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## ABSTRACT

This document contains testimonies and prepared statements from a congressional hearing on educational issues held in Arizona. Statements and testimonies address education reform, school financing, equalization, site-based management, federal programs, vocational education, and American Indian education, among other issues. Included are opening statements by Representatives Dale Kildee and Ed Pastor. Witnesses providing testimony include: (1) Lee Whitehead, Arizona Education Association; (2) Louise Kleinstiver, superintendent, Somerton School District No. 11, Yuma County; (3) George S. Garcia, superintendent, Tucson Unified School District No. 1, Pima County; (4) Gilbert Innis, Tribal Education Department, Gila River Indian Community; (5) James Cervantes, student, Phoenix; (6) Pat Medina, parent, Phoenix; (7) Derrick Gray, teacher, South Mountain High School, Phoenix; (8) E. T. Hernandez, parent, Phoenix; (9) Anthony Abril, Phoenix; (10) Eugene Bressard, director, Friendly House, Phoenix; (11) Judy Muller, teacher, South Mountain High School, Phoenix; (12) Ronald Mohammed, substitute teacher, Phoenix; (13) Jack Lunsford, Phoenix; (14) Betty Thompson, Phoenix; (15) John Pizzi, Glendale; and (16) Susan Shepherd, parent, Glendale. Prepared statements, a Gila River Indian Community Resolution, and a concept paper on the role of tribal governments in education policy are included. (KS)

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RC

ED352238

# HEARING ON EDUCATION REFORM AND RELATED ISSUES

## HEARING

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR  
HOUSE OF REPRESENTATIVES

ONE HUNDRED SECOND CONGRESS

SECOND SESSION

HEARING HELD IN PHOENIX, AZ, MARCH 21, 1992

Serial No. 102-106

Printed for the use of the Committee on Education and Labor

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## HEARING ON EDUCATION REFORM AND RELATED ISSUES

SATURDAY, MARCH 21, 1992

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON ELEMENTARY, SECONDARY,  
AND VOCATIONAL EDUCATION,  
COMMITTEE ON EDUCATION AND LABOR,  
*Phoenix, AZ.*

The subcommittee met, pursuant to notice, at 10 a.m., at the Maricopa County Board of Supervisors, 205 West Jefferson, Phoenix, Arizona, Hon. Dale E. Kildee, Chairman, presiding.

Members present: Representatives Kildee and Pastor.

Ms. DOWLING. I am Sandra Dowling, Maricopa County School Superintendent. It is my great pleasure to be your hostess here today for this congressional hearing on educational issues.

I think one of the most important things that we can do before we get started is to let you know where some of the facilities are in the building in case you should need to take a break. And facilities are available on either side, if you go through the back doors in the back and to your right and to your left and through the doors there, are facilities in each of the hallways over there.

It is a real privilege to welcome back a man who is much more familiar with this building than I, former Maricopa County Supervisor Ed Pastor. He is a member of the House Education Committee and I can honestly say that I am very pleased to know that he is representing Arizona in Washington.

Since we were able to work together for the last 3 years we have become very good friends and I very much respect his opinions and his positions. I was glad to see that he was willing to take on the challenge of participating in the Education Committee.

Without any further ado, it is my sincere pleasure to also introduce at this time, Hon. Chairman, Dale E. Kildee of the Subcommittee on Elementary, Secondary, and Vocational Education for the House Committee on Education and Labor. Congressman Dale Kildee of Michigan.

Chairman KILDEE. Thank you. Thank you very much, Superintendent Dowling, for that fine introduction. It is nice to be greeted around the country by the superintendents, and I appreciate it very much.

Your interest in education is well known to us, and Mr. Pastor transmits that to us in Washington. I was very happy when he joined the Education and Labor Committee. So it is with that introduction that I will formally open the hearing.

(1)

The Subcommittee on Elementary, Secondary, and Vocational Education convenes this morning in Phoenix to receive testimony on education reform and related issues as they affect schools here in Arizona. This hearing is being held at the request of Congressman Ed Pastor, who is a true friend of education. I was, as I say, delighted when he chose to come on the Education and Labor Committee. We are a very busy committee. We have two wings, education and labor, and both wings keep us very busy.

I was delighted when he chose this committee. I was also even more pleased when he sought out a seat on the subcommittee which I chair, the Subcommittee on Elementary, Secondary, and Vocational Education, that takes care of all the Federal programs from kindergarten through 12th grade and a great part of the vocational education programs in the country.

Mr. Pastor's strong commitment to improving education for all students is evident in all he does, and he is a very valued member of the committee.

This is an exciting time for education. I think both political parties recognize that we are in a global economy, that we are competing in that global economy and that we have to do something more for education. And on both sides of the aisle in our committee, whether it be myself or Congressman Pastor or Bill Goodling, from Pennsylvania, we find good friends of education.

We are trying to take this interest and this exciting time right now and translate that into something very tangible. The job then is to translate that interest into some strong programs and policies that provide educators and our students with the support they need to make our education system the best in the world.

On the postsecondary level, our colleges and our universities, I think are the best in the world. It is one of our export items. People come to our country to study engineering and medicine. And we really export that, but other countries have caught up and surpassed us in many instances in K-12 education. That is where we have some deficiencies in this country.

Many great things are happening in K-12 education. We know that. I am not one of the doom and gloom people who feel everything is wrong, because many, great things are happening in education. I think we need to make our entire K-12 phase of education as good as is our postsecondary, and our universities that are exportable items throughout the world.

I look forward to hearing about the issues facing Arizona schools and how they are being addressed here in Arizona, so we can take the better ideas here and replicate them. The witnesses may want to address this as they give their testimony, how perhaps the Federal Government can be a little more flexible in the programs, the dollars that follow those programs, when they reach the local school district.

At this point, I would like to recognize my dear friend, Mr. Pastor, for an opening statement. Mr. Pastor

Mr. PASTOR. Thank you, Mr. Chairman. First of all, let me thank Sandra for being with us this morning and welcoming us to this hearing. I also would like to recognize that we have several people in the audience. We have Constable E. T. Hernandez, who is a school board member of one of the school districts here in Marico-

pa County, and we also have City Councilwoman Mary Wilcox, who has a great interest in the education of our children.

Mr. Chairman, first of all, I welcome you to our beautiful city and also to our county, Maricopa County. I appreciate you taking the time to come to conduct this oversight hearing on the important issues relating to education of our children here in Arizona.

I am going to submit my opening statement for the record, because we have some people who have traveled great distances to give us their input and their opinions and their recommendations on education.

Chairman KILDEE. Without objection, your full statement will be included in the record.

Mr. PASTOR. Again, Mr. Chairman, I want to thank you for having this hearing and welcome you to Arizona. Hopefully, with the input that we have this morning we can consider legislation in the future. So Mr. Chairman, thank you very much, and welcome, again.

[The prepared statement of Hon. Ed Pastor follows:]

STATEMENT OF HON. ED PASTOR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. Chairman, I want to welcome you to our beautiful city of Phoenix. I appreciate your taking the time to come here to conduct this oversight hearing on important issues relating to the education of the children in Arizona.

In September 1989, the President of the United States and our Nation's governors met at an educational summit in Charlottesville, Virginia. That summit sparked a national debate on education reform which is still ongoing today. The summit also set the stage for numerous discussions on what our national education goals should be and how we can reach these goals by the year 2000.

In the State of Arizona, a task force consisting of school officials, legislators and business people has looked at ways to restructure and reform Arizona's education system. Last December, the task force issued its report, appropriately titled "Reform, Restructuring, Redirection."

Across the country, many educators, parents, business and public policy individuals are working to reassess and reform our basic system of education.

I am extremely pleased and grateful that Chairman Kildee and the subcommittee has begun a series of hearings on improvements to elementary and secondary education. This forum today will supplement the hearing record and, hopefully, assist in formulating public policy on education reforms.

As educators, parents and concerned citizens, we cannot afford to ignore the quality of education for our children.

In fact, when measured with students elsewhere, American students rank significantly behind their peers in other industrialized nations in math, science and basic skills to prepare them for school to work transition.

Many children are at risk of entering their first year of school without the skills necessary for classroom learning. We must help prepare them physically, emotionally, socially and intellectually for the many challenges of school and the real world.

We must do a better job addressing the high incidence of school dropouts in this country. Youths who drop out of school face the prospects of low-paying jobs, chronic unemployment and limited opportunities in the future. Living on the edge of society, these school dropouts are susceptible to teen pregnancy, criminal activities and despair.

In math and science education, American students rank last or near the bottom of the list, compared to students in industrialized nations. In a world that is increasingly complex and competitive, it is essential that we are proficient in science, mathematics and related technologies.

Finally, as we progress towards the year 2000, we should ensure that every school in this country is free of drugs and violence, and that these schools will offer an environment that is conducive to learning. The pervasiveness and seriousness of gangs and their related negative activities in Arizona schools, and schools throughout the country, are of great concern to me and to many people.

The hearing today will also address school financing, particularly as it relates to children in rural school districts. If we are to promote equal educational opportunities for all children in America, we must find better ways to equalize the financing of education for all students, no matter where they live.

I welcome all of our panelists and look forward to their testimony. Their comments and recommendations will be greatly appreciated, as we continue the dialogue on improving our Nation's educational system.

Again, I thank the distinguished Chairman of the House Elementary, Secondary and Vocational Education Subcommittee—CONGRESSMAN KILDEE—for coming to Phoenix to conduct this important hearing.

Chairman KILDEE. Thank you very much. We will be addressing some of the problems that you will probably be addressing here today. We have a bill, H.R. 4323, which probably within 3 weeks, perhaps, we will be marking up. Then the big reauthorization of all the K-12 programs will be up for reauthorization next year in the 103d Congress.

So you may talk about anything within K-12 and the Chair is not going to rule anyone out of order. I have been in Washington 16 years and I am sure Ed has discovered this already, that the longer you are there, the more you realize that the wisdom and the knowledge is out here in the country and not within the beltway, what we call the beltway, in Washington, DC. That is why we do have hearings out here, because you know the problems. You deliver the educational services. You receive the educational services and we need your input to make sure we do not put such rigid restrictions upon you that you cannot have the flexibility you need.

Our first panel will be Lee Whitehead, staff of the Arizona Education Association and Dr. Louise Kleinstiver, Superintendent, Somerton School District, Number 11, Yuma County. If they would come forward. I assume the Arizona Education Association is a constituent of the NEA.

Mr. PASTOR. That is correct.

#### STATEMENT OF LEE WHITEHEAD, EXECUTIVE DIRECTOR, ARIZONA EDUCATION ASSOCIATION

Mr. WHITEHEAD. Chairman Kildee and Representative Pastor, I am today representing Darrell Guy, who a half hour ago discovered I kept my suit in my car and asked me to be here for him. He is disappointed he cannot be here and asked his apologies for that.

Darrell Guy is the president of the Arizona Education Association, which is the professional association of Arizona's public school teachers and other school employees. And we are grateful for the opportunity to share with you the education prospectus from our vantage point.

In your letter of invitation, we were asked to address education reform and school financing and equalization. These are certainly hot topics in Arizona, the subject of much debate among virtually every educational, community, political and commercial interest within the State.

Now, what follows are both the thoughts and the adopted position of 26,000 members of our association on these topics.

The context that shapes every education issue and decision in this State is clear. Classrooms in Arizona are grossly under-funded. You will hear this in all of your hearings throughout the country, I



am sure, but here the per pupil investment has plunged more than \$200 per student in constant dollars since 1979.

We now rank among the bottom handful of States in our commitment to our youth's education and their classrooms. With Federal assistance funds for education also reduced over the past decade, Arizona, like other States, has increasingly had to take up the slack or, in some cases, reduce or abandon programs. Moreover, current fiscal policy and political latitudes do not encourage optimism that there will be improvement here in Arizona.

I see no reason to believe that funding for our students and their teachers will improve, much less that the decade of neglect will be corrected. During the last dozen years or so Arizona's lawmakers consciously shifted funding priorities from K-12 classrooms to prison construction, the courts, law enforcement, indigent health care and every other major department of State government.

State appropriations prevented our schools from keeping up with Arizona's explosive student growth, among the highest in the Nation. Curriculum programs have been cut or abandoned in some districts. Classrooms are jammed from overcrowding. Teacher and school employee compensation continues to fall behind the cost of living, and their quality of life suffers.

Students are denied enough materials, books, instructional support personnel, teaching aids, computers and all the equipment and support that enriches the learning experience. School finance, a substantial inadequacy of current funding, is the root cause for all of the State's educational problems.

With the wolf at the door, it is difficult to think in terms of reform, restructuring, decentralization and other needed changes that would transform our school system into one that is more responsive to the needs of the next century and our emerging global economy.

In Mr. Guy's written testimony, given to you earlier, he described the faces of young people in our classrooms and how they are changing. He showed how Arizona's youth are buffeted by changes of society. He showed the pervasiveness of our problems and how they worsen every day. Those same societal problems are the ones that teachers, school counselors, bus drivers, food service workers and office workers face and are asked to solve every school day.

Schools did not create this society, but increasingly, the people in schools have been blamed for the problems. And now we are asked to solve them, to take the place of the new family, of absentee parents.

The problem that poor funding creates is made worse by the inequality that exists between school districts. Wealthy districts do not have to ask much from their taxpayers because they have a large tax base, but the poor ones, the ones who have to solve special problems, often fail when they try to increase funding from the local taxpayer. It simply costs too much.

The basic problem of inequality has been addressed, however. As you know, Governor Symington appointed and convened the 42-member task force on educational reform last year and sweeping recommendations representing compromise and consensus came from this group of diverse community interests. As a member of

the task force, Darrell Guy concurred with the group's recommendations and we shared copies of this report with the subcommittee earlier.

In school finance, the task force recommended eliminating the primary property tax rate in local school districts and replacing it by a statewide property tax. Those funds would be distributed on a per pupil basis, regardless of the district. Overrides, that is our way of overcoming short funding in the wealthier districts, would be eliminated. Some property owners would pay more, some less.

There are some problems with the State recommendation, but all in all, it seems to be a correct approach. The task force also wants to shift decision making, the power to make decisions, closer to the classroom to improve learning. It recommends replacing today's autocratic system with one that empowers teachers and principals to determine what makes for excellence in classrooms to respond to the hopes of the community and to evaluate realistically how well the system is working.

That represents a new role for those at the school building level and one for which they must be prepared. We believe training is needed at each school site to insure that the decisions made at that site are wise ones and are in the best interest of the students.

We also believe that decentralization may not be for everyone. Whether decentralization is implemented must also be a local decision, one that is made in an orderly way. Some communities may well find that their schools are not broken and do not need fixing. Some have already had too much of that already. Teachers and school employees must not be deprived of their basic employee rights in this decentralization process.

It is equally clear that curriculum mandates handed down from above, from the State level, have produced more problems than in some cases, they've solved. They, too frequently, prevent schools from achieving their mission in providing what is best for their students. A recent example illustrates our point. The State Board of Education has mandated that native and foreign languages will be taught in every elementary school, phased in over a period of years until every student in every classroom is learning a foreign or native language.

It is a noble thought and certainly an objective we can applaud in the shrinking modern world with its global economy. The statewide mandate is set to begin this fall and it was not accompanied by any funding. So teachers and administrators are scrambling to find money for teaching materials, for books, instructional aids and everything else that helps students learn better. And like so many times before, these teachers and administrators are looking to rob Peter to pay Paul, but now they find that Peter is bankrupt. He was reduced to poverty by other such State mandates sometime ago. Decentralization could have avoided this and other dilemmas like it.

In summary, the problems facing society and its youth are daunting. Our schools are not equipped to help solve those problems that have been assigned them by the community. Too many of our leaders, elected and otherwise, refuse to accept the realities of today's classrooms as they long to return to a simpler time in the past.

Today the invoice for past neglect is due. School finance must be provided to get the job done.

Every student must have the same opportunity to succeed regardless of whether their parents drive luxury cars or whether they speak English only haltingly or whether they live in a community with a low tax base.

Thank you.

[The prepared statement of C. Darrell Guy follows:]

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Testimony by  
C. Darrell Guy  
President, Arizona Education Association

Education Oversight Hearing  
Subcommittee on Elementary, Secondary and Vocational Education  
Committee on Education and Labor

Phoenix, Arizona  
March 21, 1992

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Chairman Kildee, members of the subcommittee, I am Darrell Guy, president of the Arizona Education Association, the professional association of Arizona's public school teachers and school employees. We have more than 26,000 members in virtually every school building within the state. We will celebrate our 100th anniversary in December. Our founding followed protests by the then Arizona Territory's classroom teachers who had become quite upset over the textbooks being used by youth in the classroom. The books were at least 14 years old, and the Territorial Legislature refused to appropriate sufficient funds for Arizona's students to have modern materials for learning. The Territory's students got their books.

It would be easy to conclude that in the intervening century, we haven't learned our lessons very well. Poor funding still hangs over every educator's head, and it affects what happens in the classroom and at every school work site.

Before I address the specific problems you asked about, I would like to tell you something of Arizona.

We are one of those rare states with a rapidly growing student population. Over the last decade, we experienced an annualized student growth rate of more than three percent. Contrast this with most of the rest of the nation where schools lost population, down about one tenth of one percent. Arizona has a rising number of high school graduates -- it increased 13 percent during the last decade, compared with a nationwide drop of more than 16 percent.

Five years ago, we began tracking Arizona's "Class of 2000," those youngsters who began kindergarten in the fall of 1987 and who will be the first graduates in the new century. We wanted to know and to demonstrate what today's youth is facing. These kids are in the fourth grade now.

Theirs is a historic class. Their numbers were 56,000 strong, the largest single class in the state's history. Of that number, 21,500 are ethnic minorities mostly Hispanic and Native American, but there are large growing numbers of African-American, Asian-Pacific and Polynesian children in that class. While that represents a rich cultural diversity, it's a monumental educational challenge.

About 20 percent of those kids come from homes where English is the second language. These children do speak English, and they speak it well, but also live with two cultures: one at school and one at home.

In Arizona, the notion of English as a second language is more complicated than it may appear and more complex than many outside the classroom realize. In the Tucson Unified School District, the largest in the state, 86 different languages are spoken in the homes of that district's young people.

About 20 percent of the kids in the Class of 2000 also come from homes classified as at or below the poverty level. The free breakfast and lunch programs may be the only nutritional meals these children receive.

Almost one fourth of this state's children live in single-parent homes. That parent is probably working, and too many of our students come home to an empty home, one without adult supervision.

At AEA we examined the most recent high school graduating class to discover what could happen to those members of the class of 2000 only eight years from now when -- or if -- they graduate from high school.

Remember, we began with 56,000 students. The US Department of Education tells us that almost 20,000 will not graduate with their classmates. Arizona, by almost every measure, has one of the worst graduation rates among the states.

More than 5,000 of the girls in this class will be unmarried mothers before their eighteenth birthday. About 1,200 students will have been incarcerated in an Arizona jail, and about 2,000 will have been victims of childhood abuse. Almost 40,000 will have abused drugs and alcohol.

And about 70 will have taken their own lives. Teen-age suicide is a serious problem everywhere, but especially in Arizona, which has one of the highest rates in the nation. Imagine this tragedy, for an Arizona high school of 2,000 students, there will be two suicides every year.

I tell you these things so you will understand that Arizona is different from the other states.

I tell you these things so you will understand what a teacher encounters in an Arizona classroom: drugs, alcohol, sex, gangs, AIDS, poor discipline, teen pregnancy, poor attendance, low self esteem.

I tell you there are also hundreds of thousands of young people in Arizona's public school classrooms, loved, well fed, attentive, and eager to learn. We want every child to be like them.

I join you today to ask what can we do to ensure that Arizona's students and their teachers achieve their mission in the classroom -- to shape young people into productive members of society, and -- in the lofty ideal of Thomas Jefferson -- to produce an educated electorate capable of choosing wise leaders.

You asked me to address the subjects of education reform, school finance and equalization issues.

These notions are subjects that the education community has wrestled with for years and became the focus of The Governor's Task Force on Educational Reform which issued its recommendations last December. Those recommendations are now before the Legislature and may become law.

As a member of the Task Force, I concur with the compromise recommendation that was inevitable to come from a group with such a diverse set of objectives. The recommendations, if implemented, would cost an estimated \$500 million to produce. I am not encouraged.

In Arizona, school finance is the root cause of our inability to address the problems facing our youth. We are among the worst states in state per pupil funding for our schools. We join almost every other state with our fiscal woes, but we are especially hurting because of the lack of financial support for a public education system capable of providing the excellence our global economy demands.

First, there's the matter of growth, and we have found it impossible to keep up with the demands that go along with that exploding student growth. Our laws call for statutory budget increases to cover student growth and inflation. But our laws also force us to finance this year's student body with last year's budget. We never can catch up. Appropriations for our current school populations and costs of operation are always from seven to 10 percent behind reality.

On top of this, the Legislature has not seen fit to appropriate even the statutory funding. Today because of inflation and student growth, we fund our schools at a rate more than \$200 less per student than it was ten years ago in terms of constant dollars.

At the same time, there are myriad unfunded curriculum mandates demanded by the Legislature and the state Board of Education. The most recent, set to begin in the fall, is that foreign language instruction is required in all elementary schools. There is no funding for training, for instructional materials or for any of the other needs such innovative instruction requires if it is to be effective.

Our teachers and administrators are scrambling to rob Peter to pay Paul, but Peter has already been declared bankrupt and is living in poverty.

There are many other examples of this fiscal folly, but the cumulative effect has been to pile more onto the already onerous burden shouldered by the classroom teacher and others who work in our schools.

So, on the subject of school finance, my position should, by now, be clear. In the 1970s the case could be made that the business of state government was to educate our children as nearly three fourths of Arizona's state budget was invested in our children. Today, the proportion is barely one-half as we have found the construction of prisons, law enforcement, indigent health care and myriad other state services have become the new priority.

Our priority is to fund all current programs including all state mandates fully. In the decade ending in 1990, K-12 education was by far the slowest growth segment of state finance. Appropriations for every one of the eight major department budgets in Arizona's government more than doubled in the 1980s, except one. The lone budget that was not allowed to keep up with inflation was our public school classrooms -- kindergarten through high school. Our youth, their teachers, their schools have all been systematically denied the resources they need and are entitled to. How many other enterprises -- public or private -- could survive, much less prosper or even adapt to changing society without minimum resources. We haven't given up on improving our schools, but we are hoping we can maintain the status quo. And the status quo does provide the directions to the future.

It is no wonder that teachers, parents, business leaders, elected leaders and others have expressed disappointment with the test results of the students in our schools. It is no wonder our governor convened his Task Force.

Last fiscal year, the Arizona Legislature refused to fully fund the statutory inflation factor, and both the governor and the Legislature have proposed that inflation not be funded, or perhaps only partially funded for next fiscal year.

Last year, schools responded to the funding shortfall through curtailed curriculum programs, larger classrooms, layoffs -- particularly in the school support areas -- and additional parental fees for many school programs.

Teachers in the state were asked to shoulder the bulk of the budget cutbacks by having their salaries frozen and benefits cut back. They were asked to take up the slack created when some of their colleagues no longer had jobs.

That's the backdrop on Arizona's public schools. It molds every decision made in every classroom.

Let me now address the issues paramount to this hearing.

I am enthusiastic about decentralization and restructuring of our schools. The Governor's Task Force was designed to restructure the entire educational decision-making process. Education would become outcome driven, and decisions would be made by those who are most accountable for the outcomes -- those closest to the classroom. It is clear that Task Force members want to change the decision making process. It is also clear that the school site could tailor its instruction to its students and its community.

We are concerned that the restructuring of schools will be orderly and will not trample on the employment rights of school employees. AEA advocates the creation of a deregulation committee by the current Legislature; that rules and regulations now governing public schools be examined and altered where necessary in 1994 so decentralization can occur; that districts and school sites begin a process to determine if they want to decentralize and which decisions they want to make at the site in the 1994-95 school year, and that sites, which choose to do so, would begin the process to develop their plan for decentralization.

Decentralization and restructuring is not for every district, and to be effective all decisions, including whether to be involved in the process, should be made at the local level by the groups concerned in that process.

A dozen or so years ago, Arizona changed the way we finance schools in an attempt to achieve equalization among school districts. Today, a wide disparity remains in the wealth of districts. Scottsdale residents, for example, enjoy the lowest school tax rate in the state because of the assessed valuation within that district. On the other hand, the residents of the Murphy school district, in Phoenix' inner city, are saddled with some of the state's highest tax rates.

