

with the lack of basic math instruction, creates another major instructional barrier to children in becoming proficient in elementary and middle school math.

The gap in essential classroom instruction is the lack of the use of effective and diagnostic formative assessments by the classroom teacher [and by default – the failure of school leadership – the principal and assistant principal – to implement an effective formative assessment program in math and other courses – to measure the children's progress on a frequent basis.

While excellent principals and teachers use effective formative assessments, there are far too many educators who, based on the Court's questions to groups of principals of low performing and priority high schools and middle schools, etc., who have minimal knowledge, if any, of the benefit of formative assessments or their availability at the switch of the computer.

Chancellor Oblinger at NSCU, in response to President Bowles' request about diagnostic math tests in the UNC system, wrote a memo on November 26, 2007, which stated in pertinent part:

In typical educational practice, there are two kinds of tests: 1) Summative or high-stakes testing, often end of year tests that document student mastery of standards, usually accompanied by consequences for students, teachers, schools and districts. Summative assessments are virtually never useful for diagnostic purposes because their focus is too broad. 2) ***Formative assessments, routinely done on an ongoing basis, measure progress along a curriculum at the classroom level, often in concert with the use of pacing guides for state standards. Most formative assessment systems aim to assess student thinking or activity, but lack rigorous psychometric qualities and/or means for rapid and easy data gathering, accumulation and reporting.***

Assessments must be coordinated with curricular progress or pacing guides, or the information they provide to teachers distracts from the curriculum and may lead to the teaching of skills and procedures at the expense of the concepts indicative of a true education.

The September 2007 report from the UNC System listed "promising ideas and practices" that should be considered. The first promising ideas and practices dealt with the subject of – Assessment, Evaluation and Research – Bullet point two on page 2 states:

"Consider revising the state testing program to include frequent formative and diagnostic assessments so that the gaps in understanding can be identified before a student is completely lost in the educational system."

consist of a more advantaged group overall; they represent a wider range of family socioeconomic status and include children who would not have qualified for the More at Four Program during pre-k on the basis of income. In contrast, many of the MAF children who were not poor at third grade were most likely poor at pre-k, given that 90% of the children served by More at Four were poor at that time. In addition, many of these children would have had other risk factors to qualify for the pre-k program.

Compared to the non-poor group, the poor group represents a narrower range of family socioeconomic status (i.e., those eligible for free or reduced-price lunch vs. all higher income levels). It is likely that poor children in the MAF and comparison groups are more similar to one another in this regard than non-poor MAF and comparison group children. This difference, in conjunction with the high proportion of poor children served by the More at Four Program during pre-k, suggests that the results for poor children offer the best representation of the long-term effects of the program. Although poor children who attended More at Four still were not caught up to their non-poor peers in math and reading skills at the end of third grade, they were scoring higher than poor children who did not attend the program. Furthermore, it is important to note that nothing is known about the preschool experiences of children who did not attend More at Four. It is quite likely that many of them also attended pre-k, so these results represent the effects of the More at Four Program above and beyond those of a variety of other types of preschool experiences. In sum, these findings provide evidence that the More at Four Program is helping to lessen the achievement gap for poor children in both math and reading performance, and that such early pre-k experiences can have a lasting effect into the elementary school years.

Table 1. Third-grade Sample Characteristics for More at Four and Comparison Groups

Factor	2006-2007 N=102,852		2007-2008 N=102,765	
	MAF (n=285)	Comp. (n=101,867)	MAF (n=4,569)	Comp. (n=98,196)
Gender (%)				
Female	49.9%	49.3%	52.1%	49.5%
Male	50.2%	50.7%	47.9%	50.5%
Race/Ethnicity (%)				
Black/African-American	44.8%	26.2%	41.8%	24.9%
White/European-American	32.2%	55.7%	32.7%	56.0%
Hispanic/Latino	13.8%	10.5%	15.7%	11.1%
Other/Multiracial	9.2%	7.6%	9.8%	8.0%
Poverty Status (%)				
Poor	75.0%	48.7%	72.8%	47.5%
Not Poor	25.0%	51.3%	27.2%	52.5%

Table 2. Pre-k Characteristics of More at Four Participants in Third-grade Study Sample and Not in Sample

Factor	2002-2003 N=1,593			2003-2004 N=6,816		
	Study Sample (n=1,149)	Not in sample (n=444)	Sig ^a	Study Sample ^b (n=4,405)	Not in sample (n=2,411)	Sig ^a
Gender ^c (%)						
Female	48.0%	46.6%	NS	51.9%	43.0%	***
Male	52.0%	53.4%		48.1%	57.0%	
Race/Ethnicity ^d (%)						
Black/African-American	45.4%	46.2%	*	42.7%	39.5%	***
White/European-American	31.8%	25.6%		32.3%	29.7%	
Hispanic/Latino	14.9%	19.2%		16.2%	22.2%	
Other/Multiracial	8.0%	9.1%		8.8%	8.7%	
Poverty Status in Pre-k ^e (%)						
Poor	86.3%	89.2%	NS	87.1%	90.5%	***
Not Poor	13.7%	10.8%		12.9%	9.5%	

^a Significant comparisons represent differences between the two groups based on chi-square tests. Significance levels are * $p < .05$, ** $p < .01$, *** $p < .001$.

^b Of these children, 175 attended MAF in 2002-2003 and their EOG scores were found in the 2007-2008 data, a year later than expected; 11 attended MAF in 2003-2004 and their EOG scores were found in the 2006-2007 data, a year earlier than expected.

^c Gender was not reported for 13 children in 2003-2004.

^d Race/Ethnicity was not reported for 11 children in 2002-2003.

^e Poverty status was not reported for 1 child in 2003-2004.

Table 3. Mean Scores for Third-grade EOG Assessments

Cohort	Poverty Status	Pre-k Group	Scale Scores		Achievement Levels	
			Math	Reading	Math	Reading
			Mean (SD) Range	Mean (SD) Range	Mean (SD) Range	Mean (SD) Range
2006-2007	Poor	MAF n= 734-738	341.0 (8.8) 315-364	245.7 (7.8) 219-268	2.6 (0.8) 1-4	3.1 (0.8) 1-4
		Comp n= 49,173-49,519	340.3 (9.0) 311-370	244.8 (8.4) 217-271	2.6 (0.8) 1-4	3.0 (0.8) 1-4
	Non-poor	MAF n=246	344.3 (8.9) 319-366	248.2 (8.3) 224-271	2.9 (0.7) 1-4	3.3 (0.7) 1-4
		Comp n= 52,104-52,279	347.7 (9.1) 314-370	251.4 (8.1) 217-271	3.2 (0.7) 1-4	3.5 (0.7) 1-4
2007-2008	Poor	MAF n= 3,314-3,325	342.9 (7.9) 318-368	335.0 (10.6) 306-367	2.8 (0.7) 1-4	2.2 (1.0) 1-4
		Comp n= 46,268-46,582	342.2 (8.2) 315-369	334.0 (11.0) 303-367	2.7 (0.7) 1-4	2.1 (1.0) 1-4
	Non-poor	MAF n= 1,241-1,242	346.4 (8.0) 322-369	340.1 (10.5) 310-367	3.1 (0.7) 1-4	2.6 (1.0) 1-4
		Comp n= 51,412-51,538	349.0 (8.5) 316-369	343.6 (10.9) 305-367	3.3 (0.7) 1-4	2.9 (1.0) 1-4

Table 4. Achievement Levels for Third-grade EOG Assessments

Cohort	Poverty Status	Math					Reading				
		Pre-k Group	Ach Level 1	Ach Level 2	Ach Level 3	Ach Level 4	Pre-k Group	Ach Level 1	Ach Level 2	Ach Level 3	Ach Level 4
2006-2007	Poor	MAF n= 738	9.4% (69)	28.3% (209)	51.2% (378)	11.1% (82)	MAF n= 734	2.7% (20)	18.4% (135)	46.7% (343)	32.2% (236)
		Comp n= 49,519	10.7% (5,297)	30.4% (15,062)	48.8% (24,149)	10.1% (5,011)	Comp n= 49,173	5.3% (2,606)	19.9% (9,777)	45.6% (22,429)	29.2% (14,361)
	Non-poor	MAF n= 246	4.1% (10)	20.3% (50)	56.1% (138)	19.5% (48)	MAF n= 246	1.6% (4)	12.2% (30)	39.4% (97)	46.8% (115)
		Comp n= 52,279	2.9% (1,495)	12.7% (6,618)	49.7% (25,998)	34.8% (18,168)	Comp n= 52,104	1.2% (633)	6.7% (3,500)	29.9% (15,591)	62.1% (32,380)
2007-2008	Poor	MAF n= 3,325	3.5% (115)	26.2% (871)	56.0% (1,863)	14.3% (476)	MAF n= 3,314	33.3% (1,102)	25.3% (837)	32.9% (1,091)	8.6% (284)
		Comp n= 46,582	4.7% (2,197)	28.9% (13,478)	53.2% (24,766)	13.2% (6,141)	Comp n= 46,268	37.6% (17,414)	23.2% (10,716)	31.0% (14,326)	8.2% (3,812)
	Non-poor	MAF n=1,242	0.9% (11)	15.9% (198)	57.1% (709)	26.1% (324)	MAF n=1,241	17.7% (220)	19.9% (247)	43.0% (533)	19.4% (241)
		Comp n= 51,538	1.0% (537)	10.2% (5,275)	49.0% (25,272)	39.7% (20,454)	Comp n= 51,412	12.3% (6,306)	14.4% (7,393)	41.7% (21,434)	31.7% (16,279)

Table 5. Regression Results for Third-grade EOG Scale Scores

Effect	Math	Reading	
	2006-2007 & 2007-2008 Combined	2006-2007	2007-2008
	Estimate ^a (SE)	Estimate ^a (SE)	Estimate ^a (SE)
Intercept	325.44*** (.66)	250.97*** (0.91)	343.49*** (1.14)
MAF	-0.81*** (0.21)	-1.37** (0.51)	-1.10*** (0.30)
Poor	-4.17*** (0.04)	-4.11*** (0.06)	-5.88*** (0.08)
MAF X Poor	2.06*** (0.25)	2.81*** (0.58)	2.56*** (0.35)
Race/Ethnicity			
Black/African-American	-5.20*** (0.05)	-4.42*** (0.07)	-5.98*** (0.10)
Hispanic/Latino	-2.89*** (0.07)	-3.75*** (0.09)	-5.36*** (0.12)
Other/Multiracial	-0.92*** (0.07)	-1.47*** (0.10)	-1.77*** (0.13)
White/European-American	—	—	—
Male	0.45*** (0.04)	-1.52*** (0.05)	-1.58*** (0.06)
Per Pupil Expenditure			
State	-0.31*** (0.01)	0.001 (0.01)	-0.02 (0.02)
Local	0.19*** (0.02)	0.07*** (0.02)	0.10*** (0.02)

^a Significance levels are * $p < .05$, ** $p < .01$, *** $p < .001$.

Table 6. Adjusted Means for Third-grade EOG Scale Scores

EOG	Cohort	Poverty Status	Pre-k Group	Scale Score (SE)	Significance ^a
Math	2006-2007 & 2007-2008 Combined	Poor	MAF n= 4,063	341.8 (0.4)	Comp-NP> MAF-NP> MAF-Poor> Comp-Poor ^b
			Comparison n= 96,101	340.5 (0.4)	
		Non-poor	MAF n= 1,488	343.9 (0.4)	
			Comparison n= 103,817	344.7 (0.4)	
Reading	2006-2007	Poor	MAF n= 734	247.3 (0.3)	Comp-NP> MAF-NP> MAF-Poor> Comp-Poor ^c
			Comparison n=49,173	245.8 (0.1)	
		Non-poor	MAF n= 246	248.6 (0.5)	
			Comparison n= 52,104	249.9 (0.1)	
	2007-2008	Poor	MAF n= 3,314	337.0 (0.2)	Comp-NP> MAF-NP> MAF-Poor> Comp-Poor ^d
			Comparison n= 46,268	335.6 (0.2)	
		Non-poor	MAF n= 1,241	340.3 (0.3)	
			Comparison n= 51,412	341.4 (0.2)	

^a Significant differences indicate results of pairwise post-hoc comparisons of the least-squares means for each group based on hierarchical linear model estimations.

^b For all significant differences, $p < .001$.

^c MAF-Poor vs. MAF-NP, $p < .05$; Comp-NP vs. MAF-NP, $p < .01$; for all remaining significant differences, $p < .001$.

^d For all significant differences, $p < .001$.

Table 7. Mean Differences and Effect Sizes for Between-Group Comparisons of Third-grade EOG Scale Scores

Contrast	Scale Scores					
	Math		Reading			
	2006-2007 & 2007-2008		2006-2007		2007-2008	
	Mean Diff	Effect Size	Mean Diff	Effect Size	Mean Diff	Effect Size
Comparison Non-poor vs Comparison Poor	4.2	0.46	4.1	0.51	5.9	0.55
MAF Non-poor vs MAF Poor	2.1	0.23	1.3	0.16	3.3	0.31
MAF Poor vs Comparison Poor	1.2	0.14	1.4	0.18	1.5	0.14
MAF Non-poor vs Comparison Non-poor	-0.8	0.09	-1.4	0.17	-1.1	0.10

Table 8. Regression Results for Third-grade EOG Achievement Levels

Effect	Math	Reading	
	2006-2007 & 2007-2008 Combined	2006-2007	2007-2008
	Estimate ^a (SE)	Estimate ^a (SE)	Estimate ^a (SE)
Intercept	1.30*** (0.06)	3.54*** (0.08)	2.91*** (0.10)
MAF	-0.05** (0.02)	-0.07 (0.05)	-0.08** (0.03)
Poor	-0.33*** (0.004)	-0.34*** (0.01)	-0.51*** (0.01)
MAF X Poor	0.16*** (0.02)	0.21*** (0.05)	0.19*** (0.03)
Race/Ethnicity			
Black/African-American	-0.41*** (0.01)	-0.36*** (0.01)	-0.53*** (0.01)
Hispanic/Latino	-0.22*** (0.01)	-0.31*** (0.01)	-0.47*** (0.01)
Other/Multiracial	-0.08*** (0.01)	-0.11*** (0.01)	-0.16*** (0.01)
White/European-American	—	—	—
Male	0.03*** (0.003)	-0.13*** (0.005)	-0.13*** (0.01)
Per Pupil Expenditure			
State	0.03*** (0.001)	-0.0001 (0.001)	-0.001 (0.001)
Local	0.02*** (0.002)	0.004** (0.001)	0.01*** (0.002)

^a Significance levels are * $p < .05$, ** $p < .01$, *** $p < .001$.

Table 9. Adjusted Means for Third-grade EOG Achievement Levels

EOG	Cohort	Poverty Status	Pre-k Group	Achievement Level (SE)	Significance ^a
Math	2006-2007 & 2007-2008 Combined	Poor	MAF n= 4,063	2.7 (0.03)	Comp-NP> MAF-NP> MAF-Poor> Comp-Poor ^b
			Comparison n= 96,101	2.6 (0.03)	
		Non-poor	MAF n= 1,488	2.9 (0.04)	
			Comparison n= 103,817	2.9 (0.03)	
Reading	2006-2007	Poor	MAF n= 734	3.2 (0.03)	Comp-NP, MAF-NP> MAF-Poor> Comp-Poor ^c
			Comparison n=49,173	3.1 (0.01)	
		Non-poor	MAF n= 246	3.3 (0.05)	
			Comparison n= 52,104	3.4 (0.01)	
	2007-2008	Poor	MAF n= 3,314	2.3 (0.02)	Comp-NP> MAF-NP> MAF-Poor> Comp-Poor ^d
			Comparison n= 46,268	2.2 (0.01)	
		Non-poor	MAF n= 1,241	2.7 (0.03)	
			Comparison n= 51,412	2.7 (0.01)	

^a Significant differences indicate results of pairwise post-hoc comparisons of the least-squares means for each group based on hierarchical linear model estimations.

^b Comp-NP vs MAF-NP, $p < .01$, for all remaining significant differences, $p < .001$.

^c MAF-P vs. MAF-NP, $p < .05$; for all remaining significant differences, $p < .001$.

^d Comp-NP vs MAF-NP $p < .01$; for all remaining significant differences $p < .001$.

Table 10. Mean Differences and Effect Sizes for Between-Group Comparisons of Third-grade EOG Achievement Levels

Contrast	Achievement Levels					
	Math		Reading			
	2006-2007 & 2007-2008		2006-2007		2007-2008	
	Mean Diff	Effect Size	Mean Diff	Effect Size	Mean Diff	Effect Size
Comparison Non-poor vs Comparison Poor	0.3	0.42	0.34	0.46	0.51	0.53
MAF Non-poor vs MAF Poor	0.2	0.22	0.13	0.18	0.32	0.33
MAF Poor vs Comparison Poor	0.1	0.14	0.14	0.19	0.11	0.12
MAF Non-poor vs Comparison Non-poor	-0.1	0.06	-0.07	0.08	-0.08	0.08

Table 11. Percentage of Third-grade Children Identified with Special Status

Special Status	2006-2007				2007-2008			
	Poor		Non-poor		Poor		Non-poor	
	MAF n=739	Comp n=49,569	MAF n=246	Comp n=52,298	MAF n=3,327	Comp n=46,633	MAF n=1,242	Comp n=51,563
Academically/ Intellectually Gifted								
Math	2.2% (16)	2.3% (1,134)	6.1% (15)	9.4% (4,914)	2.6% (85)	2.2% (1,023)	6.0% (75)	9.0% (4,656)
Reading	2.3% (17)	2.4% (1,207)	5.7% (14)	9.9% (5,176)	2.4% (80)	2.1% (987)	5.7% (71)	9.2% (4,751)
Learning Disability								
Any	2.8% (21)	5.9% (2,944)	4.9% (12)	3.5% (1,815)	3.4% (114)	6.0% (2,810)	2.6% (32)	3.4% (1,769)
Math	0.5% (4)	2.2% (1,098)	0.8% (2)	1.1% (578)	1.6% (53)	2.7% (1,278)	1.1% (13)	1.4% (710)
Reading	2.6% (19)	5.1% (2,506)	4.5% (11)	2.9% (1,503)	2.9% (95)	5.1% (2,367)	2.1% (26)	2.8% (1,447)
Writing	1.0% (7)	3.1% (1,515)	2.4% (6)	1.8% (961)	1.6% (52)	3.2% (1,496)	1.1% (13)	1.9% (985)
Other	0.1% (1)	0.3% (126)	0.4% (1)	0.1% (61)	0.1% (4)	0.3% (130)	0.2% (2)	0.1% (70)

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NUMBER 95 CVS 1158

TRANSCRIPT VOLUME II

PAGES 581 - 1160

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1 Yes, ma'am.

2 MS. DUBIS: Your Honor, we'd like to call
3 Donna Jackson to the stand.

4 THE COURT: All right.

5 DONNA JACKSON,
6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. DUBIS:

9 Q. Ms. Jackson, will you state your name for the
10 record, please.

11 A. Donna Jackson.

12 Q. And how are you presently employed?

13 A. I teach kindergarten in Hoke County at Scurlock
14 Elementary.

15 Q. How long have you held that position?

16 A. This is my ninth year.

17 Q. How long have you been teaching?

18 A. This is my ninth year teaching. I have one year
19 as a teacher assistant.

20 Q. Have you always taught at Scurlock Elementary?

21 A. No. This is my sixth year at Scurlock. I did
22 three years at West Hoke Elementary.

23 Q. Where did you receive your degree?

24 A. Pembroke State, which is now UNCP.

25 Q. And at Scurlock Elementary School do you have any

1 other responsibilities?

2 A. Yes. I am a mentor. I'm also grade chair and on
3 school improvement and several other committees.

4 Q. Ms. Jackson, why did you come to teach in Hoke
5 County?

6 A. I grew up in Hoke County. And I really love
7 children. And I felt like I needed to give back
8 to my county as much as I could rather than going
9 to another county.

10 Q. And you're teaching kindergarten this year?

11 A. Yes.

12 Q. How many students do you have in your class this
13 year?

14 A. Too many. I have 27.

15 Q. How many did you have last year?

16 A. I ended the year with 28.

17 Q. Can you describe for the Court what it's like to
18 teach 28 five years old in a kindergarten class.

19 A. You should try it. It's truly a job. I love it,
20 I really do, but it is a task because we get such
21 different maturity levels. They come from
22 different backgrounds and you really stay on your
23 toes all day long.

24 Q. Are you able to give the students in a class of
25 the size of 27 or 28 any individualized attention?

1 A. Rarely. And that's really unfortunate.

2 Q. Why is that unfortunate?

3 A. Because so many of them could use so much more
4 one-on-one time. I have a teacher assistant,
5 which 2 to 27 is still a big ratio. And we just
6 can't. We try to find times during the day to
7 pull two or three away, but that's still not one
8 on one.

9 Q. And why is one-on-one time important at the
10 kindergarten level?

11 A. Because even though children can learn from group
12 time, it's better to be one on one with an adult
13 so that they can, you know -- you can assess the
14 children to see where they are, to see their needs
15 and to help them on their individual needs.

16 Q. In your nine years of experience have you ever had
17 a smaller class than 27 or 28?

18 A. I think about my fourth year -- well, can I say
19 the higher number, too? I had 32 my second year.
20 And the fourth year it was a very unusual
21 situation. I had 18 kids and it was heaven.

22 Q. What was the difference between having 18 children
23 and having 32 children?

24 A. Well, besides adding 14 more bodies to a small
25 space, you just were able to flow around the room

1 more. You didn't have as much -- as many tables
2 taking up your space. You were able to set up
3 more centers for the children and the one-on-one
4 time was much better.

5 Q. At the kindergarten level what kind of instruction
6 do you focus on?

7 A. Everything. Kindergarten we touch all
8 objectives. We -- social skills is a big one in
9 kindergarten. They've moved back to the early
10 years. And they -- you know, they really focus on
11 the social elements of learning and -- but we
12 focus on the math, the science, health, the PE,
13 everything.

14 Q. And are you able to do that in a class the size
15 that you have now?

16 A. We do our best, but it's rather difficult.

17 Q. Miss Jackson, do students come to your
18 kindergarten class with the foundation skills that
19 they need to be successful?

