



Public Hearing

before

SENATE EDUCATION COMMITTEE

SENATE BILL No. 1796

(The Charter School Program Act of 1995")

LOCATION: Seminar Room
A.J.J.A. Wilson Alumni Center
New Jersey Institute of Technology
Newark, New Jersey

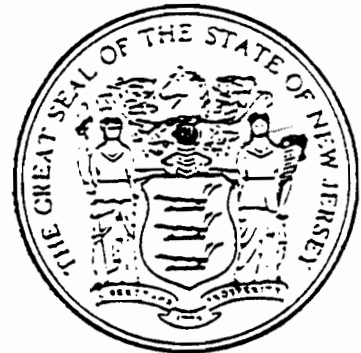
DATE: April 28, 1995
10:00 a.m.

MEMBER OF COMMITTEE PRESENT:

Senator John H. Ewing, Chairman

ALSO PRESENT:

Kathleen Fazzari
Office of Legislative Services
Aide, Senate Education Committee



Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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JOHN H. EWING
Chairman

JOSEPH A. PALATA
Vice Chairman

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New Jersey State Legislature

SENATE EDUCATION COMMITTEE
STATE HOUSE ANNEX, CN-068
TRENTON, NJ 08625-0068
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NOTICE OF PUBLIC HEARINGS

The Senate Education Committee will hold two public hearings on the following legislation:

S-1796 The "Charter School Program Act of 1995."

The hearings will be held at the following places at the dates and times listed:

Thursday, April 6, 1995
10:00 A.M.

Room 221
Student Center
Rowan College
Glassboro, New Jersey

Friday, April 28, 1995
10:00 A.M.

Seminar Room
A.J.J.A. Wilson Alumni Center
New Jersey Institute of Technology
Newark, New Jersey

The public may address comments and questions to Darby Cannon, III, Committee Aide, and persons wishing to testify should contact Mary C. Lutz, secretary, at 609-984-6843. Those persons presenting written testimony should provide 10 copies to the committee on the day of the hearing.

Issued 03/27/95

Assistive listening devices available upon 24 hours prior notice
to the committee aide(s) listed above

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SENATE, No. 1796
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1995

By Senators EWING and LaROSSA

1 AN ACT establishing a charter school program and supplementing
2 Title 18A of the New Jersey Statutes.

3
4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 1. This act shall be known and may be cited as the "Charter
7 School Program Act of 1995."

8 2. The Legislature finds and declares that the establishment of
9 charter schools as part of this State's program of public
10 education can assist in promoting comprehensive educational
11 reform by providing a mechanism for the implementation of a
12 variety of educational approaches which may not be available in
13 the traditional public school classroom. Specifically, charter
14 schools offer the potential to improve pupil learning; increase for
15 students and parents the educational choices available when
16 selecting the learning environment which they feel may be the
17 most appropriate; encourage the use of different and innovative
18 learning methods; establish a new form of accountability for
19 schools; require the measurement of learning outcomes; make the
20 school the unit for educational improvement; and establish new
21 professional opportunities for teachers.

22 The Legislature further finds that the establishment of a
23 charter school program is in the best interests of the students of
24 this State and it is therefore the public policy of the State to
25 encourage and facilitate the development of charter schools.

26 3. There is established within the Department of Education a
27 charter school program which shall provide for the approval and
28 granting of charters to charter schools pursuant to the provisions
29 of this act. A charter school shall be a public school operated
30 under a charter granted by the Commissioner of Education which
31 is operated independently of a local board of education and is
32 managed by a board of trustees. The board of trustees, upon
33 receiving a charter from the commissioner, shall be deemed to be
34 public agents authorized by the State Board of Education to
35 supervise and control the charter school.

36 4. An application to establish a charter school may be
37 submitted by two or more certified teachers, ten or more
38 parents, an institution of higher education, a business or
39 corporate entity, or other appropriate organization as determined
40 by the commissioner. A charter school may also be established
41 by a currently existing public school pursuant to a proposal
42 established by teaching staff members and parents or guardians
43 of pupils enrolled in the school. A private or parochial school
44 shall not be eligible for charter school status.

45 5. An applicant who wishes to establish a charter school shall

1 submit an application to the commissioner which shall include the
2 following information:

- 3 a. The identification of the charter applicant;
- 4 b. The name of the proposed charter school;
- 5 c. The proposed governance structure of the charter school
6 including a list of the proposed members of the board of trustees
7 of the charter school or a description of the qualifications and
8 method for the appointment or election of members of the board
9 of trustees;
- 10 d. The educational goals of the charter school, the
11 curriculum to be offered, and the methods of assessing whether
12 students are meeting educational goals. Charter school students
13 shall be required to meet the same testing and academic
14 performance standards as established by law and regulation for
15 public school students including the High School Proficiency Test
16 and the Early Warning Test. Charter school students shall also
17 meet any additional assessment indicators which are included
18 within the charter approved by the commissioner;
- 19 e. The admission policy and criteria for evaluating the
20 admission of students which shall comply with the requirements
21 of section 8 of this act;
- 22 f. The age or grade range of students to be enrolled;
- 23 g. The school calendar and school day schedule;
- 24 h. A description of the charter school staff responsibilities
25 and the proposed qualifications of teaching staff;
- 26 i. A description of the procedures to be implemented to
27 ensure significant parental involvement in the operation of the
28 school;
- 29 j. A description of and address for the physical facility in
30 which the charter school will be located; and
- 31 k. Such other information as the commissioner may require.

32 6. An applicant to establish a charter school shall submit the
33 application by February 15th of the year preceding the school
34 year in which the charter school will begin operation. The
35 commissioner shall review the application and make a final
36 decision on whether or not to approve the application and grant
37 the charter by March 15th. The commissioner may condition the
38 granting of a charter on the school taking certain actions or
39 maintaining certain conditions. The decision of the commissioner
40 shall constitute final agency action.

41 7. A charter school established pursuant to the provisions of
42 this act shall be a body corporate and politic with all powers
43 necessary or desirable for carrying out its charter program,
44 including but not limited to:

- 45 a. adopt a name and corporate seal; however, any name
46 selected shall include the words "charter school";
- 47 b. sue and be sued, but only to the same extent and upon the
48 same conditions that a public entity can be sued;
- 49 c. acquire real property from public or private sources, by
50 purchase, lease, lease with an option to purchase, or by gift, for
51 use as a school facility;
- 52 d. receive and disburse funds for school purposes;
- 53 e. make contracts and leases for the procurement of
54 services, equipment and supplies; however, if the board intends to

1 procure substantially all educational services under contract with
2 other persons, the terms of such a contract shall be approved by
3 the commissioner, either as part of the original charter or as an
4 amendment thereto;

5 f. incur temporary debts in anticipation of the receipt of
6 funds;

7 g. solicit and accept any gifts or grants for school purposes;
8 and,

9 h. have such other powers as are not inconsistent with the
10 purposes of this act and any regulation promulgated pursuant to
11 this act.

12 8. Charter schools shall be open to all students on a space
13 available basis and shall not discriminate in their admission
14 policies or practices on the basis of intellectual or athletic
15 ability, measures of achievement or aptitude, status as a
16 handicapped person, proficiency in the English language, or any
17 other basis that would be illegal if used by a school district;
18 however, a charter school may limit admission to a particular
19 grade level or to areas of concentration of the school such as
20 mathematics, science, or the arts. A charter school may
21 establish reasonable criteria to evaluate prospective students
22 which shall be outlined in the school's charter.

23 9. a. Preference for enrollment in a charter school shall be
24 given to students who reside in the school district in which the
25 charter school is located. If there are more applications to enroll
26 in the charter school than there are spaces available, the charter
27 school shall select students to attend using a random selection
28 process. A charter school shall not charge tuition to students
29 who reside in the district.

30 b. A charter school shall allow any student who was enrolled
31 in the school in the immediately preceding school year to enroll
32 in the charter school in the appropriate grade unless the
33 appropriate grade is not offered at the charter school.

34 c. A charter school may give enrollment priority to a sibling
35 of a student enrolled in the charter school.

36 d. If available space permits, a charter school may enroll
37 non-resident students. The terms and condition of the enrollment
38 shall be outlined in the school's charter and approved by the
39 commissioner.

40 10. A student may withdraw from a charter school at any
41 time. A student may be expelled from a charter school based on
42 criteria determined by the board of trustees and approved by the
43 commissioner as part of the school's charter. Any expulsion shall
44 be made upon the recommendation of the charter school
45 principal, in consultation with the student's teachers.

46 11. A charter school may be located in part of an existing
47 public school building, in space provided on a public work site, in
48 a public building, or any other suitable location.

49 12. a. A charter school shall operate in accordance with its
50 charter and the provisions of law and regulation which govern
51 other public schools; except that, upon the request of the board
52 of trustees of a charter school, the Commissioner of Education
53 may exempt the school from State regulations concerning public
54 schools, except those pertaining to civil rights and student health

1 and safety, if the board of trustees satisfactorily demonstrates to
2 the commissioner that the exemption will advance the
3 educational goals and objective of the school.

4 b. A charter school shall comply with the provisions of
5 chapter 46 of Title 18A of the New Jersey Statutes concerning
6 the provision of services to handicapped students; except that the
7 fiscal responsibility for any student currently enrolled in or
8 determined to require a private day or residential school shall
9 remain with the district of residence.

10 13. The school district of residence shall pay directly to the
11 charter school for each student enrolled in the charter school who
12 resides in the district an amount equal to the local levy budget
13 per pupil in the district for the specific grade level. The district
14 shall also pay directly to the charter school any categorical aid
15 attributable to the student, provided the student is receiving
16 appropriate categorical services, and any federal funds
17 attributable to the student.

18 14. The students who reside in the school district in which the
19 charter school is located shall be provided transportation to the
20 charter school on the same terms and conditions as transportation
21 is provided to students attending the schools of the district.
22 Non-resident students shall receive transportation services
23 pursuant to regulations established by the State board.

24 15. For purposes of tort liability, employees of charter schools
25 shall be considered public employees and the board of trustees
26 shall be considered the public employer.

27 16. A public school teacher or administrator may request a
28 two year leave of absence from the local board of education in
29 order to work in a charter school and the board shall grant the
30 request for the two year period. At the end of the two year
31 period the teacher or administrator may return to the former
32 position or may request that the leave be extended for an
33 additional two years. Approval for the request shall not be
34 unreasonably withheld. At the end of the fourth year, the
35 teacher or administrator may either return to his former position
36 or, if he chooses to continue at the charter school, resign from
37 his district position.

38 17. Teachers on a leave of absence pursuant to section 16 of
39 this act shall be permitted to continue in, and to make
40 contributions to, their retirement plan during the leave of
41 absence and to continue to be enrolled in the district's health
42 benefits plan unless they elect other means of coverage provided
43 by the district or the charter school. The charter school shall
44 make any required employer's contribution to the district's
45 health benefits plan during the teacher's leave of absence.

46 18. Teachers on a leave of absence pursuant to section 16 of
47 this act shall not accrue tenure but shall retain tenure and shall
48 continue to accrue seniority in the public school system if they
49 return to their public school when the leave of absence ends.

50 19. a. The board of trustees of a charter school shall have the
51 authority to decide matters related to the operations of the
52 school including budgeting, curriculum, and operating procedures,
53 subject to the school's charter.

54 b. The board of trustees of a charter school shall have the

1 authority to employ, discharge and contract with necessary
2 teachers and nonlicensed employees subject to the school's
3 charter. The board of trustees shall bargain collectively on
4 salary and other issues and may choose whether or not to adopt
5 the terms of any collective bargaining agreement already
6 established by the school district for its employees. The board of
7 trustees may retain or waive tenure for its employees. If tenure
8 is granted to an employee, the tenure rights shall only be
9 applicable to employment by the charter school. The charter
10 school's tenure policy shall be outlined in its charter.

11 20. Each charter school shall submit an annual report to the
12 commissioner by August 1 of each year. The report shall be in
13 such form as the commissioner may prescribe and shall include,
14 but not be limited to, the following information:

15 a. a discussion of progress made toward the achievement of
16 the goals outlined in the school's charter; and

17 b. a financial statement setting forth by appropriate
18 categories the revenue and expenditures for the previous school
19 year.

20 The annual report shall also be provided to the parent or
21 guardian of a student enrolled in the charter school, and to each
22 parent or guardian of a student who has applied for admission to
23 the charter school.

24 21. Any individual or group may bring a complaint to the board
25 of trustees of a charter school alleging a violation of the
26 provisions of this act. If, after presenting the complaint to the
27 board of trustees, the individual or group feels that the board of
28 trustees has not adequately addressed the complaint, they may
29 present that complaint to the commissioner who shall investigate
30 and respond to the complaint.

31 22. A charter granted by the commissioner pursuant to the
32 provision of this act shall be granted for a five year period. The
33 commissioner may revoke a school's charter if the school has not
34 fulfilled any condition imposed by the commissioner in connection
35 with the granting of the charter or if the school has violated any
36 provision of its charter. The commissioner may place the charter
37 school on probationary status to allow the implementation of a
38 remedial plan after which, if the plan is unsuccessful, the charter
39 may be summarily revoked. The commissioner shall develop
40 procedures and guidelines for the revocation and renewal of a
41 school's charter.

42 23. The State Board of Education shall adopt rules and
43 regulations pursuant to the "Administrative Procedures Act,"
44 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
45 provisions of this act.

46 24. This act shall take effect immediately.

47 48 49 STATEMENT

50
51 This bill establishes a charter school program within the
52 Department of Education to provide for the approval and granting
53 of charters to charter schools. Under the bill's provisions, a
54 charter school could be established by two or more certified

1 teachers, ten or more parents, institution of higher education, a
2 business or corporate entity, or other appropriate organization as
3 determined by the commissioner. A charter school could also be
4 established by a currently existing public school pursuant to a
5 proposal developed by teaching staff members and parents or
6 guardians of pupils enrolled in the school.

7 An applicant wishing to establish a charter school would submit
8 an application to the Commissioner of Education outlining among
9 other things the proposed governance structure of the charter
10 school including the method of appointment or selection of the
11 charter school board of trustee members, the educational goals of
12 the school and the proposed curriculum, the school's admission
13 policies and criteria, and the age and grade range of students to
14 be enrolled in the school. If the application is approved by the
15 commissioner, the charter school board of trustees shall be
16 considered public agents authorized by the State Board of
17 Education to supervise and control the charter school.

18 The bill specifies that a charter school is to be open to all
19 students and that a school may not discriminate in its admissions
20 policies on the basis of intellectual or athletic ability, status as a
21 handicapped person, proficiency in the English language, or any
22 other basis that would be illegal if used by a school district. A
23 charter school may, however, limit admission to a particular
24 grade level or to areas of subject concentration and may establish
25 reasonable criteria to evaluate prospective students in this
26 regard. The bill also stipulates that preference for enrollment in
27 the charter school shall be given to students who reside in the
28 school district. If available space permits, a charter school may
29 enroll non-resident students, the terms and conditions of which
30 shall be outlined in the school's charter. If there are more
31 applications to attend the charter school than there are spaces
32 available, the charter school shall use a random selection process.

33 The bill provides that students who attend charter schools must
34 meet the same testing and academic performance standards as
35 established by law and regulation for public school students
36 including the HSPT and the Early Warning Test. Charter school
37 students shall also meet any additional assessment indicators
38 which are included within the charter approved by the
39 commissioner

40 In regard to the funding of charter schools, the bill provides
41 that the school district of residence shall pay directly to the
42 charter school for each student enrolled who resides in the
43 district an amount equal to the local levy budget per pupil in the
44 district for the specific grade level. Also, the charter school is
45 to receive any categorical aid or federal funds attributable to
46 that student.

47 Finally, the bill contains provisions covering a variety of areas
48 including the waiver of State regulations for charter schools, the
49 submission of annual reports by charter schools, and the
50 investigation of complaints and revocations of charters by the
51 Commissioner of Education when necessary.

SENATOR JOHN H. EWING (Chairman): Good morning, everyone. First of all, I want to say I appreciate Dr. Sol Fenster giving us the facilities here at this great operation -- the New Jersey Institute of Technology. I hope it was fairly convenient for everyone to get here. Many thanks, all, for providing the space and everything for us.

As maybe some of you realize, the Assembly Education Committee also has a charter school bill in, which they discussed yesterday in their Committee meeting. I believe it has been released.

This bill is somewhat different. We have had one hearing down at Rowan College, where we had only a few people show up, but the input is always very, very helpful. Today we have a larger number of people, which I am delighted to see. We want to hear the pros and cons, and any suggestions. This is the way we can help to develop legislation which is better for the students. The students are the main, principal thing we are thinking about. This is not about individuals, about jobs, or about anything of that nature whatsoever.

Today we continue a series of field hearings to discuss an initiative that would permanently change the face of education in New Jersey. We are, as you know, taking testimony concerning the Charter School Program Act, which I believe will make it possible for the young people in New Jersey to realize their true potential. These schools would give students and parents a choice of curriculum and allow them to choose schools with an emphasis on a particular curriculum area, or with additional advanced placement courses.

