

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."

1 Q. Okay. Let me ask you to look at Plaintiffs'
2 Exhibit 347 there in front of you.

3 COURT: See, you don't have to look through
4 all of these books to find it.

5 THE WITNESS: More limited choices.

6 BY MS. DUBIS:

7 Q. Dr. Peisner-Feinberg, could you identify what
8 this exhibit is?

9 A. This is the Hoke County Schools Title 1
10 Application for the 1999-2000 school year.

11 Q. Okay. And will you look at Page 4 of this
12 exhibit? And what information is reflected on Page 4?

13 A. Page 4 indicates the percentage of children
14 at each of the different school sites within Hoke
15 County that are defined as low income there,
16 specifically what would be eligible for free or reduced
17 price lunch.

18 Q. Is this the information that you used in your
19 report in evaluating the availability of pre-K
20 opportunities to low-income children?

21 A. Yes, it is.

22 MS. DUBIS: Your Honor, we'd ask that Exhibit
23 347 be admitted.

24 COURT: I think it's already admitted.

25 MS. DUBIS: All right.

1 COURT: It's got yellow all over it, which
2 means I have seen it before.

3 MS. DUBIS: Okay.

4 BY MS. DUBIS:

5 Q. Dr. Peisner-Feinberg, can you look at Exhibit
6 202?

7 A. Yes.

8 Q. And could identify what this document is?

9 A. Yes, this is information that was provided to
10 me from the Scurlock Elementary Prekindergarten Program
11 about the children who were screened for entry into the
12 program and about their screening scores, as well as
13 the scores for children at the end of the year as well
14 where they had those available.

15 Q. And so how many children were screened in
16 this program in the 1997-98 year?

17 A. I believe it was 15.

18 Q. And that was the first year of the program;
19 is that correct?

20 A. Correct.

21 Q. That began in February?

22 A. That's correct.

23 Q. And the following year how many children were
24 screened for the 1998 year?

25 A. The following year they screened 29

1 children.

2 Q. And how many of those participated in the
3 program?

4 A. And they served 20 children. 18 at a time
5 and had turned over two other children.

6 Q. So they had a waiting list?

7 A. Correct.

8 Q. And two children got rotated in off the
9 waiting list?

10 A. Right. Others left.

11 Q. Is this the information that you reviewed in
12 preparing your report?

13 A. Yes, it is.

14 MS. DUBIS: Your Honor, we would ask that
15 Exhibit 202 be admitted. And Your Honor, this is one
16 of the exhibits we request permission to substitute a
17 redacted copy into the public record.

18 COURT: All right, it's admitted.

19 MS. DUBIS: Thank you.

20 COURT: Now, while we are on that, could you
21 go over to page -- it is not numbered -- it is one,
22 two, three, four of the Wings Screening.

23 THE WITNESS: I am not sure what it is.

24 COURT: For the first child, who's name we
25 will not mention --

1 THE WITNESS: Yes.

2 COURT: -- there is Wings Screening. They
3 came and got started in 1998. That school showed their
4 intellectual functioning, social age, whatever you want
5 to wrap it up in a ball, as a 2.6 year old.

6 THE WITNESS: Right.

7 COURT: And then they came back in 1999 for
8 the screening, they were -- the ball showed 5.1 --

9 THE WITNESS: Right.

10 COURT: -- which was about right where they
11 were supposed to be.

12 THE WITNESS: Right.

13 COURT: Then they had one young man who
14 dropped, went from six to five and a half.

15 THE WITNESS: Right.

16 COURT: But basically that just tells you how
17 old they think you are acting when you show up at the
18 door. That's the Wings score test.

19 THE WITNESS: Right. It's an age equivalent
20 score and so it is indicating that that child had the
21 skills that -- for example, that this first child had
22 the skills that you would expect typically a 2.6 year
23 old to have even though the child was probably closer
24 to four.

25 COURT: All right. Thank you.

1 BY MS. DUBIS:

2 Q. Dr. Peisner-Feinberg, can you look at Exhibit
3 376?

4 A. Yeah.

5 COURT: 376?

6 MS. DUBIS: I think it is coming.

7 COURT: Thank you.

8 BY MS. DUBIS:

9 Q. And can you identify this exhibit?

10 A. Yes, this is information, overriding pieces
11 of information that were provided to me about the South
12 Hoke program.

13 The first one indicates the number of
14 children or summarizes the number of children that were
15 screened and those who actually served each year that
16 that program was in operation. The second page is a
17 letter that was written by a kindergarten teacher from
18 South Hoke Elementary with her impression of the
19 effects that the pre-K program is having on children
20 that come to her classroom. And the last is a letter
21 of a parent of the child who participated in the
22 program with her impressions of the effect that that
23 program had on her particular child.

24 Q. Okay. Looking at the first page of Exhibit
25 376, what do you observe in terms of the numbers of

1 children screened and the numbers of children served by
2 the South Hoke preK program?

3 A. I would say that I noticed two things. One
4 is that they screen substantially more children than
5 they are able to serve, generally about twice as many,
6 sometimes even a little bit more. And secondly that
7 the number of children that have applied to the program
8 has increased over the past few years, even though the
9 number of slots have remained the same.

10 Q. And is this the data that you used in your
11 report in evaluating the availability of preK in Hoke
12 County?

13 A. Yes, it is.

14 MS. DUBIS: Your Honor, we would ask that
15 Exhibit 376 be admitted.

16 COURT: Admitted.

17 MS. DUBIS: Thank you.

18 BY MS. DUBIS:

19 Q. Dr. Peisner-Feinberg, can you explain to the
20 Court how you used this data to evaluate the
21 availability of public prekindergarten programs in Hoke
22 County?

23 A. Yes, the way I looked at it was to first look
24 at the proportion of children that qualified for free
25 or reduced price lunch within Hoke County and that that

1 is about 70 percent on average for the elementary
2 schools.

3 Q. Okay. I was going to ask you is that
4 countywide or is that looking at the --

5 A. That is looking specifically at the
6 elementary schools.

7 Q. And why did you focus on the elementary
8 schools?

9 A. Because the elementary schools are the ones
10 that would have -- would be the place that
11 prekindergarten children would go in the subsequent
12 year, and so that would be representing the closest
13 population to that group of children. It also is the
14 location where they have prekindergarten programs and
15 the most logical place for them to have prekindergarten
16 programs.

17 Q. Okay.

18 A. So rather than looking at the middle school
19 or high school age children, it made more sense to
20 focus the children that were close to the age of the
21 kids we were looking at.

22 Q. After you determined the percentage of the
23 free and reduced price lunch of the children at the
24 elementary level then what did you do next?

25 A. And then I also looked at the number of

1 kindergartners that were served by the Hoke County
2 program during this past year, actually during the same
3 month that the free and reduced price lunch data were
4 from. And that was, I believe, 497 kindergarten
5 children. And so one thing was in order to try to
6 obtain an estimate of the number of low income
7 prekindergarten age, four year old children in Hoke
8 County who would be eligible for a program, since we
9 don't have data on free and reduced price lunch status
10 for all of the four years old in Hoke County because
11 they are not all in public school, yet we looked at the
12 five year olds and used that as an estimate. That in
13 that past year there would have been 347 low-income
14 children, that is 70 percent of the 497.

15 Q. And so what does that 347 represent?

16 A. That, I think, is a reasonable estimate of
17 the number of children in Hoke County that would be
18 likely to benefit from this kind of prekindergarten
19 program.

20 Q. And out of the 347 children likely to
21 benefit, how many of those children are actually served
22 in the public preschool?

23 A. Currently with the three classrooms that they
24 have available they can serve a maximum of 54 children
25 excluding any turnover that you may have in children.

1 Q. What else did you do in Hoke County to
2 investigate what other kinds of prekindergarten
3 opportunities might be available to those almost 300
4 children who can't get into the public preK program?

5 A. I spoke with the prekindergarten and
6 kindergarten teachers about what sorts of experiences
7 that they thought the children would have, that either
8 the children that applied to the prekindergarten
9 program that were not able to be served or asking the
10 kindergarten teachers about the children that they had
11 in their kindergarten classroom, what kinds of
12 experiences those children were likely to have the year
13 before. And what was generally reported to me was that
14 few of those children were likely to be in some other
15 form of center-based care or Head Start, that they
16 generally had a couple of children in each of the
17 kindergarten classrooms that the year before had
18 probably been in Head Start or been in a Center-Based
19 program. But that if they did not attend the public
20 preK, that they thought that most of those children
21 probably would not receive a formal preschool education
22 experience.

23 Q. Okay. What did the kindergarten teachers
24 report, was the prekindergarten experience of the
25 majority of those children if they weren't in community

1 care, where were they?

2 A. They reported that probably most of them were
3 home with grandma, that occasionally some of them may
4 be in family child care, but the way they described it
5 was most of them would be home with grandma or some
6 other relative caregiver. That they reported that most
7 of them did have working parents, so they generally
8 weren't home during those hours with a parent, but it
9 would be some other informal caregiver.

10 Q. Based on the research that you described to
11 us, how would you expect those children, the children
12 who were at home with grandma or in family care, to
13 perform compared to the children who were in the public
14 prekindergarten program?

15 A. I would expect that for children from a
16 similar kind of low-income population that they
17 probably would not perform as well. That when you look
18 at things like the early intervention research that
19 suggests that clearly children who participate in these
20 programs are more successful in school and are doing
21 better over a long period of time than children who
22 don't participate in these programs.

23 We look at things like our public preschool
24 study that generally the group that tended to be the
25 worst off were the children that had no type of formal

1 Center-Based experience the year before kindergarten.
2 And I would expect that those same kinds of findings
3 would hold for this population as well.

4 Q. The population in Hoke County?

5 A. Correct, yes.

6 Q. Since completing your report, have you had
7 the opportunity to review any other documents regarding
8 the availability of community-based child care in Hoke
9 County?

10 A. Yes, I have seen other information that was
11 prepared specifically by the Smart Start partnership in
12 Hoke County that described the current situation in
13 terms of the number of A and AA licensed child care
14 centers and the number of registered and accredited
15 child care family homes in the community.

16 Q. Okay. What is the difference between an A
17 and a double A community child care center?

18 A. The current licensing system in the State of
19 North Carolina, although it is actually right now in
20 the process of change, but has been a two-tiered system
21 of A and AA, with AA representing a little bit higher
22 quality. Generally they have better staff-child
23 ratios, meaning fewer children per staff member. They
24 have requirements for some additional materials and
25 activities and they have requirements for a little bit

1 more space in the facility on a per child basis.

2 COURT: What do you mean by a community child
3 care center?

4 THE WITNESS: When I talk about community
5 child care centers, I am just talking about typical
6 child care centers that you find in the state. In this
7 case I would be talking about licensed child care
8 centers in the State of North Carolina.

9 COURT: So it's not something like a -- it
10 could be a church child care center.

11 THE WITNESS: It could be.

12 COURT: It could be like we have in Raleigh,
13 Pam's Child Care which is privately owned. It's just
14 that it has nothing to do with the public-type
15 community?

16 THE WITNESS: Right.

17 COURT: It could be a community in that they
18 all show up --

19 THE WITNESS: Right.

20 COURT: -- and run around whether it's for
21 profit or whether it's run by a church, it just is in a
22 particular area.

23 THE WITNESS: Right.

24 COURT: It has nothing to do with the
25 public. It's not a publicly funded community center or

1 something like that.

2 THE WITNESS: Right. Like something like the
3 public preK program would be. There is actually, along
4 the lines of what you said, there is a third licensing
5 option in the State of North Carolina as well for
6 church sponsored centers that can choose to receive an
7 exempt placement, meaning that they are not required to
8 meet certain criteria of the A or AAs centers.

9 BY MR. DUBIS:

10 Q. Do you know how many AA centers are in Hoke
11 County?

12 A. Yes, from the information that I have seen
13 from the Smart Start report there are two AA centers in
14 Hoke County and the remaining, I believe, 13 are A.

15 Q. And you talked about family-based child care,
16 family center child care --

17 A. Right.

18 Q. What do you mean by that one?

19 A. Family child care refers to an individual
20 providing child care for a small number of children in
21 her home that typically it is five or fewer children
22 with one caregiver, up to ten if you have two care
23 givers, and that is for infants through preschool age
24 children. You can also add some additional school age
25 children as well.

1 Q. Are those also licensed on the A, AA system?

2 A. No. Those are simply registered with the
3 State of North Carolina if they are legally operating
4 and they just need to meet some basic kind of health
5 and safety requirements, but don't have the same kinds
6 of requirements in terms of the quality of the program
7 that A or double A centers do.

8 Q. Now, double A, does that insure the kind of
9 quality, prekindergarten education program that you
10 have been talking about in terms of the research and
11 what you have observed in Hoke County?

12 A. No, I would say that from -- that the way
13 that our standards currently exist in terms of the A,
14 double A, that double A programs are not an insurance
15 of a high quality program. They are likely to be a
16 little bit better quality than an A program, but there
17 is not sufficient criteria there to insure that they
18 would be high quality.

19 We often talk about there is something else
20 called accreditation by the National Association for
21 the Education of Young Children, which is a national
22 organization that provides a standard quality
23 accreditation to programs across the country, if they
24 choose to meet the requirements of that and to undergo
25 the study of their program. And those criteria are a

1 bit more stringent than the criteria that are in the
2 double A.

3 Q. Okay. That accrediting body, is that known
4 as the NAEYC, is that the acronym?

5 A. Yes.

6 Q. Are there any NAEYC accredited community
7 child care centers in Hoke County?

8 A. No, there are not.

9 Q. Dr. Peisner-Feinberg, are you familiar with
10 the Smart Start Program?

11 A. Yes, I am.

12 Q. And how are you familiar with that program?

13 A. I am familiar with it specifically because
14 the Frank Porter Graham Child Development Center
15 directs the state wide evaluation of the Smart Start
16 Program and I am also one of the investigators on that
17 project as well.

18 Q. So you are part of the evaluation team?

19 A. That's correct.

20 Q. Does the Smart Start evaluation team do
21 reports regarding the Smart Start Program?

22 A. Yes, they do.

23 Q. How many of those reports do they do?

24 A. It varies, but probably at least a couple of
25 reports a year come out.

1 Q. Could you describe for the Court your
2 understanding of what Smart Start is?

3 A. Yes, Smart Start is a state wide early
4 childhood initiative who's purpose is to enable all
5 children to enter school healthy and ready to succeed.
6 It operates in a way that local communities determine
7 what are the kinds of programs that they need to help
8 improve the quality of early childhood services
9 available for young children. So Smart Start funds may
10 be used by local partnerships for a variety of
11 different kinds of things including health programs or
12 health awareness kinds of initiatives for children and
13 families. It can be used for parent education
14 programs, it can be used for early childhood programs
15 in terms of providing additional quality enhancements
16 to the programs, providing training for teachers. It
17 actually just can do a whole variety of things that
18 best meet the needs of the particular local community
19 to try to improve the quality of the early childhood
20 services.

21 Q. Is Smart Start an early education program?

22 A. It is not an early education program per se
23 in the sense that something like a public preschool
24 program or a Head Start Program is. Those are actually
25 Center-Based programs that children come to and attend

1 and provide education for them. Smart Start there is
2 not a so-called, you know, Smart Start Center. You
3 have child care centers that may receive some types of
4 Smart Start funds for a variety of different kinds of
5 things, but it does not run an early childhood program
6 in the sense of something like Head Start would.

7 Q. Okay. Dr. Peisner-Feinberg, could you look
8 at Plaintiffs' Exhibit 392?

9 A. Yes.

10 Q. And could you identify what this document is?

11 A. Yes, this is the 1994 Annual Evaluation
12 Report from the State Smart Start evaluation team
13 prepared by the Frank Porter Graham Center.

14 Q. So it was prepared at Frank Porter Graham?

15 A. Yes.

16 Q. What's the date?

17 A. June 1995.

18 Q. And could you look at the page that is
19 numbered Page 2. It's not the second page, but it is
20 numbered Page 2.

21 A. Yes.

22 Q. Starting with the first full paragraph on
23 that page.

24 A. Yes.

25 Q. Could you read that paragraph?

1 A. Yes, Smart Start is a complex set of
2 interventions somewhat different in each county. Even
3 within a county or region Smart Start is not a program
4 but rather several programs and projects. Some
5 projects have well defined participant lists, but
6 others do not. Many Smart Start quote participants are
7 not aware that they are receiving Smart Start supported
8 services. For instance, a family may participate in
9 activities at the local family resource center and not
10 even know that some of the services are funded by Smart
11 Start. An evaluation of the overall Smart Start
12 Program must be broad and comprehensive.

13 Q. Does receiving Smart Start dollars guarantee
14 that an early education program will be offered in a
15 county?

16 A. No, it does not. The one requirement that
17 they have had implemented in the past couple of years
18 for Smart Start dollars is that they have to spend at
19 least 30 percent of the funds on child care subsidies,
20 which means providing subsidies for low-income families
21 to be able to purchase child care. Those are not
22 necessarily in the county even tied to any level of
23 quality of the child care experience.

24 Q. So a family could use a Smart Start subsidy
25 to enroll their child in a family centered day care or

1 any kind of community day care?

2 A. Right. There are not necessarily quality
3 requirements for that. And beyond that there is really
4 no requirement that the funds be used for any
5 particular kind of program.

6 MS. DUBIS: Your Honor, we would ask that
7 Exhibit 392 be admitted.

8 COURT: It's admitted.

9 BY MS. DUBIS:

10 Q. Dr. Peisner-Feinberg, can you look at Exhibit
11 391. And what is this document?

12 A. This is a report from the Smart Start, the
13 UNC Smart Start evaluation team about the quality of
14 Center-Based child care in the first 12 partnerships in
15 North Carolina.

16 Q. And did you participate in this study?

17 A. Yes, I did.

18 Q. And why was the study conducted?

19 A. The reason we conducted this study was that
20 one of the -- what we thought would be one of the
21 important outcomes of the success of the Smart Start
22 effort overall would be whether or not we were seeing
23 any sort of improvement in the quality of child care or
24 whether there was any improvement in the quality of
25 child care related to participation into Smart Start.

1 Q. What were the conclusions? If you look at
2 Page 9 of this report under the heading of conclusions,
3 what were the conclusions of this study?

4 A. That basically in general what we found was
5 that at this first time when we measured the quality of
6 child care, which was at a time when Smart Start had
7 been in operation for about a year, but there hadn't
8 been a lot of Smart Start funds going to a lot of
9 activities yet, but was that the quality of child care
10 in North Carolina needs to be improved, that it is not
11 real high on average, it is in the mediocre range. We
12 also have high rates of teacher turnover and low rates
13 of teacher education, again which are important
14 predictors of low quality care.

15 And that beyond that some of the classrooms
16 are not even in compliance with the state regulations
17 or the minimum level of quality that they should be
18 providing.

19 MS. DUBIS: Your Honor, we would ask that
20 Exhibit 391 be admitted.

21 COURT: Admitted.

22 MS. DUBIS: Thank you.

23 BY MS. DUBIS:

24 Q. Dr. Peisner-Feinberg, could you look at
25 Plaintiffs' Exhibit 393?

1 A. Yes.

2 Q. And can you read the title and date of this
3 document?

4 A. Yes, it is entitled Kindergartner's Skills in
5 Smart Start Counties in 1995, a Baseline from which to
6 Measure Change, and it is dated July 1997.

7 Q. And who conducted this study?

8 A. This was also conducted by the Smart Start
9 evaluation team from the Frank Porter Graham Center at
10 UNC.

11 Q. And what kinds of things were you
12 investigating in this study?

13 A. In this study we were looking at what
14 children's skills are like at the time that they enter
15 kindergarten, based on kindergarten teacher ratings and
16 look at whether their ratings were related to, whether
17 children had had experiences in Smart Start related
18 centers beforehand or not.

19 Q. And how did you gather that data?

20 A. We sent surveys to kindergarten teachers, a
21 random sample of kindergarten teachers throughout the
22 state, and used a measure asking them to randomly
23 select children within their classrooms.

24 Q. Can you look at Page 4 of this document?

25 A. Yes.

1 Q. If you looked at the first baseline finding
2 there, could you just read the first sentence of the
3 first finding?

4 A. Yes, according to teachers, 18 percent of the
5 kindergartners in 1995 were not ready at the beginning
6 of the year to participate successfully in school.

7 Q. And will you look at Finding Number 6?

8 A. Yes.

9 Q. Does that list the characteristics that the
10 kindergarten teachers reported as what they considered
11 to be ready for school?

12 A. Yes, we asked the teachers to tell us what
13 they thought were the most important characteristics
14 that children needed to be ready for kindergarten and
15 these were the top five that they listed. The child
16 was able to listen and pay attention, that they had
17 good social skills, that is they knew how to do things
18 like share and take turns, that they were able to
19 follow directions and instructions, that they had some
20 elements of basic knowledge, that is knowing basic
21 colors, knowing their name, knowing their address and
22 phone number, and that they had good language and
23 communication skills.

24 Q. Are these findings consistent with the
25 interviews that you conducted in Hoke County with the

1 kindergarten teachers?

2 A. Yes, they are. When the -- they are
3 consistent in the sense that these are the same kinds
4 of things that the Hoke County teachers talked to me
5 about what they thought children needed to be ready and
6 to be successful in kindergarten, and they described
7 the majority of the children in their classroom as not
8 having these skills at the time that they entered
9 kindergarten.

10 Q. Based on your observation of the Hoke County
11 prekindergarten program, do you believe that the
12 prekindergarten program in Hoke County is the kind of
13 program that can help children develop these skills?

14 A. Yes, I would say that based on my
15 observations I would expect these would be the kinds of
16 things that you would see improvement in children from
17 participating in the Hoke County program.

18 MS. DUBIS: Your Honor, we would ask that
19 Exhibit 393 be admitted.

20 COURT: Admitted. Now, Hoke County wasn't
21 included in the initial 45 counties, so it is not in
22 that report.

23 THE WITNESS: Right.

24 BY MS. DUBIS:

25 Q. Dr. Peisner-Feinberg, could you look at

1 Exhibit 396, please.

2 A. Yes.

3 Q. And what is this exhibit?

4 A. This is also a report. It is an annual
5 report on the evaluation from the -- from the UNC Smart
6 Start evaluation team.

