

Boston Bar Association

May 25, 2010

“Law Day”

Dr. Carol R. Johnson

Superintendent, Boston Public Schools

Good evening and thank you for inviting me to join you for this annual celebration. I want to especially acknowledge your president, John Regan, and the chairs for inviting me to this evening's event and for their leadership. Thank you for the many opportunities you have given our students in the Boston Public Schools to see the connections between their school work and the many career opportunities that exist for them. Because of your efforts, I am confident that our students better understand the values and protections of citizenship that are fundamental to our democracy. (Let me also acknowledge a few people whom I work with on a day to day basis - City of Boston General Counsel Bill Sinnott, attorney Ali Ocasio and her team, attorney Virginia Tisei, and attorney Brendan Greene). We are so very grateful to all of you for your contributions to our schools and specifically to our students.

For over 35 years, the Boston Bar Association has sought opportunities to connect the dots between your expertise and the needs of our students and staff. For almost 25 years, Law Day in the schools, which by the way, continues to grow strong, has brought the legal community directly into our schools. This year, May 4, 5, and 6, some 75+ attorneys walked into our classrooms in Roxbury and East Boston, in Jamaica Plain and West Roxbury and in elementary, middle, high, and alternative schools. New Mission High School AP Government teacher, Tore Kapstad, emailed us to say how much students enjoyed their time with Attorneys Karen Gray and Kenneth Reich, who led students through a case study involving freedom of speech on Facebook. You may never know the impact a single visit will have on one of our students who were inspired by you to later choose the legal professional. Since 1993, you have helped contribute to Mayor Menino's summer jobs program, by opening your doors so that our students

would have a first-hand career experience over the summer. For many of these students, who are first generation college goers, or even first generation in our nation, you have opened their eyes, their minds and their aspirations to a world beyond the existence they know. You clearly don't have to do this - you do so because you care.

Because of your efforts, great partnerships have existed between Dorchester Academy, English High School, and Boston Latin Academy, and in 2005, in partnership with the U.S. Bankruptcy Court, we kicked off what is now known as the M. Ellen Carpenter Financial Literacy Program for teens, a program that prepares our students to make good fiscal choices. Discovering Justice is currently taught in 200 elementary classrooms and teaches social studies, history and civic values through high quality children's literature. Throughout the Greater Boston area, Stand-Up for your Rights and Discovering the Bill of Rights give middle school students a hands-on interactive learning experience about the Bill of Rights and constitutional law in a real courtroom. The confidence, critical thinking, writing, and public speaking skills developed while preparing cases for mock trial, are skills that our students will value and use for a lifetime. Although we were disappointed that former U.S. Magistrate Judge Joyce London Alexander decided to retire last year, we were extremely pleased that Discovering Justice has adopted her program, The Kids, Courts and Citizenship, a program that brings 5th grade students into the Moakley U.S. Courthouse to participate in a courtroom proceeding. These programs annually introduce our students to a civics education that can't be captured solely in our textbooks. We deeply appreciate and thank you for your generous gift of time and knowledge and we hope that these efforts will expand and increase as we move forward.

Tonight, I am reminded that throughout our nation's history, the work that you do and the work we carry out on a day-to-day basis has often intersected. So tonight, I'd like to say a little bit about how we got to this place, tell you how we are changing to create the kinds of schools that most of you attended and that each of you would choose for your own child - and then finally, I hope to end with a few thoughts about how together we can be the change we want to see for all of our community's children. Our collective

work in Boston is all the more significant because Boston's history begins our nation's history and our nation's pursuit of educational opportunity for all of its children began with the first school - Boston Latin School, founded in 1635, and who this year celebrates its 375th anniversary. BLS was followed in 1647 by a decree that every town in the Commonwealth of 50 families or more should have an elementary school and every town of 100 families should establish a "Latin School." The Mather elementary school opened in 1639, the English high school in 1821; and yet the universal free public education system that is a ubiquitous part of the fabric of our American democracy and the one we know today is one that has been sacrificed for and fought for.