That disparity is due to 12 years of budget overrides and bond elections where taxpayers voted to increase funding for their local schools. Those taxpayers with low tax rates have been generous and consistently vote more money for schools. Those with high tax rates can't afford the additional incremental burden on residential, agricultural or commercial property. They vote no. The gap between the haves and the have nots widens.

The Governor's Task Force has recommended eliminating primary property tax rates in local school districts by recommending a state-wide property tax for schools. The funds would be distributed on a per pupil basis, regardless of district. Overrides would be eliminated. There are some problems with the state recommendation, but all-in-all, it seems to be the correct approach.

In summary, the problems facing our society today are awesome. Many of our schools are not equipped to function in this new environment. Too many of our leaders are unwilling to accept the reality of society, and they long for a simpler time in the past which will never return.

Today is a time for innovation, for daring, for commitment and for vision.  
Thank you.

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Chairman KILDEE. Thank you very much, Mr. Whitehead. Dr. Kleinstiver.

**STATEMENT OF LOUISE KLEINSTIVER, SUPERINTENDENT,  
SOMERTON SCHOOL DISTRICT NO. 11, YUMA COUNTY**

Ms. KLEINSTIVER. Thank you, Chairman Kildee and Congressman Pastor. I appreciate the invitation to share perspectives and concerns regarding educational issues, particularly school financing and inequities.

I believe that excellence in education cannot be achieved without the environment to support it. That environment encompasses philosophical, educational and financial implications. While the six national educational goals serve as a framework for change, these goals cannot be attained without consistent financial assistance.

At-risk students entering school enter with deficiencies. Those deficiencies continue to be compounded as the students progress unless addressed and resolved early on. Programs such as migrant, Chapter 1, Even Start, are critical to early intervention and continued success. Somerton Elementary District's funding sources are predominantly State and Federal, 76 percent to 1 percent respectively, with only 5 percent of our anticipated revenues coming from local property tax.

Therefore, reauthorization of migrant, Chapter 1, Even Start dollars is essential. These categorical funds augment the State support yet have not offset Arizona's inadequate formula-driven funding. The monetary weights assigned to the different school categories do not begin to approach the cost incurred to deliver services.

At \$141 per ESL student and \$50 for gifted student, you can begin to see how short it really is. Arizona school districts continue to make up the shortfall in the State's budget, but who makes up the shortfall in the school district's budget? To expect the local property taxpayer to make up this difference is both unrealistic and unconstitutional, because it creates inequities in educational opportunities.

Yuma County is comprised of nine public school districts, with 28,000 students. The local tax varies from a low of 3 percent to a high of 49 percent, meaning that some districts expect to receive 3 percent of property taxes while other districts, right next door, receive a high of 49 percent of the revenue from the local property taxes.

Somerton is a rural agricultural community with a 40 to 50 percent unemployment rate. Eighty percent of our children in the district of 2,000 students are on free and reduced lunch, and a regular lunch only costs a quarter. Economically depressed areas cannot sufficiently raise property taxes due to the low assessed valuation. In Yuma County that varies. The nine school districts have a variation in assessed valuation from a low of \$7 million to a high of \$335 million in the neighboring district.

Federal dollars, Federal categorical funds, and specific grants help to shore up the difference in this financial gap, but additionally, the State of Arizona must develop an equalization equity plan and a guaranteed tax shield for bonding. Equity of educational opportunity is accepted as a goal for national education policy in the

United States since colonial times, but it has yet to be accomplished.

Thank you.

Chairman KILDEE. Thank you very much, Doctor. I appreciate your comments. In many instances you corroborated one another in your testimony. One thing, I think, both of you would agree upon is that very often both in State capitals and in Washington, we are very good at mandating programs without a check following that mandate.

I served 12 years in the State legislature and I was in charge of the K-12 educational budget at that time, too. And we would mandate and we told them that the check was in the mail, but it never really arrived. I always compare that, in a sense, to a friend who is ill. I will send my friend a get well card expressing that I want my friend to be better, feel better, but what my friend really needs is the Blue Cross card to pay the bills.

Government very often is good at sending the get well card, but not sending the Blue Cross card. And I do recognize that it is one of the governmental sins that we fall into.

Let me ask you a specific question. Maybe both of you can try to answer this. I will direct it to Mr. Whitehead first. You mentioned site-based management, and we are deeply involved in that in H.R. 4323. We have kind of a menu of allowable activities that the schools across the country can use and get some of the \$700 million we are going to appropriate here. Can you give me some of the pluses and minuses or some of the other ideas on site-based management?

Mr. WHITEHEAD. Yes. I begin by saying a child is not a commodity. Every child is different and Arizona, as you know, primarily from a geographic standpoint is a rural State, from a population standpoint it is pretty much an urban State.

Somerton is different from Maricopa County. However, the same mandates, the same regulations, the same overview applies equally to both. The site-based management, the children in a building, a school or a district can be treated differently depending on what the community wishes. What the teachers see in that classroom is different from another classroom down the street, for example. And the decisions could be made at that particular level.

The other great plus that goes along with that is if those decisions are made at that level, then the individuals making the decisions are accountable for the decisions they make. And I believe that site-based decision making would be accountable from the standpoint that outcomes, realistic outcomes, could be reported on a regular basis to the community. And if those outcomes are not achieved, the community would be in a position to make the necessary changes in personnel or whatever is needed.

I see as a negative to it the 20/80 rule that we have all heard about, 20 percent of the people make 80 percent of the decisions. I can see an opportunity for special interests to maybe exert more power than their numbers would justify. So I think some diligence would have to be expressed in that area.

And as I indicated in Mr. Darrell Guy's remarks, I am not sure the people at the local level today are equipped with the training, the know-how, the background to make those decisions. And I be-

lieve there has to be a phase-in, there has to be an education process when the decision makers learn how to make wise decisions.

Chairman KILDEE. From the point of professional development.

Mr. WHITEHEAD. Absolutely. Professional development deals with better ways of teaching math and spelling and geography, but now we have to get to better ways to manage.

Chairman KILDEE. I think that is important. I think there are some good teachers, great teachers, in trig or Latin, I was a Latin teacher, but maybe could use some skills and techniques in management. That would be a part of that professional development then.

Mr. WHITEHEAD. Well, as a teacher, you recognized that every day you were managing your classroom.

Chairman KILDEE. Absolutely.

Mr. WHITEHEAD. But now managing a group of classrooms, I think, may be a skill that has to be achieved.

Chairman KILDEE. Doctor, do you have some comments to make?

Ms. KLEINSTIVER. I think it offers local schools an opportunity to tailor programs to fit their students. I think it causes them to really analyze what they are doing and what they could be doing in a way that is different perhaps than in the past. I am concerned about the composition of advisory councils and also the role of the governing board and accountability in terms of mandating or making sure or verifying that the outcomes are indeed occurring as indicated perhaps in a mission statement and their own delivery of services at the local site.

Chairman KILDEE. Before I defer to my colleague here, Mr. Pastor, one related question. We are talking in Washington a great deal now about the need for some flexibility in some of the Federal programs. We have a variety of Federal programs and a student in a given classroom or a given school may be the beneficiary or one or two or three Federal programs.

For example, Chapter 1 dollars would flow to that one student and maybe even bilingual flow to that one student. Would more flexibility in the use of those funds be helpful to you, because you are audited so closely? You have to pull the student out and account for that and then you pull him out for Chapter 1 and account for that. Would some flexibility or at least a waiver asking for flexibility be helpful to you in addressing those Federal programs, either one of you?

Ms. KLEINSTIVER. I think it is very critical that you allow the local school district the opportunity to maximize the use of the funds. In terms of overlapping of services, right now it is pretty delineated in terms of how those dollars can be used and unfortunately, a student may need more than one or two or even three sources of additional educational support. And the issue of supplanting versus classroom teaching has got to be addressed and, unfortunately, sometimes we are not allowed to do that because of the way the funding is delineated.

So if you could open it up in terms of students receiving more than just one service, one allocation, it would be beneficial to the local school district.

Mr. WHITEHEAD. Yeah, I could not agree more. The removal of restrictions from funding, the strings that always come with every

dollar would certainly help the area as would more dollars, as I indicated in my remarks. I sound like a broken record, I know. For example, here the Head Start program, the Head Start funds, probably are the greatest investment we have for an identifiable return on that investment.

It is woefully inadequate. There are so many children who could benefit from a Head Start program, for which there is no funding. But removing the strings, going back to the site base, we think we know what's best. The closer we are to the problem, the clearer the answer is to it. And removing of the strings would definitely benefit the children.

Chairman KILDEE. I am beginning to realize that very often an educator, the professional educator, knows how that student for whom there is two or three Federal program dollars flowing in, how that student should really be dealt with and educated in that classroom but they have to look not at education but look at the auditors coming in saying, "You used some of the bilingual money and then it is slipped into Chapter 1 money and, therefore, we are going to disallow that."

If you were given some flexibility you would not have to worry about the auditors so much but be concerned about what is educationally sound.

Mr. WHITEHEAD. We would be more concerned about getting the best bang for the buck, what is best for the child. Chairman Kildee, I do not mean this disrespectfully but we, here in Arizona, do not believe that all the wisdom of the world resides within the beltway.

Chairman KILDEE. My statement was that precisely. That is why we are here. That is exactly why we are here. The more I am in Washington, the more I realize it does not all reside within the beltway. That is why we come out here to Arizona to find that wisdom. And I think that we will take this back, too, because this whole question of flexibility, site-based management, is a very important thing.

And inside the beltway, very often, we get more auditor minded than educational minded. So we are out here to bring in your wisdom. Mr. Pastor.

Mr. PASTOR. Thank you, Mr. Chairman. First of all, let me thank both of you for being here this morning, especially Louise, because you had to drive three hours sometime this morning or yesterday afternoon.

Ms. KLEINSTIVER. This morning.

Mr. PASTOR. This morning. When I visited your school I was impressed by the work you wanted to do but yet aware of some of the problems that you have. And the reason that I am happy to see you here is because I think we need to realize that in rural America, rural Arizona, we have some definite problems that we need to address.

And many times I am told that education is a local issue and locally funded, but it seems like in your school we play a big role.

Ms. KLEINSTIVER. You do, and we thank you for that. It is a significant contribution and, again, we ask for additional funds.

Mr. PASTOR. Yes, I think we have a responsibility to provide more funds. Let me go back to that site-management question. Right now, let us say you may have four or five schools under one

school board. I have heard that they wanted to have advisory groups of parents, teachers, ministers, community leaders, to deal with that particular school and make some on-site decisions.

I heard from a number of school board members recently saying that they did not want their power taken away, because they were elected. They were responding to the people. How do you compensate both interests, the elected school board at the same time as this local advisory group, because sometimes they may be in conflict with each other? And I will ask both of you to answer.

Mr. WHITEHEAD. Well, an election, as you know, is the ultimate in accountability.

Mr. PASTOR. Right.

Mr. WHITEHEAD. And in Arizona, as you also know, we believe very strongly in local control. Let me cite one, I hope not a mind-numbing statistic. Of the 10 largest cities in the United States, all except 2 have 1 school district. The two that do not have one school district are San Antonio, which has two, an elementary school district and a high school district. And in serving all or part of the City of Phoenix we have 27 school districts. There are 55 school districts within Maricopa County.

So as far as local control is concerned, we certainly have our share of it, and we are very independent here. In 1974, as you may recall, there was an effort for consolidation, and it was defeated overwhelmingly. The people did not want Big Brother looking down their neck, even if it is 1700 West Washington.

There is a strong tradition of the decision being made as close to the classroom, as close to the individual, as possible. I am not sure I addressed your question, but it was an overall philosophical answer to it.

Mr. PASTOR. You touched on it. Louise.

Ms. KLEINSTIVER. I think from the governing board's point of view, yes, they want accountability and if the schools can deliver it, then that is fine. There is an element of training, professional training, in-service education, also a preparation for that kind of involvement in democratic action which varies on a scale from school to school in terms of readiness in preparation for site-based management.

Ultimately, the buck stops at the board, and I think that we need to maintain some kind of vehicle that will, indeed, allow governing board members to step in to either rescue, if you want to say rescue, or augment or assist local schools in their efforts. We cannot allow the local schools to fail or to flounder in their delivery of services to youngsters.

So some type of mechanism or vehicle needs to be in place to safeguard that. I see schools with training. I see teacher with training, parents with training being in a position to make sound decisions for their local school, but yet at the same time I hear the cautions and concerns of governing board members.

Mr. PASTOR. Many times I hear in the committee meetings of how sometimes we have a teacher who is prepared to teach music, but instead is teaching calculus or teaching a subject that he or she may not be trained to teach. How do you assess in your schools, the need for continued teacher preparation and in-service training?

There is one thing I remember when I was teaching that there was a program that allowed teachers to take the 3 months in the summer to train themselves in their particular area or expand their learning. Could you assess right now the need for teacher training in our schools here in Arizona?

Ms. KLEINSTIVER. I think the need for teacher training goes beyond the typical kind of 4-year program. I think we need to really invest in multicultural, ESL, bilingual, counseling, social needs and, yes, all teachers should be counselors. That attitude change also requires instructional assistance on the part of teachers.

We require a class for certification in Arizona history. A typical question is who is buried in Governor Hunt's tomb? I think that perhaps is a question or course that might be more aligned to our needs for certification as a course in multicultural education for certification classes. Presently, it is not. It is only taken as part of a specialty program for teacher preparation or teacher enhancement or advanced grade work.

I see that as a major change that Arizona could do through certification that will assist teachers to understand the changing population and changing demographics in all of Arizona.

Mr. WHITEHEAD. There are two sides to that. One, the compensation programs in almost every school district, the salary schedules are great incentives to improving the skills of a teacher through advanced degrees. As a consequence, most of the summers that you referred to teachers spend achieving advanced degrees, because it impacts directly their paycheck. So from that standpoint they are constantly improving themselves; those who do not, leave teaching after 3 or 4 years, which is a very large number.

The second side of that is in the area of math and science and engineering and those kinds of skills in which a great deal of emphasis is being placed because America, statistically, is falling farther behind the Orient and Europe and those places. I am quite sure there are not enough math and science teachers.

Paradise Valley, Chairman KILDEE, that is one of the wealthier areas of the Phoenix area, which you would think would have the resources they need, is not untypical for a classroom, a mathematics classroom, to have upwards of 40 students. And for 36 of those 40 students, that is fine, but in geometry there may be 4 that get lost in the shuffle and the teacher, because they have 40 faces to look at every day, cannot give that special instruction.

And that youth, that child, that student, is frustrated and may drop out just because there are 40 students in that classroom.

Chairman KILDEE. And you are absolutely correct. When I taught Latin classes in Flint Central High School District I had generally about 32 students in each Latin class and for some reason one year I had 21. I had 21, and it was incredible how much more I could do when I had that few students. I do not know what the exact number should have been. They were far ahead of the rest of the classes. They were comparable in their knowledge and intelligence, but it was incredible how much farther we got into the Gaelic War when I had 21 students.

So everything else being equal, class size is a very, important component.

Mr. WHITEHEAD. It gives the teacher an opportunity to enrich the course. I think that is what you were just describing.

Chairman KILDEE. And you are right, it was not just acceleration, it is enrichment and a different understanding of things.

Mr. WHITEHEAD. Absolutely.

Mr. PASTOR. I want to pursue the teacher in-service program, because I think that it is a role that we can play in providing resources. If you had resources available to you, what kind of programs would you design or have us design, in terms of preparing our teachers better?

Ms. KLEINSTIVER. Programs for teachers would include staff development, pre-service, in-service, also support through certification. Reciprocal certifications, from State to State, would perhaps draw some teachers to Arizona, especially in the areas of special education, specialty areas would help.

Their in-service needs to be and more staff development needs to be ongoing. It needs to fit into the time of America 2000 and educational goals, rethinking on site-based management, rethinking on how children learn with new research and how they learn, especially an ESL student or an at-risk student, the types of learning that is required, other areas that would need a lot of staff development or in-service development.

I think parent education is critical to preparing students for school and that is not just in our area. I think it is uniform across the State. The involvement of parents within their child's education program is critical and there has to be ways of involving parents in that. To do that requires some type of in-service programs for parents. It means bringing parents into schools. It means arranging for babysitters. It means arranging for transportation. It means arranging for translations.

It may mean even stipending them because you have taken away their job that day and you have taken away their income that day in order to come into the schools and be part of the educational process. If we are to empower our schools, we need to empower the teachers as well as the parents. And they are perhaps the last element that was not truly addressed in the educational reform issue.

Mr. PASTOR. How do you feel about choice? I know that is a big thing around the country. Do any of you have an opinion on the choice issue?

Mr. WHITEHEAD. If you read the newspapers, the Arizona Education Association is very much against choice. That is neither true, well, it is not true. AEA, most of the members of AEA, almost all accept the notion of choice in the public schools. We see that there are a lot of caveats to bear in mind: transportation, upsetting racial balances, fairness to those living closest to the schools of choice and housekeeping matters such as that.

Quite frankly, and we have studied this at length, we find little, if any, evidence of choice as defined in the Governor's task force report that makes any difference in student learning. It is a controversial issue. It is a passionate issue, but the bottom line, we see very little that comes out of it.

Fortunately, we have a laboratory that we can look at and that is the State of Minnesota, that has had a rather widespread choice program through a number of years which is—Minnesota, by the

way, is very similar to Arizona in student population and in the freedom that students now have to move from district to district. I think there are some 14,000 students in Arizona that already are being educated in a district other than the one they live in.

What we have found in Minnesota is that most choice decisions are not made for academic reasons. Parents will take their children to a school near where they work so they can pick them up, drop them off in the morning and pick them up in the afternoon. And if anything goes wrong during the day, instead of having to go back out to the suburbs, they can go down a couple blocks there. They can go to take advantage of sports, athletics and that sort of thing.

One area in which our organization is strong, immovable, stubborn, is the area of private schools. We do not believe that private schools should be involved in the choice legislation. That public money should not be used in private schools. We feel that way primarily because there is not enough money for public schools as it is and to further dilute it, we think, would be very unfair.

Interestingly, one of the considerations of the task force report was that private schools would have to operate under the same rules as public schools before they can be involved in a choice program. They would have to have the same mandates and the same bureaucracy as the public school system. That is, then we would all be on the same level playing field. The choice proponents were repelled by the idea and as a result, in a bill now in the legislature and, of course, the legislature is still in session so anyone can guess what might happen, but all references to private schools in the choice measures that are now before the legislature have been stripped out because the proponents of choice do not want private schools to be saddled with the same regulations that public schools are.

They did not look at the other way of removing the regulations and bringing them up to private schools, but they thought of blunting the private schools' advantages. So we feel that we will accept, that is the word we use, we will accept the notion of choice within public schools. We do not think it is going to make that much difference, but we are stubborn about private schools being included.

Ms. KLEINSTIVER. Two choices exist given that the receiving principal and the sending principal can work that out, but most choice is not based on educational advantages. It is based on convenience. And I believe that if we are going to look at reform, that all reform should be based on what is in the best interests, what can it do for youngsters. And that should be the basis for funding. It should be the basis for reform. It should be the basis for the issues which we are studying.

Mr. PASTOR. I want to thank both of you, again, for being here this morning. Chairman Kildee may have a question.

Chairman KILDEE. On the question of choice, we now have H.R. 4323, in which choice is not involved. Choice does exist, you both indicate that, within the public schools, but you know, some people like to think there is a silver bullet that will solve all the problems of education and so it is with choice, I mean, choice, choice, choice, as if it is a silver bullet.

But even within the public school system I ask this question, students in school A or their parents more likely, perceive that educa-



tion is better in school B. Those parents who are more sensitive and more aware, transfer their children from school A to school B because they perceive education to be better. What do we do for the students that remain back in school A? And that is what we really have to address, and choice alone does not address that at all.

I think what we have to do is make all schools quality schools and let all of them be attractive. Perhaps, if you had a magnet where each school had something really attractive; but I worry about school A, where people vacate that to go to school B and maybe it is vacated because the parents are more sensitive, more aware. But you leave the kids back in school A with the same poor condition that caused the others to exit.

I think choice does not address that really.

Mr. WHITEHEAD. Well, the parents that choose to move from school A to school B have demonstrated another quality that, I think is obvious, but we have to say it out loud. They are very involved in their children's education. That, more than any other factor, is what improves schools.

If they were involved in school A to make school A as good as school B, then that is the real choice as I see it.

Ms. KLEINSTIVER. I see choice being somewhat discriminatory because there are parents who do not have the opportunity to be as involved because of the nature of work, the nature of their own existence. I also see choice as a reflection of what we would have called and did call a number of years ago white flight, where you end up stripping the neighborhood school for one that is out in the suburbs. That did not work then and it will not work now.

Choice basically could be considered unconstitutional if it does not offer all parents the opportunities. And yes, we say we are going to discuss transportation and stipends and support, but it is the parent who is articulate, it is the parent who is involved and it is the parent who has the wherewithal to make that choice a reality for his youngster. If that is the case, then all parents should have that opportunity.

Chairman KILDEE. Let me ask one more question. I know we have time constraints but you are really being very helpful to us here. A student walking in the front door of a school comes in with educational needs and very often, with societal needs or societal problems. Yet, the teacher is the one who is being called upon to take care of the educational needs and also some of the societal needs or societal problems such as a crime raged neighborhood, drugs, or dysfunctional families.

How can we assist the schools and assist that classroom teacher so the teacher can get down to what he or she has been trained to do and yet make sure that the societal needs or problems of that student are addressed? I do not know if there is any clear answer, but one thing we had thought of is allowing, perhaps, as an allowable activity, have the Department of Social Services and the Health Department within the same building. Could you just address that?

Ms. KLEINSTIVER. I think it is an area that demands high collaboration between agencies, between health and nutrition, between child care, between pre-natal, between the Department of Economic Security, between perhaps the Department of Public Transporta-

tion. In order to get these youngsters here, we need to prepare them. That is not being done at home to the same degree because of a number of reasons.

Taking them earlier, taking them sooner, starting the day sooner, before-school programs, after-school programs, year-round programs, programs in the summer, programs that prepare them for work, additional support for businesses to take on youngsters in a mentoring program or in an apprenticeship program, it will require collaboration, there is no doubt about it.

I also think that the schools need to open their doors earlier and a change in attitude towards the community, to have at the school site services for parents, so when they come they can register for a battery of things that they may need to augment the social needs of that family or of that community at one site. We tend to think of schools as an educational entity. In actuality, they are a social entity needing to be served and needing to serve basically those needs for which you just addressed.

Mr. WHITEHEAD. Chairman Kildee, Congressman Pastor, I do not know if you read "Redbook" magazine. It is not in my barber shop, but they have recently named South Mountain High School in the Phoenix Union High School District, an inner city high school, to be the best school in Arizona.

Now, South Mountain High School was looked upon for years and years and years as the worst opportunity for a child, for a student in Arizona. And there were some changes made. It was made into a magnet school. And one of the things they did was reduce the actual classroom workload for each teacher and to free that teacher up to do two things.

One was to better prepare for the unique opportunities or challenges or whatever euphemism you want to use, that they faced in the classroom, but that teacher was also expected to be a counselor for the student and the parents and the community. And so with a lessened workload, which was expensive now, there was desegregation funds in there that made the difference, I think the difference was something like \$800 more per student per year in this high school, but it is too soon to say that that is the blueprint for the future, but it sure is working at South Mountain High School.

It is addressing the unique problems of its community and the students are responding to it. It is not for every teacher. The first thing that happened was the administration said, "If this is not for you, get out," and many teachers took that opportunity to get out. And others took the opportunity to come in because they wanted work in the special environment, where they are more than just a lecturer in front of a classroom. They become involved in the fabric of the community.

Take a look at South Mountain High School when you hear it. It may be one of the many blueprints that can work in which the problems, the character of the society, around it is a part of that entire fabric of that school.

Chairman KILDEE. Thank you. Do you have any additional questions?

Mr. PASTOR. No, Mr. Chairman.

Chairman KILDEE. I want to thank both of you for your very excellent testimony. We will carry back a lot more information,

knowledge and, hopefully, the wisdom we picked up here today. And we may be in contact with you again with some additional questions in writing. You have been very, very helpful to us. Thank you.

Mr. WHITEHEAD. Thank you for the opportunities.

Chairman KILDEE. Our next panel will consist of Dr. George S. Garcia, Superintendent, Tucson Unified School District Number 1, Tucson, Arizona and Mr. Gilbert Innis, Director, Tribal Education Department, Gila River Indian Community, Sacatone, Arizona.

