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PUBLIC HEARING
before
ASSEMBLY EDUCATION COMMITTEE
on
STATEWIDE TESTING

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Held:
November 19, 1982
Educational Improvement Center
West Orange, New Jersey

New Jersey State Library

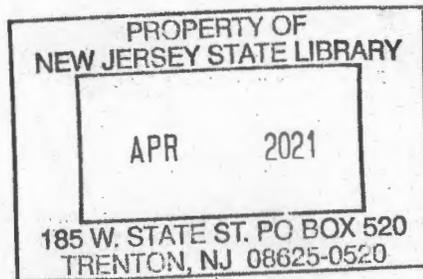
MEMBERS OF COMMITTEE PRESENT:

Assemblywoman Mildred Barry Garvin (Chairwoman)
Assemblyman Joseph A. Palaia
Assemblyman Joseph V. Doria, Jr.

ALSO PRESENT:

John White, Research Associate
Office of Legislative Services
Aide, Assembly Education Committee

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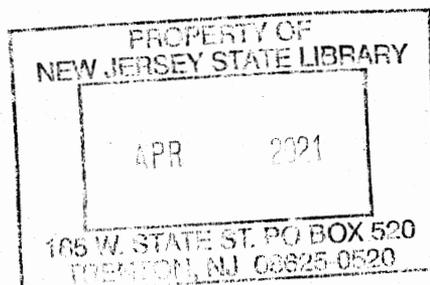


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ASSEMBLYWOMAN MILDRED BARRY GARVIN (Chairwoman): I would like to open this public hearing. I am a little late; I like to be punctual. First, I would like to take this opportunity to thank those of you who are here. I would like to take a few minutes to introduce Assemblyman Palaia, who is with us. He is a member of the Assembly Education Committee. For your information, this is our second public hearing. We had one in South Jersey, and it goes along with the strategy we developed - to try to bring Trenton to the public on issues concerning education.

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To my right is John White, who is my Legislative Aide through Legislative Services in Trenton, and he is the best legislative aide that Legislative Services has, by the way. I think we should thank Dr. Lewis. John, is he prepared to welcome us? I would like for Dr. Lewis to say a few words, only because he is hosting us this morning. Jim, would you like to welcome the people, and then we will move on.

DR. LEWIS: Obviously, we like this opportunity to become involved in any kind of situation, particularly when it is involving the legislators and the State Department of Education. So, we welcome you. I am glad we got this group out. I was a little concerned that a lot of people-- I was a little concerned that we would not get many people out, but I am happy that we have at least this group. I hope that we will have very provocative and exciting presentations this morning.

ASSEMBLYWOMAN GARVIN: Okay, thank you, Jim.

DR. LEWIS: Thank you.

ASSEMBLYWOMAN GARVIN: From here on in, John takes over and tells me what to do. John, would you present the first witness this morning.

MR. WHITE: The first witness is H. Evan Powderly, New Jersey Principals and Supervisors Association, is that correct?

H. EVAN POWDERLY: That is correct.

MR. WHITE: And Principal of the Nutley public schools.

MR. POWDERLY: Madam Chairman and Assemblyman Palaia, I am Evan Powderly, and I am a Principal in the Nutley school district. I am also the President of the Essex County Council of School Administrators, and I am here today as a member of the Legislative Committee of the New Jersey Principals and Supervisors Association to bring you their views.

I am here to respectfully request that this Committee not take action on A-1785 until the position of the Commissioner of Education is made public on this issue of statewide testing. We feel very strongly that if this bill, in its final form, would reflect not only the feelings of the Legislators, but would also include those aspects of statewide testing programs which the Commissioner feels will lead toward achieving excellence in our schools, we believe you would have a much stronger piece of legislation. You could then conceivably expect the bill to have the enthusiastic support of the Department of Education and the education community.

We are supportive of the emphasis which the bill places on proficiency in the specific areas of reading, writing, and mathematics. However, we feel we are not yet prepared to react in detail until we know what the Commissioner will propose to the State Board of Education in January.

I thank you very much for providing us with the opportunity to present our very brief views to you.

ASSEMBLYWOMAN GARVIN: Well, Mr. Powderly, one, I thank you for coming, and two, I am very disappointed about the request, because whether the Commissioner recommends, or the Legislative Committee recommends-- Each of us has an opportunity to respond to the other. I think the charges that are placed on us in this State as a standing committee in education, we have a responsibility to take the initiative. We as a Committee have met with the Commissioner. I have met with the Commissioner, personally, several times. But, I don't think anything in the educational process should stop for one person. I think it is a collective effort in education. I think I received a letter from your Association, when I had my hearing, if I remember correctly, in South Jersey. I purposely didn't answer the letter because you have a right to make that request and I have a right to refuse to honor it. I think that is my position. Hopefully, when the transcripts are made available on this bill, the Commissioner will review them hopefully will respond. I don't take the position that the bill is written in cement. So, I thank you for verbally expressing-- I refuse to answer those kinds of letters because I really like to exercise the power that the people have placed in me. But, I thank you for coming.

MR. POWDERLY: Thank you.

ASSEMBLYMAN PALAIA: Just one question. Are we saying here, Mr. Powderly, that your input-- We obviously appreciate the input into it. What you are saying is that you feel the process should be coming from the Commissioner of Education to the legislation?

MR. POWDERLY: Just to reiterate, we are simply asking that that you postpone action on A-1785 until the Commissioner -- The Commissioner said he is going to make his position on statewide testing in January.

ASSEMBLYMAN PALAIA: Right. Of course, our ultimate hope, and I am sure of any committee, especially in education, is to get input from everybody. That is the ideal end that we all have. As a former elementary principal myself, I know you just can't give teachers direction without having them get some input into what you are trying to do. I think -- myself, and I am sure the Chairperson feels the same way -- that we welcome your input into this, from your organization, because you people are the ones that are going to have to live with it. If you are going to live with it, we can't force something down on you that you don't want. I don't think that is our intention, really. I think Mrs. Garvin would say the same thing. We don't want to force it. How we get to the ultimate end-- I think it has to be a cooperative effort. I think your statement was well taken, in terms of your wanting to help and cooperate. That means a lot to us too.

ASSEMBLYWOMAN GARVIN: One of the things I would like to do, and this is why it is so good for Trenton to come to the people, because for your information, the public hearings are one process, and the release and study of this bill is another process. Therefore, the hearings in no way relate to when the bill will have the legislative process with the Committee to vote in, vote out, or amend. So, I think your request perhaps pertains to the Committee process and not to my public hearings. Please say that.

ASSEMBLYMAN PALAIA: That is exactly what I was saying. You ultimately will have the say about what is finally going to be put into writing. into words. That, you will have. But, to conduct these hearings, is merely to

get input from the people, such as yourself and everybody else who wishes to speak. That's all we are trying to do, Mr. Powderly.

MR. POWDERLY: I will reiterate. Our position is just the postponement until the Commissioner comes out with his State recommendation.

ASSEMBLYMAN PALAIA: His statement will be incorporated. They do everything we are going to do anyway.

ASSEMBLYWOMAN GARVIN: Thank you very much.

MR. POWDERLY: Thank you.

ASSEMBLYMAN PALAIA: Thank you. It is nice meeting you. Fellow elementary principals have to stick together. (laughter)

ASSEMBLYWOMAN GARVIN: Okay, John.

MR. WHITE: Our next witness is Ram Durga, Director of Research and Evaluation, Newark Public Schools.

R A M D U R G A: Good morning, Madam Chairman. My name is Ram Durga, and I am the Director of Research Evaluation and Testing for the Newark Public School system. After reviewing the bill which is proposed here, it is our position to commend our elective Assembly for their effort in order to improve public education in the State of New Jersey.

We completely agree with the intent of the bill. As we interpret it, it is to monitor, evaluate, and hold the school districts accountable for reasonable standards in educating our students. We also agree with the outcome, which we interpret as maximizing learning for all of our public school students. However, we disagree with the process. We are opposed to any statewide testing imposed on our students. The reason is simple: We believe that any quality and the guarantee of any quality in public education should be built into the process and should not be added on or be imposed from the State. We are therefore requesting the State not to impose standards, but to help school districts -- individual school districts -- to build in the standards in the instructional process.

