

**Doris Voitier**

**Superintendent**

**St. Bernard Parish Schools**

Good morning. I am honored to have the opportunity to speak with you this morning and to spend some time highlighting our struggles as well as our progress. What happened on August 29<sup>th</sup>, 2005 changed the face of our school district and the community we serve forever. In hindsight, there are some things from which we will never recover; yet, there are also things that have, admittedly, moved us forward. In keeping with the primary focus of the hearing, I would like to address briefly three areas: lessons we have learned, progress we have made, and the work we have remaining.

First: lessons learned – As first responders and refinery workers moved their families back into the area within weeks of the storm and the further damage caused by the levee engineering flaws which ruined our community, we realized school had to open. School means families can return, and returning families mean the rebuilding of our parish. We were relieved, at first, to have the full force of the United States government by our side, assuring us that through mission assignments by the Army Corps of Engineers and public assistance from FEMA, our school district could be up and running within 60-90 days. Unfortunately, we learned that those promises were undeliverable. There appeared to be no one with any real authority in charge, promises changed as often as did the persons with whom we negotiated that first year. It became apparent that federal resources were not immediately available to assist us in the task of rebuilding our school district, which leads us to our first lesson learned: **Be prepared to take the lead in your own recovery and force our federal partners to catch up.**

We opened just 11 weeks after the storm to 334 students housed in classroom trailers we found ourselves in North Carolina and Georgia when the federal authorities could find none. Upon notification that the federal authorities could not provide temporary housing for our staff for several months, we bought and installed travel trailers ourselves at a price of about \$22,000 per unit, which was substantially less than the reported federal cost of approximately \$65,000 per unit. Because student enrollment was increasing daily, we knew that we would have to clean the high school and use its second floor, which although untouched by flood waters, sustained heavy damage from wind and its use as a primary shelter for those fleeing the flood. With no federal guidance or assistance, we secured contracts with companies to clean and temporarily repair Chalmette High School – for by Christmas our enrollment had doubled to 650, then 1,158 by January and 2,460 by May. If parents could not give their children any other type of “normal,” they could at least give them back their school teachers and friends.

Our first real disagreement with FEMA and the Army Corps of Engineers – besides the lack of assistance in opening the schools – centered on getting our properties cleaned and secured. We were told initially that in order to seek 100% reimbursement for clean-up work, or Category B work, we would have to have all projects completed in 72 hours. But since no one was around to get that memo, the deadline was moved to mid October. Without help from the government, we had to hire a disaster clean-up company, and we did so. We had in excess of 20 buildings to clean out from top to bottom, because even 2<sup>nd</sup> stories, some of which were untouched by flood waters, were ravaged by a combination of wind damage and evacuees seeking shelter from their flooded homes. The disaster clean up company worked around the clock, 7 days a week, in an effort to meet the deadline for 100% reimbursement for Category B work. Days before the deadline, it was extended. It gave us some breathing room, but not

enough to clean and disinfect over 20 school buildings – and remember, we are talking closets, classrooms, cafeterias, gymnasiums and offices – not big boxes. The work continued in earnest as deadlines continued to be extended. Due to these unrealistic deadlines for 100% reimbursement, the district incurred substantial cost to gut, clean, and tear out sheetrock, insulation, ceiling tiles, contents and the like from buildings that would be, almost a year later, declared over 50% damaged and, therefore, eligible for tear-down and replacement. We took the lead on this because of those mandated deadlines, and we spent dollars that we did not have to spend. Reasonableness was becoming an issue.

We wanted to feed our children hot meals at school since they were living in tents, trailers, and vehicles. FEMA denied this, stating that the Stafford Act did not allow reimbursement of this “operational expense.” We wanted to bring back our employees and put them to work cleaning our schools because most of them could not find work and were living in shelters in Houston, Baton Rouge, and north Louisiana. We wanted to house them and keep them employed in some fashion even if teaching was not a possibility. FEMA denied their reemployment in that capacity as a non-allowable operational expense. We realized early on that “operational expenses” were not and could never be on the table. Because of rapid student growth, we needed additional classroom trailers. The Corps, in late November, sent us two trailers which did not meet the fire code for classroom use and which were delivered late one evening without warning. We were able to rework one of them ourselves to meet the fire code, and rather than let the second sit idle because classroom use was out of the question, we installed washers and dryers so our staff and their families could have clean clothes. We were threatened with an investigation by the Inspector General for the misuse of public property and were told that sanctions, and possibly, charges would be brought against the school system. But we

continued to take the lead. Each day, in courts of law throughout our nation, the overriding premise is: what would the reasonable man do given the same circumstances. And this leads to our second lesson learned: **there needs to be someone on the ground able to reasonably interpret the law and who is empowered to make the necessary decisions to restore immediately a community's critical infrastructure – including law enforcement, local government, education, and health care – so that recovery can begin on the first day.**