7 Q. What is the date of this report?

8 A. April 1997.

9 Q. Could you turn to Page 5 of this report. If
10 you will, look at the last paragraph on that page.

11 Could you read the first sentence of that paragraph?

12 A. Yes, in summary the most significant finding
13 in the area of child care has been the overall increase
14 in preschool classroom quality from 1994 to 1996.

15 Q. Okay. And then if you will skip forward and
16 read the fourth sentence beginning with however.

17 A. However, the mean level of quality even in
18 1996 was below that, which one would hope to achieve
19 eventually, so there was still room for improvement.

20 MS. DUBIS: Your Honor, we would ask that
21 Exhibit 396 be admitted.

22 COURT: Admitted.

23 BY MS. DUBIS:

24 Q. Dr. Peisner-Feinberg, has Frank Porter Graham
25 conducted any more recent evaluations, more recent than

1 the Exhibit 396 that we have looked at?

2 A. Yes.

3 Q. And has there been a study that has come out
4 in the last couple of weeks?

5 A. Yes, there is a study that just came out last
6 week.

7 Q. Okay. And could you summarize what the
8 findings of that study are?

9 A. Yes, what we looked at in that study was
10 again we looked at ratings of children's readiness for
11 kindergarten and looked at how that -- and also looked
12 at assessments of their language skills, as well as
13 individual assessments, and looked at how those
14 outcomes of children related to the kinds of
15 experiences that they had prior to kindergarten.
16 Specifically whether they attended a child care center
17 that was heavily involved in intensive Smart Start
18 activities or one that was less intensively involved or
19 attended one that was not particularly involved in
20 Smart Start.

21 Q. Okay. When you say intensively involved,
22 what do you mean?

23 A. There we actually characterized the kinds of
24 Smart Start activities that the centers participated in
25 two different types. One we called certain direct,

1 that is activities that were likely to relate directly
2 to improving quality, so that would be things like
3 on-site technical assistance for the center, or
4 education programs for the staff to help them achieve
5 early childhood degrees, that kind of thing.

6 And then we also looked at a second category
7 of services that we called supportive services and
8 those are services that are much less directly related
9 to actually improving the quality of the program that
10 the children experience. And so there is a variety of
11 different things that that entailed.

12 Q. And what did the study find in terms of the
13 performance of children who participated in the
14 intensive or the direct Smart Start activities versus
15 those who did not?

16 A. We found that children who participated in
17 centers that had high involvement in those direct types
18 of activities actually had higher scores in
19 kindergarten from their teacher's perspectives,
20 particularly that they were more prepared and more
21 ready for kindergarten. Their skills were better than
22 children that either attended centers that did not have
23 much involvement in Smart Start or attended centers
24 that only involved in the support of activities and not
25 in the direct activities. I should say, also, that

1 with all of these we looked particularly at low-income
2 children, as well as children who were eligible for
3 free or reduced price lunch.

4 Q. I'm sorry. Low-income children and --

5 A. Who were eligible for free or reduced price
6 lunch.

7 Q. Are you familiar with the Hoke County Smart
8 Start Program?

9 A. A little bit.

10 Q. Generally do you know how Hoke County is
11 spending its Smart Start dollars, what kinds of things?

12 A. Yes, I actually had reviewed their plan,
13 their strategic plan that was submitted for the next
14 two years. And they are actually spending their funds
15 on a whole wide variety of activities that include a
16 lot of different things. It includes a lot of
17 different health initiatives, it includes some parent
18 education programs, some transportation programs. It
19 does also include some funds for the early childhood
20 programs in terms of some funds to support the public
21 preK program and some other types of quality
22 enhancement programs for child care, administrative
23 support, a whole variety of things.

24 Q. So Hoke County is spending some funds on
25 direct or quality intensive programs, but some funds on

1 other kind of programs; is that right?

2 A. Right, a lot on other kinds of programs as
3 well.

4 Q. So not all of that funding is being spent on
5 an early education program for children?

6 A. Right.

7 Q. Dr. Peisner-Feinberg, have you formed any
8 professional opinion regarding the availability of
9 prekindergarten experience to children in Hoke County?

10 A. Yes, that I would say from the information
11 that I reviewed, that it is my opinion that there are a
12 lot more children in Hoke County, a lot more low-income
13 children in Hoke County that could benefit from a
14 prekindergarten program like the public preK program
15 they have than are currently able to participate in
16 such a program because of the lack of availability of a
17 slot.

18 Q. And why aren't the community opportunities
19 and other opportunities in Hoke County sufficient to
20 meet the needs of that population?

21 A. It is my opinion from the information I have
22 about these different programs, which is information
23 about the licensing standards that they are not likely
24 to be as high quality programs as the public preK
25 program is, and therefore would not be providing the

1 same level of opportunity for these children as a
2 program like that would.

3 Q. Dr. Peisner-Feinberg, you have looked at some
4 data from Hoke County regarding the effects of that
5 program on later performance on children in Hoke
6 County; is that correct?

7 A. Yes.

8 Q. Let me ask you to look, again, at Exhibit 202
9 and also to look at Exhibit 201. And are these the
10 data that you have examined regarding the effect of the
11 Hoke County prekindergarten program?

12 A. Yes, they are.

13 Q. We have already looked at Exhibit 202. Can
14 you describe the data that is contained in Exhibit 201?

15 A. Yes, it provides a record of the children
16 that have participated in the South Hoke public preK
17 program and it looks at their screening test scores at
18 the beginning, at the entry into the program, and at
19 the end of the program. They did change the screening
20 test to measure that they used over time and it also
21 has some information about whether these children were
22 promoted to the next grade during the course of their
23 schooling or were retained in a grade.

24 Q. And generally what do the data and Exhibit
25 201 show?

1 A. Generally they show that the children have,
2 when you look at the screening test scores have made
3 substantial gains over the period of the preK year.
4 That -- there is not information about the -- available
5 here about the particular age of the children to know
6 exactly what their age would be in connection with
7 this, but it does seem to indicate that there is a bit
8 of growth for the period of time that they have
9 participated in the program.

10 Q. Okay. And in looking back at Exhibit 202 --

11 A. Uh-huh.

12 Q. -- is that also true of the children who
13 participated in the Scurlock prekindergarten program?

14 A. Yes, I would say in general, for that one,
15 the Wings Screening is the only one that had post-test
16 information. They did have it for LAPD, for the first
17 year. The children were only in the program for a few
18 months. But I would say for both of those it seems to
19 indicate in general that children have made a bit of
20 progress over time.

21 Q. Dr. Peisner-Feinberg, are you aware of any
22 research that suggests that at certain stages of the
23 children's development they may make no progress or, in
24 fact, see losses in their cognitive development?

25 A. Yeah, I think cognitive development is not a

1 linear function, so that any given time a particular
2 child may be at a point where they are ready to make a
3 substantial jump, or they may be at a point where they
4 are holding a little more steady. And that it is not
5 unusual on these kinds of measures to sometimes even
6 see children scoring a little bit lower at one point
7 than they did at another point and that it can also be
8 effected by factors in terms of how the child felt that
9 particular day, what the testing situation was like,
10 and that kind of thing.

11 Q. Okay. So it is possible that over a period
12 of time you may see no gain or, again, perhaps a loss
13 in the child's development?

14 A. It also depends on -- I mean, you have to
15 look at the kind of measure that you are looking at and
16 how it is being scored, so you know over a period of
17 time on something like an age equivalent score, you
18 would expect to see the child increasing in terms of
19 their score, but from any one testing point to another
20 that may or may not happen for these other particular
21 factors on something like an age standardized measure,
22 actually maintaining a steady score would actually
23 indicate that the child's continuing to develop at the
24 appropriate level or is maintaining a constant rate of
25 development.

1 Q. But for the information that we do have for
2 the children who participated in the Hoke County preK
3 program, they appear to continue to be making gains; is
4 that correct?

5 A. Yes, I would say in general. There are, as I
6 talked before, a couple of exceptions, but in general
7 that is the case.

8 MS. DUBIS: Your Honor, we would ask that
9 Exhibit 201 be admitted. This is another one we would
10 like to be able to substitute a redacted version.

11 COURT: Admitted.

12 MS. DUBIS: Thank you.

13 COURT: We are now going to take a recess.
14 Are you just about through?

15 MS. DUBIS: That's fine.

16 COURT: Go ahead and finish. Of course,
17 remember, there may be other people who might want to
18 ask her some questions.

19 BY MS. DUBIS:

20 Q. Dr. Peisner-Feinberg, based on the research
21 that you have reviewed and your observation in Hoke
22 County, have you formed any professional opinions
23 regarding the role of the prekindergarten programs in
24 Hoke County in the students' opportunity to receive a
25 sound, basic education?

1 A. Yes, I would say that my opinion is that
2 the -- that based on a variety of different
3 information, on the information about the literature
4 about the effects of early intervention programs that
5 children who attend these kinds of programs are much
6 more likely to be successful in school and more
7 prepared for entering school than children who do not.
8 That children who attend a higher quality preschool
9 program are likely to perform better once they are in
10 school than children who do not attend a high-quality
11 preschool program. And the information also about the
12 availability of the program that suggests that there
13 are potentially a substantial number of children in
14 Hoke County who could benefit from such a program that
15 are not able to access this type of program. That
16 given all of those factors that it is likely that there
17 are children in Hoke County for whom this kind of a
18 program would be important for enabling them to enter
19 school prepared and ready to succeed.

20 I think also tied in with that there is other
21 literature that suggests that how children perform in
22 the first couple of years in school is a very important
23 predictor of their future success in school and that
24 really by about third to fourth grade, sometimes even
25 sooner, children really establish a trajectory of

1 academic performance that is difficult to change. And
2 that the very first couple of years that they are in
3 school predicts how they are going to continue to do in
4 school, so that enabling children to enter school
5 prepared and able to succeed in that first kindergarten
6 year is much more likely to insure that they will
7 continue to succeed in school throughout.

8 Q. Based on your observations of --

9 A. Uh-huh.

10 Q. -- of the quality of the prekindergarten
11 program, do you have an opinion on the likelihood that
12 children who participate in this program will have
13 success later on in school?

14 A. Yes, I would expect that the results for
15 participation in this kind of program would be very
16 similar to the results we have found in all of the
17 different research studies that are out there looking
18 at the effects of these programs for children and
19 particularly for low-income children. And so I would
20 expect that this kind of program is going to make
21 children more able to succeed in school, more able to
22 be prepared for school, and for some children it is
23 probably going to mean that they are able to receive a
24 sound, basic education, that they are able to take
25 advantage of the opportunities that are present in

1 school because they have -- they come to the school
2 with the skills they need to able to do that.

3 Q. Based on your understanding of the population
4 in Hoke County, is it likely that there are some
5 children who cannot succeed in school without some sort
6 of prekindergarten intervention?

7 A. Yes, I would say that it is likely that there
8 are some children that if they don't have some type of
9 prekindergarten intervention before they come to
10 school, will not be successful in kindergarten.

11 MS. DUBIS: Your Honor, I have no further
12 questions.

13 COURT: All right. We will take a recess
14 until about 11:35.

15 (Recess taken.)

16 CROSS-EXAMINATION BY MS. ANDERSON:

17 Q. Dr. Peisner-Feinberg, my name is Audrey
18 Anderson. I represent the plaintiff intervenors and I
19 have a couple of questions for you this morning.

20 A. Okay.

21 Q. Does having a better educated staff improve
22 the quality of a prekindergarten program?

23 A. Yes, there have been a number of different
24 research studies that have been done that show that
25 having a more formal education, that is bachelor's

1 degrees or above, or having more early childhood
2 training is related to having a higher quality
3 program.

4 Q. Do the Hoke County Schools in their
5 prekindergarten program use certified teachers?

6 A. Yes, they do.

7 Q. Do licensed day care facilities who serve
8 children through Smart Start subsidies typically have
9 certified teachers --

10 COURT: That's three questions. You said you
11 only had a couple.

12 MS. ANDERSON: I'm sorry, Your Honor, I was
13 using that rather liberally.

14 COURT: Excuse me. I thought you said a
15 couple and I have been counting.

16 MS. ANDERSON: I am sorry, Your Honor, for my
17 lack of precision.

18 BY MS. ANDERSON:

19 Q. Dr. Peisner-Feinberg, do licensed day care
20 facilities who serve children through Smart Start
21 subsidies typically have a certified teacher leading
22 the program?

23 A. Typically not.

24 Q. Do the Hoke County prekindergarten teachers
25 have a bachelor's degree?

1 A. Yes, they all do.

2 Q. And do licensed day care facilities who serve
3 children through Smart Start subsidies typically have a
4 teacher with a bachelor's degree leading the program?

5 A. Not necessarily. I think that varies, but
6 there's not a requirement that they do.

7 Q. Does having a higher ratio of staff to
8 children improve a prekindergarten's program quality?

9 A. Yes, that is also a variable that's been
10 shown in a lot of research studies that relate to
11 significantly higher quality.

12 Q. And in the Hoke County Schools
13 prekindergarten program, what is the maximum number of
14 children in a class?

15 A. 18 children and two staff members.

16 Q. Do you know how that compares to the staff to
17 children ratio in any licensed facility in North
18 Carolina?

19 A. It's a better ratio than what is required for
20 A licensed.

21 Q. Dr. Peisner-Feinberg, will you please turn
22 again to Plaintiffs' Exhibit 393. Have you found that?

23 A. Yes.

24 Q. Could you please turn to Page Number 4?

25 A. Yes.

1 Q. And I would like you to look at Baseline
2 Finding Number 3.

3 A. Uh-huh.

4 Q. And would you please read the last sentence
5 of that Baseline Finding Number 3?

6 A. Yes, poor children scored significantly lower
7 than nonpoor children on the kindergarten teacher
8 checklist suggesting that children from low-income
9 families may not be as prepared for school as
10 classmates from higher-income families.

11 Q. And is that consistent with the research
12 literature as you understand it?

13 A. Yes, it is.

14 Q. I believe you answered some questions from
15 Ms. Dubis about the most recent report on Smart Start
16 outcomes that has been produced by the Frank Porter
17 Graham Center?

18 A. Yes.

19 Q. And when was that report published or put out
20 to the public?

21 A. Last week.

22 MS. ANDERSON: May I approach the witness,
23 Your Honor?

24 COURT: You may.

25 By the way, I have not read it nor did I know

1 it existed until this morning.

2 MR. ZIKO: For the record, Your Honor, we
3 were noticed this morning that this was going to be an
4 additional new exhibit and we consented to their use of
5 this.

6 COURT: I heard you. It's amazing how
7 everybody is getting along so much better than we did
8 the first two days.

9 BY MS. ANDERSON:

10 Q. I am showing you what is marked as
11 Plaintiff's Intervenor's Exhibit Number 90. Do you
12 recognize this document, Dr. Peisner-Feinberg?

13 A. Yes, I do.

14 Q. And what is it?

15 A. This is the report that was just released
16 last week looking at the effects of the intensity of
17 involvement of Smart Start activities on children's
18 kindergarten skills.

19 Q. And would you please turn to the executive
20 summary of the document --

21 A. Yes.

22 Q. -- which is about the third page in.

23 A. Uh-huh.

24 Q. And read the last paragraph, start with the
25 second sentence through the end?

1 A. Second from the end?

2 Q. The second sentence and then read it through
3 the end of the paragraph, please.

4 A. The findings suggest that Smart Start efforts
5 need to be directly related to improving the quality of
6 child care if they are to have an effect on children's
7 school entry skills. In the interest of being
8 comprehensive, local Smart Start partnerships may
9 distribute multiple diverse services to the child care
10 community. This approach may not produce the intended
11 improvements in child care quality or child outcome.
12 To effect school entry skills the type, not just
13 quantity of Smart Start support, is important.

14 Q. Thank you.

15 MS. ANDERSON: Your Honor, we would move to
16 have Plaintiff Intervenor's Exhibit Number 90
17 admitted.

18 COURT: Admitted.

19 MS. ANDERSON: I have no further questions.

20 MR. ZIKO: A point of protocol, Your Honor.

21 Is this the Plaintiff's Intervenor's case in chief
22 where they are admitting evidence?

23 COURT: Well, they are just trying to get it
24 in. This is not their case.

25 MR. ZIKO: This is not their case in chief.

1 I was just wondering if they were going to rest at the
2 end of this.

3 MR. GOVERT: At the end of this witness?

4 No.

5 MS. ANDERSON: No.

6 COURT: If I directed a verdict against them
7 this morning, I don't know what it would do, since they
8 are tangentially in the case. But they are waiting
9 with their millions and millions for another time.

10 CROSS-EXAMINATION BY MR. ZIKO:

11 Q. Good morning, Dr. Peisner-Feinberg, how are
12 you?

13 A. Fine, thanks.

14 Q. I am Tom Ziko. You remember from the
15 deposition?

16 A. Yes.

17 Q. I want you to first look at your report. Do
18 you see at Page 1, the first sentence, where it says
19 you have been asked by the attorneys to provide
20 information about the role of the prekindergarten
21 program in Hoke County and providing children with the
22 opportunity for a sound, basic education?

23 A. Yes.

24 Q. And do you see the information you analyzed
25 in the second paragraph?

1 A. Yes.

2 Q. And do you see the sentence at the end of the
3 second paragraph where it says, this information was
4 analyzed to examine both the availability of this
5 program and the general quality of the Hoke County
6 prekindergarten program. Do you see that?

7 A. Yes.

8 Q. The information you analyzed in the second
9 paragraph that are numbered one, two, three, four, do
10 you see those?

11 A. Uh-huh.

12 Q. That's not the information you relied upon to
13 determine that providing prekindergarten program in
14 Hoke County has anything to do with the opportunity for
15 a sound, basic education, is it?

16 A. It is part of the information that I relied
17 on.

18 Q. That information only has to do with the
19 availability of the Hoke County program, right?

20 A. Yes.

21 Q. And the quality of the Hoke County program,
22 right?

23 A. Correct.

24 Q. And you found the Hoke County preschools were
25 in the medium to good range?

1 A. Correct.

2 Q. And they were providing a positive,
3 educational experience for children in Hoke County,
4 correct?

5 A. Correct.

6 Q. But those are the only children in Hoke
7 County that you looked at, right?

8 A. That is correct.

9 Q. So you are not aware of, for example, the
10 number of exceptional children in Hoke County who are
11 screened and identified and entitled to services
12 through the public schools from ages three through
13 five, are you?

14 A. No.

15 Q. And you do know that Hoke County has a Head
16 Start Program, right?

17 A. Yes.

18 Q. And you do know they have at least 15 other
19 child care centers, right?

20 A. Yes.

21 Q. And you mentioned something about other
22 license centers, those are family-based license
23 centers?

24 A. They are registered, yes.

25 Q. All right. And there are also church-based

1 centers, correct?

2 A. Yes.

3 Q. And the church-based centers are not
4 licensed, are they?

5 A. It varies. The centers can choose to apply
6 to the licensing or not.

7 Q. And there are some very excellent
8 church-based child care centers, aren't there?

9 A. I would imagine there are.

10 Q. In fact, that's the origin of a lot of child
11 care services in this state, is it not?

12 A. It is. What I do know in general about
13 church-based child care is like, for example, from our
14 Cost, Quality and Outcome Study that the church-based
15 centers on average actually had lower-quality care than
16 did the other nonprofit child care centers.

17 Q. But you didn't look at the church-based
18 centers in Hoke County?

19 A. No, I did not look at those specifically.

20 MR. ZIKO: Your Honor, may I approach the
21 witness?

22 COURT: You certainly may.

23 BY MR. ZIKO:

24 Q. Dr. Peisner-Feinberg, you testified about the
25 difference between A license and double A license. I

1 want to show you what is identified as Defendants'
2 Exhibit Number 514. You recognize that to be a
3 document that contrasts and compares the licensing
4 requirements for day care centers in Hoke County in
5 North Carolina, don't you?

6 A. Yes.

7 MR. ZIKO: Your Honor, your book is here.

8 COURT: Thank you.

9 MR. ZIKO: 514.

10 BY MR. ZIKO:

11 Q. Now, if you look at those, the difference in
12 licensing has to do with the fact that after the age of
13 two an A license center can have slightly higher class
14 sizes than double A licensed center, right?

15 A. Right.

16 Q. And at the age of four to five years old, the
17 difference is one to 20 versus one to 13, correct?

18 A. Correct.

19 Q. And then as you go down at the bottom, a
20 double A license center has to offer five activities a
21 day, right?

22 A. Right.

23 Q. And a single A license center has to offer
24 four activities a day, right?

25 A. Right.

1 Q. And then there's a difference in nighttime
2 child care, right?

3 A. Right.

4 Q. But as far as the qualifications of the
5 instructional staff, they are exactly identical, are
6 they not?

7 A. Correct.

8 Q. And I believe in the report that Miss
9 Anderson directed you to in the Smart Start, the most
10 recent Smart Start report?

11 A. Uh-huh.

12 Q. It is those kinds of criteria, that is
13 criteria having to do with teacher qualifications that
14 have the most direct effect on a student's performance
15 in preschool; is that not correct?

16 A. Yes, that is one of the major steps.

17 Q. And one of the things that the Frank Porter
18 Graham Center does is provide materials for training of
19 preschool teachers?

20 A. Yes.

21 Q. Do you provide those for free?

22 A. I am not personally involved in the work in
23 terms of providing materials for training. I think
24 that probably varies.

25 Q. Frank Porter Graham produces a wealth of

1 information on preschools, do they not?

2 A. Yes.

3 Q. A lot of it is very high quality, isn't it?

4 A. Yes.

5 Q. And a lot of that is distributed to people
6 who want it, correct?

7 A. Correct.

8 Q. There is a lot of information on how to run a
9 high quality preK program if you just ask for it, isn't
10 there?

11 A. I would think that's true.

12 Q. And one of the things about a high quality
13 preK program is that it tends to be student directed,
14 right?

15 A. There's a lot of emphasis on children making
16 choices exactly, yes.

17 Q. And one of the things you saw in the Hoke
18 County preschool is that it tended to be a little too
19 much teacher directed, correct?

