

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO

3 ELIEZER WILLIAMS, a minor, by SWEETIE WILLIAMS,
4 his guardian ad litem, et al., each individually
5 and on behalf of al others similarly situated,

6
7 Plaintiffs,

8
9 -vs-

7
8 STATE OF CALIFORNIA, DELAINE EASTIN, State
9 Superintendent of Public Instruction; STATE
10 DEPARTMENT OF EDUCATION; STATE BOARD OF
11 EDUCATION,

12 Defendants.
13
14 -----

11 Volume I
12 March 5, 2003
13 9:43 A.M.

14 Deposition of MICHELLE FINE, Ph.D., taken
15 by Defendants, pursuant to Notice, at the offices
16 of O'Melveny & Meyers, L.L.C., 153 East 53rd
17 Street, New York, New York, before Linda J.
18 Greenberg, a Certified Shorthand Reporter and
19 Notary Public of the State of New York.
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24

1 A P P E A R A N C E S:
 2
 3 ACLU FOUNDATION OF SOUTHERN CALIFORNIA
 Attorneys for Plaintiffs
 4 1616 Beverly Boulevard
 Los Angeles, California 90026-5752
 5
 6 BY: CATHERINE E. LHAMON, ESQ.
 7
 8 STATE OF CALIFORNIA DEPARTMENT OF JUSTICE
 OFFICE OF THE ATTORNEY GENERAL
 1300 I Street, Suite 1101
 P.O. Box 944255
 9 Sacramento, California 94244-2550
 10 BY: ANTHONY V. SEFERIAN, ESQ.
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1 A. Many. Five or six times.
 2 Q. Have you given any depositions as an
 3 expert witness?
 4 A. I believe all of these have been as
 5 an expert witness, all five or six.
 6 (Fine Exhibit No. 1 - Curriculum
 7 Vitae of Dr. Fine - was marked for
 8 identification.)
 9 Q. Dr. Fine, is Exhibit 1 a copy of
 10 your CV?
 11 A. Yes.
 12 Q. When was that CV prepared?
 13 A. Well, you know, I was recently
 14 promoted to Distinguished Professor, so it was
 15 before then. I'd say six months ago.
 16 Q. When were you promoted to
 17 Distinguished Professor?
 18 A. It was official in June, so nine or
 19 ten months -- prior to that.
 20 Q. How were you promoted to
 21 Distinguished Professor?
 22 A. How?
 23 Q. Yes.
 24 A. There's a highly competitive process

1 MICHELLE FINE, Ph.D.,
 2 having been first duly sworn, was examined and
 3 testified as follows:
 4 EXAMINATION BY
 5 MR. SEFERIAN:
 6 Q. Dr. Fine, as we met before the
 7 deposition just a few moments ago, my name is
 8 Tony Seferian and I represent the California
 9 Superintendent of Public Instruction, California
 10 Department of Education and the California Board
 11 of Education in a lawsuit Williams versus
 12 California in which you've been listed as an
 13 expert witness?
 14 Would you please state your name for
 15 the record.
 16 A. Michelle, M-I-C-H-E-L-L-E, Fine,
 17 F-I-N-E.
 18 Q. Dr. Fine, have you had your
 19 deposition taken before?
 20 A. I have.
 21 Q. How many times have you had your
 22 deposition taken?
 23 A. In other cases, you mean?
 24 Q. Yes.

1 at the university where I teach where letters
 2 about my scholarship are solicited from, I think,
 3 twenty scholars around the world; and then
 4 there's a detailed review of those letters and my
 5 scholarship within the program, then within the
 6 department, then within The Graduate Center; and
 7 then finally at the Chancellor of the City
 8 University.
 9 These are positions that are hard
 10 and unusual to attain. I had to be recommended
 11 by the Provost.
 12 Q. Was the title Distinguished
 13 Professor given to you by the City University of
 14 New York?
 15 A. Yes, it was.
 16 Q. Approximately how many faculty are
 17 at the City University of New York?
 18 A. City University of New York, like
 19 the UC system, has a very expansive system.
 20 The Graduate Center, where I'm located, which is
 21 the doctoral program, has about 120.
 22 Q. Were you given the title
 23 Distinguished Professor within The Graduate
 24 Center or within the entire City University of

1 New York system?

2 A. The Chancellor of the entire system
3 and the Board of Trustees, which was chaired at
4 the time by Benno Schmidt, administers the
5 promotion because they pay my salary, but my
6 appointment is in The Graduate Center; and then
7 it's approved by a Board of Trustees, at this
8 point comprised largely of appointees from
9 Governor Pataki; and at that point,
10 Mayor Guiliani.

11 Q. Which graduate center were you
12 referred to?

13 A. It's called The Graduate Center.
14 All the doctoral programs are in one
15 building. It doesn't look like a UC campus.
16 It's across the street from the Empire State
17 Building, so The Graduate Center is all the Ph.D.
18 programs of the City University.

19 Q. How many professors in The Graduate
20 Center have the title Distinguished Professor?

21 A. Well, within psychology, I'm going
22 to start small where I know and then build to
23 speculate -- within psychology, there about 18
24 faculty, and there's one other Distinguished

1 wouldn't swear to that. They're usually older
2 men.

3 Q. Did you experience a reduced
4 teaching load when you obtained the title
5 Distinguished Professor?

6 A. I was offered that. I teach an
7 overload and I continue to teach an overload.
8 I like teaching. I have a lot of students who
9 need to meet with me, so I was offered a reduced
10 load, but I actually teach an overload.

11 Q. Have there been any changes in your
12 duties at the City University of New York as a
13 result of being appointed to Distinguished
14 Professor?

15 A. The four distinctions, as I
16 indicated, are increased salary, reduced load --
17 I think you're supposed to teach one course a
18 semester -- again, I didn't pay much attention to
19 that, but I believe that's the expectation --
20 larger office, and I've noticed increasing
21 invitations to meetings with trustees, with
22 foundations, with philanthropists.

23 When I was at University of
24 Pennsylvania, I held the similar distinction with

1 Professor; and then within the larger Graduate
2 Center, I think no more than 12 or 15
3 Distinguished Professors.

4 Distinguished Professors are paid
5 off scale and we have substantially reduced
6 teaching loads and presumably larger offices --
7 also, I haven't gotten one and don't want one --
8 but because of that, it's both prestigious, but
9 it's hard to get because the City University is
10 low on resources at this point, so -- and the
11 union is very serious about keeping a cap on the
12 number of people who are promoted to the rank of
13 Distinguished.

14 Q. Are there approximately 12 to 15
15 Distinguished Professors out of the approximate
16 120 professors in The Graduate Center?

17 A. I'm really estimating now. I can
18 find out tonight for you if you would like, but
19 certainly in the psychology department, where
20 there are -- there were two Distinguished
21 Professors, one of whom has retired, so there's
22 one other in addition to myself.

23 I think I'm one of the youngest
24 that's ever gotten Distinguished Professor, but I

1 this Goldie Anna Charitable Trust Professor,
2 which is on Exhibit 1.

3 Q. How did you obtain that distinction
4 with the Goldie Anna Charitable Trust Professor
5 at the University of Pennsylvania?

6 A. My colleagues and dean recommended
7 me for that position.

8 The criteria for these promotions
9 are extensive and is an internationally
10 recognized scholarship. I have thirteen books.
11 I write a lot. I'm excited a lot.

12 And truth be told, I think
13 universities are interested in supporting their
14 most productive faculty because it's a very
15 competitive academic world and there are a lot of
16 kind of counterbids out, so they look to give
17 people academic prestigious perks as well as
18 money to keep people at their universities.

19 City University doesn't have a lot
20 of money to give and I'm not looking to leave,
21 but it was an honor to be promoted to
22 Distinguished.

23 Q. You mentioned your appointment to
24 Distinguished Professor.

1 Have there been any other events
2 since this CV was prepared, Exhibit 1, that would
3 go on the CV as far as you're concerned?

4 MS. LHAMON: Are you including new
5 cases?

6 MR. SEFERIAN: Yes.

7 Q. Including publications,
8 appointments, awards. Anything that has happened
9 since the CV was prepared that you anticipate
10 might be added to your CV.

11 A. Let's see what books you have.

12 On page 8, the book by Fine and Weis
13 is out and it's called, "Silenced Voices and
14 Extraordinary Conversations."

15 In addition to that, we have a new
16 book contract, and that's Lois Weis and Michelle
17 Fine and it's called, "Compositional Studies:
18 Theories and Analysis of Social Justice," and
19 that will be forthcoming from Routledge
20 Publishers.

21 I'm sure in the last nine months
22 I've had a number of book chapters and articles
23 and speeches. In the last week, I probably had
24 four speeches that I probably could have put on

1 here, but there's nothing significant that I
2 think needs to be added to the vitae.

3 I'm giving a keynote speech this
4 Friday at the Association of Women in Psychology,
5 which, again, is another honor. Last Friday
6 night, I gave a keynote talk at Teachers College,
7 Columbia University with Pedro Noguera. Saturday
8 I gave a keynote talk at the University of
9 Pennsylvania.

10 Q. Who is the publisher of "Silenced
11 Voices"?

12 A. Teachers College Press. They
13 changed the name. It says "Critical Essays" or
14 something, "Fine and Weis, Critical Essays, TC
15 Press, 2002 forthcoming," but it came out and
16 it's 2003 and it's not forthcoming, but it's
17 Teachers College Press. They were looking for a
18 jazzier title.

19 Q. Do pages 6 to 8 of your CV, Exhibit
20 1, list all of the cases in which you have either
21 given expert testimony or served as a consultant
22 to attorneys?

23 A. Those aren't all consultancies to
24 attorneys. National Academy of Science is not

1 attorneys. New York State Democratic Task Force
2 on Criminal Justice Reform is not attorneys. New
3 York State Consortium for Performance-Based
4 Assessment Systems, not attorneys.

5 Attorneys are Williams v.
6 California; Anthony Lee and the United States of
7 America; Shannon Richey Faulkner and the Citadel;
8 Ulcena versus Babylon; Board of Ed v.
9 Merchantville; Board of Ed v. Englewood Cliffs;
10 Adamski v. The Boy Scouts of America. Feliciano
11 v. New York City Transit and Newberg v. Board of
12 Ed in Philadelphia, so those are nine cases.