A particular nightmare for us was our FEMA kickoff meeting in September, about three weeks after the storm and subsequent levee failures. Over 30 people arrived in Chalmette from Baton Rouge, we would later learn, to hold our meeting in a third floor conference room without electricity, without air-conditioning, and without windows which could be opened. For our part, it was myself and my assistant superintendent; representing the government were 27 individuals from FEMA historic preservation, FEMA environmental review, 504 mitigation, 506 mitigation, FEMA finance, FEMA interim housing, FEMA education team, and the list continues. We told them of our ideas for beginning recovery, and we received our first “no’s” wrapped in a strict interpretation of the Stafford Act. We were given the public assistance manuals to read so that we, too, could understand the law, and the meeting was adjourned. We all then headed back to Baton Rouge in our separate vehicles, and we never saw most of those people again. As a singular entity, we continued to lead our recovery efforts the best we knew how.

It would be at least a year before any substantial financial reimbursement from FEMA would be realized. We were facing an enormous cash-flow problem. The question becomes, then, how did we make it. Like most public entities, we applied for, and received, a Community Disaster Loan, borrowing only what we needed, \$4.5 million, and certainly nowhere near the \$34 million that was offered. It was in August 2006 that I spoke with a Congressional delegation

visiting New Orleans, asking why federal legislation for these loans stipulated, first, that the money could not be used for construction and, secondly, that for the first time in the history of our country, the language in the legislation for those loans denied the possibility of forgiveness, a provision which had previously been allowed. We find ourselves now in the unenviable position of having to repay those funds because we have not experienced a cumulative three year deficit. Our school system is very grateful for the opportunities provided by Congress to rebuild through FEMA public assistance and to restart our schools with earmarked federal restart dollars. Our surpluses have all been dedicated to recovery and exist only because of the assistance we have received. However, with those restart dollars drying up this year, though we still have schools to reopen, and the gloomy picture of the national economy affecting our state and local revenues, I can assure you that we will soon be entering our period of deficits as are school districts around us. But those don't count. Having to repay these funds now will jeopardize a secure financial future for our schools – only because we were frugal, used our money sparingly and wisely, and had assistance dollars that masked our real financial footing. Remember a short moment ago I mentioned the disdain FEMA had for operational expenses? I thought that you also should know that for the purposes of the CDL loan forgiveness calculation, these same FEMA revenues used to fund Categories A and B work are now being considered “operational expenses” in determining school district surpluses. So we can't have it to operate, but when it comes to repaying the loan, the guidelines say we had it to operate. You know, with tongue-in-cheek, I might suggest that we would have been better off to borrow the total \$34 million, expend it through our general fund for salary increases, teacher recruitment activities, and then show a huge, cumulative deficit and have the loan forgiven – which leads to another spin on a lesson

learned: **reasonableness is always trumped by those who would narrowly interpret the letter of the law.**

We have been asked many times why we were able to move forward when recovery elsewhere was stagnant for so long. In March 2006 our School Board adopted a rebuilding plan which would dictate the order in which we would rebuild schools and the timelines for which those realities would occur. We were deliberate, we were determined, and we were successful because we did not deviate from our plan, and we did not let distraction steer us from our course. And that brings us to a final lesson learned: **a focused, agreed upon recovery plan must be followed, regardless of distractions, if the vision is to be realized.**

Thus far, we have discussed four lessons learned:

- Be prepared to take the lead in your own recovery and force our federal partners to catch up;
- A person with the authority to make reasonable decisions must be on the ground immediately, understanding that the re-establishment of infrastructure is a vital first step in recovery;
- Reasonableness, it seems, can still be trumped by narrow interpretations of the law; and
- A focused, agreed-upon recovery plan must be followed with determination to see it through to completion at all costs.

At this point, I want to fast forward from our first year or two to today and talk about progress made. First, I want to thank publicly John Connolly and Eldridge Burns of FEMA for their assistance in rebuilding our school district. Despite a very, very rough year or two, with promises not kept, and project officers changing daily, we have established a true partnership

with FEMA which now focuses on building schools for children. Reasonableness, at last, has prevailed, and, together, we are offering our children great places for learning because of what has become a relationship built on compromise, stable personnel, and promises kept. I can't promise, of course, that there won't be disagreements in the future; however, we work from a basis of mutual respect because of the measure of reasonableness now at the table.

