

DOCKET NO. HHD-CV05-405-526-S (X07)

CONNECTICUT COALITION FOR JUSTICE IN EDUCATION FUNDING, INC., et al. <i>Plaintiffs</i>	:	SUPERIOR COURT
	:	COMPLEX LITIGATION
	:	DOCKET
v.	:	AT HARTFORD
	:	
RELL, JODI, M. et al. <i>Defendants</i>	:	DECEMBER 14, 2012

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**AFFIDAVIT OF RICHARD SEDER**

I, Richard Seder, having been duly sworn do depose and say:

1. I am over 18 years of age, reside in the State of Hawaii, and understand the obligation of my oath.
2. I have provided expert advice on the issue of educational equity and adequacy for many years in numerous states. A true and accurate copy of my curriculum vitae is attached.
3. I am familiar with the educational reforms adopted by Connecticut in 2012, in particular, in Public Act 12-116 (Senate Bill 458) and Public Act 12-1 sec. 231 and 238 (June Special Session) and in the waiver Connecticut received with regard to No Child Left Behind legislation.
4. The reforms put in place can be described as falling within five primary areas of significance: (1) Early Childhood Intervention and Child-Centered Services including early childhood education expansion, additional emphasis on intensive reading, the development and implementation of a quality rating and improvement system for all types of early child care, family resource centers, and provision for school health based

clinics; (2) Targeting Assistance to Low-Performing Schools and Districts, including the identification of the lowest performing school districts, involving local and state intervention partnerships, such as the Commissioner's Network and turnaround school plans, and the Alliance Districts which can receive additional educational cost sharing money upon agreement to spend the money according to an approved district improvement plan; (3) Expanded and Enhanced Learning resources including a targeted way to spend increased funds and improve student achievement, such as extending the school day and year requiring the schools and districts to articulate their change in philosophy; (4) Ensuring Effective Teachers and School Leaders, including new annual teacher and administrator evaluations, as well as new teacher certificate and degree requirements; and (5) Transforming the State into a Service Agency, including the restructuring of the State Department of Education in alignment with its goal to close the achievement gap.

5. In my opinion, the educational reforms adopted by Connecticut during the Spring of 2012 are significant and place Connecticut on the cutting edge of educational reform for both their innovative content, holistic and measured approach, and, more importantly, their design of very targeted intervention for low performing schools and districts with a phased-in implementation scheme and an emphasis on program evaluation and a joint state and local partnership.
6. Early evaluation is especially significant for determining the effectiveness of reform initiatives for future replication and will allow the state the flexibility to provide modifications and redirect funding, if necessary. For example, the Commissioner's Network of low performing schools with turnaround plans, starts with 4 schools

in the Fall of 2012 and includes up to 25 schools by July 1, 2014. In addition, a teacher evaluation pilot program will begin with 10 districts in 2012-2013 and then be implemented statewide the following year. Another example of early evaluation is the study to be submitted by the NEAG School of Education at UCONN of the Connecticut's Core Requirements for Educator Evaluation to the State Board of Education not later than January 1, 2014, which will help determine if any changes are needed. Furthermore, an early literacy pilot study will promote best practices in early literacy to close academic achievement gaps. Another example is the State Department of Education (SDE) now being the entity to develop a quality tiered rating system for home, center, and school based early child care and learning. In addition, SDE will for the first time develop or approve reading assessments to identify K through 3<sup>rd</sup> grade students who are in need of early and targeted interventions. Finally, Connecticut is a governing member of the Smarter Balanced Assessment Consortia, which is developing required student learning assessments for English language arts/literacy and mathematics for grades 3-8 and 11, aligned to state-adopted national Common Core learning standards, with additional supporting assessments for grades 9 and 10. I find it significant that Connecticut has implemented system-wide assessments to help understand student learning across the system and to monitor system performance so as to better target technical assistance. Accordingly, Connecticut's reforms are distinguished from those of other states in that Connecticut requires early evaluation of reform initiatives to ensure the success of its investment.

7. Connecticut's reforms emphasizing early childhood literacy involve intensive reading programs for grades K-3 evaluated by state-wide assessments, including the expansion

of early learning opportunities (preschool) in those communities with traditionally low reading/literacy achievement. The Commissioner of SDE must report to the Education Committee on the early literacy pilot study, must submit the reading assessments used by districts to identify K-3 grade students who are reading deficient, and must submit his review of the professional development required of teachers. Each local and regional board of education is required to provide feedback on the results of practice reading instruction exams to the SDE. The benefits of early intensive reading reforms and early diagnosis of reading deficiencies in kindergarten may be seen within 2 years, with long term benefits seen in 6-9 years and reverberating effects throughout the system becoming apparent in later grades, specifically grades 6 and 8. Compounding effects throughout the system will also be seen in lower identification of Special Education students based on reading deficiencies being addressed in early childhood.

