

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

1 ELIEZER WILLIAMS, etc.,)
2 et al.,)
3)
4 Plaintiffs,)
5)
6 vs.) No. 312236
7)
8 STATE OF CALIFORNIA, et al.,)
9)
10 Defendants.)
11 _____)
12)
13)

14 Deposition of CAROLINE M. HOXBY,
15 Volume 3, taken on behalf of Plaintiffs,
16 at 1616 Beverly Boulevard, Los Angeles,
17 California, beginning at 8:55 A.M.
18 and ending at 12:28 P.M., on Wednesday,
19 August 6, 2003, before LISA TRANI,
20 Certified Shorthand Reporter No. 6039.
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5 Volume 3
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10 (None)
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13 (None)
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1 APPEARANCES:
2
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22
23
24
25

1 Los Angeles, California, Wednesday, August 6, 2003
2 8:55 A.M. - 12:28 P.M.
3
4 CAROLINE M. HOXBY,
5 having been first duly sworn, was examined and testified
6 further as follows:
7
8 EXAMINATION (Resumed)
9 BY MS. LHAMON:
10 Q. Good morning, Professor.
11 A. Good morning.
12 Q. Thanks for coming back.
13 A. You're welcome.
14 MS. DAVIS: She had no choice.
15 BY MS. LHAMON:
16 Q. I appreciate it, anyway. I have to mark as
17 Exhibit 7 the copy of your most recent invoice that you
18 and your counsel provided today.
19 A. Yes.
20 (Plaintiffs' Exhibit 7 was marked for
21 identification by the court reporter.)
22 BY MS. LHAMON:
23 Q. Do you see Exhibit 7 in front of you?
24 A. Yes.
25 Q. Do you recognize that document?

1 A. Yes, I do. It's a copy of my invoice from
2 April to June 2003.

3 Q. And it's a three-page document and that copy is
4 complete; is that correct?

5 A. That's correct.

6 Q. You'll be glad to know I have no questions
7 about it. We got it produced from counsel so I wanted
8 to make it part of the record. So you can put it
9 aside.

10 Turning back to your expert report, if you'll
11 take a look at page 36 at the bottom of the first
12 paragraph, it's the third sentence from the bottom that
13 I'm referring to. The sentence begins, "It seems
14 foolhardy...." And my question is: What is the support
15 for your reference in that sentence to "...the
16 systematic empirical relationship between greater state
17 control and reduced parental support"?

18 A. I see. The sentence reads, "It seems foolhardy
19 to ignore the systematic empirical relationship between
20 greater state control and reduced parental support."

21 As I think I said before, I usually try to show
22 at least some of the evidence that I'm using to support
23 my statements in my report itself. So I'm hoping that
24 readers will have looked at the relationships between
25 centralization and parental involvement that I've shown

1 which school districts have local control and I relate
2 that to parental measures of parental involvement. So
3 that is evidence on the effect between centralization
4 and parental involvement.

5 Q. You testified yesterday that your discussions
6 in your expert report on pages 11 through 13 came -- I'm
7 sorry, 11 through 12 -- came in some part from the "If
8 Families Matters Most" paper. Is that the information
9 that you're referring to now?

10 A. No. No. It is the case that the evidence on
11 pages 11, 12 and 13 comes from the paper "If Families
12 Matters Most," but there is additional evidence in that
13 paper that is about the relationship between parental
14 involvement and whether school districts have local
15 control and it is not contained in these particular
16 drafts.

17 Q. In the paper titled "Effects of School Choice
18 on Curriculum and Atmosphere," what is the evidence in
19 that paper that supports this point?

20 A. The evidence in that paper -- the paper again
21 is looking at measures of local control and how big
22 school districts are.

23 School districts that are smaller tend to have
24 more local connection between -- more potential for
25 local connection between parents and school

1 in charts on pages 23 and 24 because I wanted readers to
2 be able to look at these charts for themselves.

3 However, there is other evidence as well in a
4 paper I've published called "If Families Matter Most,
5 Where Do Schools Come In?" There is some additional
6 evidence. In addition, in a paper I've published called
7 "The Effects of School Choice on Curriculum and
8 Atmosphere" which is listed on my CV, there is some
9 evidence on this point.

10 There is not a tremendous amount of evidence
11 linking parental involvement to degree of centralization
12 but there is some other evidence as well. I would
13 probably want to get you a list of some of the other
14 authors in who you might be interested. One of them is
15 Thomas Dee who's at Swarthmore and who has published on
16 this topic. In addition, some of the work of Brian
17 Jacob who's at the Kennedy School of Government is
18 pertinent. There are a variety of studies that are
19 pertinent. Those are the two that spring to mind.

20 Q. In the paper "If Families Matter Most," and
21 we'll leave that as the rest of the title, what is the
22 evidence that you're pointing to that supports the
23 systematic relationship between parent involvement and
24 centralization?

25 A. Right. In that paper I look at the degree to

1 administrators and district administrators. And in that
2 paper I look at some measures of how involved parents
3 are, for instance, how often they attend school events,
4 whether they talk to their child's teacher, things like
5 that and measures of the degree to which there's local
6 control and measures of how big the school district is.

7 Q. And in your answers about both papers, "The
8 Families Matter Most" paper and the "Effects of School
9 Choice" paper, you've said that the papers related to
10 the degree of local control and measures of parent
11 involvement; is that correct?

12 A. That's right.

13 Q. Are you using centralization in your paper as a
14 proxy for lack of local control?

15 A. No. A centralized system of school finance is
16 one thing we would consider to be an element in a lack
17 of local control. However, it could also remove other
18 parts of local control. It's not the only part. It's
19 not the only thing we would consider under local
20 control.

21 For local control I think we would think hard
22 about local financial control that would be
23 centralization of school finances. We would think about
24 local control of input decisions, whether the district
25 controls teacher hiring, for instance, or textbooks, and

1 we would finally think about just how big the school
2 district is.

3 I think you have to think about how big a
4 school district is because for -- what is local to be
5 local, right? Hawaii has one school district. I
6 suppose you could say that Hawaii was a small state so
7 everybody was in a local school district, but that sort
8 of makes nonsense of the notion of local. We also take
9 into account the size of the school district.

10 Q. Taking the example from California, you've
11 testified several times now that Los Angeles Unified
12 School District is one of the largest school districts
13 in the United States. Is it your view that there can't
14 be local control in Los Angeles Unified School District
15 then?

16 A. I would say parents in Los Angeles probably get
17 to exercise less local control than they would if
18 Los Angeles Unified were divided into more school
19 districts. Los Angeles Unified is unusually large for a
20 metropolitan area of this size, and a typical
21 metropolitan area of the size of Los Angeles would have
22 10 to 20 school districts. That's not to say parents
23 don't exercise any local control. It's just not as much
24 as it would if the district were smaller.

25 Q. So looking at the sentence that we were talking

1 to be careful about eroding that relationship between
2 parents and the school even a little bit. It's a costly
3 thing to erode that relationship.

4 Q. And when you talk about parent involvement, I
5 take it that you're describing things like attending
6 parent-teacher conferences, going on school field trips,
7 coming to the school on parent night; is that correct?

8 A. Those are the sorts of things that we can
9 observe relatively objectively. We can count the number
10 of times a parent attends a school meeting. But
11 actually I think parental support is probably mainly
12 composed of more subtle activities like whether parents
13 are supportive of the tasks that teachers send home with
14 their children, whether they attempt to make sure that
15 their children fulfill the requirements of those tasks,
16 whether the parent is interested in the teacher's
17 opinion about why his or her child isn't doing well in
18 school, whether the parents feel comfortable about
19 coming and talking to a school administrator if they're
20 worried about their child's performance.

21 I think parental involvement is actually a lot
22 of rather subtle things. But we can't count a lot of
23 those subtle activities so we look at the things that
24 are measurable -- measurable and observable indicators
25 of parental support.

1 about from page 36 of your expert report, you say, "It
2 seems foolhardy to ignore the systematic empirical
3 relationship between greater state control and reduced
4 parental support."

5 Please tell me if I'm correct in taking from
6 your last several answers that your view is there is a
7 continuum of parental support in relation to state
8 control and so there can be some large amount of
9 parental support even if there is also a large amount of
10 state control?

11 A. I would say there is a relationship so that the
12 more state control and the less local control you have,
13 the less parental support and involvement you will tend
14 to have. You can pick a variety of points along the
15 spectrum. It's not a yes or no thing. But I think
16 there's always going to be a cost in terms of parental
17 involvement.

18 I think the point that I'm trying to make in
19 this section is that parental involvement is very, very
20 powerful. It's a very, very powerful determinant of
21 student performance, and it's probably much more
22 powerful than other determinants of student performance.

23 Children spend a lot of time with their
24 parents, and their parents are the key people who
25 control their relationship with the school. So you have

1 Q. Are you aware of any state programs in any
2 state, not just in California, that encourage the kinds
3 of subtler parent involvement that you just described
4 that we can't count?

5 A. Well, I think that it's pretty clear both from
6 descriptive evidence and from the statistical evidence
7 that we have that parental involvement is unusually high
8 in certain types of schools and that these are usually
9 schools that parents have some role in selecting --
10 magnet schools, charter schools, schools that serve
11 special populations, things like that.

12 I think having parents make a deliberate choice
13 about schools almost always encourages parental
14 involvement. I think it's the same as saying when you
15 choose your friends, you probably are going to -- you
16 probably will spend more time with them than if we were
17 to assign you friends.

18 Having schools that are neighborhood schools
19 tends to encourage parental involvement. There is a
20 trade-off between having neighborhood schools which are
21 sometimes more segregated but also are likely to have
22 more parental involvement. And this trade-off plays out
23 all over the United States and is a concern in many
24 cities. So having neighborhood schools, having smaller
25 schools often helps parental involvement.

1 Other than that I think the main thing that
2 makes parents involved is feeling like their involvement
3 has an effect on what happens to their child. If they
4 feel that when they go to the school, the administrators
5 and the teachers listen to them but then turn around and
6 say, "Look, what I'm going to do in the classroom or the
7 decisions I'm going to make are going to be determined
8 by somebody at the state capital or somebody high up who
9 has nothing to do with the local parents," then parents
10 stop coming to the school. I think they realize they
11 are not being effective.

12 Q. And I take it that the research support for
13 that view that the main thing that encourages parent
14 involvement is having a degree of control is the
15 research about the relationship between centralization
16 and parent involvement; is that correct?

17 A. That's some of the research. Here I would also
18 really rely to a certain degree on the qualitative
19 research. Many people do qualitative research in
20 schools where they sit for a year in a classroom and
21 observe a teacher's interactions with parents and
22 administrators, and the studies that look at parental
23 involvement are often concerned about whether or not
24 parents' attempted involvement is efficacious. When it
25 isn't efficacious, parents just don't continue to come

1 me to for the systematic relationship between parent
2 involvement and state control is the material discussed
3 on pages 22 to 24 of your expert report; is that
4 correct?

5 A. Right.

6 Q. Looking on page 22 at the bottom where you've
7 talked about the measures from the school and staffing
8 survey, you list three measures of parent involvement
9 that are included in that survey. The third measure,
10 the principal's rating of whether parent involvement is
11 sufficient, is subjective, is it not?

12 A. That's right. It is subjective. And I would
13 have loved to have more objective measures to use here.
14 So I took every measure of parental involvement in this
15 schools and staffing survey that did not appear to be a
16 problematic measure.

17 I don't believe that the principal's rating of
18 parent involvement is objective but I don't think it's a
19 problematic measure. By "problematic," I'll tell you
20 the measures I did not want to take.

21 There are measures that would ask a teacher
22 "How often have you called -- what is the most times you
23 have called a parent in the last year?" Unfortunately,
24 measures like that often pick up very troubled students
25 in a teacher's classroom.

1 back.

2 I think the qualitative evidence here can
3 actually be a very useful narrative that helps us
4 understand why parents are more involved in some schools
5 than in others. It's not statistical evidence, and if
6 it weren't backed up by some statistics, I'm not sure I
7 would believe it. But I think, because it gives us a
8 sense of what's going on, it's helpful.

9 Q. Which qualitative research are you thinking of
10 there?

11 A. I'm not an expert on qualitative research so I
12 have read quite a lot of it. For instance, I've been
13 very influenced by a recent book by Dick Murnane which
14 I've read in manuscript form and I could probably get
15 for you.

16 The amount of qualitative evidence is actually
17 much bigger than the amount of quantitative evidence.
18 There's literally thousands of articles published each
19 year.

20 Q. It's principally the Dick Murnane manuscript
21 that you're thinking of?

22 A. I think he's an extremely good researcher, both
23 quantitatively and qualitatively, so I have been
24 interested in his work always.

25 Q. One of the pieces of support that you pointed

1 So what we might be finding out is that a
2 teacher has called a particular parent 20 times because
3 that child is routinely disruptive. And that is not a
4 measure of good parent involvement. That tends to be a
5 measure of classroom disruption. So one tries to avoid
6 measures like that and choose more neutral things like
7 attending open houses or events you would not only
8 attend if you were a parent of a troubled child.

9 Q. The first two measures that you include from
10 the school and staffing survey are those kinds of
11 measures of attendance at open house and attendance at
12 scheduled parent-teacher conferences; correct?

13 A. That's correct.

14 Q. The third measure, I take it your view is that
15 it was less problematic than other subjective measures
16 that are included in the school and staffing survey; is
17 that correct?

18 A. Yes. I think it is -- first of all, there are
19 not very many measures of parental involvement. So
20 these represent I think all of them that are not
21 problematic. The principal's rating of whether parental
22 involvement is deficient is the main subjective measure
23 that's available apart from a few of these measures that
24 look like they're picking up disruptive children.