20 A. No, not the majority.

21 Q. Can you describe the students in your class.

22 A. Yes. Most of my children, and I would say as more
23 than three-fourths, are from low income. They get
24 free/reduced meals. Many, many of them come from
25 single parent homes. And I have at least four

1 that live with grandma and they don't see mom and
2 dad that much. They have several siblings. The
3 area that our school is in is in a low district. The
4 children, for the most part, that are not free and
5 reduced are my military students, but that number
6 changes because they're so transient.

7 Q. What kind of skills do the students have when they
8 come to your kindergarten class?

9 A. Very basic. Every year over half of our class,
10 they don't know how to write their name. They --
11 in a lot of cases they don't even recognize their
12 name. We've had cases when you ask them their
13 name, they can't tell you their name. They can't
14 hold pencils. They've never picked up scissors.
15 They don't have crayons at home. They don't have
16 coloring books. They don't even recognize
17 environmental print. I have a three year old of
18 my own and it's bad, but a lot of the kids that I
19 get, he knows a lot more because he's just been
20 exposed to more. These kids aren't exposed to
21 much more than right outside in your yard.

22 Q. How does that affect the student's ability to
23 learn in kindergarten?

24 A. They don't comprehend real well when we get them.
25 They're not -- they're easily distracted. The

1 attention span is very short. They can't go from
2 like point A to point B. I mean, just like, go
3 line up at the door and they look at you like,
4 what, like we might be talking a foreign
5 language. And that is another thing. We do have
6 students in there that speech languages other than
7 English and I don't speak their language and they
8 don't speak mine so that's a hinderance, too. But
9 the kids can't follow simple directions. And
10 that's a biggie.

11 Q. You mentioned that a lot of your students have not
12 been exposed to things other than what's in their
13 own yard?

14 A. (Nods head up and down.)

15 Q. How does that lack of exposure affect a student's
16 ability to be successful in kindergarten?

17 A. If a child has had experiences and you start
18 reading, for example, to them, if they've had that
19 experience they know what you're talking about and
20 you can go with it from there. If you're reading
21 about something a child has never seen, never
22 done, never been anywhere, it's almost like, you
23 know, abstract to them and it's very hard for them
24 to learn. Just things, basic, basic things that
25 you would think -- we try to take it as far back

1 as we can because we know a lot of these kids, for
2 example, have never been outside of Hoke County.

3 Q. And in your experience have you had experiences
4 when you've been reading or teaching children
5 concepts that they had no exposure to?

6 A. Yes. Things like a helicopter. You know, they
7 don't realize the difference between a helicopter
8 and plane which, you know, you don't think about
9 that but that is a big thing. They just --
10 everything's a plane, everything's a choo choo,
11 things like that. And some of them have never
12 seen a train because in the area they live, we're
13 not exposed to anything like that.

14 Q. Ms. Jackson, are you familiar with any of your
15 students' home circumstances?

16 A. Yes. Like I said, I know one child in particular
17 who lives with her grandmother.

18 MR. ZIKO: Objection. Lack of foundation.
19 How is she familiar, your Honor?

20 THE COURT: It's her student. Overruled.

21 MR. ZIKO: Hearsay.

22 THE COURT: Overruled.

23 A. Thank you. Yes. She lives with her grandmother.
24 I've only had the opportunity to meet grandmother
25 once. Her grandmother doesn't drive. And the

1 only time I've met her is the child was sick and
2 someone brought her up and we got to talk a brief
3 moment before she took the child home. But that's
4 not the only instant. I have three others who
5 live with the grandparents. Their mothers are in
6 and out. Most of the time fathers are not
7 present.

8 I do have two Hispanic students who
9 they're, you know, just farming or turkey plant
10 workers and they don't speak English. Their
11 parents don't speak English so it's very difficult
12 for us to talk with one another. We do the best
13 we can because we only have a -- you know, just a
14 person, an ESL who's only there. And she works
15 with my kids about an hour a day. And she has to
16 translate my letters for me because it's
17 impossible for me to talk to them. A lot of hand
18 language. I've learned the very basics in Spanish
19 so I can help those kids.

20 I have the military students. A lot of
21 those have just moved into the area. Some of them
22 I only keep a few months before they move out
23 again. And that's very difficult. Even if they
24 do have experiences, that's not good for a child
25 starting school either.

1 Q. Have you made any special efforts to give any
2 special attention to any of these children?

3 A. Oh, yes. Last year -- and you really aren't
4 supposed to get personally attached, but you can't
5 help it. I love my kids. Last year I adopted a
6 little girl on the side. She was also -- she came
7 to me in October of last year not speaking
8 English, family still doesn't speak English. And
9 I'm glad to say now that she speaks very fluent
10 English. It took us until about February to get
11 her to talk to us at all. We didn't know what she
12 knew.

13 But she was taking it all in. And the
14 children also help a lot with the non-English
15 speaking. But I got permission. And at that time
16 we didn't have an ESL person. We had a third
17 grade teacher who translated for us. And she
18 wrote letters to the parents and we sent it home
19 and the child was able to come and spend several
20 weekends with me. And it was just like taking her
21 to Disney World. And it was a normal weekend for
22 my boys.

23 I mean, we're not by no means, you know,
24 affluent. We're just, you know, working people.
25 But they went to a birthday party. And we took

1 her to the Sonic and she just thought that was
2 like Disney World. It brings tears to my eyes
3 when I think about it. I don't have a little
4 girl. So that's part of -- you know, she has --
5 is this gorgeous little girl. And I was able to
6 doll her up, which she had never had anything done
7 like that for her before.

8 But I took her into our guest bathroom and
9 ran the bathtub water. And you know, I didn't
10 want to stay in there with her and everything.
11 And I told her, I said, as soon as you want to,
12 take your clothes off. And I put lots of bubble
13 bath in it and stuff. And I said, go ahead and
14 get in and take your bath.

15 So I left the room. And I came back in
16 about five or ten minutes to check on her. And I
17 knocked on the door and she answered me. And I
18 peeked in and she was still standing there. I
19 said, baby, what's wrong. She did not know what
20 to do. She said -- I said, do you not use your
21 bathtub at home? She said, no, it doesn't work.
22 And she had never had the opportunity to get in a
23 bubble bath. And she stayed in there an hour. I
24 couldn't hardly get her out.

25 And then on Sunday -- I know church is

1 another thing, but we do go to church as a family
2 and she had never been. And I dressed her up and
3 curled her hair and you would have just thought
4 with that dollar yard sale dress that I bought for
5 her and fixed her up really nicely that she was
6 just the queen.

7 Q. And do you know how that particular student is
8 doing in school now?

9 A. Yes. I have the benefit of being right there and
10 watching her. Thankfully, she's still in our
11 area. I talk with her teacher quite often and
12 she's really doing well because of, you know,
13 getting a little bit of the English background.
14 But she still has no help at home. And the
15 further up she gets the harder it's going to
16 become because of homework and things like that.
17 I know the teachers already had to make home
18 visits to try to get the things returned.

19 Q. The things like homework?

20 A. Homework, books, things like that. In first grade
21 -- as a first grade parent I know they are asked
22 to read every night with their child. That's
23 impossible because the mother doesn't speak
24 English. She doesn't read English. And not only
25 with our non-English speaking parents, a lot of

1 our parents don't read.

2 Q. Ms. Jackson, are you familiar with the
3 prekindergarten program at Scurlock Elementary
4 School?

5 A. Yes. It's right next door to our classroom.

6 Q. How long has that program been in existence?

7 A. Two years.

8 Q. How many students are in that class?

9 A. Maximum of 18.

10 Q. Do you know if 18 is enough spaces to serve the
11 children who need the prekindergarten?

12 A. No, not by no means, not when you are sitting with
13 three kindergarten classrooms of 27 students. We
14 only have one space for 18 pre-K. That doesn't
15 translate but like six to a classroom that are
16 able to come to kindergarten with pre-K.

17 Q. Have you had any students in your class who have
18 participated in the prekindergarten program?

19 A. Yes.

20 Q. Can you tell a difference in the children?

21 A. Major difference. Without just knowing who the
22 kids are, if on assessments someone were to come
23 in that didn't know, they could look pretty much
24 over and see the kids who had the experience of
25 pre-K.

1 Q. What are the differences in those children and the
2 children who have not had the prekindergarten?

3 A. Motor skills, that being gross and fine,
4 especially on the fine motor skills which is
5 pencils, crayons, scissors, that kind of thing.
6 Comprehension, being able to tell you what we just
7 read to the child. They've been exposed to more
8 things that they wouldn't have gotten exposed to
9 had they not had the experience so that they can
10 relate stories that you read to them. Listening.
11 Following directions. There's social skills,
12 hygiene skills. There's just so many different
13 areas that you see a difference.

14 Q. Have you brought some work samples with you today
15 from your students?

16 A. Yes, and this is from this year.

17 Q. And can you just describe what it is that you've
18 brought.

19 A. When we first get our students, of course we have
20 to see where they are. We have to test for color
21 recognition. And that's another thing, so many of
22 our kids -- I mean, just colors that you see from
23 the time you're born. They can't recognize that
24 this is red or that's blue. They don't know.
25 Letters and numbers, they might say B and it's the

1 number two. I mean, they don't know how to
2 separate that.

3 But when we first get our students, one of
4 the things we do, we do cut, we do tests for
5 colors. But we check to see, first of all, if
6 they can recognize their name and then we start
7 practicing with writing of their name. Some of
8 them that start -- they have already started
9 writing their name but they may not do it the
10 correct way. They may use all capitals and things
11 like that. So we have to assess where they are.

12 So what we do, we give these samples at
13 the beginning and this is kind of handwriting
14 practice. And what I have with me is two children
15 who have been to pre-K (indicating). And this is
16 the very first week of school.

17 Q. Okay. Can you show those to the Court.

18 A. Yes (indicating).

19 Q. And you've got two students there?

20 A. Yes.

21 Q. And those are students that are in your class now?

22 A. Yes. Uh-huh.

23 Q. And can you just start with one student and just
24 tell us a little bit about that student.

25 A. Okay. All right. This child, he has three

1 brothers and sisters. Mother's single. She works
2 at Burlington. She works at night so he stays
3 with grandma. And I know that she doesn't do a
4 lot to help him. This child benefited from pre-K
5 in so many areas. His comprehension is up,
6 following directions, listening. He knows how to
7 take care of the personal needs that he has. And
8 as you can see, he's already doing very well
9 (indicating). He knows his colors, his numbers,
10 his letters, things like that. And we know that
11 because, like I said, we assess them on the first
12 week.

13 Q. Pass that up there.

14 A. Okay.

15 Q. You've brought some others?

16 A. Yes. This little fella here, this is the brother
17 to a child I had several years ago. At the time
18 that I had brother, he and brother were staying
19 with grandma. Mother was not in town. That
20 situation has somewhat changed now. She has just
21 recently married this one's father. They're
22 different fathers for the brothers. So this was
23 like at the beginning of this year that this all
24 took place. This child was -- also benefited from
25 pre-K last year. And at that time he was with

1 grandma.

2 I just know that, you know, from -- from
3 past experience -- and I know children are
4 different. But from past experience, this child
5 came into us a lot more advanced than brother had
6 the opportunity to be because brother was not
7 serviced. At that time we did not have a pre-K
8 program.

9 Q. Set that one up there as well.

10 A. I also brought with me two samples of children who
11 neither had preschool either at our school or any
12 kind of structured daycare. One lives with --
13 actually, both live with grandma. Grandma and
14 step-granddaddy and the other one just with
15 grandma. And it's such a quite -- quite a
16 difference (indicating) in what you see from the
17 two children we got from pre-K and the children we
18 didn't.

19 And we just do all we can. We sit as much
20 as we can with children like these, one on one,
21 trying to model for them the correct ways and
22 still, until they just continually, continually do
23 it, a lot of them still don't get it.

24 Q. And these assessments were done at the beginning
25 of the year?

1 A. Yes.

2 Q. And you still have these children in your
3 classroom?

4 A. Yes.

5 Q. What is the -- at what level are these children
6 performing now?

7 A. Still not to this point (indicating). We are very
8 pleased that -- especially in this instance -- she
9 has come so far from where we first started. This
10 child (indicating) we're still having to -- my
11 assistant tries to kind of center herself -- when
12 we're doing writing activities and things like
13 that, tries to center herself behind this child's
14 table to kind of guide her along. She almost has
15 to have you right there or she doesn't -- she
16 can't comprehend from point A to point B.

17 Q. Based on your experience and observations with --
18 these two children have benefited from the
19 prekindergarten program?

20 A. Most definitely. Any child would benefit from a
21 pre-K program, but especially children when you
22 get them like these.

23 Q. Miss Jackson, other than the pre-K program are
24 there any remedial programs or tutorial programs
25 or anything for young children that are performing

1 at this level?

2 A. No. We've had the experience of having
3 remediation one time since we've had year-round
4 school for kindergarten and it was only funded
5 through a grant that Barbara Lupo was able to
6 get. And at that time we were -- the kindergarten
7 teachers rotated. We wanted to be there with our
8 own children. We didn't feel like fifth grade
9 could come down and give our kids what they
10 needed, so we all took over and we taught
11 remediation that week.

12 And it was amazing. In just one week you
13 say, oh, what's a week. But in one week of having
14 kids basically from the same academic level
15 because right now in kindergarten it ranges from
16 -- we have like two children, teacher's
17 children. And I mean, that's just the way it is,
18 teacher's children who are ready to read, who know
19 their letters, their sounds and colors. And then
20 we have this child (indicating).

21 And when you have such a vast variety of
22 children, it's very difficult with 27. But when
23 we had that remediation week, all the kids were
24 basically on the same level. We were able to gear
25 in on exactly what those kids needed. And we gave

1 them a lot more one-on-one time. And when they
2 came back from that remediation session, it was
3 obvious that they had had that time.

4 Q. And what year was that you were able to do that?

5 A. Year before last.

6 Q. And how was that remediation funded?

7 A. Through a grant Barbara Lupo wrote. It's not a
8 regular thing.

9 Q. Do you have any plans for a remediation session
10 this year?

11 A. Not unless somebody gives us some money.

12 Q. And you mentioned your students who don't speak
13 English?

14 A. Yes.

15 Q. What kinds of programs or tutorials or remediation
16 is there available for those children?

17 A. Last year it was once a week, I mean, for like an
18 hour. And I mean, what good does that do? Like I
19 said, we were -- we just improvised as best we
20 could, which we felt so terrible that, you know,
21 these children didn't understand a thing we were
22 saying and we sure didn't understand a thing they
23 were saying. So we just did the best we could
24 do.

25 This year we were fortunate to have --

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1 well, she's not full-time. She's just part-time.
2 An ESL person who comes for an hour a day. And
3 like I say, she services the whole school. And we
4 have a high number of non-English speaking
5 students. And they would be so much more
6 benefited if there was a class that they would go
7 into, stay in all day long when they first come to
8 our schools to get their basics before they
9 mainstream them into our classrooms.

10 Q. Miss Jackson, you have taught us -- or you've told
11 us about the way you teach kindergarten and that
12 you cover all areas. Are you familiar with
13 something called the Guide to the Early Years?

14 A. Yes, the Bible.

15 Q. Could you explain to the Court what that is.

16 A. It's the state curriculum goals and objectives for
17 early childhood or kindergarten. And it has the
18 things that they would like for us to have these
19 children be able to demonstrate by the time they
20 go on to first grade.

21 Q. Would you characterize it as similar to the
22 Standard Course of Study --

23 A. Yes. Uh-huh.

24 Q. -- in higher grades?

25 A. Right.

1 Q. And do you follow the Guide for the Early Years in
2 your class?

3 A. Yes, as best we can. We cover as much of it as we
4 can.

5 Q. And how is the early childhood curriculum
6 organized?

7 A. Also by the disciplines, the different subject
8 areas. And you know, it gives suggestions on way
9 to accommodate these and the things, the materials
10 that you should have in order to teach these
11 disciplines.

12 Q. Are you provided with the materials that you need
13 to follow and implement the Guide for the Early
14 Years in your classroom?

15 A. No. The very basics but, no, not really. Not if
16 you were to go list by list, no.

17 Q. What are some of the things that are listed in the
18 Guide for the Early Years that you were not
19 provided with in your classroom?

20 A. In language arts it suggests that you have flannel
21 boards, puppets, puppet stage, several different
22 ethnic books. Big books is a big thing. And when
23 I say "big book," I mean a big -- big print, big
24 picture book so that more children can enjoy it
25 rather than the small ones.

1 Let's see. Stamps, stamp pads, different
2 like cue cards. Let's see. For science,
3 measurements, magnifying glasses. For math,
4 balance -- balances, counters with, you know,
5 manipulators for counting. And let's see.
6 Legos. And in PE they -- things for them to climb
7 on, jump ropes, balls, Hula Hoops. I mean, just
8 everything. You know, sand and water tables,
9 terrariums, places for classroom pets. Just
10 everything.

11 Q. And those are things that are listed in the Guide
12 for the Early Years?

13 A. Yes. And that's just hitting the top of it.
14 That's nothing like what's on our list.

15 Q. Why is it important to have those things to
16 instruct young children?

17 A. Because children learn by doing. Children learn
18 by putting their hands on something. I can't hold
19 up a book and say, this is an aquarium and these
20 are fish. And you know, if they've never seen an
21 a aquarium, they've never seen fish in an
22 aquarium. For that matter, it means nothing to
23 them. They learn by seeing, doing and being
24 involved. If you don't have things for them to be
25 involved in, they can't very well learn.

1 Q. And those things that you listed, do you have any
2 of those in your classroom?

3 A. I have quite a few of them, but I purchased them.
4 I either purchased them -- and I'm very fortunate
5 to have a brother who builds about anything I can
6 draw and he's tired of me, I'm sure, but I keep
7 asking. So a lot of the things, yes, I have
8 purchased myself.

9 Q. What kinds of things have you bought for your
10 classroom?

11 A. Oh, I've got a very nice teacher resource catalog
12 section that, I mean, just that I have purchased
13 every year. All the time my husband's forever
14 shaking his head. I'm always buying something for
15 my classroom. Unfortunately, I've had to cut back
16 a bit because I have two children of my own. But
17 I do still. Every week, literally, I'm buying
18 something for my room.

19 I do have a flannel board. I do have a
20 good supply of books. I do have the
21 transportation, you know, the model planes and
22 cars and things like that. I have a nice
23 housekeeping center my brother built for me. The
24 dress-up clothes I've purchased. The only things
25 that were really provided to me when I started

1 teaching: A record player, an overhead projector,
2 a tape player and chalkboard. And that's
3 basically it.

4 Q. Are you given any -- are the teachers given any
5 money for instructional materials and supplies
6 each year?

7 A. We usually get \$100 at the beginning of the school
8 year to use how we see fit. And if you divide 27
9 kids into 100 you don't get very far.

10 Q. What do you spend the hundred dollars on?

11 A. It varies. A lot of times I will buy
12 multi-cultural crayons. I really strongly believe
13 that children should have the opportunity to have
14 the color in front of them that matches their
15 skin. I mean, you know, nobody's white like white
16 paper and things like that. So I buy the
17 multi-cultural paint and crayons so these children
18 can be proud of the color of their skin. That is
19 not provided for us.

20 Any kind of craft activity or any kind of
21 eating activity, we try to bring in everything.
22 When we're teaching something we try to touch
23 every subject so these children get a good feel
24 because somebody that might learn better visually,
25 like this child might learn better by seeing,

1 tasting or doing. So it ranges from foods to
2 crafts to instructional supplies. I also buy
3 scissors for my classroom for the children who
4 cannot provide their own.

5 Q. And are you able to buy all that with the hundred
6 dollars?

7 A. No. I wish. No.

8 Q. On average, how much of your own money do you
9 spend on your classroom each year?

10 A. I haven't -- this year, when we do our taxes I'll
11 know for this year, but last year -- and in the
12 last three years I've been fortunate enough to
13 take a tax deduction because my husband has his
14 own business. But before that it just went and I
15 didn't really keep up with it. Last year I was
16 able to claim \$1500 from school supplies. That
17 did not include things that I didn't have receipts
18 for from yard sales, things like that.

19 Q. Miss Jackson, can you briefly describe for the
20 Court how Scurlock Elementary School is laid out.

21 A. We have a very wide campus. If you're looking at
22 the school, the kindergarten building is to your
23 far left. And it's in a T intersection. My -- my
24 side of the campus is facing two roads. Our
25 central office is in the center. Then we have

1 another building. All our buildings, we are not
2 housed together. We are all like in little
3 clusters. We talk about fourth, fifth grade being
4 another world down there. We go without seeing
5 those people. Unless we have staff meetings, we
6 may not see them all week.

7 Q. I'm sorry, where are the kindergarten classrooms
8 located?

9 A. We are on the front side at the very front. And
10 like I say, we are facing both roads. From our
11 classroom we can see out and see the community
12 around us. And sometimes you don't want them to
13 see what's going on around you.

14 Q. Where is the kindergarten classroom located in
15 relationship to the cafeteria?

16 A. Practically across campus. It's across campus
17 from basically everything we do.

18 Q. And how do you get your kids from the classroom to
19 the cafeteria?

20 A. Well, we have no enclosed walkways. So you have
21 to come out of your room, go down the sidewalk,
22 take a long walk through the campus to get to the
23 other things.

24 Q. And those walkways they're -- I'm sorry you said
25 -- are they enclosed?

1 A. No, by no means.

2 Q. In your experience are there any difficulties with
3 being located away from cafeteria, the media
4 center, the other parts of the campus?

5 A. Yes. Other than it takes up instructional time
6 coming to and from, in inclement weather, if it's
7 raining, we have to go and walk through the rain
8 because the rain runs on the sidewalk between
9 where we have to walk. And there's no way to get
10 around it. So you just walk through the water.
11 Then we have to go to a different route in order
12 to get to the lunchroom to keep the kids from
13 getting soaked. If it's blowing, we still get wet
14 regardless.

15 In cold weather you leave your hopefully
16 warm classroom. May not be warm because the heat
17 doesn't work all the time and sometimes just about
18 kills you in there because it's so hot. You put
19 on coats. You go out into the cold. You go to
20 the lunchroom. You take off your coats because
21 warm. You eat your lunch. You put your coats
22 back on.

23 I mean, and when you're talking
24 kindergarten, it takes you 15 minutes to find your
25 coat and then, Miss Jackson, can you button it.

