

PUBLIC HEARING

before

SENATE COMMITTEE ON EDUCATION

on

SENATE BILL 674

"Teacher Standards and Certification Act"

E24A74

Held:  
March 4, 1974  
Senate Chamber  
State House  
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Stephen B. Wiley (Chairman)  
Senator Herbert J. Buehler  
Senator Anne C. Martindell  
Senator Wayne Dumont, Jr.

ALSO:

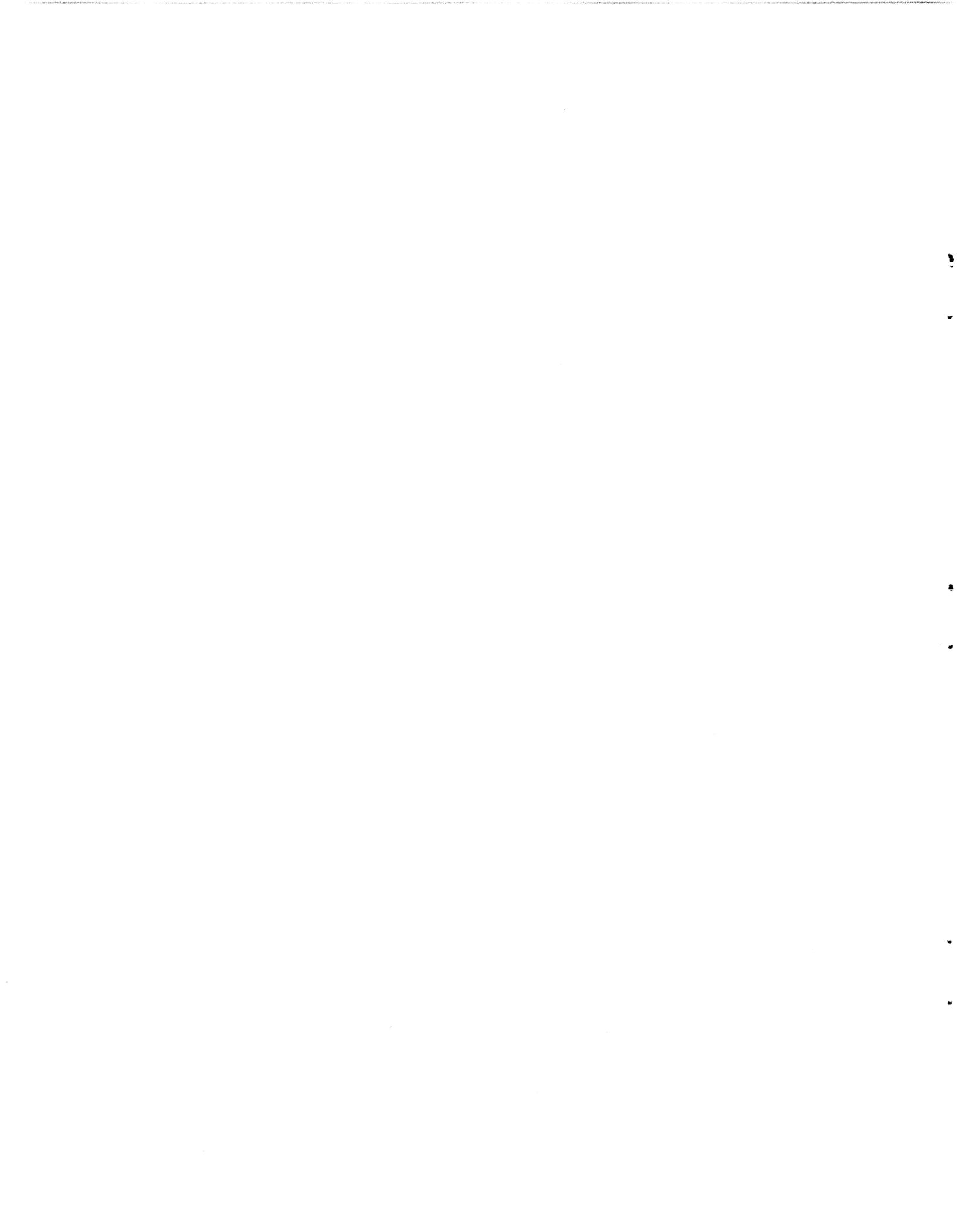
Assemblyman Harold Martin  
Assemblyman Charles D. Worthington

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SENATE, No. 674

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1974

By Senators DUMONT and MENZA

Referred to Committee on Education

AN ACT concerning teacher standards and certification; supplementing Article 3 of chapter 6 of Title 18A of the New Jersey Statutes; amending N. J. S. 18A:1-1, N. J. S. 18A:6-34, N. J. S. 18A:6-35, N. J. S. 18A:6-37, and N. J. S. 18A:6-38; repealing N. J. S. 18A:6-39; and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Teacher  
2 Standards and Certification Act."

1 2. Teaching in the State of New Jersey is declared to be a pro-  
2 fessional practice. In order to achieve the highest possible educa-  
3 tional standards in the State of New Jersey, highly qualified pro-  
4 fessional teachers must be attracted, retained, and stimulated to  
5 optimum performance. These objectives can be accomplished most  
6 effectively if the preparation, certification, and certain aspects of  
7 the performance of teachers are regulated by the teaching  
8 profession.

9 It is the purpose of this act to establish a regulatory agency, a  
10 structure, and procedures which will enable the teaching pro-  
11 fession, through qualified members, to control and regulate the  
12 preparation, certification and certain aspects of the performance  
13 of teaching staff members as defined in N. J. S. 18A:1-1.

1 3. N. J. S. 18A:1-1 is amended to read as follows:

2 18A:1-1. As used in this title, unless the context requires another  
3 meaning, the following words and phrases shall have the following  
4 meaning:

5 "Academic year" means the period between the time school  
6 opens in any school district or under any board of education after  
7 the general summer vacation until the next succeeding summer  
8 vacation;

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

9 "All purpose regional district" shall have the meaning assigned  
10 to it in subsection a. of section 18A:13-2;

11 "Board" means the board of education;

12 "Chancellor" means the Chancellor of the Department of Higher  
13 Education;

14 "Commissioner" means the Commissioner of Education;

15 "*Council*" means the teacher standards and certification council.  
16 *On and after the effective date of this amendatory and supple-*  
17 *mentary act any reference in this title to the "state board of*  
18 *examiners" or "board of examiners" shall mean the teacher*  
19 *standards and certification council;*

20 "County superintendent" means the county superintendent of  
21 schools;

22 "Department" means the State Department of Education;

23 "District" means a school district;

24 "Employee" includes the holder of any position or employment;

25 "Employment" includes employment in a position;

26 "Full membership" of any board or body means the number of  
27 members of the board or body when all the members' seats are  
28 filled and a "majority of the full membership" of any board or  
29 body means a majority of such number;

30 "Higher education" means that education which is provided by  
31 any or all of the public institutions of higher education as herein  
32 defined and any or all equivalent private institutions;

33 "Limited purpose regional district" shall have the meaning  
34 assigned to it in subsection b. of section 18A:13-2;

35 "Local school district" means any school district comprising  
36 within its territorial boundaries the territory comprised in one or  
37 more municipalities, except a regional school district;

38 "Private school" means a school, under college grade, which does  
39 not derive its support entirely or in part from public funds;

40 "Public institution of higher education" shall have the meaning  
41 assigned to it in section 18A:62-1;

42 "Public school" means a school, under college grade, which  
43 derives its support entirely or in part from public funds:

44 "Public school system" means the system of public schools of  
45 the State;

46 "Residence" means domicile, unless a temporary residence is  
47 indicated;

48 "School nurse" shall mean and include any school nurse, school  
49 nurse supervisor, head school nurse, chief school nurse, school  
50 nurse coordinator or any other nurse performing school nursing  
51 services in the public schools;

52 "State board" means the State Board of Education;

53 "Teaching staff member" means a member of the professional  
54 staff of any district or regional board of education, or any board  
55 of education of a county vocational school, holding office, position  
56 or employment of such character that the qualifications, for such  
57 office, position or employment, require him to hold a valid and  
58 effective standard, provisional or emergency certificate, appro-  
59 priate to this office, position or employment, issued by the [State  
60 board of examiners] *council* and includes a school nurse.

1 4. N. J. S. 18A:6-34 is amended to read as follows:

2 18A:6-34. [There shall be a State board of examiners, consisting  
3 of the commissioner ex officio and one assistant commissioner of  
4 education, two presidents of state colleges, one county superin-  
5 tendent, one superintendent of schools of a type I district, one  
6 superintendent of a type II district, one high school principal, one  
7 elementary school principal, one librarian employed by the State  
8 or by one of its political subdivisions and four teaching staff mem-  
9 bers other than a superintendent, principal or librarian, all of  
10 whom shall be appointed by the commissioner with the approval  
11 of the State board.]

12 *There is hereby established a Teacher Standards and Certifica-*  
13 *tion Council which shall be composed of 15 members appointed by*  
14 *the commissioner with the approval of the State board from*  
15 *nomination lists compiled either by petition or upon the recom-*  
16 *mendation of professional organizations as hereinafter provided.*

1 5. Any appointee to the council shall have been a resident of the  
2 State for at least 1 year and an active teaching staff member or  
3 engaged in the professional preparation of teachers in a New  
4 Jersey institution of higher education for at least 3 years, or 3  
5 academic years, on a full-time basis prior to his appointment to the  
6 council. Any appointee shall be the holder of a standard certificate  
7 for the position of his current employment, if any such certificate  
8 is required. Membership on the council shall terminate 30 days  
9 after the date such member is no longer employed in a position  
10 category, as hereafter defined, for which he was nominated and  
11 appointed.

1 6. The council of 15 members shall be composed of:

2 a. category A—eight members who are teaching staff members in  
3 positions requiring the holding of a teaching certificate;

4 b. category B—two members who are teaching staff members  
5 in positions requiring the holding of an administrative certificate;

6 c. category C—two members who are teaching staff members in  
7 positions not included in the categories A and B above; and

8 d. category D—three members who are engaged in the profes-  
9 sional preparation of teachers for a major portion of their time  
10 as a teacher, supervisor or administrator in a New Jersey institu-  
11 tion of higher education accredited for teacher education with two  
12 employed in public institutions and one employed in a private  
13 institution, and provided further that at least two shall be active  
14 teachers.

15 Of the first appointees, three shall be from category A appointed  
16 for 2 years, two shall be from category A appointed for 3 years,  
17 one shall be from category B appointed for 2 years, one shall be  
18 from category C appointed for 3 years, one shall be from category  
19 D appointed for 3 years, one shall be from category D appointed  
20 for 2 years, and the remaining six shall be those members of the  
21 previous board of examiners whose terms would not have expired  
22 as of the effective date of this act and their appointment shall be  
23 for one year. Of the six appointments made at the beginning of  
24 the second year, in place of the holdover members of the board  
25 of examiners, three shall be from category A appointed for 3 years,  
26 one shall be from category B appointed for 2 years, one shall be  
27 from category C appointed for 3 years and one shall be from  
28 category D appointed for 3 years. Their successors shall be ap-  
29 pointed for a term of 3 years each, except that no person shall  
30 serve more than two consecutive full terms and any person chosen  
31 to fill a vacancy during the school year shall be appointed only for  
32 the unexpired term from the list of nominations made for that  
33 school year.

1 7. N. J. S. 18A:6-35 is amended to read as follows:

2 18A:6-35. **【**The appointed members of the board of examiners  
3 shall hold office for two years from September 15 of the year in  
4 which they are appointed and the members in office, on the effective  
5 date of this title, shall continue in office until the expiration of  
6 their respective terms. Vacancies in the board shall be filled for  
7 the unexpired term only.**】**

8 *The members shall hold office from September 15 of the year*  
9 *in which they are appointed. At the first meeting held after Sep-*  
10 *tember 15, the council shall elect a chairman and vice-chairman*  
11 *for the ensuing year. At least four meetings shall be held per year.*

1 8. N. J. S. 18A:6-37 is amended to read as follows:

2 18A:6-37. All members of the **【**board**】** council shall serve with-  
3 out compensation but all such members **【**other than the commis-

4 sioner and the assistant commissioner of education] shall be  
5 reimbursed for necessary expenses for attendance at its meetings.

1 9. By July 1 in any year, qualifying organizations may submit  
2 nominations for each vacancy to be filled that September 15 accord-  
3 ing to the following qualifications:

4 a. Category A nominees:

5 (1) organizations, a majority of whose members are employed  
6 in category A positions may submit one name for each vacant  
7 position for each 6,000 members or major fraction thereof but not  
8 in excess of three per vacancy. Local, county and state affiliates  
9 of a state organization shall be considered a part of the parent  
10 State organization and shall not have the right to make  
11 nominations.

12 (2) a teaching staff member from a category A position may  
13 be nominated for a vacancy by a petition signed by at least 200  
14 members in category A.

15 b. Category B nominees:

16 (1) organizations, a majority of whose members are employed  
17 in category B positions may submit one name for each vacant  
18 position for each 600 members or major fraction thereof but not  
19 in excess of three per vacancy.

20 (2) a teaching staff member from a category B position may be  
21 nominated for a vacancy by a petition signed by at least 50 members  
22 in category B.

23 c. Category C nominees:

24 (1) organizations, a majority of whose members are employed in  
25 category C positions may submit one name for each vacant posi-  
26 tion for each 600 members or major fraction thereof but not in  
27 excess of three per vacancy.

28 (2) a teaching staff member from a category C position may be  
29 nominated by a petition signed by at least 50 members in category C.

30 d. Category D nominees:

31 (1) organizations, a majority of whose members are employed in  
32 category D positions may submit one name for each vacant posi-  
33 tion for each 200 members or major fraction thereof but not in ex-  
34 cess of three per vacancy.

35 (2) a higher education employee from a category D position  
36 may be nominated for a vacancy by a petition signed by at least 50  
37 members in category D.

1 10. Eight of the members of the council shall constitute a quorum  
2 at any meeting of the council. The principal office of the council  
3 shall be in Trenton, but the council may act and exercise all of its

4 powers at any other place. The council shall establish its official  
5 seal which shall be placed on all documents and certificates issued  
6 by it.

1 11. The council is authorized to employ a chief executive officer  
2 and administrator who shall devote his full time to the performance  
3 of his duties. The council may also employ other personnel as it  
4 may from time to time find necessary for the proper performance  
5 of its duties and for whom the necessary funds are appropriated.

1 12. N. J. S. 18A:6-38 is amended to read as follows:

2 18A:6-38. The **board** council shall:

3 a. Issue appropriate certificates to teach or to administer, direct  
4 or supervise the teaching, instruction or educational guidance of,  
5 or to render or administer, direct or supervise the rendering of  
6 nursing service to, pupils in public schools operated by boards of  
7 education and such other certificates as it shall be authorized to  
8 issue by law based upon certified scholastic records or upon ex-  
9 aminations, or both, and may *suspend*, revoke and *reinstate* the  
10 same under rules and regulations prescribed by the **state board**  
11 council. A fee of not less than \$20.00 shall be charged for the is-  
12 suance of every certificate as prescribed by such rules and  
13 regulations.

14 b. *Adopt and enforce rules and regulations to suspend, revoke*  
15 *and reinstate certificates.*

16 c. *Have the authority and power to hold hearings, subpoena*  
17 *witnesses, compel their attendance, administer oaths, take the*  
18 *testimony or deposition of any person under oath, and in connection*  
19 *therewith, to issue subpoenas duces tecum, and to require the pro-*  
20 *duction and examination of any governmental or other books or*  
21 *papers relating to any matter described above.*

22 d. *Be empowered to prevent anyone from violating this act or*  
23 *any of the rules and regulations established by the council and shall*  
24 *have the power to apply to the Appellate Division of Superior Court*  
25 *for an order enforcing any order of the council issued under this*  
26 *section; any order for remedial or affirmative action, if reasonably*  
27 *designed to effectuate the purposes of this act, shall be affirmed and*  
28 *enforced.*

29 e. *Have authority to designate one of its members or an officer*  
30 *of the council to act on its behalf and may delegate to such designee*  
31 *one or more of its duties hereunder and, for such purpose, such*  
32 *designee shall have all of the powers hereby conferred upon the*  
33 *council in connection with the discharge of the duty or duties so*  
34 *delegated except the suspension, revocation or reinstatement of a*  
35 *certificate.*

36 *f. Prepare, adopt, maintain, revise, publish and enforce a code of*  
 37 *ethics for the teaching profession and hear and dispose of charges*  
 38 *of violation thereof which may include the suspension or revocation*  
 39 *of a certificate.*

40 *g. Approve programs in higher education institutions in New*  
 41 *Jersey leading to the certification of teachers and other school per-*  
 42 *sonnel, and adopt rules and regulations for such approval. The*  
 42 *council may adopt as its own, with or without modification, approval*  
 43 *or accreditation standards, procedures, or findings made by other*  
 44 *approval or accrediting agencies. The council is authorized to enter*  
 45 *into agreements with agencies of other states for reciprocal ap-*  
 46 *proval of teacher education programs, and the issuance of certifi-*  
 47 *cates.*

48 *h. Develop and revise standards of professional practices*  
 49 *through research in areas including, but not limited to, professional*  
 50 *performance, preparation for and continuance in professional*  
 51 *service.*

1 13. Proceedings of the council relating to the issuance, suspen-  
 2 sion, revocation, or reinstatement of certificates shall be in accord-  
 3 ances with the "Administrative Procedure Act," (P. L. 1968, c. 410  
 4 (C. 52:14B-1 et seq.), and its decisions shall be final administrative  
 5 determinations subject to appeal to the Appellate Division of  
 6 Superior Court in the manner prescribed by rules of court.

1 14. Every note and official act of the council shall be entered of  
 2 record. All hearings and rule-making proceedings shall be open to  
 3 the public. A stenographic record shall be made of every hearing  
 4 before the council, panels or hearing officers.

1 15. The council shall submit to the Governor and the Legislature  
 2 and shall publish an annual report of the council's work and such  
 3 additional information collected by the council as it may wish to  
 4 include. The council may make legislative recommendations to the  
 5 Governor and the Legislature at any time.

1 16. N. J. S. 18A:6-39 is repealed.

1 17. If any provision of this act or the application thereof to  
 2 any person or circumstances is held invalid, the remainder of this  
 3 act shall not be affected thereby.

1 18. The sum of \$150,000 is appropriated to the Department of  
 2 Education for the purpose of carrying out the provisions of this act.

1 19. Sections 18 and 19 shall take effect immediately. The remain-  
 2 ing sections of this act shall take effect on October 1 next following  
 3 enactment, except that any appointments, actions or expenditures  
 4 necessary to effectuate this act may be taken or made prior thereto.

## STATEMENT

This bill amends and supplements the act now providing for a state board of examiners by creating in its place a Teacher Standards and Certification Council of 15 members appointed by the Commissioner of Education and approved by the state board from a nomination list compiled by the teaching profession.

“It is the purpose of this act to establish a regulatory agency, a structure, and procedures which will enable the teaching profession, through qualified members, to control and regulate the preparation, certification and certain aspects of performance of teaching staff members as defined in N. J. S. 18A:1-1.”

The council would be empowered to

- a. issue appropriate certificates to teach, administer and supervise.
- b. suspend, revoke and reinstate any credential and to adopt and enforce regulations covering such actions.
- c. employ full-time staff including legal counsel, hold hearings, subpoena witnesses, and enforce its orders.
- d. prepare, adopt, maintain, revise, publish and enforce a code of ethics.
- e. approve programs in higher education institutions of New Jersey leading to certification of teachers and other school personnel.
- f. develop and revise standards of professional practices.

The council would be composed of 15 members: 8 members who are in positions requiring the holding of a teaching certificate, 2 members who are in positions requiring an administrative certificate, 2 members who are teaching staff members in positions not defined as teaching or administrative and 3 members in higher education who are preparing teachers for the major portion of their time. The members shall hold office for 3 years except for the initial appointments which may be for 1, 2 or 3 years to move to a rotation system, Members will serve without pay but shall be reimbursed for expenses.

Organizations representing employee groups may make one or more nominations for each vacancy in the applicable category of the council and proportional to the membership of the organization. Nominations may also be made by petition. This commissioner makes appointments from the appropriate lists so compiled.

SENATOR STEPHEN B. WILEY (Chairman): This is a public hearing on Senate Bill 674 and I will call the hearing to order. My name is Stephen Wiley. I am Chairman of the Senate Education Committee. My expectation is that there will be one or more additional members of this five-member committee joining us at one point or another during the day. But we will commence the hearing at this point.

Notice has been given in normal fashion to the public, to the Executive departments, and to the private organizations that we felt might have an interest in this legislation, and to the sponsors of the legislation as well. And notice has been posted in accordance with normal practice. I have a list here of persons to whom specific notice was sent, which I will ask Mr. Muller, the Staff Aide to the Committee, to cause to be made part of the record.

(List of people to whom notice of hearing was send can be found beginning on page 96 A.)

We have a list of appearances that have been provided to Mr. Muller here at the podium and I would ask if there is anyone here who has an interest in speaking who has not registered here with Mr. Muller, to do so, so that we will have a full list of those who expect to be heard. I take it there are none.

One of the parties wishing to be heard on the legislation is the Chancellor of the Department of Higher Education. By reason of an obligation to be elsewhere in the State a little later this morning, the Chancellor has requested that he be taken first or early in the proceedings. I am pleased to do that and have arranged that he appear first.

Chancellor, will you come down to the front and give your testimony.

R A L P H A. D U N G A N: Thank you, Mr. Chairman, very much for accommodating me in your schedule and allowing us to proceed first.

My comments are going to be brief because, as you know, they are set out in a letter to you and for the information of the Committee; that is, our detailed comments on the bill.

(Letter referred to by Chancellor Dungan can be found beginning on page 123 A.)

I would like to supplement those detailed comments, however, by a few remarks, some of which will underscore the content of the letter.

First, it seems to me, without trying to be pedantic about it, in looking at any item of legislation which seeks to change an existing process or procedure, one really ought to search out what it is that is defective in the processes that exist before one moves into change. Nobody could be more of an advocate of change than I am, particularly in education. But I don't think that change for change's sake should be the order of the day. I want to underscore very strongly in saying this that I am not suggesting for a moment the maintenance of the status quo with respect to the Board of Examiners or any other facet of our Education Law. I simply believe that the burden of proof, if you will, for change in existing procedures ought to rest with those who propose change.

As far as I am concerned - and my responsibility is not as directly concerned or connected with the Board of Examiners as is my colleague, Commissioner Podesta - and, therefore, I don't want to talk extraordinarily to that -- but my observation has been that the Board of Examiners, particularly in the last half dozen years or so, which is the period covered by my own personal experience, has been an effective instrument for maintaining and developing standards for teacher certification. It

is broadly representative. It approaches its problems not from the standpoint of a narrowly-defined interest group, but rather from a broad concern for education and public interest. This gets me to a somewhat philosophic question in relating directly to this bill.

This bill, it seems to me, to put it bluntly, represents a regressive move in terms of governmental regulation. Starting back in this country at the turn of the century and in Europe during the period of Italian and German fascism, and increasingly in Latin America, what you have is called gremialism; that is, sectors of the community, be it industry or education or engineering or medicine or law, or whatever else, are increasingly put in the control of the professional interest represented by those professions. I believe, myself, that the trend in the United States, certainly in New Jersey in the last couple of years, has been exactly the opposite. We have attempted to open up all aspects of contemporary regulation to the public interest. And the whole development of the public-interest representation at the national and at the state level, it seems to me, is typical of the emerging pattern. I happen to think that that is very sound.

Some years ago, for instance, as you know, Senator Bateman of this body headed up a commission looking at our various licensing boards. The most significant recommendation of that commission was to open them up and to let lay people in to look at the way professionals were regulating themselves and whether in all cases that regulation was truly in the public interest.

In this case, not only are we moving toward what I would consider excessive professionalization of the monitoring or regulating, if you will, of this particular professional segment; but we are putting, as far as I can see, reading the bill, that regulation or that power in the hands of a narrow group even within that profession. Because we are talking about professional associations

and, as a practical matter, there is one or maybe two, possibly. But we are not letting the light of day - letting students, their parents, the John Q. Citizen who pays the bill and everybody else get into what is probably the most critical regulator, if you will, of the quality of education in our whole enterprise.

Again I am not suggesting for a moment that, if we look honestly and objectively, the present form and structure of the Board of Certification does not need modification. If it does, I submit that it probably needs modification in the sense of letting public-interest representatives into the game rather than doing what I think this bill does, which is to narrow it. In short, as it might become apparent, at the very minimum I would hope that the committee examines very carefully why it is the changes being proposed are being sought - what is deficient in the existing processes and procedures. Then if a case is made for that, which I don't think is going to be possible, then examine what changes ought to be made. Here, of course, I would underscore my concern for opening this up to a broader group of people rather than simply to the professional educators.

I will tell you frankly that I think this bill is partially in reaction to changes that have come about in the last couple of years in the whole approach to the certification of teachers. I believe, for instance, that there is very strong resistance on the part of some professional organizations in this field toward the business of performance. Certainly we know that the whole business of trying to test or ascertain or measure professional performance against some sort of a standard of achievement is being downgraded. The efforts which my colleagues are making in the Department of Education right now toward performance-based certification would, in my opinion, be absolutely put right down the tube if this bill were enacted. And I think that would be a disastrous thing. I am not saying that performance-based certification

is the "be all" and "end all" of quality teacher training - not at all. It may not be. I am simply saying that it is the kind of thing that needs to be explored and I doubt that it will be if this bill is enacted.

Similarly, any kind of effort, it seems to me, to move into new ways of doing things might very well be trammled - stifled - by any kind of organization of the Board of Examiners which excessively represents any particular one of the interest groups that are involved, whether it is a professional one, the Commissioner's office who might have a strong preference one way or another, or even a strong citizens' group or the School Boards or anybody else.

It is a pluralistic environment. We ought to keep this kind of a critical instrument a pluralistic instrument. That is the burden of my comment.

I will be happy to answer any questions that the committee may have either about our letter or about these brief comments, Mr. Chairman.

SENATOR WILEY: Thank you very much, Chancellor. I have received your letter but haven't had an opportunity to look at it. I will just go through the headings to see if there are any areas we would like to get your general comments on. You talk about the composition of the Council, which you have spoken to; the manner in which members of the Council are appointed. That has to do with the nomination process, I take it. Further, you mention the powers conferred on the Council and the autonomy of the Council.

MR. DUNGAN: Let me say, the problem with letters like this, Mr. Chairman, is that they tend to be directed toward the virtues or nonvirtues of the bill under consideration. I am unwilling to even accept, to be candid with you, that this bill ought to be given very serious consideration. Therefore, some of the content of our letter goes to the technical question of how people would be

selected under the bill, etc., and makes some comments on it. It is only inferentially that one can draw the position, representing our point of view, whether there is a need for a bill at all. And I would question that - certainly this bill.

SENATOR WILEY: On the question of the powers conferred on the Council, without recognizing what you have just said ---

MR. DUNGAN: Well, they are extraordinary, to say the least.

SENATOR WILEY: -- you are speaking here of the procedural powers, the powers to subpoena.

MR. DUNGAN: -- the power to subpoena, precisely, and in the broadest possible terms have the authority and power to hold hearings, subpoena witnesses, compel their attendance, administer oaths, take testimony or depositions of any person. That is a very, very broad power, which as you know very well better than I, as a lawyer, is given to very few governmental agencies. I would say that that power exceeds, as stated there, the power that is given to the Board or the Department of Higher Education right now. It is the broadest kind of power given to essentially a nongovernmental agency, part-time at best.

SENATOR WILEY: These are on the procedural side; that is, how to conduct its operation in holding hearings and subpoenaing witnesses and the like.

What about the substantive powers? Here I have in mind the provision in the bill which says that the Council would have the power, among other things, to approve programs - and I am reading from page 7 of the bill, Section 12 (g) - "Approve programs in higher education institutions in New Jersey leading to the certification of teachers and other school personnel, and adopt rules and regulations for such approval." We are talking here about

the institutions under your jurisdiction that train teachers.

MR. DUNGAN: Right.

SENATOR WILEY: I wonder what your thoughts are.

MR. DUNGAN: Obviously, we are very strongly opposed to it as we point out in the letter and I should point out something not specifically mentioned in the letter, that it is completely inconsistent with the Higher Education Act of 1966, which grants a high measure of autonomy to the institutions. It is not so much the Board of Higher Education or the Department because we have basically an oversight and an ex post approving power. The real power in the matter of deciding what constitutes a good teacher education program is the matter essentially at the college level. It is done by the faculty and the administration and the trustees of the local institution with, as I say, an oversight power at the State level. Here you are putting a nongovernmental agency - and I emphasize that again - supported, I might say, by a very strong nongovernmental bureaucratic machine, in the driver's seat as far as dictating the content of teacher education program at the colleges. And if that is autonomy which has been preached for these many years around the State, then I am a shad, as the old Philadelphia expression goes.

SENATOR WILEY: To what degree is that different from what you have now? As I look at the Code on Teacher Certification and Academic Credentials at the present, which is Chapter 11 of Title 6 of the Code -- for instance, Subchapter 7 of Chapter 11 is entitled, "Standards for State Approval of Teacher Education," and it goes on for 64 sections - 6:11-7.1 to 6:11-7.64 - on standards for state approval of teacher education at present; --

MR. DUNGAN: Right.

SENATOR WILEY: -- evidently under the State Board of Examiners as it is now constituted.

MR. DUNGAN: With two very important differences, Senator. The first one, as you will note under this 12 (g) provision, is that the Council will approve programs in higher education. In the present law, the Board of Examiners is an advisory body to the Commissioner of Education. That's a very important distinction obviously. The second important thing that has happened in recent years is that, I think in a very progressive way, the Board of Examiners has permitted each institution to devise a teacher training curriculum, a program, if you will, which the institution certifies, and the Board of Examiners ascertains whether indeed the person who goes through such a curriculum will be trained. It is what is known as the approved program process. So despite detailed regulations that may be in there, recommended and approved by the Commissioner -- any institution can come in to the Board of Examiners now and say, we want to train a secondary teacher of whatever and this is what we propose to do, will you approve it? They approve the program, not the detailed listing of courses, which in my opinion - speaking of pluralism and flexibility in education - is the kind of thing I must say I don't believe our teacher training institutions have taken enough advantage of. Some have with good results.

SENATOR WILEY: Well, the first point you made had to do with the autonomy, whether it has the final power or whether it recommends to the Commissioner.

MR. DUNGAN: Precisely.

SENATOR WILEY: But the proposed legislation in that section you and I were talking about refers to approval of programs in higher education institutions.

MR. DUNGAN: Right.

SENATOR WILEY: -- not to specific courses, if that is the distinction you are making.

MR. DUNGAN: Yes. However, it seems to me with the kind of broad regulatory power that you have - I am looking at the worst case situation where the program would have to be laid out in so detail. In other words, the program for certification of a person, let's say, as a secondary teacher of English ought to include the following courses. The Council under this needn't have the power of the content of specific courses, but it could very well, under this provision, prescribe what kinds of courses ought to be given. I may be creating a bogeyman here. I am simply saying that you are giving very, very broad powers to an extra- (and I keep emphasizing this) - an extra-governmental agency. It reminds me a little bit about what was done at the turn of the century, turning over the utilities to the utilities. I am not sure that is not being done today as a matter of fact.

SENATOR WILEY: Could you describe, as a practical matter, what happens when one of the State Colleges wants to institute a curriculum or change a curriculum? I don't mean to ask you to repeat yourself, although perhaps that would be helpful. But at what point, if at all, does the State Board of Examiners presently come into that picture? Is it only after the fact or do they, in fact, take initiative?

MR. DUNGAN: My colleagues probably could give you more on this because we don't really get in - I don't, at least - on the relationship between the accreditation and certification branch of the Department of Education. But as far as we are concerned, if somebody, for instance, wants to offer a B.S. in secondary preparation of special learning teacher, or whatever, we would examine that the way we do any other program. Now I would assume that before it ever came to the local Board of Trustees for approval or ultimately to the State Board of Higher Education,

there would have been consultation between the Board of Examiners and the Bureau of Certification as to whether that proposed program conformed to the requirements of the Board of Examiners and to the rules and regulations that the Commissioner has put out on their recommendation. In other words, content of that program would probably have been informally examined. I don't think that there is a formal process by which that happens. Is that correct? (Chancellor Dungan consults one of his colleagues.) It is an informal working relationship. In other words, the college would come to the Bureau and ask for consultation, in effect.

SENATOR WILEY: This would be worked out presumably at the administrative level of the college and then after it was formulated, after consultation with the Bureau and State Board of Examiners, if necessary, then it would go to the college Board of Trustees --

MR. DUNGAN: Right.

SENATOR WILEY: -- and ultimately to you in the Department of Higher Education.

MR. DUNGAN: Correct.

SENATOR WILEY: Thank you, Chancellor. We are sharing one mike. I will pass it along to Senator Martindell.

SENATOR MARTINDELL: I am sorry I came in late and missed a lot of your testimony. But one thing I notice in your letter, which I feel very strongly about, is public representation on boards.

MR. DUNGAN: Yes.

SENATOR MARTINDELL: I think the public is not represented on any board enough. I brought up this question and the answer I was given was that it is not so necessary on this Board because the State Board of Education represents the public more than the professionals and that that would cover it. What are your comments on that?

MR. DUNGAN: My comment there is that if you read this bill carefully, you will find that it virtually cuts the State Board of Education and the Department of Higher Education out of the process completely. Besides that, Senator, I really think, as a practical matter, the State Boards, whether it is ours, that is, Higher Education, or the Board of Education, it is actually very, very difficult, if not morally impossible, for that Board at that level to deal in the kind of detail that we are talking about here and to understand fully. They really do have to depend on staff and subordinate boards to do the really difficult spadework. I must say it was genius on the part of whoever drafted and passed the Higher Education Statute in creating those local Boards of Trustees, who when they work well do assume the primary responsibility for monitoring the educational quality. So I think it is no answer at all to say that there is a State Board up there, even if it were true, which it isn't under this bill, and it is going to protect the public interest. I absolutely concur with you, without boring everybody, that the public representation at the point where the decisions are really being made, which in this case is at the Board of Examiner level, needs to be strengthened.

If there is any defect in the present law - and I am not certain there is - it is in that respect, that we ought to have more just plain ordinary, intelligent, concerned citizens sitting, with professional educators or doctors or lawyers or anybody else, keeping them honest. That even goes for Chancellors.