13 Q. Have you done any work as an expert
14 witness or any consultations with attorneys that
15 are not listed on pages 6 to 8 of your CV?

16 A. Not that I recall.

17 The New York State Consortium for
18 Performance-Based Assessment Systems is an
19 ongoing relationship of a set of schools in New
20 York that are protesting the high stakes
21 standardized testing in the state, and so my
22 relationship with that work has been multiple.

23 I've been a consultant to the
24 consortium. I've spoken before Richard Mills,

1 our Commissioner of Education. I've testified to
2 the Blue Ribbon Panel, and I provided a report on
3 the impact of those tests on dropout rates, so
4 that's a more layered involvement.

5 But I can't recall being involved in
6 a lawsuit that is not listed here.

7 Q. Is the report that you authored on
8 the impact of tests on dropout rates listed in
9 the CV, Exhibit 1?

10 A. It was part of the testimony with
11 the Blue Ribbon Panel.

12 Q. Did your report have a specific name
13 or was it just listed as your testimony?

14 A. I think it was probably my
15 testimony.

16 Q. What was the general substance or
17 conclusion of your testimony to the Blue Ribbon
18 Panel at the New York State Consortium?

19 A. It was a three-part argument.

20 I reviewed the existing literature
21 on standardized tests, high stakes standardized
22 testing and their historic impact on dropout
23 rates; and I did that for Massachusetts data, New
24 York City data and Chicago, so that was one

1 chunk.

2 The second was, I detailed my own
3 extensive research on dropouts and urban youth.
4 I have been doing this work for over 20 years,
5 working with urban high schools and urban youth,
6 so I reported my own research.

7 And then the third was, I reported
8 on the specific impact of high stakes
9 standardized tests on the schools that are
10 members of the consortium, which tend to be
11 small, alternative schools, or dtrack schools,
12 some of which are second chance schools where
13 kids are coming back after having dropped out, so
14 we talked about the pedagogical and curricular
15 implications of moving toward a high stakes
16 testing environment.

17 Q. Which schools are members of the
18 consortium?

19 A. There are 40 of them.

20 Q. Where are the schools located?

21 A. Throughout New York State. Most
22 of them are New York City.

23 Q. What is a dtrack school?

24 A. A dtrack school is a school that

1 tests, so we were arguing for an extension of
2 that voucher.

3 In addition to that, we were
4 requesting that the state take up a highly
5 rigorous scientific analysis of the impact of
6 high stakes testing on the youth in comparison to
7 what these schools now do, which is called
8 performance-based assessment.

9 So we were suggesting a validity
10 study in which we would look at youth in the high
11 stakes testing environment; and demographically,
12 similar youth in these schools in terms of
13 attendance, academic engagement, persistence,
14 dropout rates, college going and college
15 persistence.

16 The evidence from these schools
17 suggest that with performance-based assessment,
18 young people get an intellectually richer
19 academic experience and they stay in school; that
20 is, they don't drop out at anywhere near the
21 rates that they do under the high stakes testing
22 environment.

23 Q. What do you mean by
24 performance-based assessment in New York State?

1 doesn't separate students by academic achievement
2 levels. That is a school that presumes all
3 students should have access to the most rigorous
4 curriculum.

5 Tracks on the East Coast, at least,
6 are slightly different than on the West Coast.
7 Here they refer to, like, the high school
8 equivalent would be kind of AP honors, regular,
9 remedial, special ed.

10 Dtrack schools are designed by
11 educators who presume it's their job to teach
12 everybody at the most rigorous level rather than
13 separating them by level of curricular rigor.

14 Is that clear?

15 Q. Yes.

16 Did you make any specific
17 recommendations in your testimony to the Blue
18 Ribbon Panel?

19 A. Yes. There were a set of
20 recommendations that -- would you like to know
21 what they were?

22 Q. Yes, please.

23 A. These schools have had a
24 long-standing voucher from the standardized

1 A. This consortium of schools that are
2 involved in assessing young people's academic
3 work through what's called performance-based
4 assessment, in which students have to perform or
5 exhibit their knowledge, produce scientific
6 experiments that then get reviewed by university
7 professors, engage in deep historical research
8 papers that then get assessed by other educators
9 and university folks and peers.

10 They have to kind of debate two
11 genres of literature in front of a high stakes
12 audience, but the assessments are performance
13 based, so that when young people come into a high
14 school they know that in order to graduate they
15 have to satisfy seven, ten, twelve -- depending
16 on the school -- exhibition requirements rather
17 than just taking a test that determines if you
18 stay in school or not.

19 These exhibition requirements are
20 what they're working on through their years in
21 school. It's more analogous to kind of a -- like
22 a rigorous higher education curriculum.

23 And then there's extensive external
24 review of student work, so students graduate when

1 they've satisfied those performance criteria.
 2 Q. Is that performance-based assessment
 3 as you just described it currently in effect in
 4 New York State?

5 A. Currently in effect in a number of
 6 schools in New York State.

7 Q. In which schools is it in effect
 8 now?

9 A. Performance-based assessment is now
 10 national in -- there are schools in California
 11 that are relying upon it. A lot of it started
 12 here.

13 What's different about the
 14 consortium is that these schools are saying,
 15 "Give us a waiver from the high stakes exam that
 16 the state is putting out," which we call the
 17 Regents, "and allow us to continue to do this
 18 performance-based work."

19 What we offered to the Blue Ribbon
 20 Panel was, "Let's do a study and actually see to
 21 what extent these different assessments affect
 22 intellectual engagement, persistence, dropout,
 23 college going and the like."

24 You could go to any urban area in

1 scientific analysis"?

2 A. What we had in mind was a study
 3 using assessment of student work, as well as
 4 interviews, focus groups, and a look at the
 5 district's dropout rates in schools where young
 6 people were demographically similar, where they
 7 had access to the high stakes testing and the
 8 performance-based work.

9 Q. Has any of the work that you've done
 10 for the New York State Consortium been published
 11 separately from your testimony?

12 A. No, except insofar as pieces of the
 13 testimony included work that had been published
 14 before, particularly my work on high school
 15 dropouts and urban school culture and young
 16 people's perception of schooling.

17 Q. What was your role at the National
 18 Academy of Science and the National Research
 19 Council Panel Study Committee?

20 A. The National Academy of Science is,
 21 again, a highly prestigious body of scientists
 22 who are selected to produce reports on particular
 23 issues of national concern, so I was selected to
 24 be on a panel of scientists looking at the

1 the country and lots of -- I live in Montclair,
 2 New Jersey, and many of the classes are involved
 3 in performance-based assessment.

4 Q. Are there any schools in New York
 5 involved in performance-based assessment that are
 6 not involved in the consortium?

7 MS. LHAMON: Calls for speculation.

8 A. There are.

9 The consortium schools gather
 10 together to extend their waiver, so there are
 11 other schools that said, "We're going to do the
 12 Regents and we're not going to take up this
 13 fight, and we'll continue to do the PBA,
 14 performance-based work, and we'll do the
 15 Regents."

16 Q. Has the study that you mentioned
 17 been started?

18 A. No.

19 Q. Is there a projected time when the
 20 study will be started?

21 A. The Commissioner of Education denied
 22 the waiver and these schools are being forced to
 23 take the Regents.

24 Q. What did you mean by "rigorous

1 question of student engagement in urban areas.

2 Q. Can you elaborate a little bit more
 3 on what the --

4 A. What we did?

5 Q. What the committee did.

6 A. Sure.

7 The committee met for -- over the
 8 course of a year and a half maybe, maybe four
 9 times in Washington and then California.

10 We compiled all the relevant
 11 literatures on urban student engagement; and
 12 then, as we speak, we're producing a single
 13 volume that will come out of the National Academy
 14 of Science in a single voice as a publication of
 15 the National Academy.

16 The content of it is confidential.

17 There are very strict rules they inform you of
 18 when you get there and I am not permitted to
 19 speak about the content, but you can imagine,
 20 it's about urban student engagement. We've
 21 covered areas like mathematics, literacy,
 22 engagement with science, and dropouts and finance
 23 and equity, vocational education.

24 And it's a -- what's unusual about

1 it is that it's -- again, it's a body of folks
2 who are brought together for their differential
3 expertise; and we are asked to bring the best
4 evidence to bear on the question of student
5 engagement, so it's a very multi-layered editing
6 process.

7 So that first we put together this
8 report. Then they send it out for external
9 reviews to another set of scholars who determine
10 that the level of evidence in the report is very
11 high. And then it goes through an internal
12 editing process at the National Academy of
13 Science, and I believe it will be released soon.

14 Q. What was the New York State
15 Democratic Task Force on Criminal Justice Reform?

16 A. I do a fair amount of work in
17 prisons on the impact of college in prison, and
18 this was actually a task force hearing on
19 education in prison; and I was asked to testify
20 about our research at Bedford Hills Women's
21 Facility.

22 Q. Did any publications result from
23 that testimony, apart from the testimony itself?

24 A. There are many publications that

1 have come out of that work, but not out of the
2 testimony.

3 Q. Have some of your publications come
4 out of that work?

5 A. Many.

6 We have a set of reports, technical
7 reports that were produced. We have an essay in
8 the New American Psychological Association, a
9 volume on qualitative methods. We have a chapter
10 in the International Journal of Critical
11 Psychology. We have a piece in the Journal of
12 Social Issues. I think that's it.

13 Q. Are the publications that have
14 resulted with your work in the New York State
15 Democratic Task Force listed in your CV?

16 A. It's not with the New York State
17 Democratic Task Force. That was just my
18 testimony. The publications that I just referred
19 to should be listed on my CV.

20 Yes, if you look under "Book
21 Chapters," number 9 -- on page 9, "Journal
22 Volumes, Harris and Fine," one of the pieces is
23 in there; and then if you travel down on the
24 bottom of that page, there's a reference to "The

1 American Psychological Association Volume of
2 Qualitative Research and Psychology"; and then on
3 page 14 under "Published Articles," you'll see
4 "Fine and Torre, The Journal of Social Issues
5 Article"; you'll see, "Fine, The Presence of an
6 Absence," in which I talk about the prison work;
7 and "The Psychology of Women Quarterly."

8 And then if you travel down to the
9 bottom of that page, you'll see another essay for
10 The International Journal of Critical Psych; and
11 then if you go to page 19 under "Monographs,"
12 you'll see the large report that we produced
13 called, "Changing Minds: The Impact of College in
14 a Maximum Security Prison."