When the panels are finished, we intend to have time for public comment. So I would encourage those who wish to have public comment to remain. We will take the panels first and then the public comments. Mr. Pastor and I believe in inclusivity rather than exclusivity, so we want to get as much wisdom as we can here today.

Okay, Dr. Garcia.

#### STATEMENT OF GEORGE S. GARCIA, SUPERINTENDENT, TUCSON UNIFIED SCHOOL DISTRICT NO. 1, PIMA COUNTY, ARIZONA

Mr. GARCIA. Congressman Kildee and Congressman Pastor, thank you very much for inviting me to be with you again. You may remember that I testified before your full committee in Washington several months ago.

I am George Garcia, Superintendent of the Tucson Unified School District, the Nation's 58th-largest public school system and the second largest in the State of Arizona. I appreciate your invitation to testify on behalf of the schoolchildren of Arizona and this country.

First, let me say that we in the Tucson Unified School District have successfully embarked on reform efforts. For example, TUSD has been implementing a choice plan that has been a success on all counts. Our 12 magnet schools have allowed parents and children choice. We have waiting lists for children who want to attend our magnet schools.

Several of our schools have won State and national honors for their accomplishments. University High School, for example, registered more National Merit semi-finalist winners than any other high school in the State of Arizona and was number 10 out of 19,000 high schools in the United States this year in the number of students so honored. University High was recently listed as one of the top 140 high schools in the United States by a national magazine.

Utterbag Middle School students were among the top 10 nationally in science competition. Reform efforts in our school district also extend to our at-risk youngsters. Our nationally recognized Chapter 1 kindergarten program and our reading recovery model are examples of our belief that early intervention programs are essential if we are to overcome the barriers of poverty and social dysfunction that so many of our children experience.

Decentralization is also at the top of our list of reform efforts. We believe that decentralized decision making is good, and our pilot project has resulted in some very positive outcomes. Accountability, teacher training and retraining are all reform focuses for our school district.

However, reform issues, while necessary, must not serve as a distracter from the Federal Government's role in funding. We, in urban education, believe that the Federal Government must become an equal partner in education, linking current categorical programs and State reforms with large-scale support for local efforts as we move towards the National goals.

This support is particularly needed in urban schools, the ones whose success or failure will determine whether this Nation meets its goals by the year 2000. It is clear that any reform movement cannot succeed without significant progress in urban schools. Yet, the litany of urban school ailments is familiar. Low student achievement, illiteracy, homelessness, discipline problems, teen pregnancy, substance abuse and violence, deteriorating school buildings, lack of adequate teaching materials, dwindling financial resources and shortages of qualified teachers and staff complicate the unstable conditions of urban schools.

Furthermore, these burdens are borne in disproportionate numbers by the children of African-American, Hispanic and Native American parents, those with limited English language skills and those who live in poverty. The needs of these youngsters have not been exaggerated. Nearly 60 percent of urban children qualify for free and reduced lunch, over 12 percent are limited in their ability to speak English. About 11 percent are disabled, 73 percent are African-Americans, Hispanic, Native American or Asian-American, and nearly half come from single parent families.

Our urban schools comprise too large a share of the Nation's total student body to be excluded from funding. Consider these facts. If the graduation rate for urban schools equalled the national average, the Nation's major city schools would have graduated over 326,000 students this last year instead of 239,000. At the current 28 percent rate, the Federal tax on additional lifetime earnings of those extra 87,000 individuals, had they stayed in school, is large enough to double the present congressional appropriation for K-12 education, increase AIDS research five-fold and boost drug prevention ten-fold.

The reality is, unless action is taken immediately, the problems facing our big city schools will become prevalent in all of our schools. The Federal Government continues to be critical in providing resources for learning, but Federal efforts have slipped badly over the last 10 years to an average of only 6 percent of total school revenues. Federal Government support for my school district is half that, at 3 percent.

Our Federal Government must become an equal partner in education if our schools are to meet the year 2000 goals. City residents are desperately trying to compensate by increasing local tax rates but, by doing so, it leaves the poor to pay for themselves. If we depend on the quality of the tax base for the education of urban children, we are doomed to failure.

The Council of City Grade Schools, a coalition membership of 47 large urban school districts, of which the Tucson public schools is a member, recommends that the foundation for Federal support for our urban schools be the Urban Schools of America Act, the USA Act, a bill that this committee has considered. It provides a much

larger aid package, we believe, necessary to meet the challenges of the 1990's.

The bill features formula grants to urban schools for innovative education programs tied to the National urban education goals. In TUSD if these dollars were coming to us, we would focus on pre-school readiness, alternative education programs and multicultural, non-sexist staff and student development. In addition, the bill would offer funding for renovation and repair of rapidly aging school facilities, research and evaluation of urban school progress and a unique accountability provision that would stop USA moneys going to schools that do not demonstrate progress according to preset criteria.

I believe, as this country is changing its focus from defense, that those dollars should be shifted to this kind of an effort that the USA Bill represents. The Federal Government has a historical role in supporting education. Any equalization efforts happening in the States would not be there if not for the pressure of the Federal Government. We need Federal intervention to insure that our children have an equal opportunity.

Our schools are the fundamental test of our national vision, a commitment to social democracy for all. This is a vision that has been blurred. The Nation's inattention to the needs of urban children is a failure and a catastrophic mistake that saps our Nation's strength. We ask no less of you than we ask of ourselves, our teachers, our parents and our students. Help us help the children.

Mr. Chairman, that concludes my testimony.

[The prepared statement of George S. Garcia follows:]

Testimony on  
School Reform, Financing, and Equalization  
before the  
Subcommittee on Elementary, Secondary and Vocational Education  
of the  
Committee on Education and Labor  
U.S. House of Representatives

I am George Garcia, the Superintendent of Tucson Unified School District, the nation's 58th largest public school system and the second largest in the state of Arizona. I appreciate your invitation to testify on behalf of the school children of Arizona and this country.

First let me say that we in Tucson Unified School District have successfully embarked on reform efforts critical to "...making this land all it should be." For example, TUSD has been implementing a choice plan that has been a success on all counts. Our twelve magnet schools have allowed parents and children choice. We have waiting lists for children who want to attend our magnet schools. Several of our schools have won state and national honors for their accomplishments. University High School, for example, registered more National Merit semifinalists winners than any other high school in Arizona, and was number 10 out of 19,000 high schools in the United States this year in the number of students honored. University High was recently listed as one of the top 140 high schools in the United States by a national magazine. Utterback Middle School students were among the top ten nationally in science competition.

Reform efforts in our school district extend to our At-Risk youngsters. Our nationally recognized Chapter I kindergarten program and our Reading Recovery model are examples of our belief that early intervention programs are essential if we are to overcome the barriers of poverty and social dysfunction that so many of our children experience.

## 2.

Decentralization is at the top of our list in reform efforts. We believe that decentralized decision-making is good and our pilot project has resulted in some very positive outcomes. Accountability, teacher training and retraining are all reform focuses for our school district. However, reform issues, while necessary, must not serve as a distractor from the federal government's role in funding.

We in urban education believe that the federal government must become an equal partner in education, linking current categorical programs and state reforms with *large scale support* for local efforts as we move towards the national goals. This support is particularly needed in urban schools - the ones whose success or failure will determine whether this nation meets its goals by the year 2000.

It is clear that any reform movement cannot succeed without significant progress in urban schools. Yet, the litany of urban school ailments is familiar: low student achievement, illiteracy, homelessness, discipline problems, teen pregnancy, substance abuse, and violence fester. Deteriorating school buildings, lack of adequate teaching materials, dwindling financial resources, and shortages of qualified and committed teachers and staff complicate the unstable conditions of urban schools. Furthermore these burdens are borne in disproportionate numbers by the children of African-American, Hispanic and Native American parents, those with limited-English language skills and those who live in poverty.

The needs of these youngsters have not been exaggerated. Nearly 60 percent of our children qualify for free and reduced price lunches; over 12 percent are limited in their ability to speak English; about 11 percent are disabled; 73 percent are African-American, Hispanic, Native American, or Asian, and nearly half come from single parent families.

Our urban schools comprise too large a share of the nation's total student body to be excluded from funding. Consider these facts: if the graduation rate for urban schools equaled the national average, the nation's major city schools would have graduated over 326,000 students instead of 239,000. At the current 28 percent rate, the federal tax on additional lifetime earnings of those extra 87,000 individuals - had they stayed in school - is large enough to double the present Congressional appropriation for K-12 education, increase AIDS research five-fold and boost drug prevention ten-fold.

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The reality is, unless action is taken immediately, the problems facing our big city schools will become prevalent in all of our schools.

The federal government continues to be critical in providing resources for learning, but federal efforts have slipped badly over the last ten years to an average of only six percent of total school revenues. Federal government support for my school district is half that at three percent. Our federal government must become an equal partner in education if our schools are to meet the 2000 goals.

City residents are desperately trying to compensate by increasing local tax rates but by doing so it leaves the poor to pay for themselves. If we depend on the quality of the tax base for the education of urban children, we are doomed to failure.

The Council of the Great City Schools, a coalition membership of 47 large urban school districts of which TUSD is a member, recommends that the foundation for federal support for our urban schools be the "Urban Schools of America (USA) Act," a bill that provides a much larger aid package we believe necessary to meet the challenges of the 90's. The Bill features formula grants to urban schools for innovative education programs tied to the national Urban Education Goals. In TUSD, we would focus these grant dollars on pre-school readiness, alternative education programs and multicultural/nonsexist staff and student education. In addition, the Bill would offer funding for renovation and repair of rapidly aging school facilities, research and evaluation of urban school progress, and a unique accountability provision that would stop "USA" monies going to schools that do not demonstrate progress according to pre-set criteria.

The federal government has a historical role in supporting education. Any equalization efforts happening in the states would not be there were it not for the pressure of the federal government. We need federal intervention to ensure that our children have an equal opportunity.

Our schools are the fundamental test of our national vision - a commitment to social democracy for all. This is a vision that has been blurred. The nation's



4.

inattention to the needs of urban children is a failure and a catastrophic mistake that saps our nation's strength.

We ask no less of you than we ask of ourselves, our teachers, our parents and our students. Help us help the children.

Mr. Chairman, that concludes my testimony. I will be happy to answer questions.

Phoenix, Arizona  
March 21, 1992

Chairman KILDEE. Thank you, Dr. Garcia. Mr. Innis.

**STATEMENT OF GILBERT INNIS, DIRECTOR, TRIBAL EDUCATION  
DEPARTMENT, GILA RIVER INDIAN COMMUNITY**

Mr. INNIS. Mr. Chairman, committee, good morning, and thank you for giving me the opportunity to present prospectives from the Gila River Indian Community regarding the education reform, school financing and equalization.

On January 15th, 1992, the Gila River Indian Community Tribal Council passed a resolution in regard to the recent White House Conference on Indian Education that declared three basic tenets that will also serve as a foundation for the following perspective. I wish to quote those beliefs.

"The special rights and the unique government relationship of Indian tribes and Alaska Native villages with the Federal Government is affirmed by the United States Constitution, United States Supreme Court decisions, treaties, Federal statutes and executive orders; and

"The Federal Government is charged with the responsibility of providing comprehensive education programs and services for Indian tribes and Alaska Natives; and

"Public Law 100297 reaffirms the congressional declaration that the Government of the United States has a special relationship with the tribes which has given rise to the responsibility to assure superior educational opportunities for all Indians."

These basic principles, quoted from Federal mandates, recognize the status of Indian tribes as sovereign nations. Gila River Indian Community is supportive of the findings contained in the final report of the Indian nation's at-risk task force. The report states the importance of restructuring existing educational systems with the following.

Number one, emphasize early childhood education and training and parenthood. Two, encourage language development. Three, ensure a school environment conducive to learning. Four, improve the quality of teachers and teaching. Five, provide a challenging and culturally appropriate curriculum. Six, implement partnerships between schools and parents, social service agencies and industry. Seven, institute systematic change and provide education leadership. Eight, ensure accountability.

If the eight practices are to be ensured, tribal governments must have some degree of legal recognition by education institutions charged with the instruction of tribal members. This statement is not meant to abrogate the duties and responsibilities that local school boards and other State education agencies are charged with, but to espouse the essential mission of government, including tribal government, to perpetuate their principles, values and world views.

Through past legislation, tribes have had the option to exercise control over Bureau of Indian Affairs-funded schools. Tribal control or their right to express sovereignty in the best interests of their children must extend to public schools serving significant numbers of Native American students.

Tribes, however, recognize the States' interest in the schools that service Indian children. It is suggested that States and tribes share

authority over those schools having a significant number of Native American students. Tribal control and State control would exist concurrently in a manner similar to tribal and State authority to tax the activities of non-Indians residing on Indian land.

In regard to school financing equalization, the Bureau of Indian Affairs provides funds for the instruction and residential care of Indian children from the Indian School Equalization Program, an entitlement that is calculated in accordance with a weighted student unit formula.

It is stated in the Code of Federal Regulations, 25 CFR, that, "In no case shall a Bureau or a contract school attended by an Indian student receive less under these regulations than the average payment from the Federal funds received for Indian students. Under other provisions of the law, but the school districts in which the student resides, any school which is funded at a lower level per student under the Indian School Equalization Program than either the average daily expenditure per student for instruction cost in the public schools in the State in which it is located or the amount per Indian student which the local public school district in which it is located receives from all Federal funding sources shall present documentation of this to the Director of Office of Indian Education Programs."

As stated, school funding under the ISEP formula should be at least equal to the average daily expenditure per student by State. However, in reality BIA's full financing in comparison to annual per pupil cost in Arizona has been significantly lower. Expanding the inequity in school funding is the fact that, unlike public school support, the Indian School Equalization Program does not allow for contingency funds such as a school district budget override or bond elections.

The result for many students is that instruction, services and materials are not available. For instance, until very recently, a majority of Indian students had not received computerized instruction, whereas, computerized instruction in public schools has been a matter of course for years. Needless to say further, the inequity in BIA and public school funding has been a contributing factor of the unequal playing field that many students are situated in who begin their early education at an on-reservation school and later enroll in an off-reservation public school.

It should be noted that 80 percent of all elementary and secondary Indian students attend public schools. It is recommended that the Department of Education include in its pending review of the current allocation formulas Bureau of Indian Affairs Indian School Equalization Program expenditures that can be considered calculatable along with population and per-pupil cost as the basis to distribute Federal funds.

In closing, I wish to state that Public Law 93638 empowers Native Americans to work directly with Federal agencies to operate service programs like education. The bipartisan government-to-government relationship between the Federal Government and Indian tribes acknowledges both the sovereignty of tribal domain and uniqueness. This concept must now be broadened to other governments that have authority over Indian children. Gains made in the last decade by tribes driven toward better educational opportu-

nities may be injured due to the emphasis of Federal program authority placed with State LEA's with little consideration being given to the empowerment granted by the governments.

The question of sovereign domain, vis-a-vis, States and tribes must be given deep consideration when mandating legislation that presents issues that cut across governments. The result will be poorly thought out national directives and this is evident in a new mandate for service for disabled children, age zero to five in a number of laws, especially Public Law 99457, the 1986 amendments to Public Law 94142 which extended services to these children, these points are offered.

Fiscal money from tribes was not and is usually not sought to determine how our needs are impacted in this case transferring from Federal to State authority. Public Law 99-457, Section 684, provides for a governor appointed lead agency and an interagency coordinating council to help with planning at the State level. Tribal interests are supposedly recognized by the voluntary appointment in a few States of a Native American representative on a 15-member board. This ignores legally-established government-to-government rights and subordinates tribes to an inconsequential level. The result of these and similar changes dismisses tribal sovereignty, creates a condition of taxation without representation and sets up unrealistic service delivery mandates.

Thank you for allowing me to present views that are of concern to the Gila River Indian Community.

[The prepared statement of Gilbert Innis follows:]

COMMITTEE ON EDUCATION AND LABOR  
U.S. HOUSE OF REPRESENTATIVES  
-----  
SUBCOMMITTEE ON ELEMENTARY, SECONDARY  
AND VOCATIONAL EDUCATION

GILA RIVER INDIAN COMMUNITY  
TRIBAL EDUCATION DEPARTMENT

Perspective on Education Reform  
School Financing  
Equalization

Mr. Chairman, Committee, Good morning and thank you for giving me the opportunity to present perspectives from Gila River Indian Community regarding Education Reform, School Financing and Equalization.

On January 15, 1992, the Gila River Indian Community Tribal Council passed a resolution in regard to the recent White House Conference on Indian Education that declared three basic tenets that will also serve as a foundation for the following perspectives. I wish to quote those beliefs.

" . . . the special rights and the unique government-to-government relationship of Indian Tribes and Alaska Native villages with the Federal Government is affirmed by the United States Constitution, United States Supreme Court decisions, treaties, Federal statutes, and Executive orders; and

the Federal Government is charged with the responsibility of providing comprehensive education programs and services for Indian tribes and Alaska Natives; and

P.L. 100-297 reaffirms the Congressional declaration that the Government of the United States has a special relationship with the Indians which has given rise to a responsibility to assure superior educational opportunities for all Indians."

These basic principles quoted from Federal mandate recognizes the status of Indian tribes as sovereign nations.

#### EDUCATION REFORM

Gila River Indian Community is supportive of the findings contained in the final report of the Indian Nations at Risk Task Force.

The report states the importance of restructuring existing educational systems with the following:

1. Emphasize Early Childhood Education and Training for Parenthood.
2. Encourage Language Development.
3. Ensure a School Environment Conducive to learning.
4. Improve the Quality of Teachers and Teaching.
5. Provide a Challenging and Culturally Appropriate Curriculum.
6. Implement Partnerships between Schools and Parents, Social Service Agencies, and Business and Industry.
7. Institute Systematic Change and Provide Education Leadership.
8. Ensure Accountability.

If the eight practices are to be ensured tribal governments must have some degree of legal recognition by education institutions charged with the instruction of tribal members. This statement is not meant to abrogate the duties and responsibilities local school boards and other state education agencies are charged with, but to espouse the essential mission of governments (including tribal governments) to perpetuate their principles, values and world views.

Through past legislation tribes have had the option to exercise control over Bureau of Indian Affairs (BIA) funded schools. Tribal control or the right to express sovereignty, in the best interest of their children, must extend to the public schools serving significant numbers of Native American students.

Tribes however recognize a states' interest in the schools that serve Indian children. It is suggested that states and tribes share authority over those schools having significant number of Native American students, tribal control and state control would exist concurrently in a manner similar to tribal and state authority to tax the activities of non-Indians residing on Indian land.

#### SCHOOL FINANCING/EQUALIZATION

Bureau of Indian Affairs provides funds for the instruction and residential care of Indian children from the "Indian School Equalization Program" an entitlement that is calculated in accordance to a weighted student unit formula. It is stated in the Code of Federal Regulations (25 CFR) that: "In no case shall a Bureau or contract school attended by an Indian student receive less under these regulations than the average payment from the Federal funds received per Indian student, under other provisions of law, by the public school district in which the student resides. Any school which is funded at a lower level per student under the ISEP than either the average daily expenditure per student for instructional costs in the public schools in the State in which it is located, [emphasis added] or the amount per Indian student which the local public school district in which it is located receives from all Federal funding sources, shall present documentation of this fact to the Director of Office of Indian Education Programs..

As stated school financing under the ISEP formula should at least equal the "average daily expenditure per student" by state. However, in reality BIA school financing, in comparison to the annual per pupil costs in Arizona, has been significantly lower. Expanding the inequity in school funding is the fact that, unlike public school support, the ISEP does not allow for contingency funds such as a school district budget override

or bond elections. The result for many Indian students is that instructional services and material are not available. For instance until very recent a majority of Indian students had not received computerized instruction whereas computerized instruction in public schools have been a matter-of-course for years. Needless to say further, the inequity in BIA and public school funding has been a contributing factor in the "unequal playing field" that many students are situated in who begin their early education at an on-reservation school and later enroll in an off-reservation public school. It should be noted that 80% of all elementary and secondary Indian students attend public school.

It is recommended that the Department of Education include, in it's pending(?) review of the current allocation formulas for elementary and secondary programs, [Federal Register/Vol. 57, No. 23/Feb. 4, 1992/Notices] Bureau of Indian Affairs ISEP expenditures that can be considered calculable along with population and per-pupil cost as a basis to distribute federal funds.

In closing I wish to state that Public Law 93-638 empowers Native American tribes to work directly with federal agencies to operate service programs like education. The bipartisan "government-to-government" relationship between the Federal government and Indian tribes acknowledges both the sovereignty of tribal domain and uniqueness. This concept must now be broadened to other governments that have authority over Indian children. Gains made in the last decade by tribes working toward better educational opportunities may be hindered due to the emphasis of Federal program authority placed with state LEAs with little consideration being given to the empowerment granted to tribal governments. The question of sovereign domain vis-a'-vis states and tribes must be given due consideration when mandating legislation that presents issues that cut across governments. The result will be poorly thought out national directives. This is evident in new mandates for services for disabled children, age 0 to 5 in a number of laws, especially PL 99-457, the 1986 amendments to PL 94-142 which extend services to these children. These points are offered:

- a. Testimony from Tribes was not and is usually not sought to determine if/how our needs are impacted in this case, transferring services from federal to state authority.
- b. PL 99-457, Section 684 provides for a governor appointed Lead Agency and an Inter-Agency Coordinating Council to help with planning at the State level. Tribal interests are supposedly recognized by the voluntary appointment in a few states of a Native American representative on a 15 member board. This ignores legally established government-to-government rights and subordinates Tribal needs to an inconsequential level.
- c. The result of these and similar changes dismiss Tribal sovereignty, create a condition of "vexation without representation," and sets up unrealistic service delivery mandates.

Thank you for allowing me to present views that are of concern to Gila River Indian Community.



GILA RIVER INDIAN COMMUNITY  
RESOLUTION GR-05-92

A RESOLUTION TO EXPRESS CONCERN ON THE LATE SELECTION OF WHITE HOUSE CONFERENCE ON INDIAN EDUCATION DELEGATES. CALL FOR RECURRENT CONFERENCES.

- WHEREAS, the special rights and the unique government-to-government relationship of Indian Tribes and Alaska Native villages with the Federal Government is affirmed by the United State Constitution, United States Supreme Court decisions, treaties, Federal statutes, and Executive orders; and
- WHEREAS, the Federal Government is charged with the responsibility of providing comprehensive education programs and services for Indian Tribes and Alaska Natives; and
- WHEREAS, P.L. 100-297 reaffirms the Congressional declaration that the Government of the United States has a special relationship with the Indians which has given rise to a responsibility to assure superior educational opportunities for all Indians; and
- WHEREAS, substantial and substantive problems exist and interfere with the realization of full opportunities for Indian students and children; and
- WHEREAS, the President is authorized to call and conduct a White House Conference on Indian Education to identify the substantial and substantive problems; and
- WHEREAS, the selected conferees are to be representatives of the Bureau of Indian Affairs, Indian education institutions, public schools, agencies, organizations, and associations that deal with the education of Indians, educators from reservations and urban area, and individuals with a special knowledge of, and special competence in dealing with, Indian and Indian problems; and
- WHEREAS, the three appointing authorities for the White House Conference on Indian Education, the President, President pro-temp of the Senate and the Speaker of the House, have delayed in the selection of delegates thereby causing a disorderly arrangement to the task of identification, articulation of problems and recommendations.
- NOW THEREFORE BE IT RESOLVED THAT, Gila River Indian Community acknowledges responsibilities and obligations to it's tribal members, including assurances of full education opportunities; and

Gila River Indian Community  
 Resolution GR-05-92  
 Page 2

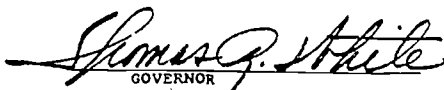
- THAT, Gila River Indian Community recognizes the opportunity and historic significance the White House Conference on Indian Education will have on future tribal members; and
- THAT, selected delegates carry a responsibility of representing individual Tribes and States on matters relating to the identification of problems and therefore require appropriate time to coordinate, review, study, and plan for subjective, detailed recommendations; and
- THAT, in accordance with Article XV, Sec. 1.(a) (9) of the Constitution and Bylaws of Gila River Indian Community the Tribal Council finds the untimely selection of the White House Conference on Indian Education delegates as detrimental to the promotion and protection of education to the Community and its members and therefore declares firm objection to the protracted selection process.