1 Then they may have it on upside down and he's got
2 my coat. And then when we leave the lunchroom,
3 when we get in line, well, I don't have my coat.
4 So we go back to the table and we find their
5 coat. When you have 27 you can't watch every
6 individual. You just do the best you can do. And
7 then you go back down the sidewalk. You go back
8 into the classroom. If they're wet or cold,
9 they're not going to learn very well. So that is
10 a major hinderance.

11 Q. Are there any problems with the facilities in your
12 classroom?

13 A. Well, I think one thing that we have to do that
14 just absolutely blows my mind. When we have
15 tornado drills, our building is not structurally
16 sound enough for us to stay in the building if
17 there were a tornado. We go out the building,
18 around the corner to another building and go in
19 with someone else who has a concrete wall between
20 them. If you weigh 35 pounds and there's a
21 tornado coming through, I mean, do you think you
22 need to be out in it? So that blows my mind.

23 Q. In the classroom itself -- are there any problems
24 with the facilities within the classroom itself?

25 A. Yes. We don't have hot water. And when you're

1 cooking, that's not good. We have no
2 ventilation. We have just the door. And when
3 you're talking 27 bodies, you really need more
4 ventilation than that because of germs and things
5 like that. We have solid glass pane windows. You
6 cannot open them. There's no opening to get fresh
7 air in there.

8 Right now because of the humidity and
9 because of how high it's been, my classroom is
10 mildewing. The baseboards are mildewing and the
11 bathroom is mildewing and there's nothing we can
12 do about it because there's no ventilation for the
13 kids.

14 The carpet. We've been very fortunate.
15 In the last few years we got new carpet. It
16 stayed down 22 years before we got new carpet and
17 when you times that times 25 little behinds
18 sitting on that carpet for 22 years, it was in
19 desperate need. The ceiling tiles are just before
20 falling in on us. The lights are not that great.

21 The air works half the time. Half the
22 time it doesn't. The heat is forever going out on
23 us and the maintenance coming in grinning at me,
24 Miss Jackson, what have you done to the air? What
25 have you done to the heat? I haven't touched it.

1 Q. Have you expressed these concerns to anyone? Have
2 you told anybody about these problems?

3 A. Oh, yes. They do the best they can do. The
4 maintenance guys, I love them dearly. They come
5 out, you know, when we call them. Well, you know,
6 we've been back on the building and so-and-so's
7 burned out and/or this is so-and-so and we'll get
8 it fixed as soon as we can. They try their best.

9 At the beginning of the school year -- I
10 have a first grade child in that school. He sat
11 in his classroom two weeks and it was like 99
12 degrees outside. And he would come in the
13 lunchroom and his little face would just be
14 flushed. You can't learn like that. And that
15 just -- that really, really bothered me. Their
16 clothes were literally stuck to them.

17 Q. Miss Jackson, do you use the media center at
18 Scurlock Elementary School?

19 A. Yes.

20 Q. Are you able to find the resources that you need
21 for your classroom there?

22 A. No. Our media center is very outdated. We -- in
23 the teacher books that, we have we have resource
24 lists that suggest selected readings to go along
25 with things we teach in kindergarten. And the

1 librarian is wonderful. I go over and say, you
2 know, this is what I'd like to find. They don't
3 have it. You might find one of 10 or one of 15
4 books. And I was just amazed to find that there
5 are still books there that were there when I was
6 at Scurlock School when I was a child, which I'm
7 not that old, but that's been a while.

8 Q. We won't ask you to testify about your age.

9 A. Okay.

10 Q. Miss Jackson, you've testified that you're a
11 mentor --

12 A. Yes.

13 Q. -- is that correct?

14 A. Uh-huh.

15 Q. Could you describe the mentor program.

16 A. Yes. We're assigned to new teachers coming in to
17 kind of be their buddy and their support system.
18 This is, I think, my third or fourth year being a
19 mentor.

20 Q. How many teachers do you mentor?

21 A. I have one new, but I also have just rotated one
22 lady off. But I also observe three other
23 initially licensed personnel.

24 Q. And in what areas are those teachers teaching in?

25 A. I have been assigned mostly to exceptional

1 children. We have exceptional children's programs
2 at our school. Because of the lack of mentors
3 we're basically put wherever they can assign us
4 and it's kind of a hinderance. I give her
5 everything I've got and stay with her all the way,
6 but for me to be out of my subject area -- it
7 would be much better if she had someone in her
8 area helping her, but we just don't have enough
9 people to focus on all of the new teachers that we
10 have.

11 Q. Do you have any exceptional children's training?

12 A. No.

13 Q. And how many years have you been a mentor teacher?

14 A. This is my third or -- this, I think, is my
15 fourth. I've had -- the person I'm mentoring this
16 year, this is my third year mentoring a new person
17 in that very position. That's how much turnover,
18 just in that one classroom, that we've had.

19 Q. Do you know where those other teachers went when
20 they left?

21 A. One of them's military I know and it was a
22 military move. Two of them just gave it up. They
23 said, this is not my cup of tea.

24 Q. Miss Jackson, based on your nine years of
25 experience teaching kindergartners, the children

1 that you've taught, have they left your class with
2 the fundamental skills that they need to be
3 successful at the next level?

4 A. Yes and no. We have -- I feel very good with what
5 I do with my kids. I feel very good with what I
6 give them while they're with me. But they start
7 from so far behind that what I give them may be a
8 year's growth but it's not necessarily the year's
9 growth that they should have gotten in
10 kindergarten had they come more prepared.

11 Kindergarten is -- you feel very
12 frustrated at the end of the school year when we
13 have children that we know are not ready for first
14 grade. But we also know that they're mature
15 enough and maybe socially they function well
16 enough to go to first grade. But in our heart --
17 we're hoping against it, but we know they're going
18 to repeat first grade. Just we know it.

19 And the reason we have to -- we don't
20 really have to go ahead and send them, but you
21 can't repeat a child in kindergarten and then
22 repeat a child in first grade. So if they move on
23 to first grade and they don't get, you know, that
24 major gap bridged in first grade, they can do
25 first grade again. If I keep them in kindergarten

1 and then send them to first grade and they still
2 haven't grasped reading yet, they still have to go
3 on to second grade.

4 Q. Miss Jackson, what do you need to be able to
5 insure that all your children are ready to succeed
6 at the next level?

7 A. Oh, there are just so many things. Small class
8 size. That would be the very first thing I would
9 ask for is small class size so I can give these
10 children like these children that need me right
11 there with them every day or my assistant right
12 there giving them things.

13 Computers. We have computers in our
14 room. We have an Apple II. It's very outdated.
15 We have another computer that was donated to me by
16 a parent last year. We have another computer that
17 was handed down from third grade. It does not
18 work. The computer person has been to my room
19 twice this year, cannot get it up. The only
20 decent computer in our room I won a grant for. So
21 you know, they need that technology. And with 27
22 kids and only one computer in there, it's not
23 possible to get them in there and get them
24 involved in how to operate the computer.

25 Supplies. I mean just the basic things

1 like crayons and things like that so I don't have
2 to buy them out of my own pocket would be
3 wonderful. Books, big time books. We teach on
4 the four block. And they suggest that a classroom
5 has 300 big books. I have --

6 Q. How many do you have?

7 A. -- maybe 30. And probably several of those I
8 bought. And little books. They just say that
9 you're supposed to rotate your libraries out. If
10 you don't have but half of a library, how can you
11 rotate your libraries out? And the books I do
12 have I purchased at yard sales so my children can
13 get in there to interact with the books. If you
14 get a book and, you know, you get given a book
15 that's a \$30 book it's terrible because, you know,
16 don't tear it up because I've got to keep it
17 forever because I may not get another one.

18 Q. Anything else that you feel like you need to
19 insure the success of your students?

20 A. I think they need more tutoring. I think they
21 need focus on the remediation. I think the
22 remediation should start. I think pre-K should be
23 given to every child that will come because it
24 would just benefit them so much because our area
25 is just so far behind a lot of places.

1 MS. DUBIS: Miss Jackson, thank you. I
2 don't have any further questions.

3 MS. ANDERSON: No questions, your Honor.

4 CROSS EXAMINATION

5 BY MR. ZIKO:

6 Q. Ms. Jackson, my name's Tom Ziko and I do have some
7 questions for you. Where did you go to high
8 school?

9 A. Hoke County High School.

10 Q. And you graduated in what year?

11 A. '84.

12 Q. And from there you went to Fayetteville State
13 University; isn't that correct?

14 A. Yes.

15 Q. How many years did you stay there?

16 A. A year.

17 Q. And then you stopped going to college?

18 A. Yes.

19 Q. Why did you stop?

20 A. Well, you know how a lot of high schoolers are.
21 When they're coming out, they're not quite sure
22 what they want to do. I started out as an English
23 major. I got into the curriculum and I knew I
24 wanted to teach, but at that time I thought I
25 wanted to teach the upper grades. And I just --

1 my heart wasn't in it and I feel like anything I
2 do I need to be in it 100 percent. So I took a
3 break, sat back and thought about it. I was a
4 teacher assistant for a year in kindergarten,
5 absolutely loved it. The kids left school on
6 Friday, I started school on Monday and I stuck
7 with it until I finished.

8 Q. Now, at some time you had formal education at
9 Sandhills Community College, correct?

10 A. No, sir.

11 Q. Did you not take the effective teacher training
12 for substitute teachers?

13 A. Oh, yes, that's --

14 Q. In 1987, correct?

15 A. Yes.

16 Q. That was through Sandhills Community College,
17 correct?

18 A. Right. Okay.

19 Q. Was that while you were enrolled at Fayetteville
20 State University?

21 A. No, I don't think it was.

22 Q. And why did you take the effective teacher
23 training course for substitute teachers at
24 Sandhills?

25 A. It was required when we started teaching in our

1 county.

2 Q. And what county were you teaching in?

3 A. In Hoke.

4 Q. Where was it you were working as a substitute?

5 A. In Hoke County and as well as Fort Bragg schools.

6 Q. Now, at some time you decided to go back to
7 school; is that correct?

8 A. Uh-huh.

9 Q. And why did you decide to go back to school?

10 A. Like I said, I worked for a year as a teacher
11 assistant and absolutely loved what I was doing.
12 And I thought, well, I was young. I was not
13 married. I said I need to go now and further my
14 education so that, you know -- because I had a lot
15 of goals in life and I knew I needed to go back to
16 school. So I went ahead and started back on my
17 degree.

18 Q. And then you went back to Pembroke State
19 University, right?

20 A. Yes.

21 Q. And you graduated from there in 1990; is that
22 correct?

23 A. Yes, undergraduate.

24 Q. And what was your degree when you graduated from
25 Pembroke State University?

- 1 A. Early childhood ed, K4.
- 2 Q. Then did you pursue a teaching career?
- 3 A. Yes.
- 4 Q. Did you pass the state licensing test?
- 5 A. Yes.
- 6 Q. And which test was it you took?
- 7 A. NTE.
- 8 Q. And do you remember your score on the NTE?
- 9 A. No. But I did very well. I was real pleased.
- 10 Q. As well as you did on the NTE did you think it was
- 11 a good indication of your teaching ability?
- 12 A. No.
- 13 Q. Why not?
- 14 A. Until you get in the classroom, a test isn't going
- 15 to tell you anything.
- 16 Q. Now, you did go through the initial licensing
- 17 certification program at Hoke County, right?
- 18 A. Yes.
- 19 Q. And you had a mentor?
- 20 A. Oh, yes. Uh-huh.
- 21 Q. And how long did they mentor you while you were a
- 22 new teacher?
- 23 A. Three years.
- 24 Q. And at the end of that time did they recommend you
- 25 for a continuing license?

1 A. Yes.

2 Q. Does your husband work in Hoke County?

3 A. Yes.

4 Q. And your children attend Hoke County schools?

5 A. My oldest one, yes.

6 Q. Your oldest is in first grade now?

7 A. Yes.

8 Q. Now, since you've been working in the Hoke County
9 schools you've -- you have pursued further formal
10 education, haven't you?

11 A. Yes.

12 Q. You enrolled in the masters of education program
13 at Pembroke State University in the spring of
14 1995?

15 A. Yes.

16 Q. And you stayed there through the summer of 1995,
17 for two sessions, correct?

18 A. (Nods head up and down.)

19 Q. Then you were also enrolled in the fall of 1995,
20 weren't you?

21 A. Right.

22 Q. And you finished up in the spring of 1995, didn't
23 you?

24 A. In '96.

25 Q. And in May of 1996 you got a degree from Pembroke

1 State University?

2 A. Yes.

3 Q. Could you tell the judge what that was.

4 A. Master's in early elementary education.

5 Q. You did very well in the masters program, didn't
6 you?

7 A. I guess I did.

8 Q. Do you remember your grade point average?

9 A. Three point something.

10 Q. Three what?

11 A. Three point something. I'm not sure.

12 Q. During the time you were enrolled in the master's
13 program at Pembroke State University were you also
14 teaching in the Hoke County schools?

15 A. Yes.

16 Q. Was that difficult?

17 A. Yes.

18 Q. Why did you do that?

19 A. Personal goals, family goals. And I hate to say,
20 but it raised my salary a little bit. It will
21 take me a while. I'm still paying back for what I
22 spent on my graduate courses.

23 Q. So at this time in your life you have a B.S. in
24 education?

25 A. Yes.

1 Q. And a master's degree in education?

2 A. Yes.

3 Q. Ms. Jackson, do you remember what your SAT score,
4 combined, was?

5 A. No, but it was not that great.

6 MR. ZIKO: Your Honor, could I approach the
7 witness?

8 (Approaches the witness stand.)

9 Ms. Jackson, I'm going to show you -- and
10 I'm sharing this with opposing counsel, your
11 Honor.

12 THE COURT: That's important.

13 MR. ZIKO: I understand that from
14 yesterday.

15 THE COURT: From what developed yesterday
16 afternoon.

17 BY MR. ZIKO:

18 Q. I want you to look at that piece of paper. At one
19 time did you know what your combined SAT score
20 was?

21 A. Yes.

22 Q. And after looking at that piece of paper is your
23 memory of what that score was refreshed?

24 MS. DUBIS: Your Honor, objection. What
25 we've been shown is a handwritten piece of --

1 MR. ZIKO: Your Honor?
2 THE COURT: Overruled. Overruled.
3 MR. ZIKO: Thank you.
4 THE COURT: It's cross examination.
5 Overruled.
6 MR. ZIKO: Thank you.
7 BY MR. ZIKO:
8 Q. Do you now remember what your SAT score was?
9 A. No, not really. I mean, that's been a while.
10 Q. You remember it was less than 800, correct?
11 A. Yes.
12 Q. Now, there has been testimony in this case that
13 the average SAT score in Hoke County for 1999 was
14 843. Do you believe a score of 843 on the SAT
15 score dooms you to failure as an adult?
16 A. No.
17 Q. Did it keep you from being a success in your life?
18 A. No, but I'm not everyone else.
19 Q. What's the difference?
20 A. I had a lot of support. All of our kids in Hoke
21 County don't have the support I had. And I don't
22 mean financial. I mean my parents knew that they
23 wanted me to further myself above what they had.
24 And a lot of our children don't have that. They
25 see the turkey plant. Their goal is -- my kids

1 will tell you, if you ask them what do you want to
2 be when you grow up, every year you have kids, I'm
3 going to work at the turkey plant. And I don't
4 have a problem with that, but I would like for
5 them to have higher goals than that.

6 Q. Now, in addition to your bachelor of science
7 degree and your master of arts degree, you've had
8 some special training in the teacher performance
9 appraisal system, haven't you?

10 A. Yes.

11 Q. And that was a course you took -- excuse me, I
12 forget. Where did you take that course?

13 A. In Hoke County to become a mentor.

14 Q. And how long were you enrolled in that course?

15 A. I think it was a week-long session.

16 Q. And what did they teach you in that course?

17 A. How to use the instrument, what we needed to do to
18 help new teachers coming out to serve them as a
19 mentor.

20 Q. And what is that process?

21 A. It's changed in the last year or so, but we're
22 assigned to new teachers coming out. And like I
23 said before, we're supposed to be their support
24 system. We try to give them as much time as we
25 can, help them develop lesson plans, schedules,

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1 set up their classroom, get as many things,
2 hands-on things for their kids. And they're a new
3 teacher and there's not going to be a lot there
4 for them when they come in the classroom.

5 Q. As part of that system are you supposed to
6 evaluate the teacher performance?

7 A. We don't evaluate our mentors now -- our mentees
8 yet now. We evaluate someone else's mentee. It
9 used to be that we did evaluate them, but I have
10 been, informally, to evaluate my mentee.

11 Q. So I understand, there is a mentoring program?

12 A. I'm the mentor.

13 Q. And there is a monitoring program, right, where
14 you do the appraisals?

15 A. Right.

16 Q. And you were trained in both those; is that
17 correct?

18 A. It's the same thing.

19 Q. Same program. Aside from the mentoring you do, do
20 you do teacher monitoring and appraisals?

21 A. For ones I'm selected for, yes.

22 Q. And how many of those have you done?

23 A. I did two, I think, last year.

24 Q. And what is the process for doing teacher
25 evaluations and appraisals?

1 A. Either it's unannounced or announced and you go in

2 --

3 Q. Excuse me?

4 A. It's either unannounced or announced visits.

5 Q. How many do you do?

6 A. I only had to observe the people I observed last
7 year one time because they were coming out of the
8 program.

9 Q. And was that an announced or an unannounced visit?

10 A. I'm really not sure. I would have to go back in
11 the paperwork and look.

12 Q. And when you do the visit what do you do?

13 A. You go in at a certain time and you observe the
14 teacher teaching.

15 Q. And after it's over do you ever sit down and talk
16 to the teacher about your observation?

17 A. Oh, yes. Yes.

18 Q. And the overall purpose of the teacher monitoring
19 and mentoring program is to improve teacher
20 performance, correct?

21 A. Well, that's part of it. That's not all of it,
22 no. To give them a support system when they come
23 out. I mean, nobody wants to be dropped in the
24 middle of nowhere with no help. So we try to get
25 in there and give them as much help as we can and

- 1 motivate them because we want to keep them.
- 2 Q. Who does your evaluations?
- 3 A. Mr. Moss.
- 4 Q. And who is he?
- 5 A. My principal.
- 6 Q. Do you believe that your participation in the
- 7 teacher evaluation and monitoring programs
- 8 improves teacher performance in your school?
- 9 A. I hope it does. I try for that goal.
- 10 Q. And you believe that that program is a powerful
- 11 tool for improving teacher performance in your
- 12 school, don't you?
- 13 A. I wouldn't say powerful because we don't have but
- 14 so much time. We have a classroom to teach
- 15 ourselves. And when you're stretched out between
- 16 so many different mentees it's hard. And I do
- 17 know of teachers who have mentees at other
- 18 schools. So that's -- no, I don't think it's -- I
- 19 think it could be more powerful if we had more
- 20 mentors.
- 21 Q. How many different principals have you worked for?
- 22 A. Three.
- 23 Q. Have they all done evaluations of your work?
- 24 A. Yes.
- 25 Q. Do you believe those evaluations have been fair?

1 A. Yes.

2 Q. Have you ever protested an evaluation?

3 A. No.

4 Q. Have you ever received less than at standard on
5 your evaluations?

6 A. No.

7 Q. Do you know your subject area?

8 A. Yes.

9 Q. Are you a fair and consistent disciplinarian in
10 your class?

11 A. Yes.

12 Q. Are you a fair evaluator of your students'
13 performance?

14 A. Yes.

15 Q. Do you use the Guide for the Early Years in
16 teaching your class?

17 A. Definitely.

18 Q. Do you do lesson plans every day?

19 A. Yes. Not every day, every week.

20 Q. Every week?

21 A. Uh-huh.

22 Q. And you implement them on a daily basis?

23 A. Oh, yes.

24 Q. And you feel that's important?

25 A. Yes. Children need structure and consistency.

1 You can't just change their way of doing things
2 every day. It blows their mind.

3 Q. And you're a good teacher, right?

4 A. Excellent. I could be better, though, if I had
5 more things to be excellent with.

6 Q. Now, in the course of your mentoring and
7 monitoring teachers have you, yourself, been
8 responsible for supervising teachers who are in
9 the initial certification program?

10 A. Yes. That's what the mentor program's about.

11 Q. And in the course of doing that you have evaluated
12 their work --

13 A. Yes.

14 Q. -- right. And you understand that in order to get
15 a continuing teaching certificate they have to be
16 recommended for a continuing teaching certificate
17 by the team that is doing the evaluation, correct?

18 A. Right.

19 Q. Have you ever recommended any teacher who was on
20 an initial license for continuing certification?

21 A. I think the guidelines changed at the end, but I
22 have one person who is now coming out of the
23 program and she is going to be certified
24 continuing.

25 Q. And are you going to recommend that person for a

1 continuing license?

2 A. Uh-huh.

3 Q. Have you ever recommended that someone not receive
4 a continuing license?

5 A. No. But I've only had one that's gotten that far
6 because the others have left.

7 Q. Is that because of your supervision of them?

8 A. No, I wouldn't think so.

9 Q. Now, you've taught at Scurlock Elementary School
10 for six years?

11 A. Yes.

12 Q. Who is Ramona Clark?

13 A. Art teacher that was with us last year.

14 Q. Who is your art teacher at this time?

15 A. We have none. We have a substitute. She's doing
16 an excellent job.

17 Q. Who is Miriam McNeal?

18 A. She is now our assistant principal. She was our
19 music teacher which we don't have either.

20 Q. And who is teaching music now?

21 A. The same substitute that's doing art.

22 Q. Do you have a physical education instructor?

23 A. Yes.

24 Q. Who is that?

25 A. Daniel Zalinski.

1 Q. And you testified that you have a teacher that
2 comes to the classroom for an hour a month to
3 teach Spanish?

4 A. No. An hour a day.

5 Q. Oh, an hour a day?

6 A. Last year it was an hour a week.

7 Q. And who is that?

8 A. Miss Dee. I can't pronounce her last name. The
9 kids call her Miss Dee.

10 Q. When that teacher comes to teach Spanish in your
11 class --

12 A. She doesn't come to my class to teach Spanish.

13 Q. The children go to her?

14 A. Yes. I wish she did come to my class. That way
15 the other children could pick up some of the
16 skills to help them carry on conversations with
17 those children.