25 Q. Have you examined the difference between levels

1 of parent involvement before and after Proposition 13
2 took effect in California?

3 A. No. I'm not sure that we have a large
4 representative survey that would include measures of
5 parental involvement from before Proposition 13.

6 The only survey of which I can think that
7 predates Proposition 13 is the national longitudinal
8 survey of the class of 1972. So it would pick up
9 involvement in the late '60s largely. And then,
10 unfortunately, there's a long gap and the next important
11 surveys actually appear just after Proposition 13. So
12 I'm just not sure there is a great deal we can do.

13 There are a lot of things that change over the
14 course of a decade or 12 years. What we'd like is a
15 survey that was before Proposition 13, maybe a couple of
16 years before but not dramatically before, and a survey
17 that was, say, two or three years after.

18 Q. Why is the change in time so significant?

19 A. Because, well, I think many things happened
20 especially in California but across the United States in
21 general in the late '60s and the early '70s that
22 affected how schools were structured and the sorts of
23 parental involvement that were typical.

24 The 1970s were a period of tremendous change
25 for schools in the United States generally, and

1 Q. What would you do to do that?

2 A. I would start by using the two most recent
3 schools and staffing surveys and looking -- one of them
4 is from 2000 which is after the implementation of at
5 least some part of California's accountability system
6 and the one before is from 1995. So you could look
7 before and after.

8 There is probably no other good representative
9 source about California schools before and after because
10 the California Department of Education does not, as far
11 as I know, gather data on parental involvement.

12 It might also be possible to supplement the
13 schools and staffing survey data with possibly data from
14 parent-teacher associations in California. So they
15 might be able to pick up attendance at meetings, things
16 like that. I would start with the schools and staffing
17 survey but I might like to go on from there.

18 Q. Are you aware of any research that has examined
19 that difference between levels of parent involvement in
20 California before and after implementation of the newest
21 state accountability system?

22 A. No. Only anecdotal articles.

23 Q. Are those the articles in education that you
24 were talking about yesterday?

25 A. Yes. Articles like that or even articles in

1 California in particular was on the forefront of many of
2 these changes in schools, changes in classroom
3 organization, open classrooms, changes in what was
4 expected of -- how students were expected to behave,
5 changes in administration, changes in teaching
6 techniques.

7 I would be uncomfortable attributing a lot of
8 the changes that we would see to Proposition 13 even
9 though it was one of the many things that happened over
10 that period of time. That's why I would like -- choose
11 a more narrow window around Proposition 13.

12 Q. Have you examined the difference between levels
13 of parent involvement before and after California
14 instituted state standards for student performance?

15 MS. DAVIS: Vague and ambiguous.

16 THE WITNESS: Which state standards?

17 BY MS. LHAMON:

18 Q. Well, I was thinking principally of the newest
19 ones in the state accountability system. Let's start
20 with that.

21 A. I haven't examined that. And I would like to,
22 actually, now that you've suggested it. It would be --
23 there's no perfect way to do this but it would be
24 possible to come up with at least some reasonable
25 estimate.

1 local newspapers that people send to me.

2 Q. That say things like parents are more involved
3 or less involved now?

4 A. Often the articles take the form that a
5 school's report is published and its performance
6 surprises parents either in a good way or a bad way, and
7 at the next school meeting, parent-teacher meeting,
8 there's very high attendance and parents have decided
9 that they need to get involved about something or that
10 they're very pleased about rewarding and they want to
11 reward a principal or a superintendent. So they usually
12 take the form of there was a surprise and parents were
13 involved.

14 Q. And people just send you these articles because
15 they think you might want to read them?

16 A. There is a massive and sometimes overwhelming
17 e-mail forwarding list, and there are people who I
18 think, I guess, clip or somehow record almost every
19 interesting article on education and then it is sent to
20 these e-mail lists.

21 It's a quick way of knowing what people are
22 writing about in the United States. So yes, I look down
23 this list every morning.

24 Q. And when I first asked the question, I wasn't
25 specific about which California standards for student

1 performance I was talking about. Have you examined the
2 relationship between differences in parent involvement
3 before and after any implementation of standards in
4 California?

5 A. I'm not sure what other standards you're
6 talking about.

7 Q. I'm not either. But you asked me to be more
8 specific and I got an answer to whether you had examined
9 the difference between levels of involvement before and
10 after implementation of the current state accountability
11 system, and I wasn't sure because you asked me to draw
12 the distinction you had examined the difference between
13 some other set.

14 A. California has had, at various times in the
15 past, types of accountability systems, usually much
16 weaker and less comprehensive than the current system.
17 But if we were to go back to the 1970s, you would find
18 that California issued reports about schools on their
19 graduation rates and a few other variables, nothing like
20 the sort of comprehensive accountability system that
21 California has today.

22 Also, when the STAR system began in 1997, it
23 was just the Stanford 9 and there were no -- schools
24 were not given academic performance indices at that
25 time, but there was statewide testing. So I was trying

1 to get at what level of accountability you meant me to
2 reply to since there has always been some degree of
3 accountability with the state and I was assuming you
4 meant the most recent wave.

5 Q. Turn to page 22 again of the expert report and
6 section 6.3. In the first paragraph is there research
7 that supports your view that parents and neighbors can
8 find alienating a state practicing a high degree of
9 control over its schools' inputs?

10 A. I think the evidence is the same type of
11 evidence I've described before. Both the evidence that
12 I've shown here about centralization but also the
13 qualitative evidence about what happens when parents
14 don't feel that their involvement is effective or that
15 their involvement is going to change things. So I'm
16 relying on both types of evidence.

17 Q. So then I take it, then, that your term
18 "alienating" is your interpretation of an effect of
19 parents not being involved? You take that lack of
20 involvement to signal alienation; is that correct?

21 A. Also, I think this is where the qualitative
22 evidence is helpful in interpreting parents' feelings
23 because people who do qualitative research often sit
24 down and talk to parents after a meeting with a teacher
25 and say, "Did you feel that meeting was productive? Are

1 you excited about interacting with the teacher again?"
2 They make a judgment about whether parents feel
3 alienated or not. To a certain extent I'm relying on
4 their judgment of what the parent was saying about an
5 interaction with a teacher or an administrator.

6 Q. Again, that's principally the Dick Murnane
7 recent book manuscript; is that correct?

8 A. I named that because I think that's a very
9 useful source. But no, I wouldn't say I'm especially
10 influenced by that because there's so much qualitative
11 evidence and we see so much of it that someone like me,
12 when you read a new book, you update your knowledge but
13 you don't throw away all of the knowledge that you had
14 before. So you're always building on a base of a lot of
15 other studies that you've read.

16 Q. And I'm just trying to figure out where I would
17 find alienation discussed if I were looking for it. Can
18 you give me some things -- can you point me in the
19 direction?

20 A. Right. I think one of the first things I would
21 do is read articles -- I would just -- if you really
22 wanted to survey this area, there are two ways to search
23 all the articles published related to education in the
24 United States, and these will disproportionately search
25 the qualitative evidence.

1 The search engine is called ERIC and it's
2 available at the U.S. Department of Education's website.
3 Also, most universities would have it on their library
4 websites. And you can put in something like
5 "parent-teacher conferences" and come up with probably
6 2,000 or 3,000 articles on parent-teacher interactions.
7 And you would be able to look down -- get a sense of
8 what recent research is like.

9 But there is a lot of evidence. These tend to
10 be studies where a researcher goes in and works in a
11 particular classroom or maybe a couple of classrooms in
12 a school and therefore you don't actually want to look
13 at just one study because after all, that just
14 represents one classroom. You'd want to have a sense of
15 "If I look down the conclusions of many of these
16 studies, do they tend to agree?"

17 Q. And all of these 2,000 or so studies that I
18 might find if I did a search on parent-teacher
19 conferences on ERIC are related to whether parents and
20 neighbors can find it alienating, a state practicing a
21 high degree of control over inputs?

22 A. I think you would have to read the studies to
23 find out what happens when that appears to be a
24 problem. Let me give you a good example to look for.

25 One thing that parents feel strongly about

1 often is assignment of teachers to -- their child to a
2 particular teacher's classroom. So that is one of the
3 key things that a parent will come in and talk about.

4 They might feel that, for instance, their child
5 is in a classroom with a teacher who does not know
6 enough math if their child is very -- has a high
7 mathematical aptitude. Or they may feel that their
8 child's teacher is not sympathetic to their child for
9 one reason or another or is discriminating against their
10 child.

11 There are a variety of reasons why a parent
12 might come in and talk about assignment of their child
13 to a particular class.

14 The reason why this is an issue for control
15 over inputs is that this is a key thing where some
16 principals can reassign children to different classrooms
17 and some principals cannot. Some principals really have
18 to assign teachers to classrooms based on seniority
19 rules and, perhaps, based on state rules about how
20 teachers get assigned to different classes and they have
21 very little discretion.

22 So what they would say to a parent is, "I
23 sympathize with you. I understand your problem, but
24 this is the way it is and I can't change the
25 situation."

1 I think that's when you will see someone
2 describe a parent-administrator conference as alienating
3 if the parent goes home feeling like, "What was the
4 point of my going in explaining what was wrong because
5 the principal can't do anything anyway."

6 So that is perhaps the most common example that
7 would show up. But there are other examples. A parent
8 might go in, for instance, and complain about a
9 particular textbook or something about school
10 facilities. So those would be less common but might
11 show up as well.

12 Q. Have you ever read any qualitative literature
13 in which a parent has gone to a school and complained
14 about having any textbook? Let me say that differently.

15 Have you ever read any of the qualitative
16 literature in which a parent has gone to the school and
17 complained that the child brings home a textbook and the
18 parent really believes the child should not have one?

19 MS. DAVIS: Vague and ambiguous.

20 THE WITNESS: Should not have a textbook at
21 all? No, because I think textbooks are an example of
22 this free disposal idea -- if you really think your
23 child shouldn't use this textbook, you can presumably
24 prevent him from actually opening it up.

25 BY MS. LHAMON:

1 Q. I think an example of a not free disposal idea
2 that you gave me earlier was that the credential -- that
3 once there's a state system about having a credential,
4 you have to have one; is that correct?

5 A. Uh-huh.

6 Q. Have you ever read any of the qualitative
7 literature in which a parent has gone to a school and
8 complained that the child's teacher has a credential?

9 MS. DAVIS: Vague and ambiguous.

10 THE WITNESS: I think the answer is yes, but
11 not in precisely the way you phrase the question. What
12 one is more likely to see is the following sort of
13 situation.

14 A parent might like a teacher who lacks a
15 credential. For instance, a teacher who has been hired
16 under an alternative certification or emergency
17 certification rule. And when the time comes, say, for a
18 school to get rid of some teachers, those types of
19 teachers tend to go first because they have no job
20 protection.

21 You do see examples of parents coming and
22 complaining saying Mrs. Jones or Mr. Smith was a
23 particularly good teacher. The principal will say, "I
24 realize that but we have some rules here that say that
25 when we decide to retain teachers, we retain teachers

1 purely on the basis of their credentials. Mrs. Smith or
2 Mr. Jones lacks that particular credential so he has to
3 be the first person to go."

4 And at that point the parent may complain, "I
5 care about whether the teacher is a good teacher. I
6 don't care about that credential." So that would be the
7 form that it would take. I don't think parents show up
8 at schools and say, "If you hire a person who's a very
9 good teacher and she has a master's degree, I will be
10 really mad." But I think it's more that parents often
11 perceive a trade-off between credentials and good
12 teaching and do not always value credentials in and of
13 themselves.

14 Q. That's based on studies you have seen?

15 A. That's based on a lot of studies that I have
16 seen, also my own observations in schools.

17 Q. Which schools are those?

18 A. Well, I visit schools a lot in the course of my
19 research, both because I need to gather data and also
20 because I serve on a variety of visiting committees,
21 things like that where I'll go in and watch what
22 teachers are doing in the classroom or go in and observe
23 a parent-school meeting, things like that.

24 I'm not a person who systematically tries to go
25 out and visit 365 schools a year. Some people do. But

1 in the course of doing research, yes, I visit schools
2 quite often.

3 Q. In the past 10 years have you visited
4 California schools in those capacities?

5 A. I have visited a few California schools. I
6 tend to disproportionately visit schools on the East
7 Coast because I live on the East Coast.

8 Q. Which of the California schools have you
9 visited?

10 A. I mainly visited schools in the San Francisco
11 area because sometimes I go to Stanford and when I'm
12 spending time there, I talk to people and they'll have
13 me visit schools there. I think almost all of them have
14 been in the San Francisco school district or the school
15 districts right around Stanford, California.

16 Q. Can you remember the names of the schools you
17 visited?

18 A. Not off the top of my head, no.

19 Q. Do you know how many you visited?

20 A. I can estimate it's probably been about 10 over
21 time.

22 Q. What's the time period that it's been over?

23 A. Nine years.

24 Q. What was the most recent visit?

25 A. 12 months ago. Something like that probably.

1 district.

2 Q. Why do you say that?

3 A. Because you can usually tell from what parents
4 are like.

5 Q. What were the parents like that you saw there?

6 A. They were more parents who would be -- who
7 would have had a combination of blue collar and white
8 collar jobs but probably not -- they would not have been
9 very affluent parents.

10 Q. When you were at this school, was it for a
11 parent meeting in the evening?

12 A. Yes.

13 Q. Was it an open house or what was the meeting?

14 A. It was a meeting specifically talking about
15 some -- about school finance. They were discussing
16 issues about school finance and resources, class size,
17 things like that in this meeting. I don't know how it
18 was organized, whether it was organized by the PTA.