SENATOR MARTINDELL: Having been on some of those boards, I know you have to depend on staff work to a large extent.

SENATOR DUMONT: Chancellor, in your comments about

some public responsibility, what are your recommendations with respect to the composition of the present Council in that respect?

MR. DUNGAN: Well, Senator, to tell you the truth, I have never given it that kind of deliberate thought, not because I am not concerned about the present Board of Examiners, but simply that it never occurred to me, nor do I have any knowledge, that the procedure is defective enough to require legislative change. It may very well be that one of the beauties of this hearing will be that it will alert all of us to the fact that maybe we ought to examine our own educational conscience, if you will, and change the existing structure a little bit to move in more public members, for example, or in any other way. I really want to underscore that I am not here defending the status quo. I am arguing very strongly against a radical change, such as would be involved in this bill, that I think would have deleterious effects, educationally speaking.

SENATOR DUMONT: Are you aware of the fact that a few years ago we passed legislation that requires on most boards one public member?

MR. DUNGAN: Yes, sir.

SENATOR DUMONT: However, we have always gone on the premise that on any board having to do with a particular business or profession or trade, that a majority of the membership should come from that particular profession or trade in their licensing.

MR. DUNGAN: Yes, sir.

SENATOR DUMONT: The composition of the present Council seems to be mostly that of administrators rather than teachers, as I read it, as you have it set forth here in your letter; is that right?

MR. DUNGAN: Yes, sir. I think myself that that

is defective. I think you can make a very good argument for that being defective; that is, that we ought to have more classroom teachers involved in the whole certifying process, experienced ones.

But I must point out to you, Senator, that I would guess - you know I wasn't around at the time this original law was passed - that what you have reflected here is kind of a mode of operation which is now changed. Without deprecating any of my predecessors or Vic Podesta's predecessors, you have reflected in this Board of Examiners a very hierarchial structure, which I think characterized New Jersey public education in the past. It was the Superintendents, to the Commissioner, to the State College Presidents, and it was all a nicely tightly-knit game. It isn't that way anymore. For instance, the State Colleges are not primarily or exclusively the teacher-training institutions, and yet that is the college representation on this board. There are many non-state college institutions in this State now who are training teachers - the privates, for instance. Many of the output of those colleges are going into the public schools. There is no sense at all, in my judgment, in limiting collegiate membership, if indeed there ought to be collegiate membership - presidents - to State College presidents. Take the Graduate School of Education at Rutgers, for instance. Why not designate the Dean of that school to be on this thing? I don't believe you should do it anyway. Representatives of institutions, one or two or whatever the number is, representing collegiate teacher training institutions is a much more appropriate way to put it.

Senator, I want to underscore that they are minor defects, it seems to me, that could be easily corrected and should be probably, including the addition of practicing teachers, which I think would be a very salutary change in

our existing law. I don't know whether Vic agrees with me on this. But there is a heck of a difference between that kind of modification of the existing structure and wiping away one which has essentially worked well.

SENATOR DUMONT: Do you think the present setup is a reflection on the times when everything was under one Department of Education before there was a Department of Higher Education?

MR. DUNGAN: Yes.

SENATOR DUMONT: One of the complaints that has been made about the present Council is that perhaps they are not always as aggressive as they might be in handling teacher problems, whereas a majority of teachers might be more militant in determining particularly the fate of a nontenure teacher, let's say. Do you agree with that?

MR. DUNGAN: I do not. First of all, I do not, myself, envision the responsibility of this board to be primarily, primarily, to the teaching profession. The primary obligation of this board is to insure that people who go into the teaching profession and are certified are indeed trained and qualified, not only when they enter it, but as they continue in it. They are watchdogs of the public interest, not the particular interest of teachers.

Now I am not saying that they ought not be very concerned with the interest of teachers as a profession. But the profession, whether it is law or medicine or teaching or anything else, is there to serve the public, not to serve its own interest. And that, in my judgment, is the really basic philosophic aberration in this particular bill because it is all the other way.

SENATOR DUMONT: All right. Thank you.

SENATOR WILEY: Any further questions? (No response.) Thank you very much, Chancellor. We appreciate your appearance.

Mrs. Stillwell? Mrs. Stillwell, it is nice to have you with us.

KATHRYN STILWELL: I would like to request that Mrs. Naughton from our staff sit with me.

SENATOR WILEY: She is welcome, indeed. Why don't you identify yourself for the record.

MRS. STILWELL: My name is Kathryn Stilwell. I am President of the New Jersey Education Association.

Senator Wiley, Senator Buehler, Senator Martindell and Senator Dumont and friends of education: I come before you today as a teacher and as President of the New Jersey Education Association representing more than 78,000 teachers in New Jersey, and to speak to you about Senate bill 674.

Many ask why can't teachers take more responsibility for the quality and standards of the professionals within their ranks? It's a good question. Educators do want to set standards and police their ranks. We call this self-governance, which produces accountability. We believe this bill can help to guarantee quality education for the students of New Jersey, and that's why we are in business.

Presently, we have a State Board of Examiners which advises the State Board of Education on teacher standards and issues certificates. Their professionalism has been a great step forward for New Jersey. What we seek is greater representation of the actual classroom teacher who is where the action is.

At the present time the Board is dominated by administrators, college presidents, etc. There are only four classroom teachers that compose the State Board of Examiners.

In our Teacher Standards and Certification Act we seek a Teacher Standards and Certification

Council. This Council would determine: who enters the profession, approve institutional programs that prepare prospective teachers, grant certification and could suspend, revoke or reinstate a certificate after due process - and I repeat, it must guarantee due process. Contrary to Chancellor Dungan's comment about performance based contracting going down the tube, we don't see that, at least at the present time in this present structure. Of course, this is still under considerable study by many groups.

When educators govern their own profession, the result must be better schools. This responsibility means the profession can improve teaching and learning. The public can then demand true accountability. We must be accountable to the student, the public and to our profession. But we cannot be held fully accountable unless we have a part in the decision-making process. Then the quality of education would be improved and this is our goal.

This professional practices act establishes a structure under which people govern their own profession. Let me say at the outset, that it does not seek control of education.

If the teaching profession is to acquire and maintain the intellectual strength and political power necessary in these times, a new concept of the professional must be created. This concept must include new structures and functions - in short, a professional entity.

The structure proposed in this bill is that of the Teacher Education and Certification Council. The Commissioner would appoint the members and the right of petition does not have to come from an organization.

Heretofore, the profession has depended upon the

Commissioner of Education through the State Board of Examiners. Today, teachers want the right to govern themselves. Many say it is another step up for the profession. We say it has always been the teaching profession's right. And, that this effort to assume this responsibility is long overdue.

If teachers are to held accountable for their work with children, then they must have a strong voice in the preparation of teachers. Over the past few years, teacher education has lost ground in this state. Schools of education become departments of education and then new department titles were made that caused the concept of teacher education to become obscure.

The State Board of Examiners began to lose stature. The Deputy Commissioner who chaired the meetings was replaced with the Director of Field Services. And, now, the present chairperson is the Deputy Director of Field Services. In fact, over the past two years the Commissioner of Education has been rarely seen.

The institution of new college programs has been almost impossible. The Department of Higher Education saw fit to send monies to other professions. Teaching does not seem to be a fundamental concern of the Department of Higher Education.

So, the Department of Education could create new certificates, design programs and have them approved by the State Board of Education, but when funds, staff and college facilities are needed, the Department of Higher Education would say "no" through its budget.

It seems obvious that this bill, S-674, is needed, and needed now. It is needed for the profession

and it is needed so that the public education will be perpetuated. Fundamental to our democracy is the education of our children. The people prepared to do this job are the most important people to the future of our state.

We must coordinate this effort. Place teacher education, certification, accreditation, and the policing of the profession under one umbrella. The Council with its duties, as proposed in this bill, would do just that.

The members of the Council would be held directly responsible to the legislature.

All that teachers are asking is the voice in determining their destiny that doctors, attorneys, and other professionals long have had. Indeed, they are asking no more than the responsibility already held in many states by such diverse groups as barbers and cosmetologists, real estate brokers and funeral directors.

Six states have already passed this type of legislation.

I wish to thank the Senate Education Committee for this opportunity to present these views and I will answer your questions.

SENATOR WILEY: Thank you very much.

MRS. STILWELL: I should say I will attempt to answer your questions.

SENATOR WILEY: I am sure you will answer them beautifully. We appreciate your being here.

One of the points you make is that where the Department of Education has sought to create new certificates, or design new programs, the Department of Higher Education has then said no through the budget process and has stymied the effort by that means. Has this originated from the State Board

of Examiners - that is, the origination of new courses at state teachers' colleges, the initiative to attempt to create new curriculum?

MRS. STILWELL: That comes through the Bureau of Teacher Education.

SENATOR WILEY: Operating under the State Board of Examiners?

MRS. STILWELL: Correct.

If I might add, Senator, you see, at this time, when there is a teacher surplus, as professionals we believe this is the time that certification requirements should be tightened and strengthened, not relaxed or loosened.

SENATOR WILEY: As you conceive it, if this bill were enacted, would the Department of Higher Education no longer be able to say no through the budget process as they presently say no in certain instances?

MRS. STILWELL: No, but it would be more difficult for them to say no.

SENATOR WILEY: One of the powers that is proposed for this new Council is the development of a Division of Standards of Professional Practices. I wonder to what degree, if at all, that is a new departure, or a new power, for the Council as contrasted with the power which is presently vested in the State Board of Examiners?

MRS. STILWELL: Do you want to speak to that?

MRS. NAUGHTON: Senator, at the present time the aspect of in-service training, for example, is not the prerogative of the State Board of Examiners. What we are saying here in this particular section is that the economic societal changes that have taken place, and the rate at which they take place, means that people who are presently employed in districts, we believe, need opportunities to be able to - and

specific requirements placed upon them - such that they will be able to upgrade their preparation to be more aware, to be better able to deal with the situations in the schools. It is very much similar to what the medical profession is now considering in terms of specific numbers of-- every so many years a certain amount of preparation is required. We are looking along these lines but the complexity of things in education and the change in techniques are such that we have to look now to other kinds and ways of upgrading the standards of those presently employed. That means that we would be dealing with anything from identifying their performance, through the performance evaluation project, to specialized in-service training programs.

SENATOR WILEY: Most of what you said seemed to do with educational supplemental training in teaching methods.

It appears that the bill might be read to reach an area of professional practices beyond the matter of training and retraining. The paragraph in question is 12 (h). It says, "Develop and revise standards of professional practices through research in areas including, but not limited to, professional performance, preparation for and continuance in professional service".

MRS. NAUGHTON: That broad statement is so that we can project the bill 15 years, or even 5 years, hence. We may not be aware of what our needs would be there in terms of allowing for research to take place, in terms of allowing continued study in the performance evaluation area. I hesitate to speak to the issue since the national research of the staff on the report for the Office of Education seems to

indicate that we are not quite ready for that particular aspect; the research is just not sufficient to be able to make judgments at this time.

SENATOR WILEY: Is professional practice limited to the question of training and performance in one's quality education?

MRS. NAUGHTON: No, Senator, I wouldn't say that. I think the section on research indicates that we are now looking at ways in which the State of New Jersey can begin to authorize research in specialized kinds of experiences for children - special programs, federally funded or State funded for that matter.

SENATOR WILEY: You mentioned 6 other states have adopted laws along this line. I wonder if the organization could provide us with the names of those states?

MRS. STILWELL: Yes, I am sure we can. I know the last state was the state of Pennsylvania.

SENATOR WILEY: We don't have to have it right away.

MRS. STILWELL: I believe you received a complete packet of materials.

No? We will see to it you get them.

SENATOR MARTINDELL: Thank you for coming. Can I ask you a couple of minor questions?

When you say the schools of education become departments of education, what does that mean?

MRS. STILWELL: For instance, you know for many years our state colleges were teacher training programs and then when the status was changed and they became liberal arts schools, the Department of Education, it seems-- The programs of education in our colleges seemed to get kind of pushed aside a bit. There has been a decrease in the number of, as I understand it, personnel funds that had been

allotted to the Department of Education; it has been diluted into other areas. We are very much concerned, in the profession, about the training program that the young people who think they want to enter this profession get. This requires considerable screening, we believe, before they actually enter a program.

As to the courses that are required, there has been a decrease, I believe, in the actual educational course requirements in order to be certified. And so our feeling is that where our state colleges for many, many years were really outstanding and renowned around the country for the teachers that they turned out, we feel that this is not as true as it was a few years ago. We feel that this whole program needs to be really tightened up, and as I said before, with the requirements increased and not decreased in order to be certified.

SENATOR MARTINDELL: You said a little further down that the bill is needed for the profession and needed so that public education will be perpetuated. Do you consider public education is threatened? Do you think it is not going to survive?

MRS. STILWELL: Oh, I think it is going to survive in spite of everything. I think what we are saying there is that teachers, you know, are not only teachers, they are citizens and taxpayers and, well, stalwarts in the community, we believe. I don't know as we meant that the whole structure of public education is going to be threatened if this Council doesn't come into being, but I believe we feel that with a greater representation of teachers on this Council that our public system of education would be enhanced.

SENATOR MARTINDELL: Thank you.

SENATOR WILEY: Senator Buehler?

SENATOR BUEHLER: You are obviously not pleased with the current makeup of the State Board of Examiners. I'd like to ask you specifically what troubles you and how, if this bill were enacted into law, you feel that having a majority representation of teachers serving on this board would improve the quality of education in New Jersey?

MRS. STILWELL: Well, since, of course, by-and-large, the majority - a great majority - of the members of the profession are the classroom teachers and since the classroom teachers are where the action is, we believe that they are in a better position to know what is needed and what needs to be done to improve the quality of education that is being taught in our classrooms and the type of preparation that our new members are receiving as they come into the field.

I personally do not want to downgrade the work of administrators by any means. I have very good friends that are administrators. I think they do an excellent job. It is just one of those things that we know happens; when you get away from the classroom, something happens to your thinking sometimes as to what is actually going on in that classroom and what needs to be done in that classroom. Since the classroom teachers are really the catalyst of change and they are where the action is, we believe that they are in the best position to make recommendations for change and innovations and improvement, etc.

SENATOR BUEHLER: You stated that there was some dissatisfaction regarding teacher training and this is one of the areas where you feel this group might instill new life. Are there any other areas, specifically, that you are unhappy with in terms of the

current State Board of Examiners and in the area of credentials and certification?

MRS. STILWELL: Well, I think Dr. Sinclair is more familiar with that. We are working on that sort of thing with an advisory committee to the Commissioner. We are very much concerned. We are working on what can be done to strengthen the preparation of teachers coming into the field.

Just what this may take over a course of time, we don't know. Whether it would mean they should get involved in actual experience the first year they are in college rather than wait until the third or fourth year, whether there should be a fifth year added to this training-- We think we can improve on the present program and the present situation.

Also, there is a proposed certificate at the present time which does not require teacher education preparation and this we are very much concerned with.

SENATOR DUMONT: Mrs. Stilwell, this material that you say we have received-- although I don't recall having at least looked at it, if we did receive it - does that contain the dates when the statutes were enacted in 6 other states?

MRS. STILWELL: Mrs. Naughton says yes.

SENATOR DUMONT: Have they all been relatively in recent years?

MRS. NAUGHTON: Anywhere from 1965 on.

MRS. STILWELL: From 1965 on.

SENATOR DUMONT: Are you willing to cite any specific examples - I don't mean to name names - of the things that you are dissatisfied with in the operation of the State Board of Examiners as it exists today?

MRS. STILWELL: Well, one is the community services certificate which concerns us. I believe that if a person can read and write-- Is that about it?

MRS. NAUGHTON: The original proposal for a community services certificate had us very seriously concerned since its original proposal to the Board of Examiners was one in which the person did not require a degree, number one. And number two, they did not have to come from a teacher education institution or be prepared along the lines of child growth and development, educational psychology, and that kind of requirement. We spent a considerable amount of time working with the Board of Examiners and with our standing committees, like the NJEA Instructional and Professional Development Committee, on the certificate.

At this time it is an example of certificates which require merely a bachelor's degree from an accredited institution. As early as last Thursday a new certificate came on the table, called Educational Media Specialist, which has this requirement: A bachelor's degree from an accredited institution. Our concern here is to have a broad background, not only in liberal arts but also to have a broad background as to the depth of their professional experience; whatever the person's role is in the profession, it seems to us that it is important that the preparation comes from a teacher education institution. This is what we mean when we say that we are concerned about the future of teacher education, as such. If we water it down, let's say, to a requirement of 18 credits in education, there isn't an integration of the liberal arts. There is not a communication between departments to the point where people can see a need for their world literature course in relation to a junior high school 9th grade class or, if the preparation is toward the high school level or the elementary level, there are different connotations and different meanings and different needs that have

to be conveyed to children at these levels.

Another major concern that we have is, in the past year or so the student teaching requirements have been dropped by the State Board of Examiners. At one time we had a minimum requirement for the state of 150 clock hours, which represents 60 hours of observation and 90 hours of teaching before completion of the baccalaureate degree. This, we think, is a very serious concern.

I think a third major one that we have is the proposals of non-educators entering into the profession; people coming from programs - former engineers entering the profession without having had-- becoming superintendents. I can cite a program for you where there are - I am sure you have read about it in the paper over the last couple of months - where his perception-- We have requirements like three years of teaching experience and three years of administrative experience, such as a principal or supervisor, before he becomes a superintendent of schools so that he has some perception of the total process which he is going to lead. Those kinds of things are what we consider to be very important in terms of the future of the profession and the effectiveness, the thorough and efficient, if you will, of our districts.

SENATOR DUMONT: Now Mrs. Stilwell, the present Council, having only 4 out of 13 members represented by classroom teachers, does this represent to you a concept which is not followed on other boards of examiners where usually there is a solid majority from the profession or trade or business in charge of the board?

MRS. STILWELL: Yes.

SENATOR DUMONT: Do you feel that if you had a majority of teachers that they might well be tougher

on other teachers than this present board of examiners is?

MRS. STILWELL: I think that that could be the case. I think that many times one's peers are a little more difficult or rougher than another group.

SENATOR BUEHLER: What is the current makeup of certified teachers out of your 78,000 membership that are graduates of teacher colleges, as opposed to liberal arts graduates who are certified but who did not attend teacher colleges? Do you have any statistics on that?

MRS. STILWELL: I don't know as I--

SENATOR BUEHLER: Well then, the next question would be, would this be a move in the direction of assuring that all of the certified teachers are graduates of teacher colleges as a prerequisite for classroom teaching?

MRS. STILWELL: No. It is perfectly possible, as you know, to graduate from a so-called liberal arts college, like our state colleges are now, having met the requirements for the education certificate. Teachers coming into our state from other states--

SENATOR BUEHLER: Where do you draw the line between the non-professional and the professional teacher? This seems to be one of your concerns. Would you make that distinction?

MRS. STILWELL: Well, if they meet the requirement for the certificate, which is required for the job they are doing, then they are professional.

SENATOR BUEHLER: So that we could change those requirements very easily from year to year?

MRS. STILWELL: I don't think that would be the idea.

SENATOR BUEHLER: It would depend upon the demand for teachers. Right now, of course, in New Jersey

we seem to have a greater supply than demand but if we should ever reach a point, perhaps, where we need significant numbers of science teachers because we may fall behind, then is it conceivable we may take men out of industry and suddenly certify them to go into the classroom and teach?

MRS. STILWELL: Well, at the present time, of course, there is the possibility where the emergency certificates, which are issued upon recommendation-- I believe that's from the County Superintendents, if they request it through the Board of Examiners. Now, that carries with it, of course, a time schedule in which the person receiving the emergency certificate must, in a given period of time, work toward the necessary credits in order to be certified.

SENATOR BUEHLER: I mention that because I think that there is a trend - I've seen a couple of bills before our committee that would bring into, for example, driver education members of the local police force to participate in driver education - not so much as paraprofessionals but as classroom teachers. I am just wondering how your organization views this concept. I think our former Governor is now a classroom teacher at Princeton University. I don't know whether or not you feel that certification is an overriding factor or whether or not there are other criteria that you measure.

MRS. STILWELL: We view certification as being very, very important and certainly our position would be opposed to driving education schools coming in and taking over the driver education classes in our public schools because our driver ed teachers have to be certified not only as teachers but have to meet the specific requirements of the state for the driver training program, which, of course, carries

with it a monetary reward to the parents as far as insurance rates are concerned.

By the same token, I think I can safely say that we believe that every youngster in the State of New Jersey, every classroom in the State of New Jersey, should be staffed by a fully certified teacher.

SENATOR BUEHLER: Thank you, Mrs. Stilwell.

SENATOR DUMONT: Does the State Board of Examiners, today, advise only the State Board of Education and the Department of Education on teacher standards certificates or do they also advise the State Board of Higher Education and the Department of Higher Education?

MRS. STILWELL: No, they do not advise Higher Education.

SENATOR DUMONT: Yet the Department of Higher Education is in effect responsible for setting, at least, the educational requirements for teachers, is it not?

MRS. STILWELL: That's one of the reasons why we think it is disjointed in its present setup.

SENATOR DUMONT: You think the Department of Higher Education is tending, because of these changes that have been made - and not necessarily changing the name of the colleges from teachers' college to state college but also in the question of the curriculum, apparently, that is prescribed - to downgrade the teaching profession in any way?

MRS. STILWELL: Yes, sir.

SENATOR DUMONT: You do?

MRS. STILWELL: Yes, sir.

SENATOR DUMONT: Let me ask you a question to refresh my own recollection. What was the position of

the New Jersey Education Association on the creation of a separate Department of Higher Education in 1966?

MRS. STILWELL: I'll have to refer to someone for that. Anyone?

SENATOR DUMONT: Mr. O'Brien?

MR. O'BRIEN: We were originally opposed to the separation but under conditions which were met in the legislation we finally came around to supporting it.

SENATOR DUMONT: You feel those conditions have been met since the time when the legislation was passed?

MR. O'BRIEN: I don't think there are too many citizens in the state that feel that all the conditions have been met.

SENATOR DUMONT: All right, thank you very much.

ASSEMBLYMAN WORTHINGTON: Senator, may I ask a question before Mrs. Stilwell leaves?

SENATOR WILEY: Yes, indeed.

Pardon me, Assemblyman Worthington, we have one further question from Senator Martindell and then we will call upon you. Assemblyman Worthington seems to be one of the hardest working legislators. I see him at all kinds of hearings and he has a few questions too.

Senator Martindell?

SENATOR MARTINDELL: I just wanted to go back to something said a little earlier about the hours of observation and on the job training, or however you termed it. What were they and what are they now?

MRS. STILWELL: They used to be 180 I believe. Oh, it was 150, reduced to nothing?

MRS. NAUGHTON: It was left to the discretion

of the college.

SENATOR MARTINDELL: So each college could decide that? What is the relationship-- If you don't have these figures right, I'd love to have them later. What is the relationship between the number of hours of observation and actual teaching - classroom teaching - under supervision as to the course hours?

MRS. NAUGHTON: Since the State has not assumed a minimum--the minimum previously was that there would be 60 hours of observation that usually preceded any classroom teaching by that student teacher. They had to execute a minimum of 90 teaching hours. So we referred to it as the 150 clock-hour requirement.

SENATOR MARTINDELL: But it isn't that much now?

MRS. NAUGHTON: No, within the past year that particular requirement has become discretionary.

SENATOR MARTINDELL: And in practice it has been less than that?

MRS. NAUGHTON: It has never been less than that, to my knowledge.

SENATOR WILEY: Assemblyman Worthington?

ASSEMBLYMAN WORTHINGTON: Yes. Mrs. Stilwell, I'd like to direct your attention to one of the provisions of the act that I personally feel is long past due and that is the provision for suspension and revocation and reinstatement of certification. I think you as a teacher realize that all teachers are tarred with the brush and subject to censor when a poor teacher or an unethical teacher is performing. I think this bill gives an opportunity to the teaching profession to police its own ranks and-- Just exactly how is this going to work - this provision of the act? We are talking about suspension and

reinstatement. It appears this will take place for a while and perhaps give a poor teacher or a teacher who is not performing up to standards a time interval to shape up or-- The act doesn't state it but I see a need for it.

MRS. STILWELL: Nancy, can you fill us in on that one? I would just rather refer to the expert.

MRS. NAUGHTON: Assemblyman Worthington, in the bill it is written rather broadly so that when the Council is formed they may be able to work out and set down what they believe the criteria to be, in what areas, for what reasons the license will be suspended, for what reasons the license will be revoked - to do it similar to the law profession where there is a fairly well-defined list of criteria, even though it is different from state to state where some are Supreme Court people presiding, that kind of thing.

We perceive of a Council developing a mutually-agreed upon set of criteria. I really, frankly, cannot answer that question as specifically as you would like.

ASSEMBLYMAN WORTHINGTON: May I ask then how many under the existing Board - how many certificates are revoked annually in the State today? Is it a significant number?

MRS. NAUGHTON: Assemblyman, I can say no to that. The most common reason for suspending a license is for what is called "jumping a contract"; that is, not giving sufficient notice in a district for termination of employment.

ASSEMBLYMAN WORTHINGTON: The intent of this act is to broaden the whole scope of that.

MRS. NAUGHTON: That's right. The revocation of a license-- I can cite one case in approximately-- I've looked back over the records of the last ten

years and I can cite one case where the license was revoked for forgery, but that is the only one I can cite.

ASSEMBLYMAN WORTHINGTON: Thank you.

SENATOR WILEY: Thank you, Assemblyman.

Thank you, Mrs. Stilwell. We appreciate your appearing before us.

MRS. MANCUSO?

DR. PODESTA: May I make a suggestion?

SENATOR WILEY: Please.

DR. PODESTA: We are divided into three people. You might call it administrative, which I intended to open up, but the Chancellor spoke already and that is perfectly all right. Mrs. Mancuso is a member of the State Board of Education and also legislative liaison for that Board. Our third person is like an anchor man type situation, Dr. Ward Sinclair, who is sitting right over here. He, of course is the Director of Teacher Education and Certification and our expert in this field.

It is our intent to address ourselves to the bill and we will divide it into three parts, depending upon the expertise of the people involved. Is that all right?

SENATOR WILEY: Fine. Thank you very much, Dr. Podesta.

D R. V I C T O R P O D E S T A: Mr. Chairman, Senators and Assemblymen: In preparing these comments we made an attempt to take each point as it appears in the proposed legislation. First we are concerned with the composition of the Teacher Standards and Certification Council. The proposed membership is far more restrictive in its representation than is the current Board of Examiners. Under the formula of this bill, teacher education and certification would be under the control of a single professional

organization rather than under the control of the State Department of Education and the State Board of Education. I am sure that Chancellor Dungan made that quite clear in his address.

In Section 12 of this bill is a list of responsibilities and functions which the Council would have. There is nothing contained here that is not already within the authority of the Board of Examiners or some other agency of the Department of Education.

The Board of Examiners already makes recommendations to the State Board of Education to adopt and enforce rules and regulations to suspend, revoke and reinstate certificates.

The Division of Controversies and Disputes has the authority to do what is listed in Part C of this Section while the Commissioner of Education and the State Board of Education have the power to enforce compliance as stated in Section D.

Section E would result in an individual having authority that is similar to and, in some cases, overlapping that of the Commissioner of Education.

Section F, which deals with a code of ethics is a matter that should be left to the professional organizations to develop and enforce. However, if it is thought that a code of ethics should be legislated, this could be done without creating a new agency.

I will turn this over to Ruth now.

M R S. R U T H M A N C U S O: Senators, Assemblymen, following the pattern that Vic has established, I will briefly address Section G. It is concerned with the approval of teacher education programs and reciprocal agreements with other states. New Jersey has long been a leader in the development of the national standards for the approval of teacher

education programs. The State Board of Education has adopted these standards as the basis on which teacher education programs in New Jersey are evaluated. Through this procedure, New Jersey now has formal reciprocal agreements with thirty-two other jurisdictions, under state regulations and state responsibility. In addition, six other states grant certification to graduates of approved New Jersey teacher education programs.

We suggest that a unilateral approach by New Jersey, through the creation of this Agency, to establish its own set of standards, may well destroy all of these reciprocal agreements. This possibility would be a distinct disservice to New Jersey teachers and local boards of education as well. New Jersey teachers would be greatly restricted as to which other states they could apply for a position. Local school boards would not be able to search nationwide for the best available talent to work in their schools. In short, the options open to both teachers and school boards would be severely curtailed.

The last part of this section is related to the question of ethics. The Department of Education, along with numerous professional organizations, is constantly studying the preparation and performance of teachers. The New Jersey Performance Evaluation Project is one of the most ambitious research projects in this area in the country. With all of the problems that are attendant, it is a worthy area for research and evaluation. It seems further to us, I think, in this area, that the creation of an Agency with this kind of authority over the development of research and innovation in the area of teacher certification and preparation further complicates what has been a very complicated process for the improvement of

teacher education.

There was a commentary here about recertification and some of those aspects of improving education, and there does not now seem to us to be any reason that this kind of activity could not be undertaken, if it be deemed worthy, by the present State Board of Examiners, with approval by the State Board.

A last overriding concern regarding this bill centers around the autonomy of the Council and the very clear organizational or petitionless membership from which the Commissioner must appoint, and the State Board shall approve. This is, it seems to me and to the State Board, a very severe and questionable deviation from concern for public interest in public education.

Lay control of education is a long and cherished tradition in our State. It is our belief that this would be circumvented by the adoption of this proposal and, in fact, seems somewhat contrary to the kind of public questioning that is now being put concerning the development of professional standards responsibilities. The most recent study in the State of New Jersey relative to another profession, I am sure, would give you considerable enlightenment in this area. Some very recent studies and review of this whole question in the State of Pennsylvania raises some very serious questions as to the control by the profession -- complete control of its licensing procedures.

I think - and this is an aside from the written material here - that as a member of the State Board with some responsibility in this area, it would seem very important to us that some specificity be devoted to reasons for this bill; that some citations of

problems with backup information be available. I have only served on the Board for five years and in that five I am unaware of any direct communication with the State Board on any of the kinds of problems, some of which have been cited here this morning.

Further, I think it would be important, again, as an aside, to indicate to you that the one certification example cited here was on the community services certificate. I did hear the Chancellor indicate that boards don't always get into the detail that they should and I would agree with that - or sometimes they don't have time to get into it. But it is fortuitous, perhaps, that the one example cited was an exact example of where the recommendation from the State Board of Examiners was given lengthy and full discussion by the State Board and on the action of the State Board, returned to the State Board of Examiners for further thought, delineation and clarification.

The Council, as set forth in this legislation, and particularly in "G", would not be answerable to the State Board of Education or to the public body with the authority for public education in this State through legislative mandate, but rather it would be responsible, in our judgment, to the professional organization whose membership determines its policies as a professional organization.

I think three items would, perhaps, clarify most clearly our position. One is, I think, a growing public concern for public licensure and an important concept of the balance of interest in licensure; professional, without question; administrative, without question; citizens, without question. I was interested the Chancellor made that reference and I

would support his reference to a concern for some public members on a board of this type.

I think we need to address, clearly, the question of public interest as this state moves toward the question of what is thorough and efficient in education and in what best ways we can insure the meeting of that mandate for thorough and efficient.

I think I'd like to indicate, again, that this bill has an assumption which we would not agree with and that assumption is that only the teacher in the classroom has direct concern for the matter of certification and program preparation. We would in no way indicate they do not have concern, they do have compelling, substantial and direct concern. But we believe that concern is shared with administrators at all levels, with boards of education and with citizens in this state.

Education in New Jersey is a state responsibility. It is far too important in our judgment to be delegated to any single professional group, no matter how altruistic or professional their motives or concerns. Thank you.

SENATOR WILEY: Thank you very much.

Might I ask you, while you are near the microphone, there are, I believe, presently 14 members of the State Board of Examiners?

MRS. MANCUSO: That is correct.

SENATOR WILEY: There are presently no citizen representatives, as such?

MRS. MANCUSO: That is correct.

SENATOR WILEY: How many do you feel there should be on a board of that size?

MRS. MANCUSO: I have not really thought that through carefully enough to give you a definitive answer. I would be delighted to do so. I would say,

at this point and juncture, that the size of the group ought to be manageable in terms of its responsibilities. No less than two members, I think, ought to be from the public as members of that board of examiners. I am sure there could be justification for three or four but at this point I would say two would be a reasonable number. You still would have a fairly reasonable sized board.

Now in the sense - and I am sure that it is true - of the public interest, it is our hope that the State Board of Education, as public citizens, represent that interest and do have that final responsibility. At the same time it is eminently clear that the continuing operation and the detail of the operation of the State Board of Examiners is not the general purview of the State Board; therefore, the public members would serve that kind of compelling interest at an operational level.

SENATOR WILEY: Would you know whether in fact there have been divided votes on the State Board of Examiners in the last years?

MRS. MANCUSO: I assume there have been and I know that at least on the community services certificate there was some division of thought and division of final vote; I guess that would be the proper term for it.

My understanding, and I would be pleased to have Mr. Sinclair address that, is that, generally, the recommendations are unanimous and have been over the years.

As I say in this informal part of the presentation, it is a real law of operation that the body responsible ought to have a chance to correct deficiencies. As I said, in five years I have not been alerted to - nor to my knowledge has the State Board been alerted to any serious deficiencies in

or problems in the operations of the State Board of Examiners or in its relationship with the State Board in its function in the approval process.

SENATOR WILEY: Let me hold you one second longer. You mentioned Section H and the question of thorough and efficient education and how that's going to be defined. One of the possibilities that has been mentioned is assuring thoroughness and efficiency through output standards. Would you tell me your understanding of the impact of Subsection H insofar as it would empower this Council to govern professional practices - standards of professional practices - touching professional performance, preparation performance and continuance of professional services. Could the Council under that language determine what output standards were to be applied, or whether they were to be applied? Do you read it that way or is that too broad?

MRS. MANCUSO: My reaction, Senator, would be that it is too broad and I was particularly interested in the question of the Assemblyman on the matter of invoke, revoke, etc. The language is extremely broad. I think where there is a clear public responsibility and public accountability, the general tendency of legislation is to be broad to permit administrative rules and regulations to implement the broadness of that legislation. I have considerable reservations about the broadness of this. I don't know what it means. I don't know whether, under Section H, your concern, or your question, could indeed and in fact be determined by the State Board or this State Council. I don't know.