20 A. Yes, from the time I observed.

21 Q. And so if Hoke County were interested in
22 improving the quality of its preK program, they could
23 write to the Frank Porter Graham Center and get
24 information about how to make their preK more child
25 directed, couldn't they?

1 A. Probably.

2 Q. Probably or yes most definitely?

3 A. I guess I don't know of particular
4 publications that are available that would be given out
5 to a program that says, this is what you do to make
6 your program more child centered or this is
7 specifically what you do to improve quality. There are
8 documents that exist like that, but generally I think
9 of those kinds of things as taking place in a training
10 program as opposed to somebody just reading information
11 about that. That you have to learn how to implement
12 it. It is not just a matter of reading information
13 about what to do, but you have to understand how to do
14 it and how to implement it in your classroom, but I --

15 Q. One of the things you do is put up student
16 artwork, correct?

17 A. Right.

18 Q. As opposed to putting up teacher bulletin
19 board stuff, right?

20 A. Right.

21 Q. That is one of the problems you found with
22 the Hoke County preschool, right?

23 A. Right.

24 Q. How much training would one need in order to
25 get student artwork and put it on the board?

1 A. I think that's the kind of thing that it
2 wouldn't require a lot of training. I think what is
3 important is teachers really understanding the
4 principles behind what we talk is developmentally
5 appropriate practice and that it is implemented across
6 the variety of things that they do in the classroom,
7 and that they understand the reasons behind why it is
8 better to do it that way than to do it another way. I
9 think that makes them more likely to actually implement
10 the variety of activities.

11 Q. Now, there is information in the professional
12 journals, published studies --

13 A. Uh-huh.

14 Q. -- that show what children in community day
15 care centers --

16 A. Uh-huh.

17 Q. -- what you call community day care centers
18 as opposed to family centers, right?

19 A. Right.

20 Q. Children who attend community day care
21 centers did on average better than children in public
22 schools in Head Start, correct?

23 A. Yeah. Are you talking specifically about our
24 public preschool study or?

25 Q. Well, the literature exists?

1 A. The literature exists, right.

2 Q. And children who had day care experiences on
3 average did better than those children who did not,
4 correct?

5 A. Correct.

6 Q. And when they are talking about better in
7 those contexts, they are talking about better when they
8 go in kindergarten, correct?

9 A. It could be at the end of preschool or it
10 could be entering kindergarten.

11 Q. Right. Correct?

12 A. Correct.

13 Q. Now, you don't know anything about the
14 children in Hoke County who go to other day care
15 environments or children who are raised by their
16 parents prior to entering kindergarten, do you?

17 A. No, that is correct. I don't have any
18 information about those children.

19 Q. But you do know that there are at least 15
20 licensed, A licensed child care centers in Hoke County,
21 correct?

22 A. That's correct.

23 Q. And two double A license centers, correct?

24 A. I think it is 15 altogether. I think 13 A
25 and there's two double As that I recall.

1 Q. But I believe you testified that in your
2 conversations with kindergarten teachers, the
3 kindergarten teachers indicated that there was a low
4 participation of child -- children in community-based
5 day care centers in Hoke County, correct?

6 A. Correct.

7 Q. Now, I was interested in one point of your
8 testimony --

9 A. Uh-huh.

10 Q. -- when you talked about availability of
11 child care in Hoke County.

12 A. (Nodded head affirmatively.)

13 Q. And that was one of the things you studied as
14 a result of the four points here on your first page of
15 your report, correct?

16 A. Correct.

17 Q. And at one point in your testimony you said
18 that there were about 70 percent of the children in
19 Hoke County were from low-income families, correct?

20 A. I said about 70 percent of the elementary
21 school age children, yes.

22 Q. And you extrapolated that into 70 percent of
23 kindergarten students, correct?

24 A. Right.

25 Q. And you multiplied that times the number of

1 kindergarten students who were in Hoke County, which
2 was 497, right?

3 A. Right.

4 Q. And came up with a number of 347, and I think
5 you called those children who were -- low-income
6 children who would eligible for the program, correct?

7 A. I don't recall that that's exactly what I
8 said. I would imagine that it would be children who
9 could potentially benefit from such a program.

10 Q. Let me ask you what the about the term
11 eligible. You do know that at this time Hoke County is
12 not directing its preK services to low-income children,
13 don't you?

14 A. Right, I am aware of that.

15 Q. They are just letting anyone who wants to
16 sign up for it, correct?

17 A. For the public preK program?

18 Q. Right.

19 A. Right, that they choose the children on the
20 basis of screening test scores, not on the basis of
21 income, per se.

22 Q. And so it would be your opinion that they are
23 spending their resources on children for which there is
24 no evidence that they actually need preK interventions
25 in order to be successful in kindergarten; isn't that

1 true?

2 A. I think that things like scores on screening
3 tests measures are often highly correlated with other
4 kinds of factors like low income or low maternal
5 education or that sort of thing. And that those
6 factors as well are factors that predict children
7 benefitting from such an early intervention program,
8 but they have not directly measured those other kinds
9 of family characteristics in terms of an eligibility
10 criteria for the program.

11 Q. So they are generating a pool of applicants,
12 correct, irrespective of the child's risk factors,
13 correct?

14 A. Well, I think that you could consider low
15 scores on a screening test measure to represent low
16 child skills which is a type of risk factor.

17 Q. Back up?

18 A. Okay.

19 Q. They are generating a pool of applicants
20 irrespective of risk factors, correct?

21 MS. DUBIS: Objection, asked and answered.

22 MR. ZIKO: She didn't answer the question,
23 Your Honor.

24 COURT: Overruled.

25 BY MR. ZIKO:

1 Q. They are generating a pool of applicants
2 irrespective of risk factors, correct?

3 A. No, I would say that scoring low, very low on
4 a screening test measure would be a risk factor.

5 Q. Dr. Peisner-Feinberg, let me ask you again.

6 A. Okay.

7 Q. They're generating a pool of applicants
8 irrespective of the risk factors, correct?

9 MS. DUBIS: Objection.

10 THE WITNESS: Yes, that would be correct,
11 that the applicants or --

12 BY MR. ZIKO:

13 Q. Applicants are generated irrespective of
14 their risk factors, correct?

15 A. Yes, that is correct.

16 Q. And then out of that pool of undifferentiated
17 applicants they are screening them, correct?

18 A. Correct.

19 Q. And they are just taking the lowest scorers,
20 correct?

21 A. That's correct.

22 Q. Now, you have done kindergarten studies;
23 isn't that right?

24 A. Yes.

25 Q. And when you do a kindergarten study, you

1 spend four hours in every school, right?

2 A. Approximately, yes, for observation.

3 Q. You didn't spend four hours in any school in
4 Hoke County, did you?

5 A. No, that's correct.

6 Q. And now it is your testimony that based upon
7 the literature, early child intervention programs are
8 likely to have beneficial effects on children's
9 readiness for kindergarten and continued cognitive and
10 social development, correct?

11 A. Correct.

12 Q. Now, the literature that that addresses tends
13 to be a model of university programs, correct?

14 A. That's true.

15 Q. Do you have still in front of you Plaintiffs'
16 Exhibit 390?

17 A. Yes.

18 Q. And this is a document entitled, The Academic
19 Benefits of Preschool Education for Children in Poverty
20 Written by Frances A. Campbell?

21 A. Correct.

22 Q. Who is a senior investigator and fellow at
23 the Frank Porter Graham Child Development Center?

24 A. Correct.

25 Q. And this talks about the origins of the --

1 I'm sorry -- Abecedarian?

2 A. Correct.

3 Q. Project. And this talks about why they
4 started the Abecedarian Project, right?

5 A. Right.

6 Q. And in the middle of the second column it
7 says, Unfortunately Head Starts promoters
8 unrealistically promise a quick solution to the
9 multifaceted problem of educational failure among the
10 poor. Disillusionment came when the first scientific
11 evaluation of its effectiveness showed that after three
12 years in school children who attended Head Start were
13 doing no better than those from similar backgrounds who
14 did not. Do you see that?

15 A. Yes.

16 Q. And that's a true statement, correct?

17 A. That's true.

18 Q. And then they talk about the Consortium
19 results, right?

20 A. Uh-huh.

21 Q. And then the conclusion about the review of
22 the Consortium results which was another study, the
23 Consortium for Longitudinal Studies says that, On the
24 other hand, significant treatment control differences
25 in child IQ had generally eroded after about three

1 years in school and academic score differences tended
2 to be gone after five to six years, correct?

3 A. Right.

4 Q. And so is it Dr. Campbell?

5 A. Yes.

6 Q. Dr. Campbell started the Abecedarian Project
7 to test those findings, didn't he?

8 A. She, yeah.

9 Q. I'm sorry, she.

10 A. Yeah.

11 Q. Now, let me see if from the literature we can
12 understand what the Abecedarian Project was.

13 A. Okay.

14 Q. The Abecedarian Project involved the study of
15 children from infancy forward, right?

16 A. That's correct.

17 Q. The children who were enrolled in that
18 project had an average age of 4.4 months, correct?

19 A. Correct.

20 Q. And there were 57 children in the project,
21 right?

22 A. Yeah, in the treatment group, right.

23 Q. In the treatment group?

24 A. Right.

25 Q. Those are the children who got the early

1 intervention, correct?

2 A. Right.

3 Q. And in that -- from that treatment group they
4 eliminated all of the children who had characteristics
5 that would qualify them as exceptional children, isn't
6 that right?

7 A. Yes.

8 Q. You had to be healthy to be in that group,
9 right?

10 A. Yes.

11 Q. You had to not show any evidences of mental
12 retardation, correct?

13 A. Correct.

14 Q. Or any other thing that would qualify you as
15 an exceptional child, correct?

16 A. Correct.

17 Q. And that was an all day university-based day
18 care center, right?

19 A. Yes.

20 Q. And was a year round university-based day
21 care center, right?

22 A. Yes.

23 Q. So from age 4.4 months through the age of
24 five, these children spent every day all year in the
25 Abecedarian Project; is that correct?

1 A. For the most part, yes. Five days a week.

2 Q. Now, in the Abecedarian Project, the ratio of
3 instructors to children was one to three, correct?

4 A. That's infants, yes.

5 Q. And then it grew, it doubled, didn't it?

6 A. Yes.

7 Q. So at the point where they went to school the
8 ratio was one to six, correct?

9 A. I believe so, yes.

10 Q. And that in addition to having treatment in
11 the Abecedarian Project, each of the children was
12 evaluated and given a personalized infant curriculum,
13 correct?

14 A. That's correct.

15 Q. And that was for use in the home by the
16 parents, correct?

17 A. Yeah, they did have a partner component,
18 yes.

19 Q. And the reason they had a parent component is
20 that home support is critical to early childhood
21 development, correct?

22 A. Yes, I would agree with that.

23 Q. And during the time that the children were in
24 the project for the four and a half years they were in
25 the project --

1 A. Uh-huh.

2 Q. -- the parents themselves were provided a
3 series of informative programs on parenting, right?

4 A. Yes.

5 Q. To match this personalized curriculum that
6 they had given to each child, correct?

7 A. Yes.

8 Q. And in addition the children received medical
9 care and the parents were counseled on child
10 development and things like that, right?

11 A. The medical care also was provided for
12 nutritional supplements and that sort of thing were
13 provided for the control group children as well,
14 because they wanted to be sure that it wasn't just a
15 difference in better nutrition between the two groups
16 and that sort of thing.

17 Q. And that it was that program that had
18 continuing effects, right?

19 A. Yes, that's true.

20 Q. Now, in your exhibit, Plaintiffs Number 389,
21 skip over all of the scientific stuff, talk about the
22 discussion that is written in English as far as I can
23 figure.

24 A. Okay.

25 Q. At the bottom of Page 63 it's talking

1 about -- oh, 163 -- in talking about the project.

2 A. Uh-huh.

3 Q. Dr. Campbell in her study group says that,
4 Early childhood education was significantly related to
5 academic performance many years later as were the
6 mothers' early attitudes toward children and the degree
7 to which the family fostered learning within the home.
8 Do you see that?

9 A. I am finding it, yes.

10 Q. Okay. And that continues in your opinion to
11 be a true statement, correct?

12 A. Yes.

13 Q. And then it goes onto say, Similarly the
14 child's own temperament played a surprisingly strong
15 role in predicting later cognitive and academic
16 outcomes, correct?

17 A. Yes.

18 Q. That continues to be a true statement in your
19 professional opinion, doesn't it?

20 A. Yes.

21 Q. And then turning over to Page 166 --

22 MS. DUBIS: I'm sorry, Mr. Ziko, what page?

23 MR. ZIKO: 166.

24 BY MR. ZIKO:

25 Q. At the end of the second full paragraph Dr.

1 Frances noted that it is crucial -- Dr. Campbell
2 noted -- it is crucial to note, however, that early
3 educational intervention built upon but did not obviate
4 the importance of individual characteristics,
5 interpersonal processes within the family and the home
6 environment, correct?

7 A. Yes.

8 Q. As determinants of mid-adolescent academic
9 performance, correct?

10 A. Correct.

11 Q. Then within this document there is a chart, a
12 Table 6-2, that list things that have effects on
13 development, correct?

14 A. Uh-huh, yes.

15 Q. And by the ninth grade the things that are
16 effecting a child's development are their IQ, their
17 social adjustment, home support for learning, and in
18 the context of their special education of grade
19 retention, correct?

20 A. Correct.

21 Q. So home support for learning continues to be
22 an important factor in a child's ability to acquire
23 education, correct?

24 A. That's true.

25 Q. Now, one of the factors about the Abecedarian

1 Program is that people who participated in it were
2 recruited, correct?

3 A. Yes.

4 Q. You advertised for people who were interested
5 in having their children involved in the project,
6 right?

7 A. Correct.

8 Q. And then the people who did participate had
9 to remain committed to the project during the entire
10 period, right?

11 A. Right.

12 Q. If you discovered that the parent was not
13 providing the home support that the project called for,
14 those people were culled out, right?

15 A. I don't know that that is true.

16 COURT: In Hoke County it is called send them
17 away. I understand that that is the new term. Sent
18 away.

19 Did you send anybody away?

20 THE WITNESS: My understanding from that is
21 that the families that they recruited initially only
22 two of the families dropped out of participation. A
23 couple moved away, a couple had a child die during the
24 time, but that they did not drop families for lack of
25 participation.

1 BY MR. ZIKO:

2 Q. And subsequently one child was diagnosed with
3 a mental disorder and was culled from the treatment
4 group, right?

5 A. Right.

6 Q. Now, aside from these university-based early
7 child intervention projects that you testify about, you
8 personally have also looked at more typical community
9 child care projects, right?

10 A. That's true.

11 Q. And that's your, is it cost, quality, or
12 quality, cost?

13 A. Cost, Quality and Outcomes.

14 Q. Cost, Quality Project?

15 A. Right.

16 Q. Can we call it the Cost, Quality Project?

17 A. Sure.

18 Q. And as a result of your studies in the Cost,
19 Quality Project, you determined that it is likely that
20 children who participate in the program will come to
21 kindergarten with skills that are more advanced than
22 similar children who haven't participated in child
23 community care, correct?

24 A. No, that study we didn't compare children who
25 didn't participate in community care. We looked at the

1 effects of the quality of care. We looked only at
2 children that were in Center-Based care.

3 Q. So all of the children you studied were
4 children who had had child care?

5 A. Correct.

6 Q. And the only difference was the quality of
7 the child?

8 A. Right.

9 Q. Now, you would agree that the purpose of a
10 preschool program is to prepare the children for
11 kindergarten, correct?

12 A. Yes.

13 Q. And that the purpose of kindergarten is to
14 prepare children for first grade, right?

15 A. Correct.

16 Q. Now, you conducted a study of kindergarten
17 programs in North Carolina from 1991 to 1993, right?

18 A. No, that would have been the public preschool
19 study. The kindergarten study was '88 to '89.

20 Q. Oh, a decade ago?

21 A. Yes.

22 Q. Do you have an opinion as to whether the
23 North Carolina Public School Kindergarten Program has
24 improved in the last decade?

25 A. I haven't actually done a study to look at

1 the kindergarten program since that period of time, but
2 from my exposure to kindergarten classrooms, I would
3 say that it is probably similar to what it was then.

4 Q. Have there been substantial advances made in
5 the child development studies since that time in '89?

6 A. I am not sure what you mean by the child
7 development studies.

8 Q. Do you know about child development since
9 1989?

10 A. Yeah, I would say that we know more about the
11 effects of early experiences on children's development
12 and the quality of experience.

13 Q. As a result of those studies, do you know
14 anything more about how to best educate kindergartners?

15 A. Yes, I would say we do somewhat.

16 Q. So if people were utilizing the information
17 available to you, they could provide better instruction
18 to kindergartners, correct?

19 A. That is probably true.

20 Q. Now, your 19 -- did you do any 1998 study of
21 North Carolina kindergartners?

22 A. No.

23 MR. ZIKO: Excuse me, Your Honor.

24 BY MR. ZIKO:

25 Q. Anyway, you found that North Carolina

1 kindergartens range close to the good quality range
2 when you did your study, correct?

3 A. Right. On average, yes.

4 Q. Now, in the course of studying North Carolina
5 kindergartens, did you determine when children become
6 eligible for North Carolina kindergarten?

7 A. Did we determine? We knew what the age cut
8 off was, yes.

9 Q. That is five years old by October 16th,
10 correct?

11 A. Right.

12 Q. That is pretty ideal of kindergartens across
13 the United States?

14 A. I think they vary in terms of when -- the age
15 cutoff is anywhere from about July to December, but
16 commonly they have an age cutoff as an eligibility
17 criterion.

18 Q. And commonly that is some time late in the
19 fourth year of the child's life, right?

20 A. Right.

21 Q. So you can actually be in kindergarten when
22 you are four, but you are expected to be five early in
23 the school year, right?

24 A. In many cases, that is true.

25 Q. And there are sound child development reasons

1 for limiting kindergartners to that age bracket, are
2 there not?

3 A. I guess I would think of it the other way
4 around. That given that kindergarten is designed to
5 serve children that age, then programs should be
6 appropriate to that age of child, uh-huh.

7 Q. It is important to have activities that are
8 appropriate for the age of the child, right?

9 A. Yes.

10 Q. And in this age bracket, that is say from
11 infancy through eight years old --

12 A. Right.

13 Q. -- you are always going to have a wide range
14 of developmental abilities, correct?

15 A. That's true.

16 Q. The widest range is from, what, half a year,
17 is that when the range is the widest?

18 A. I think it varies. I am not sure. I think
19 there -- I am not sure that there is a particular age
20 that I would say that is the widest range, but you will
21 always find a range. If you look at just a random
22 sample of children, are you likely to see a range in
23 abilities across children, yes.

24 Q. Does the range narrow in later years?

25 A. I am not sure that I would say the range

1 narrows. I think we have different ways of measuring
2 abilities at different ages and in some ways the older
3 children get the wider the range could potentially
4 become, as we discover, children that have particular
5 problems with that sort of thing.

6 Q. This range of development, there are big
7 changes in child development, as you testified earlier,
8 as a natural course of the growth process, right?

9 A. Right.

10 Q. Even without intervention you are going to
11 have changes in child development, right?

12 A. Right, that's true.

13 Q. And when you look at the games that children
14 made in the Hoke County Program, you would expect some
15 of that to happen in the normal course of child
16 development, right?

17 A. Yes, I would.

18 Q. Now, I want to look at Page 10 of your
19 report. And in the middle paragraph there --

20 A. Uh-huh.

21 Q. -- you do state that some of the games would
22 occur as a result of the normal course of development.

23 A. Right.

24 Q. That's what you say there?

25 A. Right.

1 Q. And then you start talking about something in
2 the middle of the paragraph. You see you have the 50
3 and 75 percent?

4 A. Uh-huh.

5 Q. And then go down a couple of lines and
6 there's a phrase called, Readiness for School. Do you
7 see that?

8 A. Yes.

9 Q. And then there is a list of some things that
10 teach -- a teacher reported in conjunction with
11 Readiness for School. Do you see that?

12 A. Yes.

13 Q. And what she said was the ability to know the
14 basic colors, right?

15 A. Uh-huh.

16 Q. And how to hold a pencil?

17 A. Right.

18 Q. Do you have any idea what she meant by a
19 child who doesn't know how to hold a pencil?

20 A. Yes, actually I asked the teachers to tell me
21 what skills they thought children needed to be ready
22 for kindergarten and how they thought the children in
23 their classroom did in terms of their ability on those
24 skills. And she talked about just knowing how to use a
25 pencil, to be able to write as a writing tool.

1 Q. Do you know how many parents and adults
2 properly hold their pencils?

3 A. Well, if you are talking about a proper grip,
4 there is probably a lot that don't.

5 Q. Now, she also said something about writing
6 their name. Do you see that?

7 A. Yes.

8 Q. You don't believe writing your name is a
9 prekindergarten skill, do you?

10 A. I think for a lot of children it is.

11 Q. Is that a skill a child has to have in order
12 to benefit from kindergarten?

13 A. No, I wouldn't say this is a particular skill
14 they have to have to benefit. I think it is just one
15 marker of an indication of the kinds of skills that
16 they have that probably means they are more ready for
17 the kinds of opportunities that would be presented in
18 kindergarten.

19 Q. And then I believe in your deposition you
20 talked about a number of other things that teachers
21 told you they thought children should know before they
22 come to kindergarten, didn't they?

23 A. Right.

24 Q. And that included knowing their shapes. Do
25 you remember that?

1 A. Yes.

2 Q. And being able to write their name, right?

3 A. Yeah.

4 Q. And being able to count to ten, correct?

5 A. Yes.

6 Q. And to know their ABCs, right?

7 A. Yes.

8 Q. And when they said the child needed to know
9 their ABCs, did they mean to sing the ABC song or
10 actually know the letters of the alphabet?