15 Q. What were the circumstances of the
16 Anthony Lee lawsuit?

17 A. That was the case of the principal
18 down south who canceled the prom because of
19 biracial dating, and the U.S. Department of
20 Justice brought me in as an expert witness to
21 talk to some of the young people about what it
22 was like to be educated in an environment that
23 was considered racially hostile.

24 So I went down to Weedowee, Alabama

1 and spent quite a few days interviewing black and
2 white and biracial students in the school about
3 academic achievement and the school climate in
4 which they were located, as well as speaking with
5 educators and community members.

6 Q. Do you know which court the Anthony
7 Lee lawsuit was in?

8 A. I don't.

9 Q. In the Anthony Lee lawsuit, you were
10 hired by the Federal Government?

11 A. U.S. Department of Justice.

12 Q. Did you testify in the Anthony Lee
13 lawsuit in deposition or at trial?

14 A. I'm trying to remember. I certainly
15 don't remember a trial. That's funny. It's
16 ten years ago.

17 I think they settled, but I don't
18 know. I did prepare a report for them.

19 Q. Is the report you prepared listed in
20 your CV?

21 A. Just insofar as this is the
22 reference to it. No. I don't list unpublished
23 documents anywhere other than the place where
24 they were requested.

1 Q. Was what you prepared for the
2 Anthony Lee lawsuit, as far as you know, was it
3 submitted to the Court or was it just prepared
4 for the people who hired you?

5 A. I don't know where those documents
6 went. It was a very -- usually I work very
7 closely with lawyers.

8 This was a very bureaucratic process
9 where people prepared reports, submitted them to
10 the Department of Justice; and I actually don't
11 know, but the report entailed in-depth focus
12 group interviews with youth.

13 Q. What were the circumstances of the
14 Shannon Richey Faulkner case that you were
15 involved with?

16 A. That one I remember.

17 I was invited in by the National
18 ACLU to assess the consequences of single sex
19 education at the Citadel in South Carolina on
20 women who were excluded from that institution as
21 well as men who were included.

22 Q. In the Lee lawsuit, did you perform
23 any studies in addition to the focus group
24 studies?

1 excluded, so I reviewed the literature; and in
2 addition, I spent time at the Citadel and
3 interviewed students about their views of single
4 sex education and exclusion.

5 Q. Did you do any work in the Faulkner
6 case in addition to reviewing the literature and
7 interviewing the students?

8 A. I reviewed the depositions of the
9 educators.

10 Q. What were the circumstances of the
11 Ulcena case you were involved in?

12 A. It was a very light involvement and
13 I believe -- you know, I barely remember.

14 I believe it had to do with race
15 relations among peers in the high school.

16 Q. Do you recall what the allegations
17 were in the case?

18 A. I don't.

19 Q. Do you know what court that case was
20 in?

21 A. I don't.

22 Q. Did you give any deposition or trial
23 testimony in the Ulcena case?

24 A. I did not.

1 A. No.

2 MS. LHAMON: Mischaracterizing the
3 testimony. She testified that she did extensive
4 interviews with kids and also with educators in
5 the community.

6 Q. Do you know which court the Faulkner
7 lawsuit was in?

8 A. I don't.

9 Q. Did you give any deposition or trial
10 testimony in the Faulkner case?

11 A. Both deposition and trial testimony.

12 Q. Did you do any type of studies in
13 the Faulkner case?

14 MS. LHAMON: Vague as to "studies."

15 A. Could you be more specific?

16 Q. Did you prepare any reports in the
17 Faulkner case?

18 A. I did.

19 Q. And what was the general nature of
20 your report in that Faulkner case?

21 A. It was a two-part report.

22 One, where I documented the impact
23 of single sex education on men, if it's a single
24 sex male environment and on women who were

1 Q. Did you prepare a report in that
2 case?

3 A. I believe I did.

4 Q. Did you do any type of studies for
5 that case?

6 MS. LHAMON: Vague as to "studies."

7 A. I believe I interviewed some
8 students.

9 Q. What were the circumstances of the
10 Merchantville lawsuit that you worked on?

11 A. In the State of New Jersey, there
12 are a number of communities, contiguous
13 communities, where you have largely white, upper
14 middle-class; and then racially mixed, mixed by
15 social class, communities.

16 Pennsauken v. Merchantville is such
17 a circumstance.

18 At present, at the time of the case,
19 the students from Merchantville were going to
20 Pennsauken High School, which was a pretty
21 diverse school, and wanted to have their
22 sending/receiving relationship altered to go to
23 Haddenfield, which is a white, more privileged
24 school; and I was invited in to talk about and

1 investigate -- to talk with young people to
2 investigate their experiences of the school, but
3 also what would be the racial impact of severing
4 that sending/receiving relationship.

5 Q. Who hired you in the Merchantville
6 case?

7 A. Pennsauken. The Board of Ed at
8 Pennsauken. That was the school at risk of
9 losing the students.

10 Q. Do you know which court that lawsuit
11 was in?

12 A. No, I don't.

13 Q. Did you testify at deposition in the
14 Merchantville case?

15 A. I did.

16 Q. Did you testify at trial also?

17 A. Now we're going back 16 years.

18 I don't remember.

19 (A recess was taken.)

20 Q. Dr. Fine, have you given a
21 deposition in any case that's not listed in your
22 CV?

23 MS. LHAMON: Asked and answered.

24 A. I don't believe so.

1 which is a very racially and bisocial class,
2 economically diverse community.

3 Englewood Cliffs is an upper
4 middle-class white and Asian community; and then
5 the third community involved is Tenafly, which is
6 demographically much more similar to Englewood
7 Cliffs.

8 So the lawsuit involved the students
9 from Englewood Cliffs who, if they went to public
10 school, went to public school in Englewood, and
11 they wanted to switch their sending/receiving
12 relationship to Tenafly.

13 So again, I was called in to speak
14 to young people about their experiences both of
15 education and of racial issues at Dwight Morrow
16 High School in Englewood.

17 Q. Did you do any other work in the
18 Englewood Cliffs case in addition to speaking to
19 the young people there?

20 A. I spoke to the students at Dwight
21 Morrow and at Tenafly High School. That's all I
22 did. And then I wrote a report.

23 We spent -- I hired some graduate
24 students to help me do that work and we spent

1 Q. Did you have any discussion with Ms.
2 Lhamon before we began the deposition today?

3 MS. LHAMON: Ever or before the
4 deposition?

5 MR. SEFERIAN: This morning about
6 the deposition.

7 A. This morning?

8 Q. Yes.

9 A. No. We were supposed to meet
10 downstairs, but she's an incompetent train
11 traveler, so no. No conversation at all.

12 Q. Did you have any discussion with her
13 during the break we just took about the
14 deposition?

15 A. She asked how I was doing.

16 Q. What was the nature of the Englewood
17 Cliffs lawsuit that you were involved in?

18 A. Legally, very similar in structure
19 to the Pennsauken case.

20 Three communities in Northern New
21 Jersey: Englewood Cliffs, Englewood and Tenafly.

22 Englewood Cliffs is too small to
23 have its own high school, so they have a
24 sending/receiving relationships with Englewood,

1 time, some time in that case speaking to young
2 people; and we ended up writing a report on the
3 educational consequences of segregation for
4 African-American students, but also for white
5 privileged students.

6 Q. In the Englewood Cliffs case, did
7 you conduct any focus groups?

8 A. I did.

9 Q. Did you conduct any focus groups in
10 the Anthony Lee case?

11 A. Yes, I did. And that has been
12 published. If you need a reference to that, in
13 one of the chapters --

14 Q. Do you recall which chapter it is?

15 A. It's in one of two places.

16 On page 10 in Robert Carter's book,
17 "Addressing Cultural Issues in Organizations,
18 Beyond the Corporate Context."

19 Q. That chapter discusses the focus
20 group you did in the Anthony Lee case?

21 A. It discusses the findings or
22 conclusions and the process of doing the work,
23 but it refers to the focus group.

24 Q. Did you do any focus group work in

1 the Faulkner case?

2 A. Yes. With a group of young men who
3 attend the Citadel.

4 Q. How about in the Ulcena case, did
5 you do any focus group work over there?

6 A. No.

7 In the Anthony Lee case as well.
8 There was a focus group in the Anthony Lee case.

9 Q. That was the publication you
10 referred me to?

11 A. Yes.

12 Q. Can you describe the focus work you
13 did, focus group work you did in the Faulkner
14 case?

15 A. Sure. I gathered up a group of
16 cadets. I believe we did a couple of different
17 focus groups there. Some were "knobs." That's
18 what they call the first year guys, and then some
19 older cadets, about their experiences in racially
20 -- sorry, in sex segregated schooling.

21 Q. How many focus groups were there in
22 the Faulkner case?

23 A. I don't recall. We spent quite a
24 few days there so -- I don't recall the total

1 groups, what criteria did you use to determine
2 the size of the focus group that you want to use?

3 MS. LHAMON: The question is
4 overbroad.

5 Do you mean in every case? Every
6 time she's ever conducted a focus group?

7 MR. SEFERIAN: Just in general.

8 A. It depends very much on the context
9 question that we're investigating, the
10 sensitivity of the information. The range, as I
11 said, they can go from 5 to 15, 18.

12 Q. How does the context of the question
13 affect the size of your focus groups?

14 A. The context or the question that
15 you're asking, there might be conditions under
16 which you would want -- for instance, in the
17 Citadel case, a small group of young men who
18 could speak deeply and honestly about their
19 experiences at the school.

20 There would be, in the Anthony Lee
21 case, alternatively, we wanted a diverse group of
22 students slightly larger so that we could get a
23 broad range of perspectives on the experiences,
24 what was then called a racially hostile academic

1 number.

2 And also in that case, I had sent
3 two graduate students ahead of me and they also
4 did a lot of speaking with young people.

5 Q. How large were the focus groups that
6 you did in the Faulkner case?

7 A. The focus groups -- I think they
8 were probably about eight.

9 Q. Can you describe the focus groups
10 you conducted in the Englewood Cliffs case?

11 A. I'm trying to remember accurately.

12 I think -- I can't give much detail,
13 but typically what we do is get groups of
14 students between 8 and 15, sometimes smaller,
15 sometimes integrated by whatever characteristic
16 we're looking at -- in this case, it was about
17 race, and the Citadel case was about gender --
18 but sometimes segregated, and we try to create a
19 trusting environment where young people can talk
20 about their experiences.