We have no definition in here of what professional practices are to that extent and I am just not able to answer the question. I don't know. We certainly know what the present attitude is toward some of the

attempts at output information and if that's any reflection, one would have some concern.

I don't know what H means in terms of its eventual implementation. I have concern about it. I don't know what it would mean.

SENATOR WILEY: On G, you were concerned this would impair the ability which we presently have to work out arrangements with other states in some fashion.

MRS. MANCUSO: Yes.

SENATOR WILEY: It would shift the power, or would put the power in this Council. Why would it limit the ability of that Council to carry on, as a matter of practice, in the manner in which New Jersey has carried on in the past in making arrangements with other states for reciprocal certification.

MRS. MANCUSO: I think this makes an assumption here that the only compelling background for making these kinds of arrangements for studying, standards and certification, etc., - the only compelling agency involved in such would be such a Council or even the State Board of Examiners. I think it's rather an oversimplification, if you will, of a whole aspect of teacher training, teacher preparation, standards, etc. The whole department, in many areas, curriculum and instruction, business finance administration - these are all involved in concerns with teacher preparation, with educational organization and operation and in the matter of standards in terms of these reciprocal arrangements.

SENATOR WILEY: It isn't a matter of the authorizing language here or how the power is conferred but rather the fact it would be concentrated in one body within the department?

MRS. MANCUSO: Yes. And I think it relates, again, directly to my concern for coordination of the total educational project within a department of education and coordination with the Department of Higher Education, as has been illustrated by others before me. I think we have had a real movement toward total fragmentation in this operation, which has been to the detriment of education in many cases. I am concerned about that and I do believe that it is a state responsibility and, as such, is carried out by the State Board of Examiners under the present arrangement.

Many other concerns have been expressed by Dr. Podesta, as far as the State Board is concerned. We would support the kind of things he is concerned about. Dr. Sinclair will depart dramatically from his written remarks here and we would indicate our support for the kind of concerns he will express.

SENATOR WILEY: Thank you very much, Mrs. Mancuso.

Shall we turn to Dr. Sinclair?

Senator Dumont?

SENATOR DUMONT: Mrs. Mancuso, you are aware of the fact that practically all of the boards - licensing boards - in the state consist primarily of people from the particular profession or business or trade to be licensed?

MRS. MANCUSO: That's correct

SENATOR DUMONT: How do you justify the composition of this Council, at the present time, with four classroom teachers out of 13 members? Actually, that is not true of any other type of licensing agency in the State.

MRS. MANCUSO: I think probably two or three things, Senator Dumont. One, this licensing process

addresses teacher certification, administrator certification, at all levels; it is not just teaching as a classroom teacher. That is part of it.

Secondly, and to me the overriding and compelling interest here, is that, indeed, this is a board primarily of all professionals, really, with a combined and total interest and sharing a responsibility for public education.

And third, is in the matter of public education. We are talking about public interest and public responsibility in a very different fashion from, I think, that which affects private licensuring for private enterprise or private involvement.

SENATOR DUMONT: Well, isn't the prime function of the Board of Examiners to determine the licensing of teachers?

MRS. MANCUSO: It does, but it also has a responsibility in that process to work with higher education, with curriculum, with instruction, with supervision and with administration.

SENATOR DUMONT: If that is true why doesn't the Board of Examiners report to the State Board of Higher Education and the State Department of Higher Education as well as the State Board of Education and the State Department of Education?

MRS. MANCUSO: It is my understanding, Senator, that they report in the legal process to the State Board. They work in coordination and in cooperation with the Department of Higher Education in certification, in background information, in approval process for program and for curriculum for teacher education in the State.

SENATOR DUMONT: Well, do they have a regular chain of communication with the Department of Higher Education as well as the Department of Education? Is one required by law or is that the policy, or what?

MRS. MANCUSO: I would say it is my understanding -and I am sure Dr. Sinclair can attest to this better than I - simply as a result of questions that I have asked, or the Board has asked, we have had rather clear indication that it is a policy procedure for consultation between those departments.

SENATOR DUMONT: Thank you.

SENATOR WILEY: One other question. Senator Buehler?

SENATOR BUEHLER: Do you have a prepared document for us?

MRS. MANCUSO: I think Dr. Podesta does have, yes.

SENATOR BUEHLER: Fine. I don't know whether there was any specific point raised in there regarding credentials and certification but one concern I think of the Committee, as it relates to the State Board of Examiners, is whether or not the State Board of Examiners has provided, in their certification requirements, tight enough rules and regulations concerning evaluation of teachers by non-certificated personnel in New Jersey. I think this is a grave concern of many of our 78,000 teachers and I would wonder whether or not the State Board of Examiners has failed to recognize this? Have they overlooked it? Or do they have plans in the works that would tighten up on on these rules and regulations so that you could professionally upgrade the whole quality of our instruction, as it relates to certification, with personnel being evaluated by non-certificated personnel?

MRS. MANCUSO: I think one of the members of the staff probably will address that more thoroughly than I could.

DR. PODESTA: Actually in the past couple of years since we have had no longer a shortage of teachers, but a surplus of teachers, moves have been made and are being made in that direction.

Dr. Sinclair, I think it is about two years now, isn't it, that we have addressed ourselves to these problems and it is a very active thing. It is not going to be overlooked. It is not being overlooked at the present time and we think that we will be upgrading the quality of teaching by virtue of being very, very strict now about certification - complete certification.

SENATOR BUEHLER: Dr. Sinclair, do you want to add anything to that?

D R. W A R D S I N C L A I R: I think I could, yes.

The Bureau of Teacher Education and Academic Credentials has been authorized to employ two field consultants for our Bureau, one of whose responsibilities is to visit the county offices to check the certification credentials of each teacher in each county.

Under the regulations of the Board of Education the County Superintendent is responsible for the enforcement of certification of the teachers in his jurisdiction and our Bureau provides him with a couple of extra personnel to check records and to be sure that people who are on sub-standard certificates, either provisional or emergency, are progressing at the prescribed rate of four credits per year toward full certification. This process started last year. I believe four of our bigger, more populous counties were visited last year. We have several more scheduled for this academic year to review these credentials, to be sure that people are progressing toward full certification.

A second part, related to this question, is the fact that the only emergency certificates that are granted today on a rather routine basis are in the areas of industrialized education, vocational-technical education, special education and early childhood or nursery school education. Any employer - any school district who wishes to employ other teachers who are less than fully certified must present a very strong case to the County Superintendent of Schools, who then must endorse this request and send it to the Board of Examiners for its final approval.

MRS. MANCUSO: Did I misunderstand the Senator's question? I think there has been a misunderstanding of your question. I think the Senator is asking about evaluation.

SENATOR BUEHLER: I will be more specific. As it relates to secondary education, is the Department aware of the fact that throughout New Jersey non-certificated personnel are evaluating other personnel? This is the point.

MRS. MANCUSO: As I understand them, the regulations deal with the certification of personnel in these various positions. So that I think what you are asking then is, is there sufficient monitoring of this by the State Board of Examiners to insure that, indeed, in fact, only those appropriately certificated are performing that function. That's really what you are asking.

SENATOR BUEHLER: No. I think Dr. Podesta knows what I am asking. Let him answer.

MRS. MANCUSO: All right. You lost me.

DR. PODESTA: What you are saying, I think, is a violation - there is a violation existing if such is the case.

SENATOR BUEHLER: Is that violation being observed?

DR. PODESTA: I think you are referring to the possibility that people may have gone into positions holding a provisional certificate and working toward standard certification and somewhere along that process they have been evaluating people. Those are the kinds of decisions - judging decisions - that are made. But if they do not intend to improve their position from the standpoint of certification, then there is a violation.

SENATOR BUEHLER: And is the State Department not only aware of the violation throughout the secondary process but do they intend to move in the direction of correcting it?

DR. PODESTA: Yes, I think we can. As I said, I think the shortage that we had several years ago-- I can tell you four or five years ago how difficult it was to get people at all levels. But right now we are not faced with that kind of a problem so, as Dr. Sinclair said, they are going county-by-county. It may be that some of those violations do take place now in some places; we would like to know because we believe it is a violation.

SENATOR BUEHLER: It is a professional problem in that one teacher is making a judgment over the performance of another teacher and teacher "A" who is doing this evaluation is not certified by the State Board of Examiners to perform that very important function. That is why I am concerned about whether or not the State Board of Examiners intends to move in the area of tightening up on that regulation. Because I think we are going to see an increase in the number of teachers that are going to take exceptions to being observed, evaluated, and ultimately their professional career might be in jeopardy as a result of non-certificated people making these judgments.

MRS. MANCUSO: I did understand your question; that is a question of certification for performing the function and I think the answer is the standards are set forth. If there are violations of the standards and they become known, either through the agency, or operation of the local school district, or through the county office, or through the direct knowledge of the State Department, through the standards certification procedure they are in the position to take action relative to such a violation of the certification standards.

I think if you are asking is department personnel now, individually and collectively in local districts, searching for that, I think they would have to address it. But I think there is a mechanism for calling that kind of deficiency to the attention of the State Board of Examiners and they are within their authority to take action on that matter.

DR. PODESTA: And so is the State Board.

SENATOR BUEHLER: Thank you.

SENATOR WILEY: Dr. Sinclair?

DR. SINCLAIR: Yes. I am Ward Sinclair, Director of the Bureau of Teacher Education and Academic Credentials and I also serve as Secretary to the Board of Examiners.

Wearing the latter hat, as Secretary to the Board of Examiners, for the moment, I'd like to recite, very briefly, some of the past history of the Board. It was created in 1866, originally with two members and through the years additional members have been added; the most recent one being in December 1970 when two teachers were added to the Board. To the best of my research, at no time during this history has any

category of membership been deleted from the Board. There has always been an addition to that which exists at a given time.

SENATOR WILEY: So the original two were categorical themselves?

DR. SINCLAIR: Yes - State College President and the Commissioner of Education.

During my four years in New Jersey and the last two and one-half with the Board of Examiners, my best professional judgment is that the Board has been responsive to the needs of the children of New Jersey by continually revising and strengthening the certification requirements for teachers. Some specific examples of this might be, for example, the requirement for a bachelor's degree for school nurses; the master's, or graduate level programs for reading specialists which were just adopted in the past year. Currently, one that is being considered is to raise the requirements for school social workers from undergraduate level training to graduate level training.

Throughout the development of national standards, which have been referred to many times previously this morning, the committee which develops these standards works in close conjunction with each of the professional organizations concerned. For example, if they are talking about the standards for the preparation of English teachers, they will work - or the committee does work - with the National Council for teachers of English. When they are talking about the preparation of Mathematics teachers, they will work with the Council for teachers of Mathematics, etc.

These standards do represent the best thinking of the teaching profession as well as the academic field which is concerned - mathematicians, people in english literature, etc., from the academic or liberal arts side of a campus. These standards have been adopted by the State Board of Education as the basis for approving teacher education programs in New Jersey and it is because of this approval of nationally accepted standards that New Jersey has the reciprocity that Mrs. Mancuso referred to.

Another indication, I think, of the current activities of the Board of Examiners is the variety of studies it is now engaged in. These include bilingual education, environmental education, school media specialists, a revision of the certification for guidance counsellors, the one I referred to a moment ago, school social workers and a new area of certification for athletic directors. These are some of the areas that the Board currently is working with.

During the 108 year history of the Board, no professional organization has ever brought charges against a teacher to suspend or revoke that teacher's certificate. Every charge that has been brought before the Board has been brought either by school administrators or by local boards of education. On the basis of this track record, I am not too convinced that a group of teachers would be willing, any more than they are now, to bring charges against a fellow teacher.

SENATOR WILEY: How frequently are charges brought by anyone, Dr. Sinclair?

DR. SINCLAIR: As was indicated earlier, most of the charges are brought on the basis of jumping a contract - giving insufficient notice when leaving a position, and these are brought by school boards.

SENATOR WILEY: What is the frequency of these charges, one dozen a year?

DR. SINCLAIR: Yes, twelve or fifteen a year, perhaps. In the last two and one-half years-- I'm sorry, in the last four years since I have been in New Jersey, there have only been, to my recollection - and I don't have these figures right here, but to the best that I can recall - there have only been two certificates revoked. There have been numerous suspensions.

I am sure you are aware of the fact that due process is followed in each of those cases, whether for a one-year suspension or whether it is for a permanent revocation. The Board examines each case very carefully on an individual basis. At its last meeting, which was just last week, charges against four teachers were presented. However, they were upheld in only one case. The charges against three of the teachers were dismissed for lack of evidence, if you will, or not complete information. But, in any case, they do not unilaterally rubber-stamp a charge that is brought by a board or a school superintendent. I think just last Thursday the three out of four that were dismissed is an indication of just how carefully they scrutinize each of these charges.

I'd like to spend as much time as is necessary to answer specific questions that I am sure you may have about the operation of the Board, but I would like to close by stating that through the present

operation of the Board of Examiners reporting to and recommending to the State Board of Education, we have our citizens in control of education in New Jersey. But if this control is going to be bypassed by a professional council, controlled by a single professional organization, the demise of public education, as we know it, is at hand. That is my opinion.

Mr. Chairman, I'd be delighted to answer the questions of you and your committee.

SENATOR WILEY: Thank you, Dr. Sinclair.

How many times a year does the Board of Examiners meet?

DR. SINCLAIR: We meet eight times during the year.

SENATOR WILEY: And how long do your meetings last?

DR. SINCLAIR: Four to five hours.

SENATOR WILEY: Do you meet in the State Department of Education?

DR. SINCLAIR: Yes, we meet in the State Board Room.

SENATOR WILEY: During the course of a meeting, they would take a number of votes?

DR. SINCLAIR: Yes.

SENATOR WILEY: You are the Secretary of the organization?

DR. SINCLAIR: Yes.

SENATOR WILEY: Without getting to the fine detail of it, what is the frequency of disagreement on the record in votes?

DR. SINCLAIR: Probably not more than one or two items per year, unless you would call an abstention a division of vote. There are some abstentions when

a county superintendent - an issue comes up in his county - may say he will give input but then may abstain from the vote. Or if something affects a certain district from which one of the teachers or administrators comes, then they may abstain from that vote. These would occur with more frequency than, perhaps, a difference between yea and nay.

SENATOR WILEY: What number of votes would be taken, roughly, in the course of one of those meetings?

DR. SINCLAIR: Four to six. Again, in a general pattern, there would be days, of course, or certain meetings where there would be an agenda full of items which have to be acted upon at that time. But generally speaking, the vote would be four to six.

SENATOR WILEY: What is the pattern of attendance?

DR. SINCLAIR: Better than 90%. Rarely do we have - I shouldn't say rarely-- Almost in every case everyone is present but it isn't infrequent to have one member absent.

SENATOR WILEY: Does the fact that they disagree only 1% of the time suggest that they are not acting as representatives of their categories but rather acting--

DR. SINCLAIR: Yes. I think they are looking here as professional educators who try to see the broad picture and feel that they are independent agents and do not have to answer to someone else, or check back to see whether or not they are saying the right thing, but doing what they believe, in their best professional judgment, to be what is best for education in New Jersey.

SENATOR WILEY: Why then are you apprehensive if the present bill were enacted and you were to have

eight, let's say, from the teaching staff background, that they would reflect the views of that element of the profession, rather than the public views?

DR. SINCLAIR: I think one of the main reasons would be the manner in which they are selected for - or nominated - selection on the board.

SENATOR WILEY: Because of the organizational submission?

DR. SINCLAIR: Yes.

SENATOR WILEY: You don't feel the petition procedure would be sufficient to offset that?

DR. SINCLAIR: The experience I have seen in similar situations in other states - I don't think there would be too many candidates coming through that process.

SENATOR WILEY: Is it fair to say then that it is the nominating procedure rather than the categorical qualification requirements of the bill that concerns you?

DR. SINCLAIR: I think it is some of both to be honest. Certainly I am concerned about single professional organizational control. I also think that this particular Board, the Board of Examiners, is engaged in more than just the certification of teachers. In all of the discussion that proceeded this morning, I did a quick check, ten of the existing Board members must be certified - not just the four classroom teachers. The other people, the principals and superintendents, in order to have that kind of certification, must have held a teaching certificate prior to obtaining the certificate that they are now working with. So that we are talking about ten of the fourteen members. The four that are not are the two college presidents, the Commissioner and the Deputy Commissioner. I don't know what that says for them, that they are not certified but they

don't have to be.

SENATOR WILEY: What is being proposed by way of change is, one, not a shifting from citizens to categorical qualifications - there are no citizen members on the board now and there wouldn't be under the proposed bill - we are talking about categorical in both cases. What is being discussed, as I gather it, is, one, a shifting of the categories - or a shifting of the weighting of the categories - and, two, the nomination process and the appointment process. You feel that the Board has acted responsibly despite the absence of citizen members; that they haven't been blinded by the limitations of their own--

DR. SINCLAIR: The Board does not act unilaterally. It does go through the State Board of Education where there is, of course, lay participation - totally.

MRS. MANCUSO: I'd like to respond, very briefly, to your two-point analysis there, Senator. I think those are true deviations from the present practice. I think that they - although significant - are not the compelling purposes here. You are addressing certification. This bill is addressing teacher education and program approval. It is addressing professional practices. It is addressing ethics. It is addressing final responsibility for making those determinations. And it is addressing the question of ethics, etc., through the formation of this Agency. If all other things were equal and your two points were made, we would conduct a different discussion. We might still not like the change, but we would conduct an entirely different discussion, relative to this piece of legislation. It is far more reaching in its impact and in its intent and in its purposes than simply changing the structure of the Board to a Council and in addressing the question of certification.

SENATOR WILEY: No question about it. I think the bill might be seen in two primary roles. One is the constitution of this body - whether it be a Board or Council - in terms of its membership - which is what Dr. Sinclair was speaking to - in addition to the constitution, the autonomy, or the relationship of that body to the rest of the Department; to what degree there is one and to what degree it is important.

MRS. MANCUSO: And to the responsibilities.

SENATOR WILEY: And, secondly, in my judgment, inflated with greater implications are the questions of the rights and powers of the body, whether it is to be what it is presently, as a Board of Examiners, or whether it is to be as described in this legislation, which might be substantially different, depending upon how you read that language.

ASSEMBLYMAN WORTHINGTON: I'd like to ask a question. Dr. Podesta, you certainly, in your statement, aren't opposed to the establishment of a code of ethics. I would like to know how a profession is to enforce a code of ethics if you take away from the profession the ability for it to determine its membership. You say enforce a code of ethics and then you don't give the profession any way of enforcing that particular code; then that code of ethics is really worthless. I see in this bill an attempt here to strengthen the profession by giving the profession an opportunity to enforce its own code of ethics through certification, suspension, revocation; I think that is a strong point in this bill.

DR. PODESTA: In my somewhat limited experience with the Board, going back maybe about four or five years, I know of several instances where suspension and, in effect, reduction and several other things

have taken place. For example, we had a serious problem about five or six years ago in one of the counties where there was a direct violation of just about everything under the sun and they appealed this time - they appealed to the State Board of Examiners to take away the certificate; in other words, putting him out of his job. This went on for quite some time and it was finally settled on the basis of ethics. You know from-- You are a School Board member aren't you?

ASSEMBLYMAN WORTHINGTON: No, I am not.

DR. PODESTA: I'm sorry. I have you mixed up with your compatriot then.

But in this particular instance he was a Board member and he just about violated all that we would consider codes of ethics and finally we went through the courts and the adjudication said that he, in fact, was and had been violating the law under which he was prosecuted. That is the only one that I know of that went in that fashion. But we have lots of others where it is a matter of suspension - very often, just as Dr. Sinclair said.

ASSEMBLYMAN WORTHINGTON: As I look at the composition of the Board today, if the Board is going to review charges against a teacher, it is in an adversary position. If we reconstitute the Board, the way the bill calls for here, then you have teachers who are adjudicating charges against the teacher, and according to whatever develops from the code of ethics. I think, today, teachers feel that they really can't-- They have no basis in fact. They have no step up, so to speak, to be able to be in a position to pass judgment upon their teachers, from a legal standpoint of view. I think teachers know

who bad teachers are. Teachers probably know before Superintendents know who bad teachers are. It is my contention that teachers don't like bad teachers in their profession and if teachers had an opportunity and a way - a legal way - to get rid of bad people in the profession, they certainly then would take advantage of that opportunity and get rid of bad people, just like lawyers have ways to disbar lawyers who are unethical. I think the same right should be given to teachers, not only to superintendents, to come down and adjudicate a problem from a different position. I am talking about peer group evaluation.

DR. PODESTA: A teacher can prefer charges at any time through the administrative procedure process, regardless of what it may be.

For example, there are a number of cases where teachers have felt that their fellow teachers were guilty of something amounting to a crime. They have very often brought this before the Division of Controversies and Disputes and I have participated in some of those and they have either been removed from their position or they have paid some sort of a penalty in terms of money.

ASSEMBLYMAN WORTHINGTON: Yes, but I think that is the extraordinary way of doing it. I think we ought to charge teachers with policing their own profession and, say, give them that responsibility and make it incumbent upon them to do that so it doesn't become the extraordinary way, it becomes the ordinary way. That is the way that the procedure is carried out.

MRS. MANCUSO: It might be very helpful in this discussion and I want to make very clear that my remarks on behalf of the State Board in no way denigrates what we consider a major component of

certification, and that is the involvement of class-room teachers as well as administrators and others in that process. I would like that made perfectly clear on the record.

Mrs. Stilwell in her commentary-- And we do know of experiences in states all the way from Florida, one of the earliest in this certification change process. She indicates since 1965 we have had this practice. It might be well that we find some history in this matter. Dr. Sinclair can make this history available to this committee and to you, Assemblyman Worthington, to just address that question. If this is a compelling feature of requirement for change, what is the history in this matter in those six states which have adopted this kind of approach to the matter of professional practices?

ASSEMBLYMAN WORTHINGTON: I would appreciate that because I think there is a significant portion of the bill.

MRS. MANCUSO: Yes. I think it would be rather interesting evidence from the best of my knowledge. But I think we should have it very clear and on the record for you.

SENATOR WILEY: Senator Buehler?

SENATOR BUEHLER: Are those 8 meetings that you scheduled-- Are they prescheduled meetings for the year and are they open to the public?

DR. SINCLAIR: Yes, they are scheduled a year in advance and they are open to the public.

SENATOR BUEHLER: Thank you.

SENATOR WILEY: Senator Dumont?

SENATOR DUMONT: Dr. Sinclair, you say that the Board has been in existence 108 years from the beginning and consisted of a college president and the Commissioner of Education in the beginning, is that right?

DR. SINCLAIR: There were two people and I think those were the two. I think they had different titles; one was called Principal of the Normal School, or something of that sort, which would be the equivalent of a college president today and the other was--

SENATOR DUMONT: When were the four classroom teachers added to the Board?

DR. SINCLAIR: When I came to New Jersey four years ago there were two classroom teachers on the Board. In December of 1972, additional members were put on the Board at that time, making a total now of four. I don't know when the original two came on the Board. I could find that out. I don't have that.

SENATOR DUMONT: When you add a member, or members, does that have to be by legislation or do you simply enlarge the membership of the Board by regulation?

DR. SINCLAIR: This was done by legislation. The last two members were added by legislation.

SENATOR DUMONT: Do you have any regular communication with the Department of Higher Education and the State Board of Higher Education?

DR. SINCLAIR: We have a regular means of communicating with the Department but not with the Board. The Department then carries what it deems necessary to its own Board. We don't deal directly with the Board of Higher Education.

SENATOR DUMONT: How do you deal with the Department of Education, through the Commissioner or directly with the State Board, or both?

DR. SINCLAIR: No, through the Chancellor. Oh, you mean the State Board of Education; I'm sorry, we deal with both in the Department.

SENATOR DUMONT: So the way you communicate with the Department of Higher Education is not the

same as the way you communicate with the Department of Education, is it?

DR. SINCLAIR: That's true.

SENATOR DUMONT: Why is it different?

DR. SINCLAIR: Well, we have the responsibility of making our recommendations for certification changes to the State Board of Education. Some administrative procedure, such as the suspension of certificates, goes to the Commissioner of Education - this is spelled out in the rules and regulations. There is nothing in the administrative code or in legislation that says we must work with the Chancellor's office or the Board of Higher Education. However, in practicality, in order to accomplish our purposes, we have set up very formal liaison with the staff of the Chancellor's office to work with them in the approval of teacher education programs; to review with them new certification requirements, as they are presented to the Board of Examiners - as we work with this. We include members from the Department of Higher Education on all of our evaluation teams when we go to a college for an on-site visit to evaluate their programs. We have representation, for example, on the various task forces that have been set up by their master plan committee. There are many formal arrangements through which-- Another one is, all of the reports of our evaluations of colleges and universities with teacher education programs, copies are sent to the Chancellor as well as to the Commissioner of Education.

SENATOR DUMONT: Are you required by legislation to report to the State Board of Education and the Department of Education?

DR. SINCLAIR: Yes.

SENATOR DUMONT: But there is no requirement in legislation with respect to the Department of Higher Education; it is purely worked out as a matter of cooperation, is that right?

DR. SINCLAIR: That's correct.

SENATOR DUMONT: Now these charges regarding teachers, I thought I heard you say that one has never been preferred by one teacher against another teacher, is that correct?

DR. SINCLAIR: Yes. This is to the Board of Examiners, yes.

SENATOR DUMONT: It is always by boards of education or by superintendents, is that correct?

DR. SINCLAIR: Yes.

SENATOR DUMONT: You seem to be concerned, you folks from the Department of Education, about the size and strength of the New Jersey Education Association. Isn't it true that the school principals and the superintendents of schools on the present Board also belong to their own association?

DR. SINCLAIR: They have their own association, yes.

SENATOR DUMONT: Right. Therefore, I don't follow your argument that to have a majority of classroom teachers on this Council would necessarily result in the demise of public education.

DR. SINCLAIR: I think a majority of any one interest group which is removed from public control would change education so drastically that -- where is the lay control?

SENATOR DUMONT: How would they be removed from public control?

DR. SINCLAIR: As I read the legislation,

this Board could act unilaterally in a variety of issues without having to go to the State Board of Education or to any other body. They are an entity onto themselves.

SENATOR DUMONT: As Assemblyman Worthington pointed out, why shouldn't it be up to the teachers to set some ethics - a code of ethics - for teachers, as a matter of fact.

DR. SINCLAIR: I think there is a code of ethics that the NJEA has already adopted for its membership and if they know of members who do not live up to that code of ethics, I would think it would be incumbent upon that Association to expel such members.

SENATOR DUMONT: But any code that they have does not have the authority behind it of legislation, does it?

DR. SINCLAIR: No. I think also, however, if I may add a comment here, if a code of ethics is to be legislated, it could be legislated under the existing structure. You don't need a new agency to adopt a legal code of ethics, if you will.

SENATOR DUMONT: Well, you don't need-- That does not say that the present Board of Examiners could not have a code of ethics too, if they wanted it for everyone concerned - teachers as well as everyone else.

DR. SINCLAIR: Yes, but it wouldn't have any more teeth, I suppose, unless it had legislation behind it than would a professional association's code of ethics.

SENATOR DUMONT: So then it gets back to legislation either way you have the Council, is that right?

DR. SINCLAIR: In this matter you can legislate a code of ethics for, I suppose, any group.

SENATOR DUMONT: All right. Thank you.

SENATOR BUEHLER: I have another question.

I agree with the Chairman's assessment of the content of this bill insofar as the Department is concerned and insofar as testimony that I have heard from others here this morning. The one overriding concern that I have seems to have escaped attention, this is as it relates to thorough and efficient education for our million and one-half children. I am concerned over whether or not we have an internal battle here to see who is going to determine performance of our 78,000 teachers as an overriding factor of this legislation that we are discussing, or are we concerned about who is going to be the most responsive as we go to thorough and efficient education for our million and one-half children. That concerns me because I would rather dismiss the battle and get on with the war. I am concerned about whether or not there is an area of disagreement that can be rectified here.

Senator Dumont's comment as to whether or not teachers would be unresponsive professionally to one another, I think, is a basic issue. Whether or not the Department feels they would, in effect, give way to the teachers in controlling their destiny, is another vital, basic issue. I would just like to get into that aspect of it for a few minutes as it relates to the quality of education here in New Jersey. Are we talking about a battle or are we talking about a whole new concept in education?

DR. SINCLAIR: I'd like to respond in two parts to this opening that you have given me, Senator.

One, I would not accuse any member of the NJEA, many of the staff people with whom I have worked

closely since I came to New Jersey, or any member of the Department of Education - Department of Higher Education - of being less than vitally concerned with the welfare of the kids in our schools. I think this goes without saying. We are all concerned about improving the educational program for every youngster in New Jersey schools.

One of the things that concerns me, and I am not speaking now, if I may make a distinction, as Ward Sinclair, professional educator - if you will - as opposed to an official of the State Department -- I am a little bit concerned that any bureaucracy, whether it be NJEA, the State Department of Education or any other large organization of this type, that change is very slow; it has to be ground through a mill. We have attempted to try to bring about some significant changes in the preparation of teachers for New Jersey schools. We have been most successful in the last four years, I think, in the area of preparing teachers for urban schools. We, perhaps, have made greater strides here than we have in any other single area, and I am sure someone might contradict me on that but that is my own opinion.

Public schools in our inner cities are in desperate straits and I don't have to recite the litany to bring you up to date on this. Concerned citizens of these inner city schools, as well as professional staffs and the youngsters themselves, will grasp at almost any star that provides any hope whatsoever to improve their lot.

The Community Services Certificate, which has been discussed at some length here today, is an attempt to provide assistance to the schools who so desperately need other talents than we, as

educators, have been able to provide in the past to meet the needs of these kids.

We are trying, through a whole variety of teacher education programs, to get youngsters in college into the schools at their freshman and sophomore years, prior to student teaching, in order that they get a feel for, and an understanding of, and a respect for, the youngsters with whom they would be working if they were to accept a position in an Hispanic ghetto, a black ghetto or any other kind of deprived area.

I am convinced, myself, that the pluralism that exists within the Board of Examiners allows each of these changes that are being discussed and studied throughout New Jersey and other states as well, a very careful, thorough, and professional look before we move into adoption of a new certification rule, or whatever.

I think, perhaps, I am digressing from your point but I would like to come back to it by saying I think the Board of Examiners, in my experience with it - and I recognize its limitations in terms of time - in these last two and one-half years has been a period of the greatest rapidity of change and I think the Board has been responsive to it, has dealt with these issues, has not tried to pass the buck to someone else but has come up with its recommendations and has stood on them and has defended their recommendations, I think, exceedingly well.

I hope, Senator, I have at least spoken somewhat to your point of concern.

SENATOR WILEY: Thank you very much, Dr. Sinclair. Thank you, Dr. Podesta and Mrs. Mancuso. We appreciate your being with us.

Thelma G. Drakes?

T H E L M A G. D R A K E S: Thank you, Mr. Chairman and members of the Senate Committee on Education. I am Thelma Drakes and I am a member of the NJEA. I am speaking to you about this bill, really giving you my own opinion.

The first time I saw the bill, the first thing I thought of was, if there are going to be eight teachers on this Board, and there are 14 members, one of the members, of course, is the Commissioner who is rarely there, so that means there are really 13 people that are present.

SENATOR WILEY: Are you a member?

MS. DRAKES: Oh, I am sorry; I am a member of the Board of Examiners.

SENATOR WILEY: You might, just for the record, give us some identification.

MS. DRAKES: I am a member of the Board of Examiners and I am serving my second term and I have been teaching in the City of Trenton for 18 years. Is that all you need?

There are four teachers on the Board of Examiners and I am one of them. I have to say, as far as attendance is concerned, we are always there.

I see, if we are going to have eight teachers on the Board of Examiners and there are only going to be, really, thirteen people present, there is going to be a problem because on the Board now we have people who represent rural areas, urban areas, suburban areas, superintendents, etc. We all have a wide background insofar as education is concerned and insofar as knowing what the problems are in the entire State.

As a teacher, when I came to the Board of Examiners, I did not have the faintest idea of what the Board of Examiners had to go through

in order to pass certifications, etc. As I would listen to people give their ideas, I didn't realize that a lot of the problems had to do with, for instance, location. I know we have problems in the city and they were the only problems I was thinking about, but I had to listen to the problems of other areas.

I think if we get eight teachers on the Board of Examiners, there is going to be more or less -- everyone is going to be thinking about their own problem in their own area and they won't see the problems throughout the State. I don't know where they are going to get the teachers from, whether they are going to be urban or rural, etc. I am not concerned about that. I am concerned about the fact that there are a lot of things about law, about policy, even about hiring problems, that I wouldn't know about being a teacher in a classroom.

When I came to the Board of Examiners I always sat back and thought, I am not as important as everyone else on this Board because I am just a teacher. But I will have to say that is the one place I have been where they even stop and ask me what my opinion is, insofar as a problem is concerned, especially if it has to do with classroom teachers.

I have sat there and listened to other people bring their problems to the Board and I think I have used my own judgment, rather than the judgment of a group. And this is the only thing that bothers me about this new bill. When I go to my Board meetings I speak for myself and what I think is right. I am not concerned about whether any other organization agrees with me or not. When I sit

there and answer, or give a decision, or vote, it has to do with the way I feel.

I have a feeling that if we get eight people that are going to be from one organization, and again I will say I am a member of that organization - I always have been - and there are five people scattered, that are not from any particular organization, that there is going to be a problem as far as power is concerned. I also have a feeling that a lot of the meetings will not be discussions but will wind up being arguments - one group against another.

Right now we have superintendents who sit back and listen to me and I sit back and listen to them. We don't sit there and think, "well, he is a superintendent, so what I say isn't as important as what he says". There have been two instances that I know of that what I said made a big difference in the way that they voted and it was because they respected my opinion as a teacher.

I also feel that if you have eight teachers on the Board - and that is, as you notice, my big problem, the eight teachers - we are almost going to lose sight of the main purpose of the Board: that is, to improve education for the students. Now I know you are going to ask me why I say that, being a teacher; I have heard people say that teachers don't like the idea of other teachers being bad and they will bring it to the forefront - they won't. I am sorry, I have known too many teachers that will complain back and forth, you know - "so-and-so is terrible, they aren't doing a good job" - but they don't bring it to the forefront because no one wants to say, "she is the reason why I lost my job". No

one wants to be the one that they point the finger to and say, "don't let her see you doing such-and-such a thing because you are going to be in trouble".