11 A. I think they meant both. I think there is
12 probably different levels. They're being able to
13 actually just say the ABCs and have been exposed to
14 that kind of content. But I think there is also a true
15 understanding of them which is really knowing what
16 letter is A, and what letter is B.

17 COURT: But it is okay to sing the ABC song
18 in kindergarten?

19 THE WITNESS: I wouldn't say if you asked me
20 that a child singing the ABC song means they know their
21 ABCs.

22 COURT: But it is okay to sing the ABC song.

23 THE WITNESS: Yes.

24 BY MR. ZIKO:

25 Q. It is not developmentally inappropriate for a

1 child to learn to sing the ABC song?

2 A. No.

3 Q. It's not going to retard their development?

4 A. No, nor an adult.

5 Q. If the teacher said the students needed to
6 know what crayons and pencils were and what they were
7 for.

8 A. Right.

9 Q. And they needed to know what scissors were
10 and what they were for.

11 A. Right.

12 Q. And that they needed to be able to sit and
13 listen to a story.

14 A. Uh-huh.

15 Q. And they needed to know the names of their
16 parents.

17 A. (Witness nodded head affirmatively.)

18 Q. You have to answer verbally for the court
19 reporter.

20 A. Yes, I'm sorry.

21 Q. And they had to be able to go to the toilet
22 by themselves, right?

23 A. Yes.

24 Q. And those were all skills that could be
25 readily taught in kindergarten, correct?

1 A. Yes, I would imagine.

2 Q. And, in fact, those are exactly the kind of
3 skills that many kindergarten teachers think that
4 students need to go to the first grade, correct?

5 A. Probably, yes.

6 Q. Now, do you, yourself, use the phrase, Ready
7 to Learn?

8 A. I use the phrase, Ready for School.

9 Q. And you, yourself, you don't have a list of
10 things that you think a child needs to know to be ready
11 for school, do you?

12 A. No, I probably wouldn't look at it from the
13 perspective of the specific kinds of things that they
14 need to know.

15 Q. And in your opinion the level of a child to
16 do any particular thing is dependent upon that child's
17 developmental stage, right?

18 A. Yes.

19 Q. And so you, yourself, do not consider the
20 early acquisition of academic skills to be the primary
21 objective of a prekindergarten program, do you?

22 A. No.

23 Q. Now, in your discussions with the
24 kindergarten teachers, talking about the children in
25 their kindergarten classes, they told you that they

1 believed it would be possible to have all their
2 children learn all of the things we just discussed by
3 the time they finished kindergarten in May, didn't
4 they?

5 A. Yes.

6 Q. And you don't know of any study that shows
7 that without a preK program a child can acquire the
8 skills they need for first grade, are you?

9 A. No, I don't know a study that has asked that
10 question specifically.

11 Q. And you haven't studied the effect of
12 preschool on subsequent promotion or educational
13 experience of Hoke County children, have you?

14 A. No.

15 Q. Now, in light of the variance in child
16 development, and based upon your experience as a
17 professional and what you know from the literature --

18 A. Uh-huh.

19 Q. -- it is not possible at any time to bring
20 all children to school with equal skills, is it?

21 A. No.

22 Q. And with respect to the question about a
23 sound, basic education, you would agree, would you not,
24 that participation in a quality preK program in and of
25 itself is not going to be the sole determinant of

1 whether a child will acquire a sound, basic education
2 and that in order to determine whether a child will
3 acquire a sound, basic education, you actually have to
4 look at each individual child over their entire school
5 career, correct?

6 A. Yes, I would agree. I think that it can be a
7 factor that contributes to that in some cases, but in
8 and of itself, I would agree that it is not the sole
9 determinant.

10 Q. And at the age of three or four, it is
11 impossible to tell which children will succeed and
12 which children will fail, isn't that true?

13 A. I will say that is generally true, yes.

14 Q. And that it is your opinion that a child's
15 success in school is attributable to a whole set of
16 experiences through their childhood and their lifetime,
17 correct?

18 A. Yes.

19 Q. In fact, based upon the research you have
20 done and what you know of the literature, you would not
21 hold out hope that high-quality day care will forever
22 erase the major disadvantages that some children face
23 as they come to school, would you?

24 A. No, those are words that were in our Cost,
25 Quality Report, yes.

1 Q. And it is not your opinion that children who
2 do not have high-quality day care are incapable of
3 learning in school, is it?

4 A. Not as a general rule, no.

5 Q. And it is not your opinion that children who
6 do not have high-quality day care over time are
7 incapable of achieving at the same level as children
8 who have high-quality day care experience, is there?

9 A. No, I mean, what I would say is that I think
10 there are some children for whom having high-quality
11 day care makes it more likely that they will be
12 successful, but that in and of itself is not a
13 guarantee.

14 Q. And that children -- teachers in elementary
15 schools will always have to deal with a broad range of
16 abilities and behaviors in their students, correct?

17 A. Yes.

18 Q. And it is your opinion that when teachers in
19 the early grades in the elementary school, K-3,
20 effectively address their children's needs the
21 differences between children who have had high-quality
22 day care experiences and other children narrows, is it
23 not true?

24 A. Yes, I will say that for most skills that is
25 probably true.

1 Q. Now, it is true, isn't it, that in literature
2 there is substantial disagreement amongst child
3 psychologists about when it is best to begin teaching
4 academic subjects, right?

5 A. Yeah, I would say that is true, yes.

6 Q. There is a body of literature that says that
7 preK and kindergarten activities should be limited to
8 social interaction and personal skill development,
9 correct? By personal skill I mean taking care of your
10 personal needs; eating, going to the bathroom, washing
11 your hands, correct?

12 A. I mean, I would say -- I mean, there may be
13 people that purport that. I think generally the view
14 is that it is -- the important thing is to look at how
15 academic content is introduced and taught with young
16 children and that it needs to be done not in a rote
17 learning kind of way, but needs to be done in a way
18 that is appropriate to the way that young children
19 learn that is incorporated into their natural
20 environment and they are active participants in
21 learning.

22 Q. It has to be a warm relationship between the
23 teacher and the child, right?

24 A. I would say that is an important component,
25 yes.

1 Q. And that is one of the things you studied,
2 correct?

3 A. Yes.

4 Q. In fact, that relationship between a teacher
5 and a child is more important than anything else for
6 certain factors, correct?

7 A. Yes, particularly for social skills
8 development that's true.

9 Q. And it is the social skills that have the
10 longest term effect from early childhood intervention,
11 correct?

12 A. It depends. Actually, in the Abecedarian
13 study it was the cognitive skills that have the longest
14 lasting effect.

15 Q. But in your studies it is the teacher
16 interaction and the social skills that have longest
17 term effect, correct?

18 A. Well, the social skills and the math skills
19 in our study.

20 Q. And any loving parent can provide a positive
21 educational experience for a child, can't they?

22 A. I think if they know the right kinds of
23 things to do, yes.

24 Q. Now, your original draft of your report --

25 A. Uh-huh.

1 Q. -- said that preschool has positive effects
2 that last several years. And that this report that you
3 submitted to the Court says that preschool has positive
4 long-term effects. So by long-term effects you mean
5 several years, right?

6 A. Yes.

7 Q. And by several years, you actually mean
8 through the second grade, correct?

9 A. It depends what particular piece of research
10 you are talking about. I think like the early -- I am
11 not sure exactly what that sentence is, but the early
12 intervention studies show cognitive effects at least
13 through third or fourth grade. But in some cases like
14 Abecedarian through age 21, they show other kinds of
15 effects over a long period of time.

16 Q. And that is the Abecedarian Project, correct?

17 A. Right, but I think even the Consortium Study
18 showed things like special education placement and
19 retention over the course of the schooling.

20 Q. But it was the Consortium Project that showed
21 that a child's academic performances eroded after three
22 years and were gone after five to six years, correct?

23 A. Right, that you don't see lasting effects of
24 participation on those kinds of measures, yes.

25 Q. I am talking about the Cost, Quality Project

1 that you were personally involved in.

2 A. Right.

3 Q. You never studied children past the second
4 grade, right?

5 A. Uh-huh, that's correct.

6 Q. And you have never studied the children of
7 Hoke County beyond the beginning of kindergarten, have
8 you?

9 A. That's correct.

10 Q. And you have no opinion about whether
11 children who have not received a preK education in Hoke
12 County are receiving the opportunity for a sound, basic
13 education, do you?

14 A. I'm sorry, can you say that again.

15 Q. You have no opinion about whether children
16 who have not received a preK education in Hoke County
17 are receiving the opportunity for a sound, basic
18 education, do you?

19 A. That's true.

20 Q. Your own research shows that past the third
21 grade it is difficult to distinguish between children
22 who went to preschool and those who didn't, isn't that
23 correct?

24 A. My own research?

25 Q. Yes.

1 A. Our research hasn't studied children past the
2 third grade, so I don't know the answer to that. I
3 think -- I am not sure what you are saying.

4 Q. So up to the second grade it is difficult to
5 distinguish between children who went to preschool and
6 those who didn't, isn't it?

7 A. I mean, I think that is -- again, that is not
8 what we looked at. I think that there are some studies
9 that show that by about third to fourth grade the
10 effects on academic performance of children who
11 attended a preschool program compared to those who
12 didn't tend to fade out, and that that's not the realm
13 where we find differences, but you do find differences
14 in many other kinds of things like retention or special
15 education placement or sometimes juvenile delinquency.

16 Q. And as a result of special education
17 placement, the child gets an individualized special
18 education program, correct?

19 A. Right.

20 Q. And as a result of retention, the child gets
21 the opportunity to learn more, correct?

22 A. They get the opportunity to repeat a grade.

23 Q. But if the teacher is aware of the child's
24 deficiencies --

25 A. Uh-huh.

1 Q. -- the child gets the opportunity to review
2 material with the teacher, correct?

3 A. I mean, I think as a result of retention, you
4 might end up repeating a grade, so that you get exposed
5 to the same material again as opposed to children who
6 continue on to the next grade.

7 Q. Do you know whether that is the way they do
8 retention in Hoke County, just put the kid back to the
9 beginning of the grade and start all over again?

10 A. I don't know for sure how they do retention
11 in Hoke County. It's my understanding that's typically
12 what they do.

13 Q. And that would not be an educationally sound
14 approach to retention, would it?

15 A. I think you have to look at the particular
16 child. I think that -- I mean, I think that is my
17 understanding of typically what retention is, is that a
18 child repeats a grade, so if they are not promoted to
19 the next grade, they repeat that grade again with the
20 idea that they didn't gain the information that they
21 needed to in that year to be ready for the subsequent
22 grade.

23 Q. And parental attitude towards education are
24 important to child development and educational success,
25 right?

1 A. Yes, I would say that is true.

2 Q. And you have found that parental attitudes
3 toward education are highly correlated with
4 socioeconomic status, isn't that true?

5 A. Yes, I would say that is generally true.

6 Q. In fact, they are so highly correlated that
7 you don't study them separately, do you?

8 A. I think there are some studies that have
9 reported on those things separately.

10 Q. But you don't study them separately, do you?

11 A. No, like in our Cost, Quality and Outcome
12 Study, we have done some work looking at it separately,
13 but generally we actually had parental attitudes about
14 child rearing not about education specifically and that
15 it does contribute some, but it is related to other
16 factors as well like paternal education and income.

17 Q. Are you aware of any mandatory preK programs?

18 A. No, I am not.

19 Q. All the child intervention programs that you
20 have been involved in or you know of involve parental
21 involvement, the parents present the child for the
22 program, right?

23 A. Right, they are voluntary, yes.

24 Q. And the parents' interest in having their
25 child enrolled in the program is a high indication of

1 the parents' interest in education, isn't it?

2 A. Yeah, it would be an indicator of that, I
3 would say, yes. But I think when you still -- when you
4 look at things -- like I have done a lot of work with
5 Head Start Programs and they still find that parents'
6 involvement in the program and in their child's
7 education is still a significant difficulty for them,
8 so that the -- there is still probably some parents who
9 have not enough interest in that area to even bring
10 their child to apply, but even those that do it, it is
11 not a guarantee that there would be a high level of
12 parental involvement.

13 Q. And a high level of parental involvement is
14 positively correlated with child development and
15 education, correct?

16 A. Typically, yes.

17 Q. Now, are you aware of studies that show that
18 there's a teacher bias against low socioeconomic status
19 children?

20 A. I have probably read some things along those
21 lines.

22 Q. Excuse me, I'm sorry?

23 A. I probably read some things along those lines
24 just in the sense that children who are low SES tend to
25 be rated as performing more poorly by teachers.

1 Whether that reflects a bias or reflects a difference
2 in performance is a question.

3 Q. And they're reported as having performed more
4 poorly even though their performance on standardized
5 measures proves that they have the same capabilities as
6 higher economic status children, isn't that right?

7 A. Yeah, I mean I can't think of a particular
8 study offhand but...

9 Q. Are you aware of a study called, Early
10 Schooling and Social Stratification by Doris Entwistle
11 and Carl Alexander of Johns Hopkins University?

12 A. I have read some of their work. I am not
13 sure what that particular study -- what that particular
14 article is.

15 Q. And you are aware that in the Abecedarian
16 Project that it was generally believed by many that
17 teachers view minority children from low-income
18 families in negative and even pejorative ways, correct?

19 A. Yes.

20 Q. Would you agree that ideas like competence,
21 readiness, risk and promise are not characteristics
22 inherent in the child, but are notions created in and
23 across a variety of context including home, school, and
24 the larger society?

25 A. Yes.

1 Q. What did you do in your interviews with these
2 teachers at Hoke County to control for any potential
3 bias against children from low socioeconomic status
4 backgrounds?

5 A. I didn't do anything specifically to control
6 for that. I asked them about children in general in
7 their classrooms.

8 COURT: Well, weren't generally the children
9 in the classrooms in prekindergarten which are all you
10 looked at, in preschool, they were all from low
11 socioeconomic backgrounds as far as you knew.

12 THE WITNESS: For the most part I would
13 imagine there would be some kindergarten program that
14 wouldn't be true, but given the very high proportion of
15 low-income children there, the majority of them would
16 be, yes.

17 BY MR. ZIKO:

18 Q. But you don't know, do you?

19 A. No, I didn't get information about the income
20 status of the families of each of the children, no.

21 Q. And the children in the preschools were not
22 limited to low socioeconomic status children, were
23 they?

24 A. That's true.

25 Q. So when the teacher said that the children in

1 the preschool were performing better at the beginning
2 of kindergarten than other children, they could have,
3 in fact, been referring to children of high economic
4 status, could they not?

5 A. They could. When I talked to the
6 prekindergarten teachers, they did say there was some
7 range that while many or most of the family were low
8 income, that there were some that the children still
9 scored very low on the screening test and weren't
10 necessarily from the lowest income families. But I
11 think the high percentage of low-income families
12 overall in Hoke County suggests that there is not a lot
13 of families that aren't low income.

14 Q. I want you to look at Exhibit 222. Is that
15 Plaintiffs' Exhibit 222 that you have before you -- oh,
16 I'm sorry, 202.

17 A. 202, okay.

18 Q. I want you to turn to the Wings Screening for
19 1999, '89. Do you have that page?

20 A. Yes.

21 Q. This shows, does it not, that the large
22 majority of children who were screened and admitted to
23 this preK program were at or above their appropriate
24 developmental age when they were admitted to the
25 preschool?

1 A. Yes, I don't know the exact ages of the
2 children that were admitted, but, yes, I would imagine
3 that that is true.

4 Q. And that two children at the top scored --

5 A. Uh-huh.

6 Q. -- substantial gains in their Wings scores
7 over one year, correct?

8 A. Right.

9 Q. And you know, do you not, from turning the
10 page, that those were two children who were non-English
11 speaking when they came to the program?

12 A. Yes.

13 Q. And that over the course of the year they
14 became fluent in English?

15 A. Right.

16 Q. Children of that age, four to five years old,
17 have extraordinary language skills, don't they?

18 A. The ability to learn language, yes.

19 Q. That is exactly the time when they encourage
20 the learning of foreign languages for children, is it
21 not?

22 A. Actually, they probably encourage it even
23 earlier.

24 Q. But you are not at all surprised that a child
25 from the age four to five was able to become fluent in

1 English over the period of a year, are you?

2 A. Probably not with -- yeah, being in this kind
3 of a program where they have that kind of exposure,
4 yes.

5 Q. Exposure to English, correct?

6 A. Right.

7 Q. You are not aware of any special language
8 program they had for those children other than speaking
9 English to them, correct?

10 A. Right, I mean they also participated in ESL
11 classes and I don't know exactly what those entailed
12 for these children.

13 Q. Now, when you were talking to kindergarten
14 teachers in Hoke County, they were talking about the
15 skills that children brought to the school when they
16 began kindergarten, correct?

17 A. Right.

18 Q. As determined by their assessment of them and
19 their observation, correct?

20 A. Right.

21 Q. The transfer from whatever preschool
22 environment a child may have to kindergarten can be
23 traumatic, can't it?

24 A. It can be a difficult adjustment for some
25 children, yes.

1 Q. And that one of the major complaints that
2 kindergarten teachers have is that they don't have a
3 smooth transition period for students from preschool to
4 kindergarten, correct?

5 A. I don't know if that is one of the major
6 complaints that kindergarten teachers have, but I think
7 it is true that often the transition is a difficult
8 time for children in that both the preschools and the
9 elementary schools don't engage in as many activities
10 as they could to try to facilitate that transition.

11 Q. They don't do as many things like generate a
12 list of student names early enough for the teacher to
13 get to know who those students are, correct?

14 A. Right.

15 Q. They don't do things like have phased in
16 kindergarten over the first couple of weeks, correct?

17 A. I think a lot of the programs do. I don't
18 actually know whether the Hoke County schools does that
19 or not.

20 Q. And it is your professional judgment, though,
21 when a child is stressed that they often regress in
22 their developmental activities?

23 A. That they often regress in their behavior,
24 yes.

25 Q. So that if a child is exposed to a very

1 stressful transition to kindergarten, they're actually
2 likely to fall back in their development for a short
3 period of time, correct?

4 A. That's possible, yes.

5 Q. So that's a bad time to be assessing the
6 child's developmental skill, isn't it?

7 A. It is probably not as likely to effect some
8 of the cognitive skills, but it probably is more likely
9 to effect their social skills. I think children vary
10 in their responses to stress.

11 Q. Are you aware of the cross-cultural studies
12 being performed at the Frank Porter Graham Study
13 Center?

14 A. I know of some things that are going on,
15 yeah.

16 Q. And you're aware, are you not, that there
17 are -- there is an unresolved issue in the profession
18 as to the effect of cultural expectations from
19 perceptions of school success on children's ability to
20 be successful in school, correct?

21 A. True.

22 Q. And that is currently being studied, right?

23 A. Yes.

24 Q. Which implies that no one right knows the
25 answer, correct?

1 A. I guess that is what that implies, yeah.

2 Q. Are you aware of the subsidized day care
3 program in Hoke County?

4 A. I know that some things exist, yes.

5 Q. You know that North Carolina offers
6 subsidized day care, correct?

7 A. Yes.

8 Q. And that subsidy is available for any
9 licensed day care, correct?

10 A. Yes.

11 Q. And so a low-income parent would receive
12 money to send their child to a community center in Hoke
13 County provided that center was licensed, correct?

14 A. They could, and provided they had sufficient
15 funds to provide subsidies to any eligible parent who
16 requests it, yes.

17 Q. Is that subsidy limited to community-based
18 centers or can you also use that subsidy at family
19 centers and church centers?

20 A. I believe, yes, that they could use it at
21 family child care as well as church-based centers,
22 true.

23 Q. Now, you talked about the effect on math in
24 the Cost, Quality Study?

25 A. Yes.

1 Q. Now, you have noticed, have you not, in the
2 study that over time the difference in math and what is
3 the proper word skill, ability?

4 A. Skills, yeah.

5 Q. The difference in math ability between
6 children who attended low-quality day care and children
7 who attended high-quality day care over time that
8 difference narrows, correct?

9 A. No, math skills was the one characteristic
10 where overall there is not a decrease. There is a
11 decrease for children who's mothers have higher
12 education, but for children who's mother's have lower
13 education, the effect remains consistent over time, and
14 overall, there's an overall effect that remains
15 consistent over time.

16 Q. So that is it your opinion that based upon
17 the evidence you have now that difference will continue
18 through high school?

19 A. I think that would be a long way to
20 extrapolate from our data, but I think given what I see
21 about the math skills and our data, I don't see any
22 decrease in the effect of quality of care in that, so I
23 would expect that to probably maintain at least through
24 elementary school and it would be hard to predict what
25 would happen beyond that because it's so far removed

1 from the time of that experience.

2 Q. In fact, consistent with what you just
3 said --

4 A. Uh-huh.

5 Q. -- you would expect over time that probably
6 there would not be a difference among children based
7 upon the quality of the child care experiences,
8 correct?

9 A. I think in most other skills, I think there
10 were two areas we measured math skills and problem
11 behaviors where we didn't see a diminishing effect over
12 time. And it could be that those maintained
13 throughout. I really don't know. I don't know of
14 anybody who has studied that long term and effect for
15 community child care experiences.

16 Q. So your answer is you don't know?

17 A. Right, I think that there are some areas that
18 that would be the case and there are some that it's
19 quite possible that it wouldn't be.

20 Q. Are you familiar with the Bright Beginnings
21 Program in Charlotte-Mecklenburg?

22 A. I heard about it.

23 Q. Would you qualify that as a high-quality
24 program?

25 A. I wouldn't say that I know enough about it to

1 be able to say that. I just know that is an early
2 childhood program that they have there. I have never
3 actually visited one.

4 COURT: That's a program that is funded by
5 the Mecklenburg County Schools, Bright Beginnings?

6 MR. ZIKO: Your Honor, it is my understanding
7 that it's Title 1 money that goes to the Mecklenburg
8 County Schools it has been devoted to. I believe there
9 will be testimony eventually about that, so I don't
10 want to disqualify myself as counsel. I believe the
11 evidence will show that it's a Title 1 funded program.

12 COURT: I am not going to disqualify you from
13 that. That program has an educational component and
14 Smart Start Programs do not. You didn't know that, did
15 you?