In the early 1800s, Horace Mann, a former railroad and canal builder, became Massachusetts' first secretary of education. He traveled across the Commonwealth to visit schools. He observed great inequities in schools, in school facilities and in educational opportunities across the Commonwealth. After convening a series of town hall meetings, he proposed a "common school" funded with tax dollars to offer students a free education. Horace Mann said "Education then, beyond all other devices of human origin, is the great equalizer of the conditions of men, the balance-wheel of the social machinery." Some of you probably know this history better than I do, but as early as 1787, Black leaders petitioned the Massachusetts legislature for equal school facilities, and in 1808 the first school for African Americans opened. In 1852, the Massachusetts Legislature passed one of the first laws to ensure that the children of poor immigrants were educated and that conditions for children were improved. And while we all reference the first federal desegregation case of 1954, *Brown vs. Topeka*, the first state desegregation case in this nation was initiated by Benjamin Roberts, who sued the Boston School Committee in 1849 for denying his five year-old daughter, Sarah, admission to an all-white Boston School. At that time, Boston had about 160 "primary schools" for students ages 4 to 7, two of which were designated by the school committee for the "exclusive instruction of colored children" and the rest to the exclusive instruction of white children. Mr. Roberts submitted an application to the school committee for his daughter to attend one of the all-white schools because it was closest

to home. The school committee denied the request based on a resolution they passed stating that “the continuance of the separate schools for colored children was not only legal and just, but was best adapted to promote the instruction of that class of the population.” The Court ruled in favor of Boston finding that the school committee had the legal authority to arrange and classify students. Roberts brought up the same issue to the state legislature with the help of his lawyer Charles Sumner. As a result, in 1855, the Massachusetts legislature enacted a law closing the all-Black Abiel Smith School, resulting in the integration of the Phillips School on Beacon Hill. This was the first law against segregated schools in the nation.

Still, in most of this burgeoning American society, the universal access to public education did not exist. Black students, the majority of whom lived as slaves in the south, were forbidden from learning to read. Slaves who sought to learn to read and write, and it was amazing that history records between 5% and 30% of them did, were subject to amputation or death. Still, this powerful link between literacy and freedom encouraged many to memorize scriptures from the Bible, and with some help they eventually taught themselves to read. Given this history, it is all the more difficult for me to explain why too many of our students cannot read fluently today. Education was then and is today, a pathway to freedom and a better life for many poor and immigrant families. Between 1870 and 1920, some 20 million European immigrants arrived, needing to learn English and literacy skills in order to get a job. Education was then and continues to be the economic engine for progress in Boston and throughout the Commonwealth.

Our schools, like no other enterprise, reflect the community’s values and the changing demands of our economy. When immigrant families arrived at the turn of the 20th century, our schools taught English and the industrial trades; when Russia launched Sputnik, we stepped forward to strengthen Math, Science, and Technology. When our schools had unequal resources and were segregated by race and income, our schools became the engines of social and economic justice; when students with disabilities had no access, or young women lacked athletic opportunities, it has been our schools that

have changed, creating new programs and services, often in response to legal actions. And when we worried about the environment or drugs, we taught our students to recycle, limit consumption, make healthy choices and just say no. Today, as our health care industry confronts childhood obesity, juvenile diabetes, asthma and mental health issues, it will be the public schools of this nation who will once again be asked to extend our mission to encourage more physical activity, and nutritious food choices.

Indeed it has been in your law offices with your clients and in the courts of this nation that the legal profession has been instrumental in opening our doors wider, pitching our tent larger and creating access for the most vulnerable in our nation.

From coast to coast, and in between, the courts have been involved and taken to remedy disparities in school desegregation, in equal funding, in defining adequacy, and in guaranteeing affordable housing; (The Milliken Cases in Michigan, the most recent cases of student assignment in Seattle and Jefferson County, Louisville, Kentucky). The early 1970's cases by the California Supreme Court changed the system of financing schools in California and in the many years since the original Serrano case, 43 states have heard cases on the constitutionality of school finance systems. The New York State Court of Appeals ruled that the New York City schools were due some \$15 billion to provide students with their constitutional right to a sound basic education. Few public institutions have been impacted so directly by the law, than have the public schools of this nation. Often it has been through the legal profession, yours a just and noble calling, that the rights of our children have been asserted and protected.

We have come a long way since 1635 and this universal access to public education, this uniquely American experiment to open the doors of opportunity to all who come regardless of race or income, language or disability, gender or sexual orientation, nationality or religion, whether you arrived in the last month from Haiti, due to the earthquake, (as over 100 students did), or whether you are returning from another school, a residential or confined placement, or you dropped out and now wish to return, it is our schools that have been the path to liberty and justice for all. And perhaps only

in America is social mobility so fluid and easily realized in a single generation - in large part due to the greater equalizer, educational opportunity. Today in Boston, 75% of the 75,000 school-aged children attend the Boston Public Schools; the remaining 25% choose Catholic Schools, Private Schools, Charter Schools, some travel out of district through the METCO/ inter-district program and a few hundred parents choose to home school. It is worth noting that the BPS has been chosen by 75% of families for the last two decades. While we recognize that the monopoly is over and parents can and will make other choices if we do not serve them well, we must be sure that this 75% of our Boston's kids get the best education possible.