19 Q. Who recommended that you go to the school for
20 this meeting?

21 A. I was at Stanford and a woman came to our
22 meeting who often comes to the meetings and said, "You
23 might be interested in this tonight," and I thought I
24 would drop in and do it. I wasn't there for hours and
25 hours.

1 Q. You don't remember that school?

2 A. I don't remember the names of particular
3 schools that much unless -- if I were doing research on
4 the school and I had to have it in my database, I would
5 remember it. If I'm visiting it because someone has
6 said this school has a particularly interesting program
7 or "This meeting is going on tonight and you might be
8 interested in something they're discussing," I probably
9 wouldn't remember it.

10 Q. Do you remember where the school was, roughly,
11 the one that you visited last?

12 A. Yes. It was near Stanford.

13 Q. In the Palo Alto Unified School District?

14 A. I'm not sure actually. It could have been Palo
15 Alto. Could have been Menlo.

16 MS. DAVIS: Menlo Park.

17 THE WITNESS: Menlo Park or -- wait a minute.
18 There's another.

19 BY MS. LHAMON:

20 Q. Atherton? Los Gatos? Los Altos?

21 A. Isn't there a poor school district?

22 Q. East Palo Alto?

23 A. East Palo Alto.

24 Q. You think it was in East Palo Alto?

25 A. Yes. I don't think it was an affluent school

1 Q. How long were you there?

2 A. I really don't recall but it was not a lengthy
3 meeting. I like to listen to see what parents are
4 saying.

5 Q. What are the things that the parents said from
6 that meeting that you remember?

7 A. Parents were thinking about whether the class
8 size reduction had gone well in particular. That was a
9 big issue.

10 Q. Did they think it had?

11 MS. DAVIS: Vague and ambiguous.

12 THE WITNESS: Parents had a range of opinions
13 so I think that was -- that's what you go to hear, not a
14 consensus but what parents are saying.

15 BY MS. LHAMON:

16 Q. Was it an elementary school do you know?

17 A. Yes.

18 Q. If I told you names of these Palo Alto
19 elementary schools, would that help you?

20 A. No.

21 Q. Did you get a sense from listening to the
22 parents at that meeting in probably East Palo Alto at an
23 elementary school about the parents' degree of
24 alienation from their school?

25 A. Well, parents who attend parent-teacher

1 conferences are usually the parents who feel most
2 involved. I do not know that you can -- that that is a
3 particularly good way to judge if that's the -- if you
4 really wanted to go about judging this in a systematic
5 manner.

6 I don't do qualitative research myself. This
7 was not an example of qualitative research. I think
8 when you do do qualitative research, you have to make a
9 real point of choosing your encounters more
10 systematically so you're not only at schools at the
11 times when parents who were active and were involved
12 were likely to be there.

13 You would, for instance, want to be at school
14 on the first day of school or on a day of school when
15 parents had to come to the school or who'd want to
16 attend parent-teacher conferences that were scheduled as
17 opposed to a meeting that parents could voluntarily
18 attend. You would want to have all that wealth of
19 experience.

20 I don't pretend to do qualitative research.
21 For me it's interesting. It amplifies what I learn from
22 my quantitative research but I'm not a qualitative
23 researcher.

24 Q. I'm not asking you from a research perspective.
25 I'm just asking you what your sense was when you were

1 other schools were, I would say, probably nonaffluent.
2 But that means that many of them were -- not many, some
3 of them would have been middle class, some of them would
4 have been lower middle class and some of them would have
5 been low income schools.

6 Q. For each of the other approximately nine
7 instances -- I'm not holding you to that number -- did
8 you similarly go because somebody said, "You might want
9 to hear what parents are saying at this meeting"?

10 A. No. In some cases I'm gathering data from a
11 school or I might be in the city to do a particular
12 activity and one of the things that we might do during
13 the day is go and visit a particular school and take a
14 tour of that school.

15 So it's not always around parent-teacher
16 meetings. Sometimes you go and visit a school and you
17 go talk to the principal about what he's doing or what
18 she's doing and this person is supposed to be good at
19 running his inner-city school or running her inner-city
20 school.

21 Q. In which instances were you gathering data
22 about schools in California in the last nine years?

23 A. I, at one point, was looking into getting data
24 from some charter schools in California, and it actually
25 turned out that it was just not possible because we have

1 there, and I take it from your last answer that your
2 sense was that the parents who were at the meeting did
3 not feel alienated. Is that fair to say?

4 MS. DAVIS: Calls for speculation.

5 THE WITNESS: I really don't know the answer
6 to that question.

7 BY MS. LHAMON:

8 Q. You didn't get any sense about how comfortable
9 these parents felt about their relationship with their
10 school?

11 A. There was a variety of perspectives. Some
12 parents felt that the school was doing a good job and
13 other parents did not. Some of those parents might have
14 felt alienated.

15 Q. How many parents, approximately, were there?

16 A. Certainly less than 100. 50, 60. I really
17 don't know. I didn't count.

18 Q. In the approximately nine other schools that
19 you've visited in the last nine years in California,
20 were the other schools also from similarly not affluent
21 school districts from what you could observe?

22 A. Yes.

23 Q. So all of them?

24 A. Affluent means -- to me means drawn from the
25 upper, say, quarter of the income distribution. So the

1 to get public school districts to go along with our
2 studies if we're going to be gathering data about
3 schools.

4 So we were not able to actually get a public
5 school district to agree to provide the sort of data
6 that we needed. So these were initial visits where I
7 would visit a charter school and maybe the other local
8 public school and we didn't end up getting data. But
9 you have to usually make several initial contacts
10 before -- just also to determine whether they're
11 appropriate for the study.

12 Q. And you mentioned data about inner-city
13 schools. Are you referring in particular to the
14 San Francisco area or have you also been to other
15 schools in the Greater Bay area in Northern California?

16 A. Oakland would be the Greater Bay area. So yes,
17 the Greater Bay area.

18 Q. Those are the two districts you're thinking of,
19 San Francisco and Oakland, when you referred to
20 inner-city schools in the area?

21 A. Yes. I've had some contacts with L.A. Unified
22 and San Diego Unified in the past about data things. I
23 think I mentioned to you earlier that in the study I was
24 doing on bilingual education we had some contacts with
25 L.A. Unified and San Diego Unified. In those cases my

1 coauthor was actually the one who went and visited the
2 schools because she's here on the West Coast. But I
3 spoke to people there as well.

4 Q. But didn't visit those schools?

5 A. No.

6 Q. Looking back at page 22 of your expert report,
7 section 6.3, in the third sentence. Is there research
8 that supports your view that "Parents and neighbors ask,
9 'What's the point of being active in the local schools
10 if most of the decisions are out of our hands anyway?'"

11 A. I think the answer to that question is the
12 answer -- exactly the same answer to the question you
13 asked about the previous sentence.

14 Q. So it's the qualitative research and also the
15 centralization research that you've pointed to?

16 A. Yes. That sentence that you've just picked out
17 is just to exemplify what I meant by the previous
18 sentence. There could be no difference in my answer.

19 Q. Can we extrapolate from the fact that family
20 indicators affect achievement to the conclusion that
21 greater parent involvement in schools regardless of
22 parent background will increase student achievement?

23 MS. DAVIS: Vague and ambiguous.

24 THE WITNESS: The things that -- the specific
25 behaviors that are most useful to a child, specific

1 more affluent by a thousand dollars, that extrapolation
2 I would not make.

3 But I do think that most of the behaviors that
4 are modifiable are probably things that are worth
5 targeting with parent involvement policies.

6 Q. Why would you not make the extrapolation from
7 giving an extra thousand dollars to every low income
8 family in the state, assuming that would increase
9 student performance by the degree to which parents that
10 had the additional thousand dollars students performed?

11 A. Because it could be that it would have the same
12 effect. I don't wish to rule that out. But if you give
13 parents who have not had this thousand dollars before a
14 thousand dollars, they might spend it differently than
15 parents who have always had that thousand dollars.

16 People who are persistently and consistently
17 more affluent and who expect to be more affluent in the
18 future and who have been more affluent in the past tend
19 to have different things that they will spend their
20 money on at the margin and that's perfectly normal.

21 Q. So then the family background research shows
22 that the issue is not dollars in time today. The issue
23 is affluence over time; is that correct?

24 A. Yes. What we're probably thinking of is the
25 long run, you know, amount of resources in a household,

1 parent or family behaviors that have the most positive
2 effect on student performance are things that are
3 related to parental involvement with schools.

4 If you are a school or a policy maker, you
5 cannot change a parent's income necessarily. You may
6 not be able to change a parent's education, at least you
7 cannot change these things very rapidly. You probably
8 cannot change how many siblings a child has. Things
9 like that.

10 What you can hope to change is some of the
11 activities that parents engage in like whether they
12 visit schools, whether they interact with teachers,
13 whether they take their children to libraries, museums,
14 anything else that might be complimentary to school.

15 Those types of activities statistically have a
16 pretty strong relationship with student achievement. So
17 I think, yes, we can extrapolate that if there were a
18 policy that improved those types of parental involvement
19 it would probably have a good effect on student
20 performance.

21 We cannot extrapolate, I think, from the fact
22 that higher income parents tend to have children with
23 higher student performance. To say if I were to give
24 every low income parent in this state a thousand dollars
25 it would have the same effect as having parents who are

1 not just a thousand dollars today. It's possible that
2 if you gave an affluent family a thousand dollars, they
3 would go out and buy a computer for a child.

4 But a poor family, that's probably not going to
5 be their first priority with the first thousand dollars
6 you give them.

7 Q. A few answers ago I think you testified that
8 there are specific family behaviors that are most
9 positive for student performance and are related to
10 parent involvement in schools; is that correct?

11 A. Yes.

12 Q. What are the specific family behaviors that are
13 most positive for student performance?

14 A. I can tell you the ones that we get to
15 observe. There are many parental behaviors that we
16 don't observe that probably have good effects.

17 For things that we observe it is -- positive
18 things are whether you provide an atmosphere at home for
19 your child to do homework. So often the way this is
20 asked in a survey is, "Is there a quiet place or a place
21 you have set aside for your child to do homework?" This
22 might be part of the kitchen table. But the question is
23 whether parents are making an effort to set aside a
24 place and some quiet.

25 There are questions like, "Do you take your

1 child to the library if he or she needs to get something
2 for homework?" There are questions like, "Do you take
3 your child to museums?" Or "Would you take your child
4 to a free concert that was locally available?" "Do you
5 attend meetings at the school?"

6 For high school students there are a variety of
7 additional questions, particularly around the planning
8 of which classes a high school student might take. So
9 they will ask parents questions like, "Do you know the
10 possible classes your child could take this year or the
11 choices that your child had available in curriculum?"
12 And that would give you a measure of whether the parent
13 had perhaps read the literature or the handouts that
14 might have been sent home by the school or had a
15 discussion with his or her child about, say, what math
16 class or what English class to take.

17 Those are the sorts of indicators that tend to
18 be very positive predictors of student performance.
19 There are a variety of others. I could probably go on
20 and think about 10 others. Those are the ones that are
21 common.

22 Q. When you identify these as indicators, I take
23 from your last answer that the indicators come from
24 qualitative research because you were talking about
25 surveys; is that correct?

1 Q. Thank you for helping me. What I'm wondering
2 is how one would use the data that you've referred to in
3 the NELS database to analyze the relationship between
4 questions like "Do you know what courses your child
5 might take this year?" and that child's student
6 performance.

7 A. So there are a variety of different things we
8 can do. You can use the NELS data, and when you use
9 something like the NELS data, you would want to look at
10 the relationship between family behavior variables like
11 whether you provided a study space for your child and
12 you would want to be very careful about controlling for
13 other family background variables like parental income
14 and education, the number of siblings, parents' native
15 language. You would really want to be very careful
16 about controlling for things like that.

17 You would probably also want to be careful
18 about controlling for a child's own prior achievement
19 because, for instance, a parent might be monitoring a
20 child's homework more because the child was already
21 having trouble. It's not necessarily a sign just of
22 concern. It could be a sign of concern because the
23 child was having trouble. You would also want to look
24 at a child's prior achievement.

25 That's about the best you can do with something

1 A. They come from the quantitative surveys like
2 the National Educational Longitudinal Survey which will
3 ask a parent, "Do you know what curricula are offered in
4 the school?" And the parent is supposed to check some
5 boxes. And then let's say I as the researcher can look
6 to see whether the parent actually does know what's
7 available in the school, which is an indicator of how
8 interested a parent was in the curriculum.

9 Parents also do give direct answers to
10 questions like whether they have provided a study space
11 for their children at home.

12 Q. So I take it, then, that there is various
13 research that you know about from -- let's take the NELS
14 database first -- in which regressions are run like you
15 run regressions for your expert report, but it did not
16 control for the family background indicators that you've
17 just identified to examine the relationship between
18 those indicators and student performance; is that
19 correct?

20 MS. DAVIS: Vague and ambiguous.

21 THE WITNESS: Perhaps -- yeah, I need -- I'm
22 not quite sure I understand which other family
23 background indicators you mean. Could you rephrase the
24 question so it's more specific?

25 BY MS. LHAMON:

1 like the NELS. When we are most interested in finding
2 out about the causal effect of parent involvement, then
3 you usually try to look at changes in parent involvement
4 within a family, say.

5 I think it is in my paper "If Families Matters
6 Most, Where Do Schools Come In?" I look at parents who
7 switch schools and are more involved in one school than
8 they were in the other and whether the child's
9 achievement appears to change when the parents'
10 involvement changes. That's going to help you get it
11 whether it's a causal effect or whether it's just a
12 correlation.