I know, as a person that teaches in the classroom every day, that I would not want to be the one to walk up to a principal or to some organization and say, "so-and-so is terrible; will you please get rid of them", because I don't think I'd want to put myself out in the position where someone else would turn around next year - because I did that - and say, "well, you are doing the same thing; let's get rid of you". I don't feel that teachers will actually speak up against teachers. I may be wrong and I am pretty sure that some people are going to say I am wrong but I don't see how having eight teachers on this Board of Examiners is going to improve education for students.

I would like to ask some member of the Education Committee, if you ever have time, to come in and sit in on one of our meetings; you will then see exactly what we go through. I tell you now, we have not sat down at a meeting and said to each other, "how are you going to vote for such-and-such?" None of us knows what the other is thinking. We don't find out until we start discussions. We get all of our material ahead of time. We have a chance to read over it. We have a chance to think about it in our minds. When we come to the meeting we don't get a chance to discuss it until it is time to discuss it at the meeting.

I have a feeling, also, that if-- You see, you made me wait too long and now I've got a lot to say.

SENATOR WILEY: We will have that trouble this afternoon with all the witnesses waiting.

MS. DRAKES: I have a feeling that because this material goes out at least two weeks ahead of time, if you have eight teachers and they know each other, they know they are going to be on this board, and they know what is going to come up--I have a feeling those eight teachers, in some way, if they are from one organization, are going to get together and say, "look, how do you think we ought to vote for this, etc?" They are the things that bother me about this bill.

I am not concerned about the eight teachers. If you are going to have eight teachers, then I would suggest that you have at least seven of something else. Don't have eight teachers and five of another group, or five scatterings of other people, because I don't think we have enough background in education as far as hiring, law, and so on, to be able to do the job that we are doing now.

SENATOR WILEY: The bill proposes 15, of which 8 would be teachers.

MS. DRAKES: Yes, but I am thinking that the Commissioner is usually not there.

SENATOR WILEY: Do you know the Commissioner is not one of them?

MS. DRAKES: I am sorry; I am thinking about the present Board.

SENATOR WILEY: In the 15, there is no mention of the Commissioner.

MS. DRAKES: My mistake.

SENATOR WILEY: Are the present four members who are teachers also members of the NJEA, do you know?

MS. DRAKES: That I could not tell you. I don't have the faintest idea.

SENATOR WILEY: Do you think there is any problem by reason of having four teachers at present?

You think four is too many?

MS. DRAKES: No, I don't think four is too many. I really don't think eight is too many but I just get the feeling that if the majority of those eight are going to come from a parent organization that there is going to be a big problem. That's what bothers me more than anything else.

SENATOR WILEY: When you say "come from", you don't know whether the present members are actually members of the NJEA?

MS. DRAKES: No.

SENATOR WILEY: What you are talking about is the nomination process?

MS. DRAKES: Yes, that is what I am talking about.

SENATOR WILEY: The bill proposes eight teachers, two administrators, two other certified people who are neither teachers nor administrators and three college level teachers.

MS. DRAKES: Right.

SENATOR WILEY: Senator Martindell?

SENATOR MARTINDELL: Your feeling is that teachers would not speak up against each other on the same theory that doctors would hesitate or senators would hesitate to speak up against each other?

MS. DRAKES: Yes.

SENATOR MARTINDELL: You have not seen any evidence where you knew a teacher was not good in the way he or she taught?

MS. DRAKES: No, I haven't. With the four teachers that are on - well, there is really three now because one became a principal - the board now-- The cases that come up concerning teachers, what my decision is, depends on what I think and not really

on what I think the other three teachers think, or what I think an organization will think. It is just my own personal feeling. And I like that feeling, to be able to sit at a Board meeting and say what I think and not be concerned about whether or not someone is going to say, "I wish you hadn't said that, do you see what a position you put us in?" That is one of my concerns.

SENATOR MARTINDELL: When is your next meeting?

MS. DRAKES: April 11th. Thursday, April 11th.

SENATOR WILEY: What time of day?

MS. DRAKES: Ten o'clock in the Board Room, 5th floor.

SENATOR BUEHLER: I will start with a compliment. Eighteen years you have been teaching in Trenton?

MS. DRAKES: Yes.

SENATOR BUEHLER: At what level?

MS. DRAKES: Well, first grade, third grade and sixth grade.

SENATOR BUEHLER: Basically the primary grades?

MS. DRAKES: Primary, yes.

SENATOR BUEHLER: Through all those years you held up extremely well.

(laughter)

There seems to be a conflict in a couple of your statements. One is that you are concerned that if there were eight teachers on this Board that there would be a collective effort, and yet in your own statement the four teachers that are on that Board now have no such collective effort.

MS. DRAKES: Yes. but--

SENATOR BUEHLER: In fact, you stated that you speak for yourself.

MS. DRAKES: Right.

SENATOR BUEHLER: Even, and although you are a member of the 78,000 membership of the largest union

in the State?

MS. DRAKES: Right.

SENATOR BUEHLER: You speak for Mrs., or Miss Drake?

MS. DRAKE: Mrs. Drake.

SENATOR BUEHLER: Mrs. Drake, which is very interesting.

The second thing, I don't understand why you have this concern. Do you feel that these teachers will be like yourself, that they would speak for themselves, rather than for an organization?

MS. DRAKE: I guess I should clarify my statement. What I meant was, according to the way they are going to go about getting these teachers -- For every six thousand members, you are allowed one name - I believe that's it. All right, there are sixty-eight thousand or seventy-eight thousand teachers; that means that NJEA would possibly have thirteen names. That is the thing that I am talking about. Because I was just appointed, that means that I really don't feel like I have to answer to anybody. But I think if I go out under the name of an organization and get petitions and names and so on, under the name of the organization, I think that I would change the way that I would react on that Board, particularly if there are NJEA representatives sitting there watching me and listening to the way I vote, etc.

SENATOR BUEHLER: You testified that you are a paid-up member of the organization.

MS. DRAKES: I am a paid-up member of the organization.

SENATOR BUEHLER: Have you ever been told by the NJEA how to conduct yourself as a member of the Board of Examiners?

MS. DRAKES: No, no, no. But they had nothing to do with me being on the Board of Examiners.

SENATOR BUEHLER: I know that. I am aware of that. The point is -- the main thrust of your statement is that you are wary of the fact that if there are eight teachers on this Board, they would be, in effect, a strong lobby group for a special interest, and that is something that you seem to fear more than anything else.

MS. DRAKES: Yes. I don't believe the Board of Examiners has to be changed to improve teacher preparation. I really don't see how that is going to do it.

SENATOR BUEHLER: The next time we go out to observe, let's go to Trenton, all right?

MS. DRAKES: Monument School.

(laughter)

SENATOR WILEY: Senator Dumont?

SENATOR DUMONT: Mrs. Drakes, how are you and the other teacher members chosen in the first place for the Board of Examiners? Who did the actual nomination or appointment?

MS. DRAKES: It goes back four years ago. I was a member of Effective Urban Teachers' Council. I said a few things and let myself be known at meetings, etc., so Dr. Sinclair asked me if I would be interested in being a member of the Board of Examiners. Of course, I said I didn't even know what it was. So he did put my name in to be a member of the Board of Examiners and it passed and that is how I got to be a member of the Board of Examiners. And I didn't know what it was. I really didn't. I asked him, when he asked me, and he gave me some idea but I really did not know exactly what

I'd have to do.

SENATOR DUMONT: Well then, like many other people, it was the fact that you had been active in an organization that helped you get there, is that correct - to be chosen?

MS. DRAKES: Yes.

SENATOR DUMONT: It wasn't the New Jersey Education Association, but it was another organization, right?

MS. DRAKES: Yes - the State Department of Education.

SENATOR DUMONT: And the teachers that are on there now are selected from different types of communities, is that right?

MS. DRAKES: Yes, they are.

SENATOR DUMONT: Have you any reason to feel if there were eight teachers there would be any different procedure used?

MS. DRAKES: When I think of the fact that it might be eight teachers, another thing that bothers me is that it is possible that you would get eight teachers from urban areas. It is possible.

SENATOR DUMONT: I would be the first one to object to that, personally, if that ever happened.

MS. DRAKES: That's one of my points. If you have eight teachers and no one says that you have to have a representation of the entire State, it is very possible that in the cities you would get 100 petition signatures.

SENATOR DUMONT: Does it say now that you have to be chosen from the urban area?

MS. DRAKES: No, it doesn't but I have the feeling that-- Well, I guess you are not interested in feelings. No, it doesn't.

SENATOR DUMONT: No, it doesn't. But I would be glad to hear your feelings.

MS. DRAKES: I just have a feeling that it would be easier for a person in a city to get 100 names on a piece of paper than a person that is in Cumberland County, or in a district where population is spread over a large area. I do feel it would be mostly people--

SENATOR DUMONT: We have tried not to do too badly in those spread-out areas over the years.

MS. DRAKES: That's not exactly what I mean. I just feel, you know, I don't think they would be as careful about seeing to it that they come from different areas. I'm sorry I stayed now.

ASSEMBLYMAN WORTHINGTON: Do you have a staff that services the Board now? Is there a staff that services the Board now? Are there any employees that you can refer to if you have a problem or if you want some information?

MS. DRAKES: I either go to Dr. Sinclair or his secretary, or whoever I think can give me the information.

ASSEMBLYMAN WORTHINGTON: The bill as constituted authorizes the Council to employ an executive staff and other people, at their discretion and when they have a need. I was wondering why you think that teachers, as a group, lack the leadership to carry on this kind of a charge?

MS. DRAKES: I don't think they lack the leadership. I'd be the last one to say that I don't have leadership qualities, but I would say that I don't see how teachers would be able to see the problems that superintendents, county superintendents, librarians, etc. would have. Coming out of the classroom, when I joined the Board of Examiners, my own world was the classroom, Monument School, the City of Trenton; I had no idea what problems they were having in

Atlantic County; I had no idea that there were some areas where they could not get teachers. I have heard you say time and time again that there is an oversupply - fine - but that is in some areas; but I didn't realize that in some areas of the State people didn't want to teach.

If I went to a Board meeting and it had to do with certification of a teacher, say, for Science and there was an area in New Jersey where they couldn't get any teachers, Science or anything else, I don't think it would be fair to that area to say, "all right, every single teacher you get must be certified at the point where they walk into the classroom", because if they can't get teachers, they almost have to take people off the street and say, "O.K., you have a certain number of years to get ready". I understand what NJEA means, there has been a breakdown in the preparation for teachers. I will have to agree with that. But you also have to agree that there are problems in different parts of the State that a teacher coming out of the classroom would not be aware of unless someone told him about it.

I don't mean we don't have leadership qualities, because we do. I just don't feel that we could be the ones to control what is going on in the entire State.

**ASSEMBLYMAN WORTHINGTON:** Who tells you about the problems in the rest of the State now?

**MS. DRAKES:** Right now we have four teachers, two superintendents, one county superintendent, two college presidents, a librarian and two principals; they are all from different areas of the State and they are the ones that would. For instance, if there is a problem about hiring a teacher - and this did come up once, I can't remember what county

it was - the superintendent would let us know that they had a problem getting anybody, much less having an oversupply of teachers.

There have been other things. For instance, there have been things concerning laws of the State of New Jersey that I didn't know. How can you tell that those eight teachers are all going to know the laws of New Jersey? Because if they are doing a good job or are trying to do a good job in the classroom, you don't have time to sit down and read a law book. It is just a case where I feel you have to have a variety of background.

Now I don't care if we have eight teachers but, o.k., then let's have eight of these other folks.

ASSEMBLYMAN WORTHINGTON: Well, the bills call for seven of these other folks.

MS. DRAKES: I know. I understand through legislation you can change almost anything, so that could be changed, couldn't it?

I understand what the bill calls for but my concern is that I don't think we have enough of a background to speak for the entire State of New Jersey.

ASSEMBLYMAN MARTIN: Mrs. Drakes --

ASSEMBLYMAN WILEY: Assemblyman Martin?

ASSEMBLYMAN MARTIN: I'd like to get your reaction, as a teacher, as to what you think the appropriateness and the effectiveness of the adoption, by legislative means, of a code of ethics for teachers would be?

MS. DRAKES: I think I understand. You want to know what I would think of the Board of Examiners, as a group, adopting a code of ethics, is that what you mean?

ASSEMBLYMAN MARTIN: No, what I am saying is, in the adoption of a code of ethics by legislative means, would it be appropriate, in your judgment?

My second question is, what effect would that have?

MS. DRAKES: I don't think that the legislature could say that you have to follow a certain code of ethics in teaching, or in anything, really, because, I know, things that I think are wrong, other people think are right. I think it would have to be left up to the judgment of each person and if an organization comes up with a code of ethics, then how are you going to see to it that everyone is following that code?

Once you legislate a code of ethics, there is no sense in doing it if no one is going to see whether or not people are following the code. I don't think it would be effective at all, again because most people don't like to report on someone else. I don't think that is part of the legislature's job, as far as a code of ethics in teaching or in education is concerned. Did that answer your question?

SENATOR WILEY: Are there any further questions?

(no questions)

We thank you, Mrs. Drakes. We are pleased to have you with us.

MS. DRAKES: Thank you.

SENATOR WILEY: We will recess until 1:40

(recess)

Afternoon Session

SENATOR WILEY: Folks, I suggest we get back to our business.

Dr. Thomas Robinson?

I have not had any request that we deviate from the order I suggested this morning so we will follow that, if that is still agreeable, and ask Dr. Thomas Robinson, former President of Glassboro State College, to testify.

T H O M A S E. R O B I N S O N:

Ladies and Gentlemen of the New Jersey Senate, Friends: I am Thomas E. Robinson, an educator all of my entire life with experience as teacher and administrator in all levels of school and college life--junior high school, elementary school, high school, college undergraduate and graduate programs, both public and private. I am now retired. I was on the Board of Examiners for 15 years, up until 1968. I appear here today, unattached, speaking simply out of my interest in certification and a tremendous concern for the welfare of public education and of the profession of teaching.

Let me say, at the outset, that state certification for teachers, administrators, and other staff personnel--and I insist that all such persons must be included in the category of teacher--is a sine quo non for public education. Destroy it as a foundation, and the whole educational edifice will fall like the rubble of a razed building. No one should ever be employed in a school position, with a relationship to instruction and students, who has not seriously determined to be a teacher, been admitted to a teacher-preparation program as one with appropriate interest, talents, character, and personality, and completed an acceptable preparation program.

I say this because I do not believe that an individual has an inherent right to be a public school teacher, just because he, at a particular moment, wants to occupy such a position. In similar manner, no person, in our cul-

I like to think that there is a kind of third-party Beneficial Contract between a supporting public and the public school--a contract which clearly states, "We as parents and citizens turn over to you the task of beneficially educating our young and growing children, to fit socially, educationally, economically, and even spiritually, in a broad value-conscious sense, in our present and constantly evolutionary society and environment. Such an implied and a factually accurate contract, designed to benefit students as a group and as individuals, gives the supporting public, through its environmental sequence, both a right and a responsibility to require a predetermined set of qualifications for the teachers a school employs to effectuate its stated views.

If you had asked me, even as late as a decade ago, to evaluate the effectiveness and wholesomeness of the then existant State Board of Examiners, I would have claimed that it was the best in the nation. In fact, it had long been held to be an example worthy of emulation by other states. Then, as now, legislation provided it as members a commissioner of education, an assistant commissioner, two presidents of state colleges, one county superintendent, one superintendent of a Type I district, one superintendent of a Type II district, one high school principal, one elementary school principal, one librarian, and four teaching staff members (usually two from elementary schools and two from secondary schools). All were and are appointed by the

commissioner of education with the approval of the state board. That board, with its required membership personnel, had served the state and its schools affectively, admirably, for many decades.

Yes, if you had asked me a decade ago, I would have maintained with great vigor, that a more effective responsible and responsive Board of Examiners could not be created. Every individual believed that he represented the profession as a whole, the State as a whole, the instructional process as a whole. The educational process is an amalgam, an interdependent structure in which administrators, teachers, psychologists, counselors, curriculum specialists, and college personnel must all play harmonious roles.

But, you are all asking one now to react to the present proposal, S-674, as a substitute for the Board of Examiners structure which I have enthusiastically acclaimed. I have opinions--nay, convictions--which I'd like to share with you. My reactions are these and they grow out of the fact that times and conditions have changed so markedly in our recent decade that public education, with its foundation of effective teacher certification, can no longer feel that its interests and welfare, has solid and firm underpinning.

Several conditions existed a decade ago which were instrumental in making the Board of Examiners an effective agency. The Commissioner of Education had had successful experience as a school administrator in New Jersey. He was trusted by the districts with which he had to work, and he trusted them because he knew that they were similarly dedicated to providing the best education possible for New Jersey. Both the Commissioner and the districts

knew that good education evolved from team effort. It did not result from policy imposition from above. The members are deeply imbued with the confidence that public schools in New Jersey were in fact educational, not political agencies. All members of the Board were judged to be educators, with equal dedication to quality characteristics. They were teachers--all of them. Their motivations were never a matter of question. They never voted in blocks, never. And, when they saw needs, they could visualize and implement mechanical solutions. In the three respects I mention now, the situation is different.

1. There is no longer any assurance that the key to effective operation--a trusted and tested Commissioner who knows New Jersey's needs and its available personnel resources--will be appointed as one educational leader.

2. It is impossible at the present time to fill the two required college president memberships with persons who know public school teachers, who have substantial records and experience in it, and have proven sympathy for it. The presidents of our present State colleges are all chosen on different, often adversary bases to professional education.

3. Even if the Board of Examiners today should decide that changes in teacher preparation programs are needed, or that new and additional preparation should be added, as undergraduate or graduate programs, the Board is powerless in implementing such needs. For the public colleges are all now under a different board and a different administration, with philosophies which can't always, or even often, be relied upon for assistance. Previously, when the Commissioner was related to all public education, both he and the member college presidents could be trusted to make operative, in an effective manner, the suggested certification advisories and

determinations of the Board of Examiners.

Therefore, I believe that the legislation which produced and made possible the present Board of Examiners must be changed. I prefer the new bill, Senate 674, to what now exists. But, I must confess that, if I could amend the bill, I would like to see these changes included:

1. I'd like to see the membership arranged so that no one group or organization controls, or can control, a vote on any one issue. Public education concerns, and is essential to, too many segments of our population to be subject to representation limitations.

2. In view of my first statement, I'd like to see the teacher representation reduced from eight to six, and one school board member and one PTA member inserted in the vacated places. Such groups have concerns which should be permitted a voice in public education. They have already exhibited the interest.

3. Regardless of the eventual composition of the Board, I'd like to see a requirement that every motion for passage, in Board business, must receive a two-thirds vote of members present. I say this because public education, in respect to crucial policies, is too important to be subject to bare majority action. There have been growing in recent years, adversary relationships among teachers, administrators, boards, and public individuals and groups. And education suffers from adversary relationships.

4. And last, I cannot conceive of a teacher standards and certification council operating in such a strategically sensitive area as teacher standards and certification without the State Department of Education being represented, either by the Commissioner--who I hope will be wisely selected by the Governor and the

State Board of Education--or by a designated assistant.

I think such an individual should be chairman, with or without a vote. I think he should be in the Board because the State Department must be the operative arm for implementing all of the Council's decisions. To deny him an influence in an area as significant, sensitive, and strategic as the qualification of teachers is to build a large degree of impotence and absence of accountability into both the Department of Education and the Council.

I thank you for listening to these strongly held comments of a private citizen, interested only in the interests of public education and the teaching profession as a whole. It is an extremely important bill, with many crucial implications, both perilous and beneficial which you must consider. The matter is worthy of your most thoughtful deliberations.

SENATOR WILEY: Thank you very much, Dr. Robinson. Are there any questions? Senator Dumont.

SENATOR DUMONT: This is not a question, Mr. Chairman; it is just a comment. I have known Dr. Robinson for a long time and have the highest regard for him in the various jobs that he indicated he has held in his statement, but particularly when he was President of Glassboro State College. I think everybody, both in and outside of education, has tremendous respect for him, and certainly his comments are very worthy of consideration as possible amendments to this legislation.

SENATOR WILEY: Are there any other questions?  
(No questions.)

Dr. Robinson, we are appreciative of your appearance and your statement. It was very helpful and thought-provoking and could be very useful to us. You bring us the spirit of Glassboro.

DR. ROBINSON: Thank you.

SENATOR WILEY: Mrs. Lora Alice Peters?

L O R A A L I C E P E T E R S: Thank you, Mr. Chairman.

SENATOR WILEY: Would you identify yourself.

MRS. PETERS: I am Lora Alice Peters, a former secondary school teacher and now an Assistant Professor in the Department of English at Bergen Community College in Bergen County.

SENATOR WILEY: Thank you.

MRS. PETERS: I'll be short and try not to be repetitious.

As a product of the State Teacher's College, I feel it is important that we look at our teacher training in our State. I know the value of observing and practicing before actually going into the field. I feel the State should mandate a minimum standard for student teaching in order to provide that thorough and efficient education for the children of New Jersey.

To illustrate the above point, a man or woman who wants to become either a licensed barber or some other licensed person like a beautician, in the State of New Jersey, has to apprentice for three years before becoming a master barber. So what about the teacher who influences so many young people? I feel it is important that prospective teachers have a good apprenticeship before they, actually, get into the field. I also feel it is important that teachers have the proper certificates, which means that they have taken the proper courses which will enable them to teach our children properly in the State of New Jersey.

I have faith - based on what was said earlier by someone - in the teacher representation on this proposed board, that they will deal with the facts as presented to them. So, I see nothing wrong with the eight teachers

on this board. That is all I have to say at this point.

Thank you.

SENATOR WILEY: Are there any questions? (No questions)

Thank you very much. Gibson LeRoy will be next.

G I B S O N L e R O Y: I am Gibson LeRoy, representing the New Jersey Congress of Parents and Teachers, a state-wide organization with over 400,000 families in membership. We are, and have been for over 70 years, strong advocates of quality free public education, available to all children and youth - a children's lobby, if you will. Since our membership covers a complete cross-section of New Jersey taxpayers demonstrating their concern for education, it is entirely fitting and proper that their participation be evident in helping to determine the methods by which their children, at their expenses, are to be taught, how, and by whom.

Of course we recognize the need for professionalism in the matter of qualifications and certification of the personnel to whom we entrust our and New Jersey's most precious possessions ... our children. We point with approval to the recent trend toward lay participation in helping to determine, in keeping with the court mandate, what is "thorough and efficient." It is in the same sense that we insist that our representatives, the members of the State Board of Education, continue to control, through its rules and regulations, the make-up of the State Board of Examiners. Particularly are we opposed to turning over these duties and these powers to the professional organizations who represent the very employees (our employees) who are to be evaluated. It appears to us that S674 would do just that. A serious threat exists here of the establishment of conflict of interest.

S674 seems to imply that the present State Board

of Examiners is not qualified. We have seen no evidence to support such a contention. We also subscribe to the theory frequently expressed that education must not be left solely to the educators and we question the value of so-called self-regulatory provisions. There is somewhat of an analogy here to the principle of maintaining civilian control over the military.

It appears to us that the establishment of a strict "quota" system for eligibles does little or nothing to insure superior qualifications. Conceivably, the State Board and the Commissioner of Education could be, under the procedure prescribed in S674, confronted with a list of candidates, none of whom are sufficiently qualified in their opinion. Consider, too, if you will, potential for unfair treatment even if unintentional, to a teacher candidate if he or she happens to be unsympathetic to any of the organizations whose appointees are on the Council. True, that basis for deciding would be most unprofessional but professional organizations have been known to place organizational expediency on a par with, if not above, strict professionalism.

We are concerned also with the cost, again at our expense, of the establishment of a new bureaucracy, staff, office headquarters, legal staff, a director, design and execution of a seal, telephones, travel and other expenses that always accompany newly mandated departments. Particularly are we concerned when the need for these additional expenditures does appear warranted. If past experience is any criterion, the \$150,000 stipulated in S674 will be for openers only.

One more unwarranted and indeed inconsistent provision in S674 is the inclusion of the area of higher education, both public and private. If we found it necessary in New Jersey to separate Higher Education from the Department of Education, how can we now find it de-

sirable to have both departments merged under the control of the proposed Council.

I should like to add, parenthetically, that the State PTA strictly opposed the original organizing of a separate department of Higher Education. We would like to see much more cooperation now that it has been established between the two departments. This, however, is not assured in this bill, and it seems to us that this cooperation could be established under the existing situation.

In conclusion, may we thank our legislators for this opportunity to be heard. As you may suspect by now, we are opposed to the provisions of S674, feeling that its passage would bring us one step closer to making our local boards of education (also our lay-representatives) a meaningless and useless institution.

I have a few comments I would like to add that have grown out of the testimony so far.

One, it would seem to me that someone needs to explain the practical distinction between governing and control, as one of the persons before suggested that there was a difference. To govern, it seems to me, is tantamount to controlling.

I should also like to add that it is my feeling that the responsibility to the legislature may be desirable to one of the strongest lobbying groups in the State, and when you get away from the forest - as was suggested - that if you get away from the classroom, you can no longer see the problems, it is said that you can better see the trees. This may be a valid analogy also.

Some valid points were certainly called for in the testimony and, if indeed, - it is my feeling that there is dirty water existing - our primary position is not to throw out the baby with the dirty water. In

others words, we feel that the corrections of abuses or lacking of certain elements can be taken care of without this complete, drastic change.

Thank you, sir. If you have questions for a laymen, I'd be glad to answer them.

SENATOR WILEY: Do you feel that the -- you're content with the present legislation I take it, the present law. Your reference to the State Board of Education continuing to control the makeup of the State Board of Examiners through its rules and regulations refers to what, appointments from within those categories?

MR. LeROY: No. It is my understanding in discussions I've had on the subject that the present Board of Examiners is controlled by certain rules and regulations which, as I understand, have been set up by the State Board of Education which is closer to being our representatives - the people's representatives.

SENATOR WILEY: As far as categorical representatives on there now, County Superintendent, State College Presidents, and the like, your content with that?

MR. LeROY: I would agree to what Dr. Robinson said especially since he said that a PTA membership be on there.

SENATOR WILEY: I have no further questions.

Are there any other questions? Senator Dumont.

SENATOR DUMONT: Mr. LeRoy, I take it then that you would -- would you still be opposed if Dr. Robinson's amendment were adopted; that is, putting a representative of the PTA on, one from the School Board and six from the Teacher's Organization?

MR. LeROY: I think that is an oversimplification. I think that would improve the legislation, but I'm not convinced that the legislation is needed or that this

change cannot be made without this sudden change in legislative action. The changes, I would think, are desirable, but I don't think that the bill is needed with all of its other provisions and the power that it gives in a narrower area.

SENATOR DUMONT: You would just leave the Board of Examiners as it is composed today?

MR. LeROY: Well, with the additions that have been recommended by Dr. Robinson, I would agree, yes. The method -- again, we're talking about the nominating method and this, I think, is our chief objection. I would be opposed, for instance, if the bill said that the State PTA could nominate eight members just the same as I'm opposed to saying that NJEA, in effect, can nominate a large number of members.

SENATOR BUEHLER: You also strongly object to the \$150,000 that would be a fiscal note which you feel is only the beginning of having a much larger expense?

MR. LeROY: Yes. I think history would support me in that feeling.

SENATOR BUEHLER: Do you have any information regarding what the current operation of this Board is?

MR. LeROY: No, I don't, except that I know that it has been established and it doesn't have to have as many new people added to it. The whole concept of starting -- I'm in business, for instance, and if I were to start up a new operation, there would be a tremendous expense involved, it seems to me, compared to our present expenses, to reestablish something.

SENATOR BUEHLER: Could we address ourselves to that question? What is the current --

SENATOR WILEY: Dr. Sinclair.

DR. SINCLAIR: This year the budget for the

expense of the Board of Examiners is \$750.

SENATOR DUMONT: \$750 for the whole Board.

SENATOR WILEY: That is for the Board itself. I presume we are talking here about the comparable appropriation that would be the one to cover the bureau operating under the Board?

Dr. Sinclair: We have not attempted to separate out from our bureau activities, that part of our time or whatever is spent on the Board of Examiners, directly related or indirectly related activities. I wouldn't want to make a guess at this time as to what portions of these expenses could be related in that fashion.

SENATOR WILEY: What is the appropriations of the bureau as a whole for all of its operations, do you recall?

Dr. Sinclair: It is a round 360-380,000, 450,000 -- 516,000 for the entire bureau.

SENATOR DUMONT: Mr. LeRoy, just one more thing, and I hesitate to bring this up, but I thought you referred to the New Jersey Education as a powerful lobby now. The PTA is much more numerous and much stronger, numerically, than the Teacher's Organization. You also refer to yourself as a lobbyist; is that an incorrect statement?

MR. LeROY: No, that's correct, but the extent and the amount of power to our lobbying is miniscule compared to what NJEA is able to bring about largely because we have a 10 cent dues level as compared with quite a different dues level. It takes money to operate a lobby and I don't think I need to tell the Senators that.

Senator Dumont: I think maybe you're under estimating your influence.

MR. LeROY: Well, I would like to think so.

We still don't have representatives on many of the educational boards and areas in spite of the fact that we have requested it many times.

SENATOR WILEY: A parent-young people ratio is about 1½ to 1 against the teacher ratio of 20 to 1.

MR. LeROY: I'm not sure what it would be.

SENATOR WILEY: Assemblyman Worthington?  
Assemblyman Martin?

ASSEMBLYMAN MARTIN: I would just like to ask - you may have indicated it, but I would like to know - you suggested you would add two additional members to the fourteen that exist now or would you drop two and replace them with the two that you suggest?

MR. LeROY: Actually, I haven't given this any great thought. I heard this suggestion made by Dr. Robinson, for whom we also have a tremendous amount of respect, and it sounds logical to me. It is not part of the prepared statement that I came here to give, but I think the formula that Dr. Robinson suggested sounds very reasonable. That is the most I would address myself to it. Does that answer your question, sir?

ASSEMBLYMAN MARTIN: Yes.

SENATOR WILEY: No further questions? (No questions)

Thank you very much. Nice to have you with us.

Clayton R. Brower, Trenton State College.

Dr. Brower, if you would identify yourself, we would appreciate it.

C L A Y T O N R. B R O W E R: My name is Clayton Brower. I am President of Trenton State College. I have no prepared statement, but as one of the newest members of the State Board of Examiners I have just a few impressions to share with you in relation to this proposed legislation.

SENATOR WILEY: We would appreciate having them.

DR. BROWER: My background of more than 20 years

in Education is that of a classroom teacher, an Assistant Superintendent of Schools of Plainfield, New Jersey, Professor of Education at Trenton State College, Chairman of the Education Department, a Dean, and now President of Trenton State College.

I could not help but think, as Dr. Robinson was testifying just a few minutes ago, that my impressions were the same as his. Some ten years ago when I came to this State I felt that the State Board of Examiners, as it was constituted at that time, was in good hands and we looked to the State Board of Examiners with a great deal of respect as a broad-based professional body that came up with very solid decisions.

As a person who is now on the State Board of Examiners, I must say that I have seen nothing, in my observations, that will change the impression that I had of ten years ago. I'm one of the two College Presidents that has been named on this State Board of Examiners by the Board of Education, and I consider it a privilege and a great responsibility. I feel that my background in Education would bring me to the table with some expertise and some depth in the whole area of Teacher Education. This has been, indeed, my professional life.

Impressions of the Board of Examiners as it now operates - I have been at four meetings. I have attended three of four scheduled meetings since September 15. To this day, I cannot identify who, actually, in every case is the teacher. I have some previous acquaintances on this Board who are in Administration and I, of course, know their background. In the deliberations of this body, I have not seen block-voting. I have not seen anything but what was described to you by the Teacher who was here just prior to our luncheon recess. This group, a very highly professional group, have deliberated and have presented a very broad series of points of views

and have been very conscientious to their decisions. At the same time, I must say that I was very conscious of the fact that there was broad representation from the profession on that Board, that there were principals elementary and secondary - there were four teachers and there were librarians. I guess I'm old-fashioned to this extent that I, too, feel that all these people are, indeed, teachers. Even though we seem to be swinging to more adversarial points of view in these past few years, I consider myself a teacher and I'm sure the elementary teachers and principals consider themselves members of the profession and teachers as well. The librarian - and I don't know who the librarian is on this - I think considers himself a teacher, as we have argued this point in recent contract negotiations in higher education.

My impressions as a College President and as a Dean and someone involved in Teacher Education at Trenton State, are very positive in relation to our associations with Dr. Sinclair and teacher certification matters.

Program approvals - there has been close liaison in my short time as President, since 1970, between the Department of Education and our College at Trenton State. I looked upon - when I first came into this State College System, as a very valuable liaison person - to Tom Robinson when he served on that Board and later Tom Richardson, President of Montclair. I have items, for instance, in the Council of State College Agenda which I will bring to each Board Chairman and each President as matters come up. I consider myself the liaison between all of the State Colleges, and that is partly my responsibility.

As far as program approval is concerned, I think large strides have been taken in the last four or five years which have taken teacher certification out of

course by course necessity for certification to that of program approval. Trenton State College, a couple of years ago, was visited by an evaluation team made up of the vast majority of teachers from the Public Schools of New Jersey but, again, balanced with Administrators, Department Chairman, Librarians, and so on. We were evaluated by an organization known as NASDTEC, under the leadership of Dr. Sinclair's office. As a result of this evaluation, our programs were recommended for approval. Our students at Trenton State College and any other college that have this approval, have this broad reciprocity which we have discussed. So it is possible for our students to become and receive reciprocal treatment in many, many states. I'm concerned about keeping this. I don't wish to suggest that the new bill would abort that, but I do think it is an accomplishment and is an example of cooperation that has existed between the new setup of separate departments and colleges.