18 Q. Do you do professional development in your school?

19 A. Yes.

20 Q. What professional development has your school held
21 to help the teachers, like yourselves who have
22 Spanish students, to learn the rudimentary parts
23 of Spanish so they can communicate with their
24 students?

25 A. They haven't in our schools yet because it's so

1 hard to find anybody that will even teach the
2 kids.

3 Q. You have a Spanish teacher for your school, don't
4 you?

5 A. Yes, this year.

6 Q. Have you ever gone to her and asked her to teach
7 you a few words?

8 A. Yes. Oh, I've got a list she's written down for
9 me. That's the only way I survive.

10 Q. How much Spanish do you know?

11 A. None, other than certain words and basics, very
12 basics, because I took French because we were told
13 to take French when we were in school.

14 Q. Who is your Title 1 person for your school?

15 A. She's a retired teacher who has returned, Miss
16 Williams.

17 Q. How much experience in teaching does she have?

18 A. Oh, I want to say she had 30 years in when she
19 retired.

20 Q. And what was her background?

21 A. Elementary ed. Oh, no, we've gone on to another
22 one since then. She had to leave because she was
23 making too much money and the State was going to
24 take away her benefits. So now we have another
25 one. And she's also -- she's retired.

1 Q. How much experience does she have?

2 A. She's retired. 30 years.

3 Q. So 30 years' experience?

4 A. Uh-huh.

5 Q. Who's your speech and language pathology teacher?

6 A. Dezzie Page.

7 Q. Who are your exceptional children's teachers?

8 A. As in ones that pull out for remedial help or as
9 in our exceptional program self-contained?

10 Q. Well, let's start with the self contained. Who
11 are your exceptional children's --

12 A. Miss Spadaro, Miss Perkins and Miss Sims.

13 Q. And who are your pull out teachers?

14 A. Miss Madison and Miss McLaughlin.

15 THE COURT: By "pull out" you mean those
16 children are exceptional but they are mainstreamed
17 in your class?

18 THE WITNESS: Right. They have been
19 identified, either by teachers or others, and they
20 go for additional resources outside of the
21 classroom.

22 THE COURT: But they're trying to
23 mainstream those children?

24 THE WITNESS: Right. Uh-huh.

25 THE COURT: All right.

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1 BY MR. ZIKO:

2 Q. Do you have AG certification?

3 A. No.

4 Q. Do any of the kindergarten teachers have AG
5 certification?

6 A. No.

7 Q. Who is your AG teacher?

8 A. We don't have one for kindergarten.

9 Q. In Scurlock who's the AG teacher?

10 A. We don't have an AG teacher at Scurlock. We have
11 several teachers who have the certification, but
12 we don't have an AG teacher at Scurlock.

13 Q. What does Scurlock do with its AG kids?

14 A. I really don't know because it's in the upper
15 grades and I'm really not that familiar with it.

16 Q. Who's William Evans?

17 A. Our janitor.

18 Q. And who's Timothy Purcell?

19 A. Also our janitor.

20 Q. And who's James Batanner?

21 A. Part-time janitor.

22 Q. How many more janitors do you have at Scurlock?

23 A. That's it. I wish we had three or four more.

24 Q. Now, Scurlock is a year-round school; is that
25 correct?

1 A. Yes.

2 Q. Is kindergarten year-round as well?

3 A. Yes.

4 Q. And when did it become a year-round school?

5 A. Four years, I think, or three years ago. I can't
6 remember.

7 Q. Has that helped student performance?

8 A. I have mixed feelings about it; but yes, it can if
9 we had time to help them, the lower kids, during
10 the breaks. As I said, when we did the
11 remediation it was obvious that that helped those
12 kids.

13 Q. Now, in a year-round school -- I'm sorry. I went
14 to school from September to June.

15 A. I did, too.

16 Q. When does school start for year-round school?

17 A. In July.

18 Q. In July?

19 A. Uh-huh, which makes it worse for kindergarten
20 because we start with younger children; and when
21 they're already behind and we start with younger
22 babies, we started last year with 13 four years
23 old in my room.

24 Q. And that's because by the time they're five on
25 October 16th they still qualify under state law to

1 go to school?

2 A. Right. So in that sense it helps them because we
3 get them earlier, I guess.

4 Q. How many weeks of instruction do those children
5 have before they reach the age of five?

6 A. They potentially could have, if their birthday is
7 in October, ten probably. But you know, it's very
8 rare to have an October -- just whole classroom
9 full of October babies. You don't do that.

10 Q. What's the age range in your kindergarten this
11 year?

12 A. Fours and fives right now.

13 THE COURT: It's not October yet.

14 MR. ZIKO: It's not October yet, your

15 Honor.

16 BY MR. ZIKO:

17 Q. You have no six years old in your kindergarten?

18 A. Oh, yes, I do have two kindergarten repeaters who
19 are six.

20 Q. Have you had children enrolled in your
21 kindergarten at six who could have been enrolled
22 the year before?

23 A. Are you asking that the parents hold them back?

24 Q. Yes.

25 A. No.

1 Q. Now, in July what do you do to transition children
2 into kindergarten?

3 A. Focus on -- first unit we do in kindergarten is
4 me, myself and I.

5 Q. And when is that?

6 A. When is what?

7 Q. When is that transition?

8 A. The first week.

9 Q. Before school starts do you do anything to help
10 prepare the students and the parents for the
11 transition to kindergarten?

12 A. Yes. We have open house and --

13 Q. When?

14 A. Before school starts, the week before school
15 starts.

16 Q. The week before school starts?

17 A. Yes.

18 Q. Before that.

19 A. Before that, until this year, we were able to do
20 kindergarten day in May and it brought all the
21 kindergartners who had registered by that time,
22 which is not half your kids because the parents
23 just don't come out and do what they need to do.
24 We were able to keep them for half the day and
25 kind of give them a feel for school and maybe get

1 them a little excited and motivated and that kind
2 of thing. But this year, because of funding and
3 things like that, we were only able to do
4 staggered entrance for kindergarten. So the first
5 week --

6 Q. Go more slowly. Can you tell the judge what
7 staggered entrance is.

8 A. Yes. Staggered entrance, it can be worked in
9 difference ways. But what we did this year for
10 the first three days of kindergarten or first
11 three days of school, we had smaller numbers of
12 kids to come in and then on the Thursday all the
13 kids came together. We had a different group on
14 Monday, Tuesday and Wednesday and on Thursday
15 everyone came. So we were able to get to know
16 those kids a little better and then to get
17 comfortable with us.

18 Q. Why is it important for them to be comfortable
19 with you?

20 A. Oh, because if a child is intimidated by the big
21 school building that they've never been and
22 they've never seen all this print thrown at them
23 and all this stuff, they need time to get
24 acquainted with their environment.

25 Q. So how much time do you spend doing that?

- 1 A. I wish I could spend more, but we can't.
- 2 Q. Well, how much time do you spend doing it?
- 3 A. Doing?
- 4 Q. Getting this transition period.
- 5 A. As much as it takes. We're still transitioning.
- 6 We have kids that come in crying to this day.
- 7 They get nothing at home and they're expected so
- 8 much of when they come to school. I have high
- 9 expectations of my kids. If you don't, you don't
- 10 get anything.
- 11 Q. So today is September 23rd?
- 12 A. (Nods head up and down.)
- 13 Q. Do you still have children crying in your class?
- 14 A. We're on break right now. Our immature children,
- 15 yes, because -- some of them are four and they --
- 16 you know, it's such a difference for them from
- 17 where they come from, staying up under grandma.
- 18 Just maybe them and a couple little younger
- 19 siblings are under grandma and here's 27 kids and
- 20 it's constant motion for them and it's different.
- 21 Q. During your transition do you meet with parents?
- 22 A. As often as I can. My parents don't show up.
- 23 Q. And during the meeting with the parents do you
- 24 tell them about what kindergarten is like?
- 25 A. Yes.

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1 Q. And do you tell them what you hope to accomplish
2 during the year?

3 A. Yes.

4 Q. Now, you've already testified that you think the
5 most important skills that children acquire in
6 kindergarten are behavioral and social skills,
7 correct?

8 A. I wouldn't necessarily say behavioral.
9 Comprehension and things like that.

10 Q. And the purpose of kindergarten is to prepare
11 children for first grade, correct?

12 A. We prepare them for life. I mean, when they come
13 to you and they don't have running water at home
14 and things like that, I mean, that's things that
15 we have to cover in kindergarten, too.

16 Q. So you're one of those people that believes that
17 everything I needed to know in life I learned in
18 kindergarten?

19 A. No. Kindergarten? We just -- we teach such a
20 range of things in kindergarten.

21 Q. Now, when you sit down with the parents at the
22 beginning of the year, are any of the parents
23 worried about their children's performance?

24 A. Unfortunately, not enough, no.

25 Q. And do you tell those parents that you sit down

1 with at the beginning of the year that they should
2 be worried if their child cannot read when they
3 come to kindergarten?

4 A. Oh, no.

5 Q. Do you tell them they should be worried if their
6 child cannot write their name when they come to
7 kindergarten?

8 A. No.

9 Q. Do you tell them they should be worried if the
10 child cannot add or subtract when they come to
11 kindergarten?

12 A. If they do they're AG and you need some training
13 in that.

14 Q. Do you tell the parents to worry if the child
15 cannot count to 100 when they come to
16 kindergarten?

17 A. No.

18 Q. Do you hold parent exit meetings when the children
19 move on out of your class?

20 A. No.

21 Q. Do you hold meetings with parents at all during
22 the year?

23 A. Oh, yes.

24 Q. Tell the judge when you do that.

25 A. Well, of course we have parent conference dates,

1 but if --

2 Q. Okay. What are those?

3 A. Set days that the parents come in to conference
4 with the children's teachers.

5 Q. And how many do you have?

6 A. Two.

7 Q. When are they?

8 A. We have to reschedule one because of the storm,
9 but October and then again in late March.

10 Q. And why do you have one in late March?

11 A. To let them know what their child has accomplished
12 at that point, what we feel like the child's going
13 to do in first grade, what skills they could help
14 them with during the breaks, things like that.

15 Q. In March, when you met with the parents, the
16 children had been in your class for how long?

17 A. Since July of the year before.

18 Q. Do you tell those parents that they should worry
19 if their child cannot read when they leave
20 kindergarten?

21 A. No.

22 Q. Do you tell those parents they should worry if the
23 children cannot add or subtract when they leave
24 kindergarten?

25 A. No, because that's not what we focus on in

1 kindergarten. We don't focus on teaching them to
2 read. If they read, that's wonderful. And if
3 they can add, that's wonderful. But that's beyond
4 where we have to start with when we get our kids.
5 They don't even know what the numbers look like.
6 They don't know one number from one letter. We
7 have to start way back here before we can get to
8 where you're talking.

9 Q. Do you tell those parents they should worry if the
10 child cannot write their name when they leave
11 kindergarten?

12 A. I don't say worry. Concerned is better. If a
13 child gets to that point and they cannot write
14 their name, I have already met with these parents
15 before March and talked to them about getting the
16 child extra services.

17 Q. Do you ever think it's in the best interests of a
18 child to retain them in kindergarten?

19 A. I have held one child back in my nine years.

20 Q. Okay.

21 A. And I wished I had not.

22 Q. So let's break that into two questions. Did you
23 believe, when you made the decision to retain the
24 child, it was in the child's best interests to
25 retain them?

1 A. Yes, because of other factors other than academics
2 that he had.

3 Q. And the one time that you have retained a child,
4 what was the criteria for making that decision?

5 A. Socially behind. Just he had missed a lot of
6 school. Just no motivation at home. Mother in
7 and out of jail. And I just felt like he could
8 use that year again to maybe mature. And I asked
9 for the child back so that the child would have
10 some consistency in his life.

11 Q. Sad case, wasn't it?

12 A. Yes, but that's not an unusual case.

13 Q. What is your certification in, your teaching
14 certification?

15 A. Early elementary education.

16 Q. Total elementary education?

17 A. Yes.

18 Q. So you are, in fact, licensed to teach first
19 grade?

20 A. Yes.

21 Q. So when you retain a child in kindergarten you are
22 actually in a position to provide them with a
23 first grade experience professionally?

24 A. If they haven't gotten kindergarten why would you
25 want to provide them with first?

1 Q. Well --

2 EXAMINATION

3 BY THE COURT:

4 Q. No. No. That's not the question. The question
5 is: If you have a child that you hold back who
6 begins to -- who is then able to start on first
7 grade --

8 A. Oh, yes.

9 Q. -- reading and first grade skills?

10 A. Yes.

11 Q. You are licensed to teach that child?

12 A. Yes.

13 Q. And take that child ahead?

14 A. Right.

15 Q. So if, by chance, they began to see the light and
16 their performance picked up to where they could
17 take advantage of your first grade teaching skills
18 --

19 A. And I would get with the first grade teachers,
20 too.

21 Q. Then you would take that child in?

22 A. Yes.

23 Q. And move them along as fast as you could --

24 A. Yes.

25 Q. -- to help them?

1 A. But then you have to consider, too, we might have
2 27, 28 kindergartners, too, so we would have to
3 rely a lot on the first grade teacher's help.

4 THE COURT: That was his question.

5 THE WITNESS: Okay. Thank you.

6 MR. ZIKO: Thank you, your Honor. It seems
7 you're so much more adept at doing this than I am.

8 THE COURT: No. I just listen.

9 BY MR. ZIKO:

10 Q. Now, you talked about assessing students who came
11 to your class?

12 A. Yes.

13 Q. When do you do that?

14 A. Generally, the first or second week of school. We
15 do it again at the midpoint of the semester and
16 then again at the end of the semester.

17 Q. So when you conduct your assessments of students
18 in your class, there are a large number of these
19 children who have not completed the transition
20 from whatever preschool experience they had to
21 your kindergarten; isn't that true?

22 A. I guess.

23 Q. Now, have you ever referred a child to the
24 exceptional children's team?

25 A. Yes.

1 Q. In fact, Scurlock holds regular screenings for
2 exceptional children, doesn't it?

3 A. Right.

4 Q. Excuse me?

5 A. Yes.

6 Q. How many a year does it hold?

7 A. I don't know.

8 Q. Have you had children come into your class who had
9 already been identified as exceptional?

10 A. Yes, because they were serviced by our exceptional
11 children's preschool.

12 Q. What assessment tools do you use for your
13 children?

14 A. Teacher observation, child -- you know, teacher
15 interaction, feedback, checklists.

16 Q. Do you use the LAP --

17 A. Yes.

18 Q. -- D.

19 A. Uh-huh.

20 Q. Could you tell the judge what that is.

21 A. It's a screening that we use when we get our
22 kindergarten children. And it just checks things
23 like can they cut, can they pick missing pictures
24 out once you remove them, things like that.

25 BY THE COURT:

1 Q. That's a sheet of paper?

2 A. Yes.

3 Q. An instrument?

4 A. An instrument.

5 Q. In which you determine, using that instrument --
6 that's an objective thing because the child can
7 either cut, they either know their colors or they
8 don't?

9 A. They either can or can't.

10 Q. So you go along for each child and use that
11 assessment?

12 A. (Nods head up and down.)

13 Q. When you get through, what do you do with it?

14 A. Well, we go back on the ones that don't pass it
15 and we key in on their areas of needs and try to
16 teach towards that. And in most instances, that's
17 what kindergarten focuses on anyway.

18 BY MR. ZIKO:

19 Q. After you fill out the sheet of paper does it come
20 down with a number?

21 A. Yes.

22 Q. What does that number mean?

23 A. If they pass a certain number of them or if they
24 didn't pass a certain number of them. I mean,
25 it's pass or fail.

1 Q. So you count the number of things the child is
2 able to do?

3 A. Yes.

4 Q. And then at the point where they stop being able
5 to do something you write down a number?

6 A. No. You do it all and then you add the total at
7 the bottom. I think you're referring to wings
8 testing.

9 Q. I don't understand either of them, so I'm trying
10 to understand the LAPD first.

11 A. There's 18 questions. You check all of the things
12 on there. And if -- you don't just stop whenever
13 the child can't write the word cat. You continue
14 on and then you add up all at the end.

15 Q. And you end up, at the end, with a number of
16 things the child can do?

17 A. On the paper that they can do, yes.

18 Q. And does that equate to anything in the real world
19 other than a number on that sheet of paper?

20 A. Not really.

21 Q. Now, let me ask you about wings. What is wings?

22 A. Wings is another -- it's tested at the beginning
23 to find -- to compare the child's chronological
24 age with their academic age.

25 Q. Do you use wings in your class?

1 A. We have not started this year, no. It's ideal
2 that you have three or four kids per group. And
3 there's only two of us and you should service them
4 twice a week for an hour and it's almost -- it's
5 impossible.

6 Q. At the end -- are you trained to use the wings
7 instrument?

8 A. Yes.

9 Q. At the end of the wings test or assessment do you
10 come up with a number?

11 A. Chronological as opposed to -- yes.

12 Q. So what does the wings number mean?

13 A. The age that the children are functioning on. And
14 ours usually start in the twos, even though the
15 child may be five.

16 Q. Have you used wings previously in your -- in
17 Scurlock?

18 A. Yes.

19 Q. And when was that?

20 A. Last year and the year before.

21 Q. And you've stopped using it now?

22 A. We just have not had the -- the people have not
23 come in and tested our children. So we don't know
24 their groups yet. And we can't use it as
25 effectively as it should be due to class size and

1 the number of people we have working with it.

2 Q. And generally speaking, you're saying you get a
3 wide range of scores on the wings in your class,
4 right?

5 A. Yes, which we knew that because we get a wide
6 range of children.

7 Q. So it doesn't tell you anything you didn't already
8 know, does it?

9 A. There are a few surprises, but no, not really.

10 Q. Now, after you've done the assessment of these
11 children that are in your classes in the first
12 couple of weeks of school, what do you do with the
13 information you gathered in the assessment?

14 A. Well, I know where my children are starting from.
15 I know what they need. We start breaking into
16 groups as much as we can. Like I said, we can't
17 give a lot of one on one, but we can kind of group
18 them according to their needs. And we try to
19 focus on the children's individual needs.

20 Q. Do you provide exactly the same kind of
21 instruction to the children in all those groups?

22 A. No. We cover a lot of the same things with all of
23 the children, but we gear things differently,
24 according to their needs.

25 Q. So you try to mold your teaching skills to the

1 individual needs of your students?

2 A. As much as I can, yes.

3 Q. And do you supervise a teaching assistant in your
4 class?

5 A. Do I supervise her?

6 Q. Yes.

7 A. Yes.

8 Q. And who is that?

9 A. Lynette Barns.

10 Q. I'm sorry, I didn't hear you.

11 A. Lynette Barns.

12 Q. And how long have you been working with Ms. Barns?

13 A. That is our sixth year together.

14 Q. Is she a good teaching assistant?

15 A. She's excellent.

16 Q. And how do you use her in the class?

17 A. She's my right arm. We teach together. We team
18 teach. Although I'm the one holding the degree,
19 it takes both of us going all day long.

20 (Pause.)

21 Q. Do you believe that it's necessary to have high
22 expectations for student achievement in order to
23 have high results?

24 A. Yes.

25 (Pause.)

1 Q. What are the children's favorite books in your
2 class?

3 A. A lot of the Eric Carl selections. I try not to
4 influence them too much. He's my favorite author,
5 so I read a lot of his books.

6 Q. And can you give me a couple of titles?

7 A. The Very Hungry Caterpillar, The Very Lonely
8 Firefly, The Very Grouchy Lady Bug. His books
9 aren't just plain-page books. And I have made a
10 lot of props to go along with those books.

11 Q. Do you ever read Good Night Moon in your class?

12 A. Oh, yes. We just got through with that because we
13 were talking about nighttime. And we grasp the
14 different bedtimes of children. And you get, oh,
15 I go to bed when I want to and that kind of
16 thing. So I go to bed a lot earlier than some of
17 them. I have to.

18 Q. Do you ever read "Where the Wild Things Are" in
19 your class?

20 A. Yes.

21 Q. Do children like those books?

22 A. They love books. Children love books. If you'll
23 read to a child you can get them.

24 Q. Why is that?

25 A. Because, I mean, it just helps their imagination.

1 And like I say, a lot of our kids don't get it at
2 home. When I was doing my masters work, I did a
3 survey of one of my classes. And I was very
4 disturbed to find -- one of the questions I asked
5 is at what age did you start reading to your
6 child. And some of them put when they started
7 school. I guess they just equate that with the
8 time to start reading. So kids just love books.

9 Q. Are you aware of any study that says that it makes
10 a difference as to whether you read to a child in
11 English, German or Spanish?

12 A. No.

13 Q. Do you know of any study that says it makes a
14 difference whether you read to a child in any
15 language as long as you're reading to them?

16 A. As long as you read to them.

17 Q. Now, you served on the Scurlock Elementary School
18 School Improvement Plan team, right?

19 A. Yes.

20 Q. Do you have a program called FROG?

21 A. Yes. That's our Title 1.

22 Q. And what is that?

23 A. A reading program.

24 Q. What does FROG stand for?

25 A. Facilitating Reading for Optimal Growth.

1 Q. Is that a program implemented across the grades in
2 Scurlock?

3 A. No. K2.

4 Q. K2?

5 A. K2.

6 Q. So it's a program you deal with directly?

7 A. Yes.

8 Q. Have you found that to be a useful, successful
9 program?

10 A. It's wonderful. But the higher the numbers go,
11 the higher our groups are because there's only
12 three of us still.

13 Q. Do you use something called failure-free lab?

14 A. That's in the upper grades.

15 Q. What is it?

16 A. I don't think we've used it this year.

17 Q. You're not familiar with it yourself?

18 A. No. Uh-uh. No.

19 Q. What is a Jostin's lab?

20 A. A computer lab, third through fifth grade.

21 Q. And what is Accelerated Reader?

22 A. Where children read stories and then go into a
23 program and take tests and get points.

24 Q. And roots and wings?

25 A. Roots?

1 Q. Roots and wings?

2 A. Wings is the program we talked about. I don't
3 know about roots.

4 Q. Blast Off?

5 A. That's a computer program. I know that we don't
6 use it in kindergarten.

7 Q. Test Magic?

8 A. Don't know.

9 Q. Don't use it in your class?

10 A. Uh-uh.

11 Q. What is the core team?

12 A. A team that meets when you get referrals for
13 resource teachers to come in and service
14 children. And they meet and discuss -- they have
15 a teacher come in and discuss the child's area of
16 needs. And they meet with parents and the
17 resource teachers.