21 Q. Do you recall how many focus groups
22 you conducted in the Englewood Cliffs case?

23 A. I don't.

24 Q. When you were conducting focus

1 environment, so we had boys and girls and black
2 and white.

3 Q. In the Faulkner case, were you
4 looking for a broad range of perspectives when
5 you conducted the focus groups?

6 A. In the Faulkner case, we went for
7 small groups to create trust because there was so
8 much intense pressure on the young men not to
9 speak about the case or not to speak in
10 complicated ways about the case.

11 So we went for relatively small and
12 then multiple groups, so we probably had four or
13 five groups. They all knew everything about the
14 lawsuit. There had been a lot of publicity about
15 it, so they were very immersed in an environment
16 that was encouraging them not to speak, even
17 though we obviously had authority to be there.

18 Q. Do you have a set of written
19 criteria that you use to determine the size of
20 the focus group that you're going to conduct?

21 A. Size isn't the critical scientific
22 issue here.

23 In order to establish validity, one
24 needs to take into consideration what's the

1 nature of the question you're asking or to the
2 preexisting dynamics among the players: Do they
3 know each other? Are you interested in having a
4 diverse group or a relatively segregated group?

5 So the large issues are about
6 sampling and process, not -- size isn't
7 considered a -- there wouldn't be a list of
8 criteria around size.

9 Most of the literature, the
10 Wilkinson writings, the Kvale writings, are
11 really talking about kind of process and the
12 relationship between context, the question you're
13 asking, and the process of the focus group.

14 Q. So there are no specific written
15 criteria that are followed with regard to
16 specifically the size of a focus group, is that
17 correct?

18 A. You might be able to find someone
19 whose written a very technical piece like that,
20 but not in academic social science.

21 In academic social science, you
22 wouldn't just have a kind of free floating set of
23 criteria that were separate from the question
24 you're asking and the context in which you're

1 work to make a determination of, again, the
2 relationship of the question and the context in
3 which the questions are being asked.

4 By "question," I mean the research
5 question. Not just the questions you're asking
6 the focus group.

7 Q. Is the sensitivity of information
8 that's discussed in a focus group, is that a
9 factor in determining the size of a focus group?

10 A. Your focus on size isn't a big issue
11 in the social science literature.

12 The sensitivity of the issue has to
13 influence how you think about who's in the room,
14 how you ask the questions you ask and how you
15 create a safe place for dissenting opinions.

16 The sensitivity of the question
17 should influence whether or not you use multiple
18 methods to get at the data in varied ways.

19 The sensitivity should influence
20 your sampling decisions in terms of whether
21 you're doing a kind of within group analysis or
22 cross group analysis.

23 Q. What did you mean when you said that
24 sampling and process are issues?

1 asking.

2 There are ways of thinking about
3 validity, but they are always interactive with
4 context and question.

5 Q. What criteria do you use to
6 determine whether a focus group will be
7 integrated or segregated?

8 A. It depends on the nature of the
9 question. Most of these cases are cases of
10 exclusion, so I tended to want to have both
11 segregated and integrated groups to see if
12 distinct issues would emerge.

13 But in work, for instance, we're
14 currently doing on the achievement gap with
15 racially integrated suburbs, where we want to
16 know, "What is your experience at the school?"
17 we tend to go for integrated groups to get the
18 full range of experiences from a variety of
19 students.

20 Q. Are there a set of written criteria
21 that you follow with regard to focus group to
22 determine whether, in a particular case, focus
23 groups will be segregated or integrated?

24 A. I rely on my 20 years of doing this

1 A. Who is in the room and how you
2 conduct the focus group. That's where the
3 methodological decisions are most important, more
4 important than size, given the range that I've
5 already specified.

6 Q. Can you describe the relationship
7 between sensitivity of the issue and whether
8 multiple methods are used, how that's determined?

9 A. Sure.

10 There's a large kind of canonical
11 text called "The Handbook of Qualitative
12 Research" which social scientists tend to rely on
13 for qualitative research; and in there, for the
14 first two volumes, I've had essays where I talk
15 about the importance of multiple methods. That's
16 Sage Publications.

17 Increasingly, it's become apparent
18 to me that in context where the issue is
19 sensitive, is uncomfortable, where different
20 students might have a different relationship to
21 the conversation, that it would be important to
22 have what I'm calling multiple methods.

23 That is, perhaps, a survey and a
24 focus group; or closed-ended questions and

1 open-ended questions.

2 At the Citadel, the focus groups
3 would not have been as productive if we invited
4 young women into the groups, since the men were
5 immersed in an environment where they were
6 strongly defending exclusion, so there it was
7 important to create a trusting environment, a
8 same sex environment that mirrored their school,
9 and then to ask them both about what was
10 appealing about same sex education and if they
11 thought there were any problems with it and what
12 they thought about the lawsuit, because the
13 lawsuit was very, very much in the air there.

14 In the Anthony Lee case, we
15 explicitly decided to run a racially integrated
16 group because we wanted to see what the dynamics
17 were in the school, given that the principal had
18 just canceled the prom based on racial criteria.

19 (Fine Exhibit No. 2 - Expert Report
20 of Dr. Fine - was marked for identification.)

21 Q. Dr. Fine, is Exhibit 2 a copy of the
22 expert report you prepared in this case?

23 A. I believe so.

24 Q. The publication you mentioned,

1 A. Because people express themselves
2 differently. If they're asked to fill out a
3 survey, for some people that's a more comfortable
4 medium than participating in an open
5 conversation.

6 For others, filling out open-ended
7 essay-like questions is a more comfortable
8 medium. And for still others, speaking is more
9 comfortable than either filling out closed-ended
10 or open-ended questions.

11 Q. If an issue is not sensitive, would
12 that be an issue that would be more likely to be
13 explored only using a focus group and not
14 additional methods?

15 A. My expertise tends to be in areas
16 that might be considered sensitive, so all I
17 could do is actually answer within kind of
18 relatively sensitive areas.

19 Q. Have you ever conducted focus groups
20 without using multiple methods?

21 A. I'm sure I have.

22 Tomorrow some of my students are
23 going down to Delaware. A school district has
24 invited us in to conduct some focus groups.

1 "Handbook of Qualitative Research," is the
2 publication referenced on page 53 of your report
3 at the end of the first sentence?

4 MS. LHAMON: There's two
5 publications.

6 A. Denizin and Lincoln?

7 Q. Yes.

8 A. There are two volumes, yes.

9 Q. What are the two volumes?

10 A. I think one was produced in '98 and
11 one was produced in 2000, but they have different
12 essays. I've been invited to participate in
13 both, but it's now become kind of a bible of
14 qualitative research, so they're now producing a
15 third.

16 Q. Did you rely on the 2000 publication
17 of the Handbook of Qualitative Research in
18 forming your opinions in this case?

19 A. Both the '98 and the 2000.

20 There's a whole set of essays in
21 there, so Denizin and Lincoln are the editors.

22 Q. Why does the sensitivity of an issue
23 have a relationship to using different methods in
24 a focus group?

1 Because they don't know the context very well,
2 they're going to conduct it without multiple
3 methods, but then they'll be going back to add
4 more methods.

5 So in the course of a piece of work,
6 I'm very committed to using multiple methods
7 because then you engage in what's called
8 triangulation, by which you make an assessment of
9 the extent to which the different data confirm or
10 raise challenges to each other.

11 Q. What did you mean when you said that
12 your expertise is in issues that are sensitive?

13 A. I tend to look at questions of
14 social justice, distributive justice, procedural
15 justice, inclusionary justice.

16 Given that, if I'm speaking to a
17 group of young people, there are layered
18 reactions to those issues. I don't do marketing
19 research on Sprite or Coke.

20 Q. Can you define those terms: social
21 justice, distributive justice and inclusionary
22 justice?

23 A. Sure, sure.

24 There's a vast literature in social

1 psychology on distributive justice.
 2 Distributive justice has to do with
 3 the extent to which and the principles by which
 4 resources are distributed across populations.
 5 Morton Deutsch, D-E-U-T-S-C-H, who was my mentor,
 6 is a primary social justice theorist.

7 And research and social justice
 8 concerns how a resource is distributed and what
 9 are people's reactions to those distributions, so
 10 you can distribute resources by what's called
 11 equity. The more you put in, the more you get
 12 out. The less you put in, the let you get out.

13 You can distribute resources
 14 equally. It doesn't matter how much you put in
 15 or out. Everybody's got equal access, like a
 16 library or highways.

17 You could distribute resources by
 18 need, so that those who need most get most.
 19 That's another principle of distributive justice,
 20 or you can distribute resources by winner take
 21 all, which is like the lottery.

22 So those are the -- and there's a
 23 lot of theorizing suggesting that people are
 24 uncomfortable when they believe they deserve and

1 groups are being conducted?

2 A. Beyond the participants?

3 Q. Let me withdraw that question.

4 I believe you testified that, with
 5 regard to similar planning and process, one of
 6 the issues will be who is in the room for a focus
 7 group?

8 What did you mean by that? Were you
 9 referring just to --

10 A. Participants.

11 Q. In terms of determining who will be
 12 participants in a focus group or who will be in
 13 the room, are there any set of written criteria
 14 you follow in that regard?

15 A. Again, this is a very layered
 16 method. It's not like a technique, so there
 17 aren't written criteria in the way that you're
 18 describing them.

19 Different theorists and researchers
 20 will detail their methods in their writing, so
 21 one can see different elaborations of how they
 22 conduct focus groups.

23 But again, in most cases, except in
 24 cases where we're actually studying exclusion,

1 the amount of resources they get doesn't match
 2 what they believe they deserve.
 3 And, in fact, there's evidence to
 4 suggest even people who get more than they
 5 deserve are uncomfortable by the overdistribution
 6 of resources, although people who get less than
 7 they deserve are more likely to be distressed, so
 8 that's distributive.

9 Procedural justice has to do with
 10 the extent to which people experience fair
 11 treatment. It's less about the distribution than
 12 whether or not there's an appeal procedure, a
 13 grievance procedure, a way to challenge the
 14 inequities, whether or not you get respect,
 15 whether or not you get listened to, whether or
 16 not your voice is heard.