For instance, if a student is interested in attending medical school someday, he or she could attend a science high school. The student would then get a head start in pursuing his or her professional career. If a group of parents or concerned teachers feel that a special school is needed for students who want to hone and specialize skills, the State

should not stand in their way. Charter schools would help students to reach the zenith of their potential. A child who is now held back by the constraints of traditional public schools could be set free to attain any level of promise and potential. The sky should be the limit, and charter schools will allow that to be.

These schools also allow parents to find a better learning environment for their children, an environment they feel will best nurture their child's development. They will not be exclusive, accessible only to a select few. Each school will be open to any student who wishes to attend. No one could be turned away from any school unless the school simply runs out of space. A child's path to success will be paved by their own effort and ability. Nobody or nothing, especially our archaic bureaucracy-dominated education system, should stand in their way.

The State of Minnesota was the first to institute charter schools in 1992. Since then, 10 other states have followed suit, and today 134 charter schools are operating and helping students to excel. It is also interesting to note that there are many more that are about to start operating, I believe, this fall. The Federal government has a very complete list of them. It is time New Jersey joined this group of states and put the interest of its young people first, while pursuing the most innovative education approaches available.

As we traverse the State, we will hear views and ideas that will ensure that we produce a measure that will provide the best possible learning environment for the children of New Jersey.

I might add, there are copies of the Senate bill up there on the table for those of you who might not have it, but do want it. If we run out of them, just give us your name and address and we will have them mailed to you the first of the week.

The first witness will be Dr., or the first person to talk -- not a witness, because we are not swearing you in or anything -- Dr. William Librera, Superintendent, Montclair Public Schools.

W I L L I A M L. L I B R E R A, Ed.D.: My name is Bill Librera, and I am the Superintendent of Schools in Montclair, New Jersey. I have been the Superintendent in Montclair for two years. Prior to coming to Montclair, I was the Superintendent in a small suburban school district for six years, and then in a regional high school district in a rural community for four years. My remaining experience includes 13 years as a principal, assistant principal, and social studies teacher. My 25 years total experience has been in the State of New Jersey. I am pleased to have this opportunity to speak about charter schools.

The Montclair public schools have a student enrollment of 6000 in a preK-12 district. The seven elementary and two middle schools are magnet schools. Our high school is presently exploring magnets within our two-building campus. Montclair magnet schools have justifiably earned national reputation for quality schools which have led to voluntary desegregation. The relevance of magnet schools is that they are similar to charter schools. Both rest on the premise that a school is a set of ideas, rather than a building or a structure. A set of ideas can, and in Montclair does, create a community. Good schools are simply good communities.

It is a mistake, in my estimation, to attribute the success of a magnet school or a charter school system to competition. Magnets and charters work because of commitment. Teachers, administrators, parents, and students choose the school and they bring a commitment with their choice. There is, of course, more to the development of a commitment, but commitment is the key concept, as it is in any community.

My support for this bill is conditional. I admire and support the initiative of the sponsors of this bill. I think we must bring variety in structure and governance to public schools. I believe magnets and charters work in any size school and in urban, suburban, and rural districts. Magnets and charters do, however, require commitment from people, and that cannot easily result from a mandate or a requirement.

It would be advisable to provide incentives for people in school districts to explore and implement ideas leading to either magnets or charters. Montclair would be willing to help design such an incentive system and the subsequent schools.

Montclair represents one of the few successful systems in the country with a 25-year history of success. We presently provide opportunities for educators from the entire country to visit. Our student exchange program with Italy is likely to give us an international coalition around the issue of choice in schools. We would be more than willing to assist. If this assistance would be more than an informal offer for people to visit, we, too, would like to suggest an incentive. Magnet schools, almost by definition, have led to changes in attendance patterns. Charter schools would do the same. They, therefore, are excellent avenues to promote desegregation and/or regionalization.

Since we lost our desegregation aid, another form of aid to Montclair could be the technical assistance we provide to school districts that seek desegregation and/or regionalization. As both are objectives of the State Department of Education, Montclair may become a partner in these important areas.

In summary, we need to explore and, if appropriate, embrace different forms in order to provide all of our children with better opportunities to learn. This cannot be done without commitment at the building level and in the community. Accountability will follow.

Charter schools, like magnet schools, are very encouraging possibilities. They must, however, emerge from carefully designed incentives and choice. They must be the product of careful consideration in the initial stages, of which groups in the initial stages should be permitted to initiate charters. I strongly suggest that in the initial stages this be limited to public school entities.

Thank you very much for this opportunity.

SENATOR EWING: You are talking about an incentive for schools. Are you talking about financial incentives?

DR. LIBRERA: Not necessarily, not necessarily. I think the way to get people to begin to embrace different ways of perceiving is to offer some incentive, be that either in financial areas or in terms of time or in terms of possibilities, so that people could create.

There is a reason why public school structures look very similar to the way they were 50 years ago. I think that is because we haven't paid enough attention to how we could motivate people, be they parents, students, or teachers, to begin to design different things. We, too, tend to think too often of incentives in terms of dollars. It is not just that. Giving people time to explore things is another form of an incentive.

SENATOR EWING: Well, if charter legislation is passed and signed into law, don't you feel there are people throughout the State who would be interested in developing schools without even an incentive, just because of their interest in the child and realizing how important education is?

DR. LIBRERA: There would always be a group of people who would fit into that category. I would just encourage you to think about incentives to make that number of people larger than it would be.

SENATOR EWING: If you have some suggestions as to what the incentives would be, let us know.

DR. LIBRERA: Sure.

SENATOR EWING: Because, you know, as far as the Department goes, they are pretty well stretched as far as personnel to work with groups. We ought to see. But this is the sort of thing we want to bring out in these hearings as to what other ideas people have.

Also, the interesting part-- I was fascinated when I went through the magnet schools the other day in Montclair at the diversity of the programs and also just the whole appearance of the schools, the children, and everything like that, and what they were doing. I think it is tremendous.

You were talking about an international program. Who pays for the children to go abroad?

DR. LIBRERA: Parents.

SENATOR EWING: What about the child who can't afford it?

DR. LIBRERA: The school district.

SENATOR EWING: They have the money?

DR. LIBRERA: Well, once you decide to have a program, as you know, Senator, you cannot restrict any student from participating if they lack the funds

SENATOR EWING: Yes, that's right.

DR. LIBRERA: We have developed a number of ways to support children who cannot pay, and that sometimes involves the school district directly. In other cases, it involves service clubs, parents, and volunteers.

SENATOR EWING: Is that in effect yet? Is it like an exchange program? Are you going to bring other children back here?

DR. LIBRERA: We already do.

SENATOR EWING: Do they live with families in the area?

DR. LIBRERA: Yes, they do. What I was speaking about with this international coalition, there were professionals from the schools in Italy who came to visit with us, including

the equivalent of the Commissioner. He had a tremendous interest in multicultural education, which the community in Europe is also addressing as we are here. So he is very interested in choice and very interested in how choice leads to voluntary interaction and voluntary desegregation or voluntary interaction. So we have some interesting things to pursue.

SENATOR EWING: The children who come from abroad, can they speak English, or to a degree speak English, or are you running bilingual classes for them?

DR. LIBRERA: The children who come from Europe are much better equipped with language than our children when we go there. That is part of the message of the exchange.

SENATOR EWING: On charter schools, do you think they should take children from out-of-district as well?

DR. LIBRERA: I would not restrict any conception of charters across districts or in districts. I would, however, suggest strongly that that ought to be voluntary on the part of the communities which are involved. For us to explore, as we are, with other neighboring districts different entities, it is going to work because we are willing participants. If that gets legislated as permissive -- possible and school districts do not support that, I think we are going to begin with a design problem.

Do it on a voluntary basis, and I think you will find there is more support for these kinds of ideas than anyone really thinks. A properly created incentive system is going to provide the wealth of talent that I think can be activated to develop this important concept.

SENATOR EWING: Thank you very much.

DR. LIBRERA: Thank you.

SENATOR EWING: I'm sorry that I did not introduce everyone at the head table. This is the Senate Education Committee, but as you realize, practically all the legislators

have jobs. I don't. I am retired, at the age of 42, so that's fine. (laughter)

We have Kathy Crotty, who is the Executive Director of the Senate Minority Party. This is Melanie Schulz, who is the Executive Director of the Joint Committee on the Public Schools. That is a legislative oversight group. I serve as Chairman for the takeover districts. We have Paterson and Jersey City, and we all light candles every night that we will have Newark within the next few days.

We have Kathy Fazzari from the OLS staff on education; Wendy Lang, from the Senate Majority Party, who runs the Education Committee staff there; and Christine Wemble, who is a student from where -- an intern from--

MS. WEMBLE: Temple.

SENATOR EWING: From Temple, over in Philadelphia. Right?

MS. WEMBLE: Yes.

SENATOR EWING: A graduate student, right?

MS. WEMBLE: Yes.

SENATOR EWING: So those are the individuals here.

Gina Calagero, please.

G I N A C A L A G E R O, ESQ.: Thank you, Senator Ewing and members of the Committee.

My name is Gina Calagero. I am General Counsel to Hands Across New Jersey. Hands Across New Jersey, a nonprofit, nonpartisan grassroots taxpayer organization, supports Senate Bill No. 1796, because it is consistent with our primary goal of efficient and honest government. It helps to bring the taxpayers, the parents, and the teachers back together as a team in the noble task of educating our children.

As a former teacher myself, I am personally very sensitive to what I believe is an unjustified negative perception in the public of teachers and teaching. The public perception seems to only have worsened since I left the

profession 10 years ago. Taxpayers, in general, are naturally concerned about the rising costs of all government programs, and when it comes to education, they do have a lot to gripe about. Every year, they seem to see budgets rise and test scores drop, especially in our cities.

New Jersey is number 1 in the nation in spending per pupil, yet 48th in the percentage of dollars which are spent in the classroom. Shamefully, only 34 cents of every tax dollar is actually spent on what matters: the books, the supplies, the teachers' salaries. In spite of this, our Supreme Court keeps ordering us to spend more. No wonder the taxpayers are upset. But are the teachers to blame, or is the problem that we have placed too many impenetrable layers between ourselves, our kids, and our teachers?

I believe that most teachers are dedicated, caring, and creative professionals who know and care about the children of this State almost as much as their parents do. Unfortunately, we are all locked into a system which is adversarial and designed primarily to ensure uniformity. That is a goal that most teachers will tell you is both unnecessary and impossible. As every parent knows, our kids are not all the same. They do not have all the same needs, and the same methods of teaching and discipline do not always work for all of them.

What a refreshing idea to let the teachers, who are on the firing line every day, work together with the parents to develop creative solutions to these problems. I believe that parents, teachers, and administrators should be freed from these layers of bureaucracy that weigh them down and separate them. They should be allowed to unleash their creativity and their experience in designing schools, curricula, budgets, and programs which are specifically tailored to the children that they actually must educate.

Why are people afraid of giving parents and teachers more choice, more power, and more control? Isn't that how our public school system really started? Our forefathers and mothers built their own communities, and after that they joined together, designed and built schoolhouses, and hired teachers, and those teachers were directly accountable to the citizens of that community. They were all part of the same team. Even though the system was primitive, it worked pretty well.

Now we are in a situation where modern technology has progressed to the point where we have computers in every classroom, we have our kids in space camp, but we have lost that close connection. We have school boards and trustees that manage our schools. We have principals, assistant principals, and secretaries who administer them. And we have statutes and regulations which ensure that all schools are the same. We have created a monolith which exists only to perpetuate itself, and our children, our future leaders, are getting lost in the shuffle. In this present climate, it seems that the results of minimum skills test scores are less important than enforcing uniform dimensions of chalkboards and heights of ceilings.

With all these good reasons for giving parents, teachers, and children more options and more choices, we are strongly opposed to any measure that would limit those options and choices. We wish to take a position on the Assembly version of this bill, and urge this Committee not to adopt the changes the Assembly has made. The Assembly version would restrict the number of charter schools per county and limit the number of children who attend them. We believe this is wrong-sighted and is contrary to the basic concepts behind this plan. The same forces which work in our free market economy should be the only control on the limit or expansion of charter schools.

Like any new idea, only a few will be willing to experiment with it at first, but if this idea proves to be as

good in practice as it seems on paper, and if charter schools are successful in expanding the educational opportunities available to our children, they will naturally proliferate and multiply. Clearly, if the problem we seek to remedy is the excessive control of school curriculum by those who are too far removed from the system to know what is best, if our goal is to empower teachers, parents, and students to do what they know in their hearts and in their experience works in a classroom, then let us let them do it.

Do you have any questions, Senator?

SENATOR EWING: No, may I go now? (laughter)

MS. CALAGERO: I'll write you a pass to the boys' room.

SENATOR EWING: I do have a question: Do you feel that the ability to start charter schools should be limited just to teachers and parents? In the Senate bill, we have that any group, whether it is professors, businessmen, corporations, anybody--

MS. CALAGERO: We wholeheartedly support the expansive measures of the Senate bill. It is a very good idea to get the business community involved. They are the ones who are going to be receiving these children into the business world. They have some special needs themselves. I hear a lot of griping in the business community, as well, about the preparedness of children.

SENATOR EWING: Also, how do you feel about whether the teachers should be required to be certified, the individuals who come in to teach?

MS. CALAGERO: I believe they should be certified. I think that should be a minimum requirement. But what we like about the bill is that you can have 2 certified teachers or 10 parents forming the charter. You do not necessarily have to have the certified teachers in control.

SENATOR EWING: Oh, no, no, I am talking about in the school. If and when these schools start--

MS. CALAGERO: Yes?

SENATOR EWING: --then you feel that the faculty should be certified?

MS. CALAGERO: Yes, I do.

SENATOR EWING: Because in our bill it is open right now. Lord knows what is going to come out.

MS. CALAGERO: That is something that the Commissioner-- I believe your bill also leaves it up to the Commissioner to enact the regulations.

SENATOR EWING: Yes, and not to the local boards to decide whether you can have one.

MS. CALAGERO: When that issue is developed before the Commissioner and the regulations are developed, I think more people will have a chance to voice their opinions on whether they should be certified or not. We do like the fact that the bill leaves it open. I personally, and Hands personally, want teachers to be certified, because they want to have more control. But that is still an option that needs to be explored.

SENATOR EWING: I am going to sort of change things as far as this goes, because, to me, the child is so important that I think anyone on the staff here should ask questions as well, not just me.

So, Kathy, do you have any questions? (indiscernible response) Wendy?

MS. LANG: I am just curious as to what you think about local board involvement and what their role should be. Do you have an opinion on that -- the local school boards?

MS. CALAGERO: We have not polled our membership on that. I think the beauty of this bill is that it is very open, and it leaves it up to the Commissioner and to the students. I mean, the trustees of the charter schools themselves should have primary control, because they are the governing body of the schools. I think it would be wrong to add more layers. Our initial feeling -- or my initial feeling on how our

membership generally reacts to these things is that they would be opposed to local school boards having any more control over the charter schools. It would defeat the purpose.

SENATOR EWING: Otherwise, they would get back into the same rut.

MS. CALAGERO: Exactly. Any other questions?

SENATOR EWING: No. Thank you very much.

MS. CALAGERO: Thank you.

SENATOR EWING: If any of you have prepared testimony, you can leave the final copy with us, or if you have more copies, you can give them to us in the beginning, please.

Daniel Buckley.

DANIEL BUCKLEY: Good morning. My name is Daniel Buckley. As United We Stand-New Jersey Education Chair, I thank you for affording me this opportunity to speak.

The polling of United We Stand-New Jersey members identified public education as one of the top issues concerning our members. United We Stand members have voiced strong disapproval of the costs to maintain the public education system, and disappointment with its quality. As an example, we are aware of a recent national adult literacy survey study indicating that half of the adult population of New Jersey has literacy problems, and another 20 percent are functionally illiterate. We believe that illiteracy is a component in many of the social ills which befall our society.

As taxpayers, we feel frustrated at our inability to influence the spending patterns of local school boards. Perhaps most importantly, as concerned Americans, we believe that parents -- whether rich, poor, or middle income -- should have freedom of choice in selecting a competent school for their children. Having an alternative education path available is especially critical in districts where the public education monopoly has proven itself to be grossly inept, such as Newark and Jersey City.

In the hope that S-1796 will improve the quality of education available to low- and moderate-income families, we endorse the Charter School Program Act of 1995.

As you are probably aware, UWS-NJ endorsed the school choice act for Jersey City, as proposed by the Mayor of Jersey City. We endorsed the school choice act not just for the sake of parents, students, and taxpayers, but for the sake of the good and caring educators who are unable to seek professional fulfillment within the public education system.

A recent study indicated that private school administrators and teachers feel a greater degree of job satisfaction than their public education establishment counterparts, despite the lower pay. We hope that S-1796 will allow more parents and educators to implement innovative and fulfilling programs in a cost-effective fashion.

Upon reading the Charter School Program Act, I was pleased to see that some minimum skills assessment testing, such as the high school proficiency test and the early warning test, is mandated. The UWS-NJ Education Committee supports basic skills testing for both students and teachers. We believe the taxpayers are entitled to some assurance that learning is taking place and the teachers are competent. Basic skills testing as performed in its mandate would help to fulfill this need.