8. The results of many of Connecticut's reforms seeking to close the achievement gap, like any educational reforms in general, will be seen at the earliest in 2 years and in earnest starting 3 years following the first year of implementation and carrying over into subsequent years. In many instances, the effects of the reforms will reverberate throughout the system and not be apparent for years to come. Other reforms are robust or qualitative not lending themselves to a specific timeframe. The emphasis of Connecticut's education reform package on program evaluation so as to ensure intended impacts of interventions and to scale and replicate successful program design and implementation is unique.
9. Connecticut reforms include initiation of family resource centers and school health-based clinics which will address the whole child along with his/her family and the

community. Additional school health reforms include a coordinated school health pilot program providing grants, beginning with 2 educational reform districts in the Fall of 2012, focused on coordinating school health, education and wellness and reducing childhood obesity. The program will bring together members of the school community, including administrators, teachers, other school staff, and students, as well as families and community members to assess health needs, set priorities and plan, implement and evaluate school health activities for the following components: school nutrition services, physical education, a healthy school environment, staff health and wellness, family and community involvement, health education and services, school counseling and school psychological and social services. The Commissioner of SDE must report to the Governor and the General Assembly on the implementation of the coordinated school health pilot program no later than October 1, 2013. Yet another school health reform exists in the establishment of a school nutritional rating system pilot grant program providing grants of up to \$50,000.00 to at least 3 eligible applicants and up to 5 eligible applicants chosen by the Commissioner, starting in the Fall of 2012. The program will provide information on the nutritional value of food provided to students in the school cafeteria to guide student food choices at school and assist local and regional boards of education in food service decisions relating to the procurement of food for schools. The Commissioner of SDE must report to the General Assembly no later than October 1, 2014, an assessment of the program and include any recommendation for its expansion. These school health reforms are qualitative and robust reforms, part of an overall strategy of providing a coherent system of services to address the needs of children and their families, which do not lend themselves to a

specific timeframe but will reverberate throughout the system for years to come.

10. Connecticut's reforms include identification of the lowest performing Alliance districts and the creation of the Commissioner's Network. Turnaround committees formed for schools within the Commissioner's Network will implement turnaround plans in a partnership between the District and the State Department of Education. This reform is an example of Connecticut being on the cutting edge of reform in line with the well-known research conducted by the non-profit organization, Mass Insight, on successful turnaround strategies used in Massachusetts. See <http://www.massinsight.org>. The strength of Connecticut's reform lies in requiring a district/state partnership which distinguishes it from other states' reforms where states have acted in isolation to take-over and reconstitute schools. The strength of Connecticut's reform also lies in its prudent nature in the Commissioner's Network being implemented in phases with 4 schools this year and in a more expansive way next year with 25 schools so as to build state capacity while also understanding the intensive nature of changing school cultures.
11. Connecticut's reforms include targeted conditional funding for Alliance Districts, which will require districts to rethink their educational programs and clearly articulate changes to their instructional strategy as well as how resources will be employed to implement a coherent and comprehensive strategy in a District Improvement Plan approved by the state. The Alliance Districts can propose their own reforms or choose from a menu of improvement strategies, such as enhancing literacy programs, extending school learning time and developing family resource programs. Upon satisfaction of meeting their goals in the District Improvement Plan and complying with

statutory requirements, the district can receive additional funding. Districts will be required to collect data for each program and must submit annual expenditure reports. The strength of Connecticut's reform lies in requiring local accountability, building in the components of systems of continuous improvement, as a condition of additional funding with state oversight.

12. Connecticut's reforms include changes in teacher and administrator evaluations to include four different categories on an annual basis tied to student performance. This represents a fundamental shift in philosophy of evaluations given that teachers typically have not been evaluated on a regular basis. In addition, teacher evaluations are being tied to student performance for the first time with tenure no longer being automatic. Furthermore, the basis for dismissal has been broadened from incompetence to ineffectiveness. Finally, certifications requirements will include 4 semesters of clinical training in teacher education programs. Together these reforms will ensure that teachers demonstrate the skills necessary to improve student achievement. Given that these reforms are robust, they do not lend themselves to a specific timeframe but will reverberate throughout the entire system.