We have completed 13 major construction/renovation projects in less than 5 years; we opened the first two permanent, new construction sites in the metro-New Orleans area with FEMA's help; and, we currently have 5,800 students enrolled for the 2010-2011 school year, down just 3,000 from our pre-Katrina population. We feel like we are finally able to envision the end of what we originally thought would be an endless journey.

We have rebuilt schools that will better service our community. You are currently sitting in our Teacher Development Training Center which, prior to Katrina, was situated at the corner of this parcel of land. It is an area that we envision may be available to our business community and governmental agencies for training space as well. At Chalmette High School, we are building a magnificent Cultural Arts facility which will also house a theater, instrumental music rooms, dance studios, choral areas and a technology theater. Additionally at this site, we are allotting space for our parish library in partnership with parish government and our local Library Board. Currently in the design stage is the renovation of our historic Maumus Center which, in addition to hosting our relocated planetarium, will house new state of the art science interactive exhibits for children focusing on wetlands preservation and the effects of storms and storm surge on the environment. Local government's recreation department has built gyms on our property in exchange for our use during the day for our students, and we have opened our school gyms to the recreation department during the evenings when they are not in use by our students. We have

learned to build true community schools, working in tandem with parish government officials to bring our residents the finest facilities and services available. This is some of the progress that we have made.

Before closing, I also want to address work remaining, not so much in terms of rebuilding, repopulating, or refurbishing and equipping our schools, but in terms of suggestions that this respected Committee and Congress may wish to consider prior to future disasters.

1<sup>st</sup> – FEMA will replace our building's contents, and, after some negotiating, agreed to do this as an "improved" project which will allow us more flexibility in purchasing instructional materials and supplies. This has been approached with a new sense of reasonableness, and we have, through this compromise, altered our curriculum to the point that our 4<sup>th</sup> graders were first in the math section of the state-wide LEAP assessment this past year and tied for 4<sup>th</sup> in the overall assessment. Our only concern, at this point, is that there are some who have suggested that FEMA assistance and the restart dollars provided by Congress might be viewed as a duplication of benefits. Let me urge you to fight this viewpoint. Restart dollars will have run their course with the close of this school year, yet I still have new schools to reopen. With any reduction in remaining FEMA assistance due to a narrow interpretation of benefits due, I can assure you that I will not have the dollars to equip or furnish those schools nor to buy textbooks and library books for those students. So I ask your assistance in guiding that remaining work to a point of reasonableness.

2<sup>nd</sup> – At every turn, the Louisiana Governor's Office of Homeland Security and Emergency Preparedness is faced with the possibility that a narrower, stricter interpretation of the law may result in potential liability for the state should work be declared ineligible during future audits of project worksheets. This has caused the state, in an abundance of caution, to be

very strict in their interpretation of FEMA guidelines in an effort to avoid this potential future liability. There have to be some assurances in place that decisions and agreements made in good faith between current FEMA personnel and applicants will be honored in the future and that obligated dollars remain just that – obligated dollars. FEMA has to have the confidence in their work force to make proper decisions regarding project worksheets and not look toward closeouts that may not occur for years when no one is around to describe the magnitude of the disaster.

This brings me to a third point:

3<sup>rd</sup> – We are grateful that Congress has offered the alternative of a lump sum settlement for school districts and we encourage them to continue to make this option available in future catastrophic disasters. The lump sum approach would be a wise alternative and would potentially save tax dollars, allowing applicants to guide their recovery efforts at their own pace, unimpeded.

4<sup>th</sup> – I cannot say enough how grateful we were for the federal restart dollars. Without them, even though they came a year after the fact, we would not have survived. However, we have relied on our local Congressional delegation to ask Congress to pass legislation for several years to remove the prohibition against the supplanting of local and state expenditures as we used these dollars. Though we hope no community ever has to face what we have faced over the past five years, we would want you to consider, should restart dollars become available, to include the supplanting waiver as a part of that legislation.

Finally, I want to leave you with these thoughts. If you have doubts about funding a safer, more protected New Orleans.....if you have doubts about whether or not the stream of money that has come to the Gulf Coast is warranted....if you have doubts about whether or not money has been used wisely or with integrity, I want you to tour this school building with me

after the hearing, and I will introduce you to 820 students who can resolve all doubt...because with or without federal assistance, they are back to school in St. Bernard Parish. They are thriving, and they are home. They once again have found “normal” and are well on their way to becoming tomorrow’s leaders. And there are 5000 more like them in our other 9 schools – and thousands more like them in Plaquemines Parish and hundreds of thousands more like them across this Gulf region. It is said that if you want to touch the past, touch a rock. If you want to touch today, touch a flower. If you want to touch the future, touch a child. Ladies and gentlemen, your work has touched our future...and we are grateful for your compassion and leadership at our greatest hour of need.