By the way, we were dismayed at the "New Jersey School Report Card" published this year.

We also hope that the Charter School Program Act will bring some cost savings to New Jersey taxpayers. If it does not do so, we hope that another program would be instituted, such as vouchers. We feel it unfortunate that the NJEA, which claims to care about children and parents, saw fit to launch a \$10 million-plus campaign to oppose school choice in Jersey City. As taxpayers, we are aware that the NJEA, with its \$40 million-plus budget, funds groups like the budget-busting

Education Law Center in Newark, and we are aware of the clout of the NJEA and the NEA, but America can no longer afford a workforce that lacks basic skills and traditional American values, such as a sense of responsibility and a strong work ethic. Young people must be prepared for performance-oriented global economy. The tide for excuses and second-rate performances is political pandering and useless compliance mandates are long past.

Pleased be advised that UWS-NJ members -- many of them -- have reviewed the New Jersey Conservative Party platform in education and found it to be very prostudent, proparent, and protaxpayer. Also, United We Stand-New Jersey salutes all legislators like yourself who are trying to improve the quality and cost-effectiveness of our public education system.

Once again, thank you for affording me this opportunity to speak. I would also like to thank Melanie for her assistance, you know, in arranging things.

Are there any questions, Senator?

SENATOR EWING: How do you feel about who can start charter schools?

MR. BUCKLEY: I agree with Gina that businesses and professional groups should be allowed to start charter schools. A reason for that would be--

Also, as a member of the Society of Automotive Engineers, we, working through United We Stand, contacted Pat Schuber, Bergen County Executive, and, working with his office -- working with the the SAE, United We Stand, the Bergen County Executive's office, and the public schools, we have been able to have something called the Junibr Solstice Spring Car Race, which is actually underwritten by the Department of Energy, where kids get little solar panels and electric motors, and they develop automobiles -- little model cars, I should say, and they have a competition which actually has winners and losers. Last year was our first year for that. It was not

just fun, it was actually a joyous event, because of the kids and the teachers who participated.

What I am trying to say is, there are many professional organizations out there which, you know, could be helpful. The SAE -- the Society of Automotive Engineers -- helped to start Vision 2000, which is designed to improve the math and science skills of our students.

SENATOR EWING: Any questions? (no response)

Thank you very much.

MR. BUCKLEY: Okay. Thank you very much.

SENATOR EWING: Next will be Judith Cambria, League of Women Voters.

J U D I T H C A M B R I A: Good morning. I am Judith Cambria, Education Director for the League of Women Voters of New Jersey. Thank you very much for the opportunity to testify today. I am pleased to speak on behalf of the members of 62 local Leagues of Women Voters here in New Jersey.

The League of Women Voters has a half-century history of support for public education, backed by continuing action to achieve equal opportunity and high quality education, and to meet New Jersey's constitutional requirement for a thorough and efficient system of education.

It is a little lengthy, but I think we should let you know that in the past five years, League members have examined and taken positions on a number of issues related to educational quality. These included: goals of education, teacher preparation, certification, professional development, State monitoring, State curriculum requirements, site-based management, and, most recently, school choice particularly. In that area, League members reached agreement to oppose the use of public funds to support students in private and religious schools.

The League of Women Voters is both willing and eager to support any new approaches to education which will improve

the quality of education for all children. We want to assure that each student is well-prepared academically and with other life skills which will enable them to lead productive lives and to peak equally with their peers.

In the view of the League, S-1796, as currently drafted, allows small groups of citizens to create new educational entities uncontrolled by local citizen taxpayers or any governmental entity, and subject only to the provisions of a five-year charter and extremely minimal State regulation and requirements. Legally, such a group would be given all power to determine curriculum, teaching approaches, expenditures, and operating procedures. It is self-selected and self-perpetuating, and no citizen or agency has legal power to remove or influence the governing body. The enabling legislation calls such charter schools public schools, and funds them at the same level as public schools, which are under the control of the local boards of education in this State.

We have significant reservations about S-1796 and the particulars of this legislation. Following are some of our major concerns:

We are concerned that charter schools, as defined in this particular legislation -- I am not talking about charter schools in general -- are not public schools at all, but are really private schools masquerading as public. The proposed legal structure fails to provide for public control, public participation, or public right to know. It vests total control in a group of private individuals selected by a single individual, the Commissioner of Education, who serves at the pleasure of the Governor.

In our view, this particular proposed legislation is very similar to the charter school law in Michigan, which has been declared unconstitutional by the Michigan Supreme Court. In addition to being declared unconstitutional in that state,

charters were actually given to people ineligible under the law itself.

The League strongly disagrees with the assumption that public boards of education and administrators are incapable of developing innovative, high quality schools. Public school districts have created magnet schools, intra- and inter-district choice schools, alternative schools, open schools, all designed to provide options for public school students. Voucher proponents constantly cite successful choice programs in Montclair, New Jersey, Cambridge, Massachusetts, and East Harlem, New York as shining examples of how choice will work. These were all developed by public school districts.

Although it is not in the bill, we do want to get on record that LWV-NJ strongly opposes the revision of S-1796 to allow existing private and religious schools to receive charters and run public schools. As I said, it is not in the bill, but was recommended to you by the Department of Education. We do not--

SENATOR EWING: It's not there, though.

MS. CAMBRIA: I just said, we just want to go on record--

SENATOR EWING: Let's just discuss what is in the bill.

MS. CAMBRIA: --that we do not want you to amend, as you have been asked to amend this legislation. In our view, private and religious schools already exist. They provide competition and they provide alternatives, and our belief is that charter schools should increase the alternatives by funding new schools, not subsidizing existing ones.

LWV-NJ believes that the use of public tax dollars for charter schools without public control and public accountability is taxation with representation.

We would like you to consider the fact that the conduct of charter schools is, in many ways, in conflict with both the Strategic Plan for Systemic Improvement of Education

in New Jersey and the Comprehensive Plan for Educational Improvement and Financing, both of these documents released recently by the Board and Department of Education as blueprints for improving public education.

Now, remember, charter schools are supposed to be public, and these are major plans being put forth for improving public education. But if we look at what is in these, we see that charter schools conflict with these plans in the areas of: curriculum standards, teacher certification, teacher recertification and professional development, State monitoring, and rewards and sanctions. All would apply to the regular public schools, but under the present bill would not apply to charter schools. We think this is a matter that we should consider significantly.

League members share this Committee's desire to improve the quality of education in New Jersey. We applaud your willingness to consider new approaches and examine new structures for delivering quality education. We thank you for being receptive to public input and for the opportunity to share our concerns with you today. We believe that well-designed charter school legislation will provide opportunities to greater school choice, greater diversity in education, increased site-based management -- which we support -- and increased parental and student satisfaction.

We very much applaud the nondiscrimination and random selection requirements of your bill, and support their inclusion as increasing opportunity and equality. However, we can only support revised legislation in which charter schools are more clearly public schools under public control and publicly accountable.

We have attached a list of the changes which we believe are necessary to achieve these goals. We hope they will take place, and we look forward to supporting amended

legislation and building public acceptance and consensus for truly public charter schools.

Then I have a list of 10 things the League would like to see changed, things that we feel would continue all the good points, and would take care of our problems with public control and public accountability. I do not want to read them. I have extra copies here which I can pass out to people, if they are interested.

SENATOR EWING: But you are going to give them to us?

MS. CAMBRIA: Oh, they are there with the testimony.

I would like to say that I attended the meeting yesterday -- the Committee meeting yesterday on the Assembly bill. I would say that virtually all of our concerns are taken care of in the provisions of the Assembly bill. I would hope that perhaps the two groups might get together and see how we could come up with a joint bill which would then be able to be supported both in the Assembly and in the Senate, and also by the public as a whole.

Thank you. Are there any questions?

SENATOR EWING: One other correction: This Senate bill was drafted after the Massachusetts law, not the Michigan law.

MS. CAMBRIA: I understand, but there are concerns in terms of control. We are concerned that there is really only one person in this case who really has all control. We think that, perhaps, has some difficulties. If we look at our recent history -- fairly recent history -- and recognize that the term of the Commissioner of Education was changed from a five-year independent term to one coterminous with the Governor's election and when the Governor leaves, we recognize that since that time we have had four different Commissioners of Education. We cannot, in any way, guarantee who is going to be in charge and what his or her agendas might be, so some of our suggestions have to do with increasing that power and not

cutting the State Board of Education. We believe the State Board of Education, as the lay-citizen Board, plays an important role and should be included in this legislation in giving out the charters, approving the charters, and in the oversight.

SENATOR EWING: Thank you very much.

Are there any questions? (no response) Thank you.

Jeanne Allen, The Center for Education Reform.

J E A N N E A L L E N: Thank you, Mr. Chairman.

Good morning. I am glad to be home. I am actually from New Jersey, and was raised in excellent public schools up in northern New Jersey, schools that I hope, in a lot of ways, charters. Then they can restore our ability to go back to local control.

The Center for Education Reform is a national, nonprofit clearinghouse for information, action, and research and education reform. We work with a variety of states and communities. We are very broadly bipartisan, and charters are a favorite of ours lately, just because of all the various successes we have seen around the country.

I come to you today just one day after the release of the 1994 NAAP Reading Assessment, which shows, unfortunately, a marked decline in reading proficiency across the country between 1992 and 1994. New Jersey shares that decline and has a 220 point average proficiency. A score of 243 is actually proficient, so about 40 percent of New Jersey children are below basic reading proficiency in the fourth grade. Whites have declined; blacks have declined; Hispanics have shown a minor increase. Children from parents who are more educated have declined; children from parents with no education have declined. So the report is not good.

Two days ago, however, American business made its views clear, through a National Alliance of Business report, that it didn't need NAAP basically to tell them that something

was up. Only 4 percent of businesspeople polled in that survey thought the schools were doing well. Now, that is extreme, and New Jersey has a history of excellent public education. But one of the things I think we have to look at in terms of the charter effort, is that this is not a fad. This is about restoring excellence to public schools, and it is very propublic education, an excellent effort.

With widespread bipartisan support, charter schools continue to promise a variety of improvements to today's education system. Among the reasons people show: Increased autonomy will allow for increased efficiency. Choices for parents will get parents' attention and increase their involvement and satisfaction. Competition will force other public schools to improve. The needs of students, particularly at-risk students, will be better met. All of the above will lead to increased achievement.

Today, charter school laws exist in 12 states. However, only 6 of these, right now, are worth mentioning. They are what charter school supporters refer to as the "live" laws, laws that maintain the essentials of the charter movement, and thus can bring all the benefits mentioned before. Arizona, Massachusetts, Michigan, Minnesota, California, and Colorado have serious laws dedicated to quality charters that are up and running. Of the 205 approved charter schools, 190 are located in these six states. So it is not surprising that the following success stories I would like to take a minute to share with you come from these states.

Minnesota passed the nation's first one in 1990, allowing for no more than 5 such schools in each district and only 20 in the state. The cap has since been raised to 35. Students with histories of poor academics and behavioral problems, the "hard-to-reach" learners that a lot of people are worried won't be reached through charter legislation, are being reached at the nation's first charter school, the City

Academy. Codirector Milo Cutter explains that students disenchanted with traditional public schools need innovation and flexible teaching.

The Academy demonstrates its successes in measurable, tangible, existing outcomes: a sizable waiting list, improved attendance, and the graduation of 21 out of 22 students into acceptances at either technical two-year or four-year colleges in 1994 -- a very special graduation in a neighborhood with a 40 percent dropout rate. All the success, including a 5/1 student/teacher ratio was all accomplished with less than 4 percent of its total budget going toward administrative costs.

Celena Longbehn, who has long been a City Academy student, previously had attempted suicide after a friend died in a gang-related accident. As a result of her enrollment at City Academy, she testifies that she now enjoys writing short stories and has great hopes for attending college.

Elaine Farley, who is 14, appreciates being held to "high academic expectations" at the New Country School, especially since she only remembers worrying about gangs at her former school. New Country developed several hundred competencies that students must demonstrate prior to graduation, including everything from the basics of writing, public speaking, math, and art to developing a post-high school plan working effectively in a team.

A K-12 rural school in northern Minnesota was scheduled to close, leaving the community without any neighborhood school. Today, with business and community support, the school now serves about 200 students at Trivola-Meadowlands Charter School.

A group of parents on the Lower Sioux reservation put together the Dakota/Open Charter School targeted to American Indian students. Students had attended high school off the reservation in a predominantly white district and many were in danger of dropping out. Joyce Neal and her three sons

epitomized the struggle. After sending the first off to school in Minneapolis and the second to a boarding school in Oregon, Neil decided to work toward establishing a local charter. She said, "I don't think my kid should have to move 100 miles away to get a good education."

California, as you know, joined the charter ranks in 1992 and allows for no more than 100 in the entire state. The legislature is moving rapidly right now to remove the cap. The reason is because of the following stories:

With its fiscal freedom, for example, the Fenton Avenue School has been able to reduce the size of classes and create extended day programs, all of this while still expecting a \$200,000 surplus at the end of the first year.

The Vaughn Next Century Learning Center, which has been the subject of "Time" magazine articles, and others, boasts a 99 percent attendance rate. By calling home for every absence and offering incentives for perfect attendance, the school increased its daily student attendance rate, and thus brought in more funds. With its budget flexibility, the school immediately hired more new teachers, reduced class size from 32 to 26, and added a 27-computer lab and a teachers resource center. Under the direction of its principal, Vaughn had an actualized surplus of \$1.2 million after its first year in operation, an unheard of a feat in the cash-strapped L.A. Unified School District. This district has cut more than a billion dollars over the last several years, and slashed employee salaries up to 10 percent. The excess funds are being used to build a new 14-classroom complex, cultural center, and library. Principal Yvonne Chan travels around the country speaking. She shows these wonderful pictures. It is really exciting when she does. I would love for you to see her at some point.

Bowling Green Elementary School, also in California, used an outside supplier to get lower prices on paper goods. They originally went to the school district, found out their costs were too high, went and found their own supplier, and the district went nuts and said, "You can't do this. You have to go with our prices." They said, "We can get a better price over here." The district ended up lowering its prices to match the competitor that Bowling Green had found. So the whole district now enjoys lower prices as a result.

Superintendent Al Andrews complimented his district's Options for Youth Charter School and its dropout focus, saying it found literally 200 students in their valley that no one knew existed, and provided them with an option to continue schooling. UCLA independent evaluator, Dr. James Catterall, emphasized that Options for Youth focused on students who otherwise were unable to attend conventional schools because of conflicts from family or job responsibilities, expressed very high levels of satisfaction with the program, most often citing its flexibility. Mike Wilson was one of these satisfied students. Father of an eight-month-old baby, he says he will now be able to obtain a high school diploma because of the Charter School's flexibility.

The Charter School enabled former dropouts to continue on to a regular school's graduation, the military, and GEDs. Students tend to show mathematics achievement growth commensurate to the number of months in the program, and writing samples show consistent improvement in writing communication skills for participants. Above all, students show gains in the value of their own efforts and in their self-worth.

Options for Youth also allows its success to innovative strategies such as an open entry system where students can enroll and start virtually any weekday of the year. Traditionally, the district requires a mountain of

paperwork for independent study strategies, but not for the Options for Youth Charter School, where kids are treated just as regular students.

Massachusetts, as you well know, and which your bill is well modeled after, allows for 25 charters in the state. Among those that are planned to be started up next year are: The YouthBuild Boston Academy Charter School, which will have courses in both academic and vocational skills targeted to dropouts; the Boston University Charter School, offering residential education to children who are homeless or wards of the state; the Community Day Charter School, focusing on honoring cultural diversity and meeting the needs of immigrant parents; and North Star Academy Charter School plans to provide a college preparatory curriculum targeted to inner-city youth and giving them the skills necessary for higher education.

Michigan's legislation actually was unconstitutional not because of a problem with the charter legislation, but because there is this obscure law in Michigan that says that any public school not governed by a local school board is not a public school. It was a problem with definition that was enacted in 1970. So, because of the challenge to a home school that had cropped up under the charter school movement, the legislature went back and very easily changed the law to accommodate the other eight schools that were not in question. So they are enjoying great success. They are expecting 20 more, particularly in the inner-cities, to open up this fall.

The eight charter schools operating in Michigan right now have more than twice the minority enrollment as districted public schools, and the schools actively being planned continue this trend. Charter schools enroll approximately 49 percent minority students, while public schools enroll only 23 percent.

Casa Maria, Michigan, outside of Detroit, is geared toward helping teens who previously were lagging behind or were

destructive. Some of the students have had criminal records, others were abused or neglected.

Pam Girod, a teacher at Visions of a Better High School, used \$9000 of her own money to fund the Cedar-Riverside Community School in Michigan. The school's student body is made up of students from a community housing project who were previously bused to over 40 different schools.