16 MR. ZIKO: Well, Your Honor, I know more
17 about it than I am willing to share with you at this
18 point, but I do understand there's a heavy emphasis on
19 literary skills.

20 COURT: That's an education.

21 MR. ZIKO: Yes.

22 BY MR. ZIKO:

23 Q. Speaking of Title 1, Dr. Peisner-Feinberg, do
24 you have before you Plaintiffs' Exhibit 347? And this
25 is Hoke County's Title 1 Application?

1 A. Correct.

2 Q. Do you see that?

3 A. Yes.

4 Q. And it is captioned, Helping Disadvantaged
5 Children Meet High Standards, isn't it?

6 A. Yes.

7 Q. And on Page 3 of that report it shows \$75,000
8 being used for prekindergarten, correct?

9 A. Yes.

10 Q. And that there are over a million dollars of
11 Title 1 funds available in Hoke County, correct?

12 A. Correct.

13 Q. And to the extent that Hoke County is
14 permitting children of high socioeconomic status
15 parents to enroll in their kindergartens, they are not
16 helping disadvantaged children, are they not?

17 A. My understanding of the definition of
18 disadvantaged for Title 1 funds is that it -- or for
19 some of these kinds of programs is that they use a
20 definition of educationally disadvantaged.

21 Q. Looking at Exhibit 202 --

22 A. Yes.

23 Q. -- and the Wings scores, it would be your
24 opinion that children who are at their appropriate
25 developmental age are not educationally disadvantaged

1 at the age of four, are they?

2 A. Not on that particular measure, no.

3 MR. ZIKO: Your Honor, I find myself at one
4 of those junctures that Mr. Marquette found himself at
5 yesterday. If I could have five minutes, I could make
6 it shorter.

7 MS. DUBIS: Your Honor, I do know that Dr.
8 Peisner-Feinberg has a scheduling problem. She needs
9 to be in Asheville this evening and if we could kind of
10 wrap it up before our lunch break, I would appreciate
11 that.

12 COURT: Well, I think what we're going to do
13 is let Mr. Ziko have some time to gather himself for
14 five minutes and then he is going to cut it short, so
15 we will all just be at ease.

16 (Short recess taken.)

17 MR. ZIKO: Your Honor, I think we are ready
18 to cut this short.

19 BY MR. ZIKO:

20 Q. Dr. Peisner-Feinberg, are you aware of an
21 early childhood problem called The Graying of
22 Kindergarten?

23 A. Graying --

24 Q. The Graying of Kindergarten?

25 A. I'm not sure I've heard that term.

1 Q. The increase in the age of students in
2 kindergarten?

3 A. Yes.

4 Q. Are you aware of that?

5 A. I have heard of it in terms of academic red
6 shirting is the term I have.

7 Q. What is the socioeconomic class that
8 academically red shirts its children?

9 A. I think it varies across the lines, but often
10 we find it is middle-class families.

11 Q. And could you tell the Judge what academic
12 red shirting is?

13 A. It is where families make the decision to
14 hold their child back a year and so not send them to
15 kindergarten when they are first eligible, but send
16 them in the subsequent year with the idea that they
17 will have more skills developed and be able to perform
18 better.

19 Q. And as a result of that, that contributes to
20 the broad -- a broader range of child developmental
21 abilities in kindergarten, doesn't it?

22 A. Yes.

23 Q. It makes the task of the kindergarten teacher
24 more difficult, doesn't it?

25 A. Yes.

1 Q. And in that case a kindergarten teacher has
2 to be particularly concerned about sticking to an
3 appropriate kindergarten curriculum and not focusing
4 too much attention on the higher academic skills of the
5 red shirted students; isn't that correct?

6 A. That is what would be best for the children
7 in the class, that is not just focus at the upper end
8 of skills, but cover the range of where children are,
9 yes.

10 Q. But the fact is the studies are showing that
11 teachers are directing more of their skills to the
12 higher ability students and ignoring the lower skills
13 of the new students, right?

14 A. I think that is often true.

15 Q. Is it true that only about 55 percent of
16 kindergarten children attend any -- attend part day --
17 strike that. Let me start again.

18 Is it true that 55 percent of kindergartners
19 in the United States attend only part day programs?

20 A. I don't know the exact figure, but I know
21 that there are a substantial number of kindergartners
22 that are only part day and not full school day.

23 Q. And North Carolina offers full day
24 kindergarten, doesn't it?

25 A. That's correct.

1 MR. ZIKO: Your Honor, those are all of the
2 questions I have.

3 RECROSS-EXAMINATION BY MS. ANDERSON:

4 Q. Dr. Peisner-Feinberg, if I can direct your
5 attention back to Defendants' Exhibit 514 for just a
6 moment.

7 MR. ZIKO: Dr. Peisner-Feinberg, it's in the
8 notebook in front of you.

9 THE WITNESS: I'm sorry, if I could have a
10 clue. Thank you, yes.

11 BY MS. ANDERSON:

12 Q. The difference in the staff to children ratio
13 between an A licensed center and a double A licensed
14 center, is that difference significant based on your
15 knowledge of the research literature?

16 A. Yeah, I would say that that is for the ones
17 where there's a difference. I would say those are
18 substantial differences.

19 Q. What does the research show as to the
20 outcomes for low-income children when comparing those
21 participating in a community day care center with those
22 participating in a public prekindergarten program?

23 A. The -- I think it -- I mean, I think there
24 are different findings. I think what we found in our
25 study was that in general actually the children in the

1 community child care centers did better than the
2 children in the public preK centers in a lot of the
3 outcomes and we attributed that to the fact that even
4 though they were all low income, they were actually
5 somewhat different populations because the public preK
6 programs chose the very neediest children.

7 Q. I would like to direct your attention back to
8 Plaintiffs' Exhibit Number 347, the Title 1
9 Application.

10 A. Yes.

11 Q. Page 4 that you were looking at before. The
12 prekindergarten programs in Hoke County, are they
13 limited to the catchment areas for the schools that
14 they are offered at?

15 A. Yes, they are.

16 Q. And what is the percentage of low-income
17 children at Scurlock Elementary?

18 A. It is approximately 87 percent.

19 Q. And the percentage of low-income children at
20 South Hoke Elementary?

21 A. 81 percent.

22 Q. And the percentage of low-income children at
23 West Hoke Elementary?

24 A. About 78 percent.

25 Q. And those are the schools where the

1 prekindergarten program is offered?

2 A. Right.

3 Q. Are you aware of the literature on later
4 school success of children who have been retained in a
5 grade?

6 A. I have read some of that, yes.

7 Q. And what is your understanding of that
8 literature?

9 A. That actually retention is a predictor of
10 less success in school.

11 MS. ANDERSON: I don't have any further
12 questions.

13 REDIRECT EXAMINATION BY MS. DUBIS:

14 Q. Dr. Peisner-Feinberg, would you take one more
15 look at Defendants' Exhibit 514 in the notebook?

16 A. Yes.

17 Q. Looking at the staff qualifications for the
18 double A -- for the single A and the double A licenses,
19 what is the highest degree that is required under
20 either of those licenses?

21 A. The highest degree that is required is a high
22 school diploma or the equivalent for a lead teacher.

23 Q. Okay. And that is true for double A
24 licensing as well?

25 A. Yes.

1 Q. Dr. Peisner-Feinberg, Mr. Ziko asked you some
2 questions regarding teachers directing instructions --

3 A. Yes.

4 Q. -- or allowing students to have time to
5 direct their own instruction. Do you recall those
6 questions?

7 A. Yes.

8 Q. Okay. Based on your observations in Hoke
9 County, do you think that the Hoke County preK teachers
10 could benefit from organized staff development and
11 training in that area?

12 A. Yes, I do.

13 Q. Would that be more beneficial than reading
14 materials provided by Frank Porter Graham or any other
15 organization?

16 A. Yes, I would imagine that generally having
17 instructions with an instructor where you can ask
18 questions and that sort of thing is more beneficial
19 than just reading materials on your own.

20 Q. So if there were more funds available for
21 those prekindergarten teachers to get that kind of
22 staff development that would be beneficial for the
23 program overall?

24 A. I would expect that it would, yes.

25 Q. May I ask you to look again at Plaintiffs'

1 Exhibit 390. Mr. Ziko asked you to read a couple of
2 sentences from this exhibit regarding the findings of
3 Head Start long-term effects.

4 A. Yes.

5 Q. Do you recall that question? Do you have an
6 explanation for those findings?

7 A. Yes, I think there are a couple of things. I
8 think one is that the -- when you look at the very
9 early Head Start Programs that were first begun, they
10 actually were just a summer program and so I think part
11 of it is looking at the amount of program that children
12 got. I think also that when you look at things like
13 measures of academic skills that children have later in
14 school subsequent to participation in some sort of
15 program, you have to consider the fact that they have
16 also had exposure to other grades and other experiences
17 in between that as well, and so that you are not
18 looking any more just at the effects of participation
19 in a program versus not, that you have also got to
20 realize that children have had a variety of other kinds
21 of experiences that also contribute to how they are
22 performing at that point.

23 Q. And is it true that the quality of those
24 intervening experiences can have an effect on the
25 student's long-term success in school?

1 A. Yes.

2 Q. And how does that correlate?

3 A. In the same way that I think there can often
4 be independent effects of these different experiences,
5 so that you've got an effect of preschool, but you've
6 also got the effect of kindergarten, got the effect of
7 first grade, second, you know, whatever it is that you
8 are looking at. Not to mention that for any given
9 child, the more years that you add onto that, the more
10 possibilities there are for discontinuities of
11 experience from one time point to another.

12 Q. And in those later grades would you expect to
13 find similar results in terms of the quality of the
14 program in kindergarten, first grade, second grade and
15 the long-term effects?

16 A. Yes, I would expect that there probably would
17 be. I am not sure that there are exactly the same kind
18 of measures or as good measures for later grades, but I
19 would think that you would find that. I think what you
20 have to expect is that a program at any age is going to
21 have its strongest impact during that period of time in
22 the child's life and immediately subsequent to that.
23 And that the farther away in time you get from that
24 experience and the more intervening experiences you
25 have in between, that then there is that many more

1 factors contributing to where that child is
2 developmentally at this point.

3 Q. But would you expect to see that in those
4 intervening years if a child has been exposed to school
5 where there is strong and good quality teachers --

6 A. Right.

7 Q. -- resources, quality programs, remediation,
8 those sorts of things available, that you would see a
9 correlation between the quality of those intervening
10 years and the child's later success in school?

11 A. I would expect it, yes, that you would find
12 that.

13 Q. The studies that have looked at the effects
14 of Head Start, what populations have they compared?

15 A. In general what most of the studies have done
16 when they have done a comparison group is they have
17 looked at children who were not selected into the
18 program. I am talking about kids that were on the
19 waiting list that didn't get into the program, so it is
20 families who were interested in enrolling their child,
21 but the child was not selected. Typically Head Start
22 Programs select children on the basis of those with the
23 greatest need. According to a particular set of
24 criteria they use, income is a basic eligibility
25 criteria that they need to meet, but then different

1 programs are able to develop their own sets of
2 criteria, so they may look at other things like
3 parental education or they may look at whether it is a
4 single parent or two parent family, or, you know, they
5 have their own set of risk factors that they use and
6 then --

7 Q. Do some of them also look at levels of
8 development the way Hoke County screens according to
9 the developmental --

10 A. Yes, I think some of them do that as well.
11 The individual programs are able to make decisions
12 about what criteria they use.

13 Q. So in those studies is it true that often the
14 Head Start Studies are comparing the neediest children
15 or the children with the most at risk factors compared
16 to children who did not have as many at risk factors?

17 A. Right, the problem is that there has not
18 ever, to my knowledge, been a study done of Head Start
19 that has used techniques such as random assignment like
20 they did in early intervention studies where they
21 randomly assign children so that you would expect the
22 children in the intervention group and the control
23 group start out similar and then the difference is the
24 intervention experience.

25 In Head Start what they typically do is they

1 have chosen children that are less advantaged and then
2 what is left for a comparison group is children by
3 definition that are more advantaged.

4 Q. Does that also account for, at least in part,
5 the effects that you have seen in your Cost, Quality
6 Study, that show certain children participating in the
7 community -- the child care shows more positive effects
8 than children participating in the public preK program?

9 A. That was the public preschool study.

10 Q. The public preschool study I am talking
11 about.

12 A. Yes, that was our explanation that the public
13 preK kids were actually more, as well as the Head Start
14 kids, were more needy groups because both programs
15 chose specifically the very neediest children and then
16 the community child care children then by definition
17 were the ones who didn't get into those programs or may
18 not have applied at all and were probably more
19 advantaged on average.

20 Q. So the ones who were in the public preK and
21 the Head Start started further behind than the other
22 children; is that accurate?

23 A. Yeah, that's what -- yes, we didn't
24 actually -- we only had measures of where the public
25 preK kids started. We had measures on everybody once

1 they were in kindergarten.

2 Q. Mr. Ziko asked you a number of questions
3 about the Abecedarian Study --

4 A. Yes.

5 Q. -- and the kinds of interventions that were
6 provided in that study. In your research and in
7 subsequent research, have you found that less elaborate
8 programs, less elaborate interventions also show
9 long-term effects on children's outcomes?

10 A. Yes, I think that it is definitely true that
11 the Abecedarian Project was among one of the most
12 intensive early intervention programs and that it did
13 start with children from infancy and offered a
14 preschool education program through the time they
15 entered kindergarten. That when you look at things
16 like the Consortium Studies most of those were one or
17 two year programs for children and started when they
18 were three or four and that they did then find lasting
19 effects on some indicators and long term, but not
20 permanent effects on some other indicators.

21 Q. So you don't have to intervene from birth to
22 have long-lasting effects, is that true?

23 A. Right.

24 Q. And you were also asked a number of questions
25 about the role of family support and children's success

1 in school. Do you recall?

2 A. Yes.

3 Q. Can children from nonsupportive families
4 nevertheless benefit from preK programs?

5 A. Yes, I think that those are independent
6 contributions to how children do and say that
7 particularly our research and from the Cost and Quality
8 Study supports the fact that actually the children who
9 are in families with lower levels of maternal
10 education, which I think is an indicator of family
11 environments tend to be less supportive of their
12 development in learning, actually benefit even more
13 from the higher quality programs than do other
14 children.

15 Q. You were also asked questions about whether
16 any parent could provide a supportive, educational
17 environment for a child. Do you recall that question?

18 A. Yes.

19 Q. Do all parents know how to do that?

20 A. No. I would say it is my opinion that all
21 parents don't. I think -- I sort of recall that set of
22 questions. I think that I would say that I think that
23 most parents are probably loving parents, but that that
24 in and of itself isn't a guarantee that you know what
25 is best to do for your child's development or

1 necessarily have the resources at your disposal to be
2 able to provide that.

3 Q. Is that true of parents from all income
4 levels?

5 A. I think so. I think it is probably even more
6 the case that for families from low-income levels that
7 they are even less likely to be able to have the
8 resources to provide for their child particularly
9 things like single parent families or families that
10 just because they are poor aren't able to provide as
11 much for the children, may have other kinds of
12 stressors that impact on their life that then effect
13 their interactions with their child.

14 Q. You were asked a number of questions about
15 the skills kindergarten teachers look for in both
16 children coming into kindergarten and leaving
17 kindergarten. With respect to the specific skill of
18 holding a pencil, was it your understanding the
19 teachers were talking about the proper way to grip a
20 pencil, holding it on the third finger versus the
21 fourth finger, those kinds of things?

22 MR. ZIKO: Objection, leading.

23 BY MS. DUBIS:

24 Q. What is your understanding of what the
25 kindergarten teacher's expectations were with respect

1 to holding a pencil?

2 A. My understanding, I think I had mentioned
3 before in my answer to that question was that I think
4 what they were talking about was not a proper grip, but
5 actually talking about knowing how to use it as a
6 writing tool and that's what it is for.

7 Q. Knowing which end writes and which end
8 doesn't, for example?

9 A. Right, and even what you do with a pencil,
10 what the purpose of it is.

11 Q. And did they report that some children didn't
12 know how to do that?

13 A. Yes.

14 Q. Along those same lines of questions you were
15 asked whether those kinds of skills could be taught in
16 kindergarten. Do you recall that?

17 A. Yes.

18 Q. The fact that those skills may be taught in
19 kindergarten, does that discount, in your opinion, the
20 value of a prekindergarten experience?

21 MR. ZIKO: Objection, leading.

22 COURT: Overruled in the interest of the
23 shortness of life.

24 THE WITNESS: No, I think that my opinion
25 would be that yes, that if a child doesn't come to

1 kindergarten with the skills that they ideally would
2 have to be prepared that you can spend the kindergarten
3 year teaching them those skills instead, but then what
4 ends up doing is preventing them from learning other
5 kinds of skills.

6 BY MS. DUBIS:

7 Q. And does that prevent them from learning
8 skills that they need to go onto the next grade?

9 A. Presumably, and so I think you end up with
10 children either at some point clearly not prepared or
11 you end up with the education needing to move itself
12 down and eventually in the end never getting as far as
13 you would like to see them get.

14 Q. Mr. Ziko asked you whether it is possible to
15 identify three- and four-year-olds who would benefit
16 from preK or who would or would not be successful later
17 on. Do you recall that?

18 A. Yes.

19 Q. Are there factors that make it more or less
20 likely that a three- or four-year-old can be successful
21 later on in school?

22 A. Yes, I think the question was whether you can
23 identify a child at three or four who will fail or
24 succeed in school and then my answer was no, I don't
25 think you can for sure identify a child, but I think

1 there are factors that make it more or less likely that
2 there will be a child who succeeds. And those are
3 scenes like children coming from families with higher
4 income levels, with more education, having more
5 resources, being exposed to preschool experience,
6 formal preschool experience, and that sort of thing.

7 Q. Dr. Peisner-Feinberg, when you were in Hoke
8 County did you see any evidence of teacher bias against
9 children from low socioeconomic status families?

10 A. I didn't see any evidence, no.

11 Q. And can I ask you to look one last time
12 hopefully at Plaintiffs' Exhibit 202. If you will look
13 at the last -- next to the last page, the Wings
14 Screening?

15 A. Yes.

16 Q. Will you look at the sixth child listed on
17 the Wings Screening?

18 A. Yes.

19 Q. And what is the prescreening or the first
20 screening, what is the developmental age on the Wings
21 Screening?

22 A. Four years, zero months.

23 Q. Now, can you turn back a page to the LAPD
24 Screening Score and can you find that same child on
25 this list?

1 A. Yes.

2 Q. The last child listed?

3 A. Yes.

4 Q. Okay. And what is that child's LAPD score?

5 A. A seven.

6 Q. And what is your understanding of what that
7 seven score means, seven out of how many?

8 A. That is a seven out of 16 and that they were
9 items that you would expect children at that age to be
10 able to perform.

11 Q. So that child was able to perform less than
12 half of the items on that screening test?

13 A. Correct.

14 Q. And can you flip back over to the Wings
15 Screening?

16 A. Yes.

17 Q. And can you look at the next child listed
18 below the one that we just discussed?

19 A. Yes.

20 Q. And that child's developmental age was?

21 A. Also four years and zero months.

22 Q. Now, can you flip back to the LAPD Score and
23 find that child listed?

24 A. Yes, that was a four out of 16.

25 MS. DUBIS: I have nothing further, Your

1 Honor.

2 MS. ANDERSON: Nothing further.

3 RECROSS EXAMINATION BY MR. ZIKO:

4 Q. As between the LAPD and the Wings, you didn't
5 know which one is a better predictor of child
6 performance, do you?

7 A. No, I think the LAPD has been more widely
8 used, but --

9 Q. That wasn't my question. I asked you you
10 don't know which one is a better indication of a
11 child's performance, do you?

12 A. No.

13 Q. When Ms. Anderson asked you about the
14 negative correlation between retention and student, was
15 it success in school?

16 A. Yes.

17 Q. Do you know how they were measuring students'
18 success?

19 A. I think studies have measured it in different
20 kinds of ways in terms of achievement in school or
21 subsequent retention.

22 Q. And it was your understanding, I believe,
23 that in retention you meant when a child finishes
24 fourth grade and they haven't mastered the skills, they
25 put them back in fourth grade and start it from the

1 very beginning as though they had just finished third
2 grade, correct?

3 A. Correct.

4 Q. Do you know of any reason why a teacher
5 should have to do that?

6 A. I think that there are sometimes cases where
7 the child didn't master the skills and so it is
8 beneficial to the child to repeat. I think that can
9 also, though, be an indication that the teaching wasn't
10 appropriate to enable the child to develop the skills,
11 and that what you often end up with is children who
12 either get established on this trajectory of not being
13 successful in school and continue in that or you can
14 also get the case that children then are -- it can
15 affect their attitude toward school and it can also
16 inhibit their learning, because they are being
17 re-exposed to something that they have learned even
18 though they haven't fully mastered everything and not
19 being exposed then to additional material.

20 Q. As between school and home life --

21 A. Uh-huh.

22 Q. -- the home life has a greater impact on
23 student performance than the school does, doesn't it?

24 A. I think when you look at a lot of
25 particularly cognitive skills, you tend to find that

1 actually home factors are stronger predictors than the
2 quality of the experience that children have had.

3 MR. ZIKO: Those are all of the questions I
4 have, Your Honor.

5 REDIRECT EXAMINATION BY MS. DUBIS:

6 Q. Dr. Peisner-Feinberg, I just want to ask you
7 to explain your last answer.

8 A. Okay.

9 Q. What do you mean that the home life is
10 stronger than the quality of experience. I'm not
11 sure --

12 A. That when you look at -- I guess I am
13 thinking specifically in terms of looking at things
14 like the effects of the quality of preschool, that when
15 you look at predictors of how a child is performing,
16 their cognitive skills, things like language ability or
17 math ability or those kinds of things, that both family
18 characteristics and child care quality are predictors.
19 Actually, family characteristics usually tend to be
20 stronger predictors than does child care quality.