13 Q. Turning to a new topic, can you look at page
14 15 of your expert report, please.

15 What makes the six inputs you list on page 15
16 of the expert report key input policies?

17 A. I have six input policies listed here. One is
18 a policy about year-round school calendars, one is a
19 policy about textbooks, minimum teacher salaries,
20 in-service professional development for teachers, hours
21 of professional development for teachers again, and
22 in-classroom teaching assessment.

23 The reason I focused on these input policies
24 are -- I'd say there are three reasons I focused on
25 these. The first one is that I had read the plaintiffs'

1 experts' reports and I knew that they were focusing
2 somewhat on year-round school calendars which are also
3 called multi-track calendars, textbooks and policies
4 that affected teacher credentialing. So in part I was
5 taking their lead in focusing on policies that were
6 related to things that the plaintiffs seem to care
7 about.

8 Another consideration I had was that I needed
9 to be able to look at policies that could be measured
10 across all 50 states because I'm about to do an exercise
11 and relate these policies to student performance. So I
12 needed some measures that I could measure for all
13 states.

14 Therefore, these are policies that can be
15 measured for all states. There are presumably a variety
16 of other school input policies that are peculiar to only
17 one state or two states and there's just no way to
18 measure them for other states.

19 And then finally, part of it is also just a
20 judgment about policies that people consider to be key
21 input policies in the policy world today. So in my
22 everyday life I talk a lot with people about policies
23 that states are thinking about changing and these are
24 some of the policies that get attention routinely.

25 Q. And when you use the term "key," you mean most

1 So I often try and choose simple measures that
2 I think get at most of the variation with the knowledge
3 that if I were writing this as an academic paper or
4 something like that, I would probably go a step further.
5 But I want this to be relatively transparent to people
6 and I want people to be able to replicate what I've
7 done.

8 Q. And why does the centralization index using the
9 six key input policies not take account of whether
10 states have centralized requirements for high school
11 graduation?

12 A. Virtually all states have some requirements for
13 high school graduation. The difficulty is that there, I
14 think if you just look at the measures that are
15 available in, say, the Digest of Education Statistics,
16 they really do not pick up much of anything about how
17 binding these requirements are.

18 It is very common for states that -- well,
19 there's almost an inverse relationship between the
20 probability that a state has a competency test for high
21 school graduation and whether we think the state is
22 actually imposing high standards on high school
23 graduates.

24 There's a long tradition of having minimum
25 competency tests in states like Mississippi and Arkansas

1 significant; is that correct?

2 A. Yeah. I mean I think most relevant for policy
3 makers at this point in time.

4 Q. Given your testimony yesterday that a minimum
5 teacher salary or setting a minimum teacher salary is
6 not always meaningful, why do you include a state
7 schedule of minimum teacher salaries in your list of key
8 input policies?

9 A. Right. You're right that a state's minimum
10 teacher salary can be more or less binding. In expert
11 reports of this type I'm always sensitive to the degree
12 of complication that I can introduce without losing
13 readers or without their thinking that I have somehow
14 picked the measures to get the answers I want. So I try
15 to pick straightforward measures like whether a state
16 has a schedule of minimum teacher salaries.

17 We could refine this measure and say how
18 binding is the state's schedule of minimum teacher
19 salaries and we would probably pick up a finer degree of
20 variation in states' input policies.

21 If I were to do that, though, I would probably
22 have had to spend a page explaining how I was going to
23 measure the bindingness of state schedules of teacher
24 salaries. Then you would have a variety of questions
25 about that page of things that I had done.

1 and Louisiana that are not known for imposing
2 particularly high standards on their high school
3 graduates. Often the existence of a minimum competency
4 test is really a sign of trouble about what high school
5 graduates know rather than the other way around.

6 The new wave of tests for high school graduates
7 is these tests are more demanding, I think
8 accountability for high school graduates is more
9 demanding but there's no simple way to distinguish those
10 tests from the other set of tests that we impose much
11 lower standards.

12 You would actually have to look at the
13 individual test items and say this is a hard test, this
14 is an easy test, and I didn't want to introduce a
15 measure that I knew was going to be biased or not very
16 informative into the index unless I had a good way of
17 adjusting it so that it was accurate.

18 Q. But you have used that measure in a recent
19 publication, have you, in your chapter "What Has Changed
20 and What Has Not?" in the book "Our Schools in Our
21 Future" that was published in February 2003? Do you
22 remember that?

23 A. Could you show me --

24 Q. I'd be happy to.

25 Let's take a break and let me go find it and I

1 can ask you questions --

2 A. I think I now remember.

3 Q. I can tell you the quotes I have written down.

4 A. You can tell me the quotes you have written
5 down.

6 Q. You refer to local controlled states as states
7 that have a strong tradition of allowing local districts
8 to set curriculum and so have not adopted state
9 standards for graduation. That was at page 81 in that
10 chapter. Is that helpful?

11 A. Yes. There are a set of states that have no
12 state standards for graduation, in other words, each
13 district controls its own standards for high school
14 graduation completing. So I was commenting on that
15 there.

16 However, that quote was in the context of a
17 discussion about changes in what schools are doing that
18 may be more superficial than real. So I would not say
19 it conflicts with what I was trying to do here.

20 What I was trying to do in my expert report was
21 include measures of centralization that I felt were real
22 measures of centralization that meant something, that
23 would really affect what schools did.

24 One of the frustrating things about the last 20
25 years in education is that we've often seen schools or

1 sort of thing you can cover in a quick way. You really
2 have to go down deep into what states are doing.

3 Q. So inclusion for purposes of this expert report
4 of that indicator would have skewed the results and made
5 it much more complicated. Is that fair to say?

6 A. Right. Would have either required me to have a
7 very long digression to explain exactly what I was doing
8 or would have skewed the results in a probably just
9 noisy way.

10 Q. What is your source -- I apologize for doing
11 this because I think you were trying to make things go
12 more quickly. But what is your source for whether each
13 of the states has the six key input policies that you
14 list on page 15?

15 A. Let's see. I mainly relied on the Digest of
16 Education Statistics. And -- sorry. I have the sources
17 listed at the bottom of the table. And I thought I had
18 had -- now I was confused for a moment.

19 There is a survey called the CCSSO Policies and
20 Practices Survey. That's the Council of Chief State
21 School Officers. These are state superintendents of
22 education. They have an association. They meet and
23 they talk about their various policies.

24 So they report whether, for instance, they do
25 state selection and recommendation of textbooks, things

1 states appear to change policies with very little
2 evidence that anything has changed except the name. And
3 the chapter that you quoted from, it's partially making
4 that point.

5 And I think the specific quote that you picked
6 out was my, in fact, trying to give a caveat about how
7 seriously we should take high school graduation
8 standards because high school graduation standards are
9 often very high in states that appear to have no high
10 school graduation standards. So that is not a
11 particularly good measure of whether there is a tough
12 high school graduation standard.

13 I'll give you an example. The New England
14 states have a long tradition of a great deal of local
15 control over their high school graduation standards.
16 They have been high student achievement states for many
17 years. Just because the state doesn't have a standard
18 doesn't mean local districts are not themselves imposing
19 high standards.

20 High school graduation standards are one of the
21 most confusing things to measure if we want to get at
22 centralization. That's not to say that if you were to
23 do a study that was exclusively devoted to studying
24 those standards you could not do a good job at measuring
25 how binding or how stringent they were, but it's not the

1 like that. So that is the main source of information
2 about these key input policies. I think that they are
3 about as accurate as it gets. They do run their states'
4 education systems.

5 Q. And just to keep looking at that on page 17 of
6 the expert report and it's in the paragraph lettered B,
7 after "Sources:" you list "State Departments of
8 Education" and then, comma, "CCSSO Policies." Is the
9 State Departments of Education an independent source
10 that you're listing or is that part of the title for the
11 CCSSO policies?

12 A. No. That is independent. In that case the
13 only reason I would need to consult a state Department
14 of Education is if there was some ambiguity in the CCSSO
15 Policies and Practices Survey and I wasn't quite sure
16 how to put the state in.

17 That comes up particularly with minimum teacher
18 salaries. Usually if there's a state schedule of
19 minimum teacher salaries, that is actually in state
20 legislation so it's usually very easy to check.

21 The other input policies do not typically show
22 up in state legislation, but minimum teacher salaries
23 can be checked almost always very easily with state
24 Departments of Education. I think I probably checked on
25 every one of the states for which I thought they either

1 had a minimum teacher salary or there was any ambiguity
2 about whether they had minimum teacher salaries.

3 Q. When you say then "State Departments of
4 Education," does that mean that you actually went to the
5 Education Code of each of the states to look for it or
6 does that mean something else?

7 A. What I would typically do here is go to the
8 state's Department of Education Web page and see first
9 whether they had a statement about minimum teacher
10 salaries.

11 Most of those Web pages are linked to the
12 Education Code for the state. So if I didn't find it
13 quickly on the state's Department of Education Web page,
14 then I would go to the Education Code and literally
15 search on "teachers" or "salaries" or something like
16 that to see whether there was a minimum teacher salary
17 schedule and I had somehow missed it otherwise.

18 In addition, this publication that comes out
19 every few years called Public School Finance Programs of
20 the United States and Canada often lists whether a state
21 has a minimum teacher salary schedule. It's often part
22 of the school finance program of a state.

23 So one of the reasons to go back and check with
24 state Departments of Education is sometimes it appears
25 from the public school finance programs that they have

1 you got to the value that you've assigned to it.

2 A. I think from my point of view I don't know
3 whether this is something that could be done easily.
4 I'm not an attorney. I would be glad to send you the
5 spreadsheet that somehow -- send someone the spreadsheet
6 that shows each of these factors for each state so then
7 you can total them up for yourself and get the
8 centralization index.

9 Q. That would be good.

10 A. I'm not against that at all. I'd like to have
11 my hands above the table, so to speak. If there is a
12 way that you could be given that information, I would be
13 glad to supply you with all of that information.

14 Q. There is. Lynne will be happy to share it with
15 me I'm sure. Is that something you already have
16 prepared?

17 A. Yes.

18 Q. You prepared when you were preparing the expert
19 report?

20 A. Yes.

21 Q. Thank you. Lynne, that's also something I
22 already should have received but I'd be very interested
23 to get it.

24 A. Do you mean has it ever been received by
25 anyone --

1 one. There's not an indicator somewhere else so you
2 really just need to look at the code.

3 Q. Does California have a state policy on
4 year-round school calendars? Now I'm back on page 15 of
5 the expert report where you listed the six key input
6 policies.

7 A. I did this back in January or February and I
8 don't remember California's -- all the details of
9 California's centralization index. And, of course, I
10 could look them up for you if you would like, but I just
11 don't remember. Obviously it does have multi-track
12 year-round schools which would suggest it probably does
13 not have a policy on it right now. But maybe it does
14 and it only allows so many. I just don't remember.

15 Q. I'll tell you what I'm doing and give you the
16 good news that I'm not going to do it for all 50 states.
17 I'm just doing it for California. Perhaps the bad news
18 is that I'm trying to figure out how you assigned value.

19 And on page 15 in footnote 2 you say that you
20 assigned a value for each of the six key input policies
21 to be able to then include or to be able to tabulate
22 them as you have on page 16 of the expert report.

23 A. Right.

24 Q. I appreciate that it's hard to remember, but my
25 goal here is to be able to figure out for California how

1 Q. I don't mean you have already sent it to Lynne.
2 I assume that Lynne has sent to me everything you sent
3 to her.

4 A. Yes. It would only be prepared in my process
5 of having to compute these statistics. I would have had
6 to do that. So there is, in fact, a spreadsheet that
7 does that.

8 Q. Just so you're clear, anything else like that
9 that you had to prepare to generate a table or to come
10 up with any conclusion that's in your expert report, I
11 really should receive that. If there are any other
12 spreadsheets like that or any other data analyses like
13 that, that's part of the State's obligation to share
14 with me.

15 A. You have actually I think raw data for --

16 Q. I do.

17 A. -- nearly every calculation I've made in this
18 report. I guess I was not asked specifically about this
19 when I was writing up the memo on data, and if I had
20 been, I think I would have just included this for you.
21 I think it was an oversight because I just wasn't asked
22 about it.

23 Q. Because oversights like that happen, I'm asking
24 you for it now. And when you go back to your office if
25 there is anything else like that -- I know you've given

1 me the raw data and I can replicate it to the extent
2 it's not restricted use, and I appreciate that, but the
3 obligation in this case is also to share --

4 A. Right. I will go through the report and make
5 sure that this is the only oversight I think we made. I
6 hope you will also feel free to ask if you find anything
7 else.

8 MS. DAVIS: I'll talk to you, Professor Hoxby.
9 You've probably seen the pretrial scheduling order but
10 it's things you relied on in preparing your report.

11 BY MS. LHAMON:

12 Q. I appreciate you're not a lawyer. That
13 actually takes some explanation and happens. So glad to
14 know about it and would like to get it.

15 A. I'm not actually concerned that you could not
16 replicate all of this for yourself reasonably easily.
17 But I'd be glad to save you the time involved.

18 MS. DAVIS: So it sounds like you do have what
19 you need but Professor Hoxby is willing to give you sort
20 of the cheat sheet.

21 MS. LHAMON: That's not at all what it sounds
22 like to me, Lynne.

23 MS. DAVIS: That's exactly what she just said.

24 MS. LHAMON: I'm entitled to what Professor
25 Hoxby has relied on for her expert report. She created

1 16; is that correct?

2 A. I don't know really what the best answer to
3 that question is. In theory I could turn on my computer
4 and I could probably do some of that for you. I don't
5 know whether that's really the best idea.