13. Connecticut is also providing additional funding for the expansion of magnet and charter schools, which provides more choices to students in low performing districts. Magnet and charter schools have been very successful and adding more of these options embraces the principle that not every student learns in the same way or in the same environment as another. Diversity of learning models is a laudable approach to finding what works best for certain students.





# Richard Choe Seder

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3190 Lemitar Way  
Sacramento, CA 95833

## **EXPERIENCE Independent Consultant**

2005-Present

Provide policy research, analysis, and development support in areas of school finance, governance, human capital and labor markets, and monitoring, evaluation, and accountability systems; strategic planning and decision process assistance directly to national, state, and local policymakers, administrative agencies and ministries. Lead independent consulting associate to large-scale, comprehensive and coherent policy development efforts in Wyoming and California, including strategic planning efforts in design and implementation of state information systems. Finance and governance policy consultant to UNICEF's early childhood development efforts in East Asia and Pacific Rim region (Cambodia and Lao), Africa (Angola), and Central Asia (Tajikistan).

## **Adjunct Professor**

2010 University of Southern California Los Angeles, CA

Professor of doctoral-level course on the economics of education and schooling as an economic enterprise. Lead students in understanding individual and societal benefits of education, human capital theory, productivity and cost-benefit analysis, efficiency, and the application of economic theories to public education and understanding policy issues related to public education.

## **Policy Fellow, Office of the Secretary of Education**

2006-2008 CIF of the San Francisco Foundation Sacramento, CA

Investigated pressing education policy issues confronting California public schools and developed policy alternatives and strategies for California Secretary of Education. Reviewed and translated comprehensive set of research conducted on the finance, governance, and efficiency of California's public education system for the agency and coordinated policy efforts with various state agencies and stakeholder groups.

## **Education Policy Program Director, USC California Policy Institute**

### **Director of Sacramento Outreach, USC Rossier School of Education**

2004-2007 University of Southern California Sacramento, CA

Performed education policy analyses and research translations to transform ideas and expertise into solutions for complex public policy problems including areas of school finance, higher education accountability, early childhood education, and teacher quality. Developed outreach strategies positioning USC-based research into the hands of practitioners and policymakers.

**Senior Consulting Associate**

2001-2004 Management Analysis & Planning, Inc.

Davis, CA

Performed education policy, program, and management analyses for national, state, and local governments and organizations. Designed and implemented costing-out studies of core education and opportunity-to-learn programs. Worked with policymakers and legislative staff to develop effective and efficient research-based alternatives to improve public education systems. Provided litigation support in school funding adequacy lawsuits across the nation.

**School Evaluation Services Associate**

2000-2001 Standard & Poor's

New York, NY

Analyzed state policies and data to provide unbiased information to school district officials, policymakers, parents, taxpayers, and other interested community groups. Developed statistical methodologies for consistent data analysis and formed best-practice identification strategy of school districts with similar circumstances in urban, suburban, and rural settings.

**Director of Education Policy Program**

1997-2000 Reason Public Policy Institute

Los Angeles, CA

Senior analyst for K-12 education policy program for a national research and education institution. Developed and managed research agenda, funding proposals, staff, and budgets. Identified unique and innovative governance, accountability, and management strategies across the nation, including public-private partnerships, charter schools, mayoral and state control of schools. Coordinated and hosted a national conference on public-private partnerships in education.

**Project Manager**

1996-1997 Allegheny County Public Schools Systems Project Pittsburgh, PA

Coordinated a one-year project evaluating 43 independent public school districts within Allegheny County, Pennsylvania. Evaluated inter- and intra-district structures and relationships using four criteria: accountability, autonomy, efficiency, and equity. Performed quantitative and qualitative analyses including district and state budgets, student performance data, conducted surveys, and on-site interviews of urban, suburban, and rural school districts. Presented findings and recommendations to panel of education leaders, researchers, and community members.

**Relationship Manager Development Associate**

1994-1995 Firstar Bank, N.A.

Milwaukee, WI

Provided cash management and general bank servicing to corporate customers primarily with annual sales of \$350 million or greater. Developed cost-effective marketing strategy utilizing geographic information systems (GIS) linking customer locations to bank locations. Worked with Cash Management sales staff in evaluating customer needs and options successfully attracting three Fortune 500 companies through completed Request for Proposals (RFPs).

**Interviewer**

2000 Los Angeles Compact on Evaluation (LACE) Los Angeles, CA  
Interviewed site-based coordinators in the Los Angeles Unified School District as part of an independent evaluation team overseeing the Los Angeles Annenberg Metropolitan Project (LAAMP). Utilized pre-developed protocols for pre-site and on-site interviews.

