911 has had a major impact. If the schools are not resourced in order
5 to respond to those emerging needs, then they keep looking to safe and drug free as the answer to get
6 some kind of resources devoted to that.

7 Katrina was another one, and now this year we're all aware of some of the other
8 school shootings that have started again. That brings up the issues of crisis management and
9 emergency response. We've seen a lot of people going in that direction. Things like the campus
10 safety and security, I think we're going to see more requests for video cameras, ID badges.

11 I had a district request, \$7,000 for a camera, and they didn't tell me what it was
12 for, and it exceeded the 20 percent cap. And so I had to get back to them and said it still has to meet
13 the principles of effectiveness. What's your data? What are you trying to do? Why do you need this
14 camera? And, by the way, you have to limit it to \$6,630.

15 What the camera was for was ID badges for all faculty and staff, \$6,600 out of the
16 16,000 allocation. But I couldn't say no to that because I thought, "You know what? They have me
17 over a barrel. I'd be a fool to turn that down. Of course they need to be able to distinguish who is
18 rightfully walking around on campus from those visitors that are not IDed."

19 You have to do that, you know, and so I was torn because I kept thinking, "I
20 wonder what their substance laws are in that community," because there' probably a lot of other
21 issues they should be addressing, but there's that pressure. There's changing needs. There's
22 emerging needs, and everybody keeps looking to safe and drug free to meet those needs, and so the

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1 money is getting stretched way too thin.

2 So if there's anything to strengthen a return to some kind of a focus or looking at
3 substance abuse with equity in addition to the other safety issues that are confronting us, general
4 fund money is really tight, and so this is an infrastructure grant. It's helping staff salaried people to
5 be in positions to do nothing but this type of work in many of the districts.

6 I am frightened for this country if those positions should fold. They are the
7 representatives who carry the responsibility. We call them Title IV Coordinator. Sometimes it's a
8 school nurse. Sometimes it's a superintendent. It might be a counselor. It could be a teacher, a
9 principal, but they are the ones that have the responsibility for planning, evaluating, choosing where
10 the money goes in consultation with their community.

11 And if a state no longer has a Title IV Coordinator out there locally, then that
12 means I don't have an E-mail address book anymore with their name on it. Our superintendents get
13 a barrage of E-mail from anybody and everybody who has anything to do with youth, anything to
14 sell. I mean, you know, it's a barrage of information overload.

15 And so if you think like the national grant, for example, comes along, you have to
16 advertise that to somebody locally. You cannot continue sending everything to one superintendent
17 per district thinking that you have just given fair, equitable opportunity to participate in the
18 competitive national grant.

19 But if you have a Title IV Coordinator who has applied for the money, they're on
20 the lookout for those kinds of resources, and they'll broker those resources.

21 So in addition to having the money fund a lot of prevention activity, as well as
22 intervention, if you can look at this as what's the impact on the infrastructure out there when the

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1 school component needs to fit with the community component. And if the resources continue to dry
2 up or if the program is eliminated, where would we all be?

3 And I truly believe that. It frightens me to think what would happen if a school
4 infrastructure component should somehow be so weakened that they're sitting out of the picture.

5 And I think that's about all I wanted to just emphasize with a little history and
6 trends and what we're up again.

7 I commend you all again for your efforts and doing some very difficult work.

8 CHAIRMAN LONG: Thank you very much, Janelle.

9 (Applause.)

10 CHAIRMAN LONG: Anyone else wish to make public comment?

11 (No response.)

12 CHAIRMAN LONG: If not, as we close today, a reminder that tomorrow
13 morning we'll start at eight o'clock, eight to 8:30, and we will reconvene at 8:30, whereas this
14 morning it was nine o'clock. So I just want to point that out.

15 And as I turn it over to Deb, I just want to thank you for a good day. It was
16 informative, almost an overwhelming mountain of information.

17 Tomorrow morning we'll have the opportunity to synthesize, put this together, and
18 get a good night's sleep so we can do that in a very positive plan. With that I'll turn it over to Deb.

19 MS. PRICE: I just want to -- I know that Catherine sent out an E-mail telling you
20 all that Secretary Spellings is going to join us tomorrow, but I just wanted to remind you that she
21 will be coming about 10:15, stay for about a half hour, have some remarks and some then basically
22 discussion with you all.

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And I know that some of what she's going to want to talk about is the recent White House conference.

But anyway, so I just was reminding you that she is coming tomorrow. Our boss is coming. But anyway, so she'll be here about 10:15.

CHAIRMAN LONG: Everyone have a good evening.

(Whereupon, at 4:38 p.m., the meeting was adjourned, to reconvene at 8:30 a.m., Tuesday, October 24, 2006.)

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