NOW THEREFORE BE IT FINALLY RESOLVED THAT, in accordance with Article XV, Sec. 1. (a) (4) of the Constitution and Bylaws of the Gila River Indian Community the Tribal Council hereby advises the Secretary of the Interior and the Congress of the United States on the dire need to hold recurrent White House Conferences on Indian Education.

CERTIFICATION

Pursuant to Authority contained in Article XV, Section 1, (a), (1), (4), (9), (13), and Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community ratified by the Tribe, January 22, 1960, and approved by the Secretary of the Interior on March 17, 1960, the foregoing RESOLUTION was adopted this 15th day of JANUARY, 1992, at a Regular Council Meeting held in District #3, Sacaton, Arizona, at which a quorum of 15 members were present by a vote of 15 FOR: 0 OPPOSE: 0 ABSTAIN: 2 ABSENT: 0 VACANCY.

GILA RIVER INDIAN COMMUNITY

  
 GOVERNOR

ATTEST:

  
 COMMUNITY COUNCIL SECRETARY

The Role of Tribal Governments  
in Education Policy:  
A Concept Paper

**TRIBAL CONTROL: THE MORAL AND POLITICAL REASONS --  
OF THE THREE LEVELS OF GOVERNMENTS,  
TRIBES HAVE THE GREATEST INTEREST  
IN THE WELFARE OF THEIR CHILDREN**

Western society has long recognized the central role that government rightfully plays in education. Diogenes said that, "The foundation of every state is the education of its youth." Florilegium. Napoleon Bonaparte said that, "Public instruction should be the first object of government." Sayings of Napoleon. John Ruskin said that, "The first duty of government is to see that people have food, fuel, and clothes. The second, that they have means of moral and intellectual education." Fors Clavigera.

These leaders espouse the essential mission of governments. To perpetuate their principles, values, and world views, governments control education through instituting their own educational structures, curricula, standards, goals, and policies. Implicit in this function is the basic tenet that education must be attuned to the specific needs of the citizens.

Native Americans are in a unique position in that they are citizens of three governments: federal, state, and tribal. The premise of this paper is that education for Native Americans will be most effective when it is controlled directly by tribal governments. This premise is based on the litany of statistics

and reports showing that the state and federal governments have failed in Indian education. The premise is also based on the sovereign status of tribes and their unique potential to focus and coordinate all governmental programs and resources on Indian education issues without required intervention by other governmental units. The premise is further based on the common sense notion that tribes have a greater interest in their children than do the states and federal government.

The legal primacy of the tribal interest in its children has been most strongly recognized in the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901-1963. The primal tribal interest in Indian education has been recognized in portions of laws such as the Indian Self-Determination and Education Assistance Act of 1975, 25 U.S.C. §§ 450-450n; the Education Amendments of 1978, 25 U.S.C. §§ 2001-2019, the Tribally Controlled Community College Assistance Act of Act of 1978, 25 U.S.C. §§ 1801-1836; and the Indian Education Act of 1988, codified in part at 25 U.S.C. §§ 2001-2022b, 2501-2511. The basis for these laws is the primacy of tribes to the betterment of their children. This primacy should now be carried forward to all levels of education that is provided by all levels of sovereigns. For centuries, tribes controlled Indian education and their education processes worked. For the last three centuries, tribal control over Indian education has been subverted by fundamentally flawed non-Indian assumptions: that only non-Indians have something to teach Indian children; that only non-Indian educational systems should

be used with Indian children; and that tribes have nothing worthwhile to contribute to their children's education.

These anachronistic ideas should no longer be allowed to hold back the reins on tribal sovereignty over education. Indian tribes have much to offer educationally, as shown by the success of tribal community colleges and Indian-controlled schools. Congress should now support direct tribal control of all the formal education systems that serve tribal people.

TRIBAL CONTROL: THE LEGAL FOUNDATIONS --  
IN RECENT YEARS, CONGRESS HAS ACTED AFFIRMATIVELY  
TO INCREASE TRIBAL CONTROL OVER INDIAN EDUCATION,  
BUT IN MANY INSTANCES THE CONTROL IS LIMITED OR INDIRECT

Federal law, in principles expressly incorporated into the United States Constitution, recognizes the status of Indian tribes as sovereign governments. U.S. Const. art. I., sec. 8, cl. 3. Historically, the federal-tribal relationship has involved education, but tribal sovereignty over education has been skewed because of fundamentally flawed assumptions of non-Indian educational superiority as stated above.

In the past two decades, the era of tribal self-government and self-determination, some changes and inroads have been made. Federal legislation has been passed confirming a measured sovereignty of tribes over Indian education. States are beginning to acknowledge that sovereignty. However, the degree of tribal control over important aspects of education --

curriculum, staffing, and funding -- that is justified by tribal sovereignty, by tribal needs, by Indian education failure, is still too indirect, uncoordinated, or limited. This is especially so regarding the state public schools that are attended by over eighty percent of Indian children.

To understand the current state of tribal authority it is necessary to review the treaties, federal statutes, and case law. In the 1800s and early 1900s, the era of federal guardianship-Indian wardship, federal policy suppressed tribal sovereignty over education. Treaties and land acts did not give tribes control over education. Instead, these pacts provided that the federal government would furnish Indians with schools, teachers, and materials. Non-Indians directed the intent, the method, and the goals of instruction. Indian education systems and resources were completely controlled by non-Indians.

By the 1930s the federal government acknowledged its dismal record in Indian education, and transferred much of the responsibility to the states. Many states had already located or prepared to locate their schools on Indian reservations and in other Indian country under "school selection" or "land grant" provisions which they or their predecessor territories had succeeded in interjecting in the land acts, and in their statehood acts.

In exchange for being the primary provider of education for Indians, the states demanded federal subsidies for the tax-exempt Indian lands that they would serve. This was accomplished

through the Johnson O'Malley Act of 1934, 25 U.S.C. §§ 452-457, part of the Indian Reorganization Act of 1934, 25 U.S.C. §§ 461-479. Additional funding was provided by the Impact Aid Laws of 1950, 20 U.S.C. §§ 236-246. Like the treaties and land acts, these laws did not provide for tribal control; and in practice, control of the funding by non-Indian state governments and their political subdivisions led to continued control of Indian education by non-Indians.

State schools were not obliged to offer education beyond the basic non-Indian curriculum until the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 2701-2713, was passed. In that Act, Congress took an important step by recognizing and funding "special supplementary programs for the education and culturally related needs of Indian students." 20 U.S.C. § 2701(a)(2). The Act was part of the "Great Society" reform agenda of the era. The attention to Indian culture was due mainly to the resurgence of tribalism among increasingly vocal Indian people that paralleled the civil rights movement and growing multi-cultural sentiment in the larger American society. However, rather than looking to tribal governments for control of the programs, the Act encouraged Indian parental involvement in the schools. *Id.* at § 2701(b).

It was not until the 1970s that Congress confirmed and encouraged a place for tribal governments in the area of education. The Indian Elementary and Secondary School Assistance Act of 1972, currently codified as amended at 25 U.S.C. §§ 2601-

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2651, made tribes eligible to compete for certain discretionary education projects and programs such as demonstration elementary and secondary projects, 25 U.S.C. § 2621(b), special education training programs, *id.* at § 2622, and adult education programs, *id.* at § 2631. Still, the bulk of the Act was directed at funding state schools in planning and developing "programs specifically designed to meet the special educational or culturally related academic needs, or both, of Indian children." *Id.* at § 2603. Funding was conditioned upon program development in consultation with Indian parents and approval by an Indian parent committee. *Id.* at § 2604(b)(2)(B).

Similarly, the 1978 amendments to the Impact Aid Laws, 20 U.S.C. § 240(b)(3), failed to address the issue of tribal control of Impact Aid funding and programs. Although the amendments are based expressly on the government-to-government relationship between the United States and Indian tribes, 20 U.S.C. § 240(b)(3)(F), tribes and Indian parents have merely input into the funding application process. *Id.* at § 240(b)(3)(B). Parents and tribes may also file complaints against school districts. *Id.* at § 240(b)(3)(C). Such complaints ultimately may be reviewed by the Secretary of Education. *Id.* However, to date few complaints have been successful because there are no satisfactory means of getting the evidence necessary to prove any violations of the law.

More direct control was given to tribes in the 1970s over federal and tribal schools than over state schools. Under the



Indian Self-Determination and Education Assistance Act of 1975, 25 U.S.C. §§ 450-450n, tribes can contract for the operation of schools formerly run by the Bureau of Indian Affairs. 25 U.S.C. §§ 450f. While the law does require tribal initiation of applications for most education program contracts; curiously, it also declares that, not tribal, but "parental and community" control of the education process is of crucial importance to Indian people. *Id.* at § 450(b).

The Education Amendments of 1978, 25 U.S.C. §§ 2001-2019, provide that tribes can set education standards for federal and tribal schools that take into account "the specific needs of the tribe's children." *Id.* at § 2001(d). The Secretary of the Interior must approve the standards except for good cause. *Id.*

Another important piece of 1970s legislation is the Tribally Controlled Community College Assistance Act of 1978, 25 U.S.C. §§ 1801-1836. This Act provides funding to colleges which are formally controlled by tribal governments. 25 U.S.C. § 1801(4). This law, more than any other to date, recognizes that tribal governments are on a par with state governments, at least in the area of higher education.

While it is not specifically an education law, the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901-1963, is a very important statement by Congress regarding children and Indian tribes. The Act expressly finds that, "there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children...." 25 U.S.C. § 1901(3). It also

declares that, "it is the policy of this Nation to protect the best interests of Indian children and to promote the stability of Indian tribes and families...." *Id.* at § 1902. The Act gives tribes the right to intervene at any point in a state court proceeding for the foster care placement of or termination of parental rights to an Indian child. *Id.* at § 1911(c). The Act also gives Indian tribes exclusive jurisdiction over custody proceedings involving Indian children. *Id.* at § 1911(a).

The primacy of tribes regarding their children's education was most recently recognized in portions of the Indian Education Act of 1988, codified in part at 25 U.S.C. §§ 2001-2022b, 2501-2511. Among the declarations are that, "a major national goal of the United States is to provide the resources, processes, and structures which will enable tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice...." 25 U.S.C. § 2502(c). The focus of the Act regarding federal Indian schools is to allow the operation of those schools as grant schools, rather than as contract schools as provided under the Indian Self-Determination and Education Assistance Act. *Id.* at §§ 2503-2511. The Act specifically strengthens the role of tribal governments in several aspects of Indian education; for example, it provides funding for tribal early childhood programs. *Id.* at § 2022a.

Significantly, the 1988 Act also authorizes funding for tribal education departments. 25 U.S.C. § 2022b. However, such funding is expressly "subject to the availability of appropriations," *id.* at § 2022b(a), and to date no money has ever been appropriated for such departments. In addition, the tribal education department sections are included in the chapter on Bureau of Indian Affairs education programs, not in the Department of Education section. Presumably, the intent was to facilitate funding by including tribal education department appropriations within the Interior Department budget. However, it is possible that the departments contemplated by the Act were intended to exercise authority only over federal and tribal schools, not state schools. The Bureau of Indian Affairs has orally stated that its view is that tribal education department funding under the Act is not conditioned upon the tribe exercising its authority only over tribal and federal schools, but there is no final resolution of this issue.

Against the backdrop of legislation, the Supreme Court has recognized the inherent sovereignty of tribes in the area of education. See Merrion v. Jicarilla Apache Tribe, 455 U.S. 130, 140 (1982) (inherent tribal sovereignty includes the right to "enact the requisite legislation to maintain peace and good order, improve their condition, establish school systems, and aid their people in their efforts to acquire the arts of civilized life...." quoting S. Rep. No. 698, 45th Cong., 3d Sess., 1-2 (1879)). The Court has also stated that federal policy expressly

encourages "tribal self-sufficiency in the area of education."  
Ramah Navajo School Bd. v. Bureau of Revenue, 458 U.S. 832, 846  
(1982).

In sum, foundation legislation has been passed and inroads have been made, but tribal control is still indirect, uncoordinated, or too limited. Legislation is needed that confirms and supports direct tribal control over all education systems that serve tribal children.

TRIBAL CONTROL: THE NEXT STEP --  
CONGRESS SHOULD SUPPORT DIRECT TRIBAL CONTROL  
OF ALL SCHOOLS THAT SERVE TRIBAL MEMBERS,  
AND PROVIDE DIRECT FUNDING TO TRIBAL EDUCATION DEPARTMENTS  
TO ADMINISTER THAT CONTROL

This paper's principal recommendation is that Congress now commit to recognizing direct authority by tribes over all schools that serve Indians -- tribal, federal, and state. This is a logical extension of the importance of tribes to their children, importance that is already recognized in laws such as the Indian Self-Determination and Education Assistance Act, the Indian Child Welfare Act, and the Indian Education Act of 1988.

In practice this control translates into tribal regulation of education including curriculum, standards, staffing, methods, goals, policies, programs, and funding. Thus, Congress must fund tribes directly and then charge them with the responsibility to set tribal education goals, develop education programs and

regulatory laws, and establish tribal departments of education to administer the laws, monitor the programs, and provide assistance toward the goals.

Specific recommendations for reforming federal Indian education laws in line with this principal recommendation are as follows.

Tribal schools. Obviously, direct tribal control over tribal schools and programs is the easiest to step achieve. To a great degree, this control already exists in tribal colleges, early childhood programs, Indian Self-Determination and Education Assistance Act contract and grant schools, and other Self-Determination Act-authorized education programs and projects. The remaining non-tribal control over these schools and programs amounts to oversight that parallels federal oversight of corresponding state schools and programs that receive federal funding.

Still, tribal control could be enhanced by funding for tribal education departments, for research and planning through tribal education departments and by tribal colleges, and for specific programs such as curriculum, materials, teacher training, and training for Indian parental involvement in the schools.

Federal schools. The contract and grant options under the Indian Self-Determination and Education Assistance Act and the Indian Education Act of 1988 provide a clear means for tribal control over federal schools. But contracting and grant

operation are not viable solutions for every tribe due to lack of resources. Thus the provisions of the Education Amendments of 1978 that allow tribes to set standards in the Bureau of Indian Affairs schools open the door to another kind of tribal direction over the remaining federal Indian schools.

Still, there is room for increased tribal control over the federal schools. Current law requires the Bureau of Indian Affairs to "actively consult" with tribes about all matters relating to these schools. 25 U.S.C. at § 2010. Current law also provides that the Secretary of the Interior may implement cooperative agreements between tribes, federal school boards, and state public school districts. *Id.* at § 2009(f). But in reality, many federal officials and school administrators discourage tribal input and work against tribal considerations of contracting, grant operation, or creative means of working with the state schools to resolve problems.

"Consultation" amounts to the Bureau making the decisions and then "running them by" the tribes only to make a record that consultation was done. An example of this is the current relationship between the Bureau of Indian Affairs and the Tribal Leaders Task Force in the effort to reorganize the Bureau. Like the Impact Aid laws, the opportunity for Indian input becomes meaningless because governments other than the tribal government have authority to make the final decisions. Nor have tribes been given adequate means to research or plan the potentials and options of operating the federal schools by contracting or

grants, of establishing tribal standards for the federal schools, or of entering into cooperative agreements with the state school districts.

Therefore, these laws should be amended to allow direct decision-making about curriculum, staffing, and policies in the federal schools by tribes. Tribes should be given the technical assistance and resources to research and plan actions regarding federal schools before making decisions.

State schools. Because most Indian students attend state public schools, the most attention is needed to tribal authority vis a vis those schools. In many situations, elimination of the state schools or operation of them by a government other than the state government is simply unrealistic. This is due to factors that include the lack of tribal resources, and the presence of non-Indians in the schools.

To understand this discussion of tribal control over state schools, some legal background is necessary. To date the Supreme Court has not ruled on the existence or scope of tribal sovereignty over state schools that serve tribal members. The issue of tribal authority over states and state entities generally is an evolving area of the law, under federal and tribal legal principles. E.g., Blatchford v. Native Village of Noatak, \_\_\_ U.S. \_\_\_, 111 S.Ct. 2578 (1991) (constitutional immunity of states prohibits suit by tribe for money damages); Billie v. Abbott, No. CV-34-87 (Navajo S.Ct., Nov. 10, 1988) (immunity of state official in tribal court determined by tribal

law); Sage v. Lodge Grass School Dist., 13 Ind. L.Rep. 6035 (Crow Ct. App., July 30, 1986) (tribal court has jurisdiction over on-reservation action by tribal member against state school district); see also the Indian Child Welfare Act of 1978.

But tribes certainly have sovereignty over their members, over their territory, and over non-Indians in their territory. E.g., Iowa Mutual Ins. Co. v. LaPlante, 480 U.S. 9 (1987); Brendale v. Confederated Tribes and Bands of the Yakima Indian Nation, 492 U.S. 408 (1989). Given these legal principles, it is reasonable to expect that the existence of tribal authority over state schools would be upheld but that its scope would be subject to some limitations. To determine the limitations, the courts might engage in a balancing of tribal and state interests in regulating the state schools.

The tribal interest in regulating state schools can be identified as follows. It includes factors such as, the schools are in tribal territory, and they are serving tribal members. Further, tribes have an interest in exercising their sovereignty, especially where their children's well-being is at stake.

The states' interests in the schools that serve Indian children can be summarized as follows. States agreed to maintain public schools as a condition of their statehood. States have built and maintained the schools, albeit with federal resources, although in some cases, states have contributed state revenues. States also have existing education regulatory schemes, and they



have an interest in exercising their sovereign rights in education.

On balance, a good case can be made for states and tribes to share authority over state schools located on reservations or in other Indian country that serve tribal members. At minimum, tribal authority should be recognized where tribes have specific education interests that are not being met by the states. In such situations, tribal control and state control would exist concurrently in a manner similar to tribal and state authority to tax the activities of non-Indians in Indian country. E.g., Cotton Petroleum Corp v. New Mexico, 490 U.S. 163 (1989). This result is consistent with federal Indian education laws such as Johnson O'Malley, Impact Aid, and the Indian Education Act of 1988, that provide funding and control to states but also provide for Indian input and tribal control.

Tribal control is not satisfied by Indian representatives on state school boards. Tribal control means control by tribal government and governmental processes. This control must be tribal and must not be limited to parental or individual. It must be emphasized that tribal members serving on state public school boards is not tribal control over state schools. The school boards are political entities of the states. State governments, which are controlled by non-Indians, have ultimate authority over curriculum, policies, staffing, and funding. State colleges and universities train the majority of state school teachers, counselors, and administrators. State

associations write most model policies, lobby state legislatures, and provide technical assistance and training to the majority of state school boards. Control through the school boards is too indirectly linked to the tribe and indeed, ignores the tribe's very existence.

At the same time, direct tribal control does not eliminate input from school boards and school educators. Most tribal legislators and officials are not educators, and they do not have all the answers to education success. Still, tribal governments need to set the education goals, curriculum, standards, and policies; not substantively, but legally. As stated above, this is what governments do. Tribal governments should be advised by tribal departments of education about substantive options on the goals, curriculum, standards, and policies, and tribal education departments in turn should be advised by reservation educators and parents.

Tribal control is not Indian parental input. Federal Indian education laws must recognize and distinguish between legal actions which must be taken by tribes, and the types of planning decisions and operational advice that are better left to educators and parents. Tribal control should not be exercised at the expense of parental input. But the simple fact, and the fatal flaw in present federal policy, is that parents have no legal clout with the state and federal governments. Federal and state governments should deal with tribal governments regarding

education matters, not with parents. It is a government-to-government relationship.

In addition, in good situations Indian parent input is appropriately solicited by state public school districts. But unfortunately, many Indian parents feel powerless when dealing with systems run by non-Indians. Conversely, they do believe they can influence and get help from their tribal government. Thus tribal control can be effective in state and federal interactions and can translate into increased parental involvement and support at the school level.

Impact Aid. Impact Aid is a good example of an Indian education program that lacks tribal control. On and near Indian reservations, Impact Aid is generated by the number of tribal students that the state school district serves. Impact Aid provides general support funding to the district for basic school education and support services to Indian students. Current law requires the school districts to consult with Indian parents and affected Indian tribes when developing Impact Aid programs. 20 U.S.C. § 240(b)(3)(B).

Yet tribes lack ultimate control over Impact Aid planning, over how the funds are directed, and over the content, structure, and methods of the programs and services that are funded. The consultation requirement is often satisfied by public hearings. Indian input proves to be ineffective when final decision-making is vested in the state school districts.

Impact Aid plainly hinders tribal sovereignty, and the valuable information and direction that tribes can and should provide. At a minimum, tribes should have to give final approval to the programs and funding administration. In some instances, tribal education departments should receive directly the Impact Aid funding and should be charged with developing in the first instance educational programs and services that will create Indian education success.

A landmark example of tribal control over Impact Aid is the agreement between the Mesa Public School District of Arizona and the Salt River Pima-Maricopa Tribe. Under the agreement the Tribe will receive and administer the school district's Impact Aid funding and provide some of the Impact Aid services and programs. Coalition for Indian Education, Newsl., Vol. 4, No. 3, Sept., 1991, at 2, col. 2. Since 1988, when the Tribe, through its Education Department, first became involved in Impact Aid, the dropout rate for Indian students in the district has been reduced from 85% to under 60%. *Id.*

Head Start programs. Head Start programs provide another example of where tribal control is thwarted under current law. In this case, ambiguity in the law creates disputes that undermine the law's own requirements regarding responsibilities not just of tribal grantees, but of all governmental units that receive such programs.

Tribes are eligible to be Head Start program grantees. 42 U.S.C. § 9836. But the law also requires that a policy council,

composed of parents, be established. Id. at § 9837(b); 45 C.F.R. §§ 1304.5-1-1304.5-5. In major decisions, such as the hiring and firing of the program director, the policy council must approve or disapprove of the grantee's decision. 45 C.F.R. Part 1304, App. B - Head Start Policy Manual. If the policy council disapproves, there is no means of resolving this impasse other than a waiver of the regulations.

The key to Indian education success: Tribal Education Departments; Tribal Education Codes; and State-Tribal Compacts.

The best resolution to problems such as Impact Aid and Head Start is to give tribes direct, full, and final control over the programs, curriculum, staffing, policies, and funding. Tribes need the freedom and resources to make their own decisions, set their own priorities, and take responsibility for the education of tribal members. This relationship is needed and can be workable in all settings, including the state schools. Even before the legal underpinnings for tribal control of state schools are worked out, compacts such as the Salt River Tribe's can be instituted to address education concerns without reaching the legal jurisdictional issues.

There is emerging precedent for this type of action on the Rosebud Sioux Indian Reservation in South Dakota. Three quarters of the reservation children attend state public schools. A Tribal-State Compact is being contemplated which would address joint state-tribal regulation of specific areas in these schools such as curriculum, staffing, and programs. To prepare for

compact negotiations, the Rosebud Sioux Tribe has established a tribal education department and adopted a tribal education code which uniformly regulates all elementary and secondary schools on the reservation, state and tribal. To date, South Dakota supports the Tribe's efforts as do the Bureau of Indian Affairs and the federal congressional delegates.

The Rosebud Sioux Tribe has much to contribute to education programs and systems on the reservation. South Dakota recognizes the reality and the potential of that contribution. The tribal college, Sinte Gleska, has convened a reservation-wide education planning process, is developing curriculum and materials, provides education training and continuing education, and graduates certified teachers and administrators. The tribal education department continually supplies educational ideas and information, participates in educational program planning, provides in-service training, assists in tracking and counseling students, reviews and assists in preparing funding applications, coordinates tribal and other agency services to resolve educational problems and issues, and is preparing an annual reservation-wide Education Report. The situation is a model joint effort between a tribe, a state school district, and other education and non-education entities on a reservation.

Rosebud demonstrates that tribal education departments are a viable mechanism through which tribes are provided with the means to implement direct control of Indian education. Tribal education departments are in a unique position to coordinate

education resources among the three governments, tribal, state, and federal. Tribal education departments are also in the best position to coordinate the resources of the tribe -- educational, social services, judicial, community, and parental -- to focus on education-related problems.

For tribal and reservation education, tribal education departments can carry out roles and responsibilities that are similar to those of state education departments. Tribal education departments can provide leadership, direction, and advice to both the Tribal Councils and to education programs. Tribal education departments can regulate, administer, and monitor. The department is a tribe's means to marshal the resources, review Impact Aid, Title V, and Bi-Lingual Education proposals and other education documents, and serve as a clearinghouse for education matters. Most importantly, tribal education departments can provide expertise to the legislative body of the tribe regarding needed and recommended legislative action to promote education and student success. Tribal Councils, like state legislatures, can then develop and pass legislation that sets policies, establishes standards, and controls the distribution of funding to the schools that serve their members.