The good news is we have lots to celebrate and progress is underway. Despite our budget challenges, thanks to Mayor Menino, the (Chair Rev. Groover) Boston School Committee and the Boston City Council, we continue to support a nationally acclaimed quality early childhood program, advanced placement and opportunities for our gifted and talented students; we are expanding arts and music experiences and extended day learning. For the second year in a row, eight of our high schools appeared in U.S. News and World Report among the top performing high schools in the nation and this year our students were traveling in Germany, Poland and the Czech Republic, Ghana, China, Italy, Spain, Costa Rica, Rwanda and Qatar. Of course, you often hear about our exam schools, but I'm not sure that you know that Charlestown High School now offers Arabic and forensic science, or that the Quincy Upper School will for the first time this fall, offer an International Baccalaureate Program, the highest diploma in the world, joining only about a handful of districts across the Commonwealth or that the Quincy Upper School, Health Careers Academy and TechBoston Academy had graduation rates that exceed 90%. We have protected our classroom teachers from budget cuts, maintained lower class sizes and we are making new investments to help close the achievement gaps between our English speakers and students learning English. Our dropout rate is the lowest it has been in over 2 decades; and our graduation rate is on the rise.

We are projecting an increase in enrollment next year of over 300 new students and this fall, through our Re-Engagement Center, we re-enrolled some 500 students, who had previously dropped out. The National Assessment of Educational Progress, a national test given in every state across the nation, often referred to as the Nation's Report Card, continues to rank the Commonwealth among the top and the latest data this year in math and reading places Boston at the top among its urban peers.

Despite how proud we are of this progress and these comparative rankings, it is far too soon to cheer. Our schools cannot just perform better than Baltimore and Baton Rouge, because our students will be competing with students in Beijing and Bangkok.

Today, we, the greatest nation on the planet, a nation whose very birth symbolizes freedom and opportunity, confronts the persistent and potentially explosive crisis of inequality. This is documented in the most recent Boston Foundations' Boston Indicator's Report, "A Great Reckoning: Healing a Growing Divide," where the gaps between the most affluent and the most needy are the largest they have ever been and they continue to widen. This situation plays out in our neighborhoods, in foreclosure rates, and in our MCAS test scores. This is more urgent than we realize and more catastrophic than our fears about nuclear disarmament and climate change; more consequential and insidious than the international conflicts that routinely dominate our media. While all of these clearly threaten our survival, our own internal capacity to nurture, educate and build the best people -our human capital resources, will eventually without investments and attention, threaten our safety, our economic prosperity, our sense of community, our sense of security, and our sense of well being.

It is our own favorite son, President John F. Kennedy, who said:

"Our progress as a nation can be no swifter than our progress in education. The human mind is our fundamental resource."

Public education and our nation are at a crossroads. As parents, citizens, and taxpayers demand more from our schools, the landscape is quickly dividing into two distinct groups.

1. Those who are content with business as usual, unwilling to challenge the status quo and
2. Those who are ready, willing and able to innovate, to be forward thinking, flexible and well equipped to transform mediocrity into excellence; from a quality education for some; to a quality education for all; from a system that comfortably celebrates the success of the past, to a city willing to confront the challenges and step into the future with new and innovative solutions.

This dynamic is playing out at all levels of our nation – from the White House to Beacon Hill and from City Hall right into our classrooms.

Boston has always been at the forefront of public education. This is both our legacy and our responsibility - one that we must take very seriously. If we choose “business as usual,” it is our children who will surely suffer. We will seize every opportunity before us to launch a new era for the Boston Public Schools. Mayor Menino, in his inaugural address this January, characterized education as the “civil rights issue of our time.” And like the civil rights movement of the past, it requires us to stand up and make sure our schools get the reforms they need and our students get the schools they deserve. There is no better time. There is no better place for changing the way our schools work and making our schools work better for families and children. The recently passed Education Reform legislation provides us with new tools to transform our underperforming (Level 4) schools; new flexibilities in staffing, budget, schedules and compensation. This past weekend, I ran into a mother while shopping. She stopped to tell me that her daughter was in first grade at the Holland School in Dorchester, one of twelve of our schools designated by the state as underperforming. She said she loved her child’s teacher and her daughter loved the school, but she received a letter from us telling her that we were making changes to make the school better. She was torn. Should she stay or transfer to the Mather Elementary nearby? She wanted my advice.