We have encountered a number of problems with the Minimum Basic Skills test. We see this proposed legislation as just a replacement of the Minimum Basic Skills test. We see it as the same song with a different beat. We anticipate that we will run into the same problems that we have run into with the Minimum Basic Skills test.

We not only want to show our disagreement for the statewide testing program, but we have alternative proposals. We would like to refer the Committee to what was done in North Georgia, in which many more standards of proficiency, or, as the bill states, reasonable standards of proficiency can be maintained without a State testing program. We can allow the school district the autonomy of choosing its own test, a major standardized test, probably one of the eight major tests standardized within four years, and administer that test as we are doing now in Newark. We can anchor those tests and come up with minimum proficiency to measure the outcome of student performance. On that basis, we totally reject the idea of a state testing program.

If I may get into specifics of the bill, it states here that the bill was intended to provide a reasonable level of proficiency. Anybody in testing or in research would know that we will have to operationalize that definition in order to make it work. Once we come to the operationalization of that definition,

we will see that it is the same as the Minimum Basic Skills test, measuring minimum standards, and we are right back to where we have begun. On that basis, we would like to voice our opinion that we are in support of the idea, the intent behind the bill, and what our Legislative Assembly is trying to do. But, we disagree with the process of a statewide testing program. Thank you.

ASSEMBLYWOMAN GARVIN: Thank you. Do you have any questions, Assemblyman Palaia?

ASSEMBLYMAN PALAIA: I have just one. You said the problem is already inherent to the Minimum Basic Skills testing. What are your problems to that Minimum Basic Skills test?

MR. DURGA: Oh, it is horrendous.

ASSEMBLYMAN PALAIA: Just give us a couple of examples of how you see it.

MR. DURGA: Number one: it results in numerous paperwork.

ASSEMBLYMAN PALAIA: Okay.

MR. DURGA: It has taken away instructional time. According to my calculation, in the City of Newark, it has taken away one-third of the instructional time of the teachers to analyze the Minimum Basic Skills test to comply with State rules and regulations. Our students need that contact time in the classroom in order to increase achievement. More people working on a lot of "much ado about nothing" would not help increase student achievement.

ASSEMBLYMAN PALAIA: Okay, I can understand that.

ASSEMBLYWOMAN GARVIN: May I ask a question?

MR. DURGA: Sure.

ASSEMBLYWOMAN GARVIN: The instructional time that you have mentioned, which is taken away from the students-- My question has to do with: how do we measure the instruction that takes place? How do we measure what that student has learned in that classroom?

MR. DURGA: Fine. My suggestion is the administration of a standardized test, which we are administering from K through 12. We are administering the City BSU, which was known in 1982. We do have that to assess our student performance. Imposition of a statewide test means we have to administer the standardized test as well as a statewide test. We must administer the standardized test for various evaluation purposes, according to Federal and State guidelines.

For example, our remedial programs have to be evaluated. Therefore, we must test those students. We cannot evaluate with a statewide testing program. Last year, for the first time, we were allowed to use a statewide testing program to place students. When that conflicts with the basic evaluation design that the Federal and the State government are recommending-- For example: the conflicts result in, we were told that we have to use a cutoff point on the MBS test to place students. Now, once we do that, our school district, which is one of the largest districts in New Jersey, is using the regression analysis for our evaluation. We have always used that. Using the MBS test interrupts that process. Any statistician or researcher would understand what I am talking about when I say, if you use the MBS test, we do not have a pretest in which we can run our regression analysis. We therefore have to interrupt that continuous

process of running a regression analysis from K through 12, and modify that at the 7th, the 10th, and the 4th grade levels, in which we administer the modified version of the Model E evaluation. That interferes with our ability to trace longitudinal growth, because all of us here would agree that a Model E evaluation is less flexible than the regression analysis. When we start to see -- and it is a national trend in the entire country to see that students' scores start to dip at the 3rd grade, and it goes down in the 4th grade, and then it goes back up at the 5th grade and up and down thereon. We want to plug that gap and that problem. The interruption of our research design, or evaluation design, makes it a little more difficult for us to identify the variables which are associated with those declines. We cannot place too much away from them in order to improve our student instruction.

ASSEMBLYWOMAN GARVIN: Okay, I just have one other question. What would you say the Newark School system is doing towards the writing test requirement for graduation standards in 1983?

MR. DURGA: Fine. We have a curriculum for a writing curriculum in which we built in criterion reference tests. We are uniforming our program and we have moved in the area of reading, using the MacMillan Series R. Part of that has a writing program, and the MacMillan Company has published a criterion reference test to measure the writing skills of our students.

ASSEMBLYWOMAN GARVIN: Okay. Thank you.

ASSEMBLYMAN PALAIA: Just one other thing, sir, before you go. One of the better points of T & E was the word accountability, because really, T & E is accountability. That is what we are asking for from each school. One of the problems is, if you let each school district go out on its own and do what it wants to do, how do we, as a State, have you accountable for what you are doing? You might be doing it, but the next district might not be doing it. I think that is what the intent of the State testing was, to give some feedback to the State, to say, "yes, we are doing it, but show us that you are doing it." I think that is why they are asking for this accountability, the State testing. I agree with you - the paperwork. You are absolutely right. The paperwork and the time involved. My teachers were-- I was fed up with it too. It didn't really measure that much.

But, how do we, as a State, have you accountable for what you saying you are doing? A lot of school districts say they do it, but who is to say that they do?

MR. DURGA: That was built in my suggestion, in which I suggest that the State should advise the school district to select one among the eight standardized tests. Anchor the standardized tests together, like they did in North Carolina. I believe in the accountability. We feel that we should be accountable. Once we spend public money, we must be accountable.

ASSEMBLYMAN PALAIA: Exactly.

MR. DURGA: This is one way in obtaining such accountability, and at the same time, allowing the school district the autonomy of making decisions governing educational programs.

ASSEMBLYMAN PALAIA: Right, that best suit yourself.

MR. DURGA: That's right.

ASSEMBLYWOMAN GARVIN: Thank you very much.

MR. DURGA: You're welcome.

ASSEMBLYWOMAN GARVIN: John?

MR. WHITE: Our next witness is James Lewis, Director of the Educational Improvement Center, Northeast.

J A M E S L E W I S: Madam Chairman, I appreciate the opportunity to be here. I, for one, am in favor of the bill, but there are a few things I would like to discuss, and I think Ram Durga just brought it out. When we test youngsters, let's say in the 3rd or the 6th or the 9th grade, one of the problems is that we don't a pre- and post-test. We had the same result last year with the Minimum Basic Skills; we test youngsters on the 3rd grade level, and then you get a new group of youngsters, so the tests are invalid because you have different youngsters. So, I would strongly advise that you have a pre- and post-testing of those students, perhaps the pre-test in September and the post-test somewhere around May. I think when you do that, you will, to some degree, erase the problem which Ram Durga has indicated because of the lack of a pre- and post-test on that level.

My next point is being addressed as a person who went through the Newark public schools, and a person who has been in education for 25 years. Apparently, we take for granted that youngsters know how to test. We know that youngsters at least in the urban schools are not, let's say, test minded. They can take tests, but many of them have what I call a testphobia. I know that is the way I was; I know there are a lot of youngsters that way. It may be due to their self-image, and it may be due to a number of other factors, that they are not achieving, and so on.

So, I think we can not take it for granted that youngsters know now. I would hope that there be some sort of booklet, some sort of manual, that would indicate to the teachers what they can do to prepare youngsters for taking tests. For example: there is some evidence that youngsters should not be tested on Mondays and Fridays. I think the National Science Foundation found that when youngsters are given some creative activities prior to a test, they tend to do better. We also know that youngsters tend to do better in testing when there is some coaching. So, what I am saying is, perhaps there should be a thorough review of how we prepare youngsters to take tests, and then prepare the teachers to do that in terms of making our youngsters the same test readiness.