Thus, tribal education departments should be federally funded notwithstanding the fact that Indian education is provided in whole or in part by the states or federal governments. To date the Rosebud Sioux Tribe has funded its education department

entirely from tribal tax revenues. But not all tribes have a stable source of tribal revenues, and even for those that do, federal funding is needed to supplement the tribal funding in order to achieve the necessary reforms in education. Tribes need funding to devise and adopt education laws, policies, and programs. Tribes must then be enabled to establish education departments to administer the laws and policies.

For some tribes, education department and Council action and attention may be limited to goal setting, monitoring, and joint planning with state school districts. For other tribes, like Rosebud, the education department and Council may be coordinating tribal resources to develop tribal curricula and tribal teacher certification programs, to develop and approve education programs such as Impact Aid, Johnson O'Malley, Title V, and Bi-Lingual Education, and to resolve problems like truancy and dropouts. Either case requires a level of resource commitment few tribes can meet without federal funding.

Tribal control of and options in education must be directed by Congress. Of course, every tribe is different, and will therefore have different goals for education of its members. Specific questions may arise over various tribal landbases, educational resources, and educational needs. But every tribe should have the option of making its own decisions about how to exercise its sovereignty and promote the educational well-being and success of its children. This is consistent with western history and philosophy of what governments are responsible for,

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what governments do. And Congress needs to support and enhance such options. Without this choice, tribes are relegated to being second-class governments, state and federal governments will continue to direct Indian education without tribal advice and decision-making, and Indian education will continue to fail. Without this choice, tribes will lack significant opportunities to be truly self-determining and to take responsibility for the education of tribal members.

Congress must take the lead in recognizing and directing tribal control over education. It is especially appropriate in light of the deference to congressional action that is given by the Supreme Court. The Court itself has been extremely reluctant to confirm tribal rights to extend their exercise of sovereignty into new areas, or to rely solely on general legal principles such as tribal sovereignty. See, e.g., Brendale v. Confederated Tribes and Bands of the Yakima Indian Nation, 492 U.S. 408 (1989); Duro v. Reina, \_\_\_ U.S. \_\_\_, 110 S.Ct. 2053 (1990). However, the Court has upheld wide-reaching tribal rights when faced with express legislation confirming the rights. See, e.g., Mississippi Band of Choctaw Indians v. Holyfield, 490 U.S. 30 (1989).

Finally, congressional action can best accomplish reform within the entire federal government. Three federal agencies primarily fund Indian education: the Bureau of Indian Affairs, the Department of Education, and Health and Human Services (for Head Start). There are other agencies that also do or could

provide educational resources, program coordination, or other types of support, such as the General Services Administration and the Department of Defense for equipment, the Department of Labor for cooperative school and work training, and the National Science Foundation and the National Endowment for the Humanities for program funding.

Among the three primary agencies, there is a lack of coordination regarding Indian education. Among the other agencies, there is a lack of knowledge, understanding, and experience about, even an ignorance of, Indian tribes. Tribes especially lack advocates or representation in agencies outside the Bureau of Indian Affairs. For example, the Department of Education, which funds among other programs Impact Aid and Bilingual Education, is heavily influenced by states, major school districts, and non-Indian interest groups.

Part of the agenda for the White House Conference on Indian Education in 1992 is to address the lack of coordination among the agencies. But states are opposed to giving up their control over the funding and programs of this very prominent player, the Department of Education. This is aptly reflected in the "Indian Nations at Risk Task Force Report" issued this year by the Department of Education, which contains no recommendations for increased tribal control of state schools. Health and Human Services is also unresponsive to efforts by tribes to gain more control and responsibility over the Head Start programs.

Federal agencies will not acknowledge tribal control nor will they increase working relationships with tribes without direction. Through legislation, Congress should at a minimum direct all federal agencies to acknowledge the primacy of tribes in the education of tribal members. Federal agencies should also be directed to acknowledge and support the efforts of tribes to improve education by increasingly exercising their sovereignty and responsibility over education.

In addition, federal agencies should be legislatively directed to advocate for increased tribal control, and for federal funding to enable and facilitate that control. Federal agencies should further be directed to oversee the federal funding that is then provided directly to tribes for education, and to work with tribes by providing technical assistance, as needed, to meet accountability requirements for that funding. In short, federal agencies should be directed to enter into the tribal efforts to turn around Indian education failure and replace it with success, over the long term, for Indian children and tribes.

Congressional direction should be made with a vision similar to the Tribal Self-Governance Demonstration Project, Pub.L. 100-472. That law provides for direct block grant funding to tribes which they can then administer to various governmental programs according to their plan. Block grant funding avoids categorical funding per individual program, and also eliminates formulae or competitive funding problems. Similar flexibility should be

allowed in the area of education so that tribes can focus on the educational programs and needs of their choice.

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Chairman KILDEE. Thank you very much, Mr. Innis. Is your school at Gila River, is it a contract school, a BIA school or public school?

Mr. INNIS. We have all of those.

Chairman KILDEE. All of the above.

Mr. INNIS. Yes.

Chairman KILDEE. You have public schools and you have BIA school and you also have contract schools.

Mr. INNIS. Yes. I wish to add that 1 year ago one of our public schools had a dropout rate of 60 percent by Christmas break time. And that school now, because there has been an emphasis in working with the tribal government, that school has had zero dropouts with the 9 weeks remaining.

So I think there is evidence that if we can work more closely with the tribal governments, they will have a special interest in the children and some measurable successes in that kind of relationship can be seen.

Chairman KILDEE. I think one of the earlier citations you made in your testimony was Public Law 102-97. That is language I put in the bill because the BIA was trying to tell us that education was not part of their trust responsibility. That was a brand new concept so we put the language in to tell them that this had been part of their trust responsibility for at least about 130, 140 years, and even before the BIA, when the BIA was part of the Army at that time, but education was part of their trust responsibility.

But some people over there got the idea it was not, so we put language in to make sure they knew it was. I would like to encourage the cooperation that is taking place here in Arizona between the Indian nations and the State of Arizona. I think that cooperation really serves the children very, very well. And I would encourage you to continue in that.

One question, Mr. Innis. We talk about site-based management. Do you have anything like that where the teachers in a particular school can sit down and say, "What are the needs in this community," and tailor education to those needs? Are you doing something like that in any of your schools, either Johnson/O'Malley schools or contract or BIA?

Mr. INNIS. Yes. As a matter of fact we have a curriculum standards committee that is made up of Bureau teachers, contract schoolteachers and public schoolteachers. And their purpose is to develop curriculum that is going to be very relevant to the students, but also assist them when they do transfer to another school off the reservation, because primarily, Indian students begin on the reservation and then they eventually transfer to a public school. But yes, there is a concept that has been in effect since 1986.

Chairman KILDEE. Let me ask one other question. It is not directly under the jurisdiction of this committee but the former subcommittee I headed. Do you have a Head Start program, an active Head Start program at Gila River?

Mr. INNIS. Yes. Yes, we do. The district is divided into seven districts. And we have Head Starts in each one of them, with the exception that we had to discontinue services because of a fire to one of our facilities last year. We are going to start up again next year, but, yes, we do.

In regard to Head Start, because of the funding situation, we have always taken the position that Head Start programs or the distribution of funds should be on a formula basis to include weighted units because we are unsure of how they do their funding. We think that consideration should be given because of the distances and, of course, a rural area.

Chairman KILDEE. We may submit some additional questions to you on just that. I think Head Start is really a very important program and Chapter 1, which is clearly under the jurisdiction of this subcommittee, is kind of a good insurance policy for what gains were made under Head Start. Thank you, and I may submit some further questions to you.

A question to Dr. Garcia; tell us something about your Chapter 1 kindergarten program. I have always believed that early intervention is very, very important. Can you tell us how that works and how effective it has been?

Mr. GARCIA. Yes, the children, of course, meet the criteria for Chapter 1 assistance. One of the things that we have done in our district as a result of the Chapter 1 regulations being more flexible has been to provide them for the whole school, so that all kids in that school, if it is a Chapter 1 school, can get the services of the Chapter 1 program.

There is an effort in our model to involve the parents quite heavily in the education of their children and their cooperation with the teachers. So there is a parent training component that is part of that assistance.

The kids are identified, are screened, and a program for their individual needs is developed and implemented and we have had tremendous success with those kids. One of the things that we have also begun that is not part of Chapter 1, well, in some schools it is and in others it is local dollars supporting it, is our reading recovery program at the first grade. Those kids that are not reading at first grade level are identified individually and we provide a one-to-one teacher assistance to that child who needs to recover in terms of their reading level.

And we have been extremely successful with that, so that within a matter of weeks, within a matter of 4 weeks, the child is back on track. And so we coordinated that with the kindergarten and the first grade programs. We have also been chosen as a pilot nationally for the Spanish reading recovery program. We are piloting that project this year, working with our non-English speaking children. And the results have been very good. We need to expand the program to all of our schools.

We now have it in only 18 of our elementaries which is less than a fourth of all our schools.

Chairman KILDEE. Thank you very much. Mr. Pastor.

Mr. PASTOR. First of all, thank you for being here with us this morning. They have traveled from Tucson, and they made an effort to get here.

First, to Mr. Innis, you state that Native American students are faced with an unequal playing field in that they start their early education on a reservation school and later go to an off-reservation public school. The question I would ask you is what should or what

could the Federal Government do to help equalize the playing field with respect to the education of Native American children?

Mr. INNIS. Well, it was mentioned earlier in one of my statements that the Department of Education has been assessed funding allocations. I think that part of that review of how they fund Federal programs, especially on the Indian reservations, should include some kind of analysis of the Indian School Equalization Program. I do not think we are saying, knowing the financial situation with the government, I do not think we are saying we need more money. It is just a better way of distributing the money in consideration of other funding sources, such as the Bureau.

Mr. PASTOR. Give me a further example because, to be honest with you, I really do not understand, and I would like to learn a little better. Can you clarify what programs on the reservation and what moneys on the reservation a Native American child is given and then as they go off the reservation to public schools, what kind of moneys do not follow them or should follow them?

Mr. INNIS. For instance, we have a contract school, and it receives per student a base amount for their general maintenance and operation, but that school also receives Title IV funds. And what the school does is use that Title IV funding to operate their library. However, knowing that that school needs other assistance from the government, that should be considered if you receive Title IV funds and you do not have a solid base for your maintenance and operation out of the ISEP program, then maybe some consideration should be given as to how much and how the allocation process works with the Title IV side.

In other words, I guess I am alluding to some adjustments similar to how formula funding works.

Mr. PASTOR. Okay. To Dr. Garcia, in your testimony you allude to that you had a pilot program of decentralization, and I am assuming that meant on-site management.

Mr. GARCIA. Yes.

Mr. PASTOR. Would you give us some of your experiences, the good sides, the bad sides, and what recommendations you could give us in implementing such an on-site management program?

Mr. GARCIA. Our district has, for a long time, talked about decentralization as a philosophical condition. The issues of local decision making as it relates to curriculum have been there for a long, long time, maybe a dozen years. The district has always believed that teachers and administrators should make decisions about curriculum at the local level.

The pilot project that we started 3 years ago and we are giving some new energy this year is to provide a developmental process by which schools become site-based management schools. First of all, we have found, through our experience, that it cannot be ordered from the top down. You cannot say you are going to be a site-based school because in many instances, as was testified earlier, there are some teachers, in some schools many teachers, who do not want to be spending their time on management decisions. They want to conserve their time to the classroom.

And so the developmental model calls for schools to volunteer if they are interested in becoming site-based management schools. Then there is an awareness period in which there is a lot of staff

training and staff development to insure that everyone understands what everybody's role is in that process.

One of the biggest problems with site-based management is not having the rules up front when you start, because you have to decide what exactly it is that you are going to make decisions on that will stay within the context of the overall district. For example, personnel decisions. Are you going to want to have the authority to hire all of your teachers and all of your administrators? And if you are, then there are certain statutory requirements regarding personnel and also local board policies regarding personnel and teacher, administration consensus agreements as to how this is going to happen.

And so if you are going to move in that direction and we encourage you to if you think that is what you want to do, then we have to create the exceptions within the structure to insure that we are complying legally with personnel kinds of requirements as well as board policy as well as teacher union district agreements.

Personnel is one issue, curriculum is another. Budget is another. How are you going to determine those budget allocations? And so we have found that we need a good year, in some instances 2 years, for a school to process all of those kinds of things and so they establish those conditions. And then the second phase is to start implementing them. And many schools begin in one area because they do not want to move into all areas all at once. And so it is a constant evolving kind of procedure.

The other thing is, what is the role of the parent? And what is the role of the patrons regarding selection of teachers, regarding selection of the principal? We have found that in most instances we all agree that the principal should be selected by not only the teaching staff but also the parents and the patrons. But when we have come to the issues as to whether the parents should also select the teachers, we have some other kinds of considerations.

And then you end up with the issues of evaluation. Who evaluates the principal? Who evaluates the teachers? Should the parents participate in that process and then how does that correlate with the district policy? So all of those kinds of things are very important issues and they take a lot of time to process. And so our model takes a gradual evolving opportunity for each school to follow.

And right now we have about 20 schools who are in the first, a couple of them are in the second phase and the others are in the initial phases.

Mr. PASTOR. Overall, how would you assess it?

Mr. GARCIA. I think it is very good. I think it has a potential for bringing decisions that are of importance at the local site to work more effectively than they do on the past models. It is a way of managing your organization and if more people buy into that process, they tend to be more accountable for whatever those decisions are. And we see that as a very good thing.

The primary factor, and I think it was mentioned in the last testimony, is that someone has to be accountable. And in the traditional format the superintendent or the district office or the governing board has been accountable. So that if we are going to decentralize and delegate more of that authority, we still have to have some accountability mechanisms to insure that the child is



being serviced appropriately, and that is why it is important to structure that process so that everybody knows up front where the accountability is going to be and can live with it.

Mr. PASTOR. I want to ask another question. In earlier testimony we heard how you have categorical programs, bilingual, Chapter 1, et cetera. The accounting is a burden. These categories may not assist and may not be beneficial to the education of that child. I understood from your testimony that you were looking for what we used to have in county and local government, something like a revenue sharing, where moneys were made available to a school that qualified and we would account for those moneys if they were expended in certain broad areas.

Could you allude to your testimony and your ideas of a concept like that?

Mr. GARCIA. Yes. That is exactly what I was saying. For example, I think Chapter 1 is moving more towards flexibility along those lines, where the kids are identified in that school and the money then flows to that school and they can use it in any way that they deem fit as long as it is servicing the kids. Instead of worrying about whether only these 20 kids got serviced and this other 10 should not really get service because they are not really Chapter 1 kids, you stop thinking that way and you simply look at improving the student achievement at that school.

So that is exactly what I was saying and the USA Bill language, as I recall, talks about that kind of funding. In other words, an urban school district has these needs and, by formula, receives so many dollars. We have to be accountable for the expenditure of those dollars along the lines of servicing the children, but what we decide to do with those dollars is based on local need and local decision.

I think, also, in the USA Bill language, we speak very much towards accountability, because I think we need to have results. We just cannot give the money to a school and say, "Do you what you think is fine," and then at the end of the year there has not been any improvement. We need to make sure that that happens. And so, that is the model that I would see as being beneficial.

Mr. PASTOR. I have a question for both of you. I know that we have national standards, accompanied by national tests that, in some magic way, we say that we have higher expectations of our students and all of a sudden, we are going to score higher in tests and be more competitive. What is your opinion of that whole debate?

Mr. GARCIA. I will go first. I think expectations are good and I think we need to have high expectations. I do not believe a national test is the right way to go, for a variety of reasons. I think a national test, like all national standardized tests that we have had in the past and we now continue to implement, like the Iowa test of basic skills and others, simply do not—they are not structured to assess the needs of a local community.

And in many instances, what we hear the most, what I hear the most as a superintendent among our teachers is that they are tired of all the tests that we have. We are spending too much time testing as it is already. We need to reassess that. One of the things that is happening in Arizona that I think is quite exciting is the

Arizona assessment system, which in essence, is looking at performance-based models at the State level, based on local initiative and local need.

I think the closer you bring those kinds of things to the local level, the more effective that test is going to be. I think we need an assessment, but I think we are already assessing too much as it is and we need to localize that as much as possible and structure its performance, rather than multiple choice kinds of examinations. I do not believe a national test is necessary or appropriate. I think a major side effect of that will be that it will discriminate against a large number of poor kids in this country and minority kids in particular.

So I am not in support of it. I think there are many other alternatives that are much more effective.

Mr. INNIS. I think I am in agreement with that view that there is no need for a national test. However, I think there should be other indicators and what that is, at this point, I do not know, because the tribe does have high expectations for its children. They are saying, "If we do not have students that take part in educational opportunities, then the tribe will not exist anymore in 100 years."

So they have very high expectations and whatever indicators or involvement that tribal governments get into, then that is what they expect out of parents and teachers and students and everybody involved with that whole process. In that regard, it mentions in the Federal Register under the reauthorization for elementary and secondary education programs in regard to Indian education it states, "The Indian Education Act, Subpart 1, formula grant contains few provisions to assure accountability."

Then it goes further to state that, "Should there be a requirement that LEA's measure the result of their programs, against world class standards," and we would encourage that because we are saying that we have world class kids. So we would want those kinds of accountability procedures included into the reauthorization. Thank you.

Mr. PASTOR. Thank you very much for being with us, and I will turn it over to Chairman Kildee.

Chairman KILDEE. Thank you, Mr. Pastor. Again, on the question of testing and standards, we have been wrestling with this for a long time. I have always said that if standards and assessment can be used to improve education, not merely to gather statistics which we may already know it may be helpful. I can go to certain schools in America and I can predict the results of those tests in that school because of some of the socioeconomic problems, the societal problems we discussed. And then I can go to say Langley School in Fairfax County, Virginia, where my children went to school when I was working in Washington, and predict another set of results.

I am only concerned about testing if it can really be used to help improve education, not just gather statistics. Let me just throw this out. Suppose we started and say, "We are going to have some standards in reading, writing, math, at the end of the fourth grade. These are generally agreed upon standards."

At the fourth grade you have pretty low-risk tests. At the 12th grade you have pretty high risk tests. What if we started there or emphasized there and said, "Okay, these are the standards that

children at the end of the fourth grade should be at," and then give tests at that point and then follow it up with remediation, intervention if they are not doing well? Would that make sense to either of you?

Mr. GARCIA. I think that is what the State of Arizona has embarked upon as it relates to the Arizona assessment system that was piloted this year. It is a performance based test whereby kids have to perform a certain skill, apply what they know as opposed to just answer a multiple choice kind of test. I think it would be meaningful for this committee, Mr. Chairman, to have some testimony on that test and see how it works and the effort that is being put into it, because in essence you have a much more comprehensive diagnosis of where that child is at that particular level.

And that test then will be used as a way to plan and chart the program for that child the following year. It is not going to have, I think, the statistical kinds of meaning that we are used to in terms of standardized tests and I think that is good. So I think the State of Arizona is moving in that direction and it complements what you asked in terms of assessing the child at a particular level.

Chairman KILDEE. If you could supply in the next few weeks some more on the Arizona model, the committee would really appreciate it.

Mr. GARCIA. Sure.

Chairman KILDEE. Mr. Innis, do you have any comment on that?

Mr. INNIS. We would be very interested in the remediation plans. I mean, yes, you can look at indicators, but what happens after that, and is it successful? But since this is more or less something that is new, we still need to gather information on that, but that is what we would be interested in.

Chairman KILDEE. The reason I say fourth grade is that you really are lower risk. Twelfth grade, that is going off to college and the risks are much higher and maybe we need, at some point, some high risk. But I think as we get into this, we want to make sure we are being fair to the students.

What the National Commission of Assessment Standards came up with was standards for kids but not standards for schools. Now, I know certain schools where the Latin teacher, and I was a Latin teacher, is teaching trig. Now, I know if I taught trig, my students would not be doing very well. They would do great in Latin.

But I am really afraid of imposing standards on students when in certain areas we can predict that those students are maybe at a school system where there is 42 in the classroom or the teacher is not trained in that particular field. The fourth grade level I feel much more comfortable because the risks are lower and the chance of intervention and remediation are much better at that point.

Mr. GARCIA. I agree.

Chairman KILDEE. I want to thank both of you. It has been very helpful to the committee. Thank you very much.

Our next panel will consist of Mr. Richard Estrada, Assistant Principal, Carl Hayden High School, Mr. Derrick Gray, teacher, South Mountain High School, Ms. Pat Medina, parent from Phoenix, Arizona and Mr. James Cervantes, student at Carl Hayden High School, Phoenix, Arizona and Constable E. T. Hernandez, President, School Board District Number Five.

Okay, Mr. Estrada, I always have enormous respect for assistant principals, because when I taught school the assistant principal was the guy that got everything cleared. So go ahead, Richard.

**STATEMENT OF RICHARD ESTRADA, ASSISTANT PRINCIPAL,  
CARL HAYDEN HIGH SCHOOL, PHOENIX, ARIZONA**

Mr. ESTRADA. Thank you for this opportunity to provide testimony on issues related to education in our community and our Hispanic community, and I hope sincerely that I may accurately give you our perspective on the shortcomings and lack of focus on education in the National, State and local sense—common concerns of students, teachers, parents and community members on the issue of educational equity and how it has a direct influence on the students dropping out of school, gang activities and school violence.

And even though we have taken giant steps in the area of equal access to education as a Nation and State, we remain light years away behind in terms of an equitable education. Let me preface my comments with the thought that there is nothing equal about treating the unequal equal.

The current era calls for school restructuring, the paradox of increasing expectations without increasing funds is illustrated in the Phoenix Union High School District and others like us. Calls for higher levels of student performance and for a reduction in the dropout rate are occurring at the same time the proportion of the students at risk or under-achieving and/or dropping out is increasing but the budget capacity in the State funding formula does not include sufficient funds to provide adequate support for programs and services of these special needs, you call them entitled needs.

The effect is that districts with high minority populations have an educational overburden because in its efforts to provide special programs for at-risk and other high need students, to provide the programs districts must divert funds from form programs to regular students. Our district, Phoenix Union High School District's educational overburden is attributed to the following demographic and educational program developments; efforts to increase retention rates and serve students with special problems who are risk of dropping out of school, rapid increases in the number of students enrolled in English as a second language classes or are limited English-proficient, insufficient funds from Group B pupil weights under the school finance formula which supports special education, vocational education and limited English proficiency programs, no State funding for compensatory educational programs or alternative schools.

The dropout rate in Arizona is far better than those of other comparable cities in the Nation, but the effort to retain these students in our schools and keep them will continue to be simple rhetoric if quality alternative programs are not established to allow them to discover that learning adds quality to their lives.

Alternative programs are expensive and the current funding formula does not provide for their operation. It is just not right or just to expect schools to absorb the societal problems of society alone. To solely retain these youngsters in school and help them alone will produce a quality product is unrealistic and inhumane. I be-

lieve that the school should be an anchor and a solution to a quality of life but not without the collaboration from the community, the city, the State and our country.

Thus, if we do not provide for these at-risk students, we will be at risk. It does not take a lot of statistics to convey the scope of our problem in Arizona. Minority students make up one-third of our college age population, yet, fewer than 11 percent go to college. The problem does not actually begin with our students leaving high school. Five out of every ten minority students never graduate from high school. They drop out.

Of the remaining five students, four take a general or vocational curriculum in high school. Only one minority student out of every ten goes to college. As our population expands, the problem will simply become larger. By the year 2000 one out of every two students in Arizona will belong to a minority group—Hispanic, Native American, black. By the year 2010, minority students will be the majority in the public schools in Arizona. The long range implications of this educational pattern will be personally and publicly devastating.

The median income for a high school student dropout is only one-third of that of a college graduate. The unemployment rate for minorities is 150 percent higher than that of the general population. We must do a better job. If nothing is to change, this pattern will soon face a crisis, unemployment, crime, the illiteracy rate will be pushed to the levels that are financially and morally unsupportable.

The quality of our labor force and the strength of our tax bases will quickly erode. I want to thank you for this moment, and that is the end of my testimony.

Chairman KILDEE. Thank you very much. Identify yourself first for the court reporter.