Colorado's law also follows the basic charter essentials, allowing local boards to reasonably limit the number in districts. Colorado's law provides for 50 charters statewide. Some of its successes are: The Connect School: Between the fall of 1993 and the fall of 1994, standardized test scores among the school's 55 original students increased by nearly 8 percent in writing and 13 percent in math. Again, that is a marked change when you look at what we just got from NAAP, for example, in reading across the board in public schools.

Candace Allen, a high school teacher for 21 years, transferred this fall to the Pueblo School for the Arts and Sciences. Her reasons: "In a traditional public school," she said, "you don't get to be responsible for yourself much of the time. You don't get to make decisions that matter for you, and you don't get to make decisions that matter to other people."

The Colorado State Board of Education also granted a request of the Academy Charter School's Organizing Committee, which allowed the group to hire a dean without the state-required administrative certificate. Today, eight months later, its enrollment has doubled in size to 350 students and has expanded from K-6 to K-7, soon to be K-8. Over 500 children are on its waiting list, and it recently found a permanent facility. In fact, "ABC World News Tonight" is probably using it as a model in its upcoming piece in a couple of weeks.

Taking the best ingredients of those states that went before, Arizona's charter legislation became a statute in 1994. It is considered the most liberal bill out there. They are expecting 50 schools to open this fall, a majority of which are being run by nonprofit corporations or organizations.

I can't leave you letting you believe that New Jersey is the only State now considering charter legislation. Eleven other states are also excited about many of the previous successes. Florida's house and senate just recently passed legislation and New Hampshire is expected to pass it out this week from both committees.

Every success I mentioned, I want to emphasize, does not mean that traditional public schools are bad across the country. There are, indeed, many, many good schools. But as a recent "Money" magazine article emphasizes, perhaps 10 percent of the public schools mirror the achievement of private schools, while the vast majority are not up to par. New Jersey does have a history of excellent public education, as I said earlier, yet it is important to keep in mind that children with varying needs perhaps do not have access to an excellent system, and perhaps even an excellent system does not meet all the various, diverse needs our kids have today. Charter schools continue to prove to be an excellent remedy.

Will schools not succeed? You bet. There will always be a few, but with the performance contract in place accountability works. It took 27 years for New Jersey to intervene in two, and now possibly three failing school districts. At this point, it is not clear that such a move is even making a marked improvement. Charters provide more accountability and are held to higher standards, and offer more hope than any reform concept for a long time. The critics know this. Their goal is to show you the problems, the complexities. While there are complexities, my goal is to assure you that if you accept this type of thing as a reform,

you will always have your share of trials and tribulations, but the charter school proposal before you provides more appropriate venues for such difficulties, more immediate remedies, and the accountability necessary that rewards those who succeed and penalizes those who do not. I think that is important before another generation of children is lost.

I think charter schools have the ability not necessarily to be a silver bullet, but certainly expand the opportunities available and continue you folks on the effort that you started a long time ago for excellent public education.

Thank you.

SENATOR EWING: Tell me something: How do these charter schools that are operating in California-- It was brought up by the League of Women Voters. The board members are appointed, but are they elected then later on, or what?

MS. ALLEN: Do you mean their governing boards?

SENATOR EWING: Yes.

MS. ALLEN: They have similar legislation. Certified teachers or parents can start up the schools. They can convert a school with 50 percent teachers and 50 percent parents, and the local school board does not have any authority. They are just a pass-through. Although, in California, you can either go to the local school board for approval or the State Board. If the local school board approves you, then basically they are your sponsor organization. They are who you have to report to.

Some of the schools in California have found some obstacles even after being approved by the local school board. You know, Clementina Deron (phonetic spelling) up in Jingle town in Oakland-- It is a small barrio community school that focuses on the needs of Hispanic children. She has her local school board. By hook or by crook, they kept throwing obstacles in her way, but finally approved her. Even now, they are withholding most of her School Lunch money and most of her Chapter I money, saying that they should have some say in how

her program operates. She doesn't have time to fight it, so she is operating on about \$1000 less than most schools in California.

SENATOR EWING: How do other states do it, or other schools do it? Once the board is appointed or, you know, named -- as the League of Women Voters pointed out -- they are there for five years or as long as the charter lasts.

MS. ALLEN: Right, absolutely, and the governing board.

SENATOR EWING: Yes.

MS. ALLEN: Absolutely, but you have-- Again, you have a performance contract with the state. You have three measures of accountability. You have your parents, you have your governing board, and you have the state. Each place there has been a problem. There have been some concerns raised. There is an open court, in a sense, and those problems are almost immediately remedied.

SENATOR EWING: Are there any questions? (no response)
Do you have copies of that for us?

MS. ALLEN: Yes, I do.

SENATOR EWING: Thank you very much.

Dana Joel, New Jersey Citizens for a Sound Economy.

D A N A J O E L: Good morning, Mr. Chairman. My name is Dana Joel. I am Director of New Jersey Citizens for a Sound Economy. We are a grassroots organization affiliated with Citizens for a Sound Economy based in Washington, D.C. That group has 250,000 members. We are a nonprofit, nonpartisan, public policy group here in New Jersey. I represent our 7000 members in this State.

I want to commend you for your leadership and for championing reforms that will improve education for the children of this State. I am proud to be before you today to testify on the opportunities to the Garden State as presented in the legislation you are sponsoring on charter schools.

As we have heard before, there are currently 13 legislatures throughout the United States that have passed some form of charter school legislation, most particularly: California, Arizona, Colorado, Michigan, and Minnesota, for their more expansive charter programs. Another two dozen states have been considering charter school legislation in this year's sessions. Parents, teachers, citizens, students, and lawmakers throughout America continue to speak out, as we are today, on the benefits of charter schools, specifically on improving education.

We believe it is time now for New Jersey, which, as we have heard before, has an excellent reputation statewide for the level of education that their public schools provide, to act. We believe this is the opportunity to put the school children first, and to add the Garden State's name to the growing number of states that are benefiting from charter school legislation.

Put simply, charter schools do benefit the children. They allow teachers, parents, and the community the flexibility to improve the school's education programs and curriculum; begin new and innovative education approaches, offer more choices, set higher academic standards for their students, and take responsibility for those outcomes. The most important aspect of this legislation is that it returns accountability to the schools. It frees them of needless red tape, reducing teachers' time spent filling out unnecessary forms and dealing with other regulations, and giving them more time to spend specifically in teaching in the classrooms.

Charter schools would still be held to accountability, achievement, safety, civil rights, and health standards. However, they would be given the autonomy to control their budgets, use innovative classroom techniques, and respond to community and parental concerns. As Massachusetts Governor,

William Weld notes, "Charter schools can bring real innovation into the classroom and challenge other public schools to raise their standards."

I would like to share with you a charter school success story that displays in real life the benefits charter school legislation can have on a school and its students. The student population at the Vaughn Next Century Learning Center in California includes impoverished students who speak little or no English. Eighty-four percent of the population is Hispanic. Four years ago, its statewide test scores ranked close to the bottom, with over half of the faculty members quitting over a two-year period. Safety was an issue, the principal resigning due to anonymous death threats.

In 1992, the school applied for and was granted a charter from the state. To look at the Vaughn School now is to look at an entirely different school from four years ago. Attendance is up by 99.6 percent. Reading test scores have increased by 225 percent, and math scores have increased by 194 percent, while the makeup of the student population has, in fact, grown more disadvantaged -- economically disadvantaged. The school has involvement from parents, teachers, and community members. Parents dedicate at least 30 hours of their time to the school. During the school's year as a charter, it saved \$1 million, and is now expanding its building to enroll more students.

The Vaughn Next Century Learning Center is just one example of the impact of freeing schools from needless regulations and bureaucracy and allowing people to dedicate themselves and hold themselves accountable to improving schools. Charter schools are for the children. They allow parents, teachers, and community members to come together to give autonomy to cutting costs, improve education, and raise academic standards.

Again, I commend you for this legislation you are sponsoring. I am now available for any questions you might have.

SENATOR EWING: Thank you very much.

MS. JOEL: Thank you.

SENATOR EWING: Laura Lagano, a parent from Hoboken, and Gary Petersen, a parent from Hoboken.

Did you bring any bread from Marie's Bakery?

GARY PETERSEN: That would have been a good idea.

SENATOR EWING: For us.

MR. PETERSEN: We'll have to remember that at the next hearing.

SENATOR EWING: Otherwise, we might not let you talk. Senator Kenny brings us down some once a year, that's why.

MR. PETERSEN: Oh, good, good.

L A U R A L A G A N O: And he's our neighbor. We should have gotten--

SENATOR EWING: Right.

MS. LAGANO: Right down the block.

Thank you for this opportunity to speak to this esteemed panel about a crucial issue facing our country and New Jersey -- the education of our children. I am here today as a representative of Mile Square Families, a group of young Hoboken parents who are committed to raising their families in our wonderful community on the Hudson. Hoboken has all the diversity and cultural stimulation of the city, along with the charm of a small town. To us, it is the ideal place to live. Unfortunately, it is missing one key ingredient in the perfect place to raise a family -- a quality public school system.

Hoboken's property taxes are among the highest in the State, with 64 percent of our tax dollars going to the public schools. The Hoboken education system spends \$13,600 per pupil per school year, a lot of money by any district's standard. Adding insult to injury, Hoboken Public High School students

have among the lowest SAT scores in the State. We desperately need public education alternatives in Hoboken.

We strongly support charter school legislation in the State of New Jersey. Charter schools allow for integrative, progressive learning combined with close parental involvement, which is crucial to the education of young children. The optimum charter school setting encourages creativity and welcomes diversity. The legislation introduced by Senators Ewing and LaRossa addresses these issues. The Hoboken parents who I am representing commend the Senators for their efforts, and are in full support of the charter school legislation.

We do have a few comments, concerns, and questions about that legislation. Because of the Hoboken school system's less-than-adequate record, we strongly urge that the legislation allows for charter schools that are independent from the local School Board. We do not want the same intractable problems that plague the current Hoboken school system to compromise the effectiveness of charter schools.

As parents who want to educate their children in a public school system in Hoboken, we cannot wait for the current system to improve. We have watched many of our friends flock to the suburbs in search of quality public education. We do not want to follow in their footsteps.

The parents of Mile Square Families want to stay in Hoboken, but we cannot do it without a viable, affordable alternative to the current education system. One concern we have the way the legislation is currently written is that it makes no provision for automatic enrollment of children whose parents apply for charter schools. Because of the poor state of Hoboken public schools, we are certain that students' applications to charter schools will exceed spaces available. In other words, then having to go into the random selection process. Families who spend the time and effort to submit a

charter application should be guaranteed entrance to the school providing their children meet the established criteria.

One question we have about the legislation is: What is the maximum number of charter schools that would be granted in Hoboken, which is one school district, under this particular legislation?

SENATOR EWING: Well, the number of schools will be up to the Commissioner. We are leaving it open. It is not that there can only be one in each county or one in each school district.

MS. LAGANO: So that has not been decided?

SENATOR EWING: Well, no. What is before the Senate Education Committee right now is, it is open. You can four in Hoboken or one--

MS. LAGANO: Or 20?

SENATOR EWING: Or 20.

MS. LAGANO: Okay.

SENATOR EWING: But there again you come to the question of where the space is, where the buildings are. I meant to ask one of the other individuals who spoke what they do about getting the facilities for a charter school, how they handle that in those particular communities.

MS. LAGANO: Well, I guess one of our key questions is: Is there seed money to start a charter school? If so, how do you apply for it?

SENATOR EWING: Right now, there is no seed money in the bill or anything like that. It is going to be a question of people working together and coming up with ideas, as outlined in the legislation, and then proposing it to the Commissioner and the State Board.

But the other thing is, it is interesting that Hoboken, which is a special needs district-- They are already above parody as far as, you know, on Marilyn Morehauser suit

against the State about parody in funding. Hoboken is spending more. They must be about the top of--

MS. LAGANO: I think Hoboken is not only the highest in the State, but I think we are one of the highest in the country. Or, are you talking--

SENATOR EWING: What are they doing up there? I thought Jersey City and Newark were bad, but-- Do they all have cars and everything, and expense accounts? I mean, I am talking about the Board members.

MS. LAGANO: Phyllis can comment on that. (referring to an upcoming witness)

SENATOR EWING: Is she a Board member?

MS. LAGANO: Phyllis was a Board member, but, unfortunately, was voted out recently. I am sure she can comment more about that than we can.

SENATOR EWING: That's incredible.

MS. LAGANO: It is a very bad situation.

MR. PETERSEN: That is why we wanted to bring it to your attention. Myself, as a parent, as a father who stays at home with his toddler, and as a home owner, I am quite frustrated with the property taxes, the Board of Ed which is just ineffectual, and a system that is quite mediocre. We would love to have a very good public school, but this looks like a viable alternative for us. We are sort of pushed into that arena.

MS. LAGANO: The basic crux of what happens with Hoboken parents, why many of them leave for the suburbs, is that they cannot afford the high property taxes and any tuition at a private school. You know, Hoboken does have about four private schools for primary school children, but it is quite a burden. Many people do not want to send their children to private schools. We want our children to be educated within a public system. The thing we do want to reiterate is that we definitely want to see legislation where the charter school

would be separate from the local School Board and from the local politicians, because it would just be a disaster. We would feel like we were just be transferring all the problems over that have been there for 30 years in Hoboken.

MR. PETERSEN: And emphasizing parent involvement, which we feel is extremely important.

SENATOR EWING: Which is so important.

MR. PETERSEN: Yes. I mean, I personally get a little skeptical about businesses or corporations being involved. I would have to, obviously, study and learn more about that, but just looking at the legislation, I just get a little concerned about it, that parents would be pushed off.

SENATOR EWING: The legislation does not say they have to. It permits them, I mean, if they want to come forward with a plan.

MR. PETERSEN: It permits them, okay. I guess we worry about, in Hoboken, say if there were one or two charter schools -- just take that as an instance -- and a corporation or a development got involved, that, once again, we would get pushed off to the side, which is what happened to us in the public school system in Hoboken. I just wanted to voice that concern.

MS. LAGANO: Well, thank you.

SENATOR EWING: Do you have some more, Mr. Petersen?

MR. PETERSEN: No, no, just that I am also a part of the--

SENATOR EWING: You're moral support.

MS. LAGANO: Right.

MR. PETERSEN: That's right.

MS. LAGANO: We are part of the group of parents who tried to get together and form sort of a coalition in Hoboken. We sort of put our energies together.

SENATOR EWING: You people ought to start talking about it, because I think someday -- whether it is soon or

another year or so -- we will have charter school legislation on the books and everything. I don't think it is too early to start getting your groups together and sort of getting some general formalized plan going.

MS. LAGANO: That is exactly what we are doing. You know, we looked at your legislation and the requirements for preparing an application, and we started doing research in that area. We will be working toward that.

SENATOR EWING: Maybe what we ought to do down in Trenton, through the -- maybe they have it already -- Office of Legislative Services-- For those of you who do not understand, there is a body called the Office of Legislative Services, which all of us taxpayers pay for, which does the staffing of the committees on a nonpartisan basis. In other words, Kathy Fazzari cannot even go to a Republican or Democratic cocktail party. That's why she has no weight on her. She doesn't have to eat all those chicken dinners. (laughter) But Wendy Lang works for just the Republican Majority Party in the Senate, and Kathy Crotty works for the Democratic Majority Party, in the minority over there. So there are partisan staffs and nonpartisan staffs.

Maybe what we ought to do -- or maybe they have it already -- is to set up sort of an information bank at OLS to have people write in and then, in turn, get data for them, or tell them where to get pamphlets, or, "Here is a school that is maybe somewhat similar to yours."

MR. PETERSEN: That would be very helpful.

SENATOR EWING: We could have a central location, rather than from any particular party.

MS. LAGANO: That would be very helpful to us, because we feel the whole idea about starting a school -- we think it is incredibly important to Hoboken, but it is so overwhelming that we are certainly going to need all the help from you that we can get.

SENATOR EWING: Oh, and also, the lady who was here earlier from Washington, Jeanne Allen, The Center for Education Reform-- We will see what they have available down there, and everything like that, to see if we can maybe get it collated, brought together, so we can-- Yes? I'm sorry.

MS. CAMBRIA: (speaking from audience) If they are looking for information, a wonderful source here in New Jersey is EIRC -- the Education Information Research Capsule, which is down in, you know, South Jersey.

SENATOR EWING: In South Jersey.

MS. CAMBRIA: They have a marvelous library there. They have clippings from everywhere on these issues. That might be helpful to you.

MS. LAGANO: Thank you.

MR. PETERSEN: Thank you.

SENATOR EWING: Were they funded again in this year's budget -- this coming year's budget?

MS. CAMBRIA: They have not been in the State budget. (remainder of comment indiscernible; witness speaking without microphone)

SENATOR EWING: They are not funded. We cut them off before.

MS. CAMBRIA: That was before, but they have found and developed other sources of funding. They are alive, well, and doing a great job.

SENATOR EWING: Well, that is part of the old EIC.

MS. CAMBRIA: Yes, but it is not-- (remainder indiscernible)

SENATOR EWING: We had four of them in the State, and we did away with them.

MS. CAMBRIA: It is independent.

SENATOR EWING: Well, you can contact me as you get further along or you want more information, or something.