My last item has nothing to do with this particular testing program, but I would like to say it. I believe there is a dire need for what I call a survival test. And I say a survival test because there are a number of our youngsters who are graduating with high proficiency in math and writing and reading, but who do not know how to survive in the outside world. They do not know how to make out an application for a job, they are unable to change a tire, they are unable to float 30 seconds in a lake if they fall in, or so on. I think this was brought up a number of years ago about the necessity of determining whether or not our youngsters are prepared to survive in their outside world. I would hope that perhaps subsequent to the implementation of our testing program that serious consideration will be given in terms of coming up with perhaps some sort of, let's say, minimum competencies in terms of surviving. I know that more and more jobs are saying that people do not know how-- You'd be surprised at the number of our youngsters

who can't even locate a book in the library.

So, what it is, is we take for granted that they can do these things, but they can't do them. Therefore, I believe there is a necessity for us to do something about making certain that they are able to survive in the outside world.

Let me give you an example: I grew up in the urban. I am very suspicious, and I am very suspicious of a lot of things. I am very careful. One day, I was limping in New York City. It dawned on me that I was limping in New York City, and I know for a fact that in certain areas, if you limp, that is a sign of weakness and, therefore, people can prey on you. Things like that. When I go into the restaurant, I always face the door. My back is never-- I always face the door. You may think it is not necessary, but recently there have been articles on "How do you walk in an urban society?" How do you walk down the street so that you are not preyed upon? You may think it is jest and so on, but I think it is important.

What I am saying is that there is a dire necessity to make certain that our youngsters have the survival skills in order to survive in this contemporary society.

ASSEMBLYWOMAN GARVIN: Thank you, Dr. Lewis.

ASSEMBLYMAN PALAIA: Dr. Lewis, I have just one question. One of the problems that we face in education with pre- and post-testing is the teachers themselves. The teachers themselves do not like pre- and post-testing, where they are going to be evaluated on the growth that is made on that post-test, because they feel it is a reflection on -- the board members feel a lot of times that it is a reflection on their ability. I don't agree with that, by the way, because as an administrator, I know the problems that can hinder you in making the progress that you need. I agree with you, wholeheartedly. If you don't pre- and post, what are you measuring? You're not really measuring anything. But, I am afraid many times teachers are held accountable for that child not making the growth, or the class not making the growth, when in reality, they probably had a child that was a possible classifiable child that was causing disruptions in there that held back a lot of the scores that could have gone higher. In reflection, it is good to have it, and I agree with you. But, the problem is, too many boards of education, and administrators included, too often evaluate a teacher on the growth that the class is making. It is really not a fair way to evaluate a teacher's performance. I don't think so anyway.

DR. LEWIS: That certainly is a good comment.

ASSEMBLYWOMAN GARVIN: Okay, Dr. Lewis--

DR. LEWIS: The only thing I would say is, if we are going to have accountability, then it should be genuine accountability. That is my point of view. I am concerned about a lot of, what I call, "untruth" that is going on. The fact that, are we going to have an accountability system? Then let's have it all the way down.

ASSEMBLYMAN PALAIA: All the way down. That is what I am implying, too, Doctor.

ASSEMBLYWOMAN GARVIN: The only comment I want to make is, we have not developed a system to make parents accountable. I would never support

that test being used in relation to the teachers' role. I think there is another component here which we always eliminate - how do we make the parents accountable in that educational process of their child? That is something that none of us have tackled. Maybe I will think about it, but no one has tackled it.

DR. LEWIS: I would like to say this in defense of my posture. I am one of those perhaps few administrators who believe that parents have to be accountable for their child. The only thing I feel is that parents must get their children to school. I feel that when we use the parents as an indicium for a lack of failure in the schools, I think that is a cop-out for certain organizations and professional associations. I am saying that based on some heavy experience, in which there was a need. For example: If parents are not involved in the school system, then I blame the school system. I think we have an opportunity to market our services. I am saying, once I hired a principal, and this principal only got about ten people out for the Parent-Teachers Association Councils. Then I hired another principal, and he got out 800 parents. So, I maintain that if parents are not actively involved, it is because of the fact that the schools are at fault.

Let me bring out another point: When I was out in New York State, I used to be the Superintendent of Schools. The parents did not come out to vote. The budget was voted down constantly. Then I said, if they are not coming out, it is my responsibility. It is my fault. I assumed that fault, and I said that I must go to them. I must encourage them. I must market the services of that school in order to get the parents in. And I did. We went to the homes; we contacted every home in the community; we had walkie-talkies so that if parents had some problems, we brought them to the school; we went to the churches and we preached the gospel in terms of coming in to the schools; we had baby-sitting opportunities, and so on. For that first time in the history of that district, we had a 200% increase in the attendance in terms of registering and voting for the budget. I still maintain that if parents are not involved, it is because the schools have not marketed their services to get the parents, and therefore, it is our fault and not the fault of the parents.

ASSEMBLYWOMAN GARVIN: Thank you.

MR. WHITE: Our next witness is Dr. Ron Larkin, Superintendent for New Brunswick Public Schools.

D R. R O N L A R K I N: Chairperson and Committee members: Thank you for the opportunity to come here today. I think you will hear somewhat of a divergent response from me and from your other speakers. Being a Superintendent of Schools in New Brunswick, we have achieved success with the use of the Minimum Basic Skills test, and also my experience of 15 years in Newark, I think we can talk somewhat on how testing fits into our schema.

Also, I would like to point out that I am a member of the Executive Committee of the Urban Superintendents of New Jersey. While I am not representing them today, they do have somewhat of an impact on what I will say to you.

The Urban Superintendents of New Jersey have indicated that the quality of public education in New Jersey has been improved because of the implementation of the Minimum Basic Skills test - MBS - administered by the State

Department of Education to students in grades 3, 6, 9, and 11. Therefore, I personally would like to see some of your bill come to fruition and support it in its overall flavor, realizing that there will be modifications and adjustments made.

Furthermore, I would like you to know, the test has been subjected to considerable criticism as being too easy, of little value to most districts, redundant, excessively costly, and responsible for creating a State basic skills curricula. In spite of these criticisms, however, the MBS tests have been and continue to be an important aspect to the urban districts. It would seem that the test only became too easy when urban districts began to do well on them. Their results have generated local and State pressures to improve the quality of education in the schools, and have demonstrated when progress has been made.

Specifically in New Brunswick, we had three schools, three years ago, that were classified as approval pending, and in the two-year process we went to approval. This was met with a great deal of satisfaction by the community and by the teachers, and we started to move towards schools of excellence. But, we generated a proficiency in minimum basic skills.

I do like the intent of your bill, that we get away from minimums, and I think all of us agree that minimums are not what we are looking for. There are still districts in this State that have not reached the minimum, and therefore, more rigorous testing will not help them, and in fact will go back to the same kind of beating up on school districts -- and in particular, urban school districts -- who cannot meet those skills.

Also, you must remember why we brought in the minimum basic skills. They were not set up as maximums; they were set up as minimums. I think at the time, public education -- especially in New Jersey -- was being criticized. Now, I think we have achieved some of that purpose. There is no problem in now reviewing the test and moving on.

In my view, testing is an integral part of the educational process. Specifically, it has three main purposes: First and foremost, testing is a diagnostic tool used to determine student acquisitions of skills and knowledge in order to plan new learning activities; second, testing and analysis of the test results are ways by which schools can track and evaluate their progress towards achieving their goals; third, testing provides a way to compare achievement of groups of students, schools or school districts, with standards or achievements of other schools, or other students.

The fact remains, however, that no single test can serve all three purposes adequately. Tests used for diagnostic purposes and for schools' self-evaluation must be aligned with the schools' curriculum and local goals. The selection of instruments used for these purposes should be left to the discretion of the local school boards. However, tests used to compare performance across districts should be linked to some common, external criteria. Therefore, we support your bill.