21 And the way we think about that is that the
22 family characteristics represent the family environment
23 for the child. That is the consistent environment over
24 time where the effects of this -- of the child care
25 experience that we are looking at is an important

1 contributor beyond that, but it is also an experience
2 that the child has for just one year in that period of
3 time and so that you wouldn't expect it to have as
4 strong an effect.

5 Q. If children from the same family and home
6 characteristics --

7 A. Uh-huh.

8 Q. -- have differing levels of quality preK
9 experience, would that effect the outcome?

10 A. Right, I think if you control, that's what we
11 do is control for the family effects, and then when you
12 control for those and take those into account, then
13 what you find is that the quality of the program still
14 has an effect beyond the differences in family
15 background. If you could do a study looking at
16 children that just had exactly the same family
17 background and then differ just in terms of the kinds
18 of experiences that they have had, then you obviously
19 wouldn't find an effective family background because it
20 is all the same. But I would expect that you would
21 then find an effect of the difference in the quality of
22 those experiences.

23 Q. So in a community with large percentages of
24 poor families and large percentages of single parent
25 homes, for example, would you expect that the quality

1 of prekindergarten experiences those children receive
2 will have an effect on their later success in school?

3 A. Yes, I would expect that it would.

4 MS. DUBIS: No further questions.

5 RECROSS EXAMINATION BY MR. ZIKO:

6 Q. Dr. Peisner-Feinberg, you cannot control in a
7 volunteer program for parental interest in education,
8 can you?

9 A. No, you can't.

10 MR. ZIKO: No further questions.

11 MS. DUBIS: Nothing further.

12 MS. ANDERSON: Nothing here.

13 COURT: Would you like to go to Asheville?

14 THE WITNESS: Yeah, I am going to be late.

15 COURT: Do you want a note?

16 THE WITNESS: That could be interesting. No,
17 thank you.

18 COURT: I will write you a note that we
19 wouldn't let you go. You want me to cancel the trip up
20 there and just tell them you're too tired?

21 THE WITNESS: Now, that would be nice. I had
22 somebody that offered to leave at 4 o'clock tomorrow
23 morning instead to get there, but...

24 COURT: Thank you, ma'am, you may be
25 excused.

1 THE WITNESS: Thank you.

2 COURT: And we will be excused until 2:45.

3 It is now 1:30.

4 (Luncheon recess.)

5 MR. TILLER: Your Honor, before we proceed
6 with the next witness, I would like to offer into
7 evidence a group of exhibits that have to do with
8 testing. They are, I think, 21 exhibits. The ones we
9 do not propose to work with any witness on at this
10 point or read from, but I think all state documents --
11 I think all nonobjected to. And if I could, I would
12 like to read the list.

13 COURT: What page are they on on the exhibit
14 list?

15 MR. TILLER: Let's see.

16 COURT: They're short of being in
17 chronological order and all neatly arranged.

18 MR. TILLER: They start with Number 59. And
19 I will try to read them in order going forward.

20 COURT: Wait a minute. Now, don't go too
21 fast. See, I keep my own list up here. It is very
22 important for me to use it. Now that I know how to use
23 a pen properly. I was doing this at the beginning of
24 this case.

25 MR. SPEARMAN: But that was before preK.

1 COURT: After preK, I'm out. Okay. 59.
2 MR. TILLER: 59, 60, the next one is 166 and
3 then 226.
4 COURT: You are going too fast. Remember, I
5 am using two pens now; one yellow and one black so.
6 156?
7 MR. TILLER: 166.
8 COURT: All right.
9 MR. TILLER: And then 226, 227.
10 COURT: Uh-huh.
11 MR. TILLER: 294.
12 COURT: Uh-huh.
13 MR. TILLER: The next one is 295.
14 COURT: Okay.
15 MR. TILLER: 298.
16 COURT: All right.
17 MR. TILLER: 313.
18 COURT: Okay.
19 MR. TILLER: 314.
20 COURT: All right.
21 MR. TILLER: 315.
22 COURT: Next.
23 MR. TILLER: 342.
24 COURT: Okay.
25 MR. TILLER: 344.

1 COURT: Okay.

2 MR. TILLER: 350.

3 COURT: Okay.

4 MR. TILLER: 355, 358.

5 COURT: Okay.

6 MR. TILLER: Then 365.

7 COURT: Boy, that looks like a doosie that
8 you -- you want me to read that thing? Recent Trends
9 of Selective Statistics. Who prepared that, the
10 Justice Department?

11 MR. TILLER: I believe, Your Honor, that is a
12 state document, if I am not mistaken.

13 COURT: I am talking about the United States
14 Department of Justice.

15 MR. TILLER: Again, I think it's a North
16 Carolina --

17 COURT: Sounds fishy. Selective Statistics.
18 I am sure it is going to be a soul-searching purported
19 document.

20 MR. TILLER: I hope it won't be, Your Honor.
21 After 365 is 374.

22 COURT: All right.

23 MR. TILLER: 383, 385 and the last one is
24 447.

25 COURT: All right. I am just looking at this

1 Selective Statistics.

2 MR. TILLER: Your Honor, Ms. Dubis brought to
3 my attention that one of the documents does have an
4 objection, which I didn't realize, which is 355.

5 COURT: Right.

6 MR. TILLER: And certainly the State would
7 like to discuss that if we can at this time.

8 MR. ZIKO: Your Honor, Exhibit 355 we object
9 to on the grounds of hearsay. It is a report of the
10 Mathematical Science Achievement in the final year of
11 secondary school generated by the Third National
12 Mathematical Science Study, otherwise known as a
13 TNMSS. It's a political document, Your Honor, and we
14 would object to its use in this trial for the purpose
15 of establishing any facts at issue.

16 MR. TILLER: Your Honor, we believe it is a
17 report that qualifies for admission under Rule 803.

18 COURT: What month or year do you want me to
19 look at that?

20 MR. TILLER: Your Honor --

21 COURT: Why should I look at that? We got
22 more statistics than you can shake a stick out at or
23 anything about in North Carolina, so what singles this
24 work out above and beyond all other 27,000 pages?

25 MR. TILLER: I think the relevance of that

1 will be clear once the State begins its case. It has
2 to do in part with the State's experts that are drawing
3 on national/international comparisons. So it's with
4 that in view that we put that on the table.

5 COURT: You plan to use it on
6 cross-examination?

7 MR. TILLER: That's our plan, Your Honor.

8 COURT: All right. Then at such time as you
9 intend to use it, you offer it.

10 MR. TILLER: That's fine.

11 COURT: I am not excluding it. I am just
12 waiting for somebody's live body to get up and
13 acknowledge it.

14 MR. TILLER: Okay.

15 COURT: I want you to use it before I take it
16 into the bosom of the Court, so to speak.

17 MR. TILLER: Yes, Your Honor. With the
18 exception, then, of 355, we would offer all of those.

19 COURT: Admitted.

20 MR. TILLER: Thank you.

21 COURT: Are you going to bring Dr. Natriello
22 back for any further testimony?

23 MR. GOVERT: I don't anticipate on bringing
24 him back at this time, Your Honor. I don't know
25 whether there might be something done by the State that

1 would require that, but...

2 COURT: If he has to come back, I hope he is
3 going to know what the Wings assessment is.

4 MR. GOVERT: We will be sure to give him a
5 thorough grounding of Wings, Your Honor.

6 COURT: Because you've had two in a row miss
7 it by the way. She missed it, too.

8 MR. GOVERT: When you say "you," I am not
9 exactly sure who you are referring to.

10 COURT: You. Everybody, I refer to everybody
11 over there. You all such good friends.

12 MR. GOVERT: In this whole circle you mean?

13 COURT: Yeah, you. Now, are you going to
14 call somebody now?

15 MR. GOVERT: Yes, sir. Before I do, I want
16 to make inquiry. We have a number of exhibits that we
17 also want to introduce into evidence, some of which are
18 unobjected to, many of which are. I am not sure,
19 because obviously our case is a little mixed together
20 here, should I just wait until they all get finished --
21 I am just, as you please.

22 COURT: Just don't forget to do it.

23 MR. GOVERT: No, I won't forget to do it.

24 COURT: Let's go ahead. If we have a live
25 witness, let's go ahead and move on with that. The

1 introduction of exhibits we can do at a time when we
2 don't have somebody standing by eagerly waiting to
3 testify.

4 MR. GOVERT: Yes, sir.

5 COURT: Who they going to face today? Had
6 one person from the State side that's been so quiet
7 today, it is hard to --

8 MR. GOVERT: I can't imagine how that has
9 happened, Your Honor, but...

10 MR. SPEARMAN: It can probably be remedied.

11 COURT: It looks like he is getting ready for
12 whoever is next.

13 MR. GOVERT: He has that look on his eye, I
14 guess.

15 COURT: Yeah.

16 MR. GOVERT: Your Honor, the Plaintiff
17 Intervenor would call Barb Pellin.

18 COURT: She has been here all morning and she
19 has watched everything so she's comfortable.

20 MR. GOVERT: Yes, sir.

21 COURT: I am glad.

22 BARBARA PELLIN, being first duly sworn, testified as
23 follows during DIRECT EXAMINATION

24 BY MS. ANDERSON:

25 Q. Good afternoon. Would you please state your

1 name for the record?

2 A. Barbara Jean Pellin.

3 Q. And where do you live, Ms. Pellin?

4 A. I live in Charlotte, North Carolina.

5 Q. And who is your current employer?

6 A. Charlotte-Mecklenburg Schools.

7 Q. What's your current position with the
8 Charlotte-Mecklenburg Schools?

9 A. I'm Assistant Superintendent for Student,
10 Family and Community Services.

11 MR. MARQUETTE: Your Honor, excuse me, I hate
12 to interrupt, but if she could speak up, please.

13 COURT: If you could speak up. If you need
14 to use the microphone, feel free.

15 BY MS. ANDERSON:

16 Q. Ms. Pellin, what are your responsibilities as
17 the Assistant Superintendent for Student, Family and
18 Community Services in Charlotte-Mecklenburg schools?

19 A. I oversee and manage several different
20 departments. And included in those departments are
21 guidance and student services, early prevention and
22 prevention/intervention departments, our dropout
23 prevention, our early childhood services and school
24 health services, our family services and our Chromer
25 Program, school development program, our before school

1 and after school enrichment services, as well as any
2 other special initiatives or projects that the
3 superintendent assigns to our office.

4 Q. How long have you been the Assistant
5 Superintendent for Student, Family and Community
6 Services?

7 A. It has been five years.

8 Q. Did you hold any positions with the
9 Charlotte-Mecklenburg schools prior to that?

10 A. I did.

11 Q. And what position did you hold?

12 A. I was Director of Family and Community
13 Services and Relations.

14 Q. And what were your responsibilities in that
15 position?

16 A. They were very focused on the family programs
17 and community relations pieces of the school system.

18 Q. How long did you hold the position as
19 Director of Family and Community Relations?

20 A. About a year.

21 Q. And what was your employment prior to working
22 for the Charlotte-Mecklenburg schools?

23 A. I was employed by Mecklenburg County Health
24 Department.

25 Q. What was the last position you held with the

1 Mecklenburg County Health Department?

2 A. I was a Program Chief for their Parent and
3 Adolescent Child Division.

4 Q. And what were your responsibilities as
5 Program Chief?

6 A. I oversaw all of the programs and services
7 that dealt with services for parents, adolescents and
8 children. And also included is school health services
9 as well as our child clinics and our school clinics.

10 Q. How long did you have the position as Program
11 Chief for the Mecklenburg County Health Department?

12 A. For two years.

13 Q. And did you hold any other positions at the
14 Mecklenburg County Health Department prior to that?

15 A. I did. I was a school nurse and served a
16 variety of level of schools from elementary, middle,
17 and high school, as well as the program for excluded
18 students and our alternative students, and worked in
19 the clinics.

20 Q. And how long total did you work for the
21 Mecklenburg County Health Department?

22 A. A total of 12 years.

23 Q. Did you attend college, Ms. Pellin?

24 A. I did.

25 Q. Do you hold any degrees from college?

1 A. I do.

2 Q. And what degrees do you hold?

3 A. I hold a Bachelor's of Science in Nursing and
4 an R.N. from Case Western Reserve University and I hold
5 a Master's in Public Health from UNC-Chapel Hill.

6 Q. When did you receive your Master's in Public
7 Health?

8 A. 1992.

9 Q. Can you explain a little bit what is involved
10 in obtaining a Master's in Public Health degree?

11 A. It is really the study of aggregate
12 populations in preventions and interventions that
13 affect those populations, as well as a great deal of
14 emphasis on community diagnosis and community
15 assessment and planning. And then programs that meet
16 the needs of those communities and aggregate
17 populations.

18 Q. What do you mean by community diagnosis?

19 A. Looking at a community and understanding the
20 needs and the resources within that community and the
21 needs of the populations that reside within that
22 community.

23 Q. Does your Master's in Public Health degree
24 have any application to your current position for the
25 Charlotte-Mecklenburg schools?

1 A. It very definitely does.

2 Q. And what application does it have?

3 A. Particularly as it relates to looking at the
4 needs of all of the children within the school system
5 and looking at program designing, implementation for
6 those programs, and meeting the needs of the school age
7 population.

8 Q. How is it that you came to work for the
9 Charlotte-Mecklenburg schools after working for the
10 Health Department?

11 A. I was approached by several -- many people
12 from the school system when the position became vacant
13 and I also felt it was a professional challenge for me
14 at that point, that I really -- from my experience as a
15 practitioner and as an administrator, saw how very
16 closely interwoven school and education and health
17 things were. And that was a great opportunity in
18 helping to make a significant contribution to the
19 system and the children.

20 Q. Do you belong to the Board of Directors of
21 any organizations?

22 A. I do.

23 Q. About how many organizations?

24 A. Six or so.

25 Q. Are any of those organizations concerned with

1 the needs of young children?

2 A. Yes, all of them are.

3 Q. You mentioned that among your
4 responsibilities of the Charlotte-Mecklenburg schools
5 is for early childhood education. What is the primary
6 focus of Charlotte Mecklenburg's early childhood
7 educational programming?

8 A. It focuses on preparing our four-year-old
9 children for entry into kindergarten.

10 Q. Is there a name for the program?

11 A. Yes, it is Bright Beginnings.

12 Q. What is the age of children served by the
13 Bright Beginnings Program?

14 A. They are four-year-olds.

15 Q. And what sites do you use to serve the
16 children?

17 A. We use a variety of sites. We have three
18 centers that are dedicated totally to the four-year-old
19 population and then some school-based sites. This year
20 in seven of our elementary schools.

21 Q. What is the size of the classes in your
22 Bright Beginnings Program?

23 A. There are 16 to 18 children.

24 Q. All right. And what are the qualifications
25 of the teachers that teach in the Bright Beginnings

1 Program?

2 A. They are birth to kindergarten certified.

3 Q. Do they have to have any other educational
4 backgrounds or degrees?

5 A. They are very much focused on early childhood
6 and either if they are not certified as a preK
7 certified teacher they are working on a provisional
8 certification.

9 Q. Are they required to have a Bachelor's Degree
10 in order to have that certification?

11 A. Yes, they are.

12 Q. When did Bright Beginnings start?

13 A. In 1997.

14 Q. Did the Charlotte-Mecklenburg schools provide
15 prekindergarten services before Bright Beginnings
16 started?

17 A. Yes, we did.

18 Q. Is Bright Beginnings different from the
19 program that was offered before 1997, the
20 Charlotte-Mecklenburg schools?

21 A. It is.

22 Q. How is it different?

23 A. It is very focused on an aligned, assessed
24 and taught curriculum that focuses on literacy and
25 language development and preemergent literacy.

1 Q. What do you mean by preemergent literacy?

2 A. It's those sets of skills and understanding
3 that really help children to look at language
4 development, showing that circles and lines make
5 letters, and those letters are sounds, and those sounds
6 create words, and those words create stories, and there
7 are understandings behind those stories.

8 Q. Why did Charlotte-Mecklenburg develop a new
9 prekindergarten program?

10 A. It was twofold really. Looking at the data
11 of our kindergarten students who were coming to
12 kindergarten not on a level playing field, we really
13 felt that was important. Plus the system has four
14 major goals. One of them being academic achievement,
15 and a component goal within that academic achievement
16 goal is that 85 percent of our third graders will read
17 on or above grade level by 2001. And that was very
18 much focused on language development for our children.

19 Q. You mentioned a minute ago that you saw that
20 some of your children were not starting on a level
21 playing field. What do you mean by that?

22 A. I mean they were coming to us without the
23 skills and knowledge base and social behaviors that
24 would really place them on an equal par with their
25 peers.

1 Q. How was Bright Beginnings developed?

2 A. We utilized a service integration team that
3 had representatives from many departments that came
4 together, but I was responsible for really designing
5 and implementing the program.

6 Q. About how many people worked on that team?

7 A. There were about ten of us.

8 Q. And over what period of time did you develop
9 Bright Beginnings?

10 A. We had about eight months to develop it in.

11 Q. What was the basis for what became the Bright
12 Beginnings Program? What kinds of things did you do to
13 develop it?

14 A. We did a lit search really and looked at
15 programs that worked throughout the country, looked at
16 the NEAYC materials and really began to focus on what
17 were best practices in research theory that taught us
18 would be helpful and would be a successful program.

19 Q. What was some of the research that your team
20 reviewed?

21 A. We looked at the High Scope Perry Preschool
22 Program, the Abecedarian Project through UNC
23 Chapel-Hill, the Kentucky Program that looks at
24 prekindergarten programming pieces. We also looked at
25 the Longitudinal Consortium Studies, we looked at a lot

1 of the brain research also out at Dr. Shagani's office
2 and the Ramey and Ramey Studies.

3 Q. How many children does Charlotte-Mecklenburg
4 schools serve with Bright Beginnings?

5 A. We currently serve about 1900 children.

6 Q. And do you have any plans to expand Bright
7 Beginnings?

8 A. We do.

9 Q. Why is that?

10 A. Because we have seen the results. We have
11 seen so far are very favorable showing that that kind
12 of quality prekindergarten intervention can make a
13 difference particularly for low socioeconomic students.

14 Q. Are you currently able to serve all of the
15 children that you would like to serve at Bright
16 Beginnings?

17 A. No, we are not.

18 Q. About how many children do you -- would you
19 like to be able to serve additional to the 2,000 you
20 are currently serving?

21 A. At least another 2,000.

22 Q. What is the approximate budget that
23 Charlotte-Mecklenburg schools spends on Bright
24 Beginnings?

25 A. About ten and a half million dollars.

1 Q. And what is a source of that funding?

2 A. 85 percent of the funding comes from our
3 Title 1 monies.

4 Q. And where does the remaining 15 percent come
5 from?

6 A. From local budgets as well as grants that we
7 have received.

8 Q. We will get to more detail about this later,
9 but are the Charlotte-Mecklenburg schools currently
10 evaluating the effectiveness of Bright Beginnings?

11 A. We are.

12 Q. In general terms, what does that evaluation
13 show to date?

14 A. It shows that our Bright Beginnings
15 students --

16 MR. ZIKO: Objection. She hasn't been
17 qualified to interpret what the results show, Your
18 Honor. She can talk about the data, but she is not
19 entitled to talk about her opinion about what they
20 show.

21 COURT: Sustained.

22 BY MS. ANDERSON:

23 Q. Ms. Pellin, have you made any presentations
24 concerning the Bright Beginnings Program?

25 A. Yes, I have.

1 Q. What kinds of groups have you made
2 presentations to?

3 A. I've made them to several local groups. Our
4 chamber of commerce, agency groups within our
5 community. I was asked to present, along with
6 Representative Mel Watt to a body of federal
7 legislatures, also to the State Educational Committee
8 for North Carolina.

9 Q. All right. Has Bright Beginnings received
10 any awards or other recognition?

11 A. Yes, we have. We received a Magna Award from
12 the National School Board Association.

13 Q. And what do the Magna Awards recognize?

14 A. They recognize excellence in educational
15 reform.

16 Q. Was there any money associated with that
17 award?

18 A. No, there wasn't.

19 Q. Has Bright Beginnings received any other
20 recognition?

21 A. We have. We have been listed in two
22 publications out of the U.S. Department of Education
23 through Secretary Reilly's office.

24 Q. And what kinds of publications are those?

25 A. One of them is called, Start Early, Finish

1 Strong. The other one is, Responsibility for Ending
2 Social Promotion.

3 MS. ANDERSON: Your Honor, at this point I
4 would tender Ms. Pellin as an expert in managing and
5 developing a public school prekindergarten program.

6 MR. ZIKO: Your Honor, we would object. If
7 they want to call anybody who gave the awards, studied
8 the program, is an expert in now analyzing these awards
9 and these programs, fine. They have not listed an
10 expert. She is quite clearly not an expert in anything
11 associated with this case.

12 She's an expert in the Charlotte-Mecklenburg
13 program managed by herself with no background in early
14 child development or psychology.

15 COURT: Wait a minute. Some decisions you
16 get immediately, some I have to think about. I get an
17 earful and I have to absorb it.

18 Would you like to be heard?

19 MS. ANDERSON: Yes, Your Honor, I would like
20 to be heard.

21 COURT: All right.

22 MS. ANDERSON: I believe that we have shown
23 Ms. Pellin is an expert in developing and managing a
24 large public preschool program and we believe that that
25 is directly relevant to this case. The State is making

1 an argument that there are some populations of children
2 that basically nothing can be done for, and we want to
3 show that there are some programs that can help these
4 kids to succeed.

5 COURT: Would you like to be heard?

6 MR. ZIKO: I would like to be heard on what
7 her argument is, Your Honor. We have never made the
8 argument that a population of children can't be
9 helped. To the contrary, our argument is all children
10 can be helped and they don't need this program. There
11 is no -- she has testified that she is working in the
12 Charlotte-Mecklenburg schools. She administers the
13 program. She has no background in evaluating that
14 program and she doesn't know how to interpret the
15 results of what she has got. Unlike Dr.
16 Peisner-Feinberg, she has no training, degrees or
17 experience in early childhood development. I mean, it
18 is just a woefully inadequate showing for expertise in
19 anything, Your Honor.