18 Q. And do you serve on that team?

19 A. No.

20 Q. What is the Pembroke team?

21 A. It used to be a team of teachers that would meet
22 with teachers, instructors from Pembroke, but I
23 don't know that that's still -- because of the
24 changing guidelines where one of our schools is
25 the only school that gets student teachers from

1 Pembroke to teach. So that's changed. South Hoke
2 Elementary works directly with Pembroke.

3 Q. And why did the school limit the use of student
4 teachers?

5 A. I have no idea.

6 Q. Now, you talked about after you assess your
7 students you break them into groups?

8 A. As much as we can, yes.

9 Q. And when you say "groups," you just don't mean
10 one, two, three, one, two, three?

11 A. No.

12 Q. You break them into ability groupings, correct?

13 A. Yeah, without their knowledge.

14 Q. Without their knowledge?

15 A. Yeah.

16 Q. So you don't call it to their attention?

17 A. Right.

18 Q. Now, you testified about a program that has been
19 implemented in Hoke County that gave extra
20 instruction to certain low-performing
21 kindergartners, was it?

22 A. Yes.

23 Q. And what year was that?

24 A. I think it was three years ago from this school
25 year.

1 Q. And how much extra instruction did they get?

2 A. Full day for a week.

3 Q. And they haven't done that since, right?

4 A. There's no money for it.

5 Q. And that was an ability grouping program, right?

6 A. Yeah. We had to -- had criteria to choose the
7 lowest performing children in your room.

8 Q. Who assigns children to your kindergarten?

9 A. The secretary, the SIMS operator, the guidance
10 counselor, whoever registers the children at the
11 time.

12 Q. And in your kindergarten do you get the lowest
13 performing students or the highest performing
14 students?

15 A. They don't group our children like that.

16 Q. You don't get that?

17 A. You get everything. It's numbers. Whoever comes
18 in, if I'm low, I get the next child.

19 Q. So what happens at Scurlock if -- now, there are
20 three kindergartens in Scurlock, right?

21 A. Yes.

22 Q. What happens if one of the kindergartens should,
23 through luck of the draw, end up with a very high
24 percentage of children who have poor early
25 assessments?

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1 A. Nothing different than -- you just teach what you
2 have.

3 Q. Has that ever happened to you?

4 A. That's all the time at our school.

5 Q. Have you ever had an occasion where you had a
6 large number of students who were performing well?

7 A. No. That does not happen at our school. And like
8 I told you before, the majority of our high
9 achieving children are military students. And you
10 never know because they're so transient. I know
11 I'm losing a military student coming up, but I'm
12 sure after break we'll register some more military
13 students.

14 BY THE COURT:

15 Q. Your school attendance zone is basically low
16 income?

17 A. Oh, definitely.

18 Q. So you're going to get low income -- the bulk of
19 your children are going to be low income kids?

20 A. Right. And those are the kids that will stay with
21 us when testing comes. Because by the time they
22 leave me -- they are usually not around by the
23 time they get to third grade because their
24 families have moved.

25 BY MR. ZIKO:

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1 Q. Who funded the remediation program you talked
2 about?

3 A. Barbara Lupo and someone else wrote a grant. So
4 it was not our county.

5 Q. Do you know about NC Helps?

6 A. Not a lot, no.

7 Q. What do you know about grant writing?

8 A. Quite a bit.

9 Q. Have you ever written a grant?

10 A. Yes.

11 Q. What have you written grants for?

12 A. The computer in my classroom. I wrote to Lundy
13 River, that corporation, and got a -- that was the
14 first computer in the building and the whole
15 building unit uses it, the teachers, to correspond
16 with parents, make books for our kids, things like
17 that.

18 I have also written an arts grant and was
19 able to get two performances to come to our
20 school, which we don't ever get to do either
21 because there's no money for arts in our school.
22 I've written several local grants and gotten
23 aquariums that are not provided and the fish to go
24 in them. And I got a nice aquarium system for the
25 library doing the same thing.

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1 Q. What do you do in your class to promote parental
2 involvement?

3 A. Oh, I just -- every Friday, and sometimes more
4 than Friday, they get parent letters to let the
5 children's parents know exactly what we're going
6 to be doing the next week, what we're focusing on,
7 anything coming up, inviting them to come in. I
8 had a child one time to come in and she said, my
9 mom said she sure wished you'd quit sending her
10 letters. I said, well, if she said that, she's
11 reading them. So I was getting my point across.

12 Q. As a result of your activities have you seen an
13 increase in parental involvement?

14 A. No. You're going to have your parents come in
15 that are going to come in. You're going to have
16 your parents that you won't see all year. Don't
17 matter how much you beg.

18 Q. So you're telling me that all the efforts you put
19 into trying to get more parents involved in your
20 classroom have been futile?

21 A. No, I wouldn't say that.

22 Q. Well, how many more parents have you gotten to
23 come into class?

24 A. You can't put a number on that. It just varies
25 from year to year and from function to function.

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1 Kindergarten is something else that you can't
2 really look at either because the third, fourth,
3 fifth grade teachers will say on parent conference
4 day, how many kids' parents did you have. And we
5 might have 15 and they're like, well, wish 15
6 would show up for us.

7 Kindergarten's a novelty. It's new. Then
8 they kind of lose interest and they don't feel
9 like they should be as involved anymore. And
10 that's sad because they need to be more involved
11 when they get older, as far as academics.

12 Q. How much more money for supplies has Scurlock
13 received every year since 1996?

14 A. I have no idea. I don't deal with the budget.

15 Q. How much more money have you received to spend in
16 kindergarten since 1996?

17 A. \$100 a year. And I know we had a grant that was
18 written by someone last year. We don't ask. If
19 somebody says, hey, you can go get something, we
20 don't ask. We go get it. We think they might
21 take it back.

22 Q. So you've received \$100 a year for materials and
23 supplies?

24 A. Outside of what we get from the supply hut.

25 Q. How much more are you getting from the supply hut

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1 since 1996?

2 A. No more. Sometimes less. Like sentence strips,
3 this year they didn't have any. I've had to buy
4 my own. So that doesn't -- it hasn't increased.

5 BY THE COURT:

6 Q. Is the supply hut the guy that sits there and
7 counts out the paper clips?

8 A. Well, we've got a lady. But she's like no, no,
9 you can't have that because there's not enough.

10 Q. We heard about somebody that counted out paper
11 clips.

12 A. Oh, yeah. Well, she counts out markers and pens
13 and things like that. So yeah, there's one at
14 every school.

15 Q. It's not just one super place y'all go?

16 A. No. It's every -- and there's one supervisor over
17 it and at each school.

18 BY MR. ZIKO:

19 Q. You get \$100 a year to spend for yourself?

20 A. Not for ourselves, for our kids.

21 Q. Well, for the school. And how many years have you
22 been getting \$100 a year?

23 A. Well, this is my ninth -- well, I can't remember
24 at West Hoke. I just know since I've been at
25 Scurlock we usually get \$100 a year.

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1 Q. And how much more money do the fifth grade
2 teachers get?

3 A. They get the same, as far as I know.

4 Q. They give every teacher \$100 a year?

5 A. Yes.

6 Q. Irrespective of their student needs?

7 A. I guess. I mean, why would it be fair for fifth
8 grade to get more or kindergarten to get more? We
9 all teach children. We all need the money.

10 Q. Is there a woman that works in your school named
11 Frances Patterson?

12 A. Yes, fifth grade teacher.

13 Q. Is there a woman named Kimberly Fletcher?

14 A. Third grade teacher.

15 Q. Do you know whether they attended a conference on
16 minority and at-risk students?

17 A. I have no idea.

18 Q. You have no idea?

19 A. No, because they're -- like I said before, that's
20 another world. The other side of our school,
21 sometimes we don't see them we're so busy with our
22 world.

23 Q. How much staff development have you received in
24 kindergarten or in any other capacity at Scurlock
25 in teaching minority and at-risk students?

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1 A. I attended a conference in February, principal's
2 executive, and it was a three-day thing.

3 Q. Three-day conference?

4 A. Uh-huh.

5 Q. And when you came back from that conference, how
6 much staff development did you provide to the
7 other kindergarten teachers in Scurlock?

8 A. Oh, I brought them everything I got. We read a
9 book that was given to us up there -- well, we had
10 we had to read it before we went so we could talk
11 about it when we went. And I brought to them
12 notes from the different seminars I attended. So
13 I brought them -- everything I got, I brought
14 them.

15 Q. Do you know of any teacher in Hoke County who has
16 attended the conference for minority and at-risk
17 students?

18 A. I don't know.

19 (Pause.)

20 Q. Does Scurlock Elementary School have an attendance
21 policy?

22 A. All schools have attend policies. They want their
23 kids to come.

24 Q. Do you have 100 percent attendance in your class?

25 A. No.

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1 Q. Why not?

2 A. Different reasons. A lot of times -- every year
3 you have two or three kids that don't come because
4 mama didn't get them up. And that's exactly -- we
5 know that for a fact. Mama didn't get them up to
6 get them on the bus and they have no
7 transportation to get there. We have actually had
8 our principals and assistant principals to go get
9 the kids and bring them to school.

10 Q. Have you ever gone and gotten a kid from home?

11 A. No, I haven't. I have 26, 27 others in the
12 classroom.

13 Q. Have you sent your teaching assistant?

14 A. No. We don't do that.

15 Q. Is absenteeism a problem in your kindergarten?

16 A. No, no more so than any other grade, I'm sure, but
17 we don't have a high attendance --

18 Q. (Indicating)?

19 A. I said no more so than any other grade, I'm sure.

20 Q. And how is that?

21 A. It's the same thing across our school.

22 Q. And if it's the same, I want to know is it good,
23 bad or indifferent.

24 A. About average. I want to say we average about 94
25 percent.

1 (Pause.)

2 Q. Did you participate in the school accreditation
3 process for the Southern Association of Colleges
4 and Schools for Scurlock?

5 A. Yes.

6 Q. And what did you do for that SACS review?

7 A. We were assigned to different committees. And we
8 researched things and pulled things together of
9 things that our school had done to meet certain
10 areas on the accreditation process.

11 Q. And at the end of that process were you
12 accredited?

13 A. Yes.

14 Q. And were you happy with that?

15 A. Oh, yes.

16 Q. And you were truthful with what you told the SACS
17 review committee, weren't you?

18 A. Yes.

19 Q. Has Scurlock always received unconditional
20 accreditation?

21 A. When I was there they have. I don't know before.

22 Q. Were you ever told that Scurlock had any areas of
23 deficiency in its SACS review?

24 A. I was not on the board that would listen to those,
25 so no, I don't know.

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1 Q. So the principal has never come to tell you that
2 Scurlock has ever had any deficiencies on its SACS
3 reviews?

4 A. That's been a different principal and several
5 years back, so I really don't recall.
6 (Pause.)

7 MR. ZIKO: Excuse me, your Honor. I'm
8 trying to reduce the number of questions I ask.

9 BY MR. ZIKO:

10 Q. Have you ever met with Joan Pridgen?

11 A. Yes.

12 Q. Can you tell the judge who she is.

13 A. She was a member of a team that came last year to
14 help us. We were a borderline low achieving
15 school and they came to give us additional
16 assistance to get our test scores up and things
17 like that.

18 Q. And did she provide any assistance for the K2
19 group?

20 A. Yes, I guess she would have.

21 Q. What did you find useful about her assistance?

22 A. Not a whole lot, really. She was --

23 Q. Do they implement the ABCs in K2?

24 A. You mean our guide? Our goals and curriculum
25 goals? Yes.

1 Q. Do you test K through two students?

2 A. No.

3 Q. When do the tests start?

4 A. Third grade.

5 Q. I believe that you have a -- oh, well. I want to
6 show you a document.

7 THE COURT: I tell you what, while we're
8 looking for that, I think we'll take our recess
9 because I don't want to wear the court reporter's
10 fingers out. Since we're going into another area
11 we'll take our recess until 11:25.

12 (A brief recess was taken.)

13 Okay. She's here. Now we can start.

14 MR. ZIKO: Thank you, your Honor. May I
15 approach?

16 THE COURT: Yes.

17 (Approaches the witness stand.)

18 BY MR. ZIKO:

19 Q. Miss Scurlock (sic), I want to -- I want to give
20 you a copy of Defendant's Exhibit 389 and ask you
21 if you recognize that document?

22 A. Yes.

23 Q. And this is the Scurlock Elementary School School
24 Improvement Plan for 1999 to 2000, correct?

25 A. Yes.

1 Q. And you served on the Scurlock Elementary School
2 Improvement team, did you not?

3 A. Yes.

4 Q. That's why your name appears on the third page,
5 right?

6 A. Yes.

7 Q. Are you proud of this work?

8 A. Yes.

9 Q. This is a better School Improvement Plan than the
10 old School Improvement Plan, isn't it?

11 A. You would hope every plan's improved as you do a
12 new one.

13 Q. Has higher standards in it, doesn't it?

14 A. Yes.

15 Q. Higher expectations of students?

16 A. Yes.

17 Q. And could you tell the Court why you increased the
18 student expectations between your 1999-2002 plan
19 from your 1996-1999 plan?

20 A. You always increase your expectations. You don't
21 just settle for what you get.

22 Q. The fact of the matter is Scurlock Elementary
23 School had made substantial gains in student
24 performance, hadn't it, in those three years?

25 A. Yes. Uh-huh.

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1 Q. Knocked the top off it, hadn't it?

2 A. Well, I wouldn't say that, but yes, we made
3 substantial gains.

4 Q. I want you to turn to page number H008294 in that
5 document?

6 A. 08294?

7 Q. Yes.

8 A. (Complies with request.)

9 Q. Have you got that document?

10 A. Yes.

11 Q. And this is the money that Scurlock Elementary
12 School got to spend for at-risk alternative
13 schools in Scurlock Elementary School for
14 1999-2000, isn't it?

15 A. I've never seen it. I don't know.

16 Q. It's part of the School Improvement Plan, isn't
17 it?

18 A. That we use at some schools, yes.

19 Q. And it's a memo from Carol Olivarez to Parnell
20 Miles, right?

21 A. Yes.

22 Q. Who is Parnell Miles?

23 A. Principal.

24 Q. It says that of local, state and federal funds
25 used for at-risk students, alternative schools or

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1 both at your school, which is Scurlock Elementary
2 School, correct?

3 A. Yes.

4 Q. Okay. And the total is how much?

5 A. Which one are you asking for, total local
6 support?

7 Q. Total support at the bottom.

8 A. 245,144.

9 Q. And how much of that money did you get for
10 materials and supplies?

11 A. That's not the same. That goes for all this other
12 stuff you're talking about. If they gave it all
13 to us in materials, there would be no lights and
14 things like that.

15 Q. The school improvement team makes decisions on how
16 to spend that money, right?

17 A. Not totally, no.

18 Q. Some?

19 A. Some.

20 Q. And how much did you decide to spend for materials
21 and supplies?

22 A. We didn't decide that, no.

23 Q. Who did decide that?

24 A. It's passed down from -- I guess from the Board.
25 We just take what we get and do the best we can

1 with it.

2 Q. Have you ever discussed with Mr. Miles your
3 funding priorities for your class?

4 A. Yes. They ask for wish lists. And they say if
5 you could have things, what would you like to have
6 in your rooms and that kind of thing. And they
7 try to get what they can for us. We usually do it
8 as grade levels.

9 Q. Have you ever seen the request that he submits to
10 the central office?

11 A. No.

12 Q. Why not?

13 A. Because we didn't ask, I guess. It's not --

14 Q. Why didn't you ask?

15 A. Because it's not -- I'm busy teaching. I mean, I
16 don't have time to run up there and take care of
17 the office business.

18 Q. So you have no idea as to whether the requests
19 that you make for your students --

20 A. Oh, I know Mr. Miles will ask. He'll say, Miss
21 Jackson, I will ask. And I feel that he will.

22 Q. Yes, ma'am. If you let me finish my question
23 first. The court reporter can't take down two
24 voices at once.

25 Do you have any idea as to whether Mr.

1 Miles has ever transferred to the central office
2 your request for funding?

3 A. I'm sure he has.

4 MR. ZIKO: May I approach the witness, your
5 Honor?

6 THE COURT: You may.

7 MR. ZIKO: That's 389 that book starts
8 with?

9 (Approaches the witness stand.)

10 BY MR. ZIKO:

11 Q. I'm going to show you a document that's numbered
12 Defendant's Exhibit 364. I want you to turn to
13 the page numbered H007413.

14 A. (Complies with request.)

15 Q. Do you see the name Parnell Miles on that
16 document?

17 A. Yes.

18 Q. And what is it identified with?

19 A. Requesting party.

20 Q. And this is the request for Hoke County schools
21 fiscal year 2000 budget. You see that at the top?

22 A. Yes.

23 Q. Which of the requests on this page did you give to
24 Mr. Miles?

25 A. Well, I was -- I'm in agreement with several of

1 them, but none of these are --

2 Q. Miss Jackson, which of the requests did you give
3 to Mr. Miles?

4 A. As the school improvement team, we gave it
5 collectively.

6 Q. As to which ones?

7 A. The painting of the school. That's been an issue
8 since I've been there. The parking lot needs to
9 be redone. Multi-purpose equipment. We have an
10 empty building with nothing for the kids to play
11 in -- play with in it. But these are not my
12 personal classroom wish lists.

13 Q. Let understand your testimony. You make two
14 requests to the principal for funding; is that
15 correct?

16 A. No, we don't make two requests. When they ask us,
17 we tell them -- if they ask, we tell them.

18 Q. You talked about making a request for your class?

19 A. When they ask for wish lists, yes. This is not
20 the wish list.

21 Q. Oh, that's not it?

22 A. This is for the whole, total school.

23 Q. So you make a request for the school improvement
24 team for the whole, total school?

25 A. Yes.

1 Q. And then you make a request for your class?

2 A. When they ask us, we do what we are asked to do.

3 It may not be just two separate requests.

4 Q. Do the classroom teachers make requests to the
5 school improvement team?

6 A. I guess they do, through us, because we're made up
7 of teachers.

8 Q. Do you seek out the input of classroom teachers
9 when you put together your School Improvement
10 Plan?

11 A. Yes.

12 Q. That's required by law, is it not?

13 A. Yes, it is.

14 Q. And teachers are required to vote on that, are
15 they not?

16 A. Yes.

17 Q. By secret ballot, correct?

18 A. Yes.

19 Q. When you sought out the advice of teachers when
20 you were putting together the School Improvement
21 Plan did teachers ask you for more money for
22 materials?

23 A. No. Not from the school improvement team, no, not
24 my grade level anyway.

25 Q. Did requests for materials from classroom teachers

1 make it onto the list of requests that the school
2 improvement team provided to Mr. Miles?

3 A. Not that I'm aware of because it's like two. We
4 get so very little that we don't ask for things
5 like -- we asked for our rooms to be painted, our
6 bathrooms to be cleaned, things like that. I
7 mean, we don't -- that's -- this is what we
8 address for the school improvement, the total
9 school building, things like that.

10 Q. Following instructions is one of the things you
11 teach kindergartners, correct?

12 A. Yes, sir.

13 Q. How to get along together, correct?

14 A. Yes, sir.

15 Q. How to behave in public?

16 A. Yes, sir.

17 Q. How to stay focused?

18 A. Yes, sir.

19 Q. How to transition from one activity to another
20 activity with a minimum amount of wasted time,
21 correct?

22 A. Yes.

23 Q. How to tie your shoes?

24 A. (Nods head up and down.)

25 Q. Button your coat, correct?

1 A. Yes.

2 Q. Put on your hat, correct?

3 A. Yes.

4 Q. Watch out for your stuff, correct, so you know
5 where it is when you need it again, correct?

6 A. Yes.

7 Q. You teach weather in your class, right?

8 A. Yes.

9 Q. Do you try to instill a sense of personal
10 responsibility into your kindergartners?

11 A. Yes.

12 Q. So it would be your professional opinion, would it
13 not, that getting children in your kindergarten
14 dressed to travel to the cafeteria during the rain
15 is an important personal and social skill for
16 those children to acquire to be successful in
17 life, is it not?

18 A. Yes, but you shouldn't have to practice it every
19 day in and out.

20 Q. You practice it until you're good enough at it,
21 don't you?

22 A. They're good enough at it.

23 Q. So by the time your children finish kindergarten
24 they know how to do that, right?

25 A. I would hope so, yes.

1 Q. And that's a very important life skill, is it not?

2 A. Yes, but there's more important things --

3 Q. Very important to be able to do that when you get
4 to first grade, right?

5 A. Yes, because they have to go in and out, too.

6 Q. So you don't want to be wasting time in first
7 grade, do you?

8 A. Well, they're going to be because they still have
9 to put the coats on to do the same thing all over
10 again.

11 Q. But they're doing it must faster than they were in
12 kindergarten, right?

13 MS. DUBIS: Objection.

14 THE COURT: Overruled.

15 BY MR. ZIKO:

16 Q. Isn't it true they're doing it much faster than
17 when you started?

18 A. I don't know. I don't teach first grade.

19 Q. So you don't know what happens in first grade?

20 A. I know about putting on the coats and hats. I'm
21 more geared to their academic success.

22 Q. Do you use partner reading in your class?

23 A. Our kids usually don't read, but yes, I pair them
24 up to look through books and talk about what they
25 think might be happening.

1 Q. Who does read in your school?

2 A. What do you mean, children wise or --

3 Q. At what grade do the children in your school start
4 being able to read?

5 A. Independent readers in first grade, for the
6 majority.

7 Q. Do you partner with first graders to come and read
8 to your kindergartners?

9 A. Yes, they come in and read.

10 Q. It's a very effective program, isn't it?

11 A. Yes.

12 Q. And how often do you do it?

13 A. As soon as they're able to come to our rooms and
14 do it.

15 Q. Now, you were talking about class size.

16 A. Yes, sir.

17 Q. And your current class is what?

18 A. 27.

19 Q. But you expect that to diminish, don't you?

20 A. No. I expect it to go up. It's going to diminish
21 temporarily, then it will go back up.

22 Q. What will it diminish to?

23 A. 26.

24 Q. Will it ever get to 23?

25 A. No.

1 Q. Do you ever complain that your class is too big?

2 A. Yes.

3 Q. And who do you complain to?

4 A. Mr. Miles and whoever else will listen.

5 THE COURT: Today you get to do it to the
6 whole world --

7 THE WITNESS: Yes. 27's too many.

8 THE COURT: -- in print.

9 BY MR. ZIKO:

10 Q. Have you ever complained to the superintendent?

11 A. He's aware of it, yes, because it's a problem all
12 over our county.

13 Q. And who is responsible for your class size?

14 A. The parents bring the kids in, I guess. I mean --

15 Q. Who's responsible for assigning that number of
16 students to your class?

17 A. We all three have the same number at this time.
18 The secretary, the principal, the guidance
19 counselor, the SIMS operator, whoever registers
20 the children when they're registered.