17 And then inclusionary justice has to
 18 do with who's at the table, who's invited in, who
 19 constitutes what's called, the moral community,
 20 who is considered worthy for the distributive and
 21 procedural justice that I just talked about.

22 Q. Are there any written criteria you
 23 follow when you're conducting focus groups to
 24 determine who will be in the room while the focus

1 I'm actually using the most inclusive sample I
 2 can find that is diverse by varieties of criteria
 3 so that we can get the broadest range of
 4 positions, but that's then related to the process
 5 whereby I then have to myself, or to train my
 6 graduate students, make sure that every person is
 7 heard, that dissenting opinions are solicited.

8 That's why I keep connecting sample
 9 and process.

10 Q. Can you describe the relationship
 11 between the sensitivity of an issue and how that
 12 affects sampling decisions?

13 A. Sure. I thought I did that before.
 14 I can try a different way.

15 So, for instance, in the Citadel
 16 case where there was a lot of pressure on the
 17 young men not to -- there was a very single face
 18 everyone was giving us. "Girls can't come here.
 19 They couldn't do this work. They're not wanted.
 20 They're not capable," et cetera.

21 It would have been scientifically
 22 invalid to try to run a coed focus group in that
 23 setting; that insofar as we really wanted to
 24 know, how did the young men think about it and

1 what were the consequences for them of single sex
2 education. It was important to keep girls who
3 could be students not in that focus group.

4 If my question was, "How do boys in
5 a single sex institution deal with young women or
6 girls?" I would have run a single sex group to
7 look at the dynamics in the room; but given we
8 were interested in what's the impact of a single
9 sex environment on those who were in and those
10 that were excluded, we ran a single sex, so the
11 sensitivity was around issues of exclusion, the
12 fact that there was a lot of pressure on them not
13 to break rank.

14 And what ended up happening in the
15 focus group is boys started talking about how in
16 each of the barracks, a couple of boys became the
17 kind of target of sexual or gender put-downs, so
18 every kind of barrack created a boy who was
19 treated like the girl. He was called "the it" or
20 "the skirt" or "the Sally," and the words got
21 worse than that, as you can imagine.

22 So they created an outgroup within
23 the group. That issue emerged only in focus
24 group conversations where we created a lot of

1 because we were in the school so much, we got to
2 see a fair amount of kind of -- use observation
3 to assess student behavior in the cafeteria and
4 the classroom, and student/teacher interactions
5 in those settings. So depending on the question
6 that we're asking, we rely upon multiple methods.

7 In other studies, we've relied upon
8 archival and focus groups, so we've looked at --
9 archival materials are like dropout records, so
10 we would get that data over time and then get a
11 focus group to reflect on that.

12 In a prison study, we did a
13 longitudinal analysis of recidivism rates and we
14 aligned that with a focus group of prisoners and
15 individual interviews with corrections officers.

16 Q. When you're deciding which of the
17 methods to use in addition to focus groups in a
18 case where you're using multiple methods, how do
19 you determine which among of the various methods
20 you will use in any given case?

21 A. Again, it has everything to do with
22 the question I'm asking, we're asking.

23 So for instance, in the Anthony Lee
24 case, where primarily the focus was on how do

1 safety and boys said -- some boy would crack and
2 said, "Well, you know, we have skirts and Sallys
3 and every barrack has got an it."

4 Then I could go and investigate that
5 question in other small groups. So if we would
6 have had girls there, that would have blown it.
7 We wouldn't have gotten that kind of information.

8 Q. When you use the term "multiple
9 methods," does that include methods in addition
10 to a survey, a focus group, and using
11 closed-ended and open-ended questions?

12 A. Sure. It could refer to a whole
13 range of methods.

14 Q. What other methods could that refer
15 to when you use the term "multiple methods"?

16 A. In some work we're doing in the
17 Bronx, we're using focus groups and then oral
18 histories, so oral history would be another
19 method.

20 In some work that we did of youth
21 perceptions of police in New York City, we did on
22 the street surveys and then in-depth individual
23 interviews on the phone.

24 In the Englewood Cliffs case,

1 students experience the school environment and
2 how did they experience the use of race in
3 academic and social design making, there it was
4 most important to do focus groups with racially
5 integrated groups of students so that we could
6 hear, again, within group and cross group, how
7 they narrate their experience.

8 In addition, I then got to do some
9 observations in the AMZ Church to understand how
10 the community saw the issue, so it has everything
11 to do with the question you're asking.

12 What I'm most interested in is
13 always assuring that I can get both individual
14 level data and group level data.

15 Q. Why do you want to assure that you
16 obtain individual level data as well as group
17 data?

18 A. Because they are two different ways
19 into the same question.

20 Q. When you say "individual level
21 data," what are you referring to?

22 A. In the present case, for instance,
23 the surveys would be individual level data; and
24 on the surveys we included both qualitative and

1 quantitative items because, again, young people
2 express themselves -- are differentially
3 comfortable with different ways of collecting
4 data.

5 Q. Are there certain types of questions
6 that will lead you to conduct oral histories in a
7 particular case or certain types of issues?

8 A. Sure, yes. You conduct oral
9 histories when you want to capture the history of
10 a social issue that has, for the most part, not
11 been documented by the existing literature or
12 archives, so we've done oral histories of
13 desegregation, the movement for school
14 desegregation in Montclair, New Jersey.

15 More recently I have a student who
16 is doing oral histories with mothers in the South
17 Bronx who have been working on issues of
18 educational quality and equity.

19 So to the extent that you want an
20 historical portrait of either a life or a social
21 movement, oral history is the most effective
22 strategy for gathering that.

23 Q. What types of issues or questions
24 will lead you to conduct in-depth interviews?

1 A. In-depth focus group interviews or
2 individual interviews?

3 Q. In-depth individual interviews.

4 A. To the extent that a person is
5 likely not to speak in front of other people,
6 like the corrections officers in the prison, we
7 could not interview them either with prisoners or
8 with each other; or you do an individual
9 interview if people can't be with their groups.

10 So prisoners who have now left
11 prison can't be with other prisoners who are also
12 on parole, so we couldn't do a group.

13 We do an individual interview if you
14 want to know in detail how an issue plays out in
15 the life of a single person.

16 Q. Which type of research issues will
17 you use, observation or behavior?

18 A. I tend to use observation when I'm
19 looking at -- when I'm asked to assess issues of
20 curriculum or pedagogy or assessment in a school.
21 That is, not when I'm looking at students'
22 reactions to it, but what are the teachers doing.

23 Q. Which type of research questions
24 will you perform longitudinal analyses?

1 A. If we want to know about change over
2 time, so in the prison study, to the extent that
3 we were assessing recidivism rates based on
4 enrollment in college or not, in prison --
5 actually, it was the New York State Department of
6 Corrections that did this study for us and with
7 us, and they assessed over time, over a 36-month
8 period the recidivism rates of women prisoners
9 who had been through college in prison and those
10 who hadn't.

11 Likewise, with dropout studies.
12 I've done what are called cohort analyses, where
13 you get the records of, you know, 1,700 kids
14 coming into ninth grade in X high school in 1976;
15 and then you look four years later, five years
16 later, six years later to see what percentage of
17 them graduated.

18 Q. What were the circumstances of the
19 Adamski case you worked on?

20 A. Is that Boy Scouts?

21 Q. Yes.

22 A. It was a woman scout leader who was
23 on an overnight with her son's Boy Scout troop
24 and the senior Boy Scout leaders came out and

1 told her that a woman couldn't be a Boy Scout
2 leader, so she brought that case to the New York
3 State Division of Human Rights.

4 Q. Who hired you in the Adamski case?

5 A. The lawyer for the New York State
6 Division of Human Rights who was representing --
7 I forget her first name, by Adamski.

8 Q. Did you conduct any focus groups in
9 the Adamski case?

10 A. No.

11 Q. What was the nature of the Feliciano
12 lawsuit that you worked on?

13 A. Feliciano was a Latino police
14 officer who was suing for ethnic discrimination;
15 and I simply spoke about the evidence on
16 stereotyping in the work force.

17 Q. Did you perform any studies or focus
18 groups in the Feliciano case?

19 A. No.

20 Q. What was the nature of the Newberg
21 lawsuit that you worked on on page 8 of your CV?

22 A. That was a case of three young women
23 suing for access to an all male public high
24 school in Philadelphia. Philadelphia had two sex

1 segregated high schools. It still has one.
2 Central High, which was the boys school; and
3 Girls High, which was the girls school.

4 These were three young woman who
5 were suing for access to Central High.

6 Q. Who hired you in the Newberg case?

7 A. The lawyers for Newberg. For the
8 young women.

9 Q. What work did you perform in the
10 Newberg case?

11 A. Largely, I testified about the
12 adverse impact of segregated environments on,
13 again, those who were included and those who were
14 excluded; and further, I talked about the
15 importance of public institutions representing a
16 commitment to inclusion; and that in the absence
17 of that, public institutions signify or
18 legitimate differential treatment.

19 People look to public institutions
20 as a model for how to think through who is
21 deserving.

22 Q. Did you perform any focus groups in
23 the Newberg case?

24 A. I don't believe so. I think I

1 was a two-year study of focus groups, individual
2 interviews and then surveys of kids who had
3 recently dropped out.

4 We're currently surveying young
5 people in a couple of the small schools about
6 their college aspirations. In the book that I
7 wrote with Lani Guinier, we did a survey with men
8 and women at University of Pennsylvania Law
9 School.

10 In my work in Philadelphia in the
11 book "Chartering Urban School Reform," we did a
12 survey of -- we would do school by school samples
13 of 9th, 10th, 11th and 12th graders and their
14 views of education, so many times.

15 My training is in quantitative
16 social psychology, so I'm trained in both
17 experimental design and statistical analysis.

18 Q. Is the work that you're doing in
19 connection with the survey of 13 school districts
20 in New York reflected on your CV?

21 A. It's reflected as a grant.
22 Rockefeller Foundation, on page 1 to 2, "Race,
23 Ethnicity, Class, Academic Opportunity."

24 I got the grant at the very end of

1 probably spoke with the three young women. I
2 don't remember the conditions of our discussions,
3 but largely I talked about the existing
4 literature.

5 (A recess was taken.)

6 Q. In any of your prior expert work
7 that's listed on pages 6 to 8 of your CV, did you
8 conduct written surveys?

9 A. No.

10 Q. Do you have any estimate as to how
11 many times you've conducted written surveys in
12 connection with the research in an educational
13 setting?