We must turn around our lowest performing schools; we can no longer promote or endorse schools that those of us in this room would not choose for our own children. This community should not expect me to ignore high schools with graduation rates of 40% or watch 10% of Black and Latino males drop-out or not intervene in schools where not a single child is reaching proficiency in math and reading. We must be urgent and unapologetic when acting in the best interest of children. In 1901, John Dewey wrote:

“What the best and wisest parent wants for his own child is what the community should want for all its children.”

Neither politics nor our collective bargaining agreements can be allowed to stand in the way of our ability to serve the interests of our most vulnerable children. If our school leaders are to be held accountable for the end results, they must be able to choose the starting lineup. We must have the flexibility to use time strategically, to select the right people, and to use the public’s resources efficiently and effectively.

We will invest in our people. We are fortunate to have great teachers in Boston, who daily work extra hours and go beyond the call of duty to educate our students, but we know that a 6 ½ hour day is no longer enough for all of our students to reach proficiency. We also know that it’s more than about test scores. It’s also about developing the character and work ethic that every student will need. Albert Einstein once said

“Everything that can be counted does not necessarily count; everything that counts cannot necessarily be counted:

We want our students to develop intellectually and physically and to have the social and emotional skills to succeed. Two weeks ago, one of our 8th grade students was shot and killed while playing basketball on a Saturday afternoon in one of our city parks. By the time I visited the home on Sunday afternoon, I was amazed that our Timilty School principal and teachers had already mobilized. They had visited the home, comforted

family members, brought food and gone into school to be ready to calm grieving student on Monday. This student's grandmother, Mrs. Martin told me that this school and these teachers were more than a school - they were a part of her family. When the 6th grade, 7th grade and 8th grade teachers talked about Jaewon Martin, you knew they didn't just teach a subject. They taught a child. They knew his strengths in mathematics, what he liked to write about and his favorite foods to cook. They shared with him high hopes and aspirations for his future. We cannot have two groups of teachers - those who stretch our students to the highest performance levels and also connect with them personally and others who are present, focus on basic and remedial skills, but fail to develop the potential that exists in each and every student. We have an aggressive agenda. Over the next ten months we will tackle implementation of the new reform legislation in 12 schools, negotiate a new teacher's contract that will impact students and staff in 135 schools, and engage the community as we make tough decisions about student assignment and school closings. At the same time, we must deepen our partnerships so that we can continue to give our students more, even as we are faced with less. Some may be hesitant to change, and will engage in conversations tied to the past. While it is important to understand how we arrived at this moment, it is equally important to challenge the roadblocks to student learning regardless of their origin.

But even our teacher's best efforts must be matched with family and community engagement. Most of our underperforming schools are located in a defined geographic corridor of our city – mostly Roxbury and a section of North Dorchester. This area is over-represented in the un-employment line, the foreclosure rates, the high school dropout numbers and families who struggle to make ends meet. We have called this area our Circle of Promise. We know that our children have promise, and it is our job collectively to encircle them with all the support they will need to succeed.

We are willing to change, but our teachers and school leaders cannot achieve success alone. Indeed it does take the village of parents and extended family, community and faith-based organizations, our higher education and arts institutions, our business

partners and people like you to change the tide, keep our communities safe and demand that education be a top priority.

Journalist Bill Moyers in the American Journal of Law sums it up this way:

“Teachers now are expected to staff the emergency rooms of our country’s dysfunctional social order. They are expected to compensate for what families, communities, and culture fail to do. Like our soldiers in Iraq, they are sent into urban combat zones, on sometimes impossible missions, under inhospitable conditions, and then abandoned by policymakers and politicians, who have already cut and run, leaving teachers on their own.(Without the resources or the support to do their jobs well).”

Money is not everything, but the true cost of excellence is not free nor cheap. If you doubt that, ask a parent in your neighborhood whose child attends a private school about the tuition, ask a charter school how much private funding their school must raise to offer a good program or ask a parent whose child has just been admitted to one of our wonderful four year private colleges how they will manage tuition, room and board, or try to live comfortably and securely on the minimum wage, an income far too many of our families know too well. Creating the schools we want for the children we love will require all of us to participate with our time, with our voices and with our resources.

Tonight, I ask you - What do **you** want for Boston? What are your hopes and dreams for the Commonwealth? And let me remind you as you think about this question, that our boundaries are porous. There really is no great wall between Boston and Belmont, between Newton and New Bedford, between Massachusetts and Mississippi. Where injustice exists for one, it exists for us all. It is all for one and one for all. During one of the most recent playoff games between the Celtics and Orlando, Doc Rivers was talking to his players. They were at that rare moment in the game where the next plays are really critical to success. In the huddle during

a timeout, Doc Rivers says to the team – I know you want to win – I know you want to win, but remember we simply cannot win unless we work together as a team. (I wish they'd done that last night....) That is why we, (not BPS alone) we as a community must work together to create and support the schools that our children deserve. Boston is the economic engine of the Commonwealth; so goes Boston Public Schools, so goes Boston. If we want to live in a great metropolitan community, if we want to advance, as a state and a nation, we cannot win unless we work together as a team.