#### STATEMENT OF JAMES CERVANTES, STUDENT, PHOENIX, ARIZONA

Mr. CERVANTES. My name is James Cervantes. I am a senior at Carl Hayden High School, and until last year I was a member of a street gang.

The neighborhood I grew up in is mostly working class people and poor people. There is nothing for any of us to do in my neighborhood, so after school and during the summer we just hang out with our friends and look for something to do. And about the only thing to do is to join a gang. I guess at least 80 percent of our males in our neighborhood belong to a gang.

If you drive through my neighborhood, you can see little kids dressing and acting like gangsters. It is like they can hardly wait to join a gang. I started hanging out with members of my gang during my freshman year in high school. School was not going too good for me, and I was starting to spend more time hanging out with my friends that were mostly in gangs. Also my older brother had been a gang member, so it was easier for me to hang around with the gang.

Last year I started thinking about my future. With my friends I had broken the law a number of times, but I had been lucky and

never got caught. I also had a friend of mine die right in front of me. It was really hard. I knew my luck would run out soon.

About this time, my English teacher, Mr. Rose, had sat me down and opened my eyes as to where I was headed. He also convinced me I could change my direction in life. My football coach, Rick Molina, was also a big influence at this time. He kept encouraging me to get involved in some kind of sports and get away from the gang. I knew I had to make it through school to make something of myself and I had to get out of the gang, and the support of my mother and these teachers helped me do that.

I went out for the football team that year and I had to be really devoted. This helped give me something positive to do and a new group of friends to hang out with. Coach Molina encouraged us to have a family attitude toward each other.

I am doing real good in school this year and I plan to graduate the middle of next year. I am in a program designed for students that have almost dropped out and give a lot of credit to some of my teachers, who are really helping me.

I was selected to be a part of a special class of students who go to an elementary school to help fourth and fifth graders who are behind in their reading and math. I feel I owe our community something, and it makes me feel really good to help these little kids with their education. I have one student named Ricky who didn't know anything about fractions before I started teaching him. Then one day he caught me making a mistake figuring out a problem.

I was embarrassed that I had made that mistake. I am mostly really proud of Ricky and myself. He needed, like we need, more adults like Coach Molina to go out of their way to help us. We also need more things to do that make us feel good about ourselves, like football and tutoring did for me. Thank you.

Chairman KILDEE. Thank you very much. The next witness, please identify yourself for the court reporter.

#### STATEMENT OF PAT MEDINA, PARENT, PHOENIX, ARIZONA

Ms. MEDINA. My name is Pat Medina. I am here representing parents in our neighborhood and community, and I have written up a little bit just to say what I have seen in the time that I have been there.

As a parent, I have seen a drastic change in children of all ages. As an employee at Butler School, I have seen even a larger change in behavior, study habits, attitude, self-esteem and in many cases there is no self-esteem. In the neighborhood where I live there has been so many changes within the last 2 years; car theft, graffiti, gang involvement, even in elementary schools. The drive-bys have risen very high.

Every other weekend, if not every weekend, helicopters are shaking the walls of our homes while in the process of tracking down car thieves or drug dealers and it is scary to step out at night and anymore in the daylight. I personally do not like my children playing in the front yard and our children are being very deprived of the childhood they deserve.

For the reasons our children in our front yard, not being able to be out there, even they are afraid to be out there because they hear so many things on, crazy people, I do not know what gets into them, but they decide to drive by and even shoot at innocent bystanders.

The first part of the year, there were many gang fights in that Falcon Park right across from Carl Hayden. Many of the gang members were students from Carl Hayden. I drive home on Roosevelt because that is the way home. It was not a pleasant drive. There was a gang fight almost every day. I am not saying it has stopped since then. I am saying that they have relocated these violent outbursts away from the school and in the park into the neighborhoods.

If nothing is done now, especially for those who want to get through school, it will increase twice as high. A remedy to the problem is education for parents and elderly, especially ESL programs for parents. The reason is as soon as children become English speakers and get involved with these gangs, many distance themselves from their parents and in some cases choose to forget their primary language.

Many times parents are unable to communicate with their children due to their language preference. Maybe if they can communicate with children they can get them back on the right track. More public help at schools, an example, Murphy District parents are able to get their food stamps at the school. Get more businesses involved with education of our children. Offer enough alternatives, after-school programs ran by parents and high school students, give them an outlet and give them some responsibility.

Counseling out of school for students and parents in the neighborhood, sometimes the embarrassment of in-school counseling can lower self-esteem. Parents need to be given more information on how the school system is run. They need to be educated in these areas of gangs, theft, violence, prevention. If any parent or we can all, as parents, get support of the community and each other, maybe we can change our children back to the children we care so much for.

This is a very low income area, but that does not mean we do not have the right to be educated about our community. In closing, we, as parents, need to know how far we can go to make our streets, neighborhoods and schools safer for our families with children, families without children and the elderly. We want our children in school and educated. I'd like to thank you for this time.

Chairman KILDEE. I thank you very much for your testimony.

#### STATEMENT OF DERRICK GRAY, TEACHER, SOUTH MOUNTAIN HIGH SCHOOL, PHOENIX, ARIZONA

Mr. GRAY. Derrick Gray, South Mountain High School. Thank you. It is really a pleasure to be here to address certain issues.

I just want to let everyone know that the crisis in the back roads of America's public school classrooms still exists. The crisis is the uneducation of a body of students presently constituting five in eight in our classrooms, growing each year as a proportion of our educatable young.

Dominant in this body are the children of poverty, economically, culturally, racially and ethnically disadvantaged. They have come to be called youth at risk. An at-risk youth is one who has left school or who is predictably in danger of leaving school without the skills to be a productive and self-reliant citizen and to succeed in today's workplace and, hence, in society.

The bulk of the young people who are at-risk are subjected to psychological genocide. They are robbed of self-esteem and the capacity to achieve. They are trivialized and relegated at best to ever-decreasing job levels and at worst to correctional institutions whose per capita cost is many times greater than the cost of an effective education. They are said to be failing in school and yet, it is clear that it is we who are failing to educate them.

Teachers, parents, counselors, administrators and the decision makers of our country and of our educational system must begin to deeply identify or empathize with these rejected youth. We need to show them respect and acceptance which is essential for them to develop as socialized human beings. Every bit of evidence we have seen goes to the conclusion that most at-risk students can learn and will learn given patience, the proper opportunity and the right tools and perhaps great expectations from a skillful teacher.

It is clear to anyone who teaches at-risk young people, indeed, to anyone who has looked at the problem in a more than cursory way, that their needs are different from and/or greater than those of their brothers or sisters from more fortunate backgrounds. Other needs shared by all adolescents are often felt more by at-risk youth because they are not so readily filled at home.

Alienation from teachers in the school is a common characteristic of youth who drop out and other factors, such as being pregnant or being behind, may be overrated as predictors compared to the primary matters of students' perception of teacher interest in them and the effectiveness and fairness of school rules. In essence, for at-risk youth who often have had little support in their lives, no single need in school would rank higher than the need for a skillful teacher with great expectations of them.

To combat the issue of high dropout, we must move toward new educational classroom strategies that will empower young people to become functional members of society. Improving student achievement and responsibility through building self-esteem is a great way to start. Three conclusions consistently show up in the research on self-esteem and learning.

One, if we like ourselves, we do better in all areas of our lives. If we feel liked by the classroom teacher, we perform better in the classroom and our greatest improvement comes with positive reinforcement. Our students do have the desire and ability to succeed in the school and in life. However, they frequently do not possess the skills and know how to make this happen. Repeated failure is frustrating and damaging to one's self-esteem. Many students make negative judgment about their self-worth and these negative judgments will limit and shape the rest of their lives.

Teachers can play an integral part in breaking this self-esteem spiral. Something about gangs, a gang is a value group that provides a sense of belonging. Within a gang there is a need to identify tasks that are generally recognized in the group as having value



and that therefore, earn respect when skill is acquired for coping with that task. If one belongs to a gang they feel a sense of worth as a person. A gang provides reliable and predictable relationships with other people.

The classroom must become transformed into a mecca of love and understanding, a place where students can feel a sense of belonging and connectiveness. It has been said that students have three questions for all of us; "Who am I, do you care, and what can I do?" Self-esteem is enhanced when they feel unique, recognized, valued and accepted in our presence. It is essential that teachers create experience in the classroom where students are given the opportunity to feel lovable and capable.

We need to take our kids back from the gangs, instill in them a sense of identity, connection and competence. The community, teachers and parents, need to address gangs directly. This could be done in the form of a forum where gang members are treated with respect or seminars can be constructed for gang members concerning those ills that they create within our society. I truly feel that the average gang member wants some sort of help, maybe a way to get out of that gang.

Also we need to train our young people to deal with situations non-violently. Remediation training would be essential in helping them or helping students gain character and mental toughness as opposed to using anger and physical force to solve problems. And also, culturally relevant teaching would be a deterrent of gang activities. Culturally appropriate responsive or combatable instruction modifies relevant cultural elements of the classroom context.

In doing so, teachers must be sensitive to avoid stereotypes that impede learning and must be able to select those aspects of students' cultural background that are most critical to instruction. Effective teachers use the knowledge of students' cultural background, they understand the role of language and learning and they understand how students learn. As teachers, we need to find ways to translate student cultural background and experience; example, home language and communication styles, into strategic learning environments, to enhance comprehension, higher order thinking skills, conceptual growth and language development.

These teachers can also articulate why certain approaches as cooperative learning and other modifications can be used in the classroom.

And lastly, school violence; if we must address this issue we must talk about qualities of sensitivity and respect. In most cases school violence occurs because students feel they have nowhere to go or no one to go to when they are threatened or bullied. Sometimes those who tell, their teachers, principals say, "Walk away," you know, "Find another route to go home."

It is because of this insensitivity that students bring weapons to campus for their own protection. We have to insure the safety of our students when they are with us throughout each school day. How do we do this, by respecting kids and building trust within the classroom environment, by letting them know something will be done in such cases.

And in conclusion, I must state that all students need parental support. The approval of caring adults, parents and others, often

makes the difference between children who succeed in school and in life and children who do not. And finally, we need exemplary instructional programs to engage students in a cognitively complex, intellectually demanding, enriched, prestigious curriculum which validates student language and experience rather than place an emphasis on learning discrete skills and drill and practice of remedial, fragmented and simplified content.

Thank you.

[The prepared statement of Derrick Gray follows:]

STATEMENT OF DERRICK GRAY  
DROPOUT PREVENTION

The crisis in the back rows of America's public school classrooms still exists! The crisis is the undereducation of a body of students presently constituting five or eight in our classrooms, growing each year as a proportion of our educable young. Dominant in this body are the children of poverty—economically, culturally, racially, and ethnically disadvantaged. They have come to be called youth "at risk." An at-risk youth is one who has left school or is predictably in danger of leaving school without the skills to be a productive and self-reliant citizen and to succeed in today's workplace and hence, in society.

The bulk of the young people who are at risk are subjected to psychological genocide. They are robbed of self-esteem and the capacity to achieve. They are trivialized and relegated at best, to ever-decreasing job levels, and at worst to correctional institutions whose per capita cost is many times greater than the cost of effective education. They are said to be failing in school, and yet it is clear that it is we who are failing to educate them. Teachers, parents, counselors, administrators and the decision-makers of our country and of our educational system must begin to deeply identify or empathize with these rejected youth. We need to show them respect and acceptance which is essential for them to develop as socialized human beings.

Every bit of evidence we have seen goes to the conclusion that most at-risk youth can learn and will learn given patience, the proper opportunity, and the right tools. And, perhaps great expectations from a skillful teacher. It is clear to anyone who teaches at-risk young people or indeed to anyone who has looked at the problem in a more than cursory way that their needs are different from and of a greater order than those of their brothers and sisters from more fortunate backgrounds. Other needs, shared by all adolescents are often felt more by at-risk youth because they are not so readily filled at home.

Alienation from teachers and the school is a common characteristic of youth who drop out and other factors, such as being pregnant or being behind, may be overrated as predictors compared to the primary matters of students' perception of teacher interest in them and the effectiveness and fairness of school rules. In essence, for at-risk youth, who often have had little support in their lives, no single need in school would rank higher than the need for a skillful teacher with great expectations of them.

To combat the issue of high dropout, we must move toward new educational classroom strategies that will "empower" young people to become functional members of society. Improving student achievement and responsibility through building self-esteem is a great way to start! Three conclusions consistently show up in the research on self-esteem and learning:

1. If we like ourselves, we do better in all areas of our lives
2. If we feel liked by the classroom teacher, we perform better in the classroom
3. Our greatest improvement comes from positive reinforcement.

Our students do have the desire and ability to succeed in school and in life. However, they frequently do not possess the skills and know-how to make this happen. Repeated failure is frustrating and damaging to one's self-esteem. Many students make negative judgments about their self-worth, and these negative judgments will limit and shape the rest of their lives. Teachers can play an integral part in breaking this self-esteem spiral.

GANG ACTIVITIES

A gang is a valued group that provides a sense of belonging. Within a gang, there is a need to identify tasks that are generally recognized in the group as having adaptive value and that therefore earn respect when skill is acquired for coping

with the task. If one belongs to a gang, they feel a sense of worth as a person. A gang provides reliable and predictable relationships with other people, especially a few relatively close relationships.

The classroom must become transformed into a mecca of love and understanding. A place where students can feel a sense of belonging and connectedness. It has been said that students have three questions for us: Who am I? Do you care? and What can I do? Student self-esteem is enhanced when they feel unique, recognized, valued and accepted in our presence. It is essential that teachers create experiences in the classroom where students are given the opportunity to feel lovable and capable. We need to take our kids back from the gangs and instill in them a sense of identity, connection, and competence.

The community, teachers, and parents need to address gang members directly. This could be done in the form of a forum, where gang members are treated with respect and dignity or seminars can be constructed for gang members concerning the ills of society that they create. I truly feel that the average gang member wants some sort of help. Maybe a way to get out of the gang. Also, we need to train our young people to deal with situations nonviolently. Mediation training would be essential in assisting gang members or students in developing character and mental toughness as opposed to using anger and physical force to solve problems.

Culturally relevant teaching can be a deterrent of gang activities as well. Culturally appropriate responsive or compatible instruction modifies relevant cultural elements of the classroom context (e.g., making meaningful connections between the subject matter students' heritage, home language, and community experiences). In doing so, teachers must be appropriately sensitive to avoid stereotypes that impede learning and must be able to select those aspects of students' cultural background that are most critical to instructions. Effective (i.e., equitable) teachers use their knowledge of students' cultural background, they understand the role of language and culture in learning, and they understand how students learn.

As teachers, we need to find ways to translate student cultural background and experience (e.g., home language and communication styles) into strategic learning environments to enhance comprehension, higher order thinking skills, conceptual growth and language development. These teachers can also articulate why certain approaches such as collaborative learning, other modifications in participation structures, or emphasis on comprehension are effective.

#### SCHOOL VIOLENCE

If we must address the issue of school violence, we must talk about the qualities of sensitivity and respect. In most cases, school violence occurs because students feel they have no one to go to when they are threatened or bullied. If they do go to an adult on campus, they are often told to walk away or totally avoid the trouble by finding alternative routes home. It is because of this insensitivity that students bring weapons to campus for protection. We have to ensure the safety of our students when they are with us throughout the school day. How do we do this? By respecting kids and building trust within the classroom environment. By letting them know something will be done in such cases.

In conclusion, I must state that all students need parental support. The approval of caring adults—parents and others—often makes the difference between children who succeed in school and life and children who do not. Finally, we need exemplary instructional programs to engage students in a cognitively complex, intellectually demanding, enriched, prestigious curriculum which validates student language and experience rather than placing emphasis on learning discrete skills and drill and practice of remedial, fragmented, and simplified content.

Chairman KILDEE. Thank you very much. Constable Hernandez.

#### STATEMENT OF E. T. HERNANDEZ, PARENT, PHOENIX, ARIZONA

Mr. Hernandez. Congressman Kildee, welcome to the All-America City.

Chairman KILDEE. Thank you very much.

Mr. HERNANDEZ. Congressman Pastor, it is a good feeling to see you come back so quick to maybe take our problems and help solve them in Washington.

You know, the good thing about being last in line, you can only speak very little.

You know, education has been on the back burner for so many years, for so long, and then 5 or 6 years ago, I guess, we kind of woke up and found out it is a number one priority. So since, everybody has jumped and tried to restructure, tried to fix, tried to do this, and we are not going to do this in the next year or two.

Our Governor had a task force that after many hours of meetings, many discussions, many good ideas came out of it. The final thing was, no funds, no money to implement these ideas. So then the Governor and some of the other legislators said, "Money is not the answer." Let me tell you, you tell these folks, "Go down to the grocery store and get a bag of groceries without any money," it is not the answer.

Almost everything that has been said here, it takes money, it takes funds. What I see here in our local state that with the clamor for change and the clamor for restructuring, we have the people out there believing that our system is not working. And our system, indeed, is working. It might be limping and it needs support. When your car breaks down, you do not trade it in for another car; you find out what is wrong with it and fix it.

I believe this is what we ought to do with the school system. If some school districts are working well, leave them alone. Find out the districts that need help, find out the areas that need propping up and then funnel that money or whatever help is needed to those districts. Change is good, but change is not for everybody or for everything.

You know, we have some districts in our State that can afford swimming pools and padded tracks and all the goodies that money can buy. Then we have other districts that do not have money for books. I think that early intervention is really one of the main priorities that we ought to have, because this is where it all starts. We have preschoolers and when we have preschoolers, we have young parents. We can corral these young parents to stay with us, with the kids until they graduate from the eighth grade and follow on to the 12th grade.

Parent education is of the utmost importance. You know, modern technology is changing everyday at a very fast rate, yet we are not teaching this in our schools. Television, NCR's, how many parents could you teach in one evening class with just one teacher if we had a TV hook-up. We could have different classes for different areas.

Funds, you know, finally businesses these last 3 years have woken up and realized that they have an obligation also to education because they are the people that are going to be employed and they are the people that are going to run those businesses. Luckily in our district we have a combination of several. We just built a pre-school. We started with two classes, right now we have eight. In fact, we just got a grant just this year, \$150,000 grant, and we have geared up because I believe that pre-school is going to be mandated before too long. And when it does, we are ready for it.

We just built a school because we are so overcrowded and all we could afford was a K through 3. That school is working on the concept where the kindergarten, first grade through third grade are all in one class with one teacher. That teacher takes them all the way through all 3 years and they stay with her. And that is work-

ing phenomenally. The learning of the youngsters from the olders and the olders from the youngsters is just incredible.

And we are overcrowded. We have a junior high down there that is over 1,200 kids. When they get to junior high we have no other place to ship them. We need another school. We need funding. So everything we talk about, people have some real good ideas, good solutions, but when it comes to the bottom line, money. I cannot understand when the United States spends millions of dollars in advertising the armed forces, millions of dollars in advertising the post office, millions of dollars to find out how the white whale breeds and the blackbird sings and, you know, and why the swallows fly away, millions of dollars on pamphlets that are never read by anybody, but if they took it away the TV stations and all the other folks are making money off it.

All this money could be filtered into the education, or a big part of it. What is more important? Our tax structure here in Arizona is way off kilter. You know, I hate to be compared with the Japanese schools and the European schools, but we are not equal to them. It is not fair. The Japanese schools and the European schools, they do not worry about brown, black, yellow or any minorities. They do not have to worry about that. They do not have special programs. They do not worry about the special education kids or the handicapped. They do not have to worry about that.

But the law says that every trainable child will get an education, yet nobody will draw the line who is trainable and who is not. I do not believe in vouchers. Believe me, they would bankrupt the State of Arizona if we went to vouchers. I would allow vouchers to those folks that have handicapped or special needs for their kids.

Also with problem students, we do not have a place to send them. We have school suspension, but after they get to a point where we cannot keep them in class, we have to either expel them, suspend them, throw them out on the street. I believe here, in the Phoenix area, we need one school that will house seventh, eighth and through twelfth for the hard core kids, centrally located. It does not make any difference what district it is in. Send them there. That would be the last resort for that particular student, rather than to cope with these problem students in our own schools, because it is a very small percentage of the students that disrupt the majority.

But these things need funds. So the bottom line is, whatever solution is done, funds. You folks are at the driving wheel. Find out where the funds are coming from. Thank you very much, and enjoy your stay.

Chairman KILDEE. Thank you very much, Constable. I think we need a first class defense for this country and have always voted for a first class defense, but I also voted for a first class educational system. During those 12 years the defense budget was built up, no one ever said, "You cannot throw money at it." No one said, "Money will not do it; money is not the answer."

Casper Weinberger said, "Give me more money and I will give you a bigger defense. Give me more money and I will give you a bigger defense." No one has ever used that argument, "Money is not the answer for education; you cannot throw money at it," when it came to building up the Pentagon. I agree with you totally that

we really have to make an investment. In my mind, it is a capital investment in our future to put money into education.

I have supported first class defense programs. I did not vote for some of the programs, the B-2 bomber and some of those, but I also wanted a first class education. And you know, Casper Weinberger never had to have a bake sale to buy a B-2 bomber, but we have bake sales to buy computers for schools. There is something wrong when we have to have bake sales to buy computers. That should be an essential tool.

And you know, the Pentagon never had a bake sale, ever, to buy a rifle. We should treat education, certainly, as part of our national growth, as important as our national defense. I really agree that we have to make a commitment to put some dollars into what I think is human investment. I think you have made a very good point and I appreciate that.

Let me say listening to all of you and, James, listening to you, it is just interesting, the idea of self-esteem. All of you mentioned self-esteem, and I think you mentioned role models and mentors. Bill Moyers put a television program on which I recommend all of you watch some time called "All Our Children." One of you used the term, a caring adult. And Bill Moyers says that behind every child at risk who makes it is a caring adult. There is someone who intervenes and shows some care and some concern. And apparently with some of you there was someone who showed some care and you, in turn, are acting as a mentor for younger children, right, James?

That is very important because they can look up to you as a mentor. You are a young adult for them, and it is very important. If we can put together a system of mentoring where people can look up to somebody and relate to that person, I think it is very, very important. I am trying to get some bills into Congress right now on gangs and so I think this idea of self-esteem that you have been emphasizing is extremely important.

If I had to go back and try in our forum to see what we can do to assist school districts, perhaps, what is needed is to set up some kind of mentoring program, some caring adult or caring older person for the children in the lower grades. I get philosophical at times, but I will tell you, I have three children, they are all in college right now, but when I went to Washington, my children were four, five and six. Now they are 19, 20 and 21.

My youngest son, Paul, is kind of the philosopher of the family. One night I was putting him to bed when he was probably about 6 years old. After he said his formal prayers, his Our Father and his Hail Mary, then he said, "I love God. I love mommy, I love daddy. I love Laura. I love David and I love me." And that is very important, because if you respect yourself for the right reason, that every human being has dignity, if you respect yourself, you are far more likely to respect other people, their property and, indeed, their life.

If you do not really respect yourself, you can drive by and shoot somebody if you do not think human life has great dignity and great worth. I think we really have to do something to try to help people develop their self-esteem. Perhaps, this mentoring program,

expanding that in some way so that we can help people develop their self-esteem.

You know, you presented to me more of a challenge, but a challenge that comes from really quite a nice cross section right here; parent, teacher, peace officer, assistant principal, student. A challenge to go back and try to see what we can do to somehow put together a type of mentoring process to help children in need.

I have been philosophizing now. I am going to turn it over to Mr. Pastor.

Mr. PASTOR. Thank you, Mr. Chairman. Sometime this week or maybe next week, we will be asked to vote on what we are going to do with the budget. As you know, there are three line items: military, domestic and foreign. And as we now find ourselves in a situation that we are not confronting the Soviet Union or the Evil Empire any more, we have to make some basic decisions.

One of the decisions that I will vote for will be to take some of the money from the military budget and set aside that money to pay for the national deficit. I think it is very important that we do that. But to me, it is equally important, and I will be criticized for it, that we are taking some of those moneys and investing in our children. So you are right, E.T., there are good ideas, there are good alternatives, there are good programs, but they are going to take money.

I believe that it is our role in the Federal Government, using your tax money, to bring it back to you and invest in our children. The people who will be critical will say all the money should have gone to the National deficit. Well, it probably should have, but it does not do much to help our schools and our children better themselves. I can tell you that I will be there. I will be supporting the move to put money into education, because I think it is needed.

Like you say, this is an investment in the future. If we do not invest in our kids today, then we are going to have a future that may not be what we expected or desire. So that is where I will be.