6 Q. It's fine with me to do it that way.

7 MS. DAVIS: She's going to tell you what she
8 knows as she's sitting here today, what she recollects.

9 BY MS. LHAMON:

10 Q. That's what I'm asking her. If it's something
11 you can turn on a computer and download it quickly, I'm
12 happy to do it that way.

13 A. I think it's probably better to just send it.

14 Q. Just so we're very clear on the record, that
15 places us at a significant disadvantage because we are
16 trying to look again at the tables that you've generated
17 in your report and it's very difficult to go through and
18 do it in the way that we have information now that would
19 significantly reduce our time commitment. But if it's
20 your position that you can't do that quickly today, you
21 can't. And that's a failure on your counsel's part.

22 MS. DAVIS: You have the data. You could do
23 this. I understand that it would be easier if she gives
24 you the sheet, and she will give you the sheet. I think
25 for purposes of right now ask her what she knows and

1 an Excel spreadsheet that assigned a value that she then
2 included in her table and I'm absolutely entitled to the
3 data. I don't hear any disagreement among us about
4 whether I'm going to get it so it doesn't need to become
5 heated but I am entitled to it.

6 MS. DAVIS: Let's just say I disagree but you
7 will -- Professor Hoxby has agreed on her own to provide
8 it to you.

9 MS. LHAMON: This is why it does actually take
10 some explanation what the pretrial scheduling order
11 means. There was no reason you should have had to just
12 read it and try to discern that for yourself.

13 MS. DAVIS: I'm not sure that that was the
14 case, Catherine, that we just didn't have any
15 conversation with her.

16 THE WITNESS: My understanding was that if
17 something was readily available in a publicly accessible
18 form that it was not as much of a concern as data that
19 would be more difficult to generate. These are all very
20 straightforward things to find.

21 BY MS. LHAMON:

22 Q. So sitting here today you won't be able to go
23 through and tell me what value you assigned for each of
24 the six key input policies for California for
25 preparation of your expert report and the table on page

1 what she can recollect at this point sitting here today.

2 MS. LHAMON: That's what I've done. But if
3 it's easy to get it off the computer, we should do that.

4 MS. DAVIS: No, we shouldn't do that.

5 MS. LHAMON: Are you instructing your client
6 not to get off something off the computer that she could
7 get easily today?

8 MS. DAVIS: She doesn't need to do that. Ask
9 your questions. She'll answer them to the best of her
10 knowledge.

11 MS. LHAMON: My question is: Are you
12 instructing her not to do it if I ask her to do it?

13 MS. DAVIS: Yeah, I'm instructing her not to do
14 it.

15 MS. LHAMON: What's your basis for that?

16 MS. DAVIS: I don't think it is normal
17 deposition conduct. You want to ask her questions, she
18 can recollect what she knows as she's sitting here
19 today. We'll get you the cheat sheet. You have the
20 data to do this. You didn't do it before the
21 deposition. That's not her responsibility.

22 BY MS. LHAMON:

23 Q. I strongly disagree with that characterization.
24 And I am requesting again that you do look at your
25 computer and get the data if you can. If your counsel

1 is going to instruct you not to do that --
 2 A. The reason I would hesitate to do that is there
 3 is a difference between my creating the spreadsheet for
 4 my use to do calculations that are then going to be
 5 presented and my creating a spreadsheet that should be
 6 read by other people so that the definitions are
 7 correct, the sources are correct, it's clear exactly
 8 what I've done in each column.

9 That takes time. And I know that that takes
 10 time, and it takes care. And if were to do that right
 11 now, I would not have set up the spreadsheet in such a
 12 way that it would be easy for me to look at it and
 13 immediately say, "Ah, yes, this is exactly what I would
 14 transmit or say to someone else." I would probably put
 15 in much more detail, et cetera.

16 So I'd like to have the time to do it right so
 17 that I don't make a mistake and actually tell you
 18 something that's not correct because it's simply not set
 19 up that way. I know we don't have the sort of time that
 20 would take me to go back and prepare it the way I
 21 prepare things when I transmit them to other people.

22 There's just a big difference between having --
 23 knowing that you have the things that went into the
 24 calculation and having them set up so that other people
 25 can understand every step of your calculation.

1 And I really -- being somebody who has to do
 2 this all the time and has to transmit things to people,
 3 I do realize how important that second step is and how
 4 important it is that when I do it, I have the time to do
 5 it right and I understand exactly what I've said because
 6 later on you can come back and ask me, "Exactly how did
 7 you make that calculation?" and I want to have
 8 transmitted to you something that's very clear so that I
 9 can explain everything that I did. And I realize that's
 10 my responsibility.

11 So I hesitate to do those sort of things on the
 12 fly knowing that mistakes often get made when you do
 13 things on the fly.

14 Q. I appreciate that. I'd certainly welcome more
 15 information and am happy to get it that way. The
 16 obligation was to give me what you used and you're not
 17 under an independent obligation to give me the
 18 additional information much as I might appreciate it.
 19 So I'm happy to take what's on your computer now and try
 20 to use that because that's what your counsel was
 21 obligated to turn over to me.

22 If that's not what your counsel is going to
 23 allow you to do, then we are at an impasse.

24 So are you going to allow her to do it or not?

25 MS. DAVIS: If you want to take a break I can

1 talk to Professor Hoxby. It sounds like she's very
 2 resistant to give you whatever she could possibly find
 3 on her computer because she's not sure if it's
 4 representative, she's not sure if it's going to provide
 5 a form for her to answer accurately any questions you
 6 have.

7 This is data that you have. You could have put
 8 this data together out of the CD and the memo that
 9 Dr. Hoxby provided prior to this deposition. And it
 10 shouldn't all be hinging on whether you get this
 11 document right now or not the questions that you're
 12 asking.

13 I realize you're not a statistician, but I also
 14 know you probably have experts that could have helped
 15 you reconstruct Dr. Hoxby's analysis with all of the
 16 data she provided to you.

17 MS. LHAMON: I think the record is very clear
 18 today that I actually don't have the answers, that there
 19 are other sources that we had to go through. We just
 20 had to look at page 17 of the expert report to try to
 21 understand what the sources were for the data.

22 Dr. Hoxby can't sit here today and tell me
 23 whether California has this policy. It's not clear what
 24 she meant in the expert report by State Department of
 25 Education. Didn't say the State Department of

1 Education's website. It would have been very helpful to
 2 have had that Excel spreadsheet.

3 I think we're now wasting a fair amount of
 4 time.

5 MS. DAVIS: I agree.

6 MS. LHAMON: I'm happy to go off the record and
 7 have you have a conversation with your client if you
 8 like and we can come back and resolve it.

9 MS. DAVIS: I would say the sources are clearly
 10 table notes. It's not like something you should have
 11 not known was attached to this table.

12 MS. LHAMON: I've never said I didn't know it
 13 was attached to the table. I read the table notes. The
 14 table notes are not clear about what the source is. The
 15 table note, again, on page 17 says, for example, "State
 16 Departments of Education," and it's not clear what that
 17 means. It's not at all clear if that meant legislation,
 18 if that meant go to the website, if it meant, "I had a
 19 conversation with somebody at the State Department of
 20 Education." It wasn't even clear if State Departments
 21 of Education was an independent document from the CCSO
 22 policies and practices which is attached by comma.

23 I needed to ask questions today to find out
 24 what the answers were. I was not able to replicate that
 25 before today and I don't have the information that

1 Professor Hoxby relied on in preparing the expert report
2 which is clearly called for in the pretrial scheduling
3 order.

4 Now I don't want to waste more time on it. I'm
5 happy to go off the record and have you have a
6 conversation with your client and then we can try to
7 resolve it thereafter.

8 MS. DAVIS: I will just remind you that you did
9 receive over seven boxes of documents with just data,
10 raw data and --

11 MS. LHAMON: That data was not usable without
12 this information as Professor Hoxby has already
13 testified to.

14 MS. DAVIS: We can disagree on that and why
15 don't we take a break.

16 (Recess taken.)

17 MS. LHAMON: That will be 8.

18 (Plaintiffs' Exhibit 8 was marked for
19 identification by the court reporter.)

20 BY MS. LHAMON:

21 Q. Professor Hoxby, I've handed you a document
22 we've marked as Exhibit 8. Do you recognize that
23 document?

24 A. Yes.

25 Q. Can you tell me what it is?

1 states' websites for their Education Codes." That is,
2 because as I think I said earlier, the public school
3 finance programs of the United States and Canada only
4 comes out every few years. So if you want to make sure
5 that things have not changed since then you should check
6 with the Education Code.

7 Q. The document that is Exhibit 8, that is, except
8 for its handwriting on it, that is the spreadsheet that
9 you used yourself when preparing your expert report; is
10 that correct?

11 A. Yes.

12 Q. I appreciate your printing that today. Makes
13 things very helpful.

14 I take it that over the break you had a
15 conversation with counsel; is that correct?

16 A. Yes.

17 Q. Can you tell me what counsel said to you?

18 A. Counsel asked me whether I thought I had the
19 spreadsheet on the computer I had with me today, and
20 counsel also made a telephone call to her offices.

21 Q. Did she say anything else to you?

22 A. She basically was asking me whether she
23 thought -- whether I thought I did have it on this
24 computer and would be able to print out what I've just
25 printed out.

1 A. It is a spreadsheet in which the six
2 centralization of input variables that go into making
3 column 2 on page 16 appear.

4 Q. And when you say "page 16," you're talking
5 about page 16 of the expert report?

6 A. That's correct.

7 Q. Just in case there's any questions later,
8 you've made some handwritten notes at the bottom of
9 Exhibit 8?

10 A. That's correct.

11 Q. And can you tell me why you did that?

12 A. Those indicate -- at the bottom of the table
13 that is shown on page 16, so actually on the table notes
14 that appear on page 17 of the expert report, there are
15 complete references to three sources -- sorry, four
16 sources of information. However, so what I've done here
17 at the bottom of this Exhibit 8, I have made a note of
18 which column was taken from which source.

19 So "CCSSO" refers to the CCSSO policies and
20 practice survey. I've basically written out the next
21 source which is "Public School Finance Programs" of the
22 United States. And then the last column here is from
23 the Digest of Education Statistics.

24 And you will note that under the third column
25 it says "Public School Finance Programs. Checked with

1 Q. I understand you said that you did and could;
2 is that correct?

3 A. I said I wasn't sure whether I could but I
4 would look.

5 Q. And then we later learn that you could and I'm
6 glad you could. Thank you very much.

7 Turning to page 14 of your expert report,
8 please, in the first bullet point under section 5.1 on
9 page 14 when you write, "States that have more
10 centralized control of inputs have lower average student
11 outcomes, measured by test scores, high school
12 graduation, or college enrollment," am I correct that
13 you were referring to the seven inputs specified in the
14 table on page 16 and the table notes on page 17 when you
15 use the word "inputs" in that sentence?

16 A. Yes.

17 Q. Turn to page 23 of your expert report. In the
18 top chart on that page, what explains the lower parent
19 attendance at school open houses in states with lower
20 centralization indexes than California's such as
21 Nebraska, Montana, Louisiana and South Dakota?

22 MS. DAVIS: Vague and ambiguous, compound.

23 BY MS. LHAMON:

24 Q. I'm happy to do that separately. If you want
25 to just take it for Nebraska first, that's fine with

1 me.

2 A. Well, Nebraska and Montana are states that have
3 low population density. Typically schools are very far
4 away from where parents live. South Dakota is similar.
5 Louisiana is not only sparsely or rural in many areas
6 but is also poor.

7 Therefore, in states like that it is normal --
8 perhaps normal is not the right word, but it is not
9 unexpected that you would see fewer parents attend
10 school open houses because there is a great distance
11 often between the parent and the school where his child
12 attends.

13 Q. Are there any states with low population
14 density such as Nebraska that have higher centralization
15 indexes than California's and lower parent attendance as
16 reflected on your chart?

17 A. To the best of my knowledge, Montana and
18 Nebraska are some -- and South Dakota are some of the
19 states with the lowest population density in the United
20 States with the exception of Alaska which I don't think
21 appears on this chart at all. Alaska is -- maybe it
22 does appear. Alaska. But those are the states with the
23 lowest population density.

24 Population density is only one of several
25 factors that we think might affect parent involvement

1 they would spend the same amount as the richer district,
2 and it would need to give perhaps quite a lot of money
3 on a per-pupil basis to the district where parent were
4 poor. And that would be a way of getting all the
5 districts to spend approximately the same amount of
6 money.

7 Now, an alternative way to get all the
8 districts to spend the same -- let me just say before I
9 go on that because it's not giving any money to one of
10 the districts and is only giving a little bit of money
11 to the middling district, that would not require the
12 state's role overall in school finance to be large.

13 An alternative way to ensure that districts
14 have an equal level of resources would be for the state
15 to say to the rich district, middling district and poor
16 district, "Give me all of your money." Then the state
17 could take all of the money that it has received, split
18 it into three equal pieces and send back an equal piece
19 to each district.

20 In this second scenario, the state has 100
21 percent of control of revenues for schools in the
22 state. But it is achieving exactly the same level of
23 equality that it achieved in the first scenario where it
24 actually was not controlling all of the revenues in the
25 state.

1 but certainly it is an important one. Those are the low
2 density states in the United States, however.

3 Q. Alaska has -- as reflected on the table on page
4 23 at the top, it has a higher centralization index than
5 California and lower parent attendance; is that correct?