14 A. I do a lot of research. I was
15 probably lucky that hyperactivity was developed
16 after I got out of elementary school many, many,
17 many times. Right now, we're in the midst of a
18 massive survey of 13 school districts in the New
19 York Metropolitan area.

20 When I did the study of high school
21 dropouts, that produced the book, "Framing
22 Dropouts."

23 We did a survey -- we did an
24 archival analysis of dropouts. We did -- this

1 2001; and so we developed the survey. It's
2 actually a youth research project where we
3 trained youth to be researchers. So we have
4 these youth research camps where we have high
5 school kids stay overnight and we train them in
6 survey methods, individual interviews, focus
7 groups, and they produce the survey. We then
8 distribute it.

9 We had another camp where they're
10 analyzing the responses to that, so that's all
11 happened this year.

12 That's why I have to leave this
13 afternoon to actually go present some of that
14 data back, but none of it has been written up
15 yet, but we've gotten 4,000 responses to the
16 survey.

17 Q. Is the work that you're doing with
18 young people in small schools on college
19 aspirations reflected on your CV?

20 A. It's also part of this achievement
21 gap project, as are the oral histories in the
22 South Bronx that I referred to earlier.

23 Q. Was any of the prior expert
24 witness-related work that you performed related

1 to the extent to which structural facility
2 problems produce adverse psychological and
3 academic effects on children in adolescence
4 attending schools with those characteristics?

5 A. None of my expert testimony. Much
6 of my research is in that area, but I don't
7 believe any of the expert testimony cases
8 addressed structural conditions in schools.
9 Let me just check to make sure that's right.

10 These are all cases of either gender
11 or race exclusion, for the most part.

12 Q. When you said much of your research
13 is in that area, referring to structural
14 facility's problems, did you have certain
15 research projects in mind given that answer?

16 MS. LHAMON: You just
17 mischaracterized her testimony. She talked about
18 structural conditions in schools.

19 MR. SEFERIAN: I'll restate that.
20 I didn't mean to misstate what you said.

21 Q. Which of your research has involved
22 the extent to which structural facility's
23 problems produces adverse psychological and
24 academic effects on children in adolescence

1 facility's problems of a school produces adverse
2 psychological and academic effects on children?

3 A. I've looked at questions of
4 facilities in the book "Framing Dropouts," in the
5 large scale study of Chicago small schools where
6 the lead author is Pat Wasley, and the
7 Philadelphia schools collaborative work which is
8 all chronicled in the book I edited "Chartering
9 Urban School Reform."

10 I've looked at facilities in the
11 book called, "The Power of the Struggle," which
12 is a study of desegregation and who got what kind
13 of buildings, and in the book "Framing Dropouts."

14 Q. And of those works that you just
15 mentioned, you discussed the relationship between
16 physical facility of a school and the
17 psychological and academic effects on children?
18 Would that be accurate?

19 A. In all of those works I've either
20 discussed issues of inadequate facilities, dark
21 lights, too much heat, school size and/or access
22 to equipment and their impact on academic and
23 psychological consequences for kids.

24 School size is a major area of

1 attending schools with those problems?

2 A. Right. By "structural," I assumed
3 you mean the physical structure as well as the
4 educational and interpersonal structures of
5 schools and their academic and psychological
6 impact? Am I reading that right? You're not
7 just talking about the physical plant? When I
8 talk about structural conditions, I'm talking
9 broadly about the people, the policies, the
10 practices and then the plant.

11 Q. I was hoping you would first answer
12 it broadly, as you've just defined it.

13 A. If you're asking about the
14 structural, which pieces of my work have looked
15 at the structures, the faculty, the
16 infrastructure, the curriculum pedagogy and their
17 effects on youth in urban schools, I can take you
18 through the books and the articles, but I've been
19 doing that work since 1981. Since I graduated --
20 and prior to that, while I was in graduate
21 school.

22 Q. Let me ask you more narrowly?
23 Which of your research has related
24 to the extent to which physical structural

1 research for me, so questions of facility and
2 plant and how to share facilities are addressed
3 extensively in the work in Philadelphia, New
4 York, and Chicago.

5 Q. Can you elaborate a little bit on
6 what you mean by "school size"?

7 A. The size of your school.

8 So large urban areas tend to have
9 very large buildings filled with large numbers of
10 kids; and, in fact, in this country, social class
11 is highly related to school size. Wealthier kids
12 go to much smaller schools and poor kids go to
13 very large, overcrowded schools.

14 So I don't even have to go to
15 California. I can stay in New York and almost
16 all of the private schools are -- the average
17 private high school is something like 260 kids.
18 The average parochial school is about 600 kids.
19 The average high schools, about 1,500, and the
20 average poor kid high school ranges from 2,500 to
21 5,000.

22 So a lot of my work has been on --
23 and we know that size is related to alienation
24 and disengagement. So a lot of my work has been

1 on how to create smaller structures within large
2 buildings to kind of decoupling the notion of
3 school and buildings.

4 So throughout New York, you'll find
5 what used to be big bad high schools with very
6 large ninth grades and very small twelfth grades.
7 Like 1,500 kids in the 9th grade and 135
8 graduates in twelfth grade that are now being
9 restructured into multiple small schools in the
10 same building.

11 So a lot of questions of facilities
12 and access and who gets the science lab and who
13 gets the library and how do we negotiate the
14 building and which parts are unsafe become issues
15 and that's the work I've done in New York,
16 Philly, and Chicago.

17 Q. In any of your prior research work,
18 have you conducted a focus group related to the
19 extent to which the physical structure of a
20 school or the physical facility conditions at a
21 school produces adverse psychological and
22 academic effects on children attending that
23 school?

24 A. In all of the work that I've just

1 ethnographic methods are methods that originally
2 were done by anthropologists where you basically
3 hang out in a community, an institution -- in
4 this case, an institution, a school -- in an
5 effort to try to capture the local meanings that
6 people live with, how they make sense of the
7 institution in which they're located.

8 So I found a high school, the name
9 of which I don't reveal, in New York City that
10 was a neighborhood high school. And I engaged in
11 ethnographic work, participant in observation.
12 For a year, I went back to high school, which was
13 much better than the first time I was there, and
14 hung out in the guidance office, went to classes,
15 interviewed students, did individual interviews
16 and focus group interviews of kids who had
17 recently dropped out. Did an archival
18 analysis of the incoming class, I think, of 1976
19 to see what percentage had graduated by whatever
20 year it was, '82. Anyway, I gave them six
21 years to graduate.

22 I did a survey of kids who had
23 recently dropped out and then interviews with
24 kids who had dropped out three to four years

1 described, focus groups -- that's been at least
2 one of the methods in all of those studies.
3 In Chicago, in New York and in Philadelphia.

4 Q. In those studies you mentioned,
5 those are all reflected in your CV, correct?

6 A. Yes.

7 Q. Was any of the prior work you've
8 done as an expert witness related to the extent
9 to which exposure to high levels of
10 undercredentialed teachers produced adverse
11 psychological and academic effects on children in
12 adolescence attending schools with that
13 characteristic?

14 A. Framing Dropouts in New York, which
15 is a study of a large, comprehensive high school
16 in Manhattan attended by African-American and
17 Latino low income youth, and the work we did with
18 the Bank Street Study in Chicago that Pat Wasley
19 was the lead author.

20 Q. Can you briefly describe how you
21 conducted the research in connection with Framing
22 Dropouts in New York?

23 A. Sure. Framing Dropouts was what's
24 called an ethnography, which means that you --

1 prior and produced a book called, "Framing
2 Dropouts."

3 Q. Will you describe the research
4 methods that you used in connection with the Bank
5 Street Study in Chicago?

6 A. Sure.

7 In Framing Dropouts, the question
8 was, "How do schools easily, comfortably and
9 predictably produce massive rates of dropouts?
10 How is it that you can have a graduation rate of
11 -- a graduating class of 200 in a school of
12 3,000?"

13 In the Chicago study, we were asking
14 the question, "What's the impact of small schools
15 on academic achievement, students' engagement,
16 students' relationships with teachers and their
17 levels of violence and discipline and students'
18 academic aspirations?"

19 We did a -- again, it was a
20 multi-method study. We had a very large
21 quantitative student database that a doctoral
22 student of mine moved. He moved from The
23 Graduate Center to the University of Chicago to
24 put it together to divide schools into -- by

1 size.

2 And we looked at student achievement
3 in small schools versus big schools. In
4 addition to that, we did participant observation
5 and focus groups and interviews with teachers in
6 a set of small schools.

7 We also did group interviews with
8 community members and reformers in Chicago; and
9 then over the course of, I guess, a year and a
10 half, two years, we produced a report on the
11 impact of small schools on students' academic
12 achievement.

13 Q. Do you refer to that work as the
14 Bank Street Study?

15 A. I do. Bank Street Small School
16 Study, yes. Pat Wasley was the Dean of Bank
17 Street at the time, so it got produced as a
18 working paper out of Bank Street.

19 Q. How did you look at student
20 achievement in the Bank Street Small School
21 Study? What did you examine in that regard?

22 A. What indicators?

23 Q. Yes.

24 A. There were a set of multiple

1 So relations with teachers,
2 relations with the curriculum were all built into
3 our assessment of achievement.

4 Q. How do you define "engagement"?

5 A. The extent to which students feel
6 that teachers are responsive to them, the extent
7 to which they feel connected to and respected in
8 the curriculum, the extent to which they say if I
9 have a problem, I can go to a teacher for help,
10 how they feel about school climate and rigor, and
11 the extent to which they feel that studying hard
12 is a significant piece of their academic
13 self-definition. It's also related to attendance
14 and persistence.

15 Q. How do you define "persistence"?

16 A. Do you keep going to school? Do you
17 not drop out? Do you respond to a failure or a
18 hard time by coming back or do you exit?

19 Lots and lots of urban kids failed
20 the ninth grade. In Philadelphia, something like
21 40 percent of ninth graders go on to tenth grade
22 the first time, so persistence is not just going
23 on to tenth grade, but to go back and do ninth
24 grade again. This is before the standardized

1 indicators. There was attendance, persistence,
2 absolute scores on standardized achievement
3 tests, growth scores on standardized achievement
4 tests, dropout rates and postgraduate plans.