MS. LAGANO: We have been in touch with your office a few times. I spoke to someone there, whose name I have-- I wrote it down, but I do not have a very good memory.

SENATOR EWING: Steve, maybe.

MS. LAGANO: That's it. That is my husband's name. I should have remembered that.

SENATOR EWING: All right, we will keep in touch. We will do whatever we can to help to funnel information into you that you need.

MS. LAGANO: Thank you. We are very excited about this.

SENATOR EWING: Things might not happen too quickly, though, so don't be-- Don't hold your children back waiting for the charter school.

MS. LAGANO: Right. My daughter is 15 months and Gary's--

MR. PETERSEN: My son is two and a half.

SENATOR EWING: Two and a half years or two and a half months?

MR. PETERSEN: Two and a half years. Sorry.

MS. LAGANO: So we have a little bit of time.

SENATOR EWING: Are you going to do home schooling then, do you think?

MR. PETERSEN: That sounds a little overwhelming. In our group, we are exchanging-- Basically, it is just parents who care about education getting together and discussing things from charter schools to trying to work in the public school system to home schooling, if anyone is interested in it. That is one possibility.

I would like my son to be in a school with other children. I think that aspect of socialization is very important. That is what is so wonderful about Hoboken. When we go to the playgrounds, there are 25 or 28 kids to play with,

all two and a half, three years old. You know, it is a great community for that. It is a wonderful experience for him and for myself.

SENATOR EWING: Good. If your group gets together and you want me to come up some night to listen to their questions, I will go get the answers. But don't get the idea that I will be able to answer any of the questions. We are all learning ourselves.

MR. PETERSEN: Right.

MS. LAGANO: I'm sure we will be calling you.

SENATOR EWING: If that would be of help, why, you know, we will see.

MS. LAGANO: Great.

SENATOR EWING: Okay?

MS. LAGANO: Thank you.

MR. PETERSEN: Thank you.

SENATOR EWING: Thank you for coming.

Now we will get Phyllis Spinelli, the former Board member. Is Jane McGuty with you?

P H Y L L I S S P I N E L L I: I am by myself. No one is with me.

SENATOR EWING: Okay. Fine.

MS. SPINELLI: Now that I have returned to civilian life, my name is Phyllis Spinelli. I served as a Board member in Hoboken for three years. I really want to address a very specific, narrow issue with you. Everyone else has spoken about the wonderful success stories associated with charter schools, so you do not need me to talk about that. Actually, Gary and Laura have told you about the disaster stories in Hoboken. I would reiterate much of what they said in terms of parents being disenfranchised.

We have many middle-class parents of every ethnic group who are paying exorbitant taxes for a system that they would not use. Our parental efforts to shape and improve that

system, at least in the near term in the political sense, have failed. However, I am not convinced that we have failed entirely. Change is coming, but it is coming way too slowly. Laura and Gary's children are very young. I have a one year old, a five year old, and an eight year old. So my timetable is even more urgent than theirs.

What I wanted to speak to you today about is specifically with regard to the legislation. As Senate Bill No. 1796 makes its way through the process and you, you know, compromise with the Assembly, I want to speak today to tell you how important it is that the feature in the final bill that gets adopted -- the feature having to do with employee contracts-- Charter schools must have the ability, the flexibility, to develop their own employee contracts. In my opinion, from my perspective as a Board member, the biggest obstacle to reform in terms of education innovation and fiscal reform is the teachers' contract.

In New Jersey, we do not suffer from a lack of energetic and talented educators. We have plenty of those. We suffer from overregulation and from a bargaining -- a collective bargaining -- situation where the local Board of Education is essentially powerless. We have a little local Board of Education negotiating essentially with a statewide union. The statewide union is very effective in protecting its members, and that's fine. I do not object to that. Unions have a very, very important place in our society. However, don't portray yourself to me as the great champion of children. You are a champion of your members' interests.

Parents in the community are the champions of their children's interests. Charter schools will give parents a much greater degree of control and influence over how their children are educated, where the money is spent. Right now, that control, in a traditional board of education-directed school system, that influence, that control is completely lacking.

Hoboken is just a glaring example of how parents are totally powerless to effect changes in a school system that does not meet their needs.

I would sum up by saying, please make sure that as this legislation wends its way through the process, that at the end of the day, charter schools have the flexibility to develop their own employee contracts. You want charter schools to behave more like private-sector organizations, rather than public-sector organizations which are hampered by all sorts of bureaucracy.

Thank you. Are there any questions?

SENATOR EWING: Well, do you feel that the employee in a charter school does not have to join any particular association, or anything like that?

MS. SPINELLI: I do not think they should be forced to join an association. Really, what I was trying to say is, the existing teachers' contracts we have in our public school systems should not be transferable to the charter school in that district, because you are just replicating the same monster. I mean, it is tantamount to rearranging the deck chairs on the Titanic. I don't think anyone should be forced to join an association, personally.

SENATOR EWING: You are too young to remember the Titanic. (laughter) I remember the pictures.

MS. SPINELLI: I have heard that from many people. "Oh, come on, you are not old enough for that."

But anyway-- I had thought of something, but it just escaped me. Oh, in terms of joining associations, I would never prohibit employees from forming their own association.

SENATOR EWING: All right. Are there any questions?
(no response)

Thank you very, very much. It is an elected Board in Hoboken, isn't it?

MS. SPINELLI: Yes, it is. There is an election every year, so we are not going away.

SENATOR EWING: Have some of the members been on that Board for a long time?

MS. SPINELLI: It is a three-year term, and it is a staggered Board.

SENATOR EWING: I mean, like Mr. Bell, in Newark. It has been there for 25 years.

MS. SPINELLI: Yes, we did have one like that, a 21-year incumbent. Needless to say, the local teachers' union worked very hard against me and my group.

SENATOR EWING: Is there a lot of patronage in the system?

MS. SPINELLI: Yes. I mean, when you mix politics in education, education suffers.

SENATOR EWING: Oh, yes. No question about that.

MS. SPINELLI: Hoboken's education school system has been totally dominated by politics for decades.

Thank you.

SENATOR EWING: Thank you.

Jane McGuty? Is she here -- from Hoboken?

MS. SPINELLI: (speaking from audience now) Is that McGurtey?

SENATOR EWING: McGurtey?

MS. SPINELLI: I know a woman named Jane McGurtey, but I didn't see her here.

SENATOR EWING: We just thought we would do the Hoboken group.

Thomas Falocco, President, Plainfield Education Association.

T H O M A S F A L O C C O: Good morning.

SENATOR EWING: Good morning.

MR. FALOCCO: I am Tom Falocco. I am President of the Plainfield Education Association. I am also Chair of the New

Jersey Education Association Urban Education Committee. I want to thank you for this opportunity to testify here today.

I am pleased to speak on behalf of the New Jersey Education Association's Urban Education Committee. This committee is composed of presidents of the education associations from the State's 30 special needs school districts. As leaders of our associations, we come together on a regular basis, and we talk about the challenges that are facing our students, our members, and our school districts. We share insights and ideas, and proposals for change.

The challenges that are facing our students are considerable. Many come from families that are struggling to provide the basics of food, clothing, and shelter. These young people face extremely high odds. They come from broken families and terrible poverty, leading to a breakdown in the structure and the consistency, any kind of predictability, or effective discipline.

Despite their parents' efforts, many children in urban schools enter the classroom with an increasingly wide range and greater intensity of emotional concerns and learning challenges. Worst of all, they enter public schools when their problems are already well rooted. Many urban educators, and educators in general, believe that if we could just reach some of these students a little earlier, then we could teach them how to be successful from the start.

A good example of this principle can be found in the Genesis program, which is operated in the Glassboro School District and funded by the Federal government with a Community Development Block Grant, a preschool program which is housed right in a public housing development and accepts students from birth to five years of age. Now, there is an excellent way to consider applying the charter school concept.

Chartering preschools in urban areas is an opportunity that presents several advantages and benefits. NJEA has a

long-standing policy calling for the expansion of preschool opportunities. Recognizing the pervasive need to address the obstacles confronting poor and urban children and their schools, NJEA launched the "Urban Challenge" in 1987. That report stressed the need to establish Early Childhood Education programs for urban preschool children. Perhaps today's charter school can help us to make this recommendation a reality. Such charter schools would help poor children to enter kindergarten prepared to learn and compete with their middle-income counterparts.

Charter schools could inspire a host of innovative preschool programs that are highly responsive to both parents' and community needs. Charter schools could permit us to gain some measure of control over unlicensed day-care operations, but without the usual burdensome bureaucracy.

As promising as charter school concepts appear, we would urge the State to proceed with caution. The concept of a charter school is still new and experimental. While there are a few charter schools around the country, most are no more than about two and a half years old. We do not yet know how they are performing; thus, to consider them to be an end-all would be inappropriate.

Above all, improving the quality of education for all of New Jersey's public school children must be our central concern. For this reason, we ask that you ensure that any charter school program not take dollars away from existing public schools. Spreading the same resources more thinly is a recipe for disaster. Urban schools have waited decades for the resources they need and that they deserve. In recent years, the Abbott court decision has given us hope that those resources are on the way. We are just now beginning to see what we are able to do with our students, now that we have gotten some adequate support. We urge you, do not dash our

hopes. Do not deprive existing schools of funding in order to finance an experimental program.

We also believe that we should begin with a limit on the number of charter schools. The State Department of Education, already burdened with the oversight of 600 public school districts and two takeover districts, can better monitor their operation. I think we need to only look north to Massachusetts, after which your bill is modeled, to see what has happened when we have instituted charter schools without control. It has had negative impacts on many districts.

Third, we would limit those who can create the charter schools to parents, to teachers, and to school districts. Empowering parents and unleashing teachers' creativity is the whole idea behind the charter school movement. Religious and for-profit companies have other motives. Their motives are profit and religious indoctrination. They are private concerns, and they would spoil the experiment. Charter schools should be public school-responsive to the public, and not private agendas.

I believe these cautions will ensure the best interests of all of our students, and will act as a guide as we work to improve the quality of education in New Jersey.

In closing, let me stress that the charter school concept presents some very exciting opportunities for public school education. But charters are not a quick fix. Their advocates claim it is a quick-fix solution, it is a silver bullet. It is not. In fact, it is the opposite. It is an opportunity to implement long-range, time-tested educational solutions such as preschool education.

I thank you for giving me this opportunity, and I will stand for any questions.

SENATOR EWING: On the Genesis program, what is the cost per child?

MR. FALOCCO: I would not have that information readily available. I have information on the program and the success it has had in terms of the impact on the children entering school and their readiness skills.

SENATOR EWING: Oh, it's tremendous; it's great. Assemblyman Rocco and I have always felt that we ought to have prekindergarten even in all our schools, but when that day is going to arrive, I don't know.

MR. FALOCCO: I don't know either. I think if we simply go back and look at all the preschool programs, we see the impact in our urban areas. That is where we see charter schools going into areas where we know we can have success.

What we would like to avoid is where people have the opportunity to have an impact on the school system, and rather than take the normal road-- I hear people complaining that they are not happy with the School Board. Well, that is what democracy is all about. Vote new people in. If you feel that your taxpayers are being ignored by your board of education, go to a board of education meeting and put on political pressure. If you have a group of parents in a given area who are not satisfied, they need to become politically active and use the process to the best advantage.

Charter schools is an opportunity for us to take specific areas. In my own district, we have started an alternative school program within the school district that is beginning to reap some rewards. But it, too, is only two and a half years old. I don't know how much we can put weight on a program that is only two and a half years old. We have not had the long-range opportunity to judge it, and I do not want to us to jump in headlong and strip the public schools of the basic funding they need. I mean, I think we know that in most of our urban areas our schools are old and we have fixed costs. So we need to have some kind of controls and some limits.

I was pleased to see that in your bill, that it is the Commissioner who will be overseeing it. But I am also concerned that there is not some other public entity in control. And we are concerned that in your bill you note that there would be other businesses. We would not want it to become a private, you know, school voucher program, which I see in section 4 you are trying to avoid.

SENATOR EWING: On your alternative school, is it for children who have been disruptive, etc., or not?

MR. FALOCCO: Disaffected children, children who are not necessarily disruptive, but, in some cases, are truant. They did not come. In other cases, it was youngsters who, because of family backgrounds and problems, were not successful.

SENATOR EWING: Is it a separate building?

MR. FALOCCO: Yes. They are using a separate facility in the community. Originally, they were housed on the high school campus. Then they found it was more effective to put them in a separate entity.

SENATOR EWING: Was it a school building or like a church operation?

MR. FALOCCO: It was a former parochial school that is no longer operational that the school district has taken over.

SENATOR EWING: They were able to take it over?

MR. FALOCCO: Yes.

SENATOR EWING: Did they have to bring it up to all the standards?

MR. FALOCCO: Yes, they did. That was the expensive part. That is part of the part that I think we need to look at. When we start talking about reforming public schools, one of the things we need to look at is: Do we need to create a new silver bullet, or do we need to go back and revisit those restrictions which are making things so expensive? When we talk about a school district, particularly the urban school districts where the buildings were built so many years ago--

Now, I am working in Plainfield. Plainfield has the second oldest continuous graduating class in the entire State of New Jersey. We have buildings that are 100 years old. In order to keep those buildings functional, the cost is astronomical.

SENATOR EWING: Oh, yes.

MR. FALOCCO: I believe we are doing an adequate job and, in many cases, an exceptional job. I think you are probably aware that last year's Rhodes Scholar from New Jersey was from Plainfield. We are very proud of the academic success of our young people. I say all the time that I have been teaching there for going on 27 years now, and my doctor, my lawyer, my accountant, my banker, my stockbroker, my auto mechanic -- everyone I deal with, are my former students.

SENATOR EWING: You passed them all?

MR. FALOCCO: Well, they got past me, let's put it that way. I am very, very proud of the young people I have worked with over the years. I believe we do a very, very good job. As Chairman of the Urban Ed Committee, I have had the opportunity to go all over the State and, yes, I have seen some of our depressed areas. But I think that as we begin to look at school reform, we don't just need to look at charters. I think some of the statements made here today are very valid concerns, but I also think that some of the criticisms are just as valid. When we compare the Senate bill and the Assembly bill, there are areas where we have to look at compromise. I know that will happen, because that is how the process works.

Thank you.

SENATOR EWING: Thank you very much.

Dadisa Sanyika, parent, from Newark? Are you going to replace her?

D A D I S A S A N Y I K A: No, I am Dadisa Sanyika. I would like to let Ms. March go first, if I may, because I am not quite ready yet.

SENATOR EWING: That's fine. Okay, that's all right. We are very flexible here. We are very flexible.

M I C H E L E M A R C H: Am I next?

MR. SANYIKA: Ms. March is next, I'm sure.

SENATOR EWING: Michele March, and what about Joe Fleming?

MS. MARCH: He is still out of town. Attorney Fleming has not made it. He is probably in the air getting ready to land at any moment, but he will not be here. Only me.

I would like to say thank you to all of the panel and Senator Ewing for the opportunity to speak on behalf of the Charter School Program Act of 1995. Much of what I have heard this morning I feel good about. I don't know that I say it in my statement here, so let me say it right now.

SENATOR EWING: Excuse me. I did not say, "Will you let the rest of the audience know where you are from?"

MS. MARCH: Oh, I'm sorry.

SENATOR EWING: No, I forgot.

MS. MARCH: I was leading up to it.

SENATOR EWING: Oh, I'm sorry.

MS. MARCH: That's okay. I am a cofounder of the Coalition for Equity Education, which is a community-based organization from Teaneck, New Jersey. We represent a couple hundred parents and their children, residents who no longer have children in the schools, but who have been through our Teaneck school system, and some educators as well.

One of the things I wanted to say so that I don't forget it is, I would hope that in whatever you do to have this bill passed, that you have it operate independent from the local school boards. That is part of the reason why I'm here. If our school boards were doing a great job, I certainly would not be here today to speak before you.

What I am going to read has a little bit of a different slant from what I have heard. We have, in Bergen

County, three communities out of the 71 municipalities that have a large concentration of minority population, African-American largely, and some Latinos and Asian Indians. I am going to focus on disparity. It is talked about all the time, but it is one of the reasons why I am here.

In May of 1993, the Teaneck Committee on Institutional Racism, appointed by the Teaneck Board of Education, made its fact-findings and recommendation to the district after reviewing five years of data covering the academic achievement of African-American, Latino, and white students from grades kindergarten through 12. The results were as follows:

The Committee found that even though the Teaneck School District has been a model for integrated learning since 1965, there is a need to reevaluate and prioritize the issue of academic disparity between African-American, Latino, and white students. Beginning in the elementary school, the district's use of tracking places white students in accelerated course work, and African-Americans and Latinos in the lowest mainstream classes and special education. This practice is extremely detrimental to children in the lowest levels and programs this group for limited success and/or failure.

Low expectations by teachers for African-American and Latino students contributes to a systemic approach and conditioning which limits academic development in the lowest to the highest grades. The absence of a fully implemented curriculum of inclusion perpetuates miseducation in the classroom and inhibits preparation for the demographic changes of the 21st century.