**Teaching Assistant**

1998 University of Southern California Los Angeles, CA  
Assisted professor with graduate level course in public policy processes and its application to education. Developed lesson plans, performed lectures and recitations, and graded homework and exams.

**Head Teaching Assistant**

1996-1997 Carnegie Mellon University Pittsburgh, PA  
Assisted professors for two semesters with graduate level courses in microeconomics. Developed and performed weekly recitations based on lectures and homework and led occasional lectures as well as grading homework and exams.

**Teaching Assistant**

1993 Beloit College, Government Department Beloit, WI  
Worked with professor in state and local government undergraduate course. In addition to grading homework and exams, developed and led occasional lectures and led mid-term and final exam review sessions.

**EDUCATION**

Doctor of Philosophy, 2009  
University of Southern California  
Los Angeles, California  
Education Policy and Governance

Masters of Science, 1997  
Carnegie Mellon University  
Pittsburgh, Pennsylvania  
Public Policy and Management  
Policy Analysis Concentration, Graduate with Distinction

Bachelor of Arts, 1994  
Beloit College  
Beloit, Wisconsin  
Economics & Management; Government

**PUBLISHED STUDIES**

Esch, C., Koppich, J., and Seder, R., Meaningful Credential Renewal: A Policy Proposal for Strengthen Teaching Quality in California. April 2011. New America Foundation.

Seder, R., Proposition 82 Analysis: Understanding Universal Preschool from a Research Perspective. May 2, 2006. USC California Policy Institute, Sacramento, CA.

Seder, R. (editor), Understanding Alternative Teacher Compensation: Expert Insights from USC California Policy Institute's California K-12 School Finance Symposium. June 3, 2005, USC California Policy Institute, Sacramento, CA.

Picus, L.O. and Seder, R., Small Schools in Small School Districts and Small Schools in Large School Districts: Are There Cost Differences That Should Be Captured In The Small School Adjustment Of The Wyoming School Funding Formula? November 23, 2004. Submitted to the Wyoming Legislative Service Office, Lawrence O. Picus and Associates, North Hollywood, CA.

Seder, R., Examining Washington's Opportunities to Learn: Exit Exam. September 1, 2004. Submitted to the Washington Academic Achievement and Accountability Commission, Management Analysis & Planning, Inc., Davis, CA.

Smith, J. and Seder, R., Estimating the Cost of Meeting State Educational Standards. June 2004. Management Analysis & Planning, Inc., Davis, CA.

Seder, R., Smith, J., and Guthrie, J., A Preliminary Study to Determine Adequate Education Funding in Minnesota. March 31, 2004. Submitted to The Minnesota School Funding Task Force, Management Analysis & Planning, Inc., Davis, CA.

Parrish, T., Chambers, J., Levin, J., Smith, J., Guthrie, J., Seder, R., and Taylor, L., Determining the Cost of Providing All Children in New York an Adequate Education. March 2004. American Institutes for Research, Palo Alto, CA.

Hayward, G., Seder, R., Smith, J., and Ehlers, J., Wyoming Education Finance: Small School Funding Adjustment. December 12, 2003. Submitted to the Wyoming Legislature, Management Analysis & Planning, Inc., Davis, CA.

Hayward, G., Smith, J., Seder, R., and Ehlers, J., Prototype Remodel: A Technical Report. October 31, 2003. Submitted to the Wyoming Department of Education, Management Analysis & Planning, Inc., Davis, CA.

Seder, R. and Smith, J., A Cost-Based Analysis of the Reading Assessment & Intervention Program. July 3, 2003. Management Analysis & Planning, Inc., Davis, CA.

Seder, R., Training for the Revised Cost Based Block Grant. June 4, 2002. Submitted to the Wyoming Legislature, Management Analysis & Planning, Inc., Davis, CA.

Seder, R., Guthrie, J., Lawton, S., Ontario Final Report: Value for Money Review, Ontario Ministry of Education Audit Review. February 6, 2002. Management Analysis & Planning, Inc., Davis, CA.

Koppich, J.E. and Seder, R., Proposition 74 Analysis: Issues Relating to Teacher Tenure and Teacher Quality, Insights from Research and Best Practices. September 28, 2005. USC California Policy Institute, Sacramento, CA.

Seder, R., Picus, L., and Smith, J., Estimating the Costs of Services for "At-Risk" Funding. January 2002. Submitted to the Wyoming Legislature, Management Analysis & Planning, Inc., Davis, CA.