If the Mayor were here, he would ask you to continue your outreach efforts, create summer jobs for our high school youth, visit our schools and support the changes we need to make. The next stage is certainly beyond a single school visit. It could include adopting a school in the Circle of Promise or commit to following a ninth grade student and helping them navigate the maze through college graduation. Your strength for generations has been your ability to present a position and argue for a cause; to make decisions based on evidence and data, but also to react in a just way with both your head and your heart. Those are also the very skills we will need for this journey.

As someone who is African American, someone who began my schooling experience attending segregated schools in the south; someone who lived in a community where the NAACP organized secretly; where African Americans were not allowed in the city parks or the swimming pools, or allowed to drink from the “white only” water fountains; as a student who learned to read from obsolete textbooks discarded from white schools, and someone who knew that the dedicated black teachers, like my mother, were paid considerably less than other white teachers in the same city, I simply cannot embark on this important work without reflecting on our past and our progress, and being absolutely hopeful about our future. The swearing-in of Barack Obama as the first African American ever to be elected president of this nation or Sonia Sotomayor, as the first Latino to the U.S. Supreme Court, are reasons for hope. Neither my grandmother (born in Tennessee in 1889) who was some 60 years old before she felt safe enough to vote, nor my husband’s great grandmother, born a slave on the Blackstone Plantation in

1860 in Eastern Kentucky, would ever have imagined our Nation's incredible progress or the educational opportunities available to their great-great-grandchildren. America is a great country and American public education, a powerful tool for transforming lives, ending generational poverty, and changing the trajectory for students who might otherwise be thought unlikely to lead or succeed. In a single generation, we can send a student to college and change the trajectory for a family and begin to lift our children and our Circle of Promise.

Eli Rodriguez is a junior at the Social Justice Academy. He lives in Hyde Park. Eli got excited about the legal profession while in his Law and Social Justice class. He had the opportunity to compete against other students in Northeastern University's moot court program after doing research and case preparation in the classroom for two months. Eli got all the way to the finals. He worked for Tenacity, one of our great partners, last summer and did his Private Industry Council job shadow in February at the Fire Department. Eli is excited about his future because he now understands as he approaches his senior year in high school that there are so many possibilities for his future. Eli might not be where he is except some one in this room touched his life and made a difference.

American public education in many ways is a simple concept and in other ways an extraordinarily complex experiment; the education of all. We must never take for granted this notion for all, nor allow others to underestimate or undermine its significance and inseparable link to our democracies success, stability and prosperity. It is in our classrooms that students learn about democracy; to understand the 3 branches of government, their right to speak, to assemble, to vote. It is on our athletic fields and in our after-school programs that they learn competition and teamwork, winning and losing, good sportsmanship and how to celebrate effort; it is in our classrooms that they will learn to sing, dance, paint and perform, protect the environment, make healthy choices and in our classrooms they will be encouraged to ask questions, examine and think critically as they experiment in science, and analyze the underlying causes of world events and use technology to learn faster and to travel to distant places without

ever leaving their desks. And it will be in our classrooms that they will first see the faces of other learners from around the globe; and learn to appreciate the contributions of Latinos and Hispanics, Africans, African Americans and American Indians, Southeast Asians and Italians, Irish and Scandinavian immigrants, Chinese, Japanese, and people and languages across the globe. It is in our classrooms that students will see strength in diversity.

And it will be throughout our hallways that we will nurture the potential in these global citizens to become the next great ethical and moral leaders - the next presidents and governors, teachers, scientists, artists, electricians, inventors and surgeons, police officers and fire fighters and lawyers.

I began my remarks today reflecting on our early beginnings in public education and on Boston - so let me end my remarks today with just a final tribute to someone who truly belonged to Massachusetts, but who I believe also belonged to all in this nation who work and serve our children. This past year, we lost a dearly loved and admired warrior in our journey to give every child the best. He did not belong only to Massachusetts; he was our nation's Senator and among the strongest and most passionate advocates for our children's education. His voice never wavered and his commitment to those most vulnerable made a true difference. He, of course, would expect all of us to continue. And in his own words, I say to you,

“The work goes on, the cause endures, the hope still lives, and the dream shall never die.”