We have a School of Education in Trenton State. It is not a Department of Education. I consider teacher education as our strongest suit and should be. I do not consider Trenton State College to be a Liberal Arts College. I consider it to be a multi-purpose institution in which teacher education is only one very important task. I recognize, as President, as we all must, that the market for teachers - for new teachers entering the field - has fallen off tremendously. As we look at the birth rate and trends, we know that that will become more accelerated in the years ahead. But I also recognize, as an educator, as President Stilwell implied this morning, the job that is ahead of our Schools of Education and private and public institutions who prepare teachers and, perhaps, an even more important job of the future is

to work with people who are in the field, who are provisionally or fully certified, but perhaps need upgrading or education to adapt themselves to the problems of our public schools today. I think that with the Board of Examiners in the present legislation, there is nothing that would prohibit our doing even a better job than has been done. I support retention of legislation - I guess it would be - or the present arrangement that creates the Board of Examiners. I fully subscribe to a review by the Board of Education as to the constituency of this, and perhaps it can be broader based. I think it would be bad to place, however, this whole area of the Board of Examiners in a new body which would be primarily classroom-teacher oriented. Thank you.

SENATOR WILEY: In what way do you feel it could be appropriately broader based?

DR. BROWER: Again, as of today, I don't have a formula. But I think the suggestion of the Chancellor this morning in giving John Q. Public representation of maybe one or two persons is good. Maybe John Q. Public in relation to the parent would be an excellent move. I also feel perhaps in the area of classroom teachers where there are four now, that could be increased. These are areas which, as I understand it, can be effected as they were effected when teachers were increased in 1970.

SENATOR WILEY: Have you instituted any new courses at Trenton State since you have been there?

DR. BROWER: Yes. As a result of recommendation of the State Board of Examiners a few years ago calling for Reading Specialists, we have developed and have had our Board of Trustees approve a Master's degree in Reading, for instance. And this matter is about ready to be

approved by the Board of Higher Education. We now have a set of reading specialists from out of the state reviewing and evaluating this program. That is one example.

SENATOR WILEY: Fine. I am just interested in the procedure that was followed. I take it from what you say it was initiated by the Board of Examiners, reviewed by your Board and approved by the Department of Higher Education.

DR. BROWER: The action of the Board of Examiners which emphasized this area was taken into consideration at our college, along with the need as evidenced by professional organizations like the New Jersey Education Association, the Reading Associations, and various professional organizations. It started at that level.

SENATOR WILEY: Did the Board of Examiners turn to Trenton State --

DR. BROWER: Not directly.

SENATOR WILEY: (Continuing) or call attention to the need in that area and that prompted you to take some action? Is that the way it happened?

DR. BROWER: That's correct.

SENATOR WILEY: Within your walls at Trenton State, how does that progress, from your desk to whom? The Board?

DR. BROWER: Usually in our case, in our School of Education, I now as liaison from the Board of Examiners would call attention to needs for basic certification changes, etc. I could refer it to the School of Education. The Dean, of course, could refer this to the proper department within his school and this would bubble up through the school. The school would have to approve this before it came to the Academic Vice President and President and our Board of Trustees. So it could come

any number of ways.

SENATOR WILEY: Ultimately your Board would resolve to approve a program written out?

DR. BROWER: Yes.

SENATOR WILEY: Then that would go to the Department of Higher Education?

DR. BROWER: That's right. Now that is on program approval. Our Board of Trustees, through this bubbling process, could approve individual courses that would supplement already-existing curriculum.

As a result of this evaluation that I described to you under Dr. Sinclair's leadership, our Board of Trustees within the past two weeks has approved several courses which were more in line with the suggestion of the evaluation of NASDTEC. That is subject matter and doesn't have to go to the Board of Higher Education. It is concluded right on our campus.

SENATOR WILEY: Were those courses, you say, suggested by Dr. Sinclair?

DR. BROWER: By the evaluation of NASDTEC which took place on our campus a couple of years ago and has been followed up.

SENATOR WILEY: In the case of the Master's program in reading, which you referred to, did that at some point go back to the Board of Examiners for its review after it was approved by your Board?

DR. BROWER: No, it hasn't. As I understand it, Dr. Sinclair, we have interpreted the previous ruling or suggestion in relation to the certification of Reading Teachers to form this Master's degree. Is that not correct?

DR. SINCLAIR: Yes.

DR. BROWER: But we don't look to them for a checkpoint.

We do have a program and as our colleges evaluate from time to time, if the program meets the basic standards -- Our program might be somewhat different than Seton Hall's, but would lead upon the needs of the people in our particular area and the strength of our faculty.

SENATOR WILEY: Have you had any cases where your Board or your faculty has disagreed with the Board of Examiners as to the appropriate course?

DR. BROWER: No. As a matter of fact, in the most recent history, it has become much more flexible. This may have happened 10 or 15 years ago when you were more on a course-by-course basis. But the development of flexibility on having program approval has changed that to a great extent.

SENATOR WILEY: Thank you very much, Dr. Brower. I have no further questions.

Senator Buehler?

SENATOR BUEHLER: I am very much interested in the fact that you are now offering a Master's program in reading.

DR. BROWER: We are not offering it, but it is being proposed and, hopefully, it will be before the Board of Higher Education within the next month or two.

SENATOR BUEHLER: What generated the interest in the Master's program in reading at Trenton?

DR. BROWER: Basically, the teachers of the State of New Jersey, who stated that they wanted a Master's degree in this area, that there was need for greater expertise in this area.

SENATOR BUEHLER: Why?

DR. BROWER: Because it was generally recognized that reading is a basic problem in public education.

SENATOR BUEHLER: But the stimulus for this movement came as a result of the teachers' request?

DR. BROWER: Yes, that's where it came from, with guidelines that the State Board of Examiners have set down on certification of reading teachers.

SENATOR BUEHLER: So we can assume that there is some evidence that reading across the State is one of our primary concerns right now?

DR. BROWER: Yes, sir, and I believe nationally that is true.

SENATOR BUEHLER: That is all I have.

SENATOR WILEY: Senator Dumont?

SENATOR DUMONT: Dr. Brower, I am sorry I didn't hear the beginning of your testimony, but I take it you are one of the two College Presidents who are members of the present Board.

DR. BROWER: Yes, Senator.

SENATOR DUMONT: And who is the other one?

DR. BROWER: Mark Chamberlain from Glassboro. I believe I succeeded President Richardson of Montclair.

SENATOR DUMONT: Thank you very much.

ASSEMBLYMAN WORTHINGTON: Dr. Brower, you are a member of the State Board now and you articulated here today that you had some concerns relative to the broadening of the State Board, including John Q. Public and perhaps more teacher representation. Have you expressed this concern to the Board?

DR. BROWER: No, I haven't. As I say, I have attended three meetings now. I wanted to emphasize that I feel the current group is a very, very responsive group and I don't see it dominated by one group or another. I can't even identify them. However, having been on

another board, Health Professions Educational Advisory Committee through Higher Education, where I have seen public members participate very effectively on this, I think the suggestions in some of the testimony are well taken. But in direct answer to your question, I have not suggested this. I think perhaps, after today, this could be a topic of our conversation.

ASSEMBLYMAN WORTHINGTON: You agreed with Dr. Robinson's opinion of the Board as it was constituted a decade ago, being a very responsive group. How do you feel about the kinds of reasons why he feels a change is needed today? I think he had something to say relative to the lack of a Commissioner, especially one from New Jersey, that everyone knows and has faith and confidence in.

Point two, I think was that many of the State College Presidents he considers now to be in an adversary position to "education," quote, unquote. You don't see these as having any bearing. You see the Board as just as effective today as it was ten years ago. Do you rather discount what Dr. Robinson sees here or what is your explanation of that?

DR. BROWER: As I indicated, I am one of those College President and I feel that Teacher Education is my major suit and I am on that Board of Examiners.

ASSEMBLYMAN WORTHINGTON: Yes, but you also know the Presidents of the other colleges and you know how they are philosophically concerned and how they view their particular programs. Do you think that is a legitimate concern?

DR. BROWER: Perhaps in some cases. I think all of the College Presidents -- and we now have seven. I have seen a tremendous turnover in College Presidents.

I guess this is the nature of the beast all over, not only in New Jersey. But I have seen these colleges merge from single-purpose institutions to multi-purpose institutions and, as a result, the leadership that has evolved in them is not singularly teacher education. I am proud of the fact that I am one and I have told you how important I feel teacher education is.

I know particularly two new Presidents - President Dickson of Montclair and President McKeefery of William Paterson - and where these people are not teacher educators, I do not see an adversarial feeling or antipathy towards teacher education. I see within their colleges very strong people in teacher education, grappling with a problem in teacher education like every place where there is a declining demand for new teachers and there is a growing demand for continuing education.

ASSEMBLYMAN WORTHINGTON: You expressed the feeling you were happy to see that the State Board of Examiners is flexible in their program approvals and have changed considerably over the last few years. Is there anything inherent in the bill which would make you think that this would be a regressive kind of activity relative to this flexibility that you admire?

DR. BROWER: I think the flexibility, frankly, comes from a broad-based professional group and I don't see that this is quite as broad in the new bill.

I see one important thing - and perhaps it is minor - but again as a former teacher and now as an administrator, I will bring this to your attention. This calls for not only certification of teachers, but for certification of these people we were talking about a little earlier, principals and administrators. My whole philosophy, at the college level as well as public schools, is that we

need a broad-based group, in which to develop policy and recommend it to a lay group. I don't see this as broad-based as even the one that we have today.

ASSEMBLYMAN WORTHINGTON: Thank you very.

ASSEMBLYMAN MARTIN: Dr. Brower, I would like to ask you the same question I asked the teacher representative here before. From your advantage point as a College President, do you see any need for or advantage of mandating by legislation the option and enforcement of a code of ethics for the teaching profession?

DR. BROWER: As an individual, I don't see the need for mandating a code of ethics. I feel that there is much freedom for us as professionals to develop a code of ethics and to give it sanctions without placing it in legislation. This is how I personally feel. I do not feel that people of the education profession have exercised this and I am not convinced myself that it has to be legislated.

ASSEMBLYMAN MARTIN: If it were, do you think it could be enforced?

DR. BROWER: That is a good question. I don't know whether it could be or not. I can see pressure. At the college level, with which I am more familiar the last four or five years, within the confines of a campus, I can see greater pressure being placed on professional responsibilities. I will say as I have observed and participated in the State Board of Examiners in the last few months that it is not a rubber-stamp outfit. Just the other day there were three teachers whose board of education had recommended very strongly that their licenses be suspended. Yet there was a unanimous vote, after listening to the lawyer for the board of education

and listening to one of the teachers who would have been affected by this motion, not to follow this. So I see that there is plenty of room within the State Board of Examiners to exercise this. And I think there is a lot of room for communication of professional groups to the State Board of Examiners.

One thing I did not mention in my testimony which impresses me very much - the representative of the New Jersey Education Association, who is a recognized educational leader, attends these meetings along with a representative of the Deans of Education. The first time I was there I believe the Dean of Seton Hall was there. The Dean of Trenton State has been there. I have seen these people fully involved in discussions of the Board, listening very attentively as to what they say. The way the Board of Examiners has conducted itself in the last four months that I have seen has been very open, and very open to communication to the New Jersey Education Association. I would expect through that avenue, the whole area of ethics and other matters could be addressed.

ASSEMBLYMAN MARTIN: I have no further questions.

SENATOR WILEY: Thank you, Assemblyman Martin.

How many members of the public have attended the three Board meetings that you have attended?

DR. BROWER: The two representatives that I mentioned. As to general people just coming in with interests, I haven't seen these. There have been, however, various groups representing media specialists or various professional groups who have come to these meetings, and have participated very widely in the discussion concerning a specific area of the agenda in which they were interested.

SENATOR WILEY: Is there normally press coverage,

press attendance at the meetings?

DR. BROWER: I would have to ask Dr. Sinclair. I have not seen one, but I don't see that they would be excluded.

SENATOR WILEY: May I ask you for your understanding of some language in the bill. There is a Subparagraph h, which we have referred to before - 12 h. Do you have the bill there?

DR. BROWER: Yes.

SENATOR WILEY: It is on page 7, a third of the way down.

DR. BROWER: This is the one Mrs. Mancuso was wondering about and I was trying to wonder with her. I think, as Miss Naughton indicated, that perhaps they are looking ahead 10 or 15 years in bringing up something that would include specifically research into professional practices.

SENATOR WILEY: As used in the context of that subparagraph, what does the terminology "professional practices" encompass, as you understand it?

DR. BROWER: "Standards of professional practices" - I would assume in the area of educational research that there are specific findings that are pretty well accepted concerning classroom involvement or in the teacher learning process, that these research findings would be overwhelming accepted, and that perhaps the standards of classroom education would be drawn up by this group to meet these research findings. That is as close as I can get to it.

SENATOR WILEY: Well, it is "develop and revise standards of professional practices through research in areas including, but not limited to, professional performance, preparation for and continuance in professional service." Professional practices would go to the question of how

you appropriately educate students in a classroom?

DR. BROWER: I would assume so.

SENATOR WILEY: What the teacher should do or not do? What is effective and what isn't effective? Does that terminology have an accepted meaning within the context of your experiences?

DR. BROWER: It is broad as the devil. It is very broad. It isn't as specific in my book.

SENATOR WILEY: Fine. Any other questions of Dr. Brower? (No questions.)

We thank you, Dr. Brower, for being with us.

Mr. Arthur G. Martin, Superintendent of Schools in Moorestown. Mr. Martin, we have your written statement which is being circulated here. You can read that if you like or highlight it or present it any way you want.

MR. MARTIN: I will take a few moments and read it and then be glad to answer questions.

SENATOR WILEY: Let me interrupt you just one second. Senator Buehler and Senator Martindell are not with us at the moment because there is a meeting on the budget of the Department of Higher Education and they are on a subcommittee of the committee so they have double responsibility today. I don't know whether that speaks about the scheduling efficiency of the committee or the obligation of the Legislature. This, I think, is the sixth full day of meetings of the Senate Education Committee, not to mention the other activities of subcommittees. They will rejoin us later and we will all have the benefit of the transcript that is being prepared.

Proceed, if you will, please.

A R T H U R G. M A R T I N: Senator Wiley and Senator Dumont, I am Arthur G. Martin, Superintendent of Schools in Moorestown, New Jersey. This statement is being

made on behalf of the New Jersey Council of School Administrators. The Council includes the membership of the Department of Elementary School Principals, the New Jersey Association of Secondary School Administrators, New Jersey School Business Officials and the New Jersey Association of School administrators.

I am representing the New Jersey Council of School Administrators because of my deep interest in the content of Senate Bill Number 674 which has been a much discussed bill on the national and state scene since 1971. I am interested in this bill and the whole area of Governance in Education as I serve on the Board of Directors of the American Association for Colleges in Teacher Education (AACTE) based in Washington, D.C.; as chairman of the Associated Organizations for Teacher Education (AOTE), composed of twenty national organizations--also based in Washington, D.C., and I am a member of the New Jersey State Board of Examiners. It has been my pleasure to debate the issue of Governance and in particular the Model Teachers Standards and Licensure Act proposed by the National Education Association in Chicago at the annual AACTE meeting and in Washington, D.C. with NEA representatives.

I have included the model bill for your information and review. (See page 103 A for model act.)

#### NATIONAL CONCERN

The Model Teachers Standards and Licensure Act was set up by the National Education Association in 1970 and distributed to all state affiliates for inclusion in their legislative program in February, 1971. Many states had no state licensure boards and needed some form of state body to set up regulations for licensing teachers and approving college teacher education programs. The N.E.A. served

education well in the development of a model act even though a study of the act showed a vested interest in Governance inasmuch as a majority of the licensing board would be teachers nominated by the state affiliates. Licensing and approval of all college teacher education programs would be controlled by the state affiliates.

New Jersey has a State Board of Examiners whose members are appointed by the New Jersey Commissioner of Education and approved by the State Board of Education. The State Board of Examiners has provided for and supervised the approval of all teacher education programs and the licensing of teachers, supervisors, and administrators and has done so with effectiveness. The State Board of Examiners is appointed with parity in mind--giving teachers, administrators, teacher educators, state department officials and a public librarian a voice in decision making and Governance without dominance by any group.

New Jersey has been declared a pilot state by the National Education Association and the state affiliate has been active since 1971, trying to have legislation approved by the state legislature which mirrors the N.E.A. proposal and may or may not be in the best interests of the State of New Jersey. We suggest that many questions must be asked and question seriously the need for any legislation at this time.

The Board of Directors of AACTE in its February, 1972 issue of AACTE Alert expressed concern about the N.E.A. proposal and has asked state groups of teacher educators to oppose passage of any statute which would give a teachers association complete dominance of nominations to the board and therefore complete control over an area so important to all the people--Governance in education; approval of teacher education programs; certification of all teachers, supervisors, and administrators.

The Associated Organizations for Teacher Education, composed of twenty national organizations, has discussed Governance in the teaching profession and has declared it one of the 1974 major issues in the nation. The Advisory Council expresses concern about the N.E.A. proposal and suggests parity on state certification boards including teachers, teacher educators, administrators and public representation.

SENATE BILL NUMBER 674

As one reviews the origin of the bill and studies its implications across the state and the nation; as one reviews the fact that New Jersey has a State Board of Examiners; as one reviews parity versus majority or dominance by any group in a policy making and enforcement body, we must ask each other many searching questions.

1. Why will this board or council be more effective than the present board?

2. Why should a certification board be composed of fifteen members, eight of whom would be teachers nominated by their state association instead of the present board organized with parity in mind and representative of all segments of the profession?

3. Why should state organizations nominate members based on numbers in membership, when a study in depth of this proposal would give the N.E.A. state affiliates predominance in nomination and therefore appointment?

4. Why should twelve members of the Council represent public education and only three represent higher education?

5. Why should local and county affiliates of state organizations be prevented from nominating candidates for appointment to the Council in deference to the state organization?

6. Why should the Council be an independent body with no responsibility to the State Board of Education?

7. Why should the Council have power of subpoena, with all that means, rather than have their power vested in the State Board of Education through established divisions, such as the Division of Controversies and Disputes?

8. If the Commissioner and State Board of Education appoint the members to the Council, why should the Council be independent of the State Board of Education and have the power to make legislative recommendations directly to the Governor and Legislature thereby bypassing the appointing body?

We are concerned by many sections of this act as evidenced by the questions above. We are concerned that the quorum is eight and it would be conceivable that the eight representatives of one segment of education could control all higher education and certification of all professional personnel by quorum and majority interpretation. We are further concerned that the Council could designate a member of the Council to act on its behalf in all areas except suspension, revocation, and reinstatement of certificates.

The New Jersey Council of School Administrators is deeply concerned about the introduction of Senate Bill 674 (Teachers Standards and Certification Act) and respectfully request the Education Committee of the Senate to vote against this bill.

The New Jersey Council of School Administrators endorses the work of the present State Board of Examiners and requests that it continue to function in the Department of Education as heretofore. If some change in membership of the State Board of Examiners seems desirable to

establish equity, parity or include the public in its membership, we suggest amendment to the present law and pledge our cooperation and support in developing an amendment for this purpose.

In summary, Governance is a national issue and has many ramifications. The State Legislature should not give away--to a vested interest group--the Governance of education in the State of New Jersey. Senate Bill Number 674 gives away Governance of education to the state affiliate of the N.E.A. in New Jersey--the N.J.E.A.--and we respectfully ask that the bill be defeated in committee.

I wish to take this opportunity to thank the Education Committee of the Senate on behalf of the New Jersey Council of School Administrators for providing this opportunity to us. Thank you.

SENATOR WILEY: Thank you sir.

Do you have a suggestion as to how parity is measured?

MR. MARTIN: Parity is measured by representation from many groups, with no group having a majority of the membership, any segment of education, be it administrators, be it teachers. I too agree with what Dr. Brower and Tom Robinson said, that once a teacher, always a teacher. I was a teacher many years before I entered administration. And when I evaluate, I evaluate in terms of my experience as a teacher.

My concern in my paper is that there is a predominance of public educators as against higher educators on the committee in the proposal. I think that is not good. If I were developing parity, I would have maybe 4 teachers from the public education scene. I would have 4 administrators, encompassing a Superintendent, High School Principal, Elementary Principal. I would have 4 teacher

educators, representing the teachers on the college level. I would have administration represented from the college level. I would have representation from the public scene.

If you study the bill, as you have very carefully, you will note that there aren't only 8 teachers involved - there are more than 8 - because if you take Category C, it says two representatives other than in (A) and (B), which would mean librarians or guidance people. And in this day and age of Public Law 303, they would be considered in the unit and would be representatives of the teachers and the teacher unit or the NJEA in the State of New Jersey. So you even have more than 8 out of 15 representing an association or the teachers.

SENATOR WILEY: Thank you, sir. Senator Dumont?

SENATOR DUMONT: Mr. Martin, I am a little bit baffled by your idea about parity. Let's take the present setup. Actually all except those 4 classroom teachers are really administrators, are they not?

MR. MARTIN: It depends on what you call administrators and what they represent. If you take the higher education scene, the College Presidents are administrators of a different segment of education than the Superintendent may be. There are two Superintendents, one representing Title I schools and the other representing Title II, in order to give some input as to the law and due process and that particular kind of situation as it represents an elected board of education versus an appointed board and all that that implies in the law. And you have your secondary school administrator and your elementary school administrator. You have a public librarian, who really doesn't represent either segment or any of the segments of the profession. The County Superintendent is really

an agent of the State Department of Education and so is the Assistant Commissioner. So in reality, if you study it, you have 4 public school administrators; you have 4 public school teachers; you have a librarian who is to be selected from the public library scene, as differentiated from the educational library scene; and then the others are State Department or Higher Education. Therefore, I don't look at them in the same terms, representing administration. I don't contend, Senator Dumont, that we have parity now.

SENATOR DUMONT: No. I don't think you do.

MR. MARTIN: I didn't imply that at all. I said that the AACTE had recommended throughout the nation that parity be established.

SENATOR DUMONT: As a matter of fact, at least four of the present members - two Superintendents of Schools and two School Principals - would belong to the very council that you represent today.

MR. MARTIN: That's correct.

SENATOR DUMONT: I don't know whether College Presidents have an organization or not. If they don't, maybe it is because there aren't enough of them. But at the same time, practically everybody is chosen from some organization, and your council, with which I have had very cordial relations always, is comprised of four organizations, as I understand it. And certainly a number of these people - at least four - would belong to one or the other of those four organizations.

MR. MARTIN: That is correct, and I assume that all four of them do belong to the Council in one way or another through their separate organizations.

SENATOR DUMONT: One of the questions you ask,

number 5 on page 4, is: Why should local and county affiliates of state organizations be prevented from nominating candidates for appointment to the Council in deference to the state organization?

How do you know as a matter of fact that the local and county affiliates would not in the beginning be polled for their possible nominations before the State organization would make any?

MR. MARTIN: I am sure, if it is an effective State organization - and NJEA is an effective State organization, without question - I have a great deal of respect for them and for their leadership -- I am sure that they certainly would ask the local and state affiliates to send up through them nominees. But I am concerned that a local or county affiliate could not, if NJEA decided - I am using NJEA, but I hesitate to use a specific organization - - but if NJEA did not nominate that person and they wanted to still nominate that person for the State Board because they believed strongly in him, they are prevented from doing so in the legislation. And I think it is unwise to be as specific as that in legislation.

SENATOR DUMONT: Well, of course, that could be changed by amendment. I think you have a good point on that.

But in any event you concede the fact that there is necessarily no parity today on the present council.

MR. MARTIN: There is more parity on the present council than there would be on the proposed council.

SENATOR DUMONT: Of course, if it were amended along the lines suggested by Dr. Robinson, whose testimony I presume you heard --

MR. MARTIN: Yes.

SENATOR DUMONT: (continuing) -- then there would be more broad-based representation.

MR. MARTIN: Then there would be more parity. That is true. Then I go back to my first question, which was: Why develop another agency or by statute create a council if, in effect, the State Board of Examiners is doing an effective job? I think one has to look at that.

SENATOR DUMONT: Thank you.

ASSEMBLYMAN WORTHINGTON: I would like to ask a question having to do with the matter of reasoning. I have heard here a couple of times today the phrase "once a teacher, always a teacher." I am sure many teachers might object to that because if you follow this to its natural conclusion, you could conclude that once a principal, always a principal; once a superintendent, always a superintendent; or, once a member of the PTA, always a member of the PTA. Therefore, I suggest that all of the teachers probably are members of the PTA and all the administrators are members of the PTA. So I don't know why Mr. LeRoy, if your reasoning is correct, is down here worrying about and being concerned about lack of representation on the part of the PTA when once a teacher, always a teacher. If that follows, Mr. LeRoy, you have it all in the bag.

MR. MARTIN: I think, Assemblyman Worthington, that that is correct. I would like to think that all administrators are members of the PTA. I would like to think all teachers are members and I encourage all of my teachers to be members of the PTA. But there is a segment of the public that are not in the profession, who are parents and engineers and doctors, etc. I think that is the PTA member that the PTA is concerned about having represented as the public on such a board. That, at least, is what they are asking for on the national

scene.

ASSEMBLYMAN MARTIN: Mr. Martin, if this bill were to become law, would that sum of \$150,000 be adequate?

MR. MARTIN: In my judgment - and I haven't studied in depth the financing of this particular council -- but in my judgment it would be seed money and I think it would eventually cost more money. It depends on the function of the council, as I read the bill. And if you give it all of the subpoena powers, all of the hearing powers, in order to give each of the persons who comes before it due process, you couldn't hope to do it at that amount of money. You may get away with it the first year. Then, of course, budgets would be requested and appropriations made, and I am sure they would be higher than \$150,000. There will be offsetting costs certainly. Certain functions will be taken away from the Teacher Certification Office, I would assume, if you implemented this bill. Certainly you would save the nominal expenses that we as members of the State Board of Examiners incur during the year to the tune of \$750.

ASSEMBLYMAN MARTIN: What was that figure?

MR. MARTIN: I said the expenses of the present State Board of Examiners, as I understand it, are approximately \$750 a year. We just get expenses, travel to and from.

SENATOR WILEY: Thank you very much. We appreciate your testimony.

Mr. West of Westfield. Will you identify yourself, please.

W I L L I A M     H.     W E S T:     William H. West, County Superintendent, Union County.

I was asked to come here to represent views of County Superintendents. I am not going to hold the other

20 or whatever number there are - there aren't that many - accountable for it because I got the word on Friday. I scribbled some notes Sunday. And, as you can tell, I don't sound as good as I should now. So I will stand on my own on these comments.

I am sorry for you people that some of the things I am going to say are repetitious. You have heard them so much today.

The first point I make is that this Bill S 674 would create a replacement, governmental body with control in an employee group for a governmental function. Probably it is a conflict of interest.

The record of performance of the Board of Examiners shows it has been reasonably attuned to the changing needs of our society, of pupils, of developments that have been changed by action of the courts and legislatures, to the end that public education in New Jersey has been well served by it as a Board of Examiners, as an arm of the State Board and State Department.

This new bill will effectively provide basic control of educational programs and services in this new body called the council and remove much of the control now vested in the State Board. Parenthetically, while the assumption is that it is a certain group, I am not certain that for the next 20 years it will be that same certain group that will control it. That might be thought about a little bit too.

Number two, this bill would provide the council with an autonomy neither desirable nor practicable. Policies for education should be determined by lay-controlled boards of education. A new Education Department would appear if this bill became law, which could effectively restrict the present State Department of

Education. Once appointed, the members of the council would determine all procedures, subject only to direction by the teacher-employee group to which they owe allegiance, and review of actions by courts, the Governor and the Legislature, but no other administrative control as now checks the State Board of Examiners.

Three, the proposed council would lack the breadth and balance of the present Board of Examiners. By giving control of all certification of all public educational workers to classroom teachers, the base for setting rules requirements, etc. may be narrowed. Under the present Board of Examiners' requirements for membership, most members must have been classroom teachers before they could obtain other positions, necessitating broader experience. Several members of the present board have had three or more types of educational experience, which should provide a broader base of understanding on which to formulate their judgments, both for creating and modifying rules and for weighing individual situations which appear for direct action or review of actions.

Fourth point - The bill would create a new political entity to effectively control public education by its own rules, subject to the dictates of the employee organization, which would be effectively a closed-shop organization, accountable to the Governor and the courts directly, with no relationship to the Department of Education, except being appointed.

In New Jersey, one of the largest of the 50 states by population and by complexity of problems, I contend that the Governor already has too many people reporting directly.

Number five - The bill allows the Commissioner of Education to appoint with State Board approval only from

restricted lists of possible people, which gives a false picture of public protection.

Six - Part F of Section 12 of the bill would put under government authority that which most professions zealously guard for their own association dealings. There are existing legislatively-established procedures for protecting the public from bad actors which now are subject to the lay boards of education in the local districts to consider in the first instance, subject to judgment from the administrative tribunal of the Commissioner, subject to appeal to the lay State Board of Education, and then on appeal to the properly-constituted courts.

Seven - The bill would appear to remove the County Superintendent from the picture, thus likely reducing the efficiency of monitoring professional certification statewide and reducing the opportunity for the State Department of Education to provide important facts to the State Board for its use in revising, modifying and enforcing regulations it is authorized and expected to do by legislative mandate. I don't see anything in here about who is going to handle the machinery back and forth. We know what it is now.

Eight - Public education in New Jersey has been meeting needs of people, in part due to the functioning of the State Board of Examiners, which has a record of sensitivity to changing needs. So there is lacking a genuine public need for a change of structure.

And the note I added just this morning -- A teacher's certificate is a license. This does not need to set maximum requirements for a job, but a local board of education at the present time can set whatever requirements it wants higher than the licensing procedures.

I thank you for the opportunity to present my views.

SENATOR WILEY: Thank you, sir. Senator Dumont?

SENATOR DUMONT: Why do you think, Dr. West, that the County Superintendent would be removed from the picture any more than he is now, as a matter of fact, under the present setup?

DR. WEST: The fact that you are creating in this bill a brand new organization, not responsible to the State Board and not responsible to the State Department, would imply, Senator, that they are going to get their own staff to do all of their work. That is the implication there. You haven't said in this bill who is going to do what. You say there is going to be a sum of money set up for them to have their own staff.

As I read it, you are removing this entire operation from the State Board once the Commissioner appoints the people he is told to appoint from the list. He is given the list. "Here is your list, John. Take three." The State Board confirms. Then your bill says, forget it, move over, boys, we are taking over. I mean, taking over, because that's the control of education.

SENATOR WILEY: Any further questions? (No response.) We thank you, Dr. West. We appreciate your coming.

We will break at 3:30, if that is consistent with the timing of the next testimony, for a short recess.

The next person on the list is Mr. George A. Snow. Would you identify yourself, Mr. Snow.

G E O R G E     A.     S N O W: Senator Wiley and Senator Dumont, I am George Snow, the Secretary for the Professional Association for the New Jersey State Department of Education.

I am here representing Dr. Joseph Kelly, President of that Association, to read a brief statement that he has

prepared in response to this legislation.

(Reading)

We of the Professional Association of the New Jersey Department of Education do hereby express our disapproval of Senate Bill 674, introduced January 28, 1974.

Our Association is an affiliate of the New Jersey Education Association and we recognize the many contributions made by that organization to the well-being of New Jersey's student citizens and professional teaching staffs. We do feel, however, that the responsibility for teacher certification vested in the Board of Examiners, in the New Jersey State Board of Education and in the New Jersey Department of Education by 18A:6-34 of the Laws of New Jersey, should remain as it is.

The present responsibility, we believe, offers the greatest possibility for broad administration by all of the component publics who serve, benefit from, and share an interest in the total educational endeavor.

Almost without exception, the members of our Association have come from schools and the classrooms of New Jersey. We recognize the irreplaceable worth of the good teacher. We applaud all efforts to upgrade the abilities and skills of the professionals to whom we entrust our children and young adults.

The fragmentation of responsibility in Bill 674 is not the answer. The present structure, if imperfect, contains foundations to build upon. The mammoth streamlining of certification practices in recent years has shown that the structure is amenable to constructive change. If additional personnel or members of the Board of Examiners and increased financial resources are necessary to further improve certification practices, they should be

provided. Further fragmentation of responsibility is not the answer.

We thank you for the opportunity to express our view - and this is signed by Dr. Joseph Kelly, President of the Professional Association.

SENATOR WILEY: Thank you, Mr. Snow.

Any questions? (No response.)

Thank you very much.

We will take our recess at this moment and reconvene at 20 minutes of 4:00 and finish this up this afternoon.

(Short Recess)

After Recess

SENATOR WILEY: We will resume now.

Mr. Fiorita will be our next witness. Will you identify yourself for the record.

F R A N K A. F I O R I T A: I am Frank A. Fiorita, President of the New Jersey State Federation of Teachers, which is affiliated with the American Federation of Teachers and the National AFL-CIO.

The concept of S 674 that teachers should regulate their own profession is valid. The present composition of the Board of Examiners is highly weighted in favor of administrators, as distinct from practicing teachers, and it should be changed to be composed of a majority of practicing teachers.

I have heard distinctions made today, in which administrators have said that actually they are teachers. I find these spurious distinctions because, in the operation of the organization that I head, there is a very sharp distinction made between administrators and teachers. And I believe this distinction holds when it comes to representation on agencies of the State.

Having individual teachers on a board or an agency does not mean that they necessarily represent the teaching profession. In this bill, the Commissioner appoints with the approval of the State Board. There is provision for input from teacher organizations in the selection. But this selection process, with which I have strong argument, will not assure in itself a true and valid representation of teachers, for the bill would give to the group of 15 men and women some great powers.

The selective process is highly defective, since it is weighted almost totally toward one teacher organization so as to all but exclude the other teacher organization.

There is no magic in the arbitrary figure of 6,000 unit members for each nomination for a vacant position for Category A. The figure could just as reasonably be set at 200, unless the purpose was exclusion of the New Jersey State Federation of Teachers from representation.

Why a provision for numbers at all? Let each recognized teacher organization submit a full roster of names and let the Commissioner choose on the basis of the competence and proven ability of the individuals named.

The power of the council bears some scrutiny. Of great concern to all teachers would be its power to prepare, adopt, monitor, review, publish and enforce a code of ethics for the teaching profession, and hear and dispose of charges of violations thereof, which may include the suspension or revocation of a certificate. This is a mighty power indeed.

Teachers have contracts in which the terms and conditions of employment are set down. If they break laws, they are punished as are other American citizens. Indeed, would striking to protect one's dignity be a breach of the ethical code?

Another power that the watchdog council would enforce would be to revise standards of professional practice through research in areas including, but not limited to, professional performance, preparation for and continuance in professional service. The language is vague, but somewhat frightening. Would 15 teachers and administrators be able to determine if a teacher continues in professional service, and on what basis?