5 Then we went into classrooms. We
6 looked at student work and levels of engagement.

7 Given that there's a vast
8 literature, which I now know well because that
9 was the point of the National Academy of Science
10 panel, on the relationship of student engagement
11 and relationships with their teachers and
12 achievement, that is kind of a narrowly
13 conceived, standardized task, persistence, et
14 cetera, we spent a lot of time looking at levels
15 of engagement because there's a strong literature
16 suggesting that, particularly for poor and
17 working class kids, engagement and achievement
18 are highly correlated, engagement and
19 achievement.

20 That's much less true for upper
21 middle-class and wealthy kids. They can achieve
22 without being engaged since it's kind of in the
23 air-conditioning, but you don't get achievement
24 without engagement for low income kids.

1 testing we're starting to see bodies bailing.

2 So persistence has to do with the
3 extent to which you just keep going to school
4 even in the face of hard times or failure.

5 Small schools have substantially
6 stronger persistence rates than large schools.

7 Q. Has any of your research work
8 related to the extent to which substantial
9 teacher turnover produces adverse psychological
10 and academic effects on children and adolescents
11 attending schools with that characteristic?

12 A. The work in Philadelphia and
13 Chicago, we bumped into high rates of teacher
14 turnover and students talked about the
15 psychological and academic consequences of a lack
16 of stability.

17 Stability is a really important
18 feature of quality education, especially for
19 marginal kids. It's more important for girls
20 than boys, it's more important for kids of color
21 than white kids, it's more important for poor and
22 working class kids than middle and upper
23 middle-class kids.

24 It's why K through 8 schools are

1 better than K through 5, because every transition
2 ends up being particularly problematic for
3 students who don't have a secure relationship
4 with school anyway.

5 So teacher instability becomes
6 really problematic for poor and working class
7 students who are going into under resourced
8 schools.

9 We saw that in Chicago and we saw
10 that in Philadelphia.

11 Q. How is the teacher turnover issue
12 specifically examined in your work in
13 Philadelphia?

14 A. The policy issue that led us to that
15 is that the way the union defines seniority in
16 Philly is that if an English teacher with 20
17 years at George Washington High School resigned
18 or quit or got sick in the middle of the year,
19 English teachers along the seniority ranks would
20 get bumped mid year. You got it?

21 So the person with 19 years would
22 then get bumped over to GW mid year, having left
23 a hole at Ben Franklin High School; and then the
24 person at Kensington High School who had 18 years

1 called "at risk characteristics" you have -- I
2 don't love the label, but you get the point --
3 being African-American, Latino and/or low income,
4 the more likely strong enduring relationships
5 with teachers matter with respect to academic
6 engagement and persistence. That's not in my
7 report because it just came out, but it just
8 confirms all that we know about the significance
9 of teacher stability.

10 Q. What publication was that article
11 in?

12 A. I don't know. I can bring it
13 tomorrow. Croninger and Lee. I'll bring it when
14 I get the number of Distinguished Professors.

15 Q. Thank you.

16 A. Sure.

17 Q. In the Philadelphia study, how did
18 you specifically determine the relationship
19 between teacher stability and academic
20 performance and psychological well-being?

21 A. The Philadelphia work was a
22 \$16 million project dedicated to taking big bad
23 high schools, high dropout rates, high violence
24 rates, small graduation and turn them into small

1 would bump over to Ben Franklin. And so when we
2 were creating these small schools, we were
3 actually trying to build in teacher stability
4 because everything that we know about quality
5 education is that you need to build a community
6 of adults and young people that have ongoing
7 communication with each other.

8 I have to say when we spoke to the
9 kids in California, it was just really
10 astonishing to hear them narrate the consequences
11 of having multiple teachers or no teachers or
12 lots of substitutes.

13 I hadn't heard kids be as painfully
14 articulate about what that does to their academic
15 and psychological sense of belonging as the
16 California students were.

17 There's a new article that I just
18 saw last week by -- I think it's Croninger and
19 Lee, Valerie Lee, where they use the NLS
20 database, National Educational Longitudinal
21 survey, and they found that students' relations
22 with teachers is one of the best predictors of
23 dropping out, that is the absence of a
24 relationship; and that the more -- what they

1 schools within a building, and I was the
2 co-director of the Philadelphia school's
3 collaborative, and we were doing both the
4 intervention and the research

5 We then contracted out with Bernard
6 , McMullin I think, to look at the relationship
7 between the stability and integrity of these
8 small schools and students' achievement and
9 persistence; and in that report, McMullin was
10 able to document the powerful relationship
11 between -- charters and restructuring, it's on
12 page 69 of the report. He gives a lengthy and
13 quantitative analysis of the strong relationship
14 between -- the small schools were called charters
15 before that other language of charter happened

16 So the integrity and stability of
17 charters and academic persistence and performance

18 So small schools that had a lot of
19 teacher disruption, teacher turnover, you know,
20 you lose your job because you're the English
21 teacher and you then have to bounce to another
22 school and then somebody replaces you, those were
23 schools characterized by high instability and
24 they had lower levels of student achievement

1 The most significant student
2 achievement gains were found in the small schools
3 that had high stability and high autonomy

4 Q. What was your personal involvement
5 in the Philadelphia study?

6 A. I was the co-director of the
7 Philadelphia school's collaborative, which is 501
8 C3, funded by two rounds of \$8 million from a few
9 charitable trusts dedicated to the restructuring
10 of the public schools, and I also oversaw the
11 research.

12 I didn't do the research, but I
13 oversaw the -- I was co--director with Jan
14 Somerville who kind of oversaw the operational
15 administrative work and I oversaw the research
16 work, and Bernard McMullun was one of the
17 evaluators. At the time, I was on halftime leave
18 from University of Pennsylvania.

19 Q. Which of your research is related to
20 the extent to which inadequate books and
21 materials produce adverse psychological and
22 academic effects on children and adolescents
23 attending schools with those characteristics?

24 A. We certainly ran into that issue

1 respect to Montclair High School and the
2 relationship between books and materials and the
3 inadequate books and materials and their
4 relationship on students' academic achievement,
5 did you perform any quantitative research
6 methods?

7 A. Quantitative?

8 Q. Yes.

9 A. I conducted ethnography of the
10 classroom over time, so we were looking -- I was
11 looking at the extent to which young people were
12 academically and intellectually engaged in the
13 classroom and beyond the classroom.

14 And then we looked at what happened
15 to them the year after they participated in this
16 dtrack ninth grade English experience.

17 Q. Did any of that work at Montclair
18 High School involve quantitative research
19 methods?

20 A. No, because the question was about,
21 what's the impact -- what's the academic impact
22 of this curriculum on the young people in the
23 classroom?

24 It wasn't about persistence or

1 with some of the Chicago schools, where they were
2 either inadequate in quantity or rigor.

3 And then the work that I've done at
4 Montclair High School on the dtrack language arts
5 class in ninth grade, which is cited a number of
6 times on page 10, Fine, Anand, Jordan and Sherman
7 in the book "Construction Sites."

8 We also had an article in the
9 Harvard Educational Review looking at these
10 schools, the course in which students who were
11 typically in low rigor courses were given a very
12 rigorous curriculum, so I was invited to help
13 evaluate that class.

14 In fact, we got to look at -- page
15 15, Fine, Weis and Powell, "Communities of
16 Difference: A Critical Look at Desegregated
17 Spaces for and by Youth." That's the Harvard Ed
18 Review, 1997.

19 So in both of those articles, we
20 talk about the consequences of adequate or
21 inadequate materials on academic performance,
22 largely with respect to quality of material
23 rather than quantity.

24 Q. With regard to your work with

1 attendance or dropout. It was much more about
2 their intellectual work.

3 There's a video called "Off Track"
4 published by Teachers College Press on page 9 --
5 published by Hancock Productions, and then
6 Teachers College Press distributes it; and it's
7 an analysis of that classroom and what happens to
8 young people who are exposed to high levels of
9 rigorous curriculum and high expectations from a
10 group of dedicated faculty.

11 Q. Will you describe the project you're
12 involved with, with the Spencer Foundation
13 presently?

14 A. Which one are we referring to?
15 Discipline based studies on page 2?

16 Q. Page 2 of your CV, yes.

17 A. Yes.

18 That's a graduate training grant.
19 My colleague, Colette Daiute, and I, received a
20 grant of about \$500,000 from the Spencer
21 Foundation to train graduate students in the
22 kinds of methodologies that we use in educational
23 studies.

24 This is the first training grant to

1 go to a psychology department to do educational
2 studies.

3 In the past, Spencer has been very
4 generous with me to fund my research, but they
5 had never given an institutional grant to do
6 educational studies to a department other than
7 education.

8 I used to be at an ed school, a
9 school of education at University of
10 Pennsylvania, and then I -- about ten years ago
11 -- more than that now, whenever I moved to The
12 Graduate Center, which is a psychology
13 department, and I went back to the Spencer
14 Foundation and said that there were lots of
15 students in the social sciences who are very,
16 very interested in doing educational studies and
17 that I thought that the methods available in the
18 social sciences would be particularly helpful for
19 policy and scholarly contributions, so they
20 decided to create what's called discipline based
21 studies in education, meaning academic
22 disciplines like psychology, sociology; and
23 Colette Daiute and I were -- we received the
24 first one, so all of that money is used to create

1 Q. What is the name of that first year
2 report?

3 A. "First Year Report: Discipline Based
4 Studies in Educational. Daiute and Fine,
5 Principal Investigators."

6 Q. Has that been published?

7 A. No. We're sending that to the
8 foundation. It's a three-year grant so we're
9 just sending them that.

10 In fact, we're having our first
11 gathering of the -- they call it DBSE, D-B-S-E,
12 programs in Tempe, Arizona of the first cohorts
13 of those. It will be published. We publish
14 everything, but it's not yet.

15 Q. Is that first year report a public
16 document?

17 A. I guess it could be, if you wanted
18 to see it. But at the moment, there's -- it's
19 mostly students' writings and their proposals and
20 the process by which we solicited graduate
21 students to participate in it and then there's a
22 cover statement about the kinds of methodological
23 goals of our courses. It's not a published
24 document, but I don't think it's a private

1 a cohort of graduate students who are using the
2 most sophisticated of research methods,
3 quantitative and qualitative, to address
4 questions of educational policy and practice.

5 Q. Have you published any materials or
6 do you anticipate publishing materials in
7 connection with the work you just described
8 through the Spencer Foundation grant, the
9 discipline-based studies?