A summary of the findings of this Committee on Institutional Racism's report is as follows:

- * African-Americans and Latino students, particularly black males, are overrepresented in special education and remediation.

* African-American and Latino students are underrepresented in teacher-selected gifted and talented programs.

* African-American and Latino students are underrepresented in honors and advanced placement high school courses, because they lack the foundation and motivation provided by gifted and talented programs to cope with challenging course work.

* African-American and Latino students, as well as the entire student body, are subjected to a biased curriculum, a curriculum that is not inclusive in every subject and at every grade level, and misrepresents the contributions of people of color to society and the world.

* African-American and Latino students continue to graduate at the bottom of their class, and although their college acceptance rate is statistically competitive with State and national averages, many drop out of college or experience tremendous difficulty because they lack the academic background to compete in a college environment.

* African-American and Latino students, again, particularly black males, are disciplined moreover in comparison with white students. Parental involvement has been far too limited, despite community and parental requests to play a more active role within the system.

Input from the instructional staff to help close the disparity gap has been minimal, at best. The district continues to solve problems in a reactive manner, rather than a proactive manner. The staff does not reflect the makeup of Teaneck's diverse community.

Overall, the Teaneck district's use of negative tracking and ability grouping to sort students into homogeneous groups has produced false quantities of nonwhite students in special education and false quantities of white students in gifted and talented and honors classes.

Tracking has also academically weakened the entire mainstream student population, because the curriculum is watered down and not challenging. All of the aforementioned have prohibited a significant sector of Teaneck's school population to excel and flourish academically, socially, psychologically, and, in some cases, emotionally.

Public education must begin to follow child-centered paradigms that are designed to instill a serious interest in learning for every child in every classroom. This approach would enable America to develop a highly literate competitive workplace for the 21st century.

A charter school should offer an alternative to traditional public education that revolutionizes the classroom -- student, teacher, parent interaction. The Coalition for Equity Education proposes that a charter school offer the following:

- * Accelerated and challenging math, science, and language arts curriculum for all students who are not mentally disabled or viewed as noneducable. Research indicates that students achieve more when offered more, not less. Students offered less achieve less, and eventually have no interest in learning.

I did not quote their Harvard studies. I can get that for you, if you want it. I heard everybody quoting different things. I wrote this statement about 2:00 a.m. last night just to be here with you today.

- * Expectations must be consistently high for every single student.

- * Teachers must be trained across racial lines to be sensitive to natural tendencies toward affinity or the tendency to offer more encouragement to students who look like them. Research indicates that this practice is pervasive in American classrooms staffed largely by white professionals.

* Teaching and administrative staff should reflect the local community. The translation of these efforts would mean that no child would enter college without some knowledge of the population -- there is a typo there -- to the extent that this is possible of the global experience, as well.

* A curriculum of inclusion is mandatory to successfully foster mutual respect and appreciation between nonwhite and white students, and society at large. Inclusive data which can be fused into every subject will help future generations to transcend racial bias, prejudice, bigotry, and hatred.

* Discipline is extremely important in any learning environment. Discipline must go beyond being punitive by becoming instructive. Punitive action alone does not reduce antisocial behavior. A partnership between students, parents, and educators offers one of the best proactive means to develop effective disciplinary measures based upon consensus.

Our vision of a charter school is a detract, high expectations, parental involvement environment that is supported by parent/student/teacher partnerships. This partnership would work together to direct and redirect all efforts toward academic excellence and equity education.

I will give you one example. It is not a charter school, but it is the Westside Prep on Chicago's south side. It has been in existence-- Very little money. I have to tell you guys, I am not talking about "Give us more money." I disagree with that. Some of the best education was probably done in the one-room schoolhouses down in the South many, many years ago. Marva Collins is still producing tremendous results. I cited her because she has some history with this kind of thing, offering the best to all.

The Charter School Program Act of 1995 could offer districts like Teaneck, and others, the opportunity to provide a first quality alternative to better manage academic disparity

between white and nonwhite students. The Coalition for Equity Education has significant support and interest for the provision of an alternate opportunity to our traditional public school system for a heterogeneous group of students in need of an exciting, competitive, and challenging second change. In our eyes, the charter school is a choiceless decision. Public education must make every attempt to educate everyone.

I can take questions, if you have any. I have a copy of the report. It is 122 pages. I only have one copy for you, but it is for you and I will leave it here.

SENATOR EWING: With a copy of your presentation -- a copy of that, too.

MS. MARCH: Yes.

Does anyone have any questions? (no response)

SENATOR EWING: Thank you very, very much.

I am going to take a short break, because I have to make a phone call down to the Majority office in Trenton. I will be right back.

(RECESS)

AFTER RECESS:

SENATOR EWING: May I have your attention. We are ready to start again. The loud speaker is not working right now. I don't think they paid the electric bill, or something like that.

Our next speakers will be Susan Keating, Assistant Principal, Perth Amboy High School, and Harry Linder, Principal, North Cliff Elementary School, Englewood Cliffs. Are you going to come up together?

S U S A N K E A T I N G: Yes.

SENATOR EWING: Good.

MS. KEATING: Good morning.

SENATOR EWING: Just speak up so everybody in the room can hear you. If you can't hear, raise your hands in back and we will have the witnesses talk louder or turn around, or something.

Proceed, please.

MS. KEATING: Senator, and members of the Senate Education Committee, I sincerely want to thank you for the opportunity to testify before you today, especially at the hour of 12:22, on the issue of charter schools.

As an Assistant Principal in an urban district, I understand the desire to support innovative education reforms. Indeed, the expectations placed on public education, as well as the societal obstacles that must be overcome by today's students, are greater than ever before.

I believe that charter schools, if structured properly, offer one potential tool for educational improvement. Charter schools offer several potential benefits:

- 1) They bring together educators who have a common vision.
- 2) They move key decision-making authority to the individual school level.
- 3) They promote a greater sense of ownership on the part of key stake holders.
- 4) Innovations successfully implemented in charter schools can serve as models for all public schools.

However, charter schools also offer a form of competition for traditional public schools. In fact, much of the success of charter schools will be judged by how well student achievement in charter schools compares to achievement in public schools. Such competition can only be useful if it is, to the greatest extent possible, conducted on a level playing field. Only then can useful information be derived.

In order for charter schools to play a role in improving public education, they must be public schools. The

Legislature must reject any effort to allow religious or other private schools to be eligible for charter school status. The incorporation of religious schools would present a clear violation of the separation of church and State. In addition, it would create a potential for a huge taxpayer finance windfall for parents already choosing a private school education. To put it simply, including private schools would create the same insurmountable problems created by private school voucher plans.

Administrators and teachers in charter schools should have to meet the same education and the same certification standards as those in all public schools. Without strict assurances in this area, some students may be exposed to unqualified teaching staff members. Charter schools may be tempted to hire uncertified staff in order to cut down on costs. In addition, charter school educators should have the same due process protections as all public school educators. Educators choosing to go to a charter school are already taking a great risk. Educators need to know the potential exists for the charter school to serve as a stable career move.

The efficient and expulsions policies of charter schools must ensure equal access for all students. Allowing charter schools to establish reasonable criteria to evaluate prospective students, as provided in section 8 of S-1796, opens the door for charter schools to discriminate in their selection process. In addition, allowing charter schools to develop lenient expulsion policies creates the potential for private schools to weed out students who do not achieve academically or have other noneducational problems. Without equal access for all, charter schools will become a bastion for the elite. In the process, any potential benefit for or even comparison to the public school system will be lost.

Would the Commissioner of Education already proposing a process for public schools to achieve regulatory flexibility,

there is no need for a completely separate process to be established for charter schools. All schools will benefit from the ability to receive waivers or equivocencies from the Commissioner. Along these lines, S-1796 should be amended to eliminate any reference to a separate waiver process, and instead, make charter schools eligible for waivers and equivocencies under guidelines to be adopted by the State Board.

Charter schools should not place an undue financial burden on existing public schools. S-1796 leaves the issue of transportation for nonresident students to the State Board, without providing any legislative guidance. In order to eliminate the potential for significant and new costs being imposed on school districts, S-1796 should be amended to provide for full State funding of all nonresident student transportation.

The public schools need some protection from the sudden loss in State aid due to student enrollment in charter schools. This is because even as districts lose State aid for each student that goes to a charter school, certain fixed costs will remain the same, such as: costs for maintenance, teaching staff, and administration. Without some protections, districts may be forced to drastically scale back programs. I would suggest, therefore, that S-1796 be amended to ensure that no district will lose more than 5 percent of its State aid in a single year due to charter school enrollment.

An example, Senator, that I can give you of a program in Perth Amboy which has worked very well: I think considerations have to be given to all new programs, gifted and talented, supplemental programs, such as HSPT prep programs, enrichment programs, and, of course, the Middlesex County Arts High School, which has been working very successfully for many, many years now. I will speak more about the alternate program later on.

Finally, charter schools should be implemented in a carefully planned, controlled manner, in order to provide the greatest chance for success. As a school administrator, I have found that staff, students, and parents are far more receptive to new programs when they are first demonstrated on a small scale. The pilot approach allows for a careful evaluation and the ability to make the inevitable adjustments necessary for nearly all significant new programs.

I would, therefore, suggest that New Jersey place a limit on the number of charter schools that can be implemented in the first five years, and at the end of this five-year period, the Commissioner should submit a comprehensive review of the Charter School Program with recommendation for modification, continuation, and/or expansion of the Program.

Senator, this is where I would like to mention our alternate program in Perth Amboy which was recently targeted as one of the ten best practices in the area of counseling. Several years ago, when this State was looking at alternate programs and grants were being given out -- this was around 1989, 1990 -- we were applying for the grant, but then, because of financial constraints, the grants did not come through. However, we went through with the project. We started with only 30 students. We now serve, regularly every year -- and we are, I guess, in our seventh year now -- at least 90 students, and at least 30 students graduate from our high school in this program every year, at-risk students who had had problems from a dysfunctional standpoint or an attendance standpoint, not so much chronic disruptive, which is a different program in our district. Thirty of these students who would normally not have graduated from high school, are graduating, many of whom are going on to our county and State colleges.

This program is run within the school budget. The only additional costs are for six assignments for teachers who teach in addition to the regular school day. It is programs

like this -- and I think we are hearing this today -- that can operate and can be cost-effective in the process. If you would like information, I have a copy of our program that was submitted for 10 best practices, which contains the budgetary information and delineates other information that may be useful for you. But the idea of operating from a pilot standpoint and moving slowly and carefully, I think is very important.

Having made these suggestions, let me reiterate my belief that charter schools do offer potential for improving education in New Jersey. Implementing a change of such great magnitude, however, requires a carefully laid foundation. This foundation includes a fair playing field, proper safeguards for existing public schools, and a controlled pilot approach that allows for careful monitoring. These suggestions will in no way compromise the key ingredients of charter schools.

I thank you, again, for this opportunity. If you have any questions, I certainly would be glad to address them now.

SENATOR EWING: Thank you.

Did you say you have some other data?

MS. KEATING: I will forward that to you, Senator.

SENATOR EWING: Fine, thank you.

H A R R Y L I N D E R: I am Harry Linder. I work for the Englewood Cliffs public schools. I thank you for the opportunity to come to speak to you today.

The background of where I am coming from is: I have spent 40 years now in public education. Beginning in September of 1955, I have been a teacher and an administrator for students from the kindergarten level through the community college level. Currently, I am Principal of the K-3 building in Englewood Cliffs, and the Chairperson of the Child Study Team. I am a member of the PSA, Chairperson of the Legislative Committee this year, and I am a member of NJEA. Some of what I am going to say will be orthodoxy and some will be my own winging it.

I would like to start by talking about innovation. Over the course of the last four decades, I have seen innovation come and innovation go, and innovation after innovation become fad. We latch onto ideas which seem to us to have a great deal of common sense, a research background, and low risk. Experience tells us they are a good idea, like this. I am very much in favor of your charter school proposal. I think it is crucial that something like this happened in public education, but within public education.

We need to find a place where disgruntled parents and families who have a different vision of school from the majority in the community-- We need to find an outlet for that, without going to the private school or just sitting on the sidelines being disgruntled. If they can set up, through some prudent system, an alternative for their youngster, I think that would be a terrific thing to do. It is incumbent upon us to try it. I think we have to give the charter school movement a chance.

However, I will say to you that if you do not take the time to plan it, and you do not pilot it, it will go the way of every other innovation and become a fad. We look back on the history of fads in education and we have more examples of them than we need to make the point.

I think there are a couple of things I would like to tell you that you should keep in mind when you are setting up this system: It is crucial, in my view, that the charter schools have some credibility with the public school system. In order to do that, I think you could put on the board of governors, or the board of trustees, a member of the local public school board. That would not be a majority, it would not be the tail wagging the dog, but it would be someone who sits in on the operations of that group who could report back that there is not a lot of subversive activity going on there, and there are good things for kids.

Those charter schools can be the impetus for reform of the public schools. What they do and make work can then be taken on by the public schools and made to work at large. I think there has to be some identified level of enrollment before one of these schools starts to operate. If you just don't pin it down, the risk level gets higher, and I don't want to see these things fail. I want to see them work. And I would like to see some guaranteed enrollment before you get the ball rolling and find out that you don't have the students showing up at the front door when you want to start.

I am very much concerned that while we try to make access to these schools available to the broadest population, that we do not forget the charter schools are going to be about a stated vision, and there should be some room for the trustees to accept students from families that share the vision. I am concerned that parents who just don't like the public schools but are not invested in what the charter schools are all about, will choose that because any alternative is better than what they have. That will not serve the interests of the charter school. It will not give us that model to look at. I don't know how you would write the law to do that, but I think you ought to think about that.

Finally, I would just say this to you: I am probably one of the few people who think that the term "thorough and efficient" in the Constitution of the State of New Jersey is a good thing. I think a state should guarantee to its students a thorough and efficient education. The bill provides for waivers for some of the rules, regulations, expectations, whatever you want to call them, and I think those have to be examined very carefully and held up against the standard of thorough and efficient. You should not be able to waiver a thorough and efficient education.

Again, finally, the last thing I have to say to you is: pilot, pilot, pilot. Before you give it to us, let's make sure it works and is workable.

I thank you, again, for your time. Dave Nash will be sending you a version of these comments. Okay?

Thank you. Are there any questions? (no response)

SENATOR EWING: Thank you very much.

MS. MARCH: Thank you, Senator.

SENATOR EWING: Libby McDonald, Coalition for Alternative Public Schools.

MR. SANYIKA: Senator?

SENATOR EWING: Oh, you were about to come up. Okay.

L I B B Y M c D O N A L D: (speaking from audience) Do you know what? I have a whole bunch of parents I have to go back to.

MR. SANYIKA: Okay.

MS. McDONALD: I have asked LuAnn Laddin to join me.

SENATOR EWING: Please proceed.

MS. McDONALD: I am Libby McDonald. I am here representing the Coalition for Alternative Public Schools. We are a group of 60 Jersey City parents who support your proposed charter legislation. When I moved to Jersey City, I learned that there were no viable options for my daughter, Tilly, to be educated in a public school. I quickly realized that many families fled Jersey City once their kids were school age. I realized that this posed two questions: First, what about our community? There was such a rapid turnover that people were not investing a whole lot of time and energy in improving our neighborhoods. Second, what about the kids who could not afford to leave? In our town, 50 percent of the children who enter our high school never finish. Of that 50 percent, many of them are unable to pass the HSPT.

I think we are all beginning to see that the huge, overcrowded schools are not engaging the kids, and we are losing them. What I did was begin to research charter schools. I visited some of the alternative schools in New York

City. I was really turned on by them, and I called 10 parents and asked them to come to my home to discuss this possibility.

The following week, I got, probably, 5 to 10 calls a day from total strangers wanting to come to this meeting. Forty-five people showed up on a cold night in the middle of February. We organized into three committees. We created a governing board, which meets two times a month. Today, two and a half months later, our number has risen to 62. Hundreds of hours have been invested, and we stand ready to open Jersey City's first parent/teacher cooperative public school.

Here is what we have done: We have located three affordable facilities suitable for our start-up plan of three classes, two kindergartens and a first grade. We would like to grow as the children grow. We are actively developing a first-rate curriculum. We are interviewing directors. People want to talk to us -- teachers, directors. We can't make any promises, and they still want to talk to us. They are turned on by it.

We have compiled a long list of parents from many social and economic backgrounds eager to enroll their children in the school, and we have prepared a realistic budget based on union salaries and per-pupil expenses comparable to those of other Jersey City public schools. However, all of our efforts are for nothing unless we pass this legislation.

I want to quickly say: We have gotten a great deal of support from Frank Esposito in Commissioner Klagholz's office, as well as the Mayor's office. Dan Cassidy has helped us, from Bret Schundler's office. We have also gotten some support from a local principal at a elementary school in our city. We strongly believe that together, committed parents and innovative teachers who have the courage to assert their ideals about education, can create public schools even in the inner-city which can meet the personal needs of each child,

resulting in an environment for experimentation and initiative, and the true love of learning which will flourish.