ASSEMBLYWOMAN GARVIN: Thank you. You made a comment that in the future I would ask-- That portion of the bill, as it goes through the process, if you would take the bill, and if there are any recommended amendments, please forward them to John White, and maybe the Association can review it

in-depth for any possible amendments or changes.

DR. LARKIN: Surely, we would be glad to do that.

ASSEMBLYWOMAN GARVIN: All right. Thank you very much.

DR. LARKIN: Thank you.

DR. WHITE: Our next witness is Steven Koffler, Director of Office of Educational Assessment, New Jersey Department of Education.

ASSEMBLYWOMAN GARVIN: Good morning.

D R. S T E V E N K O F F L E R: Mrs. Garvin, Mr. Palaia: I am speaking before you today, representing Dr. Saul Cooperman, Commissioner of Education. Dr. Cooperman asked me to specifically make sure I relate you to his personal regrets and disappointment that he wasn't able to be here. He had planned to testify at your hearing in Trenton, which unfortunately was cancelled, and today he had a meeting which had been set up with a group of chief school administrators from Union County. That had been set up for well over a month and he was unable to come here. So, he instructed me to provide you and the Committee with his comments about your testing bill, and about testing in general.

My role is the Director of the Bureau of Assessment and Evaluation. I have responsibility for the statewide testing program.

Mrs. Garvin, Commissioner Cooperman certainly agrees with you in terms of the concepts that you address in Assembly Bill 1785. He believes, as I know you do, that there must be a system of statewide accountability. The focus of testing must be broadened and must embrace the concept of higher educational standards. Dr. Cooperman applauds your efforts in your commitment about moving away from minimum basic skills towards higher educational standards.

The Commissioner is also very pleased about your including a writing test as part of the program. As I know both of you are aware, one of the first actions that the Commissioner took when he assumed office was to eliminate the MBS program in Grades 3, 6, and 11, to conduct only a Grade 9 reading and math program for purposes of high school graduation and to institute for the first time in the State, a test of writing skills for 9th Grade students.

The Commissioner is very firm in his belief that writing is a critical skill, which for too long in the State has been neglected.

He also is convinced that it is time to end the MBS program. The MBS met its purpose, but now it is no longer providing sufficiently useful information to justify continuing it. The majority of students and the majority of districts are correctly answering most of the items, and therefore, it is apparent that they have a mastery of these minimum basic skills. Because of that, now is the time to build on that foundation of the MBS and to move towards higher educational standards.

My purpose in speaking before you today is to provide you with the issues and the options that Dr. Cooperman is considering as he develops his plan for statewide testing in New Jersey. The Commissioner will make his recommendation to the State Board at its January 1983 meeting. As I mentioned, the Commissioner embraces the concept set forth in Assembly Bill 1785, and believes there is much agreement between his philosophy and your philosophy. The issue of testing, though, is so complex and it involves so many issues, that the Commissioner wants to make certain that he is analyzing all possible advantages and disadvantages and

ramifications of each of the options and of his actions.

Let me now, if I may, explain some of the issues that are confronting Dr. Cooperman.

First, I think it is very, very important before one decides upon an approach for testing, to ask themselves four questions. The first question certainly is, what are the goals and objectives of the statewide testing system? I think there are many, both State purposes and local purposes. State purposes-- there are four - one is for the allocation of resources, for example, the State Compensatory Education program; second, certainly very, very important, is accountability - to provide a measure of accountability about the effectiveness of certain portions of the children's educational experiences; third, in this State, especially, certification for graduation; and, fourth, program evaluation to determine whether or not, for example, the State Compensatory Education dollars are being used effectively, and that students are improving in terms of their mastery of the requisite skills.

In terms of local purposes for a testing program, there are a number of them. One is to determine the distribution of resources, of dollar resources, across programs to determine whether or not more money should be channeled to reading programs, for example, rather than math programs.

Secondly, for accountability purposes, for the local school district to report to their public to determine the effectiveness of accountability in terms of the effectiveness of the local school district and of the schools.

Third, certification for graduation based on local requirements. Also certification for promotion, if that be some of the local requirements.

Fourth, the evaluation of programs.

Fifth, placement of students into remedial programs.

And sixth, the identification and diagnosis of individual students and groups of students in terms of weaknesses in the skills that are deemed to be important.

The second question I think we have to ask ourselves, and the second question the Commissioner is asking himself, is, what information is desired from the system's results - from the statewide testing program's results? For the State, we certainly need to know whether students in Grade 9 pass or fail so that they can either meet or not meet the requirement for high school graduation requirements.

For groups of students, we need to know, for example, the percent of students in every district in the State, in the urban districts, suburban districts, and so on, who have passed the test for purposes of accountability. We need to know other similar statistics for the purpose of distribution of funds, and for other measures of determining accountability.

Third, in some instances, as Dr. Lewis mentioned, we need pre- and post-test information to look at evaluation to find out how much students are gaining as a result of certain programs, like the Compensatory Education Program.

And fourth, in certain instances, we may need some information which will permit us to make comparisons with the national percentiles, national information, so that we can compare the performance of the New Jersey students with that of the nation.

The local districts - I think they need very similar information. They need to know whether a student passes or fails certain tests in order for

local graduation requirements, placement purposes, gifted and talented purposes, and so forth. They need to know, I think, more importantly even, the specific strengths and weaknesses of each student in groups of students in very specific skills so they can place students appropriately, they can diagnose needs, and they can group students appropriately.

They also need to know, in some instances, the percent of students who pass some other of those summary type statistics for accountability purposes, national information for comparisons, pre- and post-test data for evaluation, and again, for the group as well as the individual, strengths and weaknesses so they can make some curricular decisions.

The third question that confronts us when we decide the most appropriate type of statewide test we should be developing is, how will the information be used? What kinds of decisions will be made from those data. Again, I may be a little redundant, but I think we need the data to make the decision about certification for graduation, especially given the high school graduation requirements are all we have, to make decisions about the basic skills improvement funding, the State Compensatory Education funding, how much money is needed, how that money ought to be distributed. Third, we need an indication of school district State performance for public reporting, reporting to the Legislature and to the Governor, on the status of education in this State. Fourth, we need the information so we can make some statements about the effectiveness of the Compensatory Education programs, the evaluation of those basic skill programs.

The local district, again, needs similar information. They will use the information for graduation, perhaps, for promotion, for modification of their curriculums, for a grouping of students, selection of students for remedial programs, for gifted and talented programs, for other types of programs, for the distribution of resources across different programs, for public reporting of results, and for program evaluation.

Finally, the last question we ask is, who needs the information? On the State level, certainly, the Assembly needs it, the Senate needs it, the Governor needs it, the Commissioner and Department of Education need it, school districts need it, and the public needs it. The local district-- Who needs the local district information? Well certainly, we all do, most importantly the school district, students, parents, teachers, and the general public.

Therefore, to summarize very quickly, Commissioner Cooperman must develop a program which will meet the above-stated needs, will answer the types of questions, provide the type of data to the type of people to whom that information is needed, and provide very useful information. But, they are also certain other issues that he has to consider.

The first issue concerns duplicative testing. Duplicative testing should be avoided, or at least minimized. Students take teacher-made tests, commercial tests, State tests, and at certain other times in their careers, other tests. The question we have to ask ourselves is, how many times must the student be tested to find out whether or not he or she can read, write, or compute effectively? We must avoid over-testing, but at the same time, we have to avoid under-testing. We have to strike the correct balance and make sure we utilize

as much as possible all of the information that is obtained from each test. Commissioner Cooperman is very cognizant and very, very concerned about this issue. He is opposed to simply testing just for the sake of testing, and he is examining ways in certain of his options in which the commercial tests, which are currently used in the school districts, can provide the Department and the Legislature and the public with some of the information we will require.

Secondly, as the Commissioner is examining the direction that he wants for the statewide testing system, he is considering, with great care, the provisions of the New Jersey laws and administrative code. Certainly, one of the most important laws which affects testing in this State is the high school graduation requirements law, and part of that law, as you well know, mandates that students must pass the 9th Grade statewide test in reading, writing, and mathematics as part of the requirement to receive a State endorsed diploma.