It was very interesting because all of you talked about a general theme and that was self-esteem. It is my belief that self-esteem starts at home. It starts at home because if your parents do not cultivate that feeling in you, then it is very difficult. But throughout life as you do things you begin to develop and further your self-esteem. So it is very important that somehow we get our parents of our young children involved. We have babies having babies and you probably have a lot of teenagers who are parents of some of the kids that you have in pre-school.

And in many cases, I believe that those young parents, themselves, have not found their role in life. So maybe we need to work with these young parents and try to cultivate some sense of responsibility, for themselves and for their children.

I have also heard comments that somehow the self-esteem is either not furthered or that we continue to lower it when they are in the schools. I would like to get some of your thoughts on this matter. Is it the building, is it the teacher, is it the principal? I will let all of you have a chance to answer that. What happens to someone who may have a good self-esteem at home, goes to school, becomes alienated and then becomes disenfranchised and looks for gangs or other groups to relate to?

Mr. ESTRADA. There is an old African proverb. I believe it is summed up by saying, "It takes the entire community to raise a child." In the Carl Hayden Community High School area, it is going to take the entire community. We have gone through a name change purposely for that reason, is that the entire community must get involved to make a change. Therefore, Carl Hayden High School changed its name to Carl Hayden Community High School.

And in that change, there are attempts to work with parents, open school up later, bring the DES on campus once a week, bring in partnerships like CPLC, Friendly House, the social service agencies to assist us. The issue you mentioned of children having children, we have an extended school night program that we recently started. Out of 126 students, 36 students have children. The needs are greater than the programs.

There seems to be a lack of respect because they do not see the respect, I believe, in many areas and it has to be the educational institution as well as at home, grandparents, and, of course, we have to blame some of this on the media, communications. I think what they see sometimes they believe is really happening. Therefore, they have to make it real.

The issue of programs, South Mountain High School went through something many, many years ago. Carl Hayden High School also went through a renaissance for some changes. Our principal, Mr. Flores, had a vision and in that vision he asked teachers, "This is what we are doing. If you cannot do that, then you need to move out. You need to move over and bring in those who have a vision of success, of building self-esteem." I will leave it at that.

Mr. CERVANTES. Well, you know, I also think that self-esteem does start at home and in our community and, like, in our neighborhood we do not have any community centers for us to hang around, no public libraries. All we have is just a little piece of land called a park. You know, it is——

Mr. PASTOR. The turf.

Mr. CERVANTES. Yeah, it is not even a park. And you know, we have nothing there and, you know, self-esteem needs to start at home and in our community. We need to build our community to start self-esteem. And like E.T. said, the bottom line is funding. And we do not have money. Like I said, we are just a working poor neighborhood and in order to build self-esteem there, we just need those kind of things there.

Mr. PASTOR. Let me ask a question. When I was on the County Board of Supervisors, I was very active in helping Golden Gate Settlement, which I believe is in the area close by. We provided moneys for athletic equipment, boxing, et cetera. Now, was that a good investment on the part of the Board? Did you ever use it?

Mr. CERVANTES. What part of the neighborhood are you talking about, because I am from southwest Phoenix and I——

Mr. PASTOR. Oh, you're not from Golden Gate, okay.

Mr. CERVANTES. Yes.

Mr. PASTOR. Okay, fine.

Mr. ESTRADA. What has happened is that because of our district's boundaries, we have turfs in our attendance zones, and certain attendance zones do not have the same facilities as other attendance



zones. Carl Hayden High School, as you know, attends all the way down to Levine and to Thomas. In that attendance zone, we have a dump.

Mr. PASTOR. Yes, on 27th Street.

Mr. E. TRADA. We have Durango, in which we have a lot of our kids institutionalized there under the educational system. We have many warehouses, businesses, Circle K's and gas stations, very few doctors, no hospital. We have two parks. In south Phoenix the Cash—

Mr. PASTOR. Eleven Cash precinct?

Mr. ESTRADA. Yeah. And of course, then we have Falcon Park and we have been trying to work, of course, with a variety of programs there. It was a good investment, yes, to answer your question, but—

Mr. PASTOR. But it was not reaching him.

Mr. ESTRADA. Yeah. It is a great investment, however, but the hours are different there. They are not open in the evenings.

Mr. PASTOR. No, I understand. I thought he lived in west Phoenix.

Mr. CERVANTES. Also there is a bunch of cotton fields. What can you do in a cotton field?

Mr. PASTOR. No, I understand. I know where you live. I thought you lived in west Phoenix. I would agree that where you live is not served probably as adequately as other parts of Phoenix.

Let me ask another question while we are on it. What did the gang provide for you?

Mr. CERVANTES. Excuse me?

Mr. PASTOR. What did the gang provide for you as a person?

Mr. CERVANTES. It provided me popularity, you know, but you know, the fact that I have friends, someone watching my back, you know, some kind of security for myself, and kind of like a motivation to do things wrong.

Mr. PASTOR. That were probably wrong.

Chairman KILDEE. Will the gentleman yield?

Mr. PASTOR. Yes, sir.

Chairman KILDEE. James, let me ask you, how old are you, James?

Mr. CERVANTES. I am 18.

Chairman KILDEE. Eighteen, that is a great age. That is a great age. You know, Congressman Pastor just mentioned how he is going to vote next week, the same way that I am going to vote. I am going to vote to take some of that defense money and put it in education.

You know, the B-2 bomber, for example, that was designed to fly over a huge land mass undetected. Well, that land mass does not exist anymore. We could fly over Iraq in a Cessna and we do not really need a B-2 bomber for that. So I am going to vote to take some of that chunk of money and put it in education, and I will tell you why, because it really is an investment.

I look at a person like you, I do not mean to embarrass you, James, but a person like you, you are on your way now to being a contributor to society and really to put it this way, a contributor to the Treasury. You are on your way to that. Whereas, without some kind of intervention very often people are on their way drawing

from the Treasury, right, with all the cost it takes for corrections, all the cost it takes with the welfare programs. But you are on your way, I think, with your attitude right now, to being one of those who will be contributing to the Treasury.

That is why I call this human investment. That is why rather than take it all and reduce the deficit, we will take part of it for the deficit, put some into human investment, because your return is more than that to the U.S. Treasury.

Mr. CERVANTES. Also I want to add, too, with this gang problem, the media is just really making it into publicizing it real bad. I was writing to the news channels over here, the local news channels, not to publicize gang fights as much as they do because it only makes things worse. It makes them feel like, you know, they want to go home and watch themselves on the news. So they are going to go do stuff to try and get themselves on the news and that is where a lot of problems happen.

Mr. PASTOR. They are acting like actors sometimes. What happens as they go from home to school and you see some of the problems at school are the cause of low self-esteem or not developing self-esteem. I will go with you, Ms. Medina.

Ms. MEDINA. As far as self-esteem in my home, it is real high.

Mr. PASTOR. Good, glad to hear it.

Ms. MEDINA. I have an honor role student. You know, my child is an honor role student and he has been for a couple of years.

Mr. PASTOR. Good.

Ms. MEDINA. And there are times when he feels very pressured at school and I see it there a lot of times because I work there, you know, peer pressure. You know, their little term, want-to-be's, and there are a lot of want-to-be's in that school. And to me they are a bunch of little fools, that is the only thing I can think of and I can think of a few things more than that. But self-esteem at schools, the teachers need to get more involved and they need to learn a lot more. And the child, themselves, there is so many that they have to deal with and we have to understand that, too.

I do. But they need to take time. There has to be something in that school. Counseling is great, you know, but you bring in a counselor and she finally gets their trust and they are talking and their self-esteem starts getting built up. Here, they are out of there within who knows how much time. Then they are starting to get picked on again, you know. Even while they are being counseled in school, a lot of kids, they tease them. Kids are cruel. They say some very mean, evil things to each other.

And it is like some of the sixth graders there, a lot of them in the school that I work in, they are twice my size. So they think, hey, I am only a 19-year-old, 20-year-old. Well, they have a good joke coming, because I am almost twice their age. So it does not matter what I look like, I know what they are going through.

I quit school when I was in high school because of gang violence and stuff. And the last day I was there, guns were pulled out and I said, "Forget it. I am not going to sit here and this teacher is not going to say nothing because she is afraid, too." You know, and my self-esteem was like, "If I cannot get through the teacher, what the heck, I am just going to go home." I did go back to school, though. I

got my GED. I even got my diploma. I got both of them. I did not want to just stay out.

Self-esteem is one of the most important things to me with kids. I love to work with kids. You know, that is one thing I push all the time, "Do not lower yourself to the other kinds, you know, the way they think. You do not have to be." That is what they think, they have to act so mean, act cruel just to be in the game, because they do not know what self-esteem is. They do not even know the meaning of self-esteem.

A lot of parents, they have given up, too. They need to get encouraged. Their self-esteem is shot, and that is where these kids are following. We need to start getting back to these parents. We need these parents to get themselves back into this community, not just hiding behind the door, ducking in their front window, because you never know what bullet is going to come through your window or what rock.

Even kids, it is sad, it is scary. That to me is just the most important thing right now with kids and parents.

Ms. GRAY. Great, thank you for that. We all say that it starts in the home, but let us face some facts. With many of our at-risk youth whose numbers are very high, they do not get that at home. They do not get it in the home. That is one factor of at-risk youth. So let us have the schools step up, all right. Let us have teachers be more than teachers. You know, we have to be caring. We have to empower our youngsters.

You know, self-esteem curriculum is very important, all right, and it works. It is effective. It is efficient, you know. What we have done at South Mountain High School, we have become a school within a school. South is a very big high school, but we have broken that down. The main thrust of the whole South Mountain plan is that we work in cores, where 3 teachers, English, science and math teachers, that is a core. We take on 90 kids. And we father these kids.

We make phone calls. We make home visits. South has a social services link. We are cognizant of all the social ills that are out there. So the school and teachers have to step up. We have to be inspired. We have to want to work with kids and show them that this whole world can be a better place. Once they have developed certain skills they can work with people. Cooperative learning teaches so much in a classroom environment. It teaches social skills that all of us have, that business people have.

It teaches you how to work with individuals, how to cooperate. As teachers we need to model that behavior. As parents we need to model that behavior also. A school needs to step up because I certainly believe that my job stretches far more than as a dispenser of information or facts. It has to be within our hearts that we have a great job to do. That is why we are the heroes. We are the heroes of this country, because we understand what it will take to educate our young people and that is not about academics. It is about life. It is about living. It is about loving and having respect.

Let us take our kids back from the gangs. Let us give them what they do not get at home, what they do not get in the neighborhood. We can do it. Schools can do it. Give us the money to do it and we

will do it. We are doing it at South Mountain High School. We are making a difference.

So I really encourage you to look at the South Mountain High School plan.

Chairman KILDEE. Constable?

Mr. HERNANDEZ. Here again, I am the last one. You know, I am probably the only elected official that faces their constituents every day, eyeball to eyeball. And let me tell you, every place I go, I am there because there is a problem. Some of the things I have seen is unbelievable. I try to be a truant officer at the same time. Sometimes I might see a little girl, "Are you not in school?" "Yes, I go to school." "Why are you not in school today?"

Kind of embarrassingly, "Well, it was my sister's turn to wear this dress today." It is very hurting, or "I did not have any shoes." Or you might ask the little girl, "Why are you not in school?" "Well, my mamma made me stay because I have to babysit my little brothers." I mean, this is repeated over and over again. So it is very hard to try to teach these kind of kids self-esteem, very hard.

I know, I have gone into places where there will be a couple little kids eating out of a cold cereal box; knock on the door. "Come in." A woman is on one side and her boyfriend arguing with her because she did not receive the welfare check so he can go out and spend it on liquor or whatever.

How do you teach these little kids that have not got a chance to get self-esteem? Here again, we have to target them. The school has not got the personnel to send them out in flocks, to talk to the parents and Child Protective Services, it has to be almost a diehard case before they show up. The police, our hands are tied because there is no crime being committed.

So when these kids go to school, you know, they have two strikes against them already. It is hard to teach these kids self-esteem. If we could target these families, this kid is not going to school, and they send somebody down there. You know, the colleges are full of kids that are about to graduate that would be more than glad to make family visits, these people that are taking courses in social services.

And we cannot let the teacher do everything. The teacher is like everybody else, she can only do so much. You got 30, 35 kids in class and then she just cannot pay special attention to one because then she will have to leave the rest. And I do not know the answer, I really do not. All we have to do is just keep working at it.

About the Golden Gate community, I was just appointed to the board of directors. Mr. Hughes just resigned last week and I believe the only funding we have really been getting out there is through the United Way. As a matter of fact, the last board meeting I suggested that I hope you are in town and I am going to try to get the city and the State and the county involved, because I know there are moneys for gang problems, and the like, that can be funneled into it.

It is open till 6 o'clock, then it is closed. It is closed on weekends. The same with our schools, our schools are closed and they close on weekends. The schools should be the center of our communities but they cannot keep them open because of funds. And with our high

school, I say our high school because I spent many hours at Carl Hayden High School; in fact, as Mr. Estrada said, we were probably the first in the Nation to change it to a community high school. This is one of the reasons we are trying to bring in the parents mostly. Thank you.

Chairman KILDEE. Just one further question, this is a very helpful panel. I think we have gotten some insight here. James, this mentoring program you are involved in, where you are helping younger people, is that a formalized program?

Mr. CERVANTES. Well, it was put together by a principal in an elementary school and my English teacher. They just got together and decided, "You know, well, we will get some of these kids to go over there and help mentor these kids in their studies and all that." So I do not know if it is considered formal.

Chairman KILDEE. I really think it is a great program. I believe in mentoring and apparently, it is working. You are working with younger people. Maybe with my staff director here, Susan, or with Congressman Pastor, you can get us some more details on that so we can see how maybe we can help those types of programs without interfering with them. I think that would be a very good way to invest some money. You know the streets and you know how to talk to young people. You know how to caution them, what things to avoid, what the opportunities are, and I think bringing that type of mentoring into being would be a very helpful thing.

So perhaps one of my staff can get with you and get some additional information and ideas. They do not need to be all written out, just some ideas on that so we can see what we can do to help encourage mentoring at the Federal level at least.

We are going into open forum next. Mr. Pastor and I both believe and are strong believers in having everyone participate. Before this panel leaves, let me tell this panel, though, and those who will be coming up to testify, your words today are recorded forever. They are part of the Congressional Record. They are in the Archives of Congress.

They will be printed up in probably a few weeks. If you want copies of them, let us know and we will send you copies of them. You can see your testimony. They are kept in the Library of Congress. In case we are unable to keep the peace, which I hope to God we are able to keep the peace, all the archives in the United States, including the testimony given here today, copies are kept very deep in the mountains of Maryland, so 1,000 years from now historians can say you testified here and helped us make a better society.

Mr. PASTOR. You may also add that this testimony will be considered by the entire subcommittee and full committee, as we develop legislation. Your information, recommendations, and your testimony are very important to us. I would like to thank everyone for being here. I know we took time from a Saturday, but it was a Saturday well spent, so thank you very much.

Chairman KILDEE. I have to catch a plane, so if people would, they can submit written testimony and summarize in about 2 minutes. If you want you may come up to the microphone, identify yourself for the court reporter and submit written testimony. If it is voluminous it will become part of the committee file. If it is not

voluminous, it will become part of the subcommittee hearing record.

It would probably be more convenient for you if you just stand at the center podium and again, give your name and address into the microphone; try to summarize in about 2 minutes.

#### STATEMENT OF ANTHONY ABRIL, PHOENIX, ARIZONA

Mr. ABRIL. My name is Anthony Abril. As you know, Mr. Pastor, my father was a State Representative. I always carry the Arizona Revised Statutes because I feel that Arizona is badly in need of new schools in the south Phoenix area. It is always overlooked. I forgot to mention, 1109 East Hilton, south Phoenix, Phoenix, Arizona.

I am also registered with the State Capitol under Neighborhood Spirit Associations. What I wanted to discuss is that the Federal Government owes us a high school. It took away Indian School High School from the Indians, the Native Americans. Through the years, Phoenix Union High School was taken away from us, supposedly, so that the inner city would never grow again. It is growing.

We need another high school in the central city corridor. Of course, we have Mayor Paul Johnson and all the new maps that are coming out. I want to leave this so that you can use it for records. I also have two letters of Mr. Paul Johnson. He had requested in the past more schools like North High because other schools are having a lot of problems with segregation, with racial violence, with the blacks, with the Mexicans or Chicanos.

But I am requesting because south Phoenix in the past has always been overlooked. Mr. Kildee, I hope that you get to see the south Phoenix area because when Mr. Pastor was there, we lost a lot of areas. We lost south of south Phoenix, the District City Council for Calvin Good and now we are supposed to have a District Six for Kathy Debbs, which again the property values and the moneys go to so-called Paradise Valley and Scottsdale and some other district areas.

Supposedly now we have 23, Mr. Martin Lewis wants to add in the north bank of the toxic land that we do not need in District 23. So I am asking of you, Mr. Kildee and Mr. Pastor and Mr. Redondo, and staff and again, ladies and gentlemen in the audience, because see, we have a lot of projects like City of Phoenix Equal Opportunity Affirmative Action.

We have a downtown Phoenix redevelopment plan. And we have all these different booklets which, of course, cost a lot of taxpayers money in advance to the city of Phoenix. I would like to see an audit in the State capital regarding the Federal Government because we have a lot of projects going downtown, the government and all the 25-year vision. I spoke on the environment issues here a couple of months ago before the Las Vegas Ladies Directors Commission.

I feel that it is unfair that as Americans, we are taking land from them and then giving out to the Collier family for luggage or alligator shoes, who knows. But again, we need a central city high school with the elementaries, because I am also a Citizen Advisory

Council member at large for the 14 school districts of Phoenix elementary and as well as a strong activist at the State capital and the city. I know there are some bills here under Payment Bonds, State Asset Study Committee, Leaves and Forms regarding our State capital.

They are dissecting our State to the benefit of north, like, it always has been for many years, from day one because they think that, I guess, the Mexicans and the blacks are getting educated. And I, myself, we have a lot of white people, all nationalities, all kinds, and I think that if we were to build a central city high school in the north bank of the river bed, because one of the things that I was reading last night on McDonnell-Douglas that now the State and the Federal is all after this land. If McDonnell-Douglas is given free land, they are more than willing to build another aviation department.

One of the areas that really has to be looked into is aviation. It was the employees of America West and I think under the Congress and the United States of America, I think it is time that Arizona gets its deserved issues and at the same time schooling, because we always are segregated. I do not like the word at risk. I do not like the fact of minority, period, because it sounds like they are minus something. At risk that means something is wrong with you.

I think it is wrong to label any students. It is only right that they get the proper education. The moneys are here. They need to audit the NASA. They need to audit the aviation, all these programs, because you hear back east these States get flooding. I do not see how come they cannot dig a hole, enough water to fall in that big a hole. Because I think this flood district and all these issues going on and in Arizona, "I am sorry, we cannot give you any money because of the Federal Government, the welfare programs."

I think an audit on Social Security has to be looked into very thoroughly. I am sorry if I sound too abrupt and rude. I do not mean to be that way. I am leaving you all this information that I have here, that I have collected. And as far as, ladies and gentlemen, tomorrow at the City of Phoenix City Council that are having on the anti-discrimination at 2 to 3 o'clock so if anybody in the audience and yourselves, gentlemen, since you are congressmen and director, I do not know your name, and Mr. Redondo, if you would like to come down to the City Council, I would appreciate it because I have been, myself, to Jerusalem, Bethlehem. I have seen the discrimination everywhere in parts of the world myself, in Rome, Italy, France, Switzerland and it just makes me appalled to see that these kids, they are trying the best they can, but again, our city council, our State level, our Federal level—like Mr. Pastor was talking about Golden Gate.

Sure, Golden Gate was supposed to be given moneys to rehabilitate the community. Sky Harbor Center under the leases—under the Sky Harbor Aviation have withheld that money, designated certain areas regarding to Sky Harbor Center and now we, in the community, are left dormant with this blight of land through BankAmerica. Okay, time is up.

Chairman KILDEE. Thank you very much.

Mr. ABRIL. Okay, so again, Anthony Abril, and I am leaving you all this information so you congressmen can look into it, okay?

Chairman KILDEE. All right, and that will be made part of the subcommittee file.

Chairman KILDEE. Thank you very much. Anyone? Yes, please.

Mr. ABRIL. And I hope you do it in good faith.

**STATEMENT OF EUGENE BRESSARD, DIRECTOR, FRIENDLY HOUSE, PHOENIX, ARIZONA**

Mr. BRESSARD. My name is Eugene Bressard, and I am the director of the Friendly House, an agency that began in 1920 to help immigrants, and we are still in operation after 72 years. Congressman Pastor was on our board of directors some time ago.

I am here to urge you, when you consider legislation, that you make the rules such that school districts have some facility to use community based organizations. The National Council Arressa, of which we are an affiliate, has started a project, an initiative, to assist Hispanics who are probably the group, the ethnic group, that is most at risk and is experiencing the highest dropout rate among ethnic minorities.

This initiative began in the early 1980's and has had a big impact in redressing that problem. And I think that the legislation that you will be enacting in the future should keep in mind that there needs to be a partnership. The schools cannot do it alone. There needs to be others. And the community based organizations have long histories of working with parents, with promoting ethnic cultural values, that cannot be duplicated by a school district.

So if we can join hands with them, and we have done that here in Phoenix with Phoenix Elementary Number 1, with Phoenix Union High School District, and this has come for the benefit of the community. So I would urge the committee to make the legislation such that it is easy for school districts to reach out to us and I think it will be very helpful. Thank you.

Chairman KILDEE. You give us a good idea on what to put in as an allowable activity. Thank you very much, Gene.

**STATEMENT OF JUDY MULLER, TEACHER, SOUTH MOUNTAIN HIGH SCHOOL, PHOENIX, ARIZONA**

Ms. MULLER. Good afternoon. My name is Judy Muller. My address is 3415 East Tierra Way. And even though I am a teacher, I always get really scared when I talk to somebody else. So if my voice shakes, please forgive me.

First of all, you were asking what could the government do for us as educators, and I would like to say one thing: that this is my fourth year of teaching, and I discovered as much as I have enjoyed teaching that there is too much paperwork. And whatever you do, please, do not give us more paperwork to have to document.

It seems to us as though often the documentation is more important than the contact with students, and we know that is not true.

Mr. PASTOR. Could you elaborate on the type of paperwork?

Ms. MULLER. Well, I really cannot say that I know for sure which governmental entities, I suppose the State government for example, in documenting attendance, for example. It is pretty extensive,



documenting contact with students. When the young man was talking about how his English teacher had sat down and counseled him, I thought to myself, I bet he had to write a report on that, and I am not kidding.

Chairman KILDEE. I do get complaints from time to time on the school lunch. Very often, the classroom teacher is involved sometime in the determination of who is qualified for school lunch.

Ms. MULLER. I teach in the high school, so I am not involved in that. You discussed self-esteem, and I often sit and talk with my fellow teachers about our students and, you know, how they learn and what things work and what things do not. And recently we were talking about self-esteem and saying that we felt strongly that students gain self-esteem through achievement in the classes. And I think that is sometimes overlooked.

I do think that we need to reward our students for academic achievement more than we do. We reward them for many things and things that are deserving of reward, but I believe academic achievement is sometimes sort of just taken for granted.

Students come to us in high school, and I happen to work, this is just by coincidence, at South Mountain High School with Derrick Gray, who as you can imagine is a wonderful motivator of students. They come to us at South Mountain, very often, with very poor basic skills. And one of the things I would do if I were the king of education is put more money into the grade schools and have very small classes in the grade schools so that those students, particularly the at-risk students, could be taught individually until they were able to achieve the basic skills necessary to go on into the higher grades. That is one thing I would do.

Recently, I read of keeping things in context, even for adult learners, much less for children. For example, one study indicates that university physics students were able to solve test problems in their classes, were unable to apply those concepts to actual situations once they left the university. As a teacher of business classes at South Mountain High School, preparing my students to participate in the real world, and I regard that as my major mission, is preparing my students to make the transition between high school and whatever comes after high school, I find that my students are more willing and better able to learn while they are dealing with realistic problems.

I bring speakers into the class. I take my students on field trips—more paperwork, by the way. I do everything I can to make them aware of how their high school relates to the real world so that they will not feel that they will not be able to do it. I would encourage our educational leaders to consider a stronger working relationship between the academic area in education and vocational education.