21 Q. And ultimately the superintendent?

22 A. No. Because they come to the schools they're
23 assigned to.

24 Q. Has the superintendent ever employed an additional
25 teacher to cover the extra students in your class

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1 to reduce your class size to the appropriate
2 level?

3 A. One year out of nine. And I don't know if it was
4 superintendent. I'm not aware of that.

5 Q. How many military children do you really have in
6 your classroom?

7 A. I think I counted it up the other night. I have
8 ten.

9 Q. But that's an excessively large number?

10 A. No, sir. No, sir. That's an average number of
11 military students in my room every year. I had 15
12 last year.

13 Q. And I take it at least one of their parents are
14 employed by the military?

15 A. Yes.

16 Q. And so they have -- these children have an
17 advantage because they have a lot of parents who
18 stay -- have one parent staying at home most of
19 the time, don't they?

20 A. That doesn't necessarily mean that's an
21 advantage. A lot of our parents have parents that
22 stay home, but that doesn't mean that's an
23 advantage.

24 Q. Do you ever meet any military parents in the
25 school system?

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1 A. What, my parents -- my children's parents?

2 Q. Yes.

3 A. Yes.

4 Q. Where do you meet them?

5 A. At school.

6 Q. Are any of them employed by the school system?

7 A. No.

8 Q. Not that you know of?

9 A. Not that -- not of my parents no.

10 (Pause.)

11 Q. When you were in college getting your training to
12 be a kindergarten teacher did they instruct you on
13 classroom safety?

14 A. Yes, that was part of all of our curriculum.

15 Q. Is one of the things they told you about the
16 danger of having hot water and kindergartners?

17 A. Yes, but they also instruct you on having hot
18 water to clean up after things when you're cooking
19 children's food and that type of thing, cleaning
20 messes.

21 Q. Have you ever been to a public library sale?

22 A. No.

23 Q. Are you not aware that public libraries have
24 sales?

25 A. No. I buy most of my books from yard sales.

1 Q. Do you know of anybody who has been to a library
2 sale?

3 A. No, not really.

4 Q. Have you ever been to -- no. Wait. Back up. Do
5 you know a person named Teresa Marion?

6 A. Yes.

7 Q. And she is the art teacher in the high school,
8 right?

9 A. Yes.

10 Q. Have you ever had any contact with her?

11 A. Yes. She taught me art.

12 Q. She's taught you a lot?

13 A. Art.

14 Q. Art?

15 A. Yes.

16 Q. She taught you art?

17 A. Yes.

18 Q. Personally?

19 A. Yes.

20 Q. And what kind of an artist are you?

21 A. I feel pretty good about my abilities, but not
22 enough to teach it to someone else.

23 Q. Have you ever asked her to go to the scrap
24 exchange and get stuff for you?

25 A. No, because I go to get the stuff for me.

1 Q. Oh, so you've been to the scrap exchange?

2 A. No. I go to yard sales religiously.

3 Q. Are you aware of any problem with bias in teachers
4 against children from low socioeconomic status
5 backgrounds?

6 A. No, not at our school.

7 Q. You're not aware of that?

8 A. Not at our school.

9 Q. You take no precautions to protect against
10 anything like that?

11 A. I beg your pardon?

12 Q. Do you take any precautions --

13 A. To protect against bias in any of my coworkers.

14 Q. Yes.

15 A. I don't know what you're asking me. What could I
16 possibly do with my other -- with my coworkers? I
17 am responsible for myself.

18 MR. ZIKO: Thank you, your Honor. Those
19 are all the questions I have.

20 EXAMINATION

21 BY THE COURT:

22 Q. Now, what do you expect the child to be able to do
23 when they leave your class in order to succeed in
24 the first grade? Instead of being negative, let's
25 talk about -- nobody's said yet what -- what is

1 the -- I mean, the ideal would be they'd all leave
2 there reading at the second grade level. But
3 that's not what your job is.

4 A. Right.

5 Q. So what is the ideal that you would look for when
6 you would feel comfortable with -- those children
7 who do succeed in your class, what do you expect
8 them to be able to do when you turn them over to
9 the first grade teacher the first week in July of
10 the next year?

11 A. Okay. The things that we really stress very hard
12 to get our children to know before they go would
13 be able to write their name, recognize their name
14 in print, be able to state their birthday, their
15 phone number, their address, their parents' name,
16 which are life skills, basically; be able to
17 recognize at least one to ten in numbers and at
18 least letters A through Z. They may not know the
19 sounds those letters make, but they're aware of
20 the letter when they see it.

21 Q. Do they all sing A, B, C, D, E, F, G?

22 A. We don't sing.

23 Q. Why?

24 A. Because they need to --

25 Q. You don't sing A, B, C, D, E, F, G?

1 A. No. We try to steer them away from singing it
2 because L, M, N, O, P, you don't quite get L, M,
3 N, O, P.

4 Q. Well, why don't you get their diction right?

5 A. That's very difficult.

6 Q. They might not say L, M, N, O, P at home, but why
7 don't you get them to say L, M, N, O, P?

8 A. Even when they say it, they still skip the letter
9 N and we have to go back and reteach how to say
10 it. And I illustrate by talking about children's
11 names that begin with the letter N. I said, look,
12 this child couldn't be in here without his name
13 starting with the letter N. So that's why we try
14 not to sing it. We try to get them to say it.
15 And we try to get them to recognize it out of
16 order. We mix the letters up and we mix the
17 numbers up.

18 Q. A, B, D, E, Z, A. Would you do that to them?

19 A. No, we don't do that to them. I'm talking about
20 in print. I couldn't recite them backwards
21 myself, I don't believe. We like for them to be
22 able to sit and listen to a story, actively
23 listening. And I mean, that's sounds strange
24 because you shouldn't be active, but yes, you
25 should. They should be clued into what do you

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1 think is going to happen next. Critical thinking
2 skills is a big thing in everything we do. We're
3 constantly asking, well, what if.

4 We do that by graphing a lot of things.
5 And we talk about differences and things like
6 that. Being aware of their environment, the
7 different types of weather we have, how they
8 should dress for those different types of
9 weather. Care of their environment, that's a big
10 thing we talk about in kindergarten and how we can
11 start, at a young age, taking care of it. Let's
12 see.

13 Q. How about the health skills? Do you hope they can
14 go to the little boys room or little girls room by
15 themselves?

16 A. And shut the door and turn the light on and that
17 kind of thing, yes. We have so many that just go
18 in there and you're like, oh, my goodness, because
19 all the little girls are going (indicating).

20 Q. Little girls do that?

21 A. Yes, little girls do that. We have accidents
22 quite frequently in kindergarten, yes, we do. So
23 we try to get them to the point where they realize
24 they need to be responsible to take care of that
25 on their own. We have to teach them things in

1 kindergarten such as going in the lunchroom and
2 knowing how to handle themselves.

3 And that's something in first grade -- you
4 know, we would hope by the time they get there
5 they're very good at, the lunchroom skills, that
6 type of thing. But following directions is one
7 thing, just from point A to point B, understanding
8 what you're asking the child to do and them being
9 able to take it from what you're saying and
10 actually doing it. Copying print from the board
11 to their paper.

12 Q. So they get -- you want them to be -- have
13 dexterity in using a pencil and crayon or a
14 pencil?

15 A. Right. Right, to be able to maneuver them.

16 Q. And to do something on a line on a piece of paper?

17 A. Well, we don't really push lines in kindergarten
18 until like after the half point of the year. But
19 yes, when they get in first grade they are given
20 lined paper. So yes, we try to move them in that
21 direction before the end of the year.

22 Q. Now, when you -- do you administer this wings
23 test --

24 A. No, sir.

25 Q. -- the wings assessment or does this require

1 somebody else and, if so, who does it?

2 A. Nancy Martin, who is our Title 1 person at the
3 Board. She and a couple of others come in and
4 they test our children and then they give us the
5 results.

6 Q. And that's different than this LAPD --

7 A. Yes.

8 Q. -- assessment?

9 A. Yes.

10 Q. What do they do with the results of the wings
11 test --

12 A. We take them --

13 Q. -- or assessment or whatever it is?

14 A. When we're given the results, we are to sit down
15 and try to break them into as small of groups as
16 possible according to their -- the age that they
17 tested on and then there are games that --
18 learning games that go along with -- like if the
19 child tested at three years one month. And you
20 try to keep it within a range of children no more
21 than five above or five below and you try to group
22 those.

23 Q. So it's your performance level grouping, initial
24 performance level grouping tool for the classroom?

25 A. Right. Right, for us to decide which children --

1 Q. And how many -- ideally how many groups would you
2 prefer to teach to in kindergarten? What would be
3 the --

4 A. The ideal for wings they suggest is no more than
5 four kids per group. But because of the way they
6 want it taught, that's impossible for us to do
7 because there's only -- myself --

8 Q. What I want to know is how many groups -- if you
9 had your ideal classroom, how many groups would
10 you like to teach to as the kindergarten teacher?

11 A. In wings?

12 Q. Numbers.

13 A. In wings?

14 Q. Three?

15 A. Yes, because you could rotate your three around
16 easily during the week. That would -- yes.

17 Q. Is there a place that you could go, to the central
18 office in Hoke County, and find the number of
19 children who enter five year old kindergarten who
20 are assessed at age three?

21 A. For any type of assessment?

22 Q. For your wings assessment. That's your
23 chronological age --

24 A. Oh, to see how many --

25 Q. -- versus how many of them are still three years

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1 old when it comes to going to the bathroom.

2 A. Yes. Nancy Martin would know those figures.

3 Q. So those figures are available?

4 A. Yes.

5 Q. And how many would be four years old and how many
6 would, unfortunately, still be two?

7 A. Right. Yes, she would have that information.

8 Q. And then some of them are five?

9 A. Yes.

10 Q. So the central office has that?

11 A. Yes.

12 Q. But once they are assessed by wings and you try to
13 teach, you know the assessment so you try to teach
14 to that level?

15 A. Yes. And the wings assessment pretty much
16 coincides with what we find on our check. So our

17 --

18 Q. So your objective checklist is whether they can
19 cut and all of the 18 things you check --

20 A. Yes. And then there's another one --

21 Q. -- is sort of --

22 THE COURT REPORTER: Wait. Wait. Wait.
23 Guys, I'm not getting it here.

24 THE COURT: Sorry.

25 Q. Against the wing assessment?

1 A. Yes. And then there's also our personal checklist
2 that we do such as color recognition and things
3 like that that are not addressed on the other
4 two.

5 Q. Has there been a study done, to your knowledge, in
6 Hoke County to assess the -- to assess the
7 performance of the Smart Start kids when they come
8 in kindergarten versus the non-Smart-Start kids?

9 A. Yes. They also use wings. And they assess them
10 as they come in as four year olds. And then you
11 could compare that to ones that are coming in as
12 five year olds and see what a did difference there
13 is in where they are according to the
14 chronological age.

15 Q. Those would be children whose parents put them in
16 the program to begin with, the Smart Start or the
17 pre K stuff?

18 A. Yes.

19 Q. So when they leave -- the ideal student -- I mean,
20 your goal is to get them as socialized as possible
21 to be able to follow the teacher's directions, to
22 be able to know what the colors are, to count to
23 ten, to hopefully know the alphabet?

24 A. Right.

25 Q. Other than A, B, C, D, E, F, G?

1 A. (Nods head up and down.)

2 Q. And to follow directions?

3 A. (Nods head up and down.)

4 Q. And be comfortable in the classroom so that they
5 are able to receive instruction in first grade?

6 A. Yes, sir.

7 Q. What teaching technique do you use to help them
8 put on their coats?

9 A. They lay it on the floor upside down. They put
10 their arms this way (indicating). They flip it
11 over their head. That keeps them from putting it
12 on backwards.

13 Q. You get an A. If you didn't know that one, I was
14 going to tell you that's how it's done. And it
15 works every time.

16 A. It does.

17 Q. My son, who's age 28, still does it that way. And
18 he learned that in kindergarten. It works like a
19 champ. You put it on the floor, stick your arms
20 in there, put it up like that, put your arms in
21 and it pops right over your head. Works like a
22 charm. Can't go wrong.

23 THE COURT: I don't have any other
24 questions. Miss Dubis? When in doubt, put it on
25 the floor and you'll come out all right.

CROSS EXAMINATION

BY MS. ANDERSON:

Q. Miss Jackson, my name's Audrey Anderson. I represent the plaintiff intervenors. And I have just a couple of questions for you.

You had mentioned, in response to questions from Mr. Ziko, that you didn't find the assistance from Joan Pridgen, the head of the assistance team at Scurlock, to be very helpful. Could you explain why that was.

MR. ZIKO: Objection. Leading, your Honor. That was not her testimony.

THE WITNESS: It was.

THE COURT: Oh, yes, it was.

MR. ZIKO: Well, no, I --

THE COURT: My ears are the final arbitrator.

MR. ZIKO: "Not very helpful" is not my memory of that testimony.

THE COURT: Wasn't very useful.

MR. ZIKO: I don't think she used "not very helpful."

THE COURT: She said it wasn't -- she did, too. She was mumbling. She didn't want you to hear it, but that's what she said. You didn't

HOKE COUNTY V. STATE OF NORTH CAROLINA

1 hear it because she was working on the beads and
2 she was doing like Captain Kidd. Overruled.

3 A. There was only so much time that she could spend
4 in kindergarten. They tried to focus more on the
5 testing grades because they wanted our testing
6 scores to come up. She was there for us if we
7 needed her, but we felt like -- you know, the
8 upper grades, I do know they benefited from her.

9 BY MS. ANDERSON:

10 Q. And Mr. Ziko also mentioned the FROG Program to
11 you?

12 A. Yes.

13 Q. And I think you were talking about the groups in
14 the FROG Program.

15 A. (Nods head up and down.)

16 Q. Can you explain that a little bit.

17 A. Yes. There's a -- for kindergarten there's a FROG
18 teacher that comes in once a day for 30 minutes a
19 day. She, myself and my assistant split the
20 children into three groups. We keep those three
21 groups for 30 minutes. We usually rotate them
22 every week. So within a three-week period, all of
23 the children have seen all three of us. In first
24 grade there's a FROG assistant, so they're able to
25 break into four groups. So in our room right now

1 there's nine per group.

2 Q. What do you think about the size of that group?

3 A. It's impossible to work with nine. You can't even
4 sit them all at one table. So when you're
5 reading, you know, you're having to group them
6 around you and that type thing. There's no space
7 for all of them to work at one table together so
8 you've got them strung out around the classroom.
9 Five is a perfect group for that, but not
10 realistic.

11 Q. But you have groups of nine this year?

12 A. Yes.

13 Q. Have you ever had -- have you ever had any
14 children in your classes who have been repeat
15 kindergarten students?

16 A. I have two right now.

17 Q. Have you had repeat kindergarten students in the
18 past?

19 A. Yes.

20 Q. Have you ever had a kindergarten repeater student
21 who, through the course of the year, developed his
22 or her skills to the point where it was necessary
23 for you to teach them at a first grade level?

24 A. No.

25 MS. ANDERSON: Thank you. I don't have any

1 other questions.

2 MS. DUBIS: I have a few, your Honor.

3 REDIRECT EXAMINATION

4 BY MS. DUBIS:

5 Q. Ms. Jackson, you were asked some questions about
6 the NTE and the teacher performance appraisal
7 instrument by Mr. Ziko. Do you recall those
8 questions?

9 A. Yes.

10 Q. Have you ever investigated whether the NTE exam is
11 an accurate measure of teaching ability?

12 A. No.

13 Q. Have you ever investigated whether the teacher
14 performance appraisal instrument is an accurate
15 measure of teaching ability?

16 A. No.

17 Q. Do you know whether the State is in the process of
18 changing the teacher performance appraisal
19 instrument?

20 A. Yes. They're working on it.

21 Q. In response to one of Mr. Ziko's questions I
22 believe you testified that you have a substitute
23 art and music teacher at Scurlock Elementary; is
24 that correct?

25 A. Yes.

1 Q. Is that substitute teacher a certified teacher?

2 A. No.

3 Q. Do you know what her training in art and music is?

4 A. She has none.

5 Q. Just to clarify, Ms. Jackson, you were asked a
6 question about your Title 1 teacher at Scurlock
7 Elementary School?

8 A. Yes. That's the FROG teacher.

9 Q. And how many Title 1 teachers have you had this
10 year?

11 A. We're on our second one right now.

12 Q. What happened to the first one?

13 A. She is a retired teacher brought back to teach and
14 she was going to end up making too much money so
15 she had to go home for a while and now we've got
16 another retired person in.

17 Q. Do you know how long she's going to be teaching?

18 A. Until the beginning of the next year, from what I
19 understand.

20 Q. And when you say that the first teacher was making
21 too much money, could you explain what you meant
22 by that.

23 A. According to the state retirement -- I'm sure she
24 wasn't making enough money -- but they were saying
25 that she was making too much and it was going to

1 mess up her retirement if she continued to make
2 the money she was making.

3 Q. So it's your understanding she would have lost her
4 retirement benefits --

5 A. Right.

6 Q. -- had she continued to be a full-time teacher?

7 A. Right. So she was basically forced to have to
8 stop right where she was.

9 (Pause.)

10 THE COURT: That doesn't make any sense to
11 me at all. If you're retired and you go back full
12 time, then you no longer are retired. But you
13 don't know that. That's the administrator. The
14 music teacher knows that now that she's assistant
15 principal. That doesn't seem to make any sense.
16 If you go back full time, then you are no longer
17 retired. You don't lose your retirement
18 benefits.

19 THE WITNESS: I think if they allowed them
20 to come back and teach and still receive their
21 retirement benefits or something to try to get
22 more teachers back because we have such a
23 shortage.

24 MR. SPEAS: Your Honor, you can earn up to
25 one half of your last year's salary without

1 reducing your retirement benefit. That's what is
2 the case.

3 THE COURT: That means you might make more
4 than you would make if you were a full-time
5 teacher.

6 MR. SPEAS: Yes. And that's because of a
7 Noray option.

8 THE COURT: Please.

9 THE WITNESS: I've got many years before I
10 can think about it. So I didn't know.

11 BY MS. DUBIS:

12 Q. Ms. Jackson, you were asked some questions by Mr.
13 Ziko about the importance of the environment, the
14 school environment and making children feel safe
15 and motivated. Do you recall those questions?

16 A. Yes.

17 Q. Is the Scurlock school building an inviting and
18 safe environment for the children?

19 A. Our building is. The community is not. Our
20 community, you have to see it. A lot of times
21 when I tell people, you know, where do you teach
22 and I'll say Scurlock and they'll say, oh,
23 Scurlock. And I'll say, have you ever been inside
24 the gate, because we get such a bad wrap from our
25 community.

1 Every day, every day, not just once a
2 week, every day, there are people on the corner
3 with brown bags and bottles. The sheriff's
4 department, Mr. Miles I know does call them out.
5 And they're good. They come out and run them
6 off. And they just come back.

7 Until the fence was put up several years
8 ago we had a path through our playground in the
9 back where they would make a path from their homes
10 to the store to get their bottles. And they would
11 leave their bottles on our school campus. There's
12 motorcycles racing all the time. It's just not --
13 no. And I don't even feel safe where my classroom
14 is because I face the road.

15 Q. Ms. Jackson, you were asked if you had ever held a
16 kindergarten student back, if you had retained a
17 student?

18 A. Yes.

19 Q. Is it your testimony that you retained one
20 student?

21 A. Yes.

22 Q. Did I understand your testimony, that you
23 regretted that decision?

24 A. Yes.

25 Q. Why? Why was that?

1 A. Because when he got to first grade he did not gain
2 what he needed and they had to send him to second
3 grade and he struggled in second grade. So I
4 guess in the social aspect I felt better because I
5 was able to get him to go to the bathroom and take
6 care of those needs on his own, but he still -- he
7 struggled and he did end up having to be referred
8 for extra help.

9 Q. And why couldn't he be retained in the first
10 grade?

11 A. Because he was retained in kindergarten.

12 Q. Is there a policy about retaining children more
13 than once?

14 A. Yes. You can't back-to-back retain children.

15 Q. Miss Jackson, Mr. Ziko asked you a number of
16 questions about the LAPD screening instrument. Do
17 you recall that?

18 A. Yes.

19 Q. And that instrument tests a child's ability to use
20 scissors; is that correct?

21 A. Yes.

22 Q. And is one of those questions also the identity of
23 colors?

24 A. No, not on --

25 Q. Not on the LAPD?

1 A. No. That's the teacher checklist.

2 Q. What are some of the other questions on the LAPD
3 screening instrument?

4 A. They want to see if they can follow the letters,
5 write the letters for cat. They lay animal
6 pictures out and then you take away a picture and
7 you see if the child can recall which picture was
8 taken away. You try to have them jump over a
9 dowel that is 18 inches off the floor, either
10 running or standing. Things like that.

11 Q. Are gross motor skills something that children
12 need to function in the real world?

13 A. Oh, yes.

14 Q. The child needs to be able to use scissors to
15 function in the real world?

16 A. Yes. And that's fine motor skills, which you have
17 to start with the gross and then refine your fine
18 motor skills.

19 Q. And Miss Jackson, you testified about the FROG
20 Program. Do you recall that testimony?

21 A. (Nods head up and down.)

22 Q. And you said that the higher the numbers the
23 higher the groups. What -- do you recall that?

24 A. The higher the -- I meant the higher the number in
25 our classroom, the higher number it equals out for

1 for our FROG groups. Because each time you add a
2 child you just add them to the three groups you
3 already have. There's no way to make another
4 group.