The Commissioner is concerned that there must be a State testing system developed which is equitable to all students in all school districts, most especially, given the importance of the decision to either award or deny a student a diploma because, in part of the test that he or she will take of one morning of his or her life. The Commissioner is firm in his belief that because of the high school graduation requirement law, it is critical to assure that students, regardless of where they attend school, have the same opportunity to pass the test and receive a State-endorsed diploma. Students shouldn't be denied a diploma because they were administered different tests from other students.

Third, the Commissioner is also paying attention to the decisions that were handed out by courts in various states. In my opinion, the most important case, and the one that he is considering most closely, is the Deborah P. vs. Turlington case in Florida. There are many, many aspects to that case, but there is one that I think is most relevant to us and to your deliberations on this bill and to the Commissioner's deliberations on his direction. That point involves due notice. The judge in the Deborah P. vs. Turlington case ruled that the skills upon which tests are based must be in the school districts for a sufficiently long period of time prior to that test being used as a requirement for high school graduation. Current thinking, right now, is anywhere from two to four years. I think that is only fair. It is not appropriate to test a child, and on the basis of that test, possibly deny him or her a diploma until the child has had a sufficient period of time to be instructed in those skills.

Again, if a student is to be denied a diploma, it must be because of a lack of a mastery of the requisite skills, not because the student did not have the opportunity to learn the skills.

Fourth, another critical concern that the Commissioner is addressing relates to the budget, to the funding for a statewide testing program. As this Committee is keenly aware, testing costs a great deal of money. For this year's 9th Grade test in reading, writing, and arithmetic, we are spending approximately \$560,000. Assembly Bill 1785 appropriates \$911,000 for the program outlined in the Bill. I certainly don't have to tell you that obtaining funds is very difficult, and it is becoming more difficult each day. Dr. Cooperman therefore is examining alternatives which may reduce costs, but more importantly, do the job that both he and you believe is necessary for a statewide program.

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There are other issues, which I won't get into - issues including: State vs. local curriculum initiatives and the State compensatory education funding procedures.

But, the determination, therefore, of the statewide testing program is very complex. One must carefully scrutinize all of the possible options before setting a direction. Dr. Cooperman is now continuing to do that, and hopes that you and he can work together to effect a mutually acceptable and beneficial program.

Let me just conclude by outlining two of the many options the Commissioner is now considering. My list is obviously not all inclusive, but I hope it provides the breadth of possibilities that the Commissioner is considering.

One option is to develop a statewide test in all or certain of the grades, especially Grade 9. This is very similar to the provisions in this bill, so I will only talk very briefly about that and give you some of the advantages and disadvantages as I see them and as the Commissioner sees them.

Certainly, two of the most important advantages to that type of program is that it provides a uniform statewide system for accountability. Every student in every district is taking exactly the same test, and therefore, comparisons across districts -- or, appropriate comparisons across districts are appropriate, appropriate comparisons across years are appropriate-- There is no problem, or no difficulty, because some districts are taking one test and some districts are taking another test. There is a complete uniform system of accountability.

The second advantage is that, again, there is a uniform test for the high school graduation requirement. Every student, regardless of where he or she attends school, is taking the same test, and therefore, has the same opportunity to pass or fail, meet this requirement, and therefore, ultimately be awarded or denied a diploma.

There are certain disadvantages: One, duplicative testing. This is very similar to the system we have right now, and in addition to the statewide tests that are administered, each local district administers its commercial test, or its locally developed test, and so, the students are being tested perhaps more than they have to be.

Second, another problem, certainly, is the cost to the State, in that the State would have to bear the responsibility, or bear the burden, for the cost.

Third, the due notice problem that was identified in the Florida decision. We couldn't, probably, use the test for high school graduations for a period of years, until the students have had a sufficiently long period of time to be instructed in those skills.

And fourth, related to the due process and the due notice aspect, is that there may not be a complete match between the skills that are tested by the test, and the skills that are in a local school district's curriculum.

The second option, now, which I would like to discuss, is very different from the first option, and because of that, I would like to discuss it in somewhat more detail.

The second option which the Commissioner is considering, among many others, is to permit the local school districts to use the test of their choice - essentially, have not State-developed test, but rather, base all of the decisions and all of the information that is necessary on the local test that the

local districts use. For example, Dr. Durga mentioned the CTBS in Newark, the California Achievement Test in other districts, and whatever test the local district decides is most appropriate.

There are a number of advantages to that. Again, looking at the duplicative testing issue, there is no duplicative testing because there is no State-developed test. The test that is administered right now would continue to be used, and there would be a decrease in the amount of time that teachers and students would be spending on testing, and therefore, more time would be spent in the instructional process.

Secondly, there again would be no problem in terms of due notice because the tests have been administered for a period of time. The curriculum should be reflecting those skills-- There should be a match between the test and the curriculum, and therefore, the test could be used immediately for purposes of high school graduation.

Third, again related, there is a match with the local school district curriculum. Theoretically, and I hope this is true -- I suspect it is true -- the reason why a local school district selects a test is because that test best measures the skills that are in the curriculum. That is the primary reason and the most important reason for selecting a test. A test shouldn't be selected and then the curriculum modified to meet the test, but rather, the curriculum established and the test which best measures that curriculum should be used.

A fourth advantage is, certainly, there is little cost to the State. Actually, there would not be a significant -- I would suspect -- increase in the cost to the local districts, because this is their ongoing program that they have allocated monies for each year.

Fifth, there are many school districts who have talked to the Commissioner, predominantly, I would suspect, suburban districts, who have scored very well in the Minimum Basic Skills test and say that based on the results they are obtaining on the commercial test, their students would score very, very well on any test that we develop at the State level. Therefore, for the same reason that the Minimum Basic Skills test is no longer providing sufficiently useful information on a statewide basis, any outside test that is developed by the State that is given to those school districts, perhaps, would not provide that much useful information to warrant an additional amount of time for testing. Therefore, that is an advantage for not developing a State-imposed test, but rather, relying on the local tests that are administered now.

There are two major disadvantages, and actually, the advantages and disadvantages of this option are the advantages and disadvantages of the first option.

The first main disadvantage is that there is no uniform State test in New Jersey for purposes of accountability. We would not be able to say categorically how every child in the State is doing. We could not say, for example, as we say now with the MBS test, that 95% of the third graders in this State have at least a minimum mastery of the skills on the MBS test, because different students would be taking different tests in different school districts.

Secondly, in my opinion even more important, there would not be the ability for a uniform high school graduation requirement. I would like to

go into that in a little more detail, and I will try not to get too technical. A number of people have argued today and at your hearing at EIC South, that what a good solution would be, even for high school graduation requirements, would be to let every district use the test of its choice, for example: CTBS test, California Achievement Test, the Iowa Test of Basic Skills, and so forth, and require the Department to determine what score on the Iowa test is equivalent to what score on the California test, which would be equivalent to what score on the Metropolitan test, and on all of the other major tests. This process is called equating. We equate the scores and find out what scores are comparable across tests.

By doing that, regardless of what test the student took -- the argument goes -- we would be able to determine whether a student passed or failed, and therefore, we still would have this equitability across all districts, regardless of whether the student took the Iowa test or the California test. I very strongly disagree with that. I think -- certainly, statistically -- we can come up with scores that will be appropriate -- not appropriate -- we can come up with scores that will be somewhat equated and somewhat equal.

The problem is, though, that whenever any test is administered, there is always error involved in that test score. I am sure we have all been in the situation where we have taken a test one day and may have gotten a 70. Had we taken the test the next day, perhaps that evening we had a fight with our parent, daughter, son, whoever, and so, instead of getting a 70 the next day, we got a 64. Well, are we less smart the second day than we were the first day? No, certainly not. There is always error involved in test scores. That is why we should never make any decision based on only one test score that one pupil takes one morning in his or her life.