20 MR. TILLER: Your Honor, if I might. It
21 appears to me that the greatest expert on Bright
22 Beginnings is the person who designed it who is sitting
23 here. It doesn't seem to me that there can be any
24 serious doubt on that.

25 COURT: Wait a minute. Let's -- I am going

1 to solve the problem. Have a seat. I want to hear
2 what Barbara Pellin has to say. His objection is not
3 to what she has to say, but in the classification of
4 being an expert and interpreting results and so forth.
5 There is no objection to her testifying. The door is
6 wide open, the truck has gone in, so have five Sherman
7 tanks, so the subject matter is appropriate.

8 But in terms of qualifying her as a quote, an
9 expert, number one, I don't need her qualified as an
10 expert. I want to hear what she has to say. Just
11 because you say somebody is an expert, I want to know
12 about the program. She doesn't have to be the expert
13 witness to tell me about something that she knows about
14 intimately. So let's proceed.

15 I'm not going to admit her as an expert in a
16 field where she doesn't have the academic credentials
17 to be one. But that doesn't mean I'm not going to
18 listen to her testimony. I mean, just because it's an
19 expert witness, it doesn't mean anything.

20 You are getting into testimony about the
21 program which is something I want to hear. You all
22 seem to forget that expert witness's testimony is to
23 testify in an area about which the Court knows nothing
24 or can be help to the Court. She is a fact witness.
25 She is not -- she hasn't done a study of the Bright

1 Beginnings Program, she is the Bright Beginnings
2 Program, so you don't need -- it is not like a doctor
3 -- all these doctors that have gone and disappeared to
4 Asheville and everywhere. It's not like that where
5 they went in and did a study to reach a conclusion or
6 opinion.

7 She's a fact witness about that program, so
8 ask your next question. But I am not going to admit
9 her as an expert witness as I understand an expert
10 witness to be. It's just a battle you don't need to
11 fight over to win or loose.

12 Ask your next question.

13 BY MS. ANDERSON:

14 Q. Ms. Pellin, did you prepare a report in
15 connection with this case?

16 A. Yes, I did.

17 Q. And would you look in front of you, the
18 document that is marked Plaintiffs' Exhibit 203?

19 A. Yes.

20 Q. Do you recognize this document?

21 A. I do.

22 Q. What is it?

23 A. It is what I prepared as my expert statement.

24 Q. Who wrote this report?

25 A. I did most of it except for the section that

1 deals with the instructional accountability
2 department's role.

3 MS. ANDERSON: Your Honor, I would like to
4 move Plaintiffs' Exhibit Number 203 into evidence.

5 MR. ZIKO: Objection, Your Honor, except for
6 as Your Honor has indicated, the factual statements --
7 we would not object to the factual statements about the
8 Charlotte-Mecklenburg Program. With respect to any
9 opinions about child development, the effectiveness of
10 early childhood programs, anything this case is about
11 at this time we would object to.

12 COURT: I want to hear about her program. I
13 will make a decision on whether I am going to consider
14 it or not after I hear how she did it.

15 MS. ANDERSON: Thank you, Your Honor.

16 COURT: Go ahead and ask your questions about
17 your report.

18 BY MS. ANDERSON:

19 Q. Ms. Pellin, how does Charlotte-Mecklenburg
20 schools identify the children to be served by Bright
21 Beginnings?

22 A. We use an instrument that is a diagnostic
23 instrument that was designed by our staff.

24 Q. How do you determine who is going to be
25 assessed with that instrument?

1 A. Basically we did a great deal of outreach to
2 make sure that families knew about the program and
3 worked with several different community entities within
4 it, so that we knew that we would be able to provide
5 the program, that even more than that, that we would
6 screen the children that needed to be screened.

7 Q. What kind of outreach did you do?

8 A. We did an extensive outreach. We worked with
9 our Department of Social Services and worked with their
10 community social workers, we worked with our
11 International Center and our Hispanic Coalition, we
12 worked with our Head Start representatives, we worked
13 with our curriculum and instruction people, we worked
14 within the City Community Development Department to
15 work with their neighborhood workers, we worked with
16 United Way Success by Six, we utilized fliers within
17 our Medicaid bills and our Tana (phonetic) payments, we
18 worked with -- we have a bus called Gus the Bus that is
19 a talking bus that we took to K-Marts and Wal Marts and
20 throughout a lot of our small pocket neighborhoods. We
21 did an extensive outreach.

22 Q. Why did you do all of this outreach?

23 A. We wanted to make sure that people not only
24 knew about the program, but knew how to access it. And
25 we would make available to them screenings that we felt

1 needed to be done for their children who would most
2 benefit.

3 Q. Was there a particular population that you
4 were targeting with your outreach effort?

5 A. It was our low socioeconomic status families
6 and children.

7 Q. Why did you target that community?

8 A. Because the research clearly shows it is
9 those children often come to kindergarten unprepared
10 and are not on a level playing field.

11 Q. What assessment or screening tool does
12 Charlotte-Mecklenburg use to determine who is eligible
13 for Bright Beginnings?

14 A. It is our own individual screening
15 instrument.

16 Q. Are you familiar with the LAPD assessment?

17 A. I am.

18 Q. How about the Wings assessment?

19 A. I am familiar with it.

20 Q. Why does Charlotte-Mecklenburg schools not
21 use those assessments?

22 A. We felt that we wanted to have as well as --
23 and we drew clearly from both of those instruments,
24 particularly the Wings instrument which does look at
25 home -- utilization of home curriculum pieces, but we

1 also felt we wanted to add some items that dealt
2 specifically with literacy and language development and
3 preemergent literacy.

4 Q. Why did Charlotte-Mecklenburg schools want to
5 add those items to the assessment?

6 A. Because it was clearly what we felt was a
7 part of why the children were coming unprepared, that
8 language development and language skills were -- they
9 were behind with those skills.

10 Q. And once the children are assessed, which
11 ones are chosen to participate in Bright Beginnings?

12 A. Those who demonstrated educational need.

13 Q. Is there a score on the screening test that
14 is chosen to determine eligibility?

15 A. There was a predetermined score.

16 Q. Have there been more children eligible than
17 you have spaces to serve?

18 A. Yes, there have been.

19 Q. Is there a waiting list currently this year?

20 A. We currently have about 230 children on our
21 waiting list.

22 Q. Is there any eligibility requirement based
23 solely on income?

24 A. No, there is not.

25 Q. What percentage of the children who

1 participate in Bright Beginnings end up qualifying for
2 a free and reduced price lunch once they reach
3 kindergarten?

4 A. About 72 percent.

5 Q. You -- Charlotte-Mecklenburg schools would
6 like to expand Bright Beginnings; is that right?

7 A. We would.

8 Q. How do you determine the approximate number
9 of children that you would like to serve in addition to
10 the 2,000 you currently serve?

11 A. We look at our data from our Department of
12 Social Services and those children who qualify for Tana
13 and Medicaid. We also looked at our number of children
14 that are in free and reduced lunches.

15 Q. What is the percentage of
16 Charlotte-Mecklenburg schools kindergartners who
17 qualify for the free and reduced price lunch?

18 A. About 50 percent.

19 Q. And what's your approximate number of
20 kindergartners?

21 A. About 8,000, around 8,000.

22 Q. Are you familiar with Smart Start?

23 A. I am.

24 Q. And how did you become familiar with Smart
25 Start?

1 A. I was part of the team that wrote our initial
2 application to Smart Start and I also represent the
3 superintendent, Dr. Eric Smith, on the Smart Start
4 Board.

5 Q. Are you talking about the Smart Start Board
6 for Mecklenburg County; is that correct?

7 A. Yes, the Mecklenburg Partnership for
8 Children.

9 Q. Are you familiar with the services funded
10 through Smart Start in Mecklenburg County?

11 A. I am.

12 Q. What do those services include?

13 A. They include subsidized care through the day
14 care populations, health needs, speech and hearing,
15 family outreach, literacy efforts.

16 Q. In determining the number of children to be
17 served by Bright Beginnings, does Charlotte-Mecklenburg
18 schools take into consideration the subsidized day care
19 service being provided by Smart Start in Mecklenburg
20 County?

21 A. We don't really.

22 Q. Why not?

23 A. Because there really isn't a guarantee of the
24 quality of those services.

25 Q. Quality in terms of what?

1 A. In terms of what is being offered in the
2 program, particularly in preparation for children to be
3 ready for school.

4 Q. On Page 2 of your report, Ms. Pellin.

5 A. Uh-huh.

6 Q. You list the five components of Bright
7 Beginnings; is that right?

8 A. Yes.

9 Q. Can you tell me a little bit about the
10 curriculum component of Bright Beginnings?

11 A. It is a child center curriculum and has a
12 strong language development component to it,
13 particularly as it relates to preemergent literacy
14 skills.

15 Q. Can you elaborate on what you mean by an
16 aligned curriculum?

17 A. It is aligned to indicate North Carolina's
18 standard course of study.

19 Q. Is that important?

20 A. It is important because it begins to build
21 those skills that are recognized as developmental
22 skills.

23 Q. And what do you mean by saying in your report
24 that the curriculum is assessed?

25 A. It was assessed. We utilized it as a test

1 instrument to be sure that it was aligned with our
2 goals.

3 Q. Are you familiar with the North Carolina
4 Guide for the Early Years, Ms. Pellin?

5 A. I am.

6 Q. What is it?

7 A. It is just a guide that is published through
8 DPI.

9 Q. Would you please look at what is in front of
10 you that's been marked as Plaintiff's Exhibit Number
11 140.

12 MR. GOVERT: Your Honor, do you need a copy
13 of that?

14 MS. ANDERSON: Do you have that notebook?

15 COURT: 140.

16 MR. ZIKO: Perfect.

17 MR. SPEARMAN: Is it a plaintiffs' exhibit?

18 MS. ANDERSON: Yes.

19 COURT: I only have five -- four more to go
20 before I have them all. All right.

21 BY MS. ANDERSON:

22 Q. Ms. Pellin, do you recognize this?

23 A. Yes, I do.

24 Q. What is it?

25 A. It is the document that you referred to, the

1 Early Years.

2 Q. Did you use this at all in developing
3 curriculum for Bright Beginnings?

4 A. We used portions of it and certainly did
5 review it.

6 Q. I would like you to turn to the page that has
7 a stamp on the bottom, Ms. Pellin, that has 2291. It
8 is about four pages into the document.

9 A. Uh-huh, yes.

10 Q. Do you have that page?

11 A. I do.

12 Q. Would you please read from the first
13 paragraph starting with the second sentence?

14 A. We know that the early years are more
15 important than any other period in children's lives for
16 development. We also know that it is during these
17 years that children learn to value and love learning.
18 Therefore, we must create classrooms to make learning
19 occur, lead children to cooperate with others, to value
20 a democratic way of life, and develop the social skills
21 that assure success in life. We must support children
22 as they learn and develop. The programs we provide for
23 them and the experiences we create insure this early
24 foundation. The challenge for us as early childhood
25 educators is to make this happen.

1 Q. Do you agree with that statement?

2 A. I do.

3 MS. ANDERSON: Your Honor, I would like to
4 move the admission of Plaintiffs' Exhibit 140.

5 COURT: Admitted.

6 BY MS. ANDERSON:

7 Q. Does the Bright Beginnings curriculum
8 precisely follow the guide for the early years, Ms.
9 Pellin?

10 A. It doesn't precisely.

11 Q. Why not?

12 A. Well, we use, again, components of it, but we
13 really felt that the curriculum we developed and wanted
14 to develop would be focused on literacy and language
15 development.

16 Q. Going back to your report on Page 2, the
17 second component you mentioned is a parent-family
18 involvement, partnership agreements?

19 A. Yes.

20 Q. Could you explain a little about that to the
21 Court, please?

22 A. We felt it was critical that the parents and
23 the families were involved as partners in the
24 educational process and that we would also utilize a
25 parent compact. Without the families being a part of

1 the educational process, it is very difficult for
2 children to succeed.

3 Q. What is included in the family compact?

4 A. There are several responsibilities that are
5 listed. There are ten things such as attending the
6 curriculum nights, making sure that they are
7 responsible for being at the bus in the morning with
8 the children or having an adult there and when the bus
9 comes home in the evening, meeting the health needs of
10 the children, making sure that they adhere to our
11 reading logs and reading guides and sign those. That
12 they attend parent conferences, that they make sure the
13 children attend school on a regular basis.

14 Q. Besides the family compact, are there any
15 other parts of Bright Beginnings that try to encourage
16 family involvement?

17 A. All of our components do. We feel it is a
18 very important part of the total curriculum pieces.

19 Q. And what other things does Bright Beginnings
20 do in order to encourage family involvement?

21 A. We have curriculum nights with the families,
22 we do neighborhood family literacy pieces, we work on
23 an individual basis with families, teaching families
24 how to read to children. Also encouraging trips to the
25 library, looking at how you use print within any

1 environment, whether that be a grocery store or the
2 home itself.

3 Q. Are all the family involvement components
4 provided at the school?

5 A. No, they are not.

6 Q. Are some -- where else are they provided?

7 A. They are provided in the neighborhoods.

8 Sometimes, again, within the libraries, within
9 community centers, a variety of places.

10 Q. Why do you do that?

11 A. Because we know that often and we really have
12 to adjust our schedules so that parents and families
13 can participate and it isn't always convenient for them
14 to come to the school.

15 Q. Is there any home visitation component?

16 A. There is. We require that our teachers visit
17 every child before they begin school.

18 Q. Why is that?

19 A. We feel that it is very important that to
20 begin a relationship with that family that it occurs on
21 their turf and one that they have some trust built in
22 already.

23 Q. Has the family involvement components in
24 Bright Beginnings been successful in encouraging
25 parental involvement?

1 A. It has been very successful.

2 Q. Why do you say that?

3 A. Not only the attendance, but I think we have
4 seen also families that have older siblings and they
5 had not been involved in PTAs or in the school setting
6 as such, have become much more involved.

7 Q. And what do you attribute that to?

8 A. I think we attribute it to the support that
9 is given to the families. I think helping them
10 understand that they do have a contribution to make and
11 that they can make that contribution.

12 Q. The next component that your report lists of
13 Bright Beginnings is community participation and
14 collaboration. Can you explain a little bit more about
15 that?

16 A. We felt it was very important to have the
17 community also as our partners in this and we have
18 worked with Bank of America and First Union, small
19 businesses, with various agencies, our United Way and
20 their Success by Six Program or Head Start Program. We
21 really felt it was important to have that kind of
22 collaboration.

23 Q. And why is that?

24 A. Because it builds not only, I think, on the
25 resources that are available, but potential resources,

1 and we can learn from each other.

2 Q. The next component that your report was of
3 Bright Beginnings is a professional development
4 component. Can you explain about that a little bit?

5 A. Yes, it's ongoing professional development
6 for the teachers and teacher assistants within our
7 program. We have a partnership with UNCC and a
8 consortium where they actually teach some of our early
9 childhood classes and work very closely with us and
10 certification needs, as well as helping our
11 provisionally certified teachers to reach a preK
12 certification.

13 Q. Do you require the teachers in Bright
14 Beginnings to participate in staff developmental
15 activities?

16 A. We do.

17 Q. Over what period of time?

18 A. Actually, it is all year long, but we have a
19 two-week period before the classes start and a two-week
20 period after the classes end that they are part of.

21 Q. What happens during those two two-week
22 periods?

23 A. There are several things. There are specific
24 curriculum pieces that are worked into the curriculum
25 pieces that are lined up through UNCC. We also work

1 with the strategies for early childhood and also listen
2 to the teachers about what the needs that they have,
3 that they feel they need.

4 Q. The last component listed in your report of
5 Bright Beginnings is ongoing research and evaluation.
6 What is the purpose of that?

7 A. It is to help us understand if we are really
8 meeting the goals that we have and if we are preparing
9 the children for school and for kindergarten.

10 Q. And what kind of evaluation is
11 Charlotte-Mecklenburg schools doing of the Bright
12 Beginnings Program?

13 A. We have an ongoing evaluation that has
14 several components to it. We use the core instrument,
15 which is the child observation record, we also use
16 portfolios, and we use individual assessment data.

17 Q. Who is in charge of compiling the research
18 and evaluation of Bright Beginnings?

19 A. Our Instructional Accountability Department.

20 Q. Are you familiar with the research on
21 evaluation reports on Bright Beginnings?

22 A. I am.

23 Q. How have you gained that familiarity?

24 A. By working with the data myself and also
25 working in conjunction with our Instructional

1 Accountability Department.

2 Q. Has the Instructional Accountability
3 Department of Charlotte-Mecklenburg schools issued any
4 reports on the outcome of Bright Beginnings?

5 A. They have.

6 Q. Are any of those reports attached to your
7 expert report?

8 A. It is.

9 Q. And can you look at your expert report,
10 please, in looking at the numbers up on the top of the
11 pages and tell me where that report begins?

12 A. Component pieces begin on Page 43.

13 Q. And how about the evaluation report that has
14 been issued?

15 A. It is disbursed throughout these pages; 48,
16 Page 48 it begins looking at the beginning kindergarten
17 reports and comparisons, and the demographics of our
18 kindergarten, and then it also includes the CMS Child
19 Care Survey Comparisons.

20 Q. And how about on Page 70 of your report, Ms.
21 Pellin?

22 A. That is the kindergarten Bright Beginnings
23 total report.

24 Q. Has the Instructional Accountability
25 Department issued any other reports on Bright

1 Beginnings?

2 A. This is the only one we have at this point.

3 Q. And are you familiar with this report based
4 on your work in Charlotte-Mecklenburg schools?

5 A. I am.

6 Q. I would like to direct your attention to Page
7 76 and the numbers that are up on the top, Ms. Pellin,
8 in Tables 4 through 12 that are on Pages 76 through 80,
9 what do those tables show as to the evaluation of
10 children participating in Bright Beginnings?

11 MR. ZIKO: Objection, Your Honor, hearsay.
12 She is not qualified to testify about it. The tables
13 speak for themselves if they are to be introduced at
14 all. She is not the author of the report and it seems
15 to me the appropriate people to call are the people in
16 the Instructional Department who did the report.

17 COURT: Well, I am going to admit the report
18 portion of Plaintiffs' Exhibit 203. I am going to
19 admit 203 with the exception of the conclusion. I am
20 going to let her testify about what the report says,
21 that she is not interpreting the report.

22 MS. ANDERSON: And when you said the
23 conclusion, you mean starting on Page 70, Your Honor.

24 COURT: No, the whole thing. I am going to
25 admit the report in its entirety.

1 MS. ANDERSON: Okay.

2 COURT: So it is admitted.

3 MS. ANDERSON: Thank you.

4 COURT: He was objecting to her commenting on
5 it at all. But in the interest of shortness of life,
6 since she knows what it is and can direct our attention
7 to it rather than looking at every single page, let's
8 move on.

9 BY MS. ANDERSON:

10 Q. What does this report show about the
11 effectiveness of Bright Beginnings?

12 A. It does show that our Bright Beginnings
13 students are very similar to their peers and have done
14 better than those students who screened and were
15 eligible, but for some reason did not participate.

16 Q. What comparisons are drawn in this report
17 between what groups of children?

18 A. There are comparisons between our Bright
19 Beginnings participants, those participants who were
20 eligible, but did not participate in Bright Beginnings,
21 and all other students.

22 Q. What does this evaluation report show with
23 regard to the assessment of children who participated
24 in Bright Beginnings as compared to those who screened
25 eligible, but did not participate?

1 A. It shows that our Bright Beginnings students
2 did better.

3 Q. At what point in time?

4 A. At the same point of time when they entered
5 kindergarten.

6 Q. After having participated in Bright
7 Beginnings for those participants?

8 A. Yes.

9 Q. And comparing the assessments of children who
10 participated in Bright Beginnings to other children in
11 Charlotte-Mecklenburg schools at the beginning of
12 kindergarten, what does this report show?

13 A. It shows that they were very similar.

14 Q. And how did the children who screened
15 eligible for Bright Beginnings but did not participate,
16 how did their skills compare to other children at the
17 beginning of kindergarten?

18 A. Their skills were not as strong.

19 Q. I would like to direct your attention,
20 please, Ms. Pellin, to Page 81 and 82 of the report.
21 Can you explain what Table 14 shows?

22 A. It is a T test comparison of two groups of
23 children, those children who were in Bright Beginnings
24 and those children who experienced a full day care
25 center experience.

1 Q. What do you mean by a full day care center
2 experience?

3 A. They were part of a day care.

4 Q. And what does that comparison show?

5 A. It shows that there were comparisons in all
6 of the component pieces of the assessment and that in
7 two of those areas our Bright Beginnings students
8 scored better and were significantly stronger.

9 COURT: Does SES mean socioeconomic status?

10 THE WITNESS: Yes, sir.

11 BY MS. ANDERSON:

12 Q. Does table 14 show the results for all
13 students?

14 A. It shows the results for low SES students.

15 Q. And how did you measure low SES?

16 A. By income.

17 Q. What measure did you use for measuring
18 income?

19 A. Free and reduced lunch.

20 Q. If you look at Page 84, I am looking at the
21 numbers at the top, it refers to the last sentence, it
22 refers to the results of the CMS, Kindergarten
23 assessments will be available on July 1999. What is
24 that referring to?

25 A. It refers to reports that we hoped would be

1 available, but they are not.

2 Q. And what report -- strike that.

3 Do you know what report that is referring
4 to? What kind of data it anticipates?

5 A. It would be the kindergarten data.

6 Q. Kindergarten data for whom?

7 A. For our children that were part of CMS
8 kindergarten.

9 Q. And what kind of comparisons are anticipated
10 to be shown in that report?

11 A. We would hope to see the comparison of our
12 Bright Beginnings students with all of the students
13 that were in Bright Beginnings, as well as those
14 students who qualified as eligible, but did not
15 participate in Bright Beginnings.

16 Q. Over what period of time?

17 A. For 1998-99.

18 Q. Is that report available yet?

19 A. It is not.

20 Q. And why not?

21 A. We have had several changes within our
22 Instructional Accountability Department, particularly
23 our assistant superintendent who has just left our
24 system.