5 Q. And does the FROG Program require small group
6 instruction?

7 A. Yes.

8 MS. DUBIS: No further questions, your
9 Honor.

10 RECROSS EXAMINATION

11 BY MR. ZIKO:

12 Q. Ms. Jackson, I want to ask you more about frogs.
13 We've spent a lot of time talking about frogs and
14 biology in kindergarten. Ideally, how many
15 children would be in the FROG group?

16 A. An ideal group would be five.

17 Q. And ideally, how many of those students would be
18 reading by the end of the program in kindergarten?

19 A. The smaller the number would equal more students
20 that would be reading because you would be able to
21 spend more one-on-one time with them.

22 Q. So how many students would be ideally reading?

23 A. Oh, it would be ideal to have them all but it's
24 not feasible. I would love for all my kids to go
25 to first grade reading. But when you have to

1 start from subzero, it's not possible.

2 Q. So how many children are you sending to first
3 grade who can't read?

4 A. Most of them cannot read. They can cite words,
5 yes, because we do cite words.

6 Q. So most of them can cite words but they can't
7 read?

8 A. Yes. Right.

9 Q. You said you, yourself, have retained one
10 student. And you were unable, in two years of
11 kindergarten, to get that child ready for first
12 grade?

13 A. Yes. So I referred him. Because I knew --

14 Q. What do you mean by "referred?"

15 A. For additional resources for exceptional children.

16 Q. You mean an exceptional children evaluation?

17 A. Yes. Yes.

18 Q. Had you done that before?

19 A. For him or others?

20 Q. For this one person.

21 A. I had started the process, yes.

22 Q. Had you started it at the beginning of his
23 kindergarten experience?

24 A. Not the first year, no. I usually wait until at
25 least halfway in the year unless it's an

1 absolutely severe problem. I try to give them the
2 benefit of the doubt that their light bulb's going
3 to come on and they're not going to have any
4 problems that they're going to need additional
5 resources because some kids just develop. They
6 come back from break raring to go. But I usually
7 wait until the half point of the year before I
8 refer children.

9 Q. You said you had other repeaters in your class.
10 Were those children other kindergarten teachers
11 had retained?

12 A. Not from our school, from others.

13 Q. Children who had gone to kindergarten in other
14 school districts and come to your school?

15 A. Right.

16 Q. How many of those have you had?

17 A. This year I have two. I don't recall the number
18 of the ones I've had before.

19 Q. You testified that you've never been able to take
20 your repeaters and move them up to a second grade
21 level; is that correct?

22 A. Like maintain the first grade level in
23 kindergarten their second year, is that what
24 you're asking? No, I have not, because I've only
25 had one child.

1 Q. You've only had one child?

2 A. One child to repeat in my room from me.

3 Q. Have you ever had any child come into your program
4 who was in the three year -- excuse me, in the
5 three year old exceptional children's program in
6 Hoke County?

7 A. Yes.

8 Q. How many?

9 A. One that I'm thinking of right now. There may be
10 a couple more, but one that I absolutely know was
11 in our EC program at three years.

12 Q. Is that the same child as the child you held back
13 and had repeated?

14 A. Are they the same child? No.

15 Q. The child you had repeating had not been in any
16 exceptional children's program?

17 A. Right.

18 Q. And the three year old exceptional children
19 program is not the same thing as the Smart Start
20 program, is it?

21 A. No.

22 Q. Separately funded, correct?

23 A. I'm assuming so, yes. I don't know.

24 MR. ZIKO: Those are all the questions I
25 have, your Honor.

1 STATE OF NORTH CAROLINA
2 COUNTY OF WAKE
3 HOKE COUNTY BOARD
4 OF EDUCATION, et al.,
5 Plaintiffs,
6 and
7 ASHEVILLE CITY BOARD
8 OF EDUCATION, et al.,
9 Plaintiff-Intervenors,
10 -VS-
11 STATE OF NORTH CAROLINA, et al.,
12 Defendants.
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GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 95 CVS 1158

VOLUME II
PAGES 1-291

ORIGINAL

Transcript of trial proceedings taken in the
General Court of Justice, Superior Court Division,
Wake County, North Carolina, at the September 29, 1999
Civil Session before the Honorable
Howard E. Manning, Jr., Judge Presiding.

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I N D E X

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4 Plaintiffs' Witness: Ellen Peisner-Feinberg

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9 Plaintiff-Intervenors' Witness: Barbara Pellin

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14 Excerpts of deposition of Michael Ward Page 237

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1 (Court reconvened September 29, 1999.)

2 MS. DUBIS: Good morning, Your Honor.

3 COURT: Good morning.

4 MS. DUBIS: Plaintiffs' would like to call
5 Dr. Ellen Peisner-Feinberg to the stand.

6 COURT: All right.

7 DR. ELLEN PEISNER-FEINBERG, being first duly sworn,
8 testified as follows during DIRECT EXAMINATION by MS.

9 DUBIS:

10 MS. DUBIS: Your Honor, as a preliminary
11 matter, Dr. Peisner-Feinberg will be referring to
12 exhibits that contain students' names that have not yet
13 been redacted. We would ask the Court's permission, if
14 those are admitted into evidence, to later be able to
15 replace them with the redacted copies, so those names
16 don't become part of the public record. I discussed
17 this with counsel and everyone agrees that they would
18 be agreeable to that.

19 COURT: No problem.

20 MS. DUBIS: Thank you, Your Honor.

21 BY MS. DUBIS:

22 Q. Could you state your name for the record,
23 please?

24 A. Ellen Peisner-Feinberg.

25 Q. For the court reporter's benefit, will you

1 spell your last name, please.

2 A. Sure. P-E-I-S-N-E-R hyphen F-E-I-N-B-E-R-G.

3 Q. Thank you. Dr. Peisner-Feinberg, what is
4 your profession?

5 A. I am a developmental psychologist.

6 Q. And could you just explain to the Court what
7 a developmental psychologist does?

8 A. Yes, a developmental psychologist generally
9 is somebody who conducts research and they also do
10 teaching in the area of child development and
11 experiences that relate to children's development.

12 Q. And how are you presently employed?

13 A. I am a research investigator at the Frank
14 Porter Graham Child Development Center at the
15 University of North Carolina at Chapel Hill.

16 Q. And what is the Frank Porter Graham Child
17 Development Center?

18 A. It is a research institute that is part of
19 the university.

20 Q. Are there similar research institutes across
21 the country?

22 A. Yes, there are.

23 Q. And is Frank Porter Graham one of the few of
24 those types of institutes in the country?

25 A. Yeah, it is one of the probably larger and

1 more well known research institutes in the area of
2 young children's development.

3 Q. And how long have you been a research
4 investigator at the Frank Porter Graham Center?

5 A. For eight years.

6 Q. Dr. Peisner-Feinberg, could you briefly
7 review your educational background for the Court?

8 A. Yes, I received a bachelor's degree in
9 psychology and Spanish from Vanderbilt University in
10 Nashville, Tennessee in 1981, I received a master's
11 degree in developmental psychology from UNC-Chapel Hill
12 in 1984, and I received a doctorate degree in
13 developmental psychology from UNC-Chapel Hill in 1991.

14 Q. Did you have any particular area of
15 concentration in your graduate work?

16 A. Yes, I would say my focus was on studying
17 research relating to the kinds of experiences that
18 children have that relate to their outcomes, looking at
19 parent and family and school effects, and also a focus
20 on public policy issues.

21 Q. And when you say outcomes, what kind of
22 outcomes are you referring to?

23 A. That would include things like children's
24 developmental outcomes, things like looking at
25 children's cognitive and social developments, and that

1 sort of thing.

2 Q. So you focus on the effects of family and
3 other experiences on children's development cognitively
4 and socially; is that accurate?

5 A. Yes.

6 Q. And you have been with the Frank Porter
7 Graham Center for eight years?

8 A. I actually had done work there. I have
9 actually been working at the Frank Porter Graham Center
10 for about 15 years, but --

11 Q. Did you work there during your graduate
12 studies?

13 A. Yes, I did.

14 Q. What types of projects did you work on during
15 your graduate studies?

16 A. I worked on a variety of different projects.
17 I worked on a couple of different projects that
18 actually looked at the beliefs of parents who had
19 children with special needs, about child development or
20 looking at parent child interaction, for children with
21 special needs as compared to those who didn't. I did
22 studies looking at the effects of kindergarten
23 qualities in the State of North Carolina -- looking at
24 kindergarten quality in the State of North Carolina not
25 the effects of -- and can't think what else. Those are

1 probably the main studies.

2 Q. And what are your current responsibilities at
3 Frank Porter Graham?

4 A. My responsibilities as a researcher are to
5 obtain research grants and conduct research and
6 disseminate my findings. Do you want me to --

7 Q. What are your current areas of concentration,
8 your areas of research?

9 A. The particular areas of research that I have
10 been working on for the past several years are looking
11 particularly at the -- looking at child care and
12 various types of child care programs, and looking at
13 the quality of programs and the relationship to child
14 outcomes over time. I have also done other studies
15 looking at things like teacher training and how that
16 relates to improving program quality.

17 Q. Dr. Peisner-Feinberg, have you authored any
18 publications regarding the effects of early childhood
19 programs?

20 A. Yes, I have.

21 Q. Can you describe for the Court some of your
22 more recent publications in that area?

23 A. Okay. One of the most recent publications is
24 that we just produced in executive summary detailing
25 the findings of a five-year study that we did looking

1 at the cost and quality of child care and the
2 relationship of child care quality to child outcomes.
3 And that publication has just looked at the
4 relationship of quality to children's outcomes from
5 preschool through second grade.

6 I have also done other studies looking at
7 quality more broadly in the State of North Carolina,
8 including some work relating to the Smart Start
9 Evaluation, including the public preschool programs in
10 North Carolina, the kindergarten programs in North
11 Carolina.

12 Q. And those -- that research has focused on the
13 quality of those programs?

14 A. Yes. The -- some of the work, the public
15 preschool study has also looked at the relationship of
16 quality to children's development over time -- or not
17 over time -- into kindergarten. And some of the Smart
18 Start Projects that I have helped with, some have also
19 looked at child outcomes as well in kindergarten.

20 Q. The Smart Start work and the public preschool
21 study and the kindergarten study, who were those
22 studies conducted for?

23 A. The kindergarten study was actually conducted
24 for the general assembly in North Carolina, the Public
25 Preschool Study was conducted for the State Department

1 of Public Instruction, and the Smart Start Evaluation
2 is actually funded by the State Smart Start Plan.

3 Q. Dr. Peisner-Feinberg, are you a member of any
4 professional organizations?

5 A. Yes, I am.

6 Q. What organizations are those?

7 A. The Society for Research and Child
8 Development, The American Educational Research
9 Association, the American Psychological Association and
10 the National Association for the Education of Young
11 Children.

12 Q. Okay. Do you hold any leadership positions
13 or chairs of any professional organizations?

14 A. Not of any of those professional
15 organizations, no.

16 Q. Are you involved in any professional
17 organizations affiliated with the university?

18 A. Yes, I am currently serving as the chair of
19 the child care advisory committee which is a university
20 wide committee appointed by the chancellor.

21 Q. Dr. Peisner-Feinberg, other than the
22 consulting work that you have done in this case --

23 A. Uh-huh.

24 Q. -- have you done consulting work for any
25 other organizations?

1 A. Yes, I have done some. I have been working
2 with a program, an early Head Start Program in Florida
3 helping them with the evaluation of the quality of
4 their program and the effects of the program on
5 families and children. I have -- what else?
6 There's -- I did a little bit of work with another
7 program in Florida, again helping them evaluate changes
8 in the quality of the program related to the training
9 effort that they have. That's what I can recall at the
10 moment.

11 MS. DUBIS: Your Honor, at this point we
12 would tender Dr. Peisner-Feinberg as an expert to
13 testify in the field of early childhood education and
14 developmental psychology.

15 COURT: She will be admitted as an expert in
16 those areas.

17 MS. DUBIS: Thank you, Your Honor.

18 BY MS. DUBIS:

19 Q. Dr. Peisner-Feinberg, have you produced a
20 report in this case?

21 A. Yes, I have.

22 Q. And do you have a copy of that report?

23 A. Yes, I do.

24 Q. Do you?

25 MS. DUBIS: Your Honor, Dr.

1 Peisner-Feinberg's report is marked as Plaintiffs'
2 Exhibit 200.

3 BY MS. DUBIS:

4 Q. Dr. Peisner-Feinberg, when did you complete
5 this report?

6 A. I completed this report -- I have to look at
7 my calendar to give you the exact date. It doesn't
8 have a date on it.

9 Q. Approximately in the spring of this year?

10 A. Yes, in the spring of 1999.

11 COURT: Is that your signature?

12 THE WITNESS: It is. I apologize for that.

13 COURT: I just remembered our -- remembered
14 my kindergarten teacher the other day.

15 MS. ANDERSON: Sure.

16 COURT: You didn't get to see that. We'll
17 show it to you. Where is that exhibit that you brought
18 with you?

19 MR. TILLER: I have to go find it.

20 COURT: Mine is just a straight line. At
21 least you still try.

22 THE WITNESS: I try, that's true.

23 COURT: You weren't nervous when you signed
24 it, were you?

25 THE WITNESS: No, unfortunately that is my

1 typical signature.

2 COURT: You weren't under stress of any kind
3 when you signed off?

4 THE WITNESS: No, no duress.

5 BY MS. DUBIS:

6 Q. Dr. Peisner-Feinberg, does this report also
7 include a copy of your CV?

8 A. Yes, it does.

9 Q. And is that updated and accurate?

10 A. It is. I think the one thing that may be
11 missing from it is our recent publication of the
12 executive summary that I referred to of the Children of
13 Cost, Quality and Outcome Study Go To School is the
14 name of the publication.

15 Q. And does your report also contain information
16 regarding your compensation and previous expert
17 experience?

18 A. Yes, it does.

19 MS. DUBIS: Your Honor, we would move that
20 the Plaintiffs' Exhibit 200 be admitted into evidence
21 at this time.

22 COURT: Admitted.

23 MS. DUBIS: Thank you.

24 COURT: I would like to congratulate her on
25 having the shortest CV of any of the people you've put

1 up.

2 MS. DUBIS: Congratulations.

3 THE WITNESS: Thank you. It is an
4 interesting honor.

5 COURT: I like the short ones. We have had
6 some people that testified here, some of them had 22,
7 19. Dr. Vassey had 19 and 22 pages of CV. It's an
8 awful lot for young people.

9 MR. SPEARMAN: And those were just rebuttal
10 CVs.

11 COURT: Yes.

12 BY MS. DUBIS:

13 Q. Dr. Peisner-Feinberg, could you describe for
14 the Court what issues you have investigated regarding
15 this lawsuit?

16 A. Yes, I was asked to provide information about
17 the role of the Hoke County prekindergarten program and
18 providing children with an opportunity for a sound,
19 basic education. And I looked particularly at issues
20 related to the availability of the program for children
21 in Hoke County and to the quality of the existing
22 program.

23 Q. And how did you go about investigating those
24 issues?

25 A. I gathered data from a variety of different

1 sources including observations of the program, review
2 of records, school records, looking at interviews with
3 kindergarten and prekindergarten teachers, as well as
4 the Title 1 coordinator. Reviews of other existing
5 reports about the playground facilities as well.

6 Q. So you went to Hoke County?

7 A. Yes, I did.

8 Q. Did you observe the prekindergarten program
9 that is in existence in Hoke County?

10 A. Yes, I did.

11 Q. Dr. Peisner-Feinberg, as part of your work in
12 this case, did you also review the Supreme Court's
13 definition of a sound, basic education in the Leandro
14 decision?

15 A. Yes, I did.

16 Q. And what is your understanding of what a
17 sound, basic education is?

18 A. In general, my understanding of that is that
19 a sound, basic education is defined as an education
20 that allows a child to be able to function in society,
21 to be able to, at the end of their education, either
22 continue in further education or obtain employment that
23 enables them to develop the basic needed skills in
24 terms of things like reading, math and scientific
25 concepts, that sort of thing.

1 Q. And how does that definition relate to your
2 evaluation of early childhood education in Hoke County?

3 A. The way I interpret the relation of that is
4 that in looking at something like a prekindergarten
5 program, the purpose of that program would be to enable
6 the child to be prepared to enter school, meaning enter
7 kindergarten, and to be able to take advantages of the
8 opportunities in kindergarten in order to receive a
9 sound, basic education, which then continues to effect
10 their education throughout their entire school career.

11 Q. Dr. Peisner-Feinberg, are you familiar with
12 the body of research regarding the effects of
13 prekindergarten education on a child's later success in
14 school?

15 A. Yes, I am.

16 Q. Okay. And could you describe -- on Page 2 of
17 your report --

18 A. Uh-huh.

19 Q. -- is that a review of the existing
20 literature in that area?

21 A. Yes, it is.

22 Q. Okay. And you mentioned in your report three
23 particular studies; the Carolina Abecedarian Project,
24 the High Scope Perry Preschool Project, and the
25 Consortium for Longitudinal Study. Could you describe

1 for the Court what the Carolina Abecedarian Project is?

2 A. Yes, all three of those studies or those
3 projects are actually in the realm of early
4 intervention studies. And what they have done is to
5 actually provide a preschool education program to low
6 income children and then study the effects of children
7 who receive the program compared to children who didn't
8 receive the program.

9 The Abecedarian Project in particular was a
10 project that was conducted by the Frank Porter Graham
11 Child Development Center where they randomly selected a
12 group of children to be in a preschool program and
13 compared them to a group of comparison children who did
14 not receive the preschool education and actually
15 followed them over a number of years to look at the
16 effects.

17 Q. Okay. And where was that preschool
18 environment that the Abecedarian study took place at?

19 A. It was at the Frank Porter Graham Child
20 Development Center.

21 Q. The children who participated in that study,
22 where were they from?

23 A. They were generally in the Orange County area
24 of North Carolina.

25 Q. And you mentioned that the Abecedarian Study

1 was an early intervention study. What do you mean by
2 early intervention?

3 A. When we talk about early intervention
4 programs, what we are referring to are preschool
5 programs, generally programs that have center-based
6 educational component, although sometimes there are
7 programs that have other things like a home visiting
8 component. They may also have things like a parent
9 education component, they may offer other kinds of
10 services for children as well, but the purpose is to
11 provide this type of experience for young children
12 generally selected from low-income families or, you
13 know, families with low maternal educational
14 characteristics like that, with the idea that the home
15 environment is not giving them the opportunity to
16 develop to the capacity that they need in order to
17 enter school prepared. And the purpose of this kind of
18 program is to provide them with those kinds of
19 experience so that they will have greater success in
20 school.

21 Q. And so the Abecedarian Study, were those
22 children who were from low-income families with those
23 kinds of characteristics that you just described?

24 A. Yes, they were.

25 Q. And how does that kind of early educational

1 opportunity differ from what happens in private day
2 care centers, for example?

3 A. From my perspective, the difference that you
4 are really talking about is one of the particular
5 population you are serving and typically one of the
6 quality of the program as well. The child, atypical
7 child care center also is offering an educational
8 environment to the child. It may or may not be a high
9 quality educational environment, but children will --
10 that is where they are spending their time and where
11 their development is occurring.

12 The early intervention programs tend to be
13 very high quality programs; that is, they have high
14 quality kinds of activities for the children, they have
15 highly qualified staff working with the children, that
16 sort of thing. And they are designed specifically to
17 try to provide the kinds of experiences that these
18 children need that will best support their development.

19 Q. And is that necessarily the focus of the
20 community child care center?

21 A. Community child care centers, I think, can
22 vary in terms of what their focus is. I think
23 sometimes they see themselves as having the purpose of
24 really providing an educational program for children.
25 Other times they may see their primary service as being

1 a place for children to be to enable parents to work,
2 which then may or may not mean that it is necessarily a
3 program that is trying to do the most it can to
4 optimize children's development.

5 They also vary in terms of some of them are
6 nonprofit programs, others are for profit where clearly
7 one of their purposes is to earn profit on their
8 business.

9 Q. The Abecedarian Study that you have been
10 talking about.

11 A. Uh-huh.

12 Q. You mentioned that study has tracked those
13 children over a number of years.

14 A. Right.

15 Q. How far out has that study traced those
16 children?

17 A. Actually, they have recently just gathered
18 some data looking at the children through age 21, which
19 has been presented at a couple of conferences.

20 Q. And what are the findings of those studies?

21 A. The findings of the Abecedarian Study are
22 that they have seen a long-term effect of program
23 participation on children's cognitive performance so
24 that when you look at things like achievement tests or
25 IQ scores, that you are continuing to see significant

1 effects. And they actually at this point are still
2 finding significant effects in terms of IQ scores
3 through age 21.

4 Q. Do you have any reason to believe that
5 children in Hoke County would see any different effects
6 than the children from Orange County that were studied
7 in the Abecedarian Study?

8 A. I would think they are similar populations of
9 children. They are from a state that has the same
10 kinds of regulations in terms of child care and that
11 sort of thing, so I would expect that that same kind of
12 program would have that same kind of effect for that
13 group of children.

14 Q. Dr. Peisner-Feinberg, can I ask you to look
15 at Plaintiffs' Exhibit 389 and 390. It should be on
16 the bench there in front of you.

17 A. I think 390 is not up here.

18 MS. DUBIS: Your Honor, may I approach the
19 witness?

20 COURT: Sure.

21 THE WITNESS: Oh, I'm sorry, yes, it is. The
22 staples got stuck.

23 BY MS. DUBIS:

24 Q. And could you identify what these exhibits
25 are?

1 A. Yes, these are both reports that have been
2 published of the effects of the Abecedarian Study I was
3 just talking about.

4 Q. And who is the author of these reports?

5 A. On exhibit -- the authors are all people who
6 are or were investigators at the Frank Porter Graham
7 Child Development Center. Do you want me to say the
8 names?

9 Q. No, that's fine. Dr. Frances Campbell, is
10 she still someone who works at the Frank Porter Graham
11 Center?

12 A. Yes, she is still currently there.

13 Q. And these exhibits report the results you
14 have just been testifying about?

15 A. Yes, they do.

16 MS. DUBIS: Your Honor, we would ask that
17 Exhibits 389 and 390 be admitted into evidence.

18 MR. ZIKO: Objection.

19 COURT: Overruled.

20 MR. ZIKO: Thank you, Your Honor.

21 COURT: Thank you, Mr. Ziko.

22 BY MS. DUBIS:

23 Q. Dr. Peisner-Feinberg, you also on Page 2 of
24 your report, discussed the Perry Preschool Project --

25 A. Yes.

1 Q. -- and the Consortium of Longitudinal
2 Studies. Can you just briefly describe those studies
3 and the findings of the studies?