6 A. That's correct.

7 Q. Turning to page 24 of the expert report, in
8 section 7.1 you explain that "If a state is attempting
9 to ensure that each of its districts has an equal level
10 of resources, it need only direct resources towards
11 certain districts; it need not control a large share of
12 resources overall." Do you see that?

13 A. Yes.

14 Q. Why is that true?

15 A. Let's say that a state has three districts, one
16 that is rich, one that is -- sorry. I should say one
17 where households are rich, one where households are
18 middle income and one where households are low income.
19 And let's say that the state is attempting to get them
20 to all spend the same amount of money on a per-pupil
21 basis.

22 The state could decide that it needs to give no
23 money at all to the district where households are rich.
24 It would need to give probably some money to the
25 districts where households were middle income so that

1 So that is why there's not a simple
2 relationship between the two things. In some sense in
3 the second scenario a lot of the state's effort is
4 wasted. Why? It's because the state has taken a bunch
5 of revenue from districts that could have kept their
6 revenue and is turning around that revenue inside its
7 own coffers and then sending it back to them. So
8 there's money coming from districts and going back to
9 districts.

10 In the first scenario you'll notice that
11 districts were not sending the state money unless -- I
12 suppose we could devise a plan like that. But they
13 weren't sending the state money so that they could be
14 sent a check back with their own money. And that's an
15 important distinction.

16 In many states that have a high degree of state
17 centralization, what happens is all the money flows to
18 the state capital and then districts get checks back
19 from the state. That is a way to produce equality but
20 it is not a particularly efficient way to produce
21 equality.

22 Q. I take it California is in that latter category
23 you were describing; is that correct?

24 A. California, a rough characterization of its
25 system is that all of the money flows to Sacramento, it

1 is divided up equally, approximately, and then it flows
2 back to the districts, yes.

3 Q. Taking the same sentence in section 7.1 on page
4 24, I guess I'm focusing on the word "equal." So "If a
5 state is attempting to ensure that each of its districts
6 has an equal level of resources, it need only direct
7 resources towards certain districts," and the part I'm
8 having trouble with is how does the incentive structure
9 work for the district that is paying for itself or for
10 its own education when a state is going to direct
11 resources to another district that are equal to what the
12 district is paying for itself has paid? What's the
13 incentive for the district that's paying for itself to
14 keep doing that?

15 A. Are you specifically concerned about the
16 district that's paying for itself not spending enough?

17 Q. No, I'm not because in your sentence I think
18 we're talking about equality. Both districts are
19 spending the same amount of money. The state is giving
20 the money to one district and the other district is
21 having to fund itself.

22 A. Right.

23 Q. Why does that district keep funding itself at
24 the amount the state would have given?

25 A. That's something that can be written into

1 school finance law. A typical formula that was
2 attempting to achieve this would say to a district, for
3 instance, you need to spend X percent or you need to tax
4 yourself at this level of local property taxes and that
5 you need to spend on yourself. And then state aid would
6 be equal to the difference between that tax revenue and
7 whatever is the level at which the state is attempting
8 to equalize at. That guarantees that everybody gets to
9 the same place but the state is not actually doing much
10 of anything in districts that can get there by
11 themselves.

12 Q. And in that scenario or another formula that
13 works better for my next question, but I take it if
14 we're talking about equal level of resources that
15 there's a ceiling so that the richest district that can
16 fund itself, if it's underfunding itself to its optimal
17 amount, let's say \$10,000 because that gives us
18 something to talk about, and the state is also going to
19 fund \$10,000, what's to keep the district that can
20 afford it from paying more, from paying \$12,000 or
21 higher amounts so there is inequality in the level of
22 resources?

23 A. States can set ceilings.

24 Q. Is that a good idea for a state to set
25 ceilings?

1 MS. DAVIS: Calls for speculation.

2 BY MS. LHAMON:

3 Q. In your expert opinion.

4 A. There is a tradeoff. When a state sets a
5 ceiling, it can guarantee equality. So that may be what
6 the state wants to achieve. So that would be on the
7 plus side, at least for some states. Some states
8 actually that's not something their state supreme courts
9 have set. So I don't wish to say that's a goal of every
10 state.

11 Let's say, though, that was a goal of the state
12 for a moment. There are costs to doing that. One of
13 the costs to doing that is that then the state has to
14 figure out what would be a generous level of school
15 spending in the state. It has to decide that for itself
16 in some manner. I don't know how because there's no
17 scientific manner to figure that out.

18 An alternative is for the state to allow richer
19 districts to choose more or less for themselves but keep
20 track of the choices they are making and never let
21 poorer districts get very much out of whack with that
22 that they observe richer districts to be making.

23 On the minus side, if you want total equality,
24 you're not going to get it under that scenario. On the
25 plus side, you are less likely to accidentally choose a

1 level of spending for your state that is too low because
2 the richer districts are being allowed to choose for
3 themselves so they are presumably making a somewhat
4 independent choice based on what resource they think
5 their children should have. That is a plus for that.

6 In addition, there's some research that
7 suggests that if you do not allow richer districts to
8 have independence in making some choices for themselves
9 about how much to spend, parents in those districts will
10 choose to send their children to private schools. That
11 has long-term consequences for the support for public
12 education in a state because you can be depriving a
13 state of voters who would otherwise be in favor,
14 typically, of generous resources in schools.

15 Parents who want to spend a lot on their own
16 children's schools also actually tend to want to spend a
17 lot on everybody's children's schools. So there is some
18 work that suggests that that set of voters is not a set
19 of voters who should be -- whose support for the regular
20 public school system should be withdrawn.

21 So I think it's a tradeoff. I really think
22 that a state just has to decide for itself whether it
23 wants to go for complete equality with the fact -- with
24 the possible costs or whether it does not. I think
25 different states have made different decisions. You can

1 write the formula different ways. It's really up to the
2 state to make a decision about those tradeoffs for
3 itself in the long run, but there are some tradeoffs.

4 Q. Have you done any examination of public
5 education in Kansas?

6 MS. DAVIS: Vague and ambiguous.

7 THE WITNESS: Public education in Kansas
8 specifically? All of my research tends to cover all 50
9 states. So I guess I'm not quite sure what you're
10 getting at with this question.

11 BY MS. LHAMON:

12 Q. Separate from the centralization index that you
13 prepared for your expert report, have you investigated
14 or researched the relationship between centralization
15 and student performance in Kansas specifically?

16 A. No.

17 Q. According to your chart on page 16, Kansas has
18 a higher centralization index than California does; is
19 that correct?

20 A. Kansas has very centralized school finance as
21 you can see, and then it has low centralization of its
22 input policies. Depending on how you weight those two
23 things, it certainly comes out with a higher overall
24 index the way I've done it and -- yeah. But it's mainly
25 coming from its -- the fact that the state has a large

1 the reasons I did the further analysis because I know
2 that some of those things are there.

3 In addition, although Kansas has highly
4 centralized school finance, as we were just pointing out
5 knowing about how centralized school finances can be a
6 little complicated, we were just talking about a variety
7 of different formulas, Kansas has a formula that
8 although there's quite a lot of centralization, actually
9 school districts have a lot of freedom at the margin.

10 Kansas has some special circumstances. But as
11 I said, I think the main thing here is that Kansas has a
12 history of being a very high performing state and that's
13 why you'd want to further -- you wouldn't want to stop
14 at the first type of analysis that I do. You would also
15 want to look at this, the change in centralization and
16 the change in achievement which I go on to do.

17 So, for instance, look at Kansas there. It's
18 pretty much in the middle of both charts. So it doesn't
19 stand out as much for student performance because it's
20 not changing particularly over time.

21 Q. When you say "there," you're looking at page 19
22 of the expert report?

23 A. I'm looking at page 19.

24 Q. When you referred to "further analysis" in your
25 last answer, you also were talking about the charts that

1 share of revenue.

2 Q. Based on the research that you did for purposes
3 of the expert report in this case, so among the 50
4 states, is it your view that centralization has harmed
5 public education in Kansas?

6 MS. DAVIS: Vague and ambiguous, calls for
7 speculation.

8 THE WITNESS: Kansas actually is very
9 decentralized when it comes to its school input
10 policies. It's one of those states where you have to
11 know a bit about its special circumstances to understand
12 some of what happens in Kansas.

13 First of all, Kansas has always been a very
14 good education state, and it has always had pretty high
15 student performance. And one of the things that you'll
16 notice I do in this report when I'm talking about
17 centralization is I point out that if we just look at a
18 point in time like today, we look at centralization and
19 student performance, part of that relationship can just
20 be due to historical differences in student
21 performance.

22 So it's also worth looking at changes in
23 centralization and changes in student performance
24 because, for instance, Kansas is just traditionally a
25 very high student performance state. So that's one of

1 follow the table on page 16 in your expert report; is
2 that correct?

3 A. Yes. I was talking about the fact that page 16
4 is really meant to introduce two series of charts, one
5 series of charts on page 18 which looks at just a point
6 in time in year 2000, and another set of charts that
7 start on page -- sorry, on page 20 and 21 which look at
8 changes in centralization and changes in achievement.
9 And you really want to do both types of analysis for
10 reasons like I've just described about Kansas.

11 It's important to know a bit about the history
12 of a state as well because centralization and student
13 performance are not really randomly assigned to states.
14 Some of what you pick up in just looking at one point in
15 time is just going to be just about history. So that's
16 why you want to go on and look at what happens when a
17 state changes its policies.

18 Q. In your last answer you said that
19 centralization is not really randomly assigned to
20 states. What does that mean?

21 A. What I'm thinking of in particular is the fact
22 that although states have intentionally changed -- in
23 many cases have intentionally changed their policies
24 towards centralization so that much of what we're
25 picking up when we look at centralization is intentional

1 policy change, some of what we see in a state
2 centralization is also sort of the accident of history.
3 Different states had their school systems set up
4 differently in the 19th century and so not all of this
5 is intentional policy change or even vaguely recent
6 policy change.

7 So that's why I think that you do want to not
8 just look at the overall level of centralization but you
9 want to look at recent changes in centralization, too,
10 so that you're sure that you are disproportionately, in
11 the second case, picking up the intentional changes in
12 centralization that have occurred within a state
13 recently.

14 I think they're complementary. I wouldn't say
15 you want to only look at the first type of evidence or
16 only look at the second type. I think that someone like
17 me looks at both types and tries to use judgment in
18 weighing the two types of evidence.

19 Q. If you will turn to page 34 of the expert
20 report, the titles for the two charts that appear on
21 page 34 have merged. So if you could tell me what they
22 say.

23 A. I could also give you a copy of the one that I
24 have. And then you could -- wait a minute. This is
25 page -- I think it's done the same for me when I printed

1 best research on pages 2 and 3 of your expert report,
2 how would you characterize within that definition the
3 analysis discussed on pages 12 to 13 of the expert
4 report based on the NLSY data?

5 A. Well, you'll recall that when I said -- first
6 of all, in the good, better, best distinction it was in
7 the context of finding the evidence between -- the
8 causal evidence between the relationships between
9 inputs and student performance.

10 What I'm actually trying to do on pages 12 and
11 13 is not identify causal estimates. In fact, this may
12 seem like a subtle distinction but let me try and make
13 it for you.

14 On pages 12 and 13, I have noted that, say,
15 family background variables explain a lot of the
16 variation in, say, students' math scores. Some of those
17 family variables are things that we discussed earlier
18 like parents' education or parents' income.

19 There is a distinction, actually, that's quite
20 important between trying to just say how much variation
21 is associated with family background variables, which is
22 just a correlation we're talking about, and whether I
23 can identify the causal effect of that family background
24 variable on students' math score.

25 Now, I'm trying to do the former, not the

1 it out again.

2 This says -- I will read it to you.
3 "Percentage of Population who are Minors. Difference
4 between the 90th and 10th" -- wait a minute.

5 Q. While you're looking, it looks to me that both
6 tables on the page 34 have two tables, one juxtaposed
7 over the other in the printout that I have. The X and Y
8 axes have multiple names on them.

9 A. This is something we should easily be able to
10 print out again. This is a printing error as far as I
11 can tell probably from printing from the PDA file. I
12 know that when I look at it on my computer it will look
13 normal again.

14 Q. If you or if Lynne can give us the corrected
15 page 34, that would be terrific.

16 A. I'm sure we could do it right now.

17 MS. DAVIS: Is this the only one that you
18 have --

19 MS. LHAMON: That's the only one that comes out
20 like that. I don't need to ask you about it. I just
21 need to see it.

22 Professor Hoxby, we can do it at a break. It
23 doesn't have to be now. Thank you. And I'll appreciate
24 getting that page.

25 Q. Based on the definitions of good, better and

1 latter here. I'm trying to tell you how much of the
2 association is associated with these types of
3 variables. I'm not actually making an effort to say the
4 causal effect of parents' education is X or the causal
5 effect of mother's education is Y.

6 So first of all, this type of analysis doesn't
7 actually fit quite into what I was talking about in the
8 good, better, best method of distinguishing amongst
9 studies. This is what I call descriptive evidence. And
10 you may or may not recall that yesterday I also made
11 this distinction when referring to some of plaintiffs'
12 experts' reports. I said that there is evidence in
13 these reports that is descriptive evidence and then
14 there's evidence that purports to be causal evidence.

15 And descriptive evidence is just about
16 correlations. And causal evidence, it is a claim that
17 if you were to change a specific variable you would get
18 a certain change in student performance. You'll notice
19 that I don't say anything like that here. So part of it
20 is it just doesn't apply. The same standards don't
21 apply.