10 A. We just completed our first year
11 report, which is a very hefty analysis of the
12 kind of work. We're now funding, I think, 22
13 doctoral students from political science,
14 economics, anthropology, psychology, sociology
15 and urban education.

16 So we're -- we just did a first year
17 report on the kinds of research projects that
18 they're engaged in and the kinds of publications
19 and professional presentations they've made.

20 Dr. Daiute and I also co-teach, so
21 we're writing up our -- how we teach about
22 methods with a particular focus on multiple
23 methods and moving between kind of theory and
24 method and practice in educational studies.

1 document, not unless Spencer feels like they own
2 it. That's possible. But it talks about the
3 kinds of issues we've been talking about all
4 morning. Multiple methods, how do you
5 conceptualize the unit of analysis, the
6 importance of getting multiple perspectives.

7 Mostly it focuses on how to train
8 graduate students rigorously to conduct
9 educational studies.

10 Q. Is that first year report going to
11 be published separately from -- your sending it
12 to the Spencer Foundation?

13 A. No. Colette Daiute and I are
14 beginning to think about an article on our
15 training model, how it is that we're bringing on
16 kind of scholarly apprentices, these graduate
17 students in our work.

18 That will be published probably as
19 soon as we write it, but, no the report is just
20 going to -- when you get grants from foundations,
21 you have to give them an annual report and a
22 final report, and that's what this is.

23 Q. On page 3 of your CV, would you
24 describe the work in connection with the Joyce

1 Foundation grant? Is that what you've already
2 described?

3 A. Yes, that's the Bank Street Study.
4 The evaluation of Chicago small schools.

5 Q. What was the work that you performed
6 in connection with the Ms. Foundation grant?

7 A. The Ms. Foundation put together a
8 collaborative of foundations all dedicated to
9 providing programs for low income girls across
10 the country, so they brought together, like,
11 Carnegie and Ford and the big foundations, as
12 well as a set of family foundations.

13 They pooled the dollars to create an
14 intensive initiative that would happen across the
15 country in a variety of sites to help develop
16 kind of leadership potential in poor and working
17 class girls, urban and rural.

18 I was brought in as one of the lead
19 co-evaluators of the initiative, so I came in
20 with three graduate students and Elizabeth
21 Deboldt, D-E-B-O-L-D-T, was the Ms. Foundation
22 lead evaluator. Linda Powtell, who is a
23 professor at Columbia University, was another one
24 of the evaluators and I brought graduate students

1 and precious and unusual. The New Vision's
2 initiative was an opportunity to say, "How do we
3 take what we know about small quality schools for
4 poor kids and proliferate that?"

5 So New Vision is, out of the Diamond
6 Foundation, put out an RFP, a request for
7 proposal for new schools; and it required a
8 community-based organization and a group of
9 educators to craft a design for low income kids
10 to go to small dtrack schools where everybody was
11 being educated toward college with rich and
12 rigorous instructional materials, stability of
13 faculty, and no entrance criteria, so they just
14 had to take kind of whoever showed up at the
15 door.

16 So they got a whole bunch of
17 applications that were kind of wild and wonderful
18 and unusual and, you know, Dennis Rivera from
19 1199 started a school and Calvin Butts, out of
20 his church, but separate from his church, started
21 a school.

22 So I was asked to do the evaluation
23 of that process and of those schools, so I was
24 called in again, always with graduate students,

1 in to help evaluate this massive initiative.

2 Q. Did that initiative involve looking
3 at schools at all?

4 A. It mostly wasn't. It was mostly
5 community based.

6 Q. What was your work in connection
7 with the Ford Foundation initiative on page 3 of
8 your CV?

9 A. In 1994 maybe, a woman named Irene
10 Diamond set up a foundation; and she set up a
11 foundation of substantial dollars and decided to
12 dedicate those dollars in two areas: HIV AIDS
13 work and school reform in New York City, and she
14 wanted the money used up, I think, in five years,
15 and it was a lot of money.

16 So the school's work became the New
17 Vision School Reform. As I said earlier, New
18 York has a long and very impressive track record
19 of creating small dtrack schools for poor and
20 working class kids where they end up being
21 educationally engaged, persisting at high rates
22 and everybody is being educated to go to college,
23 schools that really beat the odds.

24 But at that point, these were small

1 and we did a deep over time look of the impact of
2 those small rigorous schools on student outcomes;
3 and again, outcomes broadly conceived as
4 attendance, persistence, engagement, student
5 intellectual work, graduation and college going.

6 Q. What was the name of the document or
7 documents that contained your evaluation of that
8 process?

9 A. Good question. I think it's
10 probably under technical reports. Let's see.

11 It's included in bunch of places.
12 One is on page 19 under "Monographs," "Small
13 Schools, Big Imaginations." Also just above
14 that, "Small Schools and the Issue of Scale," and
15 then the second one in that monograph area,
16 "Small Schools Educational Reform Going to
17 Scale."

18 Q. All those publications were
19 evaluations of the New Visions?

20 A. Those are the publications that
21 reflected the evaluation of the New Visions.
22 The New Visions evaluation was a private document
23 that went back -- that was funded by the Ford
24 Foundation that went back to the New Visions

1 organization which is here in New York at 96
 2 Morton Street.
 3 But then, when we published about
 4 it, we published about it for the Cross City
 5 Reform -- a monograph for a New Vision, which is
 6 their private internal document; but then when we
 7 published more public documents, they were in the
 8 Chicago Community Trust Paper, the paper that Pat
 9 Wasley and I did on small schools and issues of
 10 scale, where we combined the New Visions and the
 11 Chicago findings; and then in the book that Jan
 12 Somerville and I did called "Small Schools, Big
 13 Imaginations."

14 Q. Would you briefly describe the work
 15 you did for the Bruner Foundation?

16 A. Sure.
 17 I was invited by the Bruner
 18 Foundation to create a participatory research
 19 project within two middle schools in New York
 20 City.

21 What we did in both cases, again,
 22 these are small middle schools, dtrack, low
 23 income kids, rich student inquiry, stable,
 24 dedicated faculty, rigorous curriculum, and they

1 asked us to do a participatory evaluation
 2 research project which, at that point, I was just
 3 starting to develop. A lot of my work since then
 4 has been -- almost all of my work since then has
 5 been participatory, except for lawsuits and the
 6 like.

7 And in both of those cases what we
 8 did was trained a group of kids to do research on
 9 their own schools. At the Ann Weiner school, the
 10 name of which was Crossroads, we actually created
 11 a research collective of educators, parents,
 12 staff and students, seventh grade students whom
 13 we trained in research methods.

14 Each person crafted their own
 15 question about educational quality at the school,
 16 and together we wrote a volume on page 19 called,
 17 "Talking Across Boundaries: Participatory
 18 Evaluation and Research in an Urban Middle
 19 School."

20 And the piece above it, "At a
 21 Crossroads," Crossroads was the name of the
 22 school.

23 At the other school, where Lydia
 24 Bassett was the principal, it's a school in

1 Washington Heights where lots of the kids were
 2 from the Dominican Republic and were having a
 3 very hard time with the police in the local area.

4 The students decided to investigate
 5 police attitudes toward Dominican youth so they
 6 did a survey of the police; and then they decided
 7 to bring the police in and teach them Spanish --
 8 these were seventh graders -- and they gave them
 9 a pre test and a post test that said things like,
 10 "When I see Dominican kids standing on a street
 11 corner, I think," and they asked the police to
 12 fill it in, and they did that before the Spanish
 13 class and after.

14 So it was really a way to
 15 conceptualize how do we democratize research
 16 methods and make them available to young people
 17 and teachers and parents.

18 And Bruner and Ford had been very
 19 interested in participatory work and I was doing
 20 it earlier in the city.

21 Q. What do you mean by participatory
 22 research project?

23 A. Okay. So it's a big thing.

24 Participatory action research has a

1 long history. It involves collaboratively
 2 conducting research with the people about whom
 3 you were doing your research.

4 So when I did participatory research
 5 in prison over the last five years, my graduate
 6 students trained a group of prisoners to be
 7 researchers and to work with us in designing the
 8 research, crafting the methods, collecting the
 9 data, analyzing the data and writing it up.

10 So if you see any of my publications
 11 that have to do with the prison, you'll see there
 12 are twelve authors, seven of them are prisoners,
 13 one of them is me and then four or five,
 14 depending on which essay, are graduate students
 15 who work with me.

16 The work we're doing now on race,
 17 class and the achievement gap is participatory
 18 and that's where we train kids, high school kids
 19 at these youth research camps to be researchers.

20 The reason I have to leave this
 21 afternoon is a group of those young people, they
 22 are presenting their research back to the
 23 superintendent, teachers and community at their
 24 school, so participatory action research, which

1 again has a long history in this country and in
2 Central and South America, involves taking
3 seriously the fact that research is done with and
4 for communities, but not in a light way. In
5 a way that rigorously trains community members to
6 be co-researchers.

7 Again, not to diminish the expertise
8 of those of us that have spent 20 years doing
9 research, but to acknowledge the knowledge that
10 people inside institutions and communities have
11 about the problems being studied.

12 (Time Noted: 1:55 p.m.)
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1 CERTIFICATE

2
3 I, Linda J. Greenberg, Professional
4 Shorthand Reporter and Notary Public in and for
5 the State of New York, do hereby certify that,
6 MICHELLE FINE, Ph.D., the witness whose
7 deposition is hereinbefore set forth, was duly
8 sworn and that such deposition is a true record
9 of the testimony given by the witness to the best
10 of my skill and ability.

11 I further certify that I am neither related
12 to or employed by any of the parties in or
13 counsel to this action, nor am I financially
14 interested in the outcome of this action.
15 IN WITNESS WHEREOF, I have hereunto set my hand
16 this 21st day of March, 2003
17
18
19
20

21 _____
22 Linda J. Greenberg

23 My commission expires: May 17, 2007
24

1 STATE OF NEW YORK)
2 ss:
3 COUNTY OF NEW YORK)
4 I wish to make the following changes, for
5 the following reasons:

6 Page Line ____
7 Change From: _____
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9 Reason: _____
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18 Page Line ____
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20 Change To: _____
21 Reason: _____

21 _____
22 MICHELLE FINE, Ph.D.

23 Subscribed and sworn to before me
24 this ____ day of _____, 2003.

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