Our urgency is real. Given the quality of our schools -- our public schools -- every year that goes by without change represents an irretrievable loss for the kids in our city.

That is my plea.

SENATOR EWING: Thank you.

MS. McDONALD: Sure.

L U A N N L A D D I N: I have one thing to mention.

SENATOR EWING: And you are from Jersey City also?

MS. LADDIN: Sorry. I am LuAnn Laddin, also from Jersey City.

MS. McDONALD: LuAnn is on our governing body.

MS. LADDIN: I am also a member of this fantastic group.

We are in the process of writing your Committee a letter regarding your bill, which we applaud. Our main concern, though, is that there is no mention of enrollment guarantee for creating parents. The reason for this is because we have invested our blood, sweat, and tears. It is for the community. We know that is the goal. However, realistically, it is a little deflating, you know, "We're building, we're building, we're ready to do it," and then all of a sudden our kids happen to be in the random process, too.

My question is: Is there a reason why this is currently not in the legislation at this point?

SENATOR EWING: We just haven't thought of it. Blame Kathy. (laughter) Kathy did the research on it.

MS. FAZZARI: I wonder, do other states have it? I didn't see it in the other things I looked at.

MS. LADDIN: At this point, I think what we would say is, leave it up to each individual charter to define what is a creating parent. For example, our definition is basically, "You are an active member of a committee working toward

building the school," and, you know, "your time is invested." I think each other group would have its own definition.

MS. FAZZARI: So you're talking more than just the 10 parents, or whomever, who come together to--

MS. LADDIN: Well, no. I mean--

MS. FAZZARI: Or, you could be talking, like, 60 parents?

MS. McDONALD: Yes. We are 60 parents. Sixty parents have invested lots of time.

MS. LADDIN: Right, right. We do know that there is a realistic goal. I mean, if you have 200 parents who are "creating parents," that is unrealistic. But I think we have narrowed it down from those who just say, "Yes, I am interested," to those who are absolutely participating, putting in the hours at night, and doing the research and things. We just bought it as an incentive, you know, to keep our energy up.

MS. McDONALD: That is a question that comes up a lot for us.

MS. LADDIN: Right.

MS. McDONALD: Okay. Thank you.

SENATOR EWING: Do you have anything else?

MS. LADDIN: I did have other things, the things we like about your bill.

SENATOR EWING: No, that's not-- Do you have some other corrections, or things like that, on how to improve it?

MS. McDONALD: That is the only thing. That is the main thing that was of concern to us.

Thank you.

MS. LADDIN: Thank you.

SENATOR EWING: Thank you very much.

Dadisa Sanyika.

MR. SANYIKA: Good afternoon, Committee. Thank you very much. My name is Dadisa Sanyika, from the Secondary Parents' Council of the City of Newark.

We come in opposition to the bill in its present form, because, firstly, we think that the Commissioner, as the sole arbitrar of who can establish charter schools, is patently wrong. Secondly, on the waiver question, the whole idea of tracking, as Ms. March explained, is critical to a total educational reform thing. Charter schools, as it is presently set up without them being specifically in the public school setting, we think, is wrong.

We want to speak to the question of race and racism as well, because we think for people to continue to cite the City of Newark as if all administrators and educators were incompetent, you know, is either naivete or racism. We are not sure about that. No one has come into the City of Newark to actually explain to us the consequences of the takeover or the reforms that we would be able to institute, if the charter school legislation was passed.

I want to apologize, too, for not having my comments written out for you. However, we intend to get something to you in the future.

We are for community control. We want the parents to have the greatest say in the educational system, but we do not see how, since we have not been able to work with the higher learning institutions, such as the one we are presently in, in developing, particularly, the African Senate Emerging Program that we proposed to the district and the institutions in the area. We are quite skeptical about them supporting us in a charter school movement.

I want to conclude by saying that the local boards should be involved in this process, because public education must survive. We have not given up on the public education system.

Thank you.

SENATOR EWING: I understand that, particularly NJIT, does quite a bit in summer programs.

MR. SANYIKA: Yes, it does, but there is no concrete relationship between the higher learning institutions and the Newark Board of Education.

SENATOR EWING: Well, that's true, because the higher education facilities have a great deal of difficulty trying to get the Board of Education in Newark to work with them, etc. That is where the weakness comes in.

MR. SANYIKA: Right, but with this recent problem of the takeover and everything, there have been repeated attempts for the State and the higher learning institutions to come together in a corrective action plan. For some reason, we can never get all the people at the table at the same time.

SENATOR EWING: Well, I think we will find a big difference if or when the takeover does take place for the betterment of the children.

MR. SANYIKA: Everybody wants--

SENATOR EWING: Not for jobs, but for the betterment of the children.

MR. SANYIKA: Yes. Everyone talks about the fact that the bottom line is educating the children, but then it becomes an abstraction if no process-- I mean, presently the Commissioner is running around the State talking about establishing standards for thorough and efficient, when none of those hearings, you know, are happening in Newark, or any of the other urban areas that I know about.

I think this sort of backdoors a lot of things, when you say "charter schools," "choice program," and not on the front end of developing a solid public education system, and prevention.

SENATOR EWING: Thank you.

MR. SANYIKA: Thank you.

SENATOR EWING: Lynn Shapiro? What happened to Lynn Shapiro? Did she leave?

MS. SCHULZ: Lynn Shapiro left.

SENATOR EWING: All right. Next, then, will be Sandra Yeager, Association for Special Children?

S A N D R A Y E A G E R: Yes. May I give you a brochure that explains our Association, as well?

SENATOR EWING: Certainly. We will pass them out.

MS. YEAGER: Thank you.

SENATOR EWING: Thank you.

MS. YEAGER: I am Sandra Yeager, and I am here to represent the Association for Special Children and Families, as well as myself, a community activist. The Association is a private, nonprofit organization which helps families to raise their special needs child to be the best he or she can be. It serves any child who has difficulty with learning, behavior, social skills, communication, motor development, or sensory development. We also work with parents in the community on programs to foster communication between parents and children. We have an adolescent program for all parents right now in effect.

I want to congratulate you, Senator, for having these hearings and being open-minded enough to accept differing opinions. I have found it here to be very instructive today, and I want to add my voice to the gentleman from Plainfield who spoke about the absolute need for more emphasis on early education, that is, prior to kindergarten.

Since I was aware that the Chair of this Senate Education Committee was listed as the bill's cosponsor, I thought it would be politic to begin by acknowledging the positives I found in Senate Bill No.1796. Regrettably, except for general statements of an attempt, I was not able to locate many items I could support. Please understand, I am neither pro- nor anticharter schools. I am simply opposed to this bill, as it is written.

The entire thrust of education for special needs students is inclusive, but not in this bill. On page 3,

paragraph 8, where it deals with who shall be admitted to a charter school on a space-available basis, it is indicated that a charter school may not discriminate -- and I believe this is line 15 or line 16 -- on the basis of status as a handicapped person. But I am not sure what that group of words means, because you may limit omission to a particular grade level or to areas of concentration. This language certainly sounds exclusionary to me.

In which charter school will the retarded be welcomed, the neurologically or perceptually impaired, the emotionally disturbed? The effect of this bill, in fact, would tend to separate group from group, all children from one another. In an age when we must figure out how to better integrate, work together, and learn how to use the techniques of conflict resolution, this bill seems, to me, to create an educational Yugoslavia.

In the letter sent by the person referred to as the "Unibomber," and published on page 1 of The New York Times this past Wednesday, he said, and I quote: "We all ourselves anarchists because we would like ideally to break down all society into very small, completely autonomous units." Sir, that sentence made me think of this bill. Unbelievably, this bill bypasses all local involvement and oversight, except for one matter; that is, local tax levies are to pay for the students attending the charter school.

Though I am not a student of history, I do remember the issue called, "Taxation without representation." Where is my say in the charter school, unless my child attends? This bill claims to call for a new form of accountability, yet it seems to set no standards except for the most minimal, and there is absolutely no accountability. Only the Commissioner grants the charter, and only the Commissioner receives an annual report that contains a financial statement and a discussion of progress. No public person, no local board, no

one has access to the records, or anything that would show what is being taught, how well the students are progressing, or how my public money is being spent.

There is no limit as to the number of charter schools per district. This, of course, could make it absolutely impossible for a public school to plan their budget, hire their staff, or buy their supplies. This bill would free, as I understand it, charter schools from certain State requirements, but offer local schools no such options. Would there be an art teacher, a music teacher, a phys ed teacher, a computer consultant, a nurse, a librarian, a child study team, or would all of these services have to be supplied by the local district? Or, would children simply have to do without these services?

When I read this bill, I was startled. It gives absolute power to a political appointee, the Commissioner of Education. I realize the Governor is under the gun and has come up with a plan that will satisfy the Supreme Court by September of 1996. I have seen one of her other forays, the voucher plan, introduced, denounced, withdrawn, only to be resurrected yesterday, with Governor Kean leading the panel to study the voucher system. I have seen the comprehensive plan for educational improvement and financing, the doing it better, good education at lower cost. My thought was that she is flooding the market and overloading our senses so that when at last a bill is introduced that is not as outrageous as some of these, our senses will be dulled, will be exhausted, and will shout, "Yea, at least it's not as bad as some of the others," and it will pass without a murmur.

A thousand questions must be asked: What is wrong with public schools that you think charter schools will fix? I became an activist when I thought my local schools were mediocre, at best. Other parents worked with me, and we have a

wonderful school system now. We worked our tails off within the public school system.

What evidence can you show me that charter schools succeed? What evidence can you bring-- The evidence I have heard today is almost all anecdotal or based on very small numbers. What evidence do you bring forth that will show us you will not severely damage our public schools? What can you show us that will convince us that you are not using our vulnerable children in yet again some awful, politically expedient experiment?

The analogy that came to my mind was, "Well, parents aren't doing such a good job of raising children these days" -- we see that in the paper -- "why not establish groups of them. By the way, let the parents pay for the privilege of having their children yanked away." That's outrageous, at least I hope it is, but it parallels this bill. If our public schools are not good enough, we must ask, "Why aren't they?" Then when we find some answers, we must work at the solutions, carefully and systematically.

We heard today how many wonderful programs there are that are innovative, that function. Let's learn more about why they succeed. Do we need better teacher training, teacher retraining, better administrators, principals, educational leaders? Do we need to better involve our parents in a more meaningful way? Do we need to bring more social services to our systems? Do we need to make our schools the hub and center of our activities? Do we need to teach conflict resolution? Do we need to deal with the divisive issues of racism? Do we need a better funding system that would perhaps allow our public schools more flexibility?

The way we fund special education, for example, is unbelievable. In this State, unlike most others, if a special child is placed in a regular education homeroom, there is no additional funding for that child, even if they then go out for

their special ed services. So they are forced away from a healthy, integrated situation into an artificially exclusionary setting, simply because of how you fund. Would charter or magnet schools be useful? Well, then, let us consider a pilot program. If we plan a new program, let us give thought to how we establish it, pilot it, and evaluate it. If it is bad, discard it; if it is good, build on it.

You introduced pupil assistant committees, wonderfully effective in so many of our school districts, and now you have reduced their ability to be effective. Why? Evaluate, build on the good. You must have some careful, cohesive, constructive plans to help our students succeed, and that needs to be within our public school system to bring us together, not tear us apart.

Thank you for listening to me, sir.

SENATOR EWING: May we have a copy of your statement? Will you send us a copy, please?

MS. YEAGER: I will. I wrote it at 6:30 this morning. I'll send it to you, okay.

SENATOR EWING: I would love to see what you would do if you had a week's time to do it. (laughter)

MS. YEAGER: Thank you; thank you for listening, sir. Do you have any questions?

SENATOR EWING: No. It was very interesting, though.

C O N S T A N C E N O B I S: (speaking from audience) Excuse me. It was activism that brought excitement to the school district in the form of change.

MS. YEAGER: Excuse me. Ms. Nobis is a member of the West Milford Board of Education, and has been for--

MS. NOBIS: This is my 16th year. It was with people in the community who said, not talking to the laws, but who formed together to plan what was best for children.

MS. YEAGER: An elected board of education members who supported our points of view.

Thank you for hearing me.

SENATOR EWING: Thank you.

Dr. Philip Geiger.

P H I L I P E. G E I G E R, Ed.D.: Thank you, Senator. My name is Phil Geiger. I am Division President of Education Alternatives Inc., a private, for-profit company that manages public schools throughout the United States. We are the largest private company that manages schools, currently managing schools in Hartford, Baltimore, Dade County, Florida, and two private schools, one in Minnesota and one in Paradise Valley, Arizona. I personally spent most of my entire career as a public educator here in the State of New Jersey, and most of that time I spent as a public school superintendent in various New Jersey school districts.

My testimony today in support of Senate Bill No. 1796 is partly because of some experiences I have had here in New Jersey, but also because of what I have seen in the enterprise schools in Baltimore, Maryland, where our company has 12 schools that we operate out of the 171 schools in the City of Baltimore. Not only do we have schools operating there, but so do Johns Hopkins University, the Calvert School, we have the Abell Foundation, and a whole host of other interested sponsors who work with the schools in Baltimore.

A comment that was made to me recently by a parent, I think, summed up the response I think we will also see from some of the urban Senators in New Jersey. The parent said, "You know, we are not yet where we would like to be, but thank God we are no longer where we used to be." As I spent most of my life-- I was actually on an evaluation team here in the City of Newark and saw the things that went on. I am just shocked and amazed that people even tolerate some of the things. I was at a high school recently and, quite frankly, I would never let my children personally go to school there because of the filth and the scum that exists in the school. I

mean the physical plant, not the people. There are people in those schools who are committed. Not everybody is committed, but there are people who are committed and passionate about their mission.

Well, as we look at the need for trying to make reform -- and I spent most of my life in this kind of reform effort -- in many cases, the reform movement takes too long, and too many kids pass through the system before things really happen. We look at the larger school systems, whether it is Newark or whether it is a small community -- whether it is West Milford or Piscataway, where I have been superintendent, or Galloway Township, where I was superintendent-- The size of the district is sometimes affected by the politics of the union relationships, the politics of the school boards, and the politics of just what happens to the community to get some things done. School boards will certainly have a responsibility to oversee the performance of these charter schools to be sure they meet the expectations, which I think you have ably set forth in the legislation.

We have been so focused on process in this State and so little focus has been on the outcomes, the student performance, that I often wonder whether or not -- I guess why people have been willing to accept whatever exists as being okay, and anything new needs to be challenged. I kind of chuckled at my two colleagues, educators, who spoke about the fact that you must have a pilot program for what we do. But nobody challenges the lack of performance we have now in many school systems. We give the example of the one Rhodes Scholar, but I can give an example of 7000 students who went through the Plainfield schools without being properly educated. Nobody seems to question whether there is a problem with that or not. Somehow one student, whose parents were probably very much supportive of his or her educational program, gets attributed to the success of the school system, which says: "If one kid

can do it, so can the other 10,000. They are just lazy," or whatever. Quite frankly, this is the only business I have ever seen where we criticize the client and somehow believe that once we have taught, if they do not learn, it is not our fault.

The charter schools, I think -- and I have seen this happen in Baltimore personally -- force people to respond. We operate 12 schools. We are not the only show in town. There are plenty of other people involved in operating charter schools, "enterprise schools," as they call them in Baltimore. If we do not perform, somebody says to you, "This is not good enough. You have to do better. If you don't do better, you are going to be dismissed from this contract." It creates a situation where people have an obligation to do something, or they will be replaced, and they know that.

One more comment about the schools that may not be perceived as being on fire, and that is probably most of the schools in New Jersey that are not on fire. They are not in desperate trouble, but certainly there is always the question of whether we could have done a better job. I remember back in my early career in South Brunswick and then in Galloway, I watched a lot of different philosophical orientations of parents, and people believing in a certain philosophical approach to instruction. That could have been accommodated if, in fact, we had different ways for people to deliver different instruction in different ways and different schools. There is no one silver bullet here, and there is no one way to skin the cat.

Since 1974, the schools in the United States have received 300 percent more real income, real dollars, than they have received since then. We received 300 percent more real dollars. There is real money being spent in public schooling. So our belief is that there are two questions we need to ask in order to determine whether this is a good bill to support. One is: "If the real interest is in trying to create greater gains

in less time under more financial responsible conditions, why would anyone oppose this bill, except to say that somehow the mediocrity that we have allowed ourselves to slip into, or even the reasonably good school districts which have somehow accepted the belief that they have arrived -- why can't we somehow stretch and reach for more? Couldn't that happen if the people who are engaged and passionate and committed to those schools have some more say and more responsibility, but also a higher degree of accountability?

Unfortunately, I have also seen elections in New Jersey basically being dominated by union selections. The unions have now dominated the ability to get people elected to positions on school boards, and the unions have been able to also dominate the number of people voting. They somehow brag about it. When I get through the NJEA documents that I read, there is a braggadocio about how we got so and so elected, and they owe us.

The second question is: Do we really have time to waste to wait for a total school district to be ready for reform? I have been a superintendent of schools too long to know that the status quo is what people tend to embrace. The unions have somehow a lock on that particular agenda.