When we, then, try to statistically manipulate test scores, especially on tests that do not exactly measure the same skills, we increase that error. It has been shown by a number of researchers that, while the California test and the Iowa test and the Metropolitan test, and all of those major tests are excellent tests and serve very useful purposes, they don't all measure precisely the same skills. They all measure reading and math; some may stress fractions, some may stress decimals, and on and on. That is why it is important for the district to make the decision as to which is the most important test and appropriate test for its curriculum. But, they don't all measure the same thing, so the problem is, since there is error, we cannot categorically say that a 70 on the Iowa test is equal to a 65 on the California test because of that error. Should we deny a student a diploma because he got a 65 on the Iowa test, when had he taken the California test, he may have gotten a 71?

I am very concerned that if we have the responsibility to deny a child a diploma, which is a very critical decision and has long-range consequences, we shouldn't do that on the basis of statistical manipulation. We should be as precise as possible, in terms of making sure that if the student does not get a diploma, if the student does not pass a test, that we have done everything we can to make sure that it is not because of statistical artifacts or statistical manipulation. I dwelled on that too long.

Permit me again to stress that these two options are two of the many options the Commissioner is considering. Further, the specifics about

each of the options and their advantages, disadvantages, and ramifications, are being dealt with in great detail. Issues such as the sampling issue which you talk about in your bill, test content, sampling vs. every pupil issue are being considered.

In conclusion, Mrs. Garvin and Mr. Palaia, Dr. Cooperman wanted me again to make certain that I stress to your Committee that he has a firm commitment towards accountability, a firm commitment towards testing, and a firm commitment towards higher educational standards. He agrees with the principles laid out in your bill, but at this time, he is not completely convinced that some of the specifics of your bill are the most appropriate direction for testing in this State. He is still studying the issue and the relationship of statewide testing to his overall direction for thorough and efficient legislation.

As I mentioned, Dr. Cooperman's recommendation will be forthcoming in January, and his recommendation will take into consideration all of the issues I outlined.

The Commissioner intends to meet with both you, Mrs. Garvin, and with Senator Feldman prior to his public announcement, to thoroughly discuss the relation of his plans to your bill. The Commissioner wants to work with you to formulate the best possible program for statewide testing. Thank you very much

ASSEMBLYWOMAN GARVIN: Well, very good, Steve. I really-- I was not aware-- When I saw you there, I thought you were the technician. But, I would like for you to say to the Commissioner, thank you, for at least talking about testing as a new Commissioner. There are those of us who have respect for him, and we have given him the time to deal with his responsibilities. I have been making a statement that, "the honeymoon is over but it doesn't mean we can't have a good marriage." I think you should take back to the Commissioner that, hopefully, we will wait until this public hearing is in a readable form, so that he can review the kind of testimony we have received. I do not intend to move the bill until his legislative team has given me what recommendations he would be interested in.

For those of you who are not accustomed to the legislative process, as I have asked other people to send possible amendments or changes, that is the legislative process at work, and I think you must know the Education Committee-- I think the Education Committee is the best Committee, on a non-partisan basis, that exists in Trenton. We are all concerned about education. Steve, would you thank the Commissioner for having his views made public, and secondly, that hopefully, there will be an in-depth review for possible changes. We will work together, again, for the betterment of the students that we are responsible for under T & E, because the bottom line is, our monies that we do spend, what is the end product? Assemblyman Palaia, do you have any questions?

ASSEMBLYMAN PALAIA: No, it was a nice presentation, Steve. I think you have given me a lot of food for thought here, that I think is very much a part of the bill. You are right. I think the cooperation that Mrs. Garvin has just spoken of is my feeling also. That is the kind of cooperation that is going to develop a good bill.

ASSEMBLYWOMAN GARVIN: I'm sorry the person who wanted me not to have the hearings wasn't here for this presentation, because this is what we are all about.

ASSEMBLYMAN PALAIA: This is what it is all about - right here.
Yes.

ASSEMBLYWOMAN GARVIN: We have hearings to flush out the opinions. I think I am correct, Steve, that this is the first public statement on testing that our new Commissioner has made. Am I correct?

DR. KOFFLER: Well, at the August State Board meeting, he publicly announced what his program will be for this coming spring. But, you are right.

ASSEMBLYMAN PALAIA: This is in detail.

DR. KOFFLER: Yes.

ASSEMBLYWOMAN GARVIN: Thank you.

ASSEMBLYMAN PALAIA: Thank you, Steve.

DR. KOFFLER: Thank you.

ASSEMBLYWOMAN GARVIN: John, would you call the next speaker?

MR. WHITE: Our next witness is Michael Ross, Superintendent of Jersey City Public Schools.

ASSEMBLYWOMAN GARVIN: Please excuse me for a minute. You may proceed.

D R. M I C H A E L R O S S: Thank you, Mrs. Garvin, Mr. Palaia, Mr. White, Mr. Doria: I am speaking on behalf of the urban superintendents, but also on behalf of what I see as the problems we face in terms of the urban systems in New Jersey as it regards to testing in this bill.

The urban superintendents did go on record last spring, supporting the continuation of the use of the Minimum Basic Skills test. The urban superintendents consist of some 39 districts, some of which are the larger and more intensely urban districts, and other districts which are quite small and perhaps more rural, but all of which have urban aid problems.

Is Mrs. Garvin coming back?

ASSEMBLYMAN PALAIA: She just had to make a telephone call.
If you want to wait, you can.

DR. ROSS: If you think it might be more appropriate, I would like to.

ASSEMBLYMAN PALAIA: Why don't you wait, the girls can use a break anyway.

(Assemblywoman Garvin returns)

ASSEMBLYWOMAN GARVIN: Okay, we will reconvene. We have a list of people who are signed up to testify, and if there is anybody here who isn't signed up, you won't be called, because we go by the list, so, I ask that you sign up.

Before we start, I would like to introduce Assemblyman Joseph Doria, who is the Chairman of the Assembly Higher Education Committee. He just joined us. I started to say he is the Vice Chairman of my Committee, but I would be wrong. We work well together. Joe chairs the Assembly Higher Education Committee, so we can hopefully have continuity from birth to death. (laughter) I would like to thank Joseph for joining us. Dr. Ross, you may continue.

Dr. Ross: Thank you. I represent partially today, the urban superintendents. The first statement I will make will be a representation from the urban superintendents. After that, my conversation -- or my comments --

will be my own. They do reflect that of the other urban superintendents. The group, as I mentioned before, is a group of some 39 districts -- or what they call urban aid districts -- some are the intensely urban areas, such as Newark, Jersey City, Paterson, Atlantic City, Trenton, and they go right down to some very small districts such as Pleasantville, outside of Atlantic City, which is an urban aid district, but in many ways, would not be considered an urban area.

Last spring, the urban superintendents did go on record, supporting the continuation of the use of the Minimum Basic Skills test. They went on record, as it was discussed in our meeting, for a basic series of reasons.

One reason is, because it is a step towards the pursuit of excellence, or on the road to excellence. To take away that step is asking urban areas to make a much higher leap without the steps in between, which we feel are necessary.

The results of the Minimum Basic Skills tests in many of the urban districts, have shown that clear growth is occurring. This has a very strong psychological effect on people who have felt, for a long time, that they were not able to make it - that as teachers, parents, and students, they were fighting a pretty tough battle and we just couldn't make changes in our scores.

We are not saying that this step -- the Minimum Basic Skills test -- is a great big, tall step; we are saying that it is a step. From our standpoint at the time, as Ron Larkin has said for New Brunswick, that we are showing success, we are now sort of snatching that step away and saying, "okay, now you make the bigger league."

It has encouraged students, because when students in a class feel they are succeeding, more and more of them, then they feel they can go on and do an even better job. It encourages teachers who feel that, "all right, I'm doing a better job, I have 60% of my class up there. Can I get 70? Can I get 80? Can I get 90?" As we move forward, we think this does make a difference.