Since I am a vocational educator, I see how much we apply academics in our subjects and how well the students, how well they will do in using math, for example, in trying to figure out—recently, we were working on loan applications, teaching them how to do loan applications at a bank. They had a lot of math to do in that. And so, you see, by integrating those two, I felt that not only was I teaching them something about the real world, but I was teaching them math as well, and I am not a math teacher by any means.

But you know, I have to do those things myself and I was just helping them to do it and realizing that academics are very much involved in vocational education.

A recent article I read in People Magazine talking about a woman who was dealing with very hard core dropout students with computers, teaching them all the academic subjects on computers and how successful it was. And so in funding, I would like to see more funding towards the integration of academic and vocational education. I think that that would answer a lot of problems with the students who do not feel very much motivation to learn what they need to learn in high school.

That is all I have to say. Thank you very much.

Chairman KILDEE. Thank you very much.

**STATEMENT OF RONALD MOHAMMED, SUBSTITUTE TEACHER,  
PHOENIX, ARIZONA**

Mr. MOHAMMED. My name is Ronald Mohammed and I live at 8020 South Central, Apartment 2052.

I first have to thank God to be in attendance such as this because I think it can really serve in a concrete nature. I came just as a friend of Derrick Gray's. I am a substitute teacher at South Mountain High School. I have been subbing there for about a month. He has inspired me to want to become a full-time teacher, and the thing I want to add that connects my brothers is the fact that I think the success that he is having at South Mountain High School is the fact that he is a true product of his environment in which he is teaching in.

He is from Chicago, but he was raised in what is known as the projects, which was a governmental task to improve housing, but we know it failed. But he is a product of that environment to show that when the proper impetus of the individual is applied to tackle the problem, then the problem can be solved. That if we truly want to solve the problem of education, that we have to make other education relevant and relative to the individuals that we are trying to educate.

Malcolm X, Malcolm Little before he became Malcolm X, went through a great transformation. Cassius Clay. Mohammed Ali, went through a great transformation. Louis Wolcott, Louis Farakan, went through a great transformation. These great transformations have to be seen as only model and motive of operation. They learned a knowledge of who they really are. And they took that knowledge of who they are and began to apply it to the environment.

And so what I am trying to say is that if you want to help to change education for the inner city youth, allow the black professional bookwriters, the Hispanic professional bookwriters, the Indian professional bookwriters, to get together with Congress and draw up the proper curriculum that will be relative and relevant to the particular impetus and inspiration you want to come out of the youth.

Because if you continue to try to teach them about Dick and Jane, if you continue to try to teach them about Spot, I think you know you are going to lose them before you even get started. So I

have to emphasize that if this is what you want to do, then allow these wise sages of these community environments—Phoenix is a great community. It is a great cosmopolitan, a great melting pot, but as individuals become a member of the melting pot, do not ask them to disrobe themselves of that which made them the individuals that they are.

Ask them to give you the root of what is a part of their background to help bring us all into what the true meaning of a rainbow we can be when we emphasize the true meaning of color knowing what the true identity of an individual, what he has to offer. And so that is all I wanted to offer. Let us just allow those individuals that are qualified to come forth with their qualifications.

Chairman KILDEE. Thank you very much.

Mr. PASTOR. Is Dick and Jane still around?

Mr. MOHAMMED. It is around.

#### STATEMENT OF JACK LUNSFORD, PHOENIX, ARIZONA

Mr. LUNSFORD. Chairman Kildee and Congressman Pastor, I thank you for holding this hearing today in Phoenix and for the opportunity to speak to you. My name is Jack W. Lunsford, 9642 North 9th Street in Phoenix and I am speaking today on my own behalf, but by way of introduction, let me tell you that I serve as a three-time appointee to the Arizona State Council on Vocational Education. I recently have been appointed by Governor Symington to chair the Arizona Post-Secondary Education Commission and I am currently Director of Government Relations for the Maricopa Community College District, the second largest district in the United States.

As you can see, I am intensely interested in and involved in and care a great deal about education, both vocationally and advocationally. And if there is a double entendre in there, it is okay. I came to listen today, not necessarily to testify. However, after hearing nearly all of today's testimony and comments I was compelled to make some personal observations and comments and possibly from a broader perspective.

First, an observation: Business is a key sector calling for educational reform, but where is business today? Business needs to be here and in rooms like this and forums like that, not only to provide input but, more importantly, to listen to the problems of educators, parents and students as we face the delivery of education.

Second, some comments: Although Congress has a variety of committees and subcommittees with oversight of education and training programs, Congress must move toward a singular view. Education is cross-jurisdictional. We are no longer in the traditional mode of basic elementary education, secondary education and post-secondary education and training. Education is a continuum. Lifelong learning is no longer a buzz phrase. It is a necessity; in fact, it is a requirement.

Not trying to be redundant with what Ms. Muller said earlier, let me talk further about the separation between academic and vocational education. Although not in thinking or association but in definite practice the separation is narrowing but many still continue to separate them. Why is a computer course in the high school

vocational education but a computer used in analyzing the results of a chemistry experiment academic?

Why is a typing class considered vocational but using a computer in an English class academic? Why is the math and physics used in an electronics course treated as part of a vocational course but when they are offered in a traditional offering they are academic? On the other hand, if we are going to continue this separation, why cannot we consider delivering academic courses in the same manner we deliver vocational ones, on a competency basis?

And as an aside, Mr. Chairman, I would like to reflect the Chairman of the House Education Committee in Arizona, Jim Greene, once mentioned in this discussion, he said, "You know if I am studying to be a brain surgeon, is this not vocational education?"

Lastly, Mr. Chairman, I want to comment on your question earlier just briefly about social services and education. I think that was well addressed but one thing that I think needs to be added for consideration ultimately is the importance of having our professionals, our educators, having some sort of backup. As opposed to paying a \$30,000 teacher to do lunch duty, I think we need, as a society, to begin looking at this more creatively.

As Congress moves forward in revising and setting a new national education policy with emphasis on policy, not mandates, I would urge cross-committee, cross-jurisdictional efforts, focusing on education as a lifelong process with the concept becoming the driving mechanism for policy. I also urge leadership on the part of Congress in recognizing and promoting alternative and non-traditional delivery of education services, i.e., technology, possibly by using the adaptations from vocational education which is used to provide for its own survival, as a cost effective means of providing equal access to all citizens.

I would be happy to answer any questions.

Chairman KILDEE. Thank you very much. We appreciate your testimony. It is good to meet a fellow educator. Any other person who wishes to testify?

[The prepared statement of Jack W. Lunsford follows:]

#### STATEMENT OF JACK W. LUNSFORD

Chairman Kildee and Congressman Pastor. Thank you for holding this hearing today and for the opportunity to speak to you. My name is Jack W. Lunsford, 9642 N. 19th Street, Phoenix, Arizona, and I am speaking today on my own behalf. But by way of introduction let me tell you that I serve as a three-time appointee to the Arizona State Council on Vocational Education, I have recently been appointed by Governor Symington to Chair the Arizona Commission on Postsecondary Education, and I am currently Director of Government Relations for the Maricopa Community College District. As you can see, I am intensely interested and involved in and care about all sectors of education, vocationally and avocationally.

I came to listen today, not necessarily to testify. However, after hearing nearly all of today's testimony and comments, I was compelled to make some personal observations and comments from perhaps a broader perspective.

First, an observation. Business is a key sector calling for educational reform, but where is business today? Business needs to be here, not only to provide input, but *more importantly* to listen to the problems educators, students and parents face daily.

Second, some comments. Although Congress has a variety of committees and sub-committees with oversight of education and training programs, Congress must move toward a singular view—education is cross-jurisdictional. We are no longer in the traditional mode of basic elementary education, secondary education, and postsec-

ondary education and training delivery. Education is a continuum—life-long learning is no longer a buzz phrase, it is a necessity, in fact a requirement.

Further, the separation between academic and vocational education—although not in thinking or association but definitely in practice—the separation is narrowing, but many still continue to separate them. Why is a computer course in high school vocational education but a computer used in analyzing the results of a chemistry experiment academic? Why is a typing class considered vocational, but using a computer in an English class academic? Why is the math and physics used in an electronics course treated as part of a vocational course, but when they are offered in a traditional offering academic? On the other hand, why can we not deliver academic courses—if we insist on continued separation—on a competency basis like we do vocational courses?

As an aside, I mention that Jim Greene, former Chair of the Arizona House Education Committee, often asked that “if someone is studying to be a brain surgeon are they not studying vocational education?”

Lastly, a comment on the Chairman’s question earlier on social services and educational delivery. Staff support, although perceived as costly, is necessary and actually cost effective. As an example, it makes no sense to be paying teachers \$30,000 annually and still have them on lunch duty. This time could be better used for planning and preparation, while paraprofessionals are providing student supervision. In closing, as Congress moves forward in revising and setting a new national education policy—with emphasis on policy not mandate—I would urge cross-committee, cross-jurisdictional efforts focusing on education as a life-long process, with the *concept becoming the driving mechanism for policy*. I also urge leadership on the part of Congress in recognizing and promoting alternative and non-traditional delivery of education services through technology, possibly by implementing the adaptations from vocational education—used for its survival—as a cost effective means of providing equal access to all citizens.

Thank you, and I would be happy to address any questions.

#### STATEMENT OF BETTY THOMPSON, PHOENIX, ARIZONA

Ms. THOMPSON. Yes. I am Betty Thompson of 339 East Monte Way. I really had not planned to make this talk, but I think I had better.

After working 25 years with a Fortune 500 company, I was laid off. I wanted retraining. After being laid off, I could draw my unemployment, which means I could not go to school and once I got into JTPA, which is the Job Training Placement Act, they would train me for a short vocational training, but I wanted a higher education.

The problem is that there are no funds or no plans for reentry students to have any type of training beyond vocational training. And that is my problem. I would like for the Congressmen and you, Mr. Kildee, to look into that area of education. You will probably start finding that there are more and more people that are unemployed and want a higher education and want to be retrained. And there are no funds.

I had to go out and beg for scholarships. It is just lucky that I have such high persistence that I found some scholarships to pay for my tuition, but I have no funds for gas and food, you know, back and forth. I am having to go into the little money that I had saved when I worked those 25 years for retraining. I really want a higher education, but there are just no funds or anything for higher education for reentry students or for people that have worked years and are unemployed.

Also because I am married, that has handicapped me. Because I am married, I cannot get this fund or I mean, when I was working I was paying all kinds of taxes. I paid taxes when I was working, and I want to be retrained so that I can go back and work.

Chairman KILDEE. I think you have made an excellent point, and I know Mr. Pastor and I will be sharing that with the chairman of the full committee, who is also chairman of the postsecondary committee, because I do think that very often we do give some dollars for quote "vocation education," and the gentleman who spoke before you made some good points there, but not for those other areas that are open doors for you, too, for opportunity.

So I think Mr. Pastor and I will share that with Mr. Bill Ford, who is chairman of the full committee and also chairman of the postsecondary. So we appreciate your testimony.

Ms. THOMPSON. Thank you so much. I appreciate it.

Mr. PASTOR. Let me make one more comment. And Chairman Kildee and myself were supporters of the notion that Pell grants should be entitlements, which basically means that if a person wanted to retrain themselves, seek a higher education or increase their opportunities through higher education, that we should provide assistance to those men and women.

And it is with regret that I tell you that yesterday we were told that we will not have Pell grants as entitlements. And I think it is the worst public policy this country could have. If people want to educate themselves, whether they graduate from high school and want to go to a vocational school or want to go to a community college or to a university, we should invest in that person's education.

And because the threats of veto from an administration who claims to be pro-education and because there are some people that do not want to invest in education, we took away and will take away that provision. But hopefully, as you exercise your political responsibility, that you make your representatives and your President know that you give education a high priority and that we should do as much as we can to make sure that everyone in this country is educated.

Chairman KILDEE. And again, the money that we would have spent for your education clearly would have been a human investment. And I think we have to do more capital investment and our best capital in this country is investing in our own people. I really appreciate you are a person with a name, not just a number out there now and I appreciate you testifying.

Ms. THOMPSON. Thanks for listening to me.

Chairman KILDEE. Anyone else? Sir, come forward.

#### STATEMENT OF JOHN PIZZI, GLENDALE, ARIZONA

Ms. PIZZI. My name is John Pizzi and I am from Glendale, Arizona. And I want to thank you for the opportunity to speak to you briefly.

I would like to say that I think it is kind of sad that most of the three panels that we had here today are gone except for, I think, Mr. Gray, who I see back there. I think it is a little unfortunate they have their say and then they do not hang around to see what we have to say about what they said.

What I heard mostly was a bunch of people whining and putting their hands out for money. And I do not deny that funding is the basis of a lot of problems, but I did not hear a whole lot of solutions offered up. There were some good ideas. Mr. Garcia was talking

about the State standards and making competency-based testing more in line than what we have been doing in the past. I think that is good.

Mr. Hernandez's comment about the school should be the focus of the community and the school should be open late hours and all that to encompass a lot of activities, that is good, too. And I think that would be going back to basics and going back maybe 50 years in time, which I think would be good.

But the major problem here is that some people did a very good job of dancing around the issue and not attacking it is the fact that the family unit in this country is dysfunctional in great part, and that is not education's problem. That is a cultural problem and it goes for every color that you want to talk about. It is a cultural problem. It is their own problem. They need to get together and they need to realize that and make an effort as a culture to try to solve their own problems.

And until they do that, they can place the blame everywhere. Today it would be here, because this is an education committee meeting. Next week it will be some other committee, and they will place the blame there. The blame lies with the people themselves, and until the people can, you know, admit fault and say, "We need to get together and work together," it is not going to change.

Sticking their hand out and saying, "I want more money for education" is not the solution. But I noticed, and it was not on the gentleman before me got up here, you say it is a subcommittee on elementary, secondary and vocational education, if there is anything that you can do in your power, it is to get rid of these academicians that insist on putting every kid through college and insisting that every kid have a degree, because not every kid is going to go to college and not every kid is going to have a degree.

Somebody has got to make sheet metal to make ductwork. Somebody has to fix cars. You just cannot make every square peg fit in a round hole. And the theories behind vocational education, the instruction methods, that is the direction that this country needs to go in. We need to mix academic training and vocational education training. We need to get rid of the name vocational education. It, I think, has got a bad connotation to it.

We need to unite the two. Vocational education is the only one that is really successful, and we need to train young kids to get ready for life and then make secondary training available to them. There is nothing wrong with getting a college degree when you are 45 years old, but we do not need to shove it down their throat, that they got to have it by the time they are 22. We need to get some of those kids ready and out into the job market, because they may have to support their family to some extent by getting a job.

Let us give them a skill that they can make some use of and then let us support them after they have mastered that skill to go further and further and further and continue to build. But these academicians that are running our universities and our State education systems insisting that we make kids get a degree are wrong.

And I would like to see you influence that in some way if you could. Thank you very much.

Mr. PASTOR. Thank you.

Chairman KILDEE. Thank you, John.

## STATEMENT OF A PARTICIPANT, PHOENIX, ARIZONA

A PARTICIPANT. Chairman Kildee and Congressman Pastor, thank you for the opportunity to speak. It is good to see you again, Congressman. I really had not planned to say anything today. I did come as an observer but I do have a couple comments I want to make.

I am a provider of vocational education and I own two trade schools. And I call them trade schools. We train people on how to repair electronic devices, drafting and the allied health areas. And I am concerned with the bill that is before your committee on which you will be voting this coming week and a couple of aspects of that in particular. And I wanted to take the opportunity to just make a couple points.

There is a couple particular aspects of it and one of them relates to branching and a provision that would preclude Title IV funding from schools when they branch until they have been in business 2 years. I opened up a branch school here, the Bryman School, 2 years ago and it has been a very successful school, providing a couple programs that are not available any other place in this area.

I am in the process of opening up another school in Sacramento on a branch basis. I would like the opportunity to do that in the Sacramento area because there are two programs that I can provide there that are not offered. And if Title IV funding is precluded from opening those schools, you know, it will not make it possible for me to do that.

I think there is a feeling on some people's part that the Title IV funding is a special benefit to a school owner. And it is not. It really only goes along with the students that come to the school. So the school owner is still taking the risk of opening a school, but we need that kind of branching opportunity in order to continue to provide continual growth opportunities in the educational area.

The other area relates to clock and credit hour. There is provision now that would preclude the measuring and credit hours programs under 2 years. I think that is unfair, and I think that that will hinder our students' ability to obtain funds. And I would like you to take a hard look at that, if you could, when you are looking at reauthorization.

Chairman KILDEE. Thank you. I think there will be a great deal of discussion in both those areas, particularly the last one. I know the 600 hours I think they have set and I know there are certain in-home nursing courses that are much less than that and they could not be compensated for under that 600-hours. So I am sure there will be a vigorous debate on the floor on that one.

Mr. PASTOR. One of the problems is that the Higher Education Act seems to have gone basically to the concerns the previous speaker had, that for whatever reason we do not want to recognize that there are young men and women who, because of their own personal desire or ability, would want to go to a school that provides a trade for them, whether it be electronics, whether it be computers, or whatever it may be.

And we need to recognize that in this country there are schools of quality that provide education so that a young man or woman



can come out with a skill or a trade. And I guess some of the stories we have been told where you have the fly-by-nights, obviously, many of those are now gone, but we need to continue to insure that those schools are not taking advantage of programs that we have available, whether it be student loans or other programs.

We have to recognize that there is a place in this country for community colleges, for trade schools, as well as universities and colleges. And somehow we need to come back to that balance to say that we need to insure there is variety, so that all our young men and women can meet their maximum abilities through their choice of schooling.

A PARTICIPANT. Well, it is good to hear you say that, and I know from our prior conversation that it is your thinking. It is the old saying, "throwing out the baby with the bath water" routine here. And certainly there have been abuses, certainly there are still abuses that have to be addressed, but if we can take care of that via good, hard oversight on the part of the accrediting agencies and the Department of Education, who has yet to do as good a job as they should be doing. We are just going to preclude programs or preclude people from being able to measure on this credit hour basis as opposed to clock hours, just so we can limit funds.

If we do that, the students will suffer. And those of us who are able to provide meaningful excellent education will be hampered, let there be no doubt. Voting with these kinds of thoughts in mind when the bill comes to the floor next week, would really be appreciated.

I might also just mention one other thing that I think is really important and it is in the area of bonding. I do not think the area of bonding has been really understood, and I am still hearing comments from people who should know better what this means in terms of the financial impact on schools that may have to provide onerous bonding. It could be really devastating. So again, we cannot have people taking advantage of Title IV funding and possibly have some limits on bonding or some type of financial capability, is what I say. And that is all I have to say.

I thank you so much for your time.

Mr. PASTOR. Thank you very much.

Chairman KILDEE. Thank you.

#### STATEMENT OF SUSAN SHEPHERD, PARENT, GLENDALE, ARIZONA

Ms. SHEPHERD. My name is Susan Shepherd. I live at 7002 West Grovers Avenue in Glendale. I am a parent of a third grader and a fourth grader in one of the local school districts.

I just wanted to, on a personal level, address some of the issues that you have already spoken of. I came down here to gather information on a more broad spectrum. I was told that the type of problems we are facing in education, I have been told by so many that the only way to approach those things is in a broad manner. Now that I have been down here, I see, too, that a lot of people have that perspective but because you are from the belt, as you called it, perhaps some personal insight on what we have seen ourselves in dealing with the problems that have come progressively with our

own experiences in school would help you further understand how to combat the problem that you were empowered in a way to do.

Personally, I have experienced the inequity in funding in our school district, but I want to mention that it is not just the poor and it is not just the urban that are affected. There are certain groups that are falling through the cracks. The school that my children attend is one of them. We are in a good neighborhood, but we happen to be in a neighborhood that is very quickly growing.

The overpopulation has a devastating effect on funding. We are in a school that is at capacity and there is no funding to take care of next year. The school my children attend, and it is an elementary school, has not a single extra classroom for next year. And yet, because we are in a fast developing area in northwest Phoenix, we are expecting 70, and we, as parents, anticipate it more than likely to be 150 or possibly 200 students. We do not have the facilities to take care of those students.

There have been some creative thoughts on how to take care of the problem, re-bordering, bring in a module and take care of that sort of thing, but it is always too little, too late. We are not allowed the body count until the bodies are there and then you are in a crisis situation. It is too late. You have children who are at risk or children who should be doing better than they are and they are coping with the overcrowding because we have not been able to anticipate well enough.

The school that my children go to, the cafeteria already is having difficulty feeding that number of students. If we get an increase in population next year, we are probably going to start feeding children lunch at 10:30 in the morning or we will have to extend the school day. And I do not accept double sessions as an answer to the problem. That is a bandaid that just escalates the problem later, because my children need to be in school full time, not in an abbreviated period of time.

The overcrowding affects children at risk even more so. And again, we are talking about at-risk children for the most part here, the poor, or people who live in urban areas or minorities. I have two very different children. They are so unique. My third grader is an at-risk child. He has a learning disability. Learning disabilities and handicaps, challenges of all sorts, are not bordered by your economic situation or your race.

My third grader, because we do not qualify—my school does not have the Chapter 1 situation and we do not have Head Start in my school; my third grader is falling through the cracks. I have had to subsidize his education by hiring a tutor in the summer. We, up until this year, did not have tutoring programs. There are some summer school programs, but, because he has special needs, it is really hard to find the educator that is going to match his needs and understands the modality of how he learns to teach him.

And I refuse to put him in a summer school and have him with someone that is a mismatch. It would be a waste of his time; it is frustrating to him and makes him even more at risk because he is apt to give up, he is apt to quit. And I do not want to harm his willingness to continue to be educated at this time.

Another thing that we see happening along with this growth is we are building schools, we are adding modules to them, we do not

even have enough buses to take care of our children to get them to and from where they need to go. They are leaving school at a different time and coming home at a different time. My third and fourth graders come home on a staggered basis.

Finally, I agree that educators need in-servicing and continued education. I wholeheartedly support possibly even more stringent requirements in their general education degree as far as having teachers learn the different modalities, different ways that students learn. There is a sore lack of teachers who are able to teach a child in more than one form. You have your auditory learners, your sensory learners, your children who learn better visually. And too many of them focus in—or maybe there is just not enough time, too much focus on just one mode of learning and then you are leaving so many out.

I would hope that in-service workshops would be provided for teachers who already have their degrees on these different modalities. I fully support the school becoming a neighborhood draw for the community. I believe that the school is a tool. It is a mass tool that we can easily use. Let us use it. Let it be the draw for the neighborhood. Have workshops on self-esteem with parents, educators and the children.

The only thing I can think of that would be better—as an effective tool is television or Nintendo. You know, use the advertisements in the spots. I would hope that some of these in-service workshops would have funding and allow the parents to come and to be involved also and encourage parent involvement. Thank you.

Mr. PASTOR. Before you leave, it was brought up earlier, and I am on the subcommittee that deals with select education. And right now, we are dealing with the reauthorization of education opportunities for deaf children, and deaf/blind children. One of the concepts that has been discussed at the committee level, and it was brought up today, is that perhaps a solution is that we allow students with particular handicaps, and because we are talking about deaf children, that we allow a voucher so that that child could go to a school that has the resources and the teachers that can provide a better education opportunity.

That will be something that will be discussed at the subcommittee level on a voucher system for children with particular handicaps to be able to go to schools that have the resources and the trained personnel so that they get a better education.

Ms. SHEPHERD. That would be very helpful.

Mr. PASTOR. It is something that we may be looking at.

Ms. SHEPHERD. Thank you.

Chairman KILDEE. Anyone else who wishes to testify before the subcommittee? Mr. Pastor, do you have a closing statement?

Mr. PASTOR. No, Mr. Chairman. I want to thank all the panelists and the people who came out on this Saturday morning and now afternoon to be with us. I would especially like to thank the distinguished Chairman of the subcommittee. He came from his home town. He did not go home this weekend to be with us, and we are in the middle of reauthorization of many educational bills and it was very important that you were with us today. And let us give Chairman Kildee a round of applause to show our appreciation.

[Applause]

Chairman KILDEE. Thank you. It was worth the trip to Arizona. It was very enlightening, very helpful. I think it enlightened our minds and also strengthened our will to do what is right in education. We appreciate that very much.

What the chair will do is the Chair will keep the record open for 2 additional weeks for inclusion of any additional testimony. And with that, this committee will stand adjourned.

[Whereupon, at 1:35 p.m. the subcommittee was adjourned.]

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