All over the State, the organization I represent has had to deal with intractable boards of education, but with a stroke of the Governor's pen, it is conceivable that a super board of education could be created.

The council could hold hearings with full legal powers and by statute could reasonably expect the Appellate Division would enforce any order for remedial or affirmative action. There is no profession extant that puts such legal powers into the hands of its very own regulatory agency; albeit, the council would be composed ostensibly of peers.

I am not satisfied with the obvious argument that it will be teachers judging teachers. My experience as a labor leader has shown me that when teachers become members of boards of education, they behave exactly as does any other board of education member.

When men and women of labor become members of boards, they frequently behave as if they had never had any connection at all with organized labor.

Teachers have been regulated beyond all endurance. The pill is not sweetened appreciably if the regulation comes from ostensible peers.

Let teachers rely on binding and effectively-enforced collective bargaining agreements as the primary avenues through which teachers will create their professional image, not upon another State agency. This is not to say that teachers should not regulate as much as possible through a regulatory agency.

The interference of the State in collective bargaining agreements has precipitated a near holocaust in the colleges. The major teacher organization is not an arm of the State of New Jersey and it should never assume that it is. If it attempts to capture an agency of the State, it may discover that it, itself, has been made captive. If it excludes the other teacher organization, it will lose credibility. If it believes that solely through this

new council, it will be able to regulate, it is pursuing a fond hope.

The collective bargaining agreement is the key to teacher and educational improvement. The proposed council, an agency of the State, is a necessity, but is ancillary to the contract as a means of improvement. Thank you.

SENATOR WILEY: What is the membership of your organization, Mr. Fiorita?

MR. FIORITA: Our collective bargaining units comprise 15,000 members, all of whom are not actual members though -- not paying members. But the units that we bargain for comprise 15,000. We have most recently won the bargaining rights for the eight New Jersey State Colleges. That unit alone is 3,000.

SENATOR WILEY: The bill uses the terminology "members;" for instance, with respect to Category A nominees, classroom teachers, you can submit one nomination for each vacant position for each 6,000 members or major fraction thereof.

MR. FIORITA: On the basis then, if it is based solely on paying membership, we have approximately 6500 to 7000 paying members in the New Jersey State Federation of Teachers. On that basis, it would give us possibly one member. But the figure 6,000 struck me as very interesting because it is very close to the actual paying members that we have in our organization. And it seemed that the bill was written as if to exclude, or all but exclude, the New Jersey State Federation of Teachers, which is a growing and viable force in this State.

SENATOR WILEY: It would appear - others can comment on this - but it would appear that the 6000 is not exhausted at one vacancy; it applies to each. In other words, if there were three vacancies and your organization has,

say, 6500 members, that that would qualify you to submit one name for each of, say, three vacancies if there are three.

MR. FIORITA: Senator, is that the interpretation of this bill? That was not what I viewed it as. I believe there would be provision for submitting as many as three names for each vacancy.

SENATOR WILEY: That would depend, as I read it, on the membership. In other words, you would have to have 15,000 and one members to submit three names for a vacancy.

MR. FIORITA: Yes. Now, in addition to that, Senator, the submission of names for college representation is, as I understand it, lower. It is 200, isn't it?

SENATOR WILEY: Yes. Category B is 600, Category C is 600.

MR. FIORITA: Oh, it is 600. In the interpretation of the bill, I believe my organization would be able to submit names in depth for each of those positions because we bargain for most of the college professors in this State. But even so, this is one of the points at which I attack the bill because it is designed - it has been very sedulously designed - to exclude the AFT in this State. I think that is a mistake in the design of the bill.

SENATOR WILEY: Your initial statement, Mr. Fiorita, was that you feel teachers should regulate their own affairs. Do you feel that administrators should regulate their own affairs?

MR. FIORITA: Yes, I believe that administrators should regulate their own affairs. But I have heard many administrators here today say things that I never hear them say when I bargain with them across a table or, indeed, things that they never said when we recently, just two weeks ago, were on the verge of a strike in the eight New Jersey State Colleges. Some of the very same administrators were there. They did not speak as

teachers. They spoke as administrators. They spoke as bosses.

So I think we have a situation here where some of the members are saying they are both fish and fowl. They are not. And I think that distinction should be clear. A practicing teacher is a practicing teacher. An administrator is an administrator. And an administrator is a boss and a practicing teacher is not a boss, in the quaint terminology of my organization.

SENATOR WILEY: Would it follow that teachers should have no representation on a board in so far as that board regulates certification of administrators and vice versa?

MR. FIORITA: I haven't thought that through entirely. I am not saying that administrators should not be represented on this board; I am saying that they should have a minority position on the board, a distinct minority position.

SENATOR WILEY: Thank you. Senator Martindell?

SENATOR MARTINDELL: You said you didn't like the method in which they were chosen. Have you thought of another better way?

MR. FIORITA: No. Well, I make a distinction between the method. I think the method - the fact that the organizations can submit names or alternatively there could be petitions with a certain number of names - that aspect of the method, I don't object to. What I object to is the very careful exclusion of the New Jersey State Federation of Teachers, and I object to it strongly and loudly.

SENATOR MARTINDELL: You still haven't another plan?

MR. FIORITA: What is that?

SENATOR MARTINDELL: You have not another plan though?

MR. FIORITA: Well, I suggested one. It is possible to reduce that magical 6000 figure to 600 or 200 - say, 600, as you did for the colleges. That certainly would help a great deal.

I suggested another one too, that the organization submit full rosters of names and let the Commissioner decide.

SENATOR MARTINDELL: What is your view of public members on that board?

MR. FIORITA: I believe that public members should be represented, but in a distinct minority, because this is a regulatory agency for teachers. I voice some concern about this bill. I have said that I believe the concept is sound. Some of the powers I have some question about. The development of a code of ethics sounds very good, and most organizations have developed codes of ethics. But this bill intertwines it so sharply with legislative action, such powerful legislative action, that it gives me pause. How will this code of ethics be evolved? Will these 15 men and women evolve it just themselves? Will there be input from the rest of the profession? Will there be disagreement?

What concerns me is that a breach of the code of ethics, as I interpret the bill, could mean the loss of certification.

SENATOR WILEY: Any further questions?

SENATOR DUMONT: Mr. Fiorita, you talk about frightening powers, etc., but I really haven't heard you say anything constructively about how the bill could be changed to make it better in your opinion, except the method of selection. What is frightening about it?

MR. FIORITA: The aspect of the code of ethics and the aspect of - I believe it is Section (h), which is so vague - development through research of teacher practices, and the phrase "continuance in the profession," if I have that phrase correctly. That too seems to be that it could be enforced. I don't know exactly what that means. I think that that aspect of it could be modified or changed. The development of the code of ethics aspect could be modified or changed.

I don't think that this body should have the right to take away a certification on some code of ethics that has not yet been born. There could be great disagreement as to what a code of ethics is.

Now I don't know if lawyers are disbarred because of breaching codes of ethics. I think they are disbarred when they break laws if I am not mistaken. I may be wrong on that.

SENATOR DUMONT: They certainly could be suspended for breaching of ethics.

I think, if you are concerned about some aspect of the bill that you think is vague or frightening or something else, it is up to you as a constructive individual to present something better in your opinion than what you are opposing.

Now you say you think you are being barred from any membership on here. I don't think that was the intention. When you started out, I even thought you might be agreeing with the NJEA on something. But I am not quite sure that you are when you get finished, other than the fact that you would like to see the present setup changed. You haven't told us exactly how you would like to see it changed.

MR. FIORITA: Well, we could submit ancillary

information. I could submit some more to the committee with more thought. I am not sure exactly how those aspects should be changed. I am simply coming here and voicing some concern about them. Possibly they could be eliminated. Still there would be some control over certification in the bill, and other aspects of it.

SENATOR WILEY: Do you have any compelling feeling, Mr. Fiorita, speaking on behalf of your organization, that change is needed in the existing law?

MR. FIORITA: In the existing Board of Examiners?

SENATOR WILEY: In the existing pattern, the existing law.

MR. FIORITA: Yes. As I stated in my initial statement, my opening words, I feel that the Board of Examiners should have a preponderance of practicing teachers on it, just as lawyers have a preponderance of lawyers and doctors have a preponderance of doctors.

SENATOR WILEY: Does this trace back - aside from the principle of it -- does it trace back to a particular ruling or particular decisions of this board that you have complained of?

MR. FIORITA: Well, some. I don't cite any particular ruling. I feel, as you can see and understand, the teaching profession is struggling to assert itself, as indeed a true profession. We have been called a quasi-profession and all kinds of things. But this is one of the avenues through which we are attempting to assert the true professional status of teachers. As I said in my statement, I don't agree that this agency alone will be that point at which teachers can stand up in the State of New Jersey and say, "Look, indeed, we are professionals." I really feel that the basic instrument is the collective bargaining contract and I believe

that this agency is ancillary to that, but important.

SENATOR WILEY: Assemblyman Worthington?

ASSEMBLYMAN WORTHINGTON: No questions.

SENATOR WILEY: We thank you, sir. We appreciate your testimony.

The representative of the New Jersey School Boards Association. I don't have a name here.

O C T A V I U S R E I D: For the record, my name is Octavius Reid and I am here representing the New Jersey School Boards Association. I have with me Denise Rath, also representing the New Jersey School Boards Association.

SENATOR WILEY: She is not representing the students?

MR. REID: Believe it or not, no; instead, she is representing that group of former teachers, which seems to be a note that most have made, and I suppose I should probably throw in the fact that I was a former teacher and also a college dean, for whatever that means, and also a former Board member. So I guess I can wear lots of different hats.

SENATOR WILEY: Do you regard yourself as still occupying all those prior positions?

MR. REID: No, I do not. I regard myself as a representative of the New Jersey School Boards Association.

If I were also at this point to attempt to speak to numbers, I can't speak to very large memberships. We have only 5,000 members and only 605 boards of education. But instead, we are here speaking for the local elected and/or appointed trustees for a million and a half kids. It is in that public responsibility that we intend to try to speak.

We have a number of very grave concerns with this bill and, in order to preclude some questions which were recently asked at the end of the last testimony, if we

were to suggest to you a better alternative to the one that is proposed, it would be the existing system.

The problems, as I see them at present, are: Number one, we cannot concur that there is a compelling need for change in the present system and to date I have not heard anything in the testimony which has indicated that there has been a substantial failure of the present system.

There is a good deal of discussion about teachers as a group; very little about educators, which I think encompasses more than what we narrowly define as the classroom teacher.

We have some concern about the present structure of the bill, which is an attempt to bypass the State Board of Education. And noting numerous moves toward having various input, various types of input, on the part of the classroom teacher into the total educational process, this would suggest at any time that kind of a move is being considered, then it is absolutely essential when you delegate authority, that you also assign accountability. That measure has not been spoken to to date.

In the area of semantics, the word "governance" has been used considerably today, and I think it is because it is a more palatable word than control. Although I would like to point out to you if you read the bill and looked at line 11 on the first page, the wording in the bills says that it will allow the teaching profession to control. I think that is an important note to make. We ask the question: Why the necessity for this?

There are several things that we would like to point out. For example, - and I will try to hit some of the ones that have not been discussed already to keep it from being too laborious - are we developing a super tenure law? And is it possible that this bill, as it is presently structured, could add more protection for

incompetent teachers than, as it is proposed, assure their elimination? Why is it necessary for this body to be responsible to the Legislature rather than to the State Board? It has always been a tenet of the State Legislature that although education is a State responsibility, the decisions, the closer they were made to the areas they were to be implemented and carried out, hopefully, the better they would be and the more reflective they would be of the people who have to receive those services. And that is the reason for the structure of the local boards of education. These are people that the local community says represents them and that have the responsibility for carrying out the public's mandate and can better assess what the needs of that community are than at the more distant level in Trenton. Yet we are setting up a body which has a major impact on the teachers that would have to be employed in those local districts and giving them total and absolute authority, bypassing public accountability in the person of our State Board of Education and moving to a system of having their dictates reviewed only by the Appellate Division of the Superior Court.

It is interesting that that means of control is provided since the Appellate Division of the Superior Court itself, in a recent ruling, particularly the Dunellen Case, spoke to it and stated that they did not believe that that was their function, that instead the teaching profession, indeed the profession of education, ought to utilize every one of the existing vehicles for review and assessment of what was happening there, and that all problems with grievances, or whatever have you, should work through the normal mechanism of the Commissioner and the State Board before bringing them to the courts. The courts do not wish to assume the position of being a surrogate commissioner or a surrogate board of education.

And I think that that is something that needs to be addressed here.

We have had a good deal of comparison today with groups such as doctors and lawyers. I would contend that those comparisons are basically invalid for a number of reasons. First of all, doctors and lawyers derive their income from their own private talents and entrepreneurship. Teachers, on the other hand, derive their income from public funds and are indeed public employees. And the schools are indeed public, or at least we hope they continue to be, and, as a result of such, should receive their direction from the public.

When we talk about things that happen with doctors and lawyers and we say that they tend to regulate their own practice, there are several very important distinctions that ought to be made. For example, if you go to a doctor and you find that you have problems with that doctor's competency, you have every right to have him transfer your records to another doctor. It is a free enterprise system. The same thing is true of an attorney. If you engage an attorney and you find that his qualifications and ability to provide an adequate defense for you are not sufficient, then you simply move to someone else. So in the free enterprise system, the competent ones are the ones that are generally rewarded by the increased practice and the incompetent ones wind up assuming much more mundane duties and very little in the way of income.

Now when we begin to relate that to the public school teacher, I ask you, unless you intend to force people to move to the private schools, if one lives in a community and chooses to exercise his constitutional right to a free public education, what choice does he have? If he is confronted with the incompetence, he has no choice. He either moves out of the district or moves to a private school. I would suggest that that choice is not one

that he should be hit with.

You also talk about the need for policing in the area of medicine. I wonder how many of you have ever been confronted with - or know of anyone who has attempted to bring a malpractice suit against a doctor. One of the most difficult things you will find is trying to find a doctor who is willing to testify. I think if all of you reflect on that, you will know it is true.

You talk about lawyers regulating their own profession, but lawyers are not disbarred by the State Bar Association; they are disbarred by a panel of judges, and I think there is a definite distinction when they are elevated to the bench.

As we continue along that line of the idea of teachers and their organizations policing themselves, there was a comment at one point, I believe, by Dr. Podesta, that there had been cases where individual teachers had made known their concerns about teacher performance individually to the State Board of Examiners. I believe that one of the members of the committee indicated that this was an extraordinary way and that perhaps it might be more effective for the organizations to do it. I think there the question that has to be asked is, if it would be better for the organization-- and the organization obviously here is including the NJEA and the AFT - we won't deny that they exist-- to have the responsibility of doing this, then what has been the track record to date? I think it is a very important question to ask. It is very difficult for me to believe that any organization which is obsessibly concerned with the policing of its own ranks has made no attempt to date to do just that. For example, we talk in this bill about the need to prepare, adopt, maintain, revise,

publish and enforce a code of ethics. I would suggest, if you drop the word "enforce" and leave all the other things - "prepare, adopt, maintain, revise and publish" - that is something that each of the teacher organizations can do right now without legislation.

The New Jersey School Boards Association, for example, has adopted a code of ethics for its membership to conduct itself by. We do not have legislation by which we can enforce that code of ethics. Yet it is one that we have attempted to impose on all our membership and we have attempted, not having the force of legal sanctions, to at least impose some sanction upon them. Most of us are aware of the unfortunate situation that occurred in the Trenton school system where our Association came out on record publicly, both in press announcements and on TV and on the radio, chastising one of our own member organizations for conduct that we thought inappropriate in carrying out the awesome responsibilities of school board membership. Yet, indeed, that Board of Education is the very one that pays our dues and can certainly make the move to dissolve from us and so we are taking ourselves out on the limb with having chastised those for whom we exist.

I would ask the question: Has the Education Association at any time in recognition of all the many teachers through the course of the years that have been members of that organization ever made a move to eject one of its membership for unprofessional conduct or for incompetence? I would contend that the answer to that question is, "no." It is difficult then for me now to believe all of a sudden that is going to change.

The profession certainly has through its various organs and its various means of persuasion - and certainly we have heard comments today that its means of persuasion, at

least in the lobbying area have been effective. I won't attempt to make an assessment of what their effectiveness is or even of our own, certainly, since we don't have the size and the resources that they do. But that is not really so important. The fact is that they have various organs by which they do attempt to persuade their membership, to call them into action. That is obviously witnessed by the fact that there have been teachers here today, agreeing to testify. All of you have seen the large numbers that have come in busloads, for example, when there was a move for legislation that was important to them.

Now if the organization can be that persuasive, if it can call its membership to action in those areas which it believes are necessary for the benefits of that group, so too could it call its group to action in support of policing its organization and in maintaining those professional standards which they say they desire very much. I don't know of any affiliate or individual that has ever been expelled from that organization for unprofessional conduct.

I should point out that there has been some comparisons with the Pennsylvania law in this area. That law - and I have a copy of it for you if you would like me to supply it to you - was signed on 12-12-73. It is called the Professional Standards and Practice Commission and it's Act 141 of 1973. I will allude to some of the comparisons that were made with this bill. There were certain, at least, inferences which I think perhaps might lead to misrepresentation. One of them was that the Pennsylvania Commission was of similar size to the New Jersey Commission and both of them had eight teaching staff members. Both of those statements are absolutely correct. However, if we add one additional piece of information, we change the picture slightly. The total membership

in Pennsylvania is 16. The proposed total membership in New Jersey is 15. Eight out of 15 is a majority; eight out of 16 is not. And that is a very distinctive difference.

Another very distinctive difference is that the American Federation of Teachers, a branch of the AFL-CIO, lobbied against that bill in Pennsylvania. And, as a result of their lobbying effort, they made one very substantial change. They made it an advisory commission to the State Board of Education, instead of a commission with total and absolute authority to certify and decertify teachers, which is what is being proposed here.

I think those two points about the Pennsylvania bill are very important to bring out.

As far as the policing of the ranks, there are some other questions that we ought to ask. For example, we have existing laws. We should be able to say that teachers who are not performing up to standard should be able to be eliminated through the process of nontenure teacher evaluation and, at present, we have three years for boards of education to do just that. Although, of course, there is a bill in now, sponsored by the Education Association, to reduce that time period.

If the teachers wind up going on tenure and there is some change in their competency level, etc., a board of education then has the responsibility, indeed the obligation, if they feel that teacher is incompetent, to bring charges through the Tenure Act. Yet it is so very, very difficult to do that, that in the ten years from 1960 to 1971, there were only ten tenure cases heard.

Now when you take and compare that - and keeping in mind the previous statements that there is a great deal of concern about policing the ranks - I would refer,

at least some of you back, to testimony that was made by the Teachers Association in regard to several other bills which were also being considered, and I think they need to be considered here in light of what has been talked about. That would be specifically A 929, A 960, and A 173. A 173, in particular, is the bill that has to deal with boards of education paying the defense of administrative charges against teaching staff members when they are found to be innocent and charges are dismissed.

Some of you who were there at the committee meeting when testimony was being given by the Education organization will remember that one of the first statements that was made, and was repeated by the way when they presented their Association goals, was that they had a great deal of concern about the ease by which tenure charges could be brought by boards of education. Think about that for just a moment. There is a great deal of concern about boards being able to bring tenure charges against teaching staff members. Then at the same time we are suggesting that teachers want to form a committee so that they can do this themselves. There seems to me to be some kind of inherent contradiction.

For example, let me give you a case in point. It is often suggested in making that argument that it is the board of education that might be about the business of attempting to hassle or harass a teacher - that charges are brought with no founding. Indeed, I think we have to recognize what the responsibility of a board is. A board is nothing more than a certifying body when it comes to tenure charges. When I say a "certifying body," the best analogy I can give you would be that of a Grand Jury. A Grand Jury reviews evidence and hands down an indictment. An indictment is nothing more than

a statement that there appears to be sufficient evidence of wrongdoing that we believe an independent body ought to hear it. In our civil system, that independent body becomes the court. In our educational system, when a board prefers charges, they do it on the same basis. They have evidence and it is, therefore, necessary for them to prefer charges. The board of education, however, does not sit as judge and jury; instead it goes to the Division of Controversies and Disputes. And it is the Commissioner who then reviews it

Along that line, let's take an example. Suppose a parent comes in and suggests that they are concerned about a teacher that was fondling one of their students and several other people witnessed that. Does the board have any other choice but to certify charges when evidence is presented to them? Does that mean, if they certify those charges since they have that obligation and since complaints were made by public citizens, they are indeed harassing the teacher? At any time that they do this and they find evidence, it is not they that decide whether tenure will be lost, but a hearing body. Yet there have been expressions of concern that that ease is too great. Yet, when we look at the numbers, there have been very few, less than a dozen cases where tenure has ever been reversed in the last ten years in this State.

So I don't think that the existing system has been an impressive one and I do think there are numerous, numerous safeguards there. And I can't honestly believe that there is going to be an increase in the amount of charges brought to decertify tenure teachers as a result of self-policing rather than lay policing.

When we talk about certification, for example, I even have to ask the question as to whether or not the increased stringency in the area of certification is indeed going to guarantee us better education. And that is not an attempt to say that we shouldn't have certification. But along with some of the points which were made before, I couldn't help think about the amusing comment, when we compared all of this with the colleges, and that is the fact that your college professors do not have any certification basis on which to determine their competency to teach. Yet, still all of our present teachers are products of those non-certified professors.

I don't know what other business we have in the entire State of New Jersey where the employees are the ones that tell the employers what qualifications they need in order to fulfill the demands and the goals and objectives of the employer. And, in this case, when we talk about the employer, we are not just talking about board members - we are talking about the public. I think it is extremely important that we look at this thing not just in its various specifics, but in its overall picture. And it is a very, very big picture. I hate to use the word "power," but I cannot honestly see any other way in which we could very laconically reduce the attempts of this bill into a one-word analysis. But that would seem to me to be it.

We honestly do believe public service --and education is a public service. Indeed, we as members of the School Boards Association are also public servants. So I would indicate to you that when we make these arguments, we make them against ourselves as well as another group. But it is our firm believe that public service should never be controlled by any private group.

And that is, believe me, what is at stake in this bill, in spite of whatever else might be said.

The arguments that were raised about the need for the classroom teacher - and I think some of them were spoken to before - I think were very good arguments in favor of having classroom-teacher input. We absolutely believe that it is necessary. But we also believe, as was stated by one of the teachers who spoke before, that the rather limited or parochial view of the classroom teacher is one that tends to preclude that over-all view of the entire system. So we need some kind of a balance and we need a little of both. In fact, even the President's Commission on School Finance Reform and Educational Reform spoke to the need for the inclusion of lay members. And if I were to give you a suggestion for an alternative, it would be the inclusion of lay members on this Board of Examiners.

I will rest now and take some questions, if you like. Thank you.

SENATOR WILEY: You raised a question concerning the fundamental need for certification. What change would you suggest, if any, in so far as the requirement of certification is concerned? Would you moderate it or do away with it?

MR. REID: No. I am not suggesting by any means doing away with certification. I would just simply suggest that the flexibility which is now inherent in the present system which allows for temporary certification in those areas where there is difficulty in finding the people or where there is an overwhelming display of expertise and talent in the area, but not necessarily the specified numbers of education courses required -- that that flexibility ought to be retained.

SENATOR WILEY: Do you think the distinction between requiring certification at the secondary level and not at the collegiate level is sound?

MR. REID: No. I am just suggesting that it is not necessarily, particularly when we talk about the areas where a great deal of technical expertise is required, the only and valid criterion for determining that effective teaching is, in fact, going on. I think the existence and the continuation of our present system speaks to that. But I am not suggesting by that that we ought to abolish it; I am just saying that that in itself presents a sufficient argument for the flexibility which we now have, for example, in those districts where you do not have the availability of supply of those people that have been through the certification process. They would have two choices: either do without because they can't have the certified or to take those with the competence in the area and put them on the provisional certificates until they can get the other requirements and the methodology, etc.

SENATOR WILEY: Thank you, sir.

SENATOR DUMONT: You said, Mr. Reid, that you would recommend some public members. How many and from where? Just from the general public or from any particular organization?

MR. REID: I would be inclined to suggest from the general public. I haven't thought through the specifics on that. But I would be inclined to say two to three public members would certainly be reasonable. And I would very definitely suggest that one of those public members ought to be drawn from the 5,000 elected and appointed school board members certainly, primarily because of their very direct responsibility in that area.

SENATOR DUMONT: The recommendation that Dr. Robinson made?

MR. REID: Yes, that's correct, sir.

SENATOR DUMONT: That's all.

SENATOR WILEY: Who would appoint the public members or who should, Mr. Reid?

MR. REID: I don't really have a direct response to that. I would have to think that one through. I haven't honestly thought of who would be the appointing body. I should think that among the school board members, it would probably be the Association through its Delegates Assembly, which would mean it would be a majority election of the membership. That would be one vehicle. I don't know that there is necessarily a specific one.

SENATOR WILEY: Do you favor the concept of organization nomination?

MR. REID: Only to a certain degree. I have some concerns about it. I would not want, for example, all of the public members to be selected by an organization, very definitely not, for the same reason that I would have concern about the present nominating procedure that is proposed in this bill. For example, on page 5 of the bill it specifically points to the fact, in the second paragraph, when speaking to the selection of the teaching member representatives, it is written in such a way that it refers specifically to the NJEA and specifically denies any local affiliate from the right to nominate. That to me would be an attempt at central administrative or central organizational control, which I do not necessarily believe to be desirable.

The best way I can state it is: I like the idea of some independent official, whether it be the Commissioner or what have you, being able to select a maverick from within the system who will, as best I can put it, represent grassroots' views, individual reflections, and not

necessarily those of the indoctrination that is inherent within an established bureaucracy.

SENATOR WILEY: You would rather give an unlimited appointment power to some official - Commissioner or Governor or whoever it would be.

MR. REID: I don't know that it should be unlimited. I can't reflect honestly on that. But I certainly think there should be some there. The present system right now calls for -- I should say, the proposed legislation calls for the Commissioner to do nothing more than simply rubber-stamp a rather limited number of nominees, from which he has to select a majority. That doesn't give him any control. It is a perfunctory kind of responsibility that is assigned to him and it does nothing more than to allow someone to say that he did make the appointments, without hinting to the truth of the matter, and that is that he had no control over them. And with no control, you have no accountability.

ASSEMBLYMAN WORTHINGTON: Mr. Reid, you talked about this act as a super tenure act and I really don't understand that.

MR. REID: I spoke to it when I began to speak to some of the other bills, which are also up right now and which are attempts at strengthening the tenure law. We have moves to strengthen the negotiation law. We have proposed legislation to reduce the tenure period. We have proposed legislation which allows for automatic granting of tenure as a penalty, for example, to boards for not carrying out their responsibilities rather than some other administrative sanction, without any consideration for the merits or competency of the individuals involved. We have a lack of policing at the present time on the part of the established teachers' organization. There is no official policing. There certainly is plenty of opportunity through its official organs, etc., to establish a code of ethics, to publicize it, to encourage

every one of its membership to live by it, to even institute suits, to even eject an individual from membership.

Considering all of that and then suggesting that we establish an independent commission of private individuals, paid out of public funds, with a very definite vested interest, I would contend, even though you spoke before that former teachers might be PTA members, as PTA members they don't receive salaries, as teachers they do. I say whenever you are on anybody's payroll, you have a vested interest; no matter how altruistic you may be as an individual, there is always that potential for conflict. As long as that exists and we have this independent body which is going to regulate the profession as such, I would say on the basis of the past track record, it would represent a tightening of the existing tenure that we presently have and would, in effect, become a super tenure law.

ASSEMBLYMAN WORTHINGTON: But not this act by itself. You are talking about this act in consideration of other proposals which may or may not be favorably disposed of.

MR. REID: This act itself, by its dominance by the teaching profession, which I don't think should be there, does this. I think there is very definitely a need for the representation that is there. But I do not believe that it should be a majority. I don't think that any group should have a majority. I think public schools are much too important and are constitutionally public, and I think they must remain that way.

ASSEMBLYMAN WORTHINGTON: You think the representation that is there ought to be increased?

MR. REID: I have no problem with the representation being increased. I don't know that there is a specific number. I would certainly have an objection to increasing

it to eight with its present finite size or anything that would put it in the majority view.

ASSEMBLYMAN WORTHINGTON: Thank you.

SENATOR WILEY: Any other questions?

SENATOR DUMONT: One more, Mr. Chairman. I think you mentioned at one point that this bill would provide for paying for the cost of defending against administrative charges. I would just like to remind you that the very first group that got that kind of protection was the school board members. I sponsored that about 12 years ago. Then we extended it to school employees in the meantime. However, the very first group that got that protection was members of boards of education.

MR. REID: That is very true, sir. But there you are not talking about charges brought against them for incompetency, but you are talking specifically about criminal charges for an elected official serving in a volunteer capacity in the performance of his duties, which is something that has been inherent in our present system of government for years. Our Congressmen, for example, have always had that kind of immunity and protection. And it was simply that protection extended to another group of public officials which was long overdue and had existed for all others.

SENATOR DUMONT: I am not saying it was not overdue. I certainly believe in the principle or I wouldn't have sponsored the bill in the first place.

MR. REID: Again we didn't suggest that we were in disagreement when I spoke to that bill previously in disagreement with the concept, when there was an overriding problem there in terms of the fact no one should be denied or at least suffer excessive abuses or excessive fees in the sense of defending themselves. But we think that all of those have to be placed in the context of

the rights that are given to every citizen and we don't believe that any group - and in this case we are talking about teachers - should have any extra constitutional rights over and above what is granted the entire citizenry. When it reaches that point, we obviously have to raise exceptions about any kind of privileged society. We don't believe board members belong in that group. We don't believe any group of individuals should become a privileged class.

SENATOR DUMONT: They don't at the moment have any more rights than a school board member had in defense of an action.

MR. REID: No. But if you -- well, I really don't want to get into that now, but we can point to some specific provisions there which would allow for rights for that group which do not exist for any other group, both in the public and private sector in this State.

SENATOR DUMONT: That is all, Mr. Chairman.  
Thank you.

SENATOR MARTINDELL: I may have missed this because I was out of the room for a while. It is not clear to me exactly how the present Board of Examiners is constituted. Are they all appointed or what?

MR. REID: The present Board of Examiners has as its composition the Commissioner, who is automatically an ex-officio member; the Assistant Commissioner; two Presidents of State Colleges; one County Superintendent; two Superintendents of Schools, one from Type I, which would be primarily your urban-appointed districts, and one from Type II districts; one High School Principal; one Elementary School Principal; one Librarian; and four Teaching Staff members, a total of 14.

SENATOR MARTINDELL: How do they get on the board?

Are they appointed?

MR. REID: Appointed by the Commissioner and approved by the State Board.

SENATOR MARTINDELL: Thank you.

SENATOR WILEY: Are there further questions? If not, we thank you. We appreciate your testimony very much.

Mr. Thomas W. Schear, President of the New Jersey Library Association.

T H O M A S W. S C H E A R: Thank you, Senator Wiley, Senator Martindell, Senator Buehler, Assemblyman Worthington.

My name is Thomas W. Schear. I am the President of the New Jersey Library Association and the Director of the Passaic Public Library and I am grateful for the opportunity to contribute to the deliberations of the Senate Education Committee on the present bill.

I am here today to oppose Senate Bill 674. The New Jersey Library Association places great importance on the idea of certification and, indeed, we believe that the great improvements that have been brought about in New Jersey public libraries over the past 25 years are really attributable in very large part to the passage of the Public Library Certification Act of 1947. That law provided for the addition of a public library representative to the State Board of Examiners, and Mr. Roger McDonough, our State Librarian, served in that capacity for the next 20 years. When he resigned in 1967, Mr. Edwin Beckerman, Director of the Woodbridge Free Public Library, succeeded him by appointment of the Commissioner, approved by the State Board.

Our experience under this pattern of representation convinces us the library representation on the State Board of Examiners is essential if we are to carry out our

responsibilities under certification.

The legislation providing librarian representation recognizes this and the participation of a librarian on the State Board has demonstrated, we believe, the value of librarian input to the Board.

Now S 674, by contrast, would eliminate librarian representation in the certifying body, replacing this present arrangement with a new commission which would, in our opinion, not provide the means for librarians to keep our certification responsive to the public that we serve. If there is a feeling that the present State Board of Examiners setup is not adequate, then we urge you to change it, to expand it, or alter it, however you will. But we say that you should not throw it away.

In contrast to, we feel, the very negative attitude expressed in Senate Bill 674, the New Jersey Library Association holds positively that library education, with its implications for certification, is now the subject of much study and interest. The Advisory Council on Library Education, the Department of Higher Education, the Department of Civil Service, the New Jersey Library Trustee Association, the two-year colleges, the State and private colleges, are among the interested groups. We are sure that major proposals will undoubtedly be put forth.

Librarian expertise by a direct participation in the certifying body can, we believe, be most helpful in the decisions which must eventually be made. Librarians, as persons who are certified, respectfully ask the opportunity to continue to participate in the certification process via continuance of the present State Board of Examiners, which we believe offers us adequate input and has proved to provide a proper response to the needs of the public which looks to librarians for service. Thank you.

SENATOR WILEY: What would you think about the bill if it included a library representative?

MR. SCHEAR: Senator, I have asked myself that question and I do not see any way in which the present bill can be changed to answer our objections. You see, it is not a case that librarian representation has been modified or altered, reduced or expanded, so that there is in the bill something on which you might hang an amendment, to try to meet some or all of our objections. We have been wiped out. So there is nothing in the bill upon which a proposed amendment could be hung. We feel simply to attempt to write in a library representative would have a chain-reaction effect, changing other paragraphs in the legislation. So there does not seem to be any feasible way.

ASSEMBLYMAN WORTHINGTON: Senator, aren't provisions made under C for librarians and guidance counsellors and school psychologists and other members of the teaching staff?

SENATOR WILEY: Possible, but not required, as I understand it. There are eight teaching staff members under Category A.

ASSEMBLYMAN WORTHINGTON: Category C - two members who are ---

SENATOR WILEY: Category C is everything, but A and B could include librarians, but need not necessarily include them.

MR. SCHEAR: Yes, and, of course, this would be limited to school librarians; whereas, there is public librarian certification.

SENATOR MARTINDELL: No questions.