Parents have felt much better about their schools. We don't think this is a false feeling, as some of our diplomas in the past have been false, because we feel that this is at least a step which is taken in good faith. Urban superintendents moved reluctantly into this area, because we were afraid and concerned that maybe we would be blasted for the very poor scores. It turned out that we were - some of it was deserved, some of it was an indication of the fact that the schools were not working as well as they should have, but because of the facts, some of which were beyond those of us in the schools.

We have made changes. Let me give you a few facts of things which I think are important and which will indicate some of the changes, and in a sense, a response to something that Dr. Koffler said, which we feel indicates perhaps if not a misunderstanding, a lack of understanding of what the struggles in urban areas still are.

One - I would like to mention today, because it is National Puerto Rican Discovery Day, and in this legislation I don't notice any indication of a consideration for non-English speaking students.

Another fact is that urban superintendents do desire excellence, and we working actively for it. The fact that we have said we would like to have a Minimum Basic Skills test is not saying we would like to rest with mediocrity or even feel that that is all we need to do to justify our existence. We do not.

We feel that this is only one step on the road to progress. In fact, also, while we desire excellence and are working actively for it, we have not reached it. There is no urban superintendent, that I know, who would say that he was, clearly, a system which can be considered totally excellent. We have patches, pockets, and parts which are showing excellent results, but we have far too many which are still not moving along nearly as well as we would like them to.

Another fact is, the use of the Minimum Basic Skills test is not opting for mediocrity, but only -- I have mentioned this before -- one step toward the quality we all desire.

Another fact is, we have worked in good faith, carefully, with the State, on all of the forms, on all of the reports, on all of the requirements that have been expressed and requested over the years - multiple, triplicate, quadruplicate copies to the county office - and to just pull out something which we were working on in good faith is another indication of the inability of Trenton. When I say Trenton, I am including both ends of State Street and the agencies that are on the other side of whatever that street is. You can't jerk us around forever, because we worked in good faith on these and now, suddenly, it appears that both the State and Legislature are saying, "All of those things that we told you were the ultimate way to perceive, are no longer the ultimate way to perceive. We'll go back and we'll start fresh." We are saying, hey, is this really the way to make change, or to develop a long-range credibility on the part of parents, and teachers, and professionals, and children in the State of New Jersey, and in Trenton, in particular.

Another fact is -- or I guess an opinion -- I don't really see anything in this Act which pushes the State schools to quality excellence. Let me give you a suggestion, which if the Committee would like, we would try to draw up. I might say, this is a result of discussions with other urban superintendents; it is not a position of the urban superintendents' group. That is -- as Jim Lewis was, I was a high school student in New York State. They had regents programs there. These were regents tests, and there were a lot of questions about whether or not that was dictating the curriculum of the systems, but it was a very high quality standard, which we in New Jersey could use, and I am saying that we, in the urban areas could use. Every urban district -- large urban district -- has some schools and some students, in all schools, who would be willing to say, "Hey, there is a challenge for me. I've got what it takes to pass a test that any other kid in the State can pass." I'm not talking about minimum; I am talking about a voluntary program, throughout the State, of high quality tests. We could use -- if we don't use something like a regents standard -- quality of schools that recognized nationally. Again, I think in terms of the Bronx High School. I think of the United Nations School in terms of language, where the students are very fluent when they come out, in one or two foreign languages, and reading, writing, and speaking the language, which most of our urban districts are not able to perform now. I must say, in my limited experience with suburban districts, that they are probably as deficient as we are.

One of the concerns that I would like to mention is, we feel that we should be measured in urban areas by the distance that we come, not by how far we have to go. That's an old saying. It is kind of a cliché, but we think it is true.

We would also like -- and if you catch my drift, I may be a little defensive and may be a little paranoid -- to see the suburban districts measured on that same basis - how far have they come since '75 and '76, and how far we have come. I think urban districts have done pretty well. I'm blowing a horn a little bit, but I get a little tired of statements that say we are moving away from basic skills toward excellence, and that most districts have -- I think Dr. Koffler mentioned this -- already achieved this. That is quite correct. But, a couple of facts from Jersey City are that while we made real progress -- in other words, 29 of our 33 schools in reading, have shown significant gains over the past several years. Twenty-two of the 33 schools have shown significant gains in math. And yet, at the present time, we haven't made enough progress as we should, because only eight of the 33 schools are above the 90 level. That shows that we have a long way to go, in terms of reaching that step.

That is why I say we would like to have you measure this not by how far we have to go, but by how far we have come. We think that is necessary.

I have a couple of questions, in addition to the recommendation. I have a couple of questions which I think may not have been considered in the development of this legislation.

One is, we talk about -- I'll use the words, matrix test, which as I understand it, not being a testing person, is something where in my particular elementary school which might have 65 3rd Grade students that, every item -- if there 100 items on the test -- will be asked of at least a certain number of those 65 children in that school, but every child will not take every one of the 100 questions. If I have that understanding that simply-- I understand from talking to one or two of our testing people that that would show very clear reliability and validity, and we could tell pretty clearly what that school is doing. I would have to raise some questions about that, but I am taking it from the experts that that is the way it is.

The question is, I don't see, in a practical sense, that this is going to save a school any significant amount of time, in terms of what the teacher has to do, and in terms of other tests which we have to have anyhow, such as the California test or otherwise. Maybe it will be time saved to the districts, but we found in the past that many of the considerations made by the State Department of Education -- I'm talking prior to Dr. Cooperman -- have been based upon people whose primary experience had been in smaller suburban districts where there are more staff people. For example: I have a clerical ratio in my school system of about 800 pupils to one clerk. Some districts have considerably better than that. So, that clerk has to do all of that, plus, we have to handle far greater numbers of food and so forth. We don't have the staff to do all of these things. We don't think that the State Department has, at all times, considered the amount of extra work that we have to go into. I don't see anything in this type of recommendation that would indicate a reduction in the amount of time that we have to spend dealing with and setting up a test.

If I have to give a test to a child, or to children in my class, even if it might be only an hour instead of three hours, it doesn't really make that much difference, because you have to arrange the day around the test, you have to make sure that nothing else happens, the specialists are not working, and so forth.

So, we are curious to know: One, whether any considerations have been made as to what this involves in an urban area; and two, what those results were, if they made any considerations. And, if they did have considerations, what were the results of this.

We are pleased that the State is considering, and the legislators are considering excellence. We feel that this can be very helpful to us. Other people have criticized even the T & E in the past, implementation of it. It has been helpful in my urban district because it gives me a form of leverage, which I did not have prior to it. I believe we have a State Department in Commissioner Cooperman who will be firm in terms of supporting both the superintendent and the community people even when in fact some elements of, perhaps the board or otherwise, may have -- let me put this in a nice way -- may not quite understand what the concerns of the children are, and may perhaps have some other points of view relating more to other factors other than children and other than education. We think the T & E has within the present law this structure. We think that the submission of this bill would by and large help to continue this leverage. We would like to see it done in a way that will help us to move forward in the best way possible. I thank you.

ASSEMBLYWOMAN GARVIN: Okay, Dr. Ross, thank you. I think there is a question. Joe?

ASSEMBLYMAN DORIA: I have just one question, Dr. Ross. The Minimum Basic Skills tests which have been administered over the past few years -- there has been a question of whether or not the Minimum Basic Skills tests have been made easier as the years have gone on. Obviously, you can't speak from a point of perfect judgement, but do you think your analysis of that situation is true, or is it just that the students are doing better because they are actually getting a better education?

DR. ROSS: I think, Mr. Doria -- and I couldn't talk to whether or not the tests have actually been made easier. I hope they haven't, because that makes us all feel bad. It makes us feel like we have been making progress when we really haven't been making progress. I can't speak to whether they have or not. I probably could have passed the test then and I probably could pass it now, but other than that, I'm not sure. (laughter)

That has sort of been rumored around, and, of course, we get on the defensive again, and say, "Hey, just because we are doing better, they say the tests are getting easier." The test probably does get easier in a sense that children and teachers are paying more attention to the test.