22 However, you'll notice that some of the same
23 things -- I do make an effort to do some of the same
24 things. For instance, family variables do include most
25 of the family variables you would see listed at the

1 beginning in the good, better, best distinction.
 2 Neighborhood variables are the sorts of
 3 variables that would be in that kind of distinction.
 4 And the same for the school input variables.
 5 As I pointed out yesterday, I purposely did not
 6 put students' own prior achievement in the family
 7 variables to avoid this problem that that would pick up
 8 some of what really should be attributed to prior
 9 effects of neighborhood and school inputs.
 10 That's a difference between -- if I was trying
 11 to do a causal analysis, of course I would have to do
 12 that differently. That would be a different choice.
 13 Q. I appreciate that distinction. I had not
 14 understood that to be what you were limiting the
 15 definition of good, better and best research to.
 16 Looking at page 2 of the expert report in
 17 section 2.2, the sentence says, "Evidence on the
 18 relationships between inputs and student performance can
 19 be ranked as follows" and then it starts with "Good
 20 Research."
 21 Am I correct now in understanding that that
 22 sentence should say evidence on causal relationships
 23 between inputs and student performance?
 24 A. Yeah. I think that would be -- if that
 25 clarification helps you, that's fine. I suppose it's

1 the way one -- depends on the way we read the word
 2 "relationship."
 3 Q. I don't need to change your text. Let me ask
 4 you: In that sentence when you used the word
 5 "relationships," am I correct in understanding you were
 6 referring only to causal connections?
 7 A. Yes. If you look at the paragraph above you'll
 8 see that the word "relationships" is used with the word
 9 "causal" in sentences. Normally I would use a word like
 10 "association" or "correlation" to suggest a relationship
 11 that was noncausal. These are just patterns of
 12 language, I suppose.
 13 Q. I don't mean to be your editor. I missed it
 14 and now I understand.
 15 My next question was going to be about the data
 16 discussed from the STAR data on pages 9 to 10, and let
 17 me ask a prior question. In that discussion of the STAR
 18 data on pages 9 to 10 of the expert report, are you
 19 attempting to discuss causal relationships or are you
 20 discussing -- is that descriptive only?
 21 A. Yes, it is meant to be largely descriptive, and
 22 let me try to explain exactly what I mean. Again, here
 23 what I'm trying to do is get at what is not explained by
 24 variables that we observe like family background and
 25 neighborhood and school inputs. And then I'm looking at

1 that part that is not explained by things like that and
 2 I'm saying what part of that appears to be just
 3 explained by this clustering of students within schools
 4 which suggests there's a management effect.
 5 So I am making an effort here to not include in
 6 the management effect things that are, say, correlated
 7 with -- that are part of family background. It may be
 8 that in this process I am overattributing student
 9 performance to -- not overattributing but I'm
 10 attributing things to family background where I'm not
 11 making an effort to sort out what part of family
 12 background it is that is causing that particular part of
 13 student performance.
 14 What I'm focused on here is I want to make sure
 15 that what is in the school management effect is not
 16 stuff that really belongs in family background or it's
 17 not stuff that really belongs in neighborhoods or
 18 something like that. So I'm doing the best I can to
 19 make sure that does not show up in the management
 20 effect.
 21 I'm not making a special effort to say, within
 22 the family background variables, let's make sure I've
 23 got -- I've nailed down which was the effect of family
 24 income and which was the effect of parents' education.
 25 I am focused here on trying to make sure the management

1 part is really clean.
 2 Q. So in that discussion on pages 9 to 10 it's not
 3 appropriate to view the analysis through the lens of
 4 your definition of good, better and best research; is
 5 that correct?
 6 A. I think as I said with regard to the other
 7 things, many of the same types of concerns would apply.
 8 For instance, it is also the case that I have tried to
 9 include all the neighborhood variables that I would
 10 include in a causal analysis. I have tried to include
 11 all the variables that I would include in an analysis of
 12 family background -- an analysis of the causal effects
 13 of family background.
 14 What I have not done is attempted to look for
 15 the sorts of changes, say, in family background or in
 16 parents' income that would allow me to identify the
 17 causal effects of those variables.
 18 I don't know whether that's a distinction that
 19 seems clear, but you might remember yesterday that I
 20 said that when we're trying to identify the causal
 21 effect of a variable, it's not -- we don't just want to
 22 have data on it. We also usually want to find a policy
 23 change.
 24 So I've not made an effort to find a policy
 25 change in family income or a policy change in parents'

1 education. That I would need to do if I wanted to
 2 identify the causal effects of those variables.
 3 Q. On page 9 in the middle of the page in the
 4 third bullet point in the second set of bullet points it
 5 says that the regressions that you ran from STAR data
 6 controlled for school resources, teacher salaries and
 7 credentials, class size.
 8 A. Right.
 9 Q. Based on the table notes that you have given us
 10 later, that's not correct, is it? And I'm looking at --
 11 it's marked STATE-EXP-CH 0050 of Exhibit 6.
 12 A. -50 did you say?
 13 Q. Yes.
 14 A. Tell me again exactly what you want me to look
 15 at.
 16 Q. Well, on page 9 in the third bullet point in
 17 the second set of bullet points you say that the
 18 regression from the STAR data controls for "school
 19 resources, teacher salaries and credentials, class
 20 size." And then if we look at page 50 of Exhibit 6, I
 21 don't see those factors included in the independent
 22 variables that you list.
 23 MS. DAVIS: I want to make sure that she knows
 24 that on page 49 are the notes for page 9 if that helps
 25 you at all.

1 BY MS. LHAMON:
 2 Q. Feel free to look at whatever you need.
 3 A. Well, school resources is the per-pupil
 4 spending in each student's school district which is
 5 listed there. Pupil-teacher ratio is another --
 6 probably the other key measure of school resources.
 7 Now, I know that I actually did include,
 8 because it comes from the same data source that I've
 9 shown you here before, teacher salaries and whether they
 10 had master's degrees -- hold on -- and class size. Are
 11 those things not listed there?
 12 Q. I didn't find them.
 13 A. Pupil-teacher ratio is the proxy for class size
 14 here. And I think I probably also -- hold on. This may
 15 be that -- you would still have the data. It would just
 16 be in a data set. I just probably omitted it from this
 17 list.
 18 Here we go. If you look on page 6, I think
 19 what happened was I just omitted to put those in.
 20 Q. And when you say "page 6," you're referring
 21 to --
 22 A. Of this memo which is actually State's Exhibit
 23 CH 0051. Some of these variables are matched to
 24 California schools from the status that's listed here at
 25 the bottom of page 6 where it says "School Input

1 Variables." This is the SDDDB.
 2 So some of these variables are matched in. For
 3 instance, that's where I matched in teacher credentials
 4 from there. I know that. Teacher salaries is from
 5 there. And class size and school resources I've already
 6 told you about. I think I just omitted to say that they
 7 were there.
 8 Q. Thank you.
 9 A. But you do have that data. You just need to
 10 know where to get it.
 11 Q. I just wanted to know what to look at. If
 12 you'd stay looking at State Expert CH 0051 of Exhibit 6,
 13 do you see at the bottom of the page where you refer to
 14 "School Input Variables" and then say "(asterisks
 15 indicate variables from the SDDDB)"?
 16 A. Right.
 17 Q. I don't see any asterisks within "School Input
 18 Variables." Is that an omission or were there no
 19 variables that were taken from the SDDDB there?
 20 A. This first one certainly is taken from the
 21 SDDDB.
 22 Q. The per-pupil spending?
 23 A. Right. And all of the next four appear in both
 24 the SDDDB and will appear in the NELLS which is data from
 25 the SDDDB. It's the same source basically. Yes, you can

1 put asterisks next to them if you like.
 2 Q. Just to make sure I'm clear which ones you're
 3 referring to, you're talking about average class size,
 4 minimum teacher salary --
 5 A. Right.
 6 Q. -- average teacher salary and maximum teacher
 7 salary?
 8 A. That's right. That's where it starts.
 9 Q. For each of these as to these newly starred
 10 variables from page State-EXP-CH 51, do they also belong
 11 in the list on State-EXP-CH 50?
 12 A. Yes, except you would want to omit the words
 13 "in student's twelfth grade year" because it wouldn't
 14 really apply on page 5. But other than that, yes, you
 15 would -- the same things would be there. Some of them
 16 are indeed there.
 17 Q. And the omission is because on page 5 which is
 18 marked 50 at the bottom, you did it from the SDDDB and it
 19 wasn't for the twelfth grade year; is that correct?
 20 A. Well, the Stanford 9 tests are for all years.
 21 It just wouldn't make sense to put in that limitation
 22 since that limitation wouldn't apply particularly.
 23 Q. Staying with the same questions, also looking
 24 at State-EXP-CH 50 of Exhibit 6, there is midway through
 25 the page with two crosses next to it "Per-pupil spending

1 in the student's school district in 1997-98 in dollars."

2 A. Right.

3 Q. Then if you look at the next page, State-EXP-CH
4 51, the first listed variable under "School Input
5 Variables" is "Per-pupil spending in the student's
6 school district in 1989-90." Which of those two
7 variables belongs on page 50?

8 A. The one that is listed on page 50.

9 Q. That's very helpful.

10 A. The distinction is some of these variables we
11 get annually and some of them we don't get annually.
12 The ones I could get annually I matched exactly to the
13 exact year.

14 Q. I think you testified both yesterday and today
15 that with the STAR data you cannot control for a
16 student's prior performance; is that correct?

17 A. No, you cannot.

18 Q. Why not?

19 A. Because STAR data are not released at the
20 individual student level for confidentiality reasons. A
21 parent could get that sort of data about his or her own
22 child, but there are concerns about confidentiality.

23 Q. The STAR data analyses discussed on pages 9 to
24 10 of your expert report also don't control for whether
25 a student is in a multi-track year-round school; is that

1 So there I was actually trying to hold a family
2 income more constant and I compared California to
3 New York, Arizona, Massachusetts, Maryland, Connecticut,
4 Illinois and Pennsylvania because those are states that
5 are less centralized than California and do not increase
6 their centralization as much as California did over the
7 period from 1970 to 2000. But they have very similar
8 family incomes.

9 So that you might think of as the most fair
10 comparison group for California, and all of those states
11 have better student performance than California does.

12 I'm aware of the fact that it's important to look
13 at states that are apples-to-apples comparisons. Those
14 are the best other comparison states.

15 Q. In your last answer you told me that changes in
16 centralization take out the effects of income; is that
17 correct?

18 A. They take out much of the effects of income,
19 yes.

20 Q. How is that true?

21 A. Mississippi was the lowest income state in
22 probably every census of the 20th century. New York and
23 California have been some of the highest income states
24 in every census of the United States since we have been
25 recording income.

1 correct?

2 A. No, they don't. They probably could.

3 Q. For the centralization index on page 16, did
4 you control for income or demographics in generating the
5 index?

6 A. No. This is the reason -- there are two things
7 that come to mind. One, as I said earlier I wanted very
8 much people to be able to see where these indices came
9 from and to be able to reconstruct them. And there's no
10 one simple way to control for family incomes. I would
11 have had to go through quite a long explanation of the
12 various ways.

13 I did two other things, though, that I thought
14 were useful for that. One is again that as I move
15 forward and on pages 20 to 21 I looked at changes in a
16 state's centralization and changes in a student's
17 performance. That takes out a great deal of the
18 state-to-state difference in the average level of family
19 income. And I do think that's an important thing to
20 do.

21 I also in the text focused particularly on
22 comparing California to other states with similar
23 incomes, and I think that that analysis is in section
24 5.4 where it says, "Let's focus on California and a few
25 other comparison states."

1 Therefore, if you look at the change over time
2 in Mississippi and the change over time in
3 centralization in New York, say, you do not find that in
4 1970 Mississippi was one of the poorest states and in
5 the year 2000 it was one of the richest states and
6 New York has gone from being one of the richest to one
7 of the poor states. States do not move around a lot in
8 the distribution of family income.

9 And therefore when you look at the change in
10 centralization in a state over time, you're not really
11 holding constant the state's income but you are holding
12 constant its status usually relative to the other states
13 in the country. It's not a perfect control but the fact
14 is that states do not jump around a lot in the income
15 distribution of the United States. That's one of the
16 best reasons for actually looking at the change in a
17 state over time. Mississippi just does not turn into
18 Silicon Valley overnight.

19 Q. We just talked about ways you tried to take
20 account of differences in income amongst states in your
21 centralization discussion. Are there other ways you
22 also tried to take account of differences in
23 demographics among the states in your centralization
24 discussion?

25 A. Right. I think the answer is really the same.

1 Looking at changes over time is helpful and looking at
2 comparison states. These comparison states that I've
3 pointed out to you before are also states that have
4 education distributions that are more similar to that of
5 California than the typical state. That's not too
6 surprising because places with high incomes also tend to
7 have more highly educated adult populations. That's not
8 too surprising those two things go together.

9 Q. Can you explain to me how the change in
10 centralization also would take into account the
11 demographics of the states?

12 A. Sure. You'll notice, for instance, here --
13 again, I think we can make this kind of straightforward
14 point that places like New York or Massachusetts,
15 Connecticut, Pennsylvania, California are all states
16 that have traditionally had a high level of adult, say,
17 education and have had a variety of other demographics
18 that go with that. So we could probably come up with
19 marriage rates, a whole bunch of other things we might
20 look at. And that doesn't tend to change very quickly
21 either.

22 The states that have highly educated adult
23 populations, populations that have health care, all
24 those sorts of things do not change terribly rapidly so
25 that when we either look at comparison states that tend

1 would be, apart from some of the things we have talked
2 about.

3 There are the school-related policies which
4 actually appear in the centralization index. So that's
5 one possibility. Change your school-related policies,
6 you could have an effect on student achievement.