SENATOR BUEHLER: No questions.

SENATOR WILEY: We have no further questions.  
We thank you very much.

Mrs. Ruthann Sheer will be our next witness. You spell your name differently from the gentleman who just testified.

R U T H A N N S H E E R: My name is Ruthann Sheer - S-h-e-e-r. I claim no blood ties to the former speaker and no legal ties.

SENATOR WILEY: How about philosophical?

MRS. SHEER: I hold reservations.

First, I wish to state that I am the product of all the decisions which have been made by all of the boards and all the members of all the boards who have spoken here today.

Senator Wiley and Senator Martindell, I wish to state that I have a particular point of view I would like to present. My point of view is the point of view of the practicing practitioner. I represent 29 years in education - 12 years as a classroom teacher, 12 years as a guidance counsellor and 5 years as a supervisor.

I first became interested in teacher education and professional standards when, as a new graduate from Paterson State College, which has since been renamed to William Paterson College, I was called upon to share my opinion of the training I had received as an undergraduate student. Subsequent to this, I became part of the team that worked actively in an advisory capacity to indicate our needs as we saw them for young people coming into the profession. From this, I became involved in the teacher training process as a cooperating teacher. So for many years I had, as young practice students, young people from Montclair State College, people from Paterson State, people from Glassboro, people from Newark State College, which is presently Union College. I shared this teacher-learning experience as the practitioner.

In 1960, I became Chairman of the Teacher Education and Professional Standards Committee of our local association. And for seven years, I was responsible for upgrading performance by establishing and installing inservice courses with the consent of our Superintendent and our Board of Education. I also became active at the county level and served as Chairman for four years. As a result of this, a publication called, "Profiles in Proficiency," which was dedicated to those qualities of education which were deemed necessary for success, was published and distributed in the county.

I have also served on the New Jersey Education Association Teacher Education and Professional Standards Committee, and I have been a member of the North Jersey Compact, which was concerned with the improvement in teacher education in that area.

I would like to address myself to two questions: Why self-governance and why a Teachers' Standard and Certification Council?

First, it is in the public interest that the teachers take an active interest and an active sense of responsibility for the upgrading of the profession. Every poorly-trained teacher, every teacher who is functioning poorly in a classroom does no service for his profession and surely does no service for the young people with whom he or she comes into contact. We have heard it said today, this is self-serving. If self-serving means self-improvement, then surely I am for that type of self-serving.

Secondly, for the past ten years, we have heard the word "accountability." Accountability we first learned in terms of an industrial society because it was a product

which we could measure. And we have translated this concept into our educational society. An industrial society or a commercial society can handle accountability in terms of a product which can be measured. But it can also control the raw materials that go into the manufacture of the product. If we are to assume accountability in our profession, then we must at least have the responsibility for making decision with respect to training and licensing of those people who are going to be practitioners in the profession.

The greater the involvement, the greater the input. The greater the input, the more sense of accountability. But I would like to give a practical example rather than a philosophical example. As I interview new teachers for my Language Arts Department in the middle school, one of the first questions I ask is: "And what is your training in the teaching of reading?" Invariably, the young applicant will state, "Well, I have had a survey course," - one survey course to prepare a young person who is going to handle the basic tool of education. For the past ten years, we have been concerned, deeply concerned, with the right to read. Reading is fundamental. Why doesn't Johnny read? What can we do to improve reading?

We have put a great deal of money, a great deal of effort, and a great deal of stress upon accountability in reading. In fact, the Statewide testing concerns itself with the basic tool of reading. I think you could go to the average classroom today, discuss with any teacher who was trained within the past ten years, and you will find what we as practitioners say again and again in our teachers' rooms, in our associations, that the colleges do not prepare these young people to meet the needs of the classroom in terms of the basic tool with which they are going to work.

So it was through the work of the classroom teachers, it was through the representatives of the classroom teachers, that at our last Delegate Assembly Meeting of the New Jersey Education Association, a resolution was passed which stated, no teacher should be licensed either in elementary or secondary education unless he or she had at least a minimum of six credit hours in the teaching of reading. It seems to me that we have overlooked a basic component of accountability and that component is the person who is working in the field. He is familiar with the tools and he is familiar with the lack of tools. And he is able to articulate those needs. The practitioner who is handling daily the experiences of teaching certainly should be the one to voice his concern and to see that those needs which are not being met in the training of educators of the children of our public schools ought to have the type of training that he deems most productive.

Another concern of mine is, when I interview the young candidates, I am appalled with their lack of verbal skills. I recognize that in the popular jargon, it is customary to use many monosyllabic answers. This I appreciate. I also am familiar with the current jargon. But I think we as educators must stand as models of the language in which we purport to teach our children. Yet a host of young people who are being graduated from universities and teacher-training institutions do not have the basic verbal skills to act as models for young people who are new in this country, who do not have this advantage at home, for young people who come from areas where substandard language is being spoken, and for young people who are careless and have no particular motivation. At least somewhere in the training process

those people who are going to be working with the youth of our schools ought to be trained in the verbal skills area.

Teachers can share in responsibility and accountability if they share in the decisions about the type of training a teacher should have, if they can share in decisions about the type of licensing for particular skills and if they can share in the type of improvement necessary to upgrade the profession. I should like to add that I was rather concerned that those people who addressed themselves to the issue of eight teachers, tended to think of eight teachers as one common cookie mould. This is not so. Eight teachers represent a broad spectrum of thought. Those eight teachers may be trained in a wide variety from the elementary to the secondary, from the physical education to the Chemistry, to the early childhood education. To assume that eight teachers all have a commonality of background and purpose is making an incorrect assumption.

Finally, I believe there is a need to legislate a code of ethics. A code of ethics is a benchmark of professionalism. While it may be valuable to set up a code of ethics within your professional association, it is only when you can enforce a code of ethics that you have the wherewithal to look at your profession and say, "Yes, I am truly a professional now. We have set the standards. We will live by those standards."

Finally, I wish to thank you for the opportunity to share my professional experience and I would be happy to answer any questions.

SENATOR WILEY: Thank you very much, Mrs. Sheer. Congratulations on the high level of development of your own verbal skills.

MRS. SHEER: Thank you.

SENATOR WILEY: You speak of interviewing new teachers

and finding that they don't have the training to handle reading development or the teaching of reading. To what degree in your observation and your experience is that true of teachers generally?

MRS. SHEER: I can only draw from the experiences that I have had as an educator in my area and from the vicarious information which I get through research. I would venture to say that statewide and nationwide, we are concerned with the level of reading. I would venture to say, if you were to explore the programs in the teacher-training institutions or in the Liberal Arts institutions which provide some opportunity or in the universities which provide some opportunities for teacher-education programs, you would find that the teaching of reading as a skill is not a basic component of the program. By this I mean, there is a considerable difference between a survey course in reading and the teaching of reading in the content areas. For example, I think you could speak to many chemistry teachers in high schools today who will say to you, "There are many students in my class who are reading below grade level." Most of these young people know how to decode -- they have learned how to decode the language. On the other hand, they haven't learned the components. They don't know the main idea, supporting details, drawing conclusions, inferences, making generalizations. And it is these components they are going to need in the study of chemistry. Yet, I assure you, the chemistry teacher has no knowledge of teaching reading in chemistry. The same factor is true were you to talk about mechanical drawing, home economics and, I would venture to say, industrial arts and art. Most teachers will say, "They do not follow directions." But the

following of directions, whatever the discipline may be, requires a specific skill and it needs to be taught. Unfortunately this has not been the program in most of the training institutions. So I think that were you to survey this, you would find this is a big gap.

SENATOR WILEY: If that is true of a substantial body of teachers, that they have been victims of inadequate training in reading, in the teaching of reading, does it follow that by augmenting the representation of that body of teachers on the Board of Examiners, you would, therefore, correct that in the future or might that be corrected through some other means?

MRS. SHEER: I think the awareness would be most evident from those daily working in the field. I think only those who daily meet the problem are going to articulate again and again that problem, but they cannot read - they cannot handle the material. So it would seem an ancillary conclusion or a natural conclusion that this would evolve.

SENATOR WILEY: Thank you.

SENATOR MARTINDELL: Mrs. Sheer, that was very impressive. You were mentioning about the young people that are so inarticulate today.

MRS. SHEER: I think particularly -- and in all fairness I should not say only the young people. I think there are many in my generation who are also inarticulate. However, we may have articulated differently. What I do find is that in the training of educators for the classroom, articulation is not part of the program.

SENATOR MARTINDELL: My question is: Do you think that they graduate from college not sufficiently trained to be articulate?

MRS. SHEER: Yes, I do.

SENATOR MARTINDELL: Do you think that is the fault

of the college or the fault of the previous education?

MRS. SHEER: It would be difficult to place the responsibility at one level. But certainly, it would not be difficult to place the responsibility for the final product upon the institution who is certifying the individual.

SENATOR MARTINDELL: By the institution certifying, do you mean the educational institution or the Board?

MRS. SHEER: Well, I would place it with the Board.

SENATOR MARTINDELL: It seems to me - and this is just a philosophical point - when we grew up, we grew up in families who talked to each other instead of looking at television and we read books. Maybe it is not so much the educational system itself as the society.

MRS. SHEER: I am perfectly aware of the changes and the demands of society. This is a society that more often than not acts its thoughts rather than speaks its thoughts. We are a society that is constantly aware of a multitude of stimuli, not all of them verbal. But what I am saying is this: Despite all of these factors, one factor remains permanent and that is we are using a language to communicate. And the people who are going to be communicating with the children, certainly ought to be trained in the proper communication.

SENATOR MARTINDELL: If it is possible.

SENATOR WILEY: The next time, a Senator beats the desk when I am arguing with him, I will talk to him about this nonverbal thing.

SENATOR DUMONT: No questions. She did very well.

ASSEMBLYMAN WORTHINGTON: I think she has answered the kinds of questions that I had. I would like perhaps to comment though on some of the eloquent testimony given today about teachers being able to take care of policing

their own organization. I think you have been charged with not being able to do that without being given the tools and the opportunity to see if you can, and this bill provides the tools to do that. Do you think this is an advantage and do you think that teachers are capable, given the proper kind of legislation, to take care of the problems within their own professional groups?

MRS. SHEER: I do not underestimate the ability nor the professionalism of the well-trained educator. I think the well-trained educator has the same degree of integrity and professionalism as the well-trained doctor, the well-trained architect, the well-trained lawyer. I credit the teaching profession with the same ideals and with the same sensitivity. And I believe the teaching profession is committed to public education and I believe the teaching profession does not wish to take control of public education; rather, it wishes to measure up to those demands of public education. And in so doing, it can best handle the policing of its own.

SENATOR WILEY: Thank you very much, Mrs. Sheer. We appreciate your testimony.

It is late, but we only have one witness remaining, according to my notes, and that is Mr. Arthur Lehrhaupt.

A R T H U R     L E H R H A U P T: Senator Wiley and members of the Senate Education Committee, I am Arthur Lehrhaupt. I am a fully certified teacher currently practicing at Hunterdon Central High School in Flemington, New Jersey. I am also the Vice President of the New Jersey Education Association. I am speaking in support of Senate Bill 674 which I believe will go a long way in improving the standards and quality of the teaching profession in our State.

Self-governance has long been a hallmark of most disciplined professions. Wherever we look -- whether it be law, medicine, dentistry, architecture, engineering, accountancy -- we find practitioners setting standards. For only those who are engaged daily in the practice of their particular profession have the expertise, the practical experience and the insights necessary to establish enlightened standards for their profession. But in education in New Jersey, we find that such standards as may exist are set by a State Board of Education composed entirely of laymen. These standards are often established through the recommendation of a State Board of Examiners composed of individuals not representative of the profession and in some instances not even educators. Furthermore, this board is administrator dominated.

Consequently, in our State, basic decisions affecting my profession are made by those who are often far removed from the realities of the classroom. In New Jersey, we are increasingly finding what appears to be attempts to weaken certification standards, to issue sub-standard certificates, to mechanize and de-humanize the teaching process, and to engage in broad experimentation with the education of our students.

The inadequacies of certain education courses are nearly legendary. Others have great value. These courses and the entire program establishing what it takes to become a teacher needs revision. We must throw out superfluous and unnecessary courses. We must modify those courses that need it, so that they will be relevant to the production of capable, high-quality teachers. We must devise and establish new courses which deal with the realities of today and which provide truly meaningful experiences for the potential new teacher.

Yet what is the present, unrepresentative, administrator-dominated Board of Examiners doing? Although it is responsible under the law with the issuance of teachers' certificates and with the preparation of regulations and standards relating to the certification of teachers, it nonetheless appears to take an aloof stance and, in practice, delegates these and related accreditation activities to the Bureau of Teacher Education and Academic Credentials in the Department of Education. Last year, in the face of increasing numbers of unemployed, certified teachers, it issued several thousand sub-standard certificates. These provisional and emergency certificates are still being issued.

We see experimentation in teacher preparation proposals in spite of national research which indicates that we are not sure that we can identify and measure the components that make a good teacher. And yet the Department of Education's present state model for its Performance Evaluation Project for the preparation of teachers would enable non-regularly certificated persons to teach experimentally for from 1 to 3 years, affecting the lives of those children entrusted to their care. This is not dissimilar to granting to student teachers full teaching responsibility and authority. This would certainly be unthinkable in other professions.

We see in the Department of Education tentative proposals for the revision of the Administrative Code, established for discussion on the "Thorough and Efficient" mandate, suggestions for the wholesale deletion of many specific requirements for teacher certification and the substitution of vague generalities.

I am a teacher of earth science. I am a teacher of physical science. I have taught physics and astronomy and this year I am teaching mostly earth science. And I

notice from this T&E, thorough and efficient draft, that the State Department put out, proposal to delete the requirements, even the suggested requirements, for earth science teachers. They would not have to take courses in geology, geography, physiography or astronomy. In physical science, there was a proposal to delete requirements in physics, chemistry, geology and astronomy, apparently to substitute much broader and more vague standards in their place.

I note the recent decision of the State Board of Examiners to drop the student-teaching requirement for certification and I wonder what effect this will have on the quality of education in our State.

I note with great concern the increasing tendency to objectify and de-humanize the teaching process. This is accompanied by what I fear will be an increasing tendency to centralize education and curriculum at the State level. I question whether these programs will be sensitive to the needs of the individual child. Tax dollars are being spent on such schemes as statewide testing in an alleged attempt to determine the relative success of our schools through student performance of measurable skills.

I see an increasing usage of behavioral objectives, again tending to stress the measurable. The classroom teacher is interested in the measurable, yes, but he is also interested in the subjective. As a classroom teacher, I ask, "What of the intangibles, such as the teaching of citizenship, the imparting of democratic values, and understanding and aiding in the development of the whole child?" These are vital aspects to the teaching process which may not be immediately measurable or even measurable years later. Will the teacher of the future be trained to teach only the measurable - that which can be objectified - at the expense of the development of the child's personality

and attitudes? These are our concerns. Yet we see programs and grandiose schemes devised by those far removed from the classroom, schemes tending to infringe upon and de-emphasize the right of every child to an education which will enable that child to develop as a whole and productive human being. These are the concerns of classroom teachers who are meeting and interacting with children every day - who are the closest to the actual educational process. These are the people who are knowledgeable of the realities of today.

I couldn't help but think as we were listening to the testimony today of the present composition of the State Board of Examiners, consisting of the Commissioner and Assistant Commissioner of Education, two Presidents of State Colleges and County Superintendents, as well as others, that the present members of this Board of Examiners are really too close to the institutions which they are charged with regulating and overseeing. It appears as though they have too small a perception of themselves. Even the process by which the teachers are appointed to this body tends to lead to interlocking relationships which stifle progress.

It would appear as though the Commissioner wants to have no disagreement. I got the impression upon listening to the various members of the Board of Examiners here today that they seem to be proud of the fact that there is no disagreement and differences of opinion, or little, among the members. In fact, they seem to be putting teachers on who seem to be unfamiliar with the very process and the purposes of the State Board of Examiners. It takes them a year or two of serving on the Board before they become familiar. Yet we know that there are hundreds of qualified teachers who are quite familiar with this process and who

could competently serve from the beginning on this Board.

I got the impression it was kind of a club or a fraternity. It appeared, with all due respect, that if Dr. Sinclair were to resign, it would fall apart.

I noticed that several of the members who came up to testify - Dr. Brower, for example, admitted that he brings the Council of Higher Education viewpoint. And Dr. Martin indicated that he represented the New Jersey School Administrators group. Yet we as teachers are being criticized if we suggest that our professional organization nominate members to serve on such a Board. I got the impression at times that I was the Vice President of some kind of a subversive group that was going to undermine the Republic. Yet I am very proud of being Vice President of NJEA, particularly because I know of the completely democratic nature of its governance structure.

I know that policy decisions -- in fact, the policy decision which instructed NJEA to formulate this bill as a policy of our organization was made and mandated by a representative Delegate Assembly, a Delegate Assembly proportionately representative of the teachers of the State and elected by the teachers in the various counties, a Delegate Assembly whose total membership exceeds by a few the total combined membership of both Houses of the State Legislature. These teachers are in an excellent position to make recommendations because these are teachers who have been selected by teachers for such purposes of representation. They would make knowledgeable recommendations for membership on such a Board. And, of course, as has been said time and again, the opportunity would still be available for petitioned members. I am sure I can walk into the Flemington area and easily acquire the 200 signatures

necessary to put my name or some other person's name on a petition if there were enough teacher support. So it would be fairly simple for any member, if he did not have the organizational support, to be put on the nominating list.

In Hunterdon Central High School where I teach, a few years ago, I was a member of an Ethics Committee and we voted at that time to censure one of our members. We were very concerned that we might be sued by the member who was censured because we didn't know what legal grounds we were standing on. We didn't know whether we had the legal authority to act in this manner. Reference has been made to the fact that within recent years the State Board of Examiners has revoked one or two certificates. This, I believe, has occurred since we have written this bill. If we go back through that entire 108-year history, except for the last year or so, we do not know of any case where a teacher's certificate was revoked by that Board.

Today teachers are called upon to be held "accountable" for the failures and inadequacies of the educational system. We are anxious to do what is within our means to correct those deficiencies that we see - perhaps more than any other group, having the vantage point of the classroom - but we ask: How can we be held accountable without a significant voice in determining the policies and the system for which we are being asked to be held accountable? The problems of education are numerous - some stem from societal pressures and the emotional, moral, and socio-economic circumstances of the child. Often these are clearly beyond the control of teachers who meet the children but for a few hours a day. Yet, during the short time that the

child is in the care of the teacher, we must be sure that he is placed under the guidance of the best qualified teacher possible, for the teacher is the prime resource of our schools.

If teachers, selected by teachers or their professional organizations, had a meaningful voice in determining what it takes to become a teacher, we would advance a long way toward that goal of placing every child in the State in a classroom under the guidance of the best possibly qualified teacher. At present, we see problems and deficiencies, but we are without legal authority to act.

In a recent poll conducted by the Gallup organization for NJEA, the public expressed the greatest confidence in the teachers of our State as compared with other groups when they were asked to rank each group according to "what you think they have been doing to help improve the quality of public education in New Jersey." Also in the poll, the public virtually exonerated teachers when they were asked who they thought is most to blame for any waste or inefficiency in the public schools, with a mere 5 per cent responding affirmatively with respect to teachers. And, 70 per cent of the public responded that teachers should be given "an important voice" in "deciding what should be taught in the schools and deciding about courses of study and teaching materials." Although the specific question of self-governance for the profession was not asked, I believe that the public response to these other questions may be indicative of their generally positive attitude toward, and trust in, teachers.

The establishment of the Council provided for by this act would be a step toward reaching the goal that I mentioned of placing a concerned and highly-trained professional in every classroom. This is in the interest

of the teaching profession, it is in the interest of our schools, and it is in the interest of the children of our State. Thank you.

SENATOR WILEY: Thank you, Mr. Lehrhaupt.

Senator Martindell?

SENATOR MARTINDELL: You mentioned on page 2 about attempts to weaken certification standards. Could you give us some examples of that?

MR. LEHRHAUPT: Yes. I think I cited later one example, but I will cite another one now. I know that one of the proposals under "thorough and efficient" suggests that the present charge under the law to the State Board of Examiners, which says to issue appropriate certificates to teach, administer, direct or supervise the teaching, instruction or educational guidance of or to render or administer, direct or supervise the rendering of nursing service to pupils in the public schools, etc. - all of that would be deleted under the proposal that has been put forth for discussion purposes. In its place a very general statement - I don't have it before me - would be put in, just to issue whatever certificates are deemed necessary - something along those lines - for the support of education.

I think at the next State Board of Education meeting proposals from the Board of Examiners will be brought up for teacher aides to be certified to perform tasks. We are very concerned that nonprofessionally-trained individuals, perhaps with a high school education, perhaps with a year or two of college, might be put into an instructional capacity, although it seems to be rather vague as to what their duties would be and whether they would be absolutely in contact with students or not. But we see the door opening now to many different types of certificates and a tendency to lower standards under the present Board. There is even talk now before the Board, although it has not

taken action on it, so it really perhaps is unfair to say anything at this point, of a certificate for Athletic's Director. The certificate for Athletic's Director would contain a statement that all present Directors of Athletics would be exempt from meeting the qualifications and be automatically certified. What kind of standards are these? They haven't approved that yet and they may not, but this is the sort of thing that we see happening.

SENATOR MARTINDELL: When you talk about the education courses in the next paragraph, is there no way to change the inadequacies and make these courses better - modify them - without changing this whole Board setup?

MR. LEHRHAUPT: If teachers had a significant voice, they understand the inadequacies. Those who presently establish the courses, as I tried to indicate in the testimony, are far removed from the classroom. So as a consequence, they really don't in a very practical way see the inadequacies of the present courses and often how irrelevant they are to the actual teaching process.

Now it is true - and the bill so provides - that teacher educators and administrators should have some voice in this and they are proportionately represented on the Board. They certainly would not be cut out entirely. But when the classroom teacher who meets students on a daily basis has a strong and significant voice, I believe that this will bring about an improvement in the type of courses which are taught in the Education Departments.

SENATOR DUMONT: Mr. Lehrhaupt, how recent is this decision of the State Board of Examiners to eliminate the student-teaching requirement for certification?

MR. LEHRHAUPT: I do not recall.

SENATOR DUMONT: What about that, Mr. Sinclair?

MR. SINCLAIR: It has never been eliminated.

SENATOR DUMONT: It has never been eliminated. Do

you have in mind some reason for dropping it?

MR. SINCLAIR: The specific reference to 150-clock hours was eliminated. But student teaching and pre-student teaching are part and parcel of the approval of teacher education programs. No program can be approved without student teaching and pre-student teaching experience.

MR. LEHRHAUPT: Has not the 150-hour requirement now been dropped?

MR. SINCLAIR: But not the student teaching.

MR. LEHRHAUPT: But the 150-hour requirement has been eliminated.

SENATOR DUMONT: What are you going to substitute in place of that, that is, if you eliminate the 150 hours, and why?

MR. SINCLAIR: I don't want to take his time. Shall I wait for him to finish and then answer.

SENATOR WILEY: Go ahead and answer while we are on this.

MR. SINCLAIR: The Board has adopted the standards for the State approval of teacher education that has been referred to numerous times today, copies of which I would be very happy to provide to the Committee. On page 21 of these standards - well, it goes on, starting on page 21 through 24 - it deals with the student-teaching standards - what a college must provide in terms of experiences for students in their teacher-training programs, both before student teaching and in the actual student-teaching assignment, itself. This is what we are substituting for the 150-clock hours requirement.

SENATOR DUMONT: Well, are you cutting down the number of hours?

MR. SINCLAIR: Actually they have increased about two to three times the number of hours the students are out

in the field.

SENATOR DUMONT: You mean you are increasing it by two to three times?

MR. SINCLAIR: Yes, from 300 to 450 hours that the student is out in the field in the course of his four-year curriculum.

SENATOR DUMONT: Is he or she actually going to be doing student teaching?

MR. SINCLAIR: Not student teaching. This is pre-student teaching and student teaching.

SENATOR DUMONT: Did you have 150 hours of student teaching before?

MR. SINCLAIR: You had 60 in observation and 90 in the actual teaching class.

SENATOR DUMONT: Are they still going to have that many hours in each of those areas in the future or are you going to substitute something else for it?

MR. SINCLAIR: No. It is far more than that. It ranges from a full year of actual student teaching in certain interne programs, which is roughly 6 hours a day 5 days a week for 182 to 183 days, which some students get. - that would be the maximum - down to programs that would have I think as a minimum about 10 weeks of full-time student teaching. You can convert that into clock hours again - 6 times 5 times 10.

SENATOR DUMONT: Thank you.

MR. LEHRHAUPT: We can cite an example in one university where a student did not complete the requirement and in a two-week interval just last June took care of the entire student-teaching requirement.

SENATOR WILEY: You might want to take a look at that, Dr. Sinclair.

ASSEMBLYMAN WORTHINGTON: I would like to pose a question to Dr. Sinclair relative to something that Mrs. Sheer brought up earlier. To the best of your knowledge offhand, are there any secondary school certificates that require the courses in the teaching of reading?

MR. SINCLAIR: Not in the secondary ---

ASSEMBLYMAN WORTHINGTON: For example, language, arts, or an English major on a secondary level?

MR. SINCLAIR: No.

ASSEMBLYMAN WORTHINGTON: Then on a secondary level there are no certificates that would require ---

MR. SINCLAIR: No.

ASSEMBLYMAN WORTHINGTON: How about on the junior high school level? I guess that is secondary.

MR. SINCLAIR: The elementary certificate and the early childhood certificate are the ones that have a reading requirement as of now.

ASSEMBLYMAN WORTHINGTON: How about the middle school, is that a separate certificate or would that be one or the other?

MR. SINCLAIR: It would be one or the other.

ASSEMBLYMAN WORTHINGTON: So there might be quite a few teachers in middle schools with certificates that do not require them to ever have had a course or courses in the teaching of reading?

MR. SINCLAIR: That is correct.

SENATOR WILEY: Any further questions? (No response.)  
Thank you.

There is no one else who wishes to appear before the Committee, I take it. In that case, I will express on behalf of the Committee our thanks to all of you for your patience and for your participation. We appreciate it very much and it will be very helpful to us in our consideration of this bill. And that consideration will take

place at one of the subsequent meetings, regularly scheduled,  
of this committee.

Thank you very much. The hearing is closed.

(Hearing Concluded)

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MEMORANDUM OF FEBRUARY 21, 1974, PUBLIC HEARING, S-674, SENT  
TO THE FOLLOWING:

Dr. Victor Podesta, Deputy Commissioner of Education  
Department of Education  
225 West State Street  
Trenton, New Jersey 08625

Mr. Ronald Marlowe, Assistant Director  
Office of State Colleges  
Department of Higher Education  
225 West State Street  
Trenton, New Jersey 08625

Mr. Octavius T. Reid, Jr., Director of Governmental Relations  
New Jersey School Boards Association  
407 West State Street  
Trenton, New Jersey 08618

Dr. Herbert W. McDavit, Executive Director  
New Jersey Association of Elementary School Principals  
407 West State Street  
Trenton, New Jersey 08618

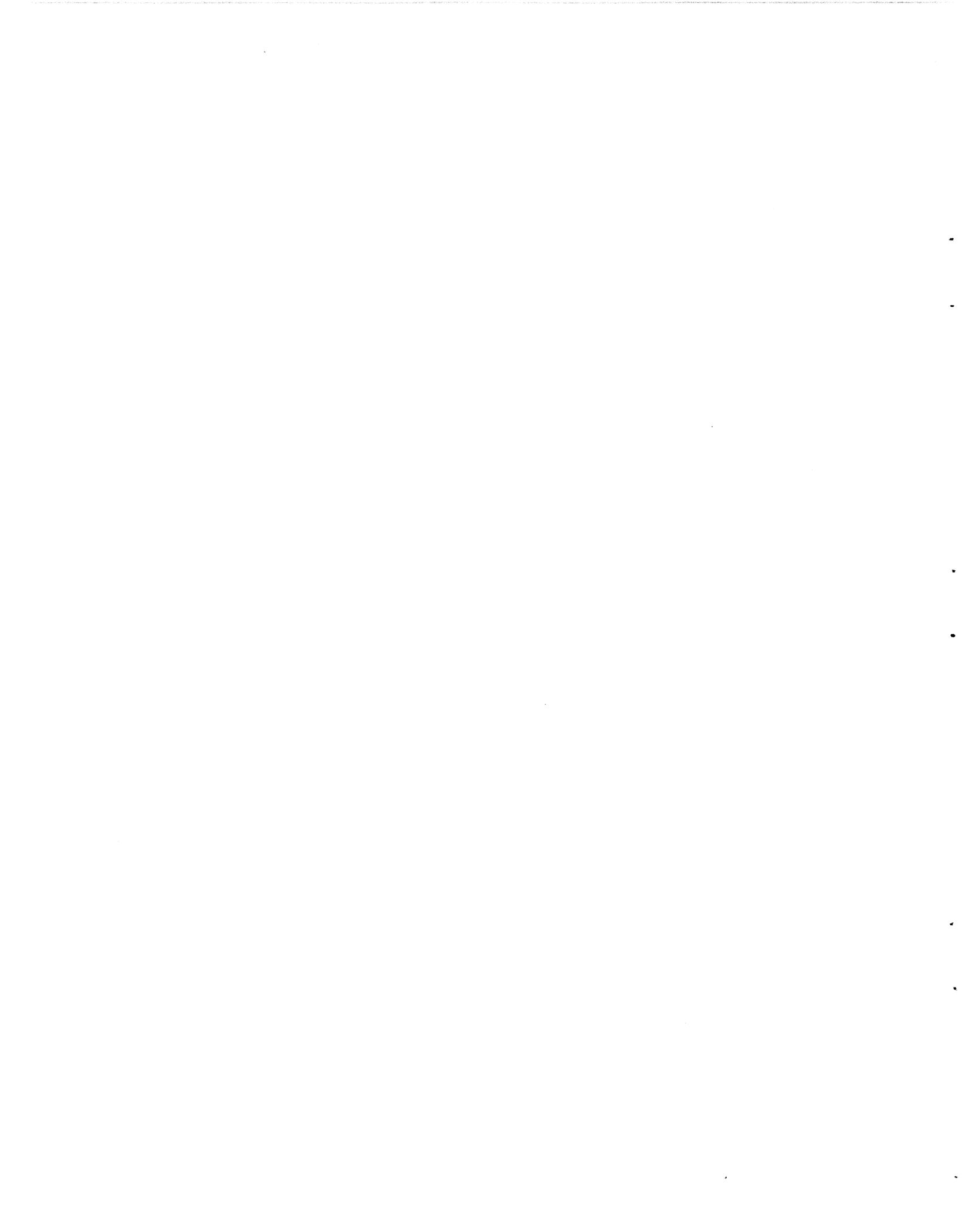
Mr. John E. Dwyer, Acting Executive Director  
New Jersey Association of School Administrators  
407 West State Street  
Trenton, New Jersey 08618

Mr. John Mahon, Executive Secretary  
New Jersey Association of School Business Administrators  
407 West State Street  
Trenton, New Jersey 08618

Mr. Henry L. Miller, Executive Secretary  
New Jersey Association of Secondary School Principals  
1602 Pennington Road  
Trenton, New Jersey 08618

Mr. Frank Haines  
New Jersey Taxpayers Association  
104 North Broad Street  
Trenton, New Jersey

Mr. Walter O'Brien  
New Jersey Education Association  
180 West State Street  
Trenton, New Jersey



Mr. Joseph Ruggieri  
New Jersey Congress of Parents and Teachers  
900 Berkley Avenue  
Trenton, New Jersey

Mr. Arnold Zucker  
Room 307, Queens Building  
Rutgers University  
New Brunswick, New Jersey

Mrs. Jeanne Reock, Legislative Chairman  
Advocates for Education  
7 Kendall Road  
Kendall Park, New Jersey 08824

Mrs. Kay McGrath  
League of Women Voters  
162 West State Street  
Trenton, New Jersey

Ms. Alice I. Cohan, Legislative Agent  
National Organization for Women of New Jersey  
686 Parkway Avenue  
Trenton, New Jersey 08618

Mrs. Ruth H. Mancuso  
411 Swarthmore Road  
Glassboro, New Jersey 08028

MEMORANDUM OF FEBRUARY 21 ALSO SENT TO:

Dr. Earle W. Clifford, President  
Association of Independent Colleges and  
Universities in New Jersey  
1033 Springfield Avenue  
Cranford, New Jersey 07016

Mr. Richard W. Roper  
The New Jersey Education Reform Project  
Greater Newark Urban Coalition  
24 Commerce Street, Suite 605  
Newark, New Jersey 07102  
(201 - 624-7475)

Dean Milton Schwebel  
Rutgers School of Education  
Rutgers University  
New Brunswick, New Jersey

Rabbi Martin Freedman, Chairman  
Council of State Colleges  
152 Derrom Avenue  
Paterson, New Jersey 07504

STATEMENT SUBMITTED BY DR. VICTOR PODESTA AND DR. WARD  
SINCLAIR, DEPARTMENT OF EDUCATION; AND MRS. RUTH MANCUSO,  
STATE BOARD OF EDUCATION:

SENATE 674

In preparing these comments regarding S-674, an attempt has been made to take each point as it appears in the proposed legislation.

First, we have concern about the composition of the Teacher Standards and Certification Council. The proposed membership is far more restrictive in its representation than is the current Board of Examiners. Under the formula of this Bill, teacher education and certification would be under the control of a single professional organization rather than under the control of the State Department of Education and the State Board of Education.

In Section 12 of this Bill is a list of responsibilities and functions which the Council would have. There is nothing contained here that is not already within the authority of the Board of Examiners or some other agency of the Department of Education.

The Board of Examiners already makes recommendations to the State Board of Education to adopt and enforce rules and regulations to suspend, revoke and reinstate certificates.

The Division of Controversies and Disputes has the authority to do what is listed in Part C of this Section while the Commissioner of Education and the State Board of Education have the power to enforce compliance as stated in Section D.

Section E would result in an individual having authority similar to and, in some cases, over-lapping that of the Commissioner of Education.

Section F which deals with a code of ethics is a matter that should be left to the professional organizations to develop and enforce. However, if it is thought that a code of ethics should be legislated, this could be done without creating a new agency.