Seder, R., Balancing Accountability and Local Control: State Takeovers for Fiscal and Academic Stability. March 2000. Reason Public Policy Institute, Los Angeles, CA.

Seder, R., Satellite Charter Schools: Addressing The School-Facilities Crunch Through Public-Private Partnerships. April 1999. Reason Public Policy Institute, Los Angeles, CA.

Seder, R., Pennsylvania School Finance: Out of the Courts, Into the Legislature. October 1998. Reason Public Policy Institute, Los Angeles, CA.

Seder, R., Bilingual Education: Reading, Writing & Rhetoric. May 1998. Reason Public Policy Institute, Los Angeles, CA.

**PUBLISHED STUDIES – PROJECT DIRECTOR**

Harbage, P. and Breen, T., Proposition 73 Analysis: Issues Relating to Parental Notification, Insights from Research and Best Practices. October 4, 2005. USC California Policy Institute, Sacramento, CA.

Matsusaka, J. and Picus, L., Proposition 76 Analysis: Issues Relating to Spending Caps and State Spending, Insights from Research and Best Practices. October 13, 2005. USC California Policy Institute, Sacramento, CA.

Choong, Y., Proposition 77 Analysis: Issues Relating to Redistricting, Insights from Research and Best Practices. September 27, 2005. USC California Policy Institute, Sacramento, CA.

Rebarber, T., Charter School Innovations: Keys to Effective Charter Reform. July 1997. Reason Public Policy Institute, Los Angeles, CA.

Kirkpatrick, D.W., *Alternative Teacher Organizations: Evolution of Professional Associations*. September 1997. Reason Public Policy Institute, Los Angeles, CA.

Volokh, A. and Snell, L., *School Violence Prevention: Strategies to Keep Schools Safe*. October 1997. Reason Public Policy Institute, Los Angeles, CA.

## CONFERENCES

Association of Education Finance & Policy, 37<sup>th</sup> Annual Conference, 2012, “A Historical Perspective on School Finance Reform in Wyoming.”

Pacific Circle Consortium, 31<sup>st</sup> Annual Conference, Speaker, 2007, “School Funding Adequacy: Legal Questions with Limited Answers from Research.”

University of Southern California – California Policy Institute, California School Finance Policy Symposium, Host and Coordinator, Sacramento, CA, March 2005.

- “Evolution of the California School Finance System”
- “Teacher Performance Compensation”

American Education Research Association Annual Conference, 2004, Speaker, “Using Professional Judgment to Estimate Education Finance Adequacy.”

EDVentures 2000, Moderator, Education Industry Association, Detroit, MI, July 2000.

Education Industry Investment Forum ‘Schools & Tools,’ Institute for International Research, March 2000, Ft. Lauderdale, FL.

- Speaker, “Quality Assurance: What You Need to Know About Education Companies.”
- Speaker, “Looking Forward to the Changing Environment for Charter Schools.”

Competition, Performance, and Finance: Shaping Education Policy, Speaker, “Performance: Making the Grade and Its Rewards,” The 2000 Miller Forum on Government, Business and the Economy, University of Southern California School of Policy, Planning, and Development, February 2000, Los Angeles, CA.

Emerging Public/Private Partnerships in America’s Schools: Investing In The Future Of Our Children, World Research Group, January 2000, Scottsdale, AZ.

- Moderator, “Why Partner? Examining the Dynamics Driving the Need for Education Reform.”
- Speaker, “Reassessing the Pros and Cons of Various School Reform Initiatives.”
- Speaker, Post-Conference Workshop, “Innovative Strategies to Overcome the Facilities Crisis.”

The 7<sup>th</sup> Annual Conference on Public-Private Partnerships: Working Together to Create Successful Public-Private Partnerships, Speaker, Canadian Council for Public-Private Partnerships, November 1999, Toronto, Ontario, Canada.

Making Schools Work II Conference: Public-Private Partnerships Supporting Public Education, Host and Coordinator, May 1999, Reason Public Policy Institute, Santa Barbara, CA.

## PROFESSIONAL REFERENCES

Reference 1:

Dr. James W. Guthrie  
State of Nevada  
Superintendent of Public Instruction  
Phone: 615-545-9041

Reference 2:

Alan Bersin  
Former California Secretary of Education; Current Commissioner of U.S. Customs and Border Protection  
Phone: 858-232-4839

Reference 3:

Michael O'Donnell  
State's Counsel  
State of Wyoming  
Phone: 307-777-8935

Reference 4:

Lawrence O. Picus  
Professor  
University of Southern California  
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