7 There are things like the basic level of a
8 state's income or education. We know those are strong
9 predictors of student performance. Those are really
10 pretty much either differenced out by this differencing
11 on pages 20 or 21 or they're so similar to the other
12 control states here on page 21 that we've done the best
13 job we can of finding a comparison group.

14 The one thing I just noted for you that I do
15 think is something we ought to pay a little bit of
16 attention to in addition is immigration because that has
17 affected different states differently, and there I would
18 probably put more weight on states like New York or
19 Arizona which have experienced comparable amounts of
20 immigration to California but are also like
21 California -- high income, high education states.

22 Q. Turning back to page 4 of the expert report,
23 you see in the middle of the page, it's the third
24 sentence under the table on page 4 that says, "There is
25 no evidence that the policies they," which means the

1 to be similar to California that helps to control for
2 those things or when we look at changes over time, gee,
3 California is one of the most educated states in 1970.
4 Still is.

5 However, I did make a point here of including
6 Arizona as one of the comparison states and that is
7 because one difference between, say, California and
8 Massachusetts or Illinois is that California has
9 experienced more immigration in the past 30 years than
10 those couple of states. New York and Arizona, though,
11 have experienced similar amounts of immigration. And in
12 the case of Arizona, very similar types of
13 immigration.

14 So those are good comparison states if that's
15 something that you want to be focusing on.

16 Q. In the tables on pages 20 and 21 of your expert
17 report, when you compare the state's relationship
18 between achievement and centralization, did you control
19 for other statewide events in your analysis?

20 MS. DAVIS: Vague and ambiguous.

21 BY MS. LHAMON:

22 Q. Just as you've used that term.

23 A. Well, someone like me thinks hard about
24 statewide events that we think might have a big effect
25 on students' achievement. And I'm not sure what they

1 plaintiffs, "recommend are superior to the tight-loose
2 system on the basis of which California public schools
3 are currently run." Do you see that?

4 A. Yes.

5 Q. What is a measure of superiority that you used
6 in that sentence?

7 A. Whether the policies that they recommend have
8 statistically significant positive effects on student
9 performance as measured by not just tests but I would be
10 willing to see evidence on almost any measure, outcome
11 measures for student achievement, student well-being
12 later in life, anything like that as long as it looked
13 like the evidence was good evidence.

14 Q. On page 14, the second sentence of section 5.1
15 you say that the plaintiffs "...would like to see the
16 state set detailed requirements on" and I am
17 particularly interested in "class size" in that
18 sentence. Do you see that?

19 A. Yes.

20 Q. What is the basis for your understanding that
21 the plaintiffs would like to see the state set detailed
22 requirements on class size?

23 A. Well, I noted that in the report of Linda
24 Darling Hammond there is a section on class size
25 reduction and it begins on page 72. She also discusses

1 class size reduction at various other points in her
2 report so I don't want to say it's just on page 72. But
3 that is someplace where it appears. I know it's
4 discussed at a number of other points.

5 She comments a number of times that, for
6 instance -- it shows up again on page 47 and so forth.
7 She comments several times that class size reduction was
8 not carried out in a manner that she finds sufficiently
9 correct and that it should have been carried out
10 differently with more guidelines or mandates or control
11 over how hiring and class size reduction occurred. That
12 appears to be her view is that class size reduction did
13 not occur as she would have liked it to have occurred
14 and she would have liked to see more mandates or
15 guidelines about how exactly it should occur.

16 Q. Just so the record is clear, in that last
17 answer you were actually looking at the Linda Darling
18 Hammond report. While your memory may be photographic,
19 it also was on --

20 A. That's right.

21 Q. Do you know if the State of California has
22 ever used any form of school inspection or school review
23 program as part of the State Department of Education?

24 MS. DAVIS: Vague and ambiguous.

25 THE WITNESS: I think "ever" is a long time.

1 such thing as a state that has no degree of inspection
2 of school facilities.

3 BY MS. LHAMON:

4 Q. Let me ask you a different way. Looking at
5 page 28 of your expert report, in the first paragraph
6 under section 9 when you are talking about a comparison
7 between the ability of California to operate a state
8 system of school inspections like England, what is it
9 that you're saying is not practical to have done in
10 California?

11 A. That's a good question. In England, for
12 instance, England is not unique in this but England has
13 a well-known system. There is a minister, a ministry of
14 education in London and it has an inspectorate. The
15 inspectorate trains school inspectors to go around and
16 visit schools every year and rate them. They give a
17 rating that will be published in newspapers, et
18 cetera. It's a system that attempts to impose uniform
19 inspection standards on all the schools in the country.

20 So the notion is here that they're trying to
21 remove the subjective element from school inspection by
22 having the inspectors very well trained to inspect in
23 the same way so that it shouldn't matter whether you get
24 inspector A or inspector B.

25 It's also the case that the inspectors are not

1 All states have some degree of oversight of schools.
2 And I remember reading California school reports from
3 the early part of the 20th century in which there were
4 all kinds of school inspectors who used to go around to
5 rural schools.

6 So yeah. The answer to the "ever" question is
7 yes, definitely there have been forms of school
8 inspectors. That's very common especially with rural
9 schools.

10 I think the question, if you want to get at
11 whether California has had a strong centralized
12 inspectorate like, say, England, no. It has never had
13 that. But yeah, all states have inspectors to some
14 degree.

15 Q. And your last answer made clear to me that we
16 are on the same page about what I meant. If you know
17 more recently than you last described, so let's say in
18 the last 50 years, do you know if California has had a
19 system operated through the Department of Education of
20 inspections of schools?

21 MS. DAVIS: Same objection.

22 THE WITNESS: I think that's a vague question
23 because almost all states have some degree of
24 inspection, and I don't know whether I'd call them
25 inspectorates or not or inspectors or not. There's no

1 supposed to be developing strong relationships with
2 individual local schools which might cause them to be
3 biased for or against a school.

4 This process which, frankly, many people in
5 England don't think works very well but is a traditional
6 process in England, works as well as it does because the
7 inspectors all work out of the same office, they are
8 trained by the same people, they return to the same
9 office more or less at the end of every week and they do
10 not -- they're not permitted to develop long-term
11 relationships with a certain region or something like
12 that that might cause them to be biased for or against
13 that region. They hop on a train in the morning and
14 they go out to a school is more or less what they do.

15 California is just not the same size as
16 England. So to me the notion that you would have a
17 bunch of inspectors who would presumably sit someplace
18 in central California and emanate from this office and
19 come back and forth at the end of each day and compare
20 notes and make sure they were maintaining the same
21 standards, that would be a much harder thing to operate
22 in California simply because distance is big.

23 But also because, frankly, England is a much
24 more uniform place than California. An inspector who
25 would be probably good at inspecting a school in

1 California where 95 percent of the kids were initially
 2 Spanish speaking might not really be the same inspector
 3 who would be good at inspecting a school in the
 4 San Francisco area where most of the kids came in with
 5 Asian language background. You might want to have
 6 different inspectors for those two different schools.

7 That's a problem because the inspectors are
 8 supposed to be interchangeable. There's supposed to be
 9 no subjectivity, there's supposed to be no relationship
 10 with the school.

11 The inspectorate system gets more and more
 12 complicated the bigger a state is and the more diverse
 13 it is because it depends very much on inspectors being
 14 in the same place, being interchangeable in order to
 15 achieve objectivity. Otherwise, it's just a very
 16 subjective system.

17 Q. When you explain what's a problem and what
 18 inspectors are supposed to be in that last answer,
 19 you're referring to the English inspectorate system; is
 20 that correct?

21 A. I think any inspectorate system that's going to
 22 work well. To the extent that an inspectorate adds or
 23 contributes information to, say, statistical information
 24 or quantitative information on schools, if it's going to
 25 be a contribution and not actually make the information

1 teaching or seems to know the curriculum that the state
 2 is trying to test. That requires some degree of
 3 judgment and requires a person to sit in a classroom to
 4 talk to teachers and so forth. They often look at
 5 teachers' teaching materials. These are all things that
 6 a good inspector does. But, again, it's going to be
 7 very subjective if the inspectors are not pretty much
 8 interchangeable with one another.

9 Q. In your view there is little value to an
 10 inspectorate system if we can't view the inspectors as
 11 relatively interchangeable; is that correct?

12 A. Yes. That's quite objective.
 13 Interchangeability is probably the key measure of
 14 whether they are objective. It's the easiest way to
 15 test it.

16 Q. What's the basis for that view?

17 A. You know, I have read a great deal of research
 18 in which someone goes into a school and develops a
 19 relationship with people in that school which is not
 20 necessarily always a good relationship. They might
 21 dislike a particular principal or teacher. That can
 22 have an effect on their rating of the school.

23 One of the -- in the history of American
 24 education, one of the things that schools worked hardest
 25 for in the 19th and early 20th century was to rid

1 environment worse, you want to have inspectors who are
 2 pretty objective and who are all measuring things in the
 3 same way. They can't go out with different yardsticks
 4 and then come back. It's worse than having the lack of
 5 information. You get too much bias.

6 I was not merely talking about England's
 7 approach specifically. I was saying any inspectorate
 8 that is going to work well and is going to be a serious
 9 contribution needs to have the ability to deliver that
 10 type of objectivity.

11 Q. Is that because any inspectorate that's going
 12 to work well would necessarily need to use quantitative
 13 analysis, quantitative data?

14 A. No. These inspectors do not always use
 15 quantitative data. They will go in and observe teachers
 16 and write up their notes about what a teacher is doing
 17 and whether she is --

18 Q. You're absolutely right. I phrased that badly.
 19 What I meant to say was to contribute to quantitative
 20 data because that was the phrase you had used in your
 21 previous answer.

22 A. You can get quantitative data from a school
 23 without having an inspector there. The inspector's
 24 contribution is that he can observe, say, whether a
 25 teacher seems to understand a curriculum that she's

1 themselves of relatively subjective relationship-driven
 2 assessment of what they were doing.

3 If you look at the whole progressive school
 4 movement, a lot of it was about the fact that schools
 5 that for one reason or another had a better relationship
 6 with a particular politician or a particular influential
 7 person should not end up looking better because those
 8 influential people were able to get the more sympathetic
 9 inspector, say.

10 Q. You told me at the end of the day yesterday
 11 that you had a conversation with counsel about this case
 12 over the lunch break yesterday and that you had
 13 commented to counsel over lunch that this case is much
 14 narrower than cases in other states; is that correct?

15 A. Yes.

16 Q. What did counsel say back to you when you said
 17 that?

18 A. She said it was interesting. Something like
 19 that.

20 Q. Have you had the view that this case is
 21 narrower than other state cases before your deposition
 22 began?

23 A. Yes.

24 Q. In what sense do you mean the case is narrower?

25 A. California has so much centralization of school

1 finance that many issues that are hard-fought issues in
2 other states appear to be off the table.

3 Q. Professor Hoxby, I very, very much appreciate
4 your taking the time to come out here for this
5 deposition. I know that a deposition is not that much
6 fun, and you've been really a pleasure to talk to for
7 the three days we've spoken.

8 I am unable to close the deposition because
9 there's the documents that I haven't yet seen from the
10 discussions with principals that Paul Salvaty pointed
11 you to, but I will tell you that after I see them I'm
12 very comfortable, if I have any questions, asking them
13 over the phone. You don't need to come back for sure
14 and it may be I won't have any more questions. I just
15 very much appreciate the time you've given to us in
16 answering my questions.

17 MS. DAVIS: The only catch is I have to call
18 and see if anyone has called.

19 MS. LHAMON: Let's take a break.

20 (Recess taken.)

21 BY MS. LHAMON:

22 Q. Professor Hoxby has just printed for us the
23 pages of the expert report that were juxtaposed. It
24 turns out it was two pages. So we're going to mark as
25 Exhibit 9 a corrected page 34 of the expert report and a

1 page that we've marked -- Professor Hoxby has marked in
2 handwriting 34a and the rest of us can insert those
3 pages into our reports and move on from there; is that
4 correct?

5 A. Yes.

6 Q. So I'll just show you the two pages that we're
7 going to mark as Exhibit 9 to make sure you can say they
8 are what we said they were.

9 A. They are as you just described.
10 (Plaintiffs' Exhibit 9 was marked for
11 identification by the court reporter.)

12 MS. LHAMON: And we also had a discussion off
13 the record. Counsel for the State tried to contact the
14 interveners. We've not heard from the interveners so
15 we're going to end the deposition for the day.

16 Professor Hoxby can go home. And Lynne Davis
17 and I have agreed that Professor Hoxby could have 45
18 days from receipt of the transcript to make
19 corrections. Counsel for the State will transmit those
20 corrections to the court reporter who will transmit
21 them, if there are any, to the rest of us.

22 MS. DAVIS: Agreed.

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I, CAROLINE M. HOXBY, do hereby declare under
penalty of perjury that I have read the foregoing
transcript of my deposition; that I have made such
corrections as noted herein, in ink, initialed by me, or
attached hereto; that my testimony as contained herein,
as corrected, is true and correct.

EXECUTED this ____ day of _____,
2003, at _____, _____.
(City) (State)

CAROLINE M. HOXBY

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I, the undersigned, a Certified Shorthand
Reporter of the State of California, do hereby
certify:

That the foregoing proceedings were taken
before me at the time and place herein set forth; that
any witnesses in the foregoing proceedings, prior to
testifying, were placed under oath; that a verbatim
record of the proceedings was made by me using machine
shorthand which was thereafter transcribed under my
direction; further, that the foregoing is an accurate
transcription thereof.

I further certify that I am neither financially
interested in the action nor a relative or employee of
any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed
my name.

Dated: _____

LISA TRANI
CSR No. 6039