Section G is concerned with the approval of teacher education programs and reciprocal agreements with other states. New Jersey has long been a leader in the development of the national standards for the approval of teacher education programs. The State Board of Education has adopted these Standards as the basis on which teacher education programs in New Jersey are evaluated. Through this procedure, New Jersey has formal reciprocal agreements with thirty-two other jurisdictions. In addition, six other states grant certification to graduates of approved New Jersey teacher education programs.

A unilateral approach by New Jersey to establish its own set of standards may well destroy all of these reciprocal agreements. This would be a distinct disservice to New Jersey teachers and local boards of education as well. New Jersey teachers would be greatly restricted as to which other states they could apply for a position. Local school boards would not be able to search nation-wide for the best available talent to work in their schools. In short, the options open to both teachers and school boards would be severely curtailed.

The last part of this section is related to the question of ethics. The Department of Education, along with numerous professional organizations, is constantly studying the preparation and performance of teachers. The New Jersey Performance Evaluation Project is one of the most ambitious research projects in this area in the country.

A last over-riding concern regarding this Bill centers around the autonomy of the Council. Lay control of education, a long and cherished tradition in our State, would be circumvented by the adoption of this proposal. The Council would not be answerable to the State Board of Education, but rather it would be responsive to the professional organization that controls its members.

Education in New Jersey is a State responsibility. It is far too important to be delegated to any single professional group, no matter how

altruistic its motives.

It seems appropriate here to make a few remarks about the State Board of Examiners. This Board was created in 1866. Originally it consisted of two members, but through the years, additional members have been added. The last such increase occurred in December, 1970, when two additional teachers were appointed to the Board.

Throughout its distinguished history, the Board has been responsive to needs of the children of New Jersey by continually revising and strengthening the certification requirements for teachers. As new areas of study are introduced into our schools, the Board works closely with the appropriate professional organizations and teacher educators to develop the certification requirements and the teacher education programs necessary to meet these new needs. Currently, the Board is engaged in a variety of studies of certification proposals in the following areas:

- a. Bi-lingual teachers
- b. Environmental education
- c. School media specialists
- d. Guidance counsellors
- e. School social workers
- f. Athletic directors

It has been said that the Board is not aggressive enough. Just what is meant by such a statement is not known, but if one means that the Board does not send investigators into the field to check certificates, that is correct. The Board does not have that authority, but the Department of Education does have such authority and does go throughout the State for this purpose.

It might be pointed out that never in the 108-year history of the Board of Examiners has a professional organization ever brought charges against a teacher even though, throughout this period, the Board has conducted hearings to suspend, revoke, and reinstate certificates.

One last significant difference between the Board of Examiners and the proposed Council concerns the degree of autonomy afforded to each. The Board of Examiners makes recommendations to the Commissioner of Education and to the State Board of Education for final action. The proposed Council would not be bound by these controls.

Through the State Board of Education, we have our citizens in control of education in New Jersey, but if it is going to be by-passed by a professional council controlled by a single professional organization, the demise of public education, as we know it, is at hand.

SUBMITTED BY ARTHUR G. MARTIN

A MODEL TEACHER STANDARDS AND LICENSURE ACT

Developed by the  
National Commission on Teacher Education and Professional Standards  
in consultation with the  
National Commission on Professional Rights and Responsibilities  
and the NEA General Counsel

\* \* \*

National Education Association  
1201 - 16th Street, N.W., Washington, D.C. 20036

February 1971

A MODEL TEACHER STANDARDS AND LICENSURE ACT

Section 1. Short Title

This Act shall be known and may be cited as the "Teacher Standards and Licensure Act."

Section 2. Policy and Purpose

Teaching in the State of \_\_\_\_\_ is declared to be a professional practice. In order to achieve the highest possible educational standards in the State of \_\_\_\_\_, highly qualified professional teachers must be attracted, retained, and stimulated to optimum performance. These objectives can be accomplished most effectively if the preparation, licensing, and certain aspects of performance of teachers are regulated by the teaching profession.

It is the purpose of this Act to establish a regulatory agency, a structure, and procedures which will enable the teaching profession, through qualified members, to control and regulate the preparation, licensing, and certain aspects of performance of those persons who teach or perform educational duties in the educational institutions of this State.

Section 3. Definitions

As used in this Act, unless the context requires a different meaning:

- (1) "Commission" means the Teacher Standards and Licensure Commission.
- (2) "Educational duties" means the performance of functions other than teaching which customarily involve direct

1 contact with students, or are in support of teaching, 1  
2 in schools or other institutions at which attendance 2  
3 fulfills the compulsory education law of the State of 3  
4 \_\_\_\_\_ . "Educational duties" includes, for 4  
5 example but without limitation, the functions performed 5  
6 by school physicians, nurses, and other medical person- 6  
7 nel, by psychologists, by speech therapists, and by 7  
8 teacher assistants. It does not include, for example 8  
9 but without limitation, functions performed by clerical, 9  
10 maintenance, cafeteria, and kitchen workers. 10  
11 (3) "Person" means any individual, firm, corporation, 11  
12 partnership, organization, or body politic. 12  
13 (4) "Professional teachers organization" means one or more 13  
14 organizations, agencies, committees, councils, or 14  
15 groups of any kind, more than half of the membership 15  
16 of which is composed of professional teachers and 16  
17 which exists primarily for the purpose of elevating 17  
18 the character of and advancing the interests of the 18  
19 teaching profession. Such organization and any parent 19  
20 or related organization shall be considered a single 20  
21 organization for the purposes of Section 5 of this 21  
22 Act. 22  
23 (5) "Teacher" means any person who engages in the practice 23  
24 of teaching. 24

1 (6) "Teaching" means instructing, supervising, adminis- 1  
2 tering, or directing instruction in educational 2  
3 programs in schools or other institutions at which 3  
4 attendance fulfills the compulsory education law of 4  
5 the State of \_\_\_\_\_ . 5

6 Section 4. Teacher Standards and Licensure Commission 6

7 A. Establishment 7

8 There is hereby established as an agency of the State of 8  
9 \_\_\_\_\_ the Teacher Standards and Licensure Commission 9  
10 which shall be composed of thirteen Commissioners, one of whom 10  
11 shall be designated as Chairman, to be appointed in the manner 11  
12 provided for in Section 5 of this Act. Of the first Commissioners 12  
13 appointed, five shall continue in office for two years, four for 13  
14 three years, and four, including the Chairman, for four years, 14  
15 respectively. Their successors shall be appointed for terms of 15  
16 four years each, except that any person chosen to fill a vacancy 16  
17 shall be appointed only for the unexpired term of the Commissioner 17  
18 whom he shall succeed. Upon the expiration of his term of office, 18  
19 a Commissioner shall continue to serve until his successor shall 19  
20 have been appointed and shall have qualified. No person may be 20  
21 appointed more than once to fill an unexpired term or more than 21  
22 twice to full terms. The Governor shall designate one Commis- 22  
23 sioner to serve as Chairman during the term of his appointment 23  
24 to the Commission. No person may serve as Chairman for more than 24  
25 four years. 25

1           The Governor may remove any member of the Commission or the           1  
2 Chairman from his position as Chairman for inefficiency, neglect of           2  
3 duty, or malfeasance in office but for no other reason. No Commis-           3  
4 sioner shall participate in any matter before the Commission in           4  
5 which he has a pecuniary interest, personal bias, or other conflict           5  
6 of interest.           6

7 B. Compensation of Commissioners           7

8           Commissioners shall serve without compensation but shall be re-           8  
9 imbursed for their actual and necessary expenses incurred in the           9  
10 performance of official Commission business. A member of the Com-           10  
11 mission who is an employee of an agency of the State of \_\_\_\_\_,           11  
12 or any of its political subdivisions, shall be permitted to attend           12  
13 Commission meetings and perform other Commission duties without           13  
14 loss of income or other benefits. A member of the Commission who           14  
15 is employed by a private institution shall be reimbursed from the           15  
16 State Treasury for any income lost as a result of attendance at           16  
17 Commission meetings or performance of other official Commission           17  
18 duties. An agency of the State of \_\_\_\_\_, or any of its           18  
19 political subdivisions, which employs a member of the Commission and           19  
20 employs a person to replace such member during his performance of           20  
21 Commission duties, or incurs other additional expenses as a result of           21  
22 such performance, shall be reimbursed from the State Treasury for           22  
23 the actual amount of any costs so incurred.           23

24 C. Quorum, Principal Office, and Seal           24

25           Seven of the members of the Commission shall constitute a quorum           25  
26 of the Commission. The principal office of the Commission shall be           26

1 in (state capital), but the Commission may act and exercise all of its 1  
2 powers at any other place. The Commission shall have an official seal 2  
3 which shall be judicially noticed. 3

4 D. Commission Employees 4

5 The Commission is authorized to employ, subject to the civil serv- 5  
6 ice laws of the State of \_\_\_\_\_, such attorneys, experts, and 6  
7 other employees as it may from time to time find necessary for the 7  
8 proper performance of its duties and for whom the necessary funds are 8  
9 appropriated. The Chairman shall appoint a Staff Director and a 9  
10 General Counsel of the Commission, neither of whom shall be subject to 10  
11 the civil service laws. 11

12 Section 5. Appointment of Commissioners 12

13 A. Nominations for Appointment 13

14 1. The Governor shall appoint members of the Commission, by and 14  
15 with the advice and consent of the (appropriate house of the legis- 15  
16 lature), only from among the qualified candidates nominated as pro- 16  
17 vided herein. 17

18 a. Any professional teachers organization may submit 18  
19 for each vacant position on the Commission one 19  
20 nomination of a qualified candidate to the Governor 20  
21 for each \_\_\_\_\_ members in good standing who hold 21  
22 valid licenses issued by the Commission. In the 22  
23 case of the first Commissioners to be appointed 23  
24 under this Act, any professional teachers organization 24  
25 may submit for each vacant position on the Commission 25  
26 one nomination to the Governor for each \_\_\_\_\_ members 26

1 in good standing who hold valid teaching certifi- 1  
2 cates issued by the \_\_\_\_\_ State Board of 2  
3 Education. 3  
4 b. One qualified candidate may be nominated for each 4  
5 vacant position on the Commission by petition signed 5  
6 by \_\_\_\_\_ persons holding valid licenses issued by 6  
7 the Commission. In the case of the first Commissioners 7  
8 to be appointed under this Act, one qualified candi- 8  
9 date may be nominated for each vacant position on 9  
10 the Commission by a petition signed by \_\_\_\_\_ persons 10  
11 holding valid teaching certificates issued by the 11  
12 \_\_\_\_\_ State Board of Education. No person 12  
13 may sign more than one nominating petition for each 13  
14 vacant position. Any petition bearing the name of 14  
15 a person who has signed another petition for the same 15  
16 vacant position shall not be valid. 16  
17 c. All nominations shall be reviewed for validity and 17  
18 compliance with the provisions of this Act by the 18  
19 Attorney General, who shall advise the Governor 19  
20 accordingly. 20  
21 2. Unless withdrawn, a nominee shall remain eligible for appoint- 21  
22 ment for one year from the date of submission, provided the nominee 22  
23 remains qualified for appointment. Nominations may be withdrawn 23  
24 (a) by written request of the nominee, or (b) in the same manner as 24  
25 nominated as set forth in Section 5.A.1. a-b of this Act. 25

1           3. Nominations for the first Commissioners to be appointed under 1  
2 this Act shall be submitted to the Governor no later than ninety days 2  
3 from the date of enactment of this Act. Thereafter, nominations shall 3  
4 be submitted to the Governor at his request. If no nomination is sub- 4  
5 mitted to the Governor within ninety days of the date of request, the 5  
6 Governor may appoint any qualified person, with the advice and consent 6  
7 of the (appropriate house of the legislature). 7

8 B. Qualifications for Appointment 8

9           1. All of the Commissioners shall have the following qualifica- 9  
10 tions at the time of their appointment: 10

11           a. Resident of the State of \_\_\_\_\_ and resident 11  
12           for at least one year prior to appointment. 12

13           b. At least 25 years of age. 13

14           c. Actively engaged in the State of \_\_\_\_\_, 14  
15           and for at least three years prior to appointment, 15  
16           in the practice of teaching, or the performance 16  
17           of educational duties, or as a faculty member 17  
18           of a higher education institution engaged in the 18  
19           preparation of teachers. 19

20           2. The appointment of any member of the Commission shall auto- 20  
21 matically terminate thirty days after the date such member is no 21  
22 longer a resident of the State of \_\_\_\_\_, or is no longer 22  
23 actively engaged in the practice of teaching, or in the performance 23  
24 of educational duties, or as a faculty member of a higher education 24  
25 institution engaged in the preparation of teachers, or no longer 25  
26 holds a valid license issued by the Commission where such a license 26  
27 was a requirement for appointment. 27

- 1           3. Seven members of the Commission shall each, at the time of 1  
2 appointment, hold a valid Basic or Advanced license issued by the 2  
3 Commission, except that seven of the first Commissioners appointed 3  
4 under this Act shall each hold a valid teaching certificate issued 4  
5 by the \_\_\_\_\_ State Board of Education, and shall be engaged 5  
6 on a full-time basis in the practice of teaching in grades nursery 6  
7 through twelve, and shall not be a supervisor or administrator. 7
- 8           4. Two members of the Commission shall each, at the time of 8  
9 appointment, hold a valid Basic or Advanced license issued by the 9  
10 Commission, except that two of the first Commissioners appointed 10  
11 under this Act shall each hold a valid teaching certificate issued 11  
12 by the \_\_\_\_\_ State Board of Education, and shall be engaged 12  
13 on a full-time basis in the practice of teaching as a supervisor or 13  
14 administrator. 14
- 15           5. Two members of the Commission shall each, at the time of 15  
16 appointment, be engaged on a full-time basis as a faculty member of 16  
17 an accredited higher education institution engaged in the prepara- 17  
18 tion of teachers. 18
- 19           6. One member of the Commission shall, at the time of appoint- 19  
20 ment, hold a valid Educational Specialist license issued by the 20  
21 Commission, except that one of the first Commissioners appointed 21  
22 under this Act shall be licensed to practice a trade or profession 22  
23 other than teaching in the State of \_\_\_\_\_, and shall be 23  
24 engaged on a full-time basis in the performance of educational 24  
25 duties. 25

1       7. One member of the Commission shall, at the time of appoint- 1  
2 ment, hold a valid Assistant license issued by the Commission, 2  
3 except that one of the first Commissioners appointed under this Act 3  
4 need not hold such a license, and shall be engaged on a full-time 4  
5 basis in the performance of educational duties. 5

6 Section 6. Issuance of Licenses 6

7 A. Minimum Requirements for Licenses 7

8       The Commission shall issue licenses of the following classes 8  
9 to applicants with the following minimum qualifications: 9

10       (1) Basic license to be granted to persons with a bachelor's 10  
11 degree acceptable to the Commission. 11

12       (2) Advanced license to be granted to persons with one 12  
13 or more advanced degrees, or the equivalent, accept- 13  
14 able to the Commission and teaching experience 14  
15 acceptable to the Commission. 15

16       (3) Educational Specialist license to be granted to persons 16  
17 trained and licensed in trades or professions other 17  
18 than teaching who perform educational duties other 18  
19 than teaching. 19

20       (4) Assistant license to be granted to persons who are not 20  
21 qualified for another class of license under this Act 21  
22 and who perform educational duties. 22

23 B. Further Licensing Requirements. 23

24       The Commission shall, by rule-making proceedings in accord with 24  
25 Section 11 of this Act, promulgate and place into effect, within 25  
26 one year from the effective date of this Act, the minimum academic 26

1 teaching competence and personal requirements for each class of 1  
2 license. Such requirements may be revised by the Commission from 2  
3 time to time. The Commission is authorized, pursuant to regulations 3  
4 to be adopted by it, to waive or grant exceptions from such require- 4  
5 ments in appropriate cases, provided the Commission may not waive 5  
6 or grant exceptions from any of the requirements set forth in Sec- 6  
7 tion 6.A of this Act. It is the intent of the Legislature that the 7  
8 Commission not engage merely in the prescription of certain courses 8  
9 of study and unit counting in developing minimum licensing require- 9  
10 ments. 10

11 C. Teaching Certificate Holders 11

12 Any person who, prior to one year from the effective date of the 12  
13 rules promulgated pursuant to Section 6.B of this Act, holds a valid 13  
14 teaching certificate issued by the \_\_\_\_\_ State Board of Edu- 14  
15 cation shall, upon application and payment of the prescribed fee, be 15  
16 granted a license of a class most nearly equivalent to the class of 16  
17 certificate held at the time of application, notwithstanding any 17  
18 other provision of this Act. 18

19 D. Reciprocal Licensing 19

20 Any person who holds a certificate or a license as a teacher 20  
21 issued by an agency of another State of the United States or a foreign 21  
22 country shall, upon application and payment of the prescribed fee, 22  
23 be granted a license of a class equivalent to the class of certifi- 23  
24 cate or license held at the time of application, if the State of the 24  
25 United States or the foreign country which licensed the applicant 25  
26 accords similar recognition to teachers licensed in the State of 26

1 \_\_\_\_\_, and provided the general level of qualifications required 1  
2 of persons licensed in such other State or foreign country at the time 2  
3 the applicant was licensed were no lower than those required of persons 3  
4 licensed in the State of \_\_\_\_\_ at the same time. 4

5 E. Hearing 5

6 Any person denied a license by the Commission shall be entitled 6  
7 to a hearing. 7

8 Section 7. Revocation or Suspension of License 8

9 A. Grounds for Revocation or Suspension 9

10 The Commission is authorized to revoke or suspend a license 10  
11 granted pursuant to this Act on the following grounds: 11

12 (1) Conviction by a court of competent jurisdiction of a 12  
13 crime which the Commission determines to be of such a 13  
14 nature as to render the person convicted unfit to 14  
15 practice teaching or perform educational duties. The 15  
16 Commission shall compile, maintain, and publish a 16  
17 list of such crimes. 17

18 (2) Violation of ethical standards of such a nature as to 18  
19 render the person found by the Commission to have en- 19  
20 gaged in such violation unfit to practice teaching or 20  
21 perform educational duties. The Commission shall prepare, 21  
22 maintain, and publish such ethical standards. 22

23 (3) Fraud or misrepresentation in obtaining a license. 23

24 (4) Other just and sufficient cause which renders a person 24  
25 unfit to practice teaching or perform educational duties. 25

1 B. Notice and Hearing 1

2 No license may be suspended or revoked without prior notice and 2

3 opportunity for hearing, except that the Commission may, in its 3

4 discretion, without prior notice or hearing, suspend for up to one 4

5 year the license of any person convicted of a crime as set forth 5

6 in Section 7.A.(1) of this Act. The burden of proof shall be on the 6

7 Commission in any proceeding to suspend or revoke a license. No 7

8 license may be suspended or revoked except by majority vote of the 8

9 full Commission, notwithstanding any other provision of this Act. 9

10 C. Complaints 10

11 Any person may file a complaint with the Commission seeking 11

12 suspension or revocation of a license issued by the Commission. Such 12

13 complaints shall be in a form prescribed by the Commission and shall 13

14 be verified under oath by the complainant or a duly authorized officer 14

15 of a complainant. If the Commission determines that a complaint 15

16 alleges facts which, if true, would require revocation or suspension 16

17 of a license, it shall promptly institute a hearing. Whenever the 17

18 Commission is of the opinion that a complaint does not state facts 18

19 which warrant a hearing, such complaint may be dismissed. The Com- 19

20 mission may institute a hearing looking toward suspension or revoca- 20

21 tion of a license on its own motion. 21

22 D. Intervention 22

23 Any person may be permitted to intervene and participate in 23

24 Commission hearings on suspension or revocation of licenses upon a 24

25 showing of an interest in such proceeding. 25

1 E. Reinstatement 1

2 Any person whose license has been suspended or revoked may 2  
3 apply to the Commission for vacation of the suspension or reinstatement of the license. 3  
4

5 Section 8. Unauthorized Practice of Teaching Prohibited 5

6 It shall be unlawful for any person to engage in the practice of 6  
7 teaching, or the performance of educational duties, in the State of 7  
8 \_\_\_\_\_ without a valid license from the \_\_\_\_\_ State 8  
9 Teacher Standards and Licensure Commission. It shall be unlawful 9  
10 for any person to direct or permit an unlicensed person to practice 10  
11 teaching or perform educational duties knowing that such person is 11  
12 unlicensed. If the Commission finds that there is an emergency need 12  
13 for teachers or persons to perform educational duties in any part of 13  
14 the State, and that it is in the public interest, it may authorize 14  
15 unlicensed persons to practice teaching or perform educational duties 15  
16 in the affected part of the State for the duration of the emergency. 16  
17 Violation of this section shall be a misdemeanor punishable by im- 17  
18 prisonment of up to six months and fine of up to \$5,000. 18

19 Section 9. Accreditation 19

20 A. Authority To Accredit 20

21 The Commission shall investigate, study, evaluate, and accredit 21  
22 teacher preparation institutions. 22

23 B. Standards for Accreditation 23

24 The Commission shall, by rulemaking proceedings in accord with 24  
25 Section 11 of this Act, promulgate and place into effect within one 25  
26 year from the effective date of this Act the procedures and standards 26

1 governing accreditation. The Commission may, in its discretion, 1  
2 adopt as its own, with or without modification, accreditation stand- 2  
3 ards, procedures, or findings made by other accrediting agencies. 3

4 C. Reciprocal Accreditation 4

5 The Commission is authorized to enter into agreements with agencies 5  
6 of other states for reciprocal accreditation of teacher preparation 6  
7 institutions. 7

8 Section 10. Procedures 8

9 A. General 9

10 The Commission shall conduct its proceedings in accord with the 10  
11 provisions of this Act and the \_\_\_\_\_ State Administrative 11  
12 Procedure Act. Any person may be heard by the Commission in person 12  
13 or by attorney. Every vote and official act of the Commission shall 13  
14 be entered of record. All hearings and rule-making proceedings shall 14  
15 be open to the public. A stenographic record shall be made of every 15  
16 hearing before the Commission. 16

17 B. Subpoenas 17

18 For the purposes of this Act, the Commission shall have the 18  
19 power to require by subpoena the attendance and testimony of witnesses 19  
20 and the production of all books, papers, and documents relating to 20  
21 any matter under investigation. Subpoenas shall be issued by the 21  
22 Commission upon application by any party to a proceeding before the 22  
23 Commission and a showing of general relevance and reasonable scope. 23  
24 Witnesses summoned before the Commission shall be paid the same fees 24  
25 and mileage paid witnesses in courts of the State of \_\_\_\_\_. 25  
26 In case of disobedience to a subpoena, the Commission may apply to 26

1 the \_\_\_\_\_ court for an order requiring the person subpoenaed to 1  
2 appear before the Commission and testify and produce books, papers, 2  
3 or documents if so ordered. Failure to obey such order of the court 3  
4 may be punished by the court as contempt. 4

5 C. Hearings 5

6 One or more Commissioners or a hearing examiner or other officer 6  
7 appointed by the Commission shall preside at hearings. 7

8 Section 11. Rule Making 8

9 The Commission is authorized to establish such rules, regulations, 9  
10 and procedures as are necessary to the exercise of its functions under 10  
11 this Act. Interpretative rules, general statements of policy, and 11  
12 rules of Commission organization, procedure, and practice may be 12  
13 promulgated without prior public notice and hearing. All other rules 13  
14 and regulations shall be promulgated by the Commission only after 14  
15 public notice and an opportunity to participate in the rule making 15  
16 has been afforded all interested persons. Any person, association, 16  
17 corporation, or agency of government shall be permitted to participate 17  
18 in Commission rule-making proceedings. 18

19 Section 12. Judicial Review 19

20 (a) A person who has exhausted all administrative remedies 20  
21 available within the Commission and who is aggrieved by a final deci- 21  
22 sion of the Commission is entitled to judicial review. A preliminary, 22  
23 procedural, or intermediate Commission action or ruling is immediately 23  
24 reviewable if review of the final Commission action would not provide 24  
25 an adequate remedy.

1 (b) A proceeding for review is instituted by filing a petition 1  
2 in the \_\_\_\_\_ court within \_\_\_\_\_ days after service of the 2  
3 final decision of the Commission. Copies of the petition for review 3  
4 shall be served upon the Commission and all parties of record. 4

5 (c) The filing of the petition does not itself stay enforcement 5  
6 of the Commission's decision. The Commission may grant, or the re- 6  
7 viewing court may order, a stay upon appropriate bonds. 7

8 (d) The review shall be conducted by the court without a jury 8  
9 and shall be confined to the record. 9

10 (e) The court shall not substitute its judgment for that of 10  
11 the Commission as to the weight of the evidence on questions of fact. 11  
12 The court may affirm the decision of the Commission or remand the 12  
13 case for further proceedings. The court may reverse or modify the 13  
14 decision if substantial rights of the appellant have been prejudiced 14  
15 because the administrative findings, inferences, conclusions, or 15  
16 decisions are: 16

17 (1) In violation of constitutional or statutory 17  
18 provisions. 18

19 (2) In excess of the statutory authority of the 19  
20 Commission. 20

21 (3) Made upon unlawful procedure. 21

22 (4) Affected by other error of law. 22

23 (5) Unsupported by substantial evidence on the 23  
24 record as a whole. 24

25 (6) Arbitrary or capricious or characterized by abuse 25  
26 of discretion or clearly unwarranted exercise of 26  
27 discretion. 27

1 Section 13. Expert Witnesses 1

2 A. Panel of Expert Witnesses 2

3 In any proceeding before the Commission involving the granting, 3  
4 suspension, or revocation of a license, or in other proceedings in 4  
5 which expert testimony on the practice of teaching, the performance 5  
6 of educational duties, or the preparation of teachers is required, 6  
7 the Commission shall hear evidence from a qualified expert witness 7  
8 or witnesses selected by the parties to the proceeding before the 8  
9 Commission from a panel of impartial expert witnesses appointed by 9  
10 the Commission. The Commission shall establish and publish procedures 10  
11 for the appointment by the Commission and selection by parties of 11  
12 expert witnesses. A majority of the panel of expert witnesses shall 12  
13 at all times be composed of persons actively engaged on a full-time 13  
14 basis in the State of \_\_\_\_\_ in the practice of teaching 14  
15 or the performance of educational duties. 15

16 B. Compensation of Expert Witnesses 16

17 Members of the panel of expert witnesses shall serve without 17  
18 compensation but shall be reimbursed for their actual and necessary 18  
19 expenses incurred in the performance of official Commission business. 19  
20 A member of the panel of expert witnesses who is an employee of an 20  
21 agency of the State of \_\_\_\_\_, or any of its political subdivi- 21  
22 sions, shall be permitted to testify as a panel member without loss 22  
23 of income or other benefits. A member of the panel of expert witnesses 23  
24 who is employed by a private institution shall be reimbursed from 24  
25 the State Treasury for any income lost as a result of testifying as 25  
26 a panel member. An agency of the State of \_\_\_\_\_, or any of 26

1 its political subdivisions, which employs a member of the panel 1  
2 of expert witnesses and employs a person to replace such member during 2  
3 his testimony, or incurs other additional expenses as a result of such 3  
4 performance, shall be reimbursed from the State Treasury for the actual 4  
5 amount of any costs so incurred. 5

6 Section 14. Delegation of Functions 6

7 The Commission may, by majority vote, from time to time make such 7  
8 provisions as it deems appropriate authorizing the performance by any 8  
9 Commissioner or Commissioners, employee, or other agent of the Commis- 9  
10 sion of any function given the Commission in this Act, except as 10  
11 provided in Section 7.B of this Act. 11

12 Section 15. Annual Report 12

13 The Commission shall submit to the Governor and the Legislature 13  
14 and shall publish an annual report of the Commission's work and 14  
15 such additional information collected by the Commission as it may 15  
16 wish to include. The Commission may make legislative recommenda- 16  
17 tions to the Governor and Legislature at any time. 17

18 Section 16. Transfers 18

19 That portion of the personnel, assets, liabilities, contracts, 19  
20 property, records, and unexpended balances of appropriations and 20  
21 other funds employed, held by, or available to the \_\_\_\_\_ offices 21  
22 of the \_\_\_\_\_ State Board of Education for carrying out the 22  
23 duties and functions assigned to the Commission under this Act are 23  
24 hereby transferred to the Commission. 24

25 Section 17. Effective Date 25

26 This Act shall take effect \_\_\_\_\_ days after the date of its 26

1 enactment. Members of the Commission provided for in this Act may 1  
2 be appointed at any time after the date of enactment of this Act and 2  
3 may take office immediately upon appointment. 3

4 Section 18. Repeal and Amendment of Other Acts 4

5 The following Acts and all other Acts and parts of Acts incon- 5  
6 sistent with this Act are hereby repealed. (Add provisions for 6  
7 conforming amendments to existing acts not to be repealed.) 7

8 Section 19. Separability of Provisions 8

9 If any provision of this Act or the application thereof to 9  
10 any person or circumstances is held invalid, the remainder of this 10  
11 Act shall not be affected thereby. 11

12 Section 20. Appropriations 12

13 (Provide appropriations for support of the Commission.) 13

STATE OF NEW JERSEY  
DEPARTMENT OF HIGHER EDUCATION  
TRENTON, NEW JERSEY

OFFICE OF THE COMMISSIONER

February 28, 1974

The Honorable Stephen B. Wiley  
Chairman, Education Committee  
New Jersey Senate  
State House  
Trenton, New Jersey 08625

Dear Mr. Chairman:

I understand that there will be a public hearing on Senate Bill No. 674 on Monday, March 4, 1974. In this letter I wish to set forth my reactions to this bill and I would appreciate your bringing my thoughts to the attention of your colleagues on the Education Committee.

This bill represents a radical alteration of Article 3 of Chapter 6 of Title 18A in that it proposes to abolish the State Board of Examiners, replacing that body with a Teacher Standards and Certification Council. There are four aspects of the proposed Council that concern me. These are:

1. The composition of the Council.
2. The manner in which members of the Council are appointed.
3. The powers conferred on the Council.
4. The autonomy of the Council vis à vis the State Board of Education and the State Board of Higher Education.

Allow me to address each of these matters separately.

1. The composition of the Council: The Board of Examiners is composed of 13 members who represent a broad spectrum of professional educators in New Jersey: an assistant commissioner of education, two state college presidents, two superintendents of schools, two school principals, one librarian, and four classroom teachers. Senate Bill No. 674 proposes to substitute a Council of 15 members composed of eight classroom teachers, two school administrators, two school staff members neither of whom is a teacher or an administrator, and three college representatives, two of whom are to be teachers. Thus the shift in composition is from the representation of many constituencies, no one of which forms a majority of the Board of Examiners, to

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one that is dominated by teachers. We take the view that the setting of standards for a variety of classes of education professional -- teacher, guidance counselor, psychologist, social worker, nurse, librarian, supervisor, principal, superintendent, etc. -- should be the shared responsibility of all segments of the professional educational community.

If we have any brief for a change in the composition of the Board of Examiners, it would be to add members to represent the general public. The composition of the proposed Council suggests a movement away from public accountability.

2. The manner in which members of the Council are appointed: When we turn to this aspect of the Senate Bill, my concern increases significantly. For it is proposed that all members of the Council be nominated by "organizations, a majority of whose members are employed" in the particular category of Council membership (classroom teacher, school administrator, other school professional, and college teacher). It is true that the bill allows any teaching staff member in the state on his own initiative to be nominated by petition. But the true thrust of the bill is to give the New Jersey Education Association, the majority teacher membership organization in the state, the power to determine eight of the 15 seats on the Council and the opportunity to have a strong voice in the selection of all others. The State Board of Education will simply serve as a "rubber stamp" for the wishes of the professional membership organizations.

3. The powers conferred on the Council: Given the composition of the Council and the procedures for appointing members under Senate Bill No. 674, it is not surprising to find that the powers proposed for the Council are much broader and deeper than those given to the Board of Examiners. Enlarged powers include the holding of hearings, the subpoena of witnesses, the production and examination of papers of other governmental agencies, the engagement of full-time counsel, the adoption and enforcement of a code of ethics for the teaching profession, and the approval of all programs in New Jersey colleges and universities which lead to the certification of teachers and other educational personnel. Taken in their totality, these new powers would in effect create a powerful new state educational policy making and regulatory agency that would have parity in many areas of decision making with the State Board of Education and the State Board of Higher Education.

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4. The autonomy of the Council: Senate Bill No. 674 proposes to give the Council complete autonomy from the State Board of Education and from the State Department of Education. It is proposed that the Council report to the Governor and to the Legislature and have no formal relationship with the State Board of Education. This is quite contrary to the current practice. The Board of Examiners serves in an advisory capacity to the State Board of Education with respect to policy and procedures in the certification of the education professions. The Director of the Division of Teacher Education and Certification serves as the secretary to the Board of Examiners and provides the interface between the State Board of Education and the State Board of Higher Education in the common interest of these two Boards in the setting of standards for education and training in the education professions and in translating these standards into programs at institutions of higher education in cooperation with local school districts.

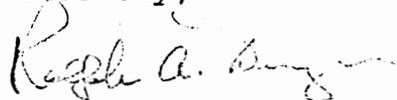
I must add that Dr. Ward Sinclair, the present Director of the Division of Teacher Education and Certification, has succeeded in his relatively brief residency in this position in charting a course that is independent of the wishes of any professional membership organization. Such independence is absolutely necessary at this time when traditional certification procedures are under critical scrutiny at both state and national levels and alternate models for certification are being proposed, developed, and evaluated. The State of New Jersey is currently supporting such an effort in the form of the Teacher Certification Performance Evaluation Project. This is a joint effort of school districts and colleges and I applaud an effort that investigates the feasibility of certifying teachers and other categories of education professionals in terms of competencies rather than courses taken. It is common knowledge that professional membership associations are opposed to the development of new models for teacher certification. One certain effect of the formation of the proposed Council will be for it to jettison this most valuable experimentation.

As for the Council being given the power to approve all professional education programs in the colleges and universities of the state, this would place the Council on a collision course with the State Board of Higher Education and its obligation to make these programs a mixture of the very best in professional training and liberal education. The danger is that progress

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achieved in such programming will be halted and turned back under the influence of professional membership associations and unions which tend to take the conservative position that new modes of pre-service and in-service training in the education professions represent a threat to job security.

Sincerely,



Ralph A. Dungan  
Chancellor

AUG 14 1985