25 Q. In your understanding the data that is going

1 to be presented in this report, when was it gathered?

2 A. It was gathered at the beginning of
3 kindergarten and at the end of kindergarten we have
4 comparison.

5 Q. And so was there some data collected at the
6 beginning of this school year?

7 A. Yes, there was, and that will hopefully also
8 be included.

9 Q. As a result of your professional experience
10 with the Charlotte-Mecklenburg schools, Ms. Pellin, do
11 you believe -- what do you believe about the importance
12 of a school-based kindergarten program?

13 A. I think it is very important.

14 Q. Why is that?

15 A. I think it provides for students
16 opportunities for learning and social interaction that
17 they would not have otherwise had.

18 Q. What types of children do you think a
19 prekindergarten program in the schools is most
20 important for?

21 A. I think the quality program is particularly
22 important for our children who come from low SES.

23 Q. And why is that?

24 A. I think the data has shown --

25 MR. ZIKO: Objection to what the data says.

1 COURT: Sustained.

2 THE WITNESS: Think it has shown us that --

3 COURT: Sustained. You don't get to answer
4 the question.

5 THE WITNESS: I'm sorry.

6 COURT: When someone stands up and says
7 objection and I say sustained, you don't get to say
8 what you want to. If I say overruled, you can talk all
9 you want to until he objects again.

10 BY MS. ANDERSON:

11 Q. Do you believe that providing a school-based
12 prekindergarten education is an effective means of
13 increasing the probability of low-income children
14 succeeding in the schools?

15 A. I do.

16 MR. ZIKO: Objection, Your Honor. Not based
17 upon the Charlotte-Mecklenburg system. She is not
18 qualified as an expert to testify about child care
19 programs in general.

20 COURT: Rephrase relating to
21 Charlotte-Mecklenburg.

22 BY MS. ANDERSON:

23 Q. Based on your experience in
24 Charlotte-Mecklenburg, do you believe that the
25 prekindergarten services that you are providing to

1 children in the Charlotte-Mecklenburg schools is
2 increasing the probability that they will be able to
3 succeed in school?

4 A. I do.

5 Q. What do you base that belief on?

6 A. On the data that we have seen.

7 Q. Do you have any understanding, Ms. Pellin,
8 about whether Hoke County public schools are currently
9 providing prekindergarten services?

10 A. I do.

11 MR. ZIKO: Objection. No foundation, she's
12 not qualified to testify about early childhood
13 education outside of Charlotte-Mecklenburg schools,
14 Your Honor. She's trying to testify as an expert about
15 what's happening in Hoke County without any foundation
16 on top of that.

17 COURT: She's not going to testify as an
18 expert about what has happened in Hoke County.

19 MR. ZIKO: Lack of foundation --

20 COURT: If she went down and paid a visit.
21 And I have already read ahead of the curve. I don't
22 even think she has been down there.

23 MR. ZIKO: That might keep you more on the
24 road.

25 COURT: I think she has read a bunch of stuff

1 about Hoke County and she's come to the same conclusion
2 that we heard about from our expert this morning. So
3 that she is not going to testify as an expert about
4 Hoke County.

5 Now, however you want to go from here is
6 fine.

7 It is cumulative and repetitive and I don't
8 have to hear it anyway. And you have already got into
9 evidence from an expert who is now on her way to
10 Asheville.

11 MS. ANDERSON: I have no further questions at
12 this time.

13 MR. TILLER: Just a few, Your Honor.

14 CROSS-EXAMINATION BY MR. TILLER:

15 Q. Could you look again at Plaintiff's Exhibit
16 Number 140, Ms. Pellin?

17 A. Yes.

18 Q. And if you could find the page that is
19 titled, Preface. It is numbered 22294.

20 A. Uh-huh.

21 Q. Could you read the first sentence of that
22 first paragraph?

23 A. The North Carolina Guide for the Early Years
24 is written for the teachers of children in the state's
25 preschool and kindergarten programs.

1 Q. Do you know if the kindergarten programs in
2 North Carolina are mandatory?

3 A. They are not mandatory, but encouraged.

4 Q. Okay. And when the Guide to the Early Years
5 says the state's preschool programs, do you know what
6 it is referring to?

7 A. I think it is referring to those programs
8 that are under Title 1 jurisdiction within North
9 Carolina.

10 Q. Okay. Would you please turn back to Page
11 22291, the dedication?

12 A. Uh-huh.

13 Q. Could you just read the first sentence of
14 Paragraph 2?

15 A. As superintendent of public instruction, I
16 promise the children and teachers of North Carolina to
17 support their efforts by advocating for policies, laws
18 and regulations to enhance the quality of life for
19 young children.

20 Q. Can you read the signature at the bottom of
21 that page?

22 A. It is Michael E. Ward.

23 Q. Thank you. Ms. Pellin, could you state again
24 the cost of the Bright Beginnings Program?

25 A. It is approximately 10.5 million.

1 Q. Okay. And do you know what that comes to per
2 student for the 1900 children involved?

3 A. It is about \$5,000.

4 COURT: \$5,250.

5 THE WITNESS: Uh-huh.

6 COURT: By the way, I have already calculated
7 that. Now, if you will tell me what they spend on the
8 children and what you do that shows what you spend in
9 Hoke County, I would like to refresh my recollection
10 sometime.

11 MR. TILLER: Yes, Your Honor. We can do that
12 in due course, correct?

13 COURT: Is that an annual cost, ma'am?

14 THE WITNESS: Yes, sir.

15 BY MR. TILLER:

16 Q. Now, Ms. Pellin, you indicated that -- I
17 believe you said 72 percent of the children who are
18 served by Bright Beginnings qualify for free and
19 reduced price lunch; is that correct?

20 A. In our 1997-98, they --

21 Q. So about 18 percent of the children do not
22 qualify, correct?

23 A. Yes.

24 Q. Why is it that Charlotte-Mecklenburg schools
25 choose to serve that 18 percent who don't qualify for

1 free and reduced price lunches?

2 A. Because they demonstrated that they did have
3 an educational need for the program.

4 Q. I would like to ask you a couple of questions
5 about your report. Could you turn with me to Page 76?
6 Looking again at Table 4?

7 A. Uh-huh.

8 Q. You have in the top part of your chart here
9 indicated the category, Bright Beginnings participants,
10 eligible nonparticipants and others. And those are
11 three groups of children I take it; is that correct?

12 A. Yes, they are.

13 Q. And to the right of that you have a column
14 labeled, mean. And what is shown in that column?

15 A. It's a group mean, an average.

16 Q. And is that of a particular test that you
17 scored?

18 A. Yes, it is.

19 Q. And what is that test?

20 A. In this one is the CAP, which is our concepts
21 about print.

22 Q. Could you say it once again?

23 A. Concepts about print, this particular one.

24 Q. So the Bright Beginnings participants had a
25 mean score on the concepts about print of about 3.81;

1 is that correct?

2 A. Yes.

3 Q. And then what did the eligible
4 nonparticipants have?

5 A. 2.74.

6 Q. Okay. And the other students had what?

7 A. 3.54.

8 Q. Okay. And looking down below that you have a
9 line titled, In the Head Start or Even Start Program
10 not CMS. What does that mean?

11 A. It means that those were students that are in
12 a Head Start or an Even Start Program not within the
13 Charlotte-Mecklenburg schools.

14 Q. Okay. And what was the mean score of those
15 students?

16 A. 2.67.

17 Q. Okay. And that was below the score of the
18 Bright Beginnings participants?

19 A. Yes.

20 Q. Would you turn with me now to Page 81?

21 Looking again at your Table 14. Do you have it?

22 A. Yes, I do.

23 Q. This table is labeled, A T Test Comparison --

24 A. Uh-huh.

25 Q. -- of Kindergarten Entry Profile Results for

1 Low SES Students. What is a T test comparison?

2 A. It's a comparison of two groups.

3 Q. And so the two groups here are which two
4 groups?

5 A. Are Bright Beginnings students and those
6 students who had a day care center experience.

7 Q. Okay. And is it a different test that you
8 are scoring in this Table 14?

9 A. This is -- and I need to back up. The
10 concept of prints is the component of the kindergarten
11 entry profile also in Table 4.

12 Q. Okay.

13 A. So I just need to say that.

14 Q. Okay. Thank you. And what were the other
15 components?

16 A. These are of the kindergarten entry
17 profiles. All of these.

18 Q. So let's back up a little more.

19 A. Okay.

20 Q. On Page 76 then the test that you are scoring
21 is what?

22 A. The kindergarten entry profiles.

23 Q. Okay. And that has how many components?

24 A. There are nine components.

25 Q. Okay. And are those listed also then in

1 Table 14?

2 A. They are.

3 Q. Okay. So those different parts of the
4 kindergarten entry profiles then are separated out on
5 your Table 14; is that right?

6 A. Yes.

7 Q. And can you expand just a little more on what
8 students are covered by the day care center column?

9 A. It is those students whose families responded
10 to a day care survey and indicated that they had a full
11 day experience at a day care center.

12 Q. Were they single A or double A day cares or
13 did you track that?

14 A. We don't do that.

15 Q. Was some of it family day care, do you know?

16 A. It may have been, but in general we knew --
17 although the survey was not conclusive in some areas
18 because families would answer one or two blocks, but in
19 general we interpreted this as those students who we
20 knew had a day care experience in a private day care.

21 Q. And in your Table 14 you have a column on the
22 right-hand side that says, SIG. I take it that is
23 significance?

24 A. Uh-huh.

25 Q. And you have indicated that the differences

1 between -- well, you have three Xs in that column and
2 can you tell me what those three Xs shows?

3 A. Yes, for two of the assessment components in
4 the book and print awareness and in the decoding and
5 word recognition our Bright Beginnings students scored
6 significantly higher, but in the social interaction the
7 day care students did.

8 Q. And how do you explain the social interaction
9 scores of the day care students and the Bright
10 Beginnings students?

11 MR. ZIKO: Objection, Your Honor.

12 COURT: Sustained.

13 BY MR. TILLER:

14 Q. Other than the social interaction score, can
15 you list out those categories that the Bright
16 Beginnings students scored higher than the day care
17 students?

18 A. Yes, in the phonemic awareness, in the
19 language comprehension, in the spelling and writing, in
20 the number identification, in the geometric ideas and
21 the behavioral adjustment.

22 Q. And also book and print awareness and word
23 recognition?

24 A. Were the two that were significant, yes.

25 Q. Okay.

1 MR. TILLER: Thank you, Ms. Pellin, I
2 appreciate it.

3 CROSS-EXAMINATION BY MR. ZIKO:

4 Q. Ms. Pellin?

5 A. Yes.

6 Q. My name is Tom Ziko. You may remember me
7 from the deposition that we had some months ago?

8 A. Yeah.

9 Q. Now, you testified that the Bright Beginnings
10 Program is meant to serve 2,000 students, right?

11 A. Yes.

12 MR. ZIKO: Can I approach the witness, Your
13 Honor?

14 COURT: You may.

15 BY MR. ZIKO:

16 Q. Ms. Pellin, I am going to show you a copy of
17 your deposition and direct your attention to
18 Defendants' Exhibit Number 72 and that is your expert
19 statement of Barbara J. Pellin, correct?

20 A. Uh-huh.

21 Q. And I want to direct your attention to the
22 document entitled, CMS Kindergarten Demographics.
23 Could you find that in Exhibit 2 for me, please.

24 COURT: By referring to her statement as her
25 expert statement, are you withdrawing your objection?

1 MR. ZIKO: No, Your Honor, I'm just
2 identifying the document for the record.

3 MR. TILLER: Can we clarify, Your Honor,
4 Defendants' Exhibit 72 as --

5 MR. ZIKO: 172. Her statement attached to
6 the deposition.

7 MR. TILLER: Okay. Thank you.

8 MR. ZIKO: You have it?

9 THE WITNESS: Yes, I have it.

10 MR. GOVERT: Now I am totally confused, Your
11 Honor. Defendants' Exhibit 172 has something to do
12 with teacher turnover.

13 MR. ZIKO: It's Deposition Exhibit Number
14 172.

15 MR. GOVERT: Oh.

16 MS. ANDERSON: Isn't that the same as
17 Plaintiff's Exhibit 203?

18 MR. ZIKO: Well, that's what we are trying to
19 establish.

20 BY MR. ZIKO:

21 Q. Ms. Pellin, have you found the document?

22 A. Yes, I have, the one that says, CMS
23 Kindergarten Demographics?

24 Q. Yes. And what number is it on Exhibit 203,
25 the page number at the top?

1 A. It's 52.

2 Q. 52. Well, it is just missing from mine.

3 Now, these are Charlotte-Mecklenburg schools
4 demographics, correct?

5 A. Yes, sir.

6 Q. It shows 8,340 students, right?

7 A. Yes.

8 Q. And it shows that 18 percent of them come
9 from Bright Beginnings, right?

10 A. Yes.

11 Q. Now, 18 percent of 8,340 is approximately
12 1500 students?

13 A. Yes.

14 Q. And those are the students who came out of
15 the Bright Beginnings Program who enrolled in
16 Charlotte-Mecklenburg schools, right?

17 A. In kindergarten.

18 Q. So, according to this document, you lost a
19 quarter of the students between Bright Beginnings and
20 entry into kindergarten; is that right?

21 A. No, for part of the data that was done in the
22 analysis we included those students who attended 106
23 days, the number of 106.

24 Q. And what is the 18 percent?

25 A. Uh-huh.

1 Q. So you had 1500 students who attended for 106
2 days?

3 A. We had approximately, as I recall, and those
4 numbers change because the students do move a lot, very
5 transient, but there were 1800 students that were part
6 of the initial data.

7 Q. 1800 students.

8 A. Uh-huh.

9 Q. And then of those 1500 attend 106 days and
10 made it to kindergarten; is that right?

11 A. According to this, yes.

12 Q. And it wouldn't surprise you to do the math
13 to find out that 10.5 million divided by 1500 is \$7,000
14 a student, would it?

15 A. Part of the cost -- when we say \$5,000 is
16 really the individual instructional cost and that did
17 not include transportation in that, so the 7,000
18 actually includes transportation and ancillary
19 services, and that's --

20 Q. So in order to provide the program that you
21 provided for Bright Beginnings, it would cost \$7,000
22 for those 1500 students on a per capita basis,
23 correct?

24 A. On an initial investment in the programs,
25 because we had to convert some of our classrooms, we

1 had to do a lot of -- with one particularly of our
2 elementary schools, those were costs that were incurred
3 from that.

4 Q. I'm sorry, I thought you understood I told
5 the Judge that those were annual costs. They're not
6 all annual costs?

7 A. The \$5,000 cost is an annual cost.

8 Q. So \$5,000?

9 A. It is 5200 is what we are figuring.

10 COURT: 5250.

11 BY MR. ZIKO:

12 Q. And that is based upon an enrollment of
13 2,000, right?

14 A. Approximately 1900.

15 Q. And you just testified that you only actually
16 got 1800 in it, right?

17 A. That number varies and it did vary throughout
18 the whole year.

19 Q. So \$5,000 is the least amount this would cost
20 annually per student, right?

21 A. About 5200.

22 Q. Now, in your capacity as director of this
23 program, you stay abreast of child development
24 literature; isn't that correct?

25 A. I do.

1 Q. And you are familiar with Dr.
2 Peisner-Feinberg Cost and Quality Outcome Study, aren't
3 you?

4 A. I am familiar with it. Not as totally as she
5 is, but personally I am familiar with it.

6 Q. You have read it and studied it for
7 professional purposes, even though it --

8 MS. ANDERSON: Your Honor, I object.

9 COURT: You know, what we have to do is let
10 him finish his question and then we get to object. It
11 is just like he has to wait for you to finish your
12 question, which sometimes he doesn't do. But in any
13 event, that's the way we are supposed to do it 99
14 percent of the time.

15 Now, would you like to rephrase, go back and
16 try again, because I forgot what you were asking her?

17 BY MR. ZIKO:

18 Q. In your capacity as director of this program,
19 you are familiar with Dr. Peisner-Feinberg's work in
20 particular the Cost, Quality and Outcome Study,
21 correct?

22 MS. ANDERSON: Objection, Your Honor. Mr.
23 Ziko has not -- has been making a point that he doesn't
24 believe Ms. Pellin to be qualified in early childhood
25 education issues and now he intends to ask her

1 questions about the literature? I believe it is beyond
2 the scope of direct and it's certainly inconsistent.

3 COURT: Guess what? This is
4 cross-examination, not limited by direct, and all he
5 has asked is if she has read it.

6 Next question, please. Overruled.

7 BY MR. ZIKO:

8 Q. And in reading it, did you come across the
9 statement that there was no relation between word and
10 letter recognition skills and child care quality?

11 A. I have not read the total report. I know of
12 the report and I know of her work. But in preparation
13 for my testimony, I did not.

14 Q. So you know of the report. So you know the
15 report finds that there is no continued correlation
16 between the quality of child preschool care and
17 children's language skills. Are you not aware of that?

18 A. In that study, yes.

19 Q. In light of that fact, do you intend to
20 continue to spend \$5,250 a student to work on letter
21 recognition skills in the Bright Beginnings Program?

22 A. Yes, we do.

23 Q. Now, there are a number of other child care
24 options in Charlotte-Mecklenburg, aren't there?

25 A. Yes, there are.

1 Q. Now, the instrument you used for screening
2 children for your program and the instrument you used
3 to evaluate the development was a Charlotte-Mecklenburg
4 developed instrument, right?

5 A. Yes, it was, but it was based a great deal on
6 a LAPD instrument and also on work that was done by
7 Marie Clay.

8 Q. No one else is using that instrument, are
9 they?

10 A. Not that we're aware of.

11 Q. Now, you kept on testifying that the Xs in
12 these boxes -- in fact, the Xs are labeled,
13 Significant. Do you see that in those boxes that Mr.
14 Tiller or Ms. Anderson referred you to?

15 A. Yes, sir.

16 Q. All of these tables talked about
17 significance?

18 A. Table 14?

19 Q. Right. I notice there is no indication that
20 there is any significant difference between the Bright
21 Beginnings Program and number identification or
22 geometric ideas, is there?

23 A. Yes, I do.

24 Q. And there's a negative inference resulting in
25 social interaction, correct?

1 A. Yes, there is.

2 Q. How many children did you let go in the
3 Bright Beginnings Program because their parents failed
4 to fulfill their obligation?

5 A. In the three years that we have had the
6 program, entering our third now, we have two children
7 and one of them moved out of state. The other was a
8 child whose family had many issues and many problems.
9 We tried very hard. That is our least thing that we
10 would want to do to a child and a family.

11 Q. But you do it, don't you?

12 A. We have done it twice.

13 Q. And that is because you believe that parental
14 involvement is critical to the success of that program;
15 isn't that true?

16 A. We do believe it is critical, but there are
17 often times when I think families also have to be
18 supportive in help to understand their responsibility
19 in the educational process.

20 Q. The assessments that are mentioned in the
21 Bright Beginnings report are all done at the beginning
22 of kindergarten, correct?

23 A. There is one that is done at the end of
24 kindergarten and it is --

25 Q. But it is not in this report, is it?

1 A. No.

2 Q. So the assessments that are reported in this
3 report are the assessments that were done at the
4 beginning of kindergarten, correct?

5 A. Yes. And this is, I might say, not the total
6 report. These were pieces of the reports that were
7 prepared as a part of what I prepared as a witness.

8 Q. And being ready for kindergarten is different
9 from being successful in school, isn't it?

10 A. Yes.

11 Q. And you believe that children who have not
12 had preK experiences of any kind can continue to learn
13 in the Charlotte-Mecklenburg school system, don't you?

14 A. I do.

15 Q. In fact, the Charlotte-Mecklenburg school
16 system is concerned about the educational ability of
17 those children, isn't it?

18 A. Yes.

19 Q. And you spend a lot of resources in preparing
20 them for school, don't you?

21 A. Yes, we do.

22 Q. And kindergarten, you have a whole day of
23 kindergarten there, don't you?

24 A. We do.

25 Q. And in kindergarten you get those children

1 ready for first grade, don't you?

2 A. Yes.

3 Q. So even though children come to first grade,
4 according to this assessment with different skills,
5 your kindergarten teachers work hard to get all those
6 children ready for first grade, don't they?

7 A. Yes, they do.

8 Q. And the kindergarten teachers are capable of
9 and, in fact, do teach all of the things that they
10 teach in Bright Beginnings, don't they?

11 A. They do, essentially.

12 MR. ZIKO: Your Honor, I don't have any more
13 questions.

14 MR. TILLER: Just one question, Your Honor.

15 RECROSS-EXAMINATION BY MR. TILLER:

16 Q. In response to Mr. Ziko's question about
17 kindergarten teachers teach what Bright Beginnings
18 teachers teach, you indicated that they do teach that
19 and my question is: Why then have Bright Beginnings?

20 A. Well, they do teach some of the same things,
21 but they are not the same children also that they are
22 teaching to and there are different components to the
23 kindergarten curriculum as defined by the North
24 Carolina Standard Course of Study that are different
25 from our Bright Beginnings curriculum.

1 MR. TILLER: Thank you.

2 REDIRECT EXAMINATION BY MS. ANDERSON:

3 Q. Ms. Pellin, in your experience in the
4 Charlotte-Mecklenburg schools, is there a relationship
5 between being ready for kindergarten and succeeding in
6 school?

7 A. Yes.

8 Q. What is that relationship?

9 A. We see for those children who have been given
10 that opportunity that they are more successful in
11 school.

12 Q. Where did the 10.5 million dollars in funding
13 for Bright Beginnings come from?

14 A. It is from our Title 1 application. 85
15 percent of it is from our Title 1.

16 Q. And how much of your Title 1 funds does
17 Charlotte-Mecklenburg schools spend on Bright
18 Beginnings?

19 A. 85 percent.

20 Q. Is the continuing availability of Bright
21 Beginnings dependent on the availability of those Title
22 1 funds?

23 A. It certainly is in partiality, yes.

24 MS. ANDERSON: I have no further questions,

25 Your Honor.