I have four children of my own. They have always been the superintendent's kids. We have always moved to the town where I was superintendent. When my kids did not have what they should have had, they did not get recalled, like General Motors, for a new hatch, or a new block, or a new windshield. They didn't get recalled back to the school system where someone said, "Hey, we did not give you the proper technology. We did not give you the proper materials. You didn't have the right opportunities. My kids washed out." So there is a greater sense of urgency about all of this. I think the charter school movement, basically, allows people to respond more quickly. They are more attentive. They are outcome

oriented. The sense that somehow we have arrived is fallacious. Winston Churchill once said, "Success is never final." I don't care if you are doing a great job in West Milford, you can always do a better job somehow and always strive to do something more, and perhaps other people who are focused on that will do it.

Lastly, I suspect, Senator, that Bobby Kennedy's comments-- I know you like some Democrats, and Bobby Kennedy may be one of those. He said, "Progress is a nice word, but change is its motivation, and change has its enemies." I suspect we are going to hear from a number of those people. Quite frankly, I am concerned that there is an urgency here now in New Jersey to do something. I think this may be an answer, not the answer. There are probably many answers to this question.

So we support Senate Bill No. 1796, and appreciate the opportunity to address you.

SENATOR EWING: Thank you very much.

Michael Lenz? (no response) Robert Swissler?
(affirmative response from audience)

Is there anyone else who wishes to-- The lady in back, do you wish to-- (response from audience indiscernible to transcriber)

ROBERT SWISSLER: Thank you, Senator. I will be very brief.

My name is Bob Swissler. I am representing the Edison Project, which comparable to the preceding speaker is a corporate entity participating with local school districts and providing educational programs.

I am here to speak in strong support for your bill, for your legislation. It has been expressed, as you know, to you before, through a previous hearing, where Dr. Walter Carroll spoke on behalf of Edison. I am coming back to speak again, I think simply to reinforce that we like your bill. As

a matter of fact, we hope you won't change your bill too much. It has some very important ingredients in it that are conspicuously absent from other proposals, particularly the Assembly proposal that was presented yesterday, which was made available last week.

Rather than waste a lot of time, I would like to speak specifically to the quality of your bill, which offers a broad base of participants in terms of eligible applicants to administer a charter school. One of those applicants that is conspicuously missing from the Assembly bill is the corporate sector. Large corporations such as AT&T, Prudential here in New Jersey, and throughout the country have, over the years, sought ways to participate in the public education process. I believe your bill offers them an opportunity to meet the standards that any other applicant must meet to provide the kind of output, the student performance, that every other applicant should meet.

I strongly urge that in the subsequent discussions I am sure will go on between the Assembly and the Senate on this important issue, that the corporate sector not be excluded. This is an opportunity for them to add tremendous resources in terms of fiscal, in terms of technological knowledge -- experience with technology -- and in terms of program development. The company I am representing, the Edison Project, has spent millions of dollars in curriculum development. I know you have seen, and the Committee has received, materials in the past from the Edison Project. It is a shame to close the door and not involve--

I want to commend your bill and urge that it be essentially maintained, particularly on the issues I am speaking to, and that the State not move forward with false hope, with a very limited restrained charter bill that is not offering full opportunity for innovation, that your bill does offer, Senator.

Thank you.

SENATOR EWING: Thank you very much.

Anybody else? (no response)

Then we will close the hearing. Thank you all.

(HEARING CONCLUDED)

APPENDIX

1. Require State Board of Education review and approval before granting a charter.
2. Require open meetings and public access to information for charter schools.
3. Require each applicant to submit the proposed charter to its local school district to seek endorsement; lack of endorsement would not necessarily deny the charter.
4. Require submission of the annual report to local governments and school districts.
5. Require charter schools to be nonsectarian and not home based.
6. Declare for-profit businesses/corporations ineligible for participation.
7. Require the teaching staff be state certified.
8. Require parent and community representation in the governing body and employee involvement in decision-making and governance of the school.
9. Create an assured mechanism for accountability which includes annual fiscal audits and program evaluation. (Legislative oversight may be appropriate during the initial startup years).
10. Limit the number of charter schools, at least initially, so they can be carefully monitored and the results examined before any large expansion.

Testimony in Support of Senate Bill 1746
Presented by Dr. Philip E. Geiger
Division President, Education Alternatives Inc.
April 28, 1995

As many of you may know, Baltimore City School Board has established "enterprise schools" similar to the charter school concept being considered here today. For years, Baltimore Public Schools, like many urban districts, attempted reform after reform, but results were less than desirable. The enterprise schools concept allowed the school improvement teams to seek partnerships with outside organizations, foundations, private corporations, and universities. Progress is being made in the schools in Baltimore because the best research based practices are being applied by the various enterprise school partners and, quite frankly, a rising tide is raising all boats.

As one parent recently said to me about our own 12 school cluster in Baltimore, "We may not yet be where we want to be, but thank God, we're no longer where we used to be". Parents have seen positive change and improved educational environments within time frames never seen before. Whether it is a partnership with Johns Hopkins University, the Abell Foundation, the Calvert School, Education Alternatives or a community group, parents are seeing unprecedented responsiveness and focus. Furthermore, when and if problems develop or progress is not as swift as needed, the enterprise schools concept permits people to take action and resolve the matter or to discontinue the relationship and try something else. You no longer have the wringing of hands and the simple hope that things will get better.

In addition to the demand for action and the increased expectations, the politics of the larger school system, the union's relationship with the school board, and the local politics of school boards are avoided in the charter schools. The District oversees the charter school operation, but there is no political interference or distraction.

For parents in school systems where the job is being done well, professional educators and parents can voluntarily embrace different yet fully equally effective educational philosophies assuring that their children receive the best education possible within an environment that they believe will "on the whole" be more nurturing and appropriate for each child. There is more than one way to provide educational excellence, and the charter school concept not only permits faculty and parents to pursue their educational philosophies, but also allows them to participate in a more responsible, therefore accountable way.

For those who say, we don't need charter schools, everything is fine or everything is getting better, I have two questions:

1. If your real interest is children and not the adults in the system, why wouldn't we try to create greater gains, in less time, under more financially responsible conditions? To simply reject the concept out of hand implies that we have maximized each child's performance and we have reached nirvana. I suspect that no one here today would disagree that we must always be searching for improvement. This may be it. It has certainly made a difference for the children in Baltimore.

2. Do we really have time to wait for total system reform, for all people to be ready for change? We are not going to empty out of the schools those who embrace the status quo. Too many people are invested in maintenance of the status quo because the current conditions in our schools focus our attention more on adult concerns than on children. I have four children of my own and they have always been the "superintendent's children". We have always lived where I chose to be superintendent. I knew that for my children and for my neighbor's children there was no time to waste. They couldn't repeat today. There was no product recall for the kids. And tomorrow was upon us. Delaying improvements or even delaying opportunities would be a failure to serve our youth.

This bill, Senate Bill 1746, sponsored by Senator Ewing finally brings the focus of this state back to serving the youth and staking claim to our future.

**Testimony Before the New Jersey
Senate Education Committee
on S-1796
The "Charter School Program Act of 1995"**

**By Alex Medler
Policy Analyst
The Education Commission of the States**

April 28, 1995

ECS/Alex Medler/April 28, 1995

Thank you for inviting me to speak before your committee. I regret that medical reasons will prevent me from delivering my testimony in person and answering any questions you might have. But I hope the following written testimony will be of assistance as you consider the charter school bill before you. While I cannot answer questions in person, feel free to direct any follow-up questions to my attention at (303)299-3635.

As a policy analyst for the Education Commission of the States (ECS) I am responsible for monitoring the progress of education reform. One of the fastest-moving reforms right now is the concept of charter schools. Let me state up front that I plan to provide both pros and cons associated with this movement. The concept is very promising, is receiving immense interest from state leaders and school operators, and is a way of tapping into the knowledge and interest of those best placed to improve schools -- teachers and community members close to the kids. These schools will have the kind of local discretion that teachers and administrators have requested over and over again. They will also benefit from enrolling students whose parents want them in that particular school and who are committed enough to get them there. In addition, if charter schools fail, they will be closed, thus limiting the negative impacts of an individual school's failure. Despite elements which look promising and an accountability structure that limits the potential drawbacks to charter schools, only time will tell whether they work or what their impact will be on the larger system.

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As of April 1995, twelve states have passed legislation authorizing the establishment of these schools, and at least 15 states, such as New Jersey, have considered legislation during this session. As of April 1995, over 200 schools had received initial approval. However, despite this rapid growth the charter school movement is very young; most of these approved schools are not yet open or are only in their first year of operation. The work of restructuring existing schools can take several years, and the first year of a new school is not highly indicative of what it will look like down the road. Consequently, I cannot tell you whether charter schools outperform traditional schools or what their impact will be on the larger education systems. At ECS we are very interested in this movement, and we have been very busy answering the questions of policymakers like yourselves. To better answer your questions, we are collaborating with The Center for School Change on a survey of the nation's charter schools. In March we mailed out 138 surveys to school organizers. Although we are still contacting schools to get more feedback, to date we have responses from over 50 schools. Let me share with you some of the preliminary results.

One of the questions you will find most interesting was, "If a state legislator asked your advice as he or she established the legal guidelines for creating a charter school, what advice would you give?" The responses were wide spread, but could be grouped into five categories: start-up funds and finances; multiple sponsoring agencies; maximum school flexibility; clear language; and encouraging cooperation and innovation.

The most often repeated advice was the recommendation to include start-up funds. Eleven respondents pointed out the need for some money to work with in the early stages.

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Starting these schools from scratch takes a great deal of work. Organizers must plan curriculum, instruction and assessment, secure facilities, hire staff, establish procedures for how to hire that staff, handle insurance, transportation, meals, janitorial services, as well as organizing admissions and recruitment — all before any students ever come in the door. Funding for these schools often doesn't arrive until just before the kids. Consequently, schools must scramble to take care of all these issues on unpaid time or find outside sources of funding. As more and more schools enter the charter school movement the foundation resources that occasionally support charter school start-up activities will be spread more thinly. Unfortunately for the concerns of experienced charter school operators, S-1796 does not include provisions for additional start up-funds as it is currently drafted.

On another point, however, New Jersey's proposed legislation meets the concerns of school operators. Another major area of concern in our survey was the sponsoring agency. Respondents recommended that local districts not be involved in sponsoring schools, and that a state agency be responsible so that sponsors can go directly to someone outside the district. One respondent went as far as to mention, "having the sponsoring district approve them is counter productive to reform." While there may be benefits in the long term to relationships between the charter schools and local districts (especially for those who see charter schools as laboratories for innovations from which the other schools can learn) charter operators have found that close relations with local districts are more trouble than they are worth. S-1796 meets this concern of those ECS surveyed.

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Another area of intense concern for charter school operators is school flexibility. Most comments center on giving the schools the power to make their own decisions. Only being answerable to the state was one recommendation, or making the charters their own local education agency. While S-1796 does make the schools answerable to the state and not local districts, the waiver provisions of your current draft are weaker than some other states. Having to apply for individual waivers has proven to be a reform that schools do not use in most other states. While charter school operators may consider applying for more waivers than traditional schools, giving schools blanket exemptions to many regulations is a recommendation of those operating the schools.

Another issue of concern to charter schools is the clarity of the original language. Many respondents expressed frustration over vague and unclear laws. This can be particularly frustrating in states where schools must negotiate with sometimes-hostile local school districts. The schools can be entering these negotiations from a weak position, so districts can use any lack of clarity in the original legislation to frustrate charter school operators. Having the state be the chartering agency is one way around such laborious negotiations, but clarity in the original language can also expedite this process. Some of the specific pieces mentioned included special education services, transportation, charter school enforcement, finance and attendance.

The final area of concern for school operators is how to encourage cooperation and innovation. These responses reinforce a major concern at ECS about whether or not these schools can drive larger changes or become significant models of innovation for a few schools. Charter schools may be able to succeed individually, but even if all the charter schools

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authorized in states were open, they would represent an insignificant number of the schools in those states. (Among the first eight states to establish charter school legislation the percentage of possible charter schools was less than 2% of the states' total number of schools.) Many reforms have been able to change a handful of schools. Charters may be able to do this as well. But the real impact of the movement will be found in the other 98% of the schools. Can more schools be encouraged to innovate and make successful changes? Can traditional schools learn from successful charters, or will they always feel threatened by and antagonistic toward these newcomers?

Respondents had two types of responses, one encouraging charters to innovate more and work together and another to strengthen their ability to work as laboratories for larger districts. Respondents suggested "an ombudsman who can stand up for charters as a whole", and cautioned that after the failings of a few charter schools, legislators should not be too quick to revisit the legislation. They also pointed out that good research might actually take more money. In the second vein, surprisingly, charter school operators mentioned the importance of positive relationships with districts so that the lessons of these successful laboratories might prove useful elsewhere. I say surprising given the earlier comments stressing independence from local districts. But charter school operators also recognize the importance of positive relationships between charters and other schools. Some of these independent operators want to encourage charters to share what they learn and to cooperate with local districts so they can benefit from these hard-won lessons as well.

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A few miscellaneous words of advice from these school operators for legislators also bear repeating. One respondent noted, "If you really want local/community/parent-initiated schools, you need to build capacity in communities of color. If you don't, you're continuing the same biases as everywhere else, based on access to resources."

Given the many challenges before charter school operators it is important to keep in mind the comments of this individual. In fact, if you want truly successful innovation you may need to build the capacity of all operators. But this comment points to a broader concern of many opponents of charter schools — that charter schools will benefit a privileged elite of students and communities. This fear is founded on the assumption that charter schools will serve as private schools for specific children, funded at taxpayer expense. Most legislation passed by the states takes care of these concerns up front, in the statutes regarding admission standards, civil rights and language about private school operation, however, concerns about who benefits from charter schools will not go away.

One piece of our survey will shed a little light on this issue. We asked school operators to compare the percentage of children of color their school serves to the percentage of children of color in their local districts. Of the surveys returned, 29 were able to answer the question, but of those that did provide information, 14 claimed to serve a higher percentage of students of color than the local district, and another six served roughly the same percentages as the district. Only nine were serving a smaller percentage than their local district. Charter schools are clearly serving diverse students, and in California where charters are chiefly converted schools, these are often large urban schools, serving primarily at-risk students.

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What are the reasons charter schools give for opening? Most of the responses from California, Colorado, Massachusetts, and Minnesota were similar. The primary reason operators opened their schools was "to provide better teaching and learning for all kinds of kids." The second highest priority for school operators was to innovate. The next reason for opening a school was to run an autonomous school free from rules and regulation. Next was the desire to run a school according to a certain philosophy or a set of principles. Ironically, the desire for autonomy was a higher priority than having a certain philosophy or principles toward which this autonomy would be geared. The next two reasons for running the school were to empower parents, and serve at-risk students.

While running a school to serve at-risk students may have been a lower priority, schools are planning to serve at-risk youth. When asked what students their school was designed to serve, respondents overwhelmingly said their school was designed to serve all kinds of kids, but the second highest group was at-risk students, ahead of gifted and talented students by three schools. And in California, where charter schools consist primarily of previously-existing schools that have converted to charter schools, and Massachusetts, the state with legislation the most similar to S-1796, this frequent focus on at-risk youth remains strong. The innovations these schools attempt are also interesting. Opponents have commented that charter schools have not been that innovative. Preliminary data does not answer the question, "How much of these schools is new?" But it does point at some efforts. The most frequent innovations are the use of integrated curriculum/interdisciplinary instruction, followed by the use of technology, and next by back-to-basics curriculums. These are followed by the curriculum areas of arts, civics

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and science, in that order. However, if one combined back-to-basics with college prep the total was the second most described innovation, placing it ahead of technology. Based on this limited data, the modal charter school is a back-to-basics school, using technology and an integrated curriculum.

Charter schools attempt to do a lot with technology. This is especially interesting considering the cost of technological innovation, and the fact that charter schools are generally not operating with more money than their local schools.

This survey also yields interesting information about the amount of innovation going on in individual schools. The survey allowed schools to select more than one innovation. By totalling the number of innovations listed, we were able to determine the relative amount of innovation encouraged by the different pieces of legislation. While the numbers in all cases are too low to be statistically significant, a cursory examination indicates that perhaps Massachusetts' schools (the state with legislation closest to S-1796) have more innovations on average than the schools in other states. Massachusetts is followed by California, then Minnesota and finally Colorado.

In conclusion, the charter schools movement is young, but growing rapidly. These schools are being watched closely and are held to lofty objectives. They are expected to meet community and parent interests, create innovative instruction and at the same time provide examples of success that drive larger change. If they do not succeed, individual charter schools will be closed; the movement as a whole could join the rest of the good ideas which have graced

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education reform and shined brightly for awhile only to be relegated to historical archives and district circular files.

To accomplish their objectives charters receive a little freedom, money and a lot of interest. But to succeed in making far larger changes to state education systems, they will need early support, on-going cooperation and encouragement, as well as long-term support.

I would welcome any opportunities to discuss charter schools further and outline more of ECS' research on this movement with you. You can call me directly at 303-299-3635.