It also means that we are probably focusing on some areas, and all teachers are focusing in on some areas of testing, that they haven't before. There are always dangers at any time you focus on just, particularly grade levels. For example, I have found some principals, in an effort to improve the quality of their test program, consciously bringing in teachers that they know are the "go-getters" to the 3rd Grade level. So, instead of having a great teacher in one of the sections of the 3rd Grade and one of the sections of the 4th Grade, they put all of them in at the 3rd Grade level. I don't think it is wrong, but that might skew it to some extent.

ASSEMBLYMAN DORIA: But does that really skew it? Because if the students are really learning, does that skew it?

DR. ROSS: It is just like when I took the regents-- I had a wonderful chemistry teacher, a fellow who liked to talk about the war. Boy, just at the drop of a hat you could get into talking about the war. When we came to doing the regents examinations in the last month, in June, I was studying for the test then, and I really found out how much I didn't learn. So, that doesn't have to be bad.

I think one of the problems we have when we talk about something such as the regents tests, back to the recommendation, is, we say, "Well, is that really what we are supposed to be teaching for?" I am saying that is a fine debate. If you go to a quality program, or a quality test, some teachers may say, "I don't want to teach that," that's fine. If they have enough justification and authority in terms of their understanding of the discipline, I wouldn't worry about that in the least, because they can justify it. As a matter of fact, if we don't have the courage in our school systems to justify when we differ with any test, then we better follow the test, because somebody has done some work on it.

One thing we have found which we didn't realize in Jersey City was, for the first two or three years, we were not using previous tests, or whatever was acceptable to the State Department. We did find that many suburban districts had picked up on it right away. They were much more conscious of the necessity to score well on all tests, and so, when the Minimum Basic Skills test came in, they moved quickly to it. So, we just came in on that a little bit late.

I think our students and our teachers are much more conscious of testing now than they were in the past. We would see standardized tests as a process, and I don't know why it wouldn't be possible without burdening the local districts too much if you have to, to use standardized tests that we can all see as a growth pattern. We have found it difficult to show as clear a growth pattern in other test areas, or as large a growth pattern as we have in the Minimum Basic Skills. Thank you, Mrs. Garvin.

ASSEMBLYWOMAN GARVIN: Doctor, I have a couple of questions. You mentioned the bilingual component. I think that is something we will have to amend and include in the bill. It was not included. I want to thank you for bringing that up, because it is an omission. I don't think we have any Hispanic testimony on record, do we? So, I think it is good that you put that on record.

You mentioned gifted and talented. As an urban school superintendent, may I ask you a question which is related, and yet not related, to the gifted and talented program? There is an image in Trenton that gifted and talented only applies to suburban school districts, and yet, there are many of my constituents that want to see upgrading of gifted and talented in the urban school districts. Would you comment on that? In other words, when we talk about -- if I remember the dollar amount in a bill that is pending, it is about \$500,000.

ASSEMBLYMAN PALAIA: It's Joe's bill.

ASSEMBLYWOMAN GARVIN: It is my colleague's bill, which I am co-sponsor of. As I have been traveling around and talking to urban districts, it is like that \$500,000 figure related to certain districts, and for it to impact on urban districts, we would have to put more money in that bill.

ASSEMBLYMAN DORIA: Actually, it is going to end up being \$1,500,000 to do all of the districts - urban and suburban.

ASSEMBLYWOMAN GARVIN: Yes. Would you comment on gifted and talented? I am talking about a positive part of the urban experience. The people don't want to talk about it, as far the positive things that happen in urban school districts. Some of our most dedicated teachers are teaching in those districts, and yet, we are constantly fighting a negative image. I should have asked Dr. Larkin this question, as an urban Superintendent. I am going to ask him to respond, relating to whether it is the testing where kids have come up to a certain level in the urban districts, and maybe we need to begin to think in terms of a gifted and talented expanded program to get rid of the mental myth that gifted and talented is for one population and excludes another. Would you comment on that?

DR. ROSS: I would be happy to. I think the first reaction would be-- I'm not sure of the number of that bill -- but, we would be very pleased, in Hudson County, to support it, if we could get about \$400,000 of the money available. (laughter) We would probably support it anyhow, because of Mr. Doria's association-- (laughter)

ASSEMBLYMAN DORIA: Actually, it came out of Hudson County.

DR. ROSS: Every superintendent likes to talk about some programs and things that are succeeding. As an example of the fact that while Minimum Basic Skills -- we were talking about Minimum Basic Skills, we don't like to think of that as just minimums -- we have in Jersey City many students taking the Johns Hopkins test, which is the program where students who score above the 95th percentile are able to take the SAT when they are in the 7th Grade, the Scholastic Aptitude Test, for college. This Johns Hopkins program was set up with ETS. Students who scored, I think, above the 95th or the 97th percentil, and we had some 60 or so students. We have had 60 or so students take it each year for the last two or three years in Jersey City. The State Department of Education has been participating in this. Out of that has come both the series of programs that have to do with pushing students very hard because we feel that they are able to be pushed and that they want to be pushed. While we have gifted and talented programs in various schools, we pulled together these children into one area, and they voluntarily moved themselves throughout the City in order to get to this. So, when we talk about parents, parents are very willing to-- Whenever we can show something positive for the kids, they are very happy to participate.

These students are working in several areas that we have developed and which we are developing. They are working with Jersey City State College because they have a far more elaborate computer program than we have, and have also been involved in advanced algebra work from the 7th Grade and 8th Grade level. This is the kind of a program which we feel we can continue to expand on. We would like to have help from the State, obviously, but we feel an obligation. It is possible to continue to expand these, within the framework of the funds which we are getting now. It does require -- this is where I talked about leverage before. When I suggested there are some T & E improvement programs that we have to have, we have always gotten good support from our county Superintendent and the State Department of Education, to see that some of these programs go into effect, because we do get a lot more money each year, and we feel it incumbent upon us to make sure that some of that goes into the programs, and not all of

it into reduction and the increases in taxes and so forth. But, we also have another program which we feel is working -- I am speaking now of Jersey City, but other districts are doing the same pattern of work. We have developed a gifted and talented program for fine arts in both art, first, and then in music. The music is only a year old, the art is two and a half years old, where students are taking a series of qualifying exams and aptitude tests, and in addition, are recommended by their teachers. They are permitted to go to one high school where we have the ability to deal, and one or two teachers who have the ability in the schedule, to deal with students who can move very, very rapidly.

It is not easy. There are administrative problems dealing with this. There are problems such as, are you taking all of the bright kids from one school, and so forth, but we try to spread that so that we eliminate the political and pragmatic problems, but at the same time, let the students move as rapidly as they can.

We have also found that it is possible, and the students and parents both like the idea of much more stringent codes of dress, deportment, and general hard work - homework assignments and so forth. I see a very strong feeling on the part of parents to support us in any endeavor -- Jim Lewis mentioned that before -- where we are educationally moving forward. The problem is in many of the urban areas, the parents have been so confused over the last 40 or 50 years about what is really happening. It is an awakening process that will have to continue.

We are happy for the chance to talk about good programs that are good programs. Kids in the urban areas can compete. The problem is, we haven't taken advantage of that as urban superintendents and urban administrators as much as we should. The latent potential is there; it is up to us to do a little better job than we have.

ASSEMBLYWOMAN GARVIN: Okay, thank you, Dr. Ross. Dr. Larkin, you heard the question, and you are an urban Superintendent--

DR. ROSS: Do you have any other questions?

ASSEMBLYWOMAN GARVIN: No, Dr. Ross. Thank you so much for coming. I know you have to get back to, what is it?

DR. ROSS: Puerto Rican Discovery Day.

ASSEMBLYWOMAN GARVIN: Puerto Rican Discovery Day. I thank you for your testimony. Dr. Larkin, would you respond to gifted and talented in a urban school district, relating-- We are talking about the testing, but my colleague and I have a lot of hidden agendas to make use of these wonderful public hearings that the State allows us to have. Would you comment on gifted and talented in your district?

DR. LARKIN: Surely. When you talk about gifted and talented, I think you are talking about academically gifted. There has to be a distinction