4 A. Yes, the Perry Preschool Project is another
5 early intervention program that was actually conducted
6 by the High Scope Foundation in Michigan. And it
7 similarly to the Abecedarian Project, looked at the
8 difference between children who attended a preschool
9 program and those who did not. The Consortium for
10 Longitudinal Studies is actually a consortium of eleven
11 different early intervention programs and that actually
12 includes the work of the Perry Preschool Project and
13 that one as well. And that particular consortium has
14 taken information from the 11 different projects and
15 put it together to be able to look overall at broader
16 issues relating to the overall effects of early
17 intervention programs as opposed to the effects of a
18 particular program.

19 Q. Okay. And what are the findings of those
20 studies?

21 A. The findings of those studies are similar to
22 the findings of the Abecedarian Project. They have
23 found that participation in these programs for these
24 children from low-income families is generally
25 beneficial, that they are doing better in terms of

1 their cognitive performance, their school success for
2 at least a few years after the time they have
3 participated in the program.

4 Q. Okay. Dr. Peisner-Feinberg, on Page 3 of
5 your report you've also summarized research regarding
6 the effects of the quality on --

7 A. Right.

8 Q. -- quality of the preschool experience on
9 children's later development. Can you describe for the
10 Court that finding research?

11 A. Yes, the --

12 COURT: Excuse me one second. You just said
13 something -- I hate to interrupt, but if I don't talk
14 about it right now, I will forget it -- you just made a
15 statement that included the use of the word a few
16 years.

17 THE WITNESS: Uh-huh.

18 COURT: Now, you just finished talking about
19 this Abecedarian Project --

20 THE WITNESS: Right.

21 COURT: -- going into the ages of 21. What
22 did you mean by this study having only a few years of
23 benefits. What is the difference?

24 THE WITNESS: I think the Abecedarian
25 Project, and actually I don't believe these articles

1 talk through to age 21 results because they haven't
2 been published yet in a written form, but the
3 Abecedarian Project has found effects on cognitive
4 performance through age 21. Other things like the High
5 Scope Project and the general finance from the
6 Consortium for Longitudinal Studies for cognitive
7 performance have tended to find lasting effects on the
8 difference of the cognitive performance of children who
9 attended the program and those who didn't, through
10 about third or fourth grade.

11 They have also found other kinds of longer
12 term effects on broader indicators of school success on
13 things like over the child's school career, receiving
14 less retention in school, less special education
15 placement. The Perry Preschool Project found some
16 longer term effects in terms of decreased rates of
17 juvenile delinquency as well.

18 COURT: You weren't saying that the effects
19 of the early childhood intervention petered out after a
20 few years. That's what peaked my -- that's why I asked
21 the questions.

22 THE WITNESS: No, I think different programs
23 have found different -- have measured different kinds
24 of effects that have lasted over different periods of
25 time.

1 COURT: Let's just stick with our own home
2 folks in North Carolina. I know in Michigan it is cold
3 up there. But let's stick with North Carolina people
4 and not the folks from Michigan.

5 THE WITNESS: All right. With North Carolina
6 they have found lasting effects of cognitive
7 performance at every age that they have measured
8 children which at this point has gone up through age
9 21.

10 COURT: With all due respect, let's just
11 stick with the home folks, as we say it.

12 THE WITNESS: Okay.

13 BY MS. DUBIS:

14 Q. And Dr. Peisner-Feinberg, when you talk about
15 effects of cognitive performance, what kinds of things
16 are you referring to when you are talking about
17 cognitive performance?

18 A. It is looking at children's intellectual
19 skills and in particular the findings that have lasted
20 through age 21 have been measures of IQ tests.

21 Q. And has the Abecedarian Study also found long
22 lasting effects in terms of retention rates,
23 delinquency rates, the other things you mentioned in
24 reference to the other studies?

25 A. They actually -- the research that they have

1 done looking at things like the juvenile delinquency
2 rates have not found the same results that the Perry
3 Preschool Project has found and some of that may be
4 related to the difference in being in inner city
5 Detroit versus being in Chapel Hill, North Carolina.

6 I am actually -- I am not sure what
7 they've -- if they've looked at specifically things
8 like retention over time. I don't know offhand.

9 Q. Okay. Now, the research regarding the
10 effects of quality --

11 A. Uh-huh.

12 Q. -- of the prekindergarten experience --

13 A. Uh-huh.

14 Q. -- has any of that research been conducted in
15 North Carolina?

16 A. Yes, there have been a number of studies
17 conducted in North Carolina.

18 Q. Okay.

19 A. In particular one of the larger national
20 studies looking at the quality of child care as the
21 cost quality and outcome study that we have coordinated
22 which has included a site in North Carolina, as well as
23 sites in Colorado, California and Connecticut. We have
24 also -- our public preschool study was also a study of
25 the state wide public preschool program at the time and

1 that also looked at the quality issues and the
2 relationship with quality of the program to children's
3 outcomes over time.

4 Q. Okay. When was the public preschool study
5 conducted?

6 A. It was conducted from 1991 to 1993.

7 Q. And did Frank Porter Graham conduct that
8 study?

9 A. Yes, it did.

10 Q. And what were the findings of that study?

11 A. There were a couple of different sets of
12 findings. One was that we looked overall at just what
13 the quality public preschool was in North Carolina and
14 found that it was actually pretty good on average and
15 actually a bit higher than what you tend to find in the
16 community child care studies. We also looked at
17 whether -- looked at then followed children from the
18 public preschool program into kindergarten and to look
19 at differences in terms of how children were doing once
20 they were in kindergarten and found that there were
21 some relationships of the quality of the particular
22 public preschool program they were in to their
23 outcomes, but we also compared then the children who
24 attended the public preschool program to other children
25 in their classrooms who had either been in community

1 child care, had been in Head Start, or had not had a
2 formal child care, formal center-based child care
3 experience. And typically what we found there was that
4 children that had had no formal center-based experience
5 tended to perform worse than the other groups in terms
6 of cognitive and social skill in kindergarten and that
7 children who had actually been in the community child
8 care centers tended to do the best.

9 And that our interpretation of that was that
10 when you looked particularly at the children in the
11 public preschool classrooms and the Head Start
12 Programs, that they were serving the very neediest
13 children, that that is actually how they select
14 children into the programs. So that even though we
15 controlled for children income status in the sense of
16 children being eligible for a free or reduced price
17 lunch, that the children who were in the community
18 child care centers were probably more likely to have
19 working parents, since this was full-time care compared
20 to part day or school day care and the other programs.
21 They were probably more likely, even within that lower
22 income group, to be from the more advantaged end.

23 Q. But the children who participated in the
24 public preschool programs --

25 A. Uh-huh.

1 Q. -- tended to do better in kindergarten than
2 children who had had no prekindergarten day care; is
3 that correct?

4 A. Right. In general, yes.

5 Q. Now, was Hoke County included in part of that
6 public preschool study?

7 A. No, it would not have been because we only
8 included programs that had been in operation for at
9 least a year at the time we first gathered our data and
10 they did not exist, they didn't have a prekindergarten
11 program at that time.

12 Q. Okay. And do you have any reason to believe
13 that the children in Hoke County would see different
14 effects than the ones that you found in the existing
15 public preschool programs in North Carolina at that
16 time?

17 A. No, I would think that the Hoke County
18 prekindergarten program was very similar to the other
19 public preschool programs that we observed in that
20 study.

21 Q. And then you also mentioned the cost quality
22 and outcomes study?

23 A. Yes.

24 Q. When was that study conducted?

25 A. That study, we gathered data in that study

1 from 1993 through 1997.

2 Q. And what were the findings of that study?

3 A. That what we found was that when you look at
4 the quality of the child care that the children had
5 in -- their three-year-old year, that is the next to
6 the last year in preschool, that there was actually a
7 lasting effect of quality at least through kindergarten
8 in many of our outcomes, and in some cases through
9 second grade as well, indicating that children who
10 attended a higher quality preschool program actually
11 did better, that their cognitive and social skills were
12 more advanced than children who did not.

13 In addition we also found that children who's
14 mothers had lower levels of education were more
15 sensitive to the effects of the quality of child care,
16 so that there were some outcomes for which quality had
17 an even stronger effect for those children than it did
18 with children who's mothers had higher levels of
19 education.

20 Q. So is it fair to say that the better the
21 preschool program, the stronger the outcomes, the
22 stronger the effect on the children's outcome?

23 A. The more positive the effects. Yes, that
24 children who were in higher-quality day care will be
25 doing better than children who are in lower-quality day

1 care will not be doing as well.

2 Q. Did the Cost Quality and Outcome Study
3 compare those children to children who had no pre-K
4 experience?

5 A. No, in that study we did not. We looked only
6 at children who were in full time center-based care and
7 then looked at the effects of the variations in the
8 quality of that care. We did not compare them to a
9 group of children who received no child care
10 experience.

11 Q. Dr. Peisner-Feinberg, you did visit the Hoke
12 County preschool programs, correct?

13 A. Yes, that's correct.

14 Q. Okay. And what was the purpose of your visit
15 to the Hoke County programs?

16 A. The purpose of my visit was to obtain
17 information about the quality of the program and about
18 the availability of the program.

19 Q. Okay. And Dr. Peisner-Feinberg, could you
20 speak up so that we can hear you and the court reporter
21 can take down what you are saying.

22 A. Sure.

23 Q. Thank you. And why was that important to
24 look at as part of your investigation for this case?

25 A. In order to make the determination about the

1 extent to which the Hoke County prekindergarten program
2 is important in providing children with an opportunity
3 for a sound, basic education. I felt that you needed
4 to look at the quality of the program that they were
5 receiving, as well as the extent to which that
6 opportunity is available for children who would be
7 likely to benefit from such a program.

8 Q. Okay. So when you went to Hoke County, what
9 schools did you visit?

10 A. I went to Scurlock Elementary, to South Hoke
11 Elementary, and to West Hoke Elementary.

12 Q. And those were the only three elementary
13 schools that have pre-K in Hoke County?

14 A. Correct.

15 Q. And do you know how long those programs had
16 been in existence?

17 A. Yes, the program at South Hoke began in the
18 1992-93 school year. The other two programs actually
19 began in February of '98. So this past school year was
20 their first full year of the program.

21 Q. And do you know how the prekindergarten
22 programs are funded in Hoke County?

23 A. Yes, my understanding of that is that they
24 are funded by a combination of federal Title 1 funds
25 and by also local Smart Start funds.

1 Q. Do they receive any funding from the public
2 school system?

3 A. Not that I am aware of other than what -- the
4 Title 1 funds come through the schools, but they are
5 federal funds, yes.

6 Q. How many children attend each of those three
7 prekindergarten programs?

8 A. They can serve up to 18 children in each
9 classroom, so a total of 54.

10 Q. And do you know how those children are
11 selected?

12 A. Yes, they recruit in the community for the
13 program, and then they administer LAPD screening tests
14 to all of the children who apply to the program, and
15 then they choose the children that have the -- they
16 typically choose the children that have the lowest
17 screening test scores to enter the program.

18 Q. Are you familiar with the LAPD instrument?

19 A. I am somewhat, yes.

20 Q. Can you generally describe what that is?

21 A. Yes, it is a screening test measure that
22 looks at children's abilities in a number of different
23 areas. It looks at cognitive abilities, language
24 abilities, fine motor abilities and that sort of thing,
25 and administers a number of different items to be able

1 to determine the extent to which the child is
2 functioning at an age-appropriate level in each of
3 those areas.

4 Q. And have -- in your experience is the LAPD an
5 accurate measure of children's abilities?

6 A. Yes, I think it is one of the more widely
7 used screening measures for young children.

8 COURT: Do they give them the Wings test
9 assessment?

10 THE WITNESS: At least some of the programs I
11 understand do that as well.

12 COURT: Do they do that in Hoke County?

13 THE WITNESS: Yes, I don't know if all three
14 of the programs did. I know at least one of them did.

15 COURT: Can you believe this? We had an
16 expert in here yesterday from New York and he didn't
17 know what the Wings was.

18 THE WITNESS: Really.

19 COURT: Amazing. He knew a lot about the
20 school system, but he didn't know what the Wings was.

21 THE WITNESS: Not early childhood.

22 COURT: Because he lives in Princeton, I
23 guess he goes across the river every day, he's busy
24 trying to stay alive.

25 THE WITNESS: It's not critical.

1 COURT: I'm glad you knew.

2 BY MS. DUBIS:

3 Q. Dr. Peisner-Feinberg, what is your
4 understanding of what the Wings assessment is?

5 A. My understanding is it's actually a similar
6 sort of assessment and it is related to also they have
7 a specific curriculum package that provides activities
8 to use in the classroom and then they assess -- it is
9 similar kinds of things that they assess that can then
10 be tied to particular curriculum activities.

11 Q. So can you tell the Court when you went to
12 Hoke County where you went and what you were looking
13 for when you went to the classrooms?

14 A. Yes, I went to each of the three
15 prekindergarten classrooms to observe in the
16 classrooms, to be able to look at the kinds of
17 materials and activities and facilities that they have
18 available to the children, to also get some information
19 about the role of the teacher in the program and the
20 interactions among teachers and children, and to get
21 other extent data about the children and the program.

22 Q. In your report you described six domains that
23 you were looking for?

24 A. Yes.

25 Q. And did you consistently across the three

1 programs look at those six areas?

2 A. Yes, I did. For some of the domains I was
3 able to obtain more complete information from some of
4 the classrooms than from other classrooms. But to the
5 extent it was possible, I gathered information about
6 each of those domains for each of the classrooms.

7 Q. And where do those six domains come from?

8 A. They come from a number of different measures
9 that actually have been widely used in the research to
10 look at the quality of these programs and particularly
11 are related to the set of rating skills called the
12 early childhood environment rating skills that are
13 widely used to measure program quality and have been
14 used in a number of the different research studies that
15 I have talked about.

16 Q. And have you, yourself, used that rating
17 skill in your research and your observations?

18 A. Yes, I have used it widely.

19 Q. Going through those six domains, can you
20 generally --

21 A. Uh-huh.

22 Q. -- describe for the Court what you observed
23 in Hoke County?

24 A. For each domain?

25 Q. For each domain, yeah.

1 A. Yes, I look -- the six major domains that I
2 looked at were the space and furnishings in the
3 classroom, the provisions for children's basic care
4 needs, the materials that were available for activities
5 in the classroom, gross motor equipment and space,
6 teaching practices and teacher qualifications.

7 For the first one on the space and
8 furnishings that -- what I looked at there was the
9 space and maintenance of the room, the number and size
10 of the furniture for the children that were in the
11 classroom, the extent to which -- the display that was
12 available in the classroom for children, the provisions
13 for softness in the environment, the furnishings for
14 the storage of materials in the classroom and the
15 arrangement of the room.

16 Q. And what did you find in terms of the quality
17 of those items under that domain?

18 A. In general I found that this domain was
19 generally in the good quality range. I characterized
20 in my ratings the classrooms as in the low, the medium
21 or the good quality range in each of these different
22 domains. The rooms were generally spacious and not
23 crowded, the facilities were well maintained, the
24 floors and the walls and the furnishings. There was
25 adequate furniture for the children in the room and it

1 was the appropriate size for the children. There were
2 several spaces for the children to store personal
3 belongings, so they have a way to keep their things and
4 access things they may need throughout the day. There
5 were some areas that were not quite as good quality.
6 The recognition of children's need for softness in the
7 environment which is important for young children was
8 in the medium range. There was some softness in terms
9 of some soft toys, some large carpeted areas, but not a
10 lot of other kinds of soft furnishings available. The
11 display for children was also in the medium quality
12 range. There were photographs of the children
13 indicating that there was some recognition of the
14 individual children that are in the classroom and some
15 art items that the children had made themselves on
16 display, but most of it was a teacher made display.

17 Q. Generally that was overall in the good
18 quality range?

19 A. I would say those two particular things were
20 on more in the medium quality range, but in general
21 when you put all of the different dimensions of the
22 space and furnishing domain together on average it was
23 in the good quality range, but there were some that
24 were a little bit lower.

25 Q. Okay. And what did you find in terms of the

1 second domain, the provision for basic care?

2 A. Generally that also is in the medium to good
3 quality range, that they did have provisions available
4 for the -- they had child sized toilets and sinks
5 available to the children, easily accessible in the
6 room so the children could use the facilities as
7 needed. They had separate mats with sheets in all for
8 the children at rest time and generally two of the
9 three classrooms had adequate space for the children to
10 spread out. One of them was a little bit crowded for
11 nap time then with respect to their domain.

12 Q. Materials for activities. What did you
13 observe in the quality?

14 A. Again, those were generally in the medium to
15 good quality range. That they had a lot of materials
16 for language development which is really one of the
17 most important domains for an early education program
18 for children and had a wide variety of appropriate
19 materials there.

20 They also had a wide variety of fine motor
21 materials which is also a critical skill that children
22 are developing at this age and the materials were well
23 organized and easily accessible for the children.

24 They also had a variety of art materials and
25 some of the classrooms had an additional lesson with an

1 art teacher once a week. There were a number of
2 materials related to children's development, reasoning
3 skills, things like math and science and a number of
4 kind of materials. There was not quite as much variety
5 in those as there were in the other things. There were
6 computers available in the classroom, although they
7 were not always working at all of the sites and at
8 least some of them were only usable for typing and not
9 actually for appropriate computer games or anything.

10 They had adequate block materials for two
11 children at a time to play, but not for three or more.
12 They had some dramatic play materials mainly focused on
13 things like housekeeping activities and some dolls and
14 some dress-ups occasionally, but not a lot of those.

15 Q. Okay.

16 A. They had not a lot of provisions for music
17 activities. I would say those were in the low to
18 medium quality range. They did have tapes and things
19 like that available to play music with the children,
20 but they didn't have musical instruments available for
21 them to use. And two of the sites had a music teacher
22 come in every week or every other week for a lesson as
23 well. The same with the sand and water play. Two of
24 the sites had the sand and water table available, but
25 the third one did not. They did have toys available

1 for the sand and water tables that they had.

2 Q. So sort of a mix across the three?

3 A. Yes, I think a number of the language and
4 fine motor and the art were definitely in the good
5 quality range and the others were medium to good. It
6 depended on -- and some of the classrooms varied a
7 little bit, some were better than others.

8 Q. The fourth domain regarding the provisions
9 for gross motor play, what did you observe?

10 A. There I would say that that was generally in
11 the low quality range. There was no equipment within
12 the classroom for the children to use for gross motor
13 play. I observed the playground at one of the three
14 sites and it was, I would say a fairly poor quality.
15 The equipment, some of it was broken and potentially
16 created unsafe conditions for the children. There were
17 not appropriate cushioning ground covers. The
18 equipment was actually not an appropriate height for
19 preschool age children. And then for the other two
20 sites I reviewed reports that others -- other experts
21 had prepared about the playgrounds in particular and it
22 confirmed my observation of the one site and indicated
23 that for the other two sites it was a similar situation
24 of little or no appropriate equipment for young
25 children.

1 Q. Okay. The fifth domain regarding teaching
2 practices. Could you briefly summarize your
3 observations with respect to that domain?

4 A. Yes, there I observed for awhile in one of
5 the classrooms at Scurlock and partially observed
6 interactions at the second site at West Hoke and at the
7 third site the children were actually napping during
8 the time I was there, so I was not able to see
9 teacher-child interactions there. But I would say
10 generally that they were in the medium range of
11 quality. I think the teachers were warm and supportive
12 in their interactions with children. They used
13 nonpunitive disciplinary methods with the children,
14 they seemed to provide adequate supervision for the
15 children, but I think there was maybe too much emphasis
16 on whole group kinds of activities and correspondingly
17 not as much individual or small group interactions
18 among teachers and children.

19 Q. And the sixth domain regarding teacher
20 qualifications, how did you investigate that domain?

21 A. There I obtained information about the formal
22 education and certification of the teachers from the
23 school system. And that information indicated that all
24 three of the lead teachers had bachelor's degrees, that
25 two of them also had early childhood certifications,

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1 that the stability; that is whether or not the teachers
2 remained in the program was pretty good at two of the
3 three sites. They had no turnover in the teacher or
4 the assistant teacher. The third site had turnover
5 each of the two years it had been in operation, the
6 lead teacher, and was expecting to have a new lead
7 teacher this year as well, but had had the same
8 assistant teacher available in the classroom throughout
9 that time.

10 Q. And why do you look at teacher qualifications
11 in examining the quality of a prekindergarten program?

12 A. I think that we have data in the field and
13 specifically in our class quality and outcome study we
14 found this as well, that teacher education is an
15 important predictor of the quality of the programs, so
16 that teachers that have higher levels of formal
17 education, particularly bachelor's degrees or above, as
18 well as teachers that have specifically early childhood
19 training, tend to have higher quality classrooms.
20 Higher quality classrooms are then related to better
21 outcomes for children.

22 Q. Dr. Peisner-Feinberg, have you formed any
23 professional opinions regarding the quality of the
24 prekindergarten program in Hoke County based on your
25 observations?

1 A. Yes, I would say that my opinion is that it
2 is generally a program in the good quality range.
3 There are some stronger areas in some areas that could
4 use improvement, but I would say overall it is
5 basically a good quality program.

6 Q. Is it the quality of program that you would
7 expect would have beneficial effects on the outcomes of
8 the children who participate in this program?

9 A. Yes, I would say that it is in the range of
10 the kinds of programs that when you look at the good
11 quality programs in our other kinds of studies would be
12 likely to fall into that range.

13 Q. And Dr. Peisner-Feinberg, did you also
14 investigate the availability of the public
15 prekindergarten experience to children in Hoke County?

16 A. Yes, I did.

17 Q. And what data did you review?

18 A. There I looked at information about the
19 number of children eligible for free and reduced price
20 lunch within Hoke County, looked at the number of
21 kindergartners attending the public school in Hoke
22 County, and looked at information about the number of
23 children that were screened, that is that applied to
24 the public preschool program and the number of children
25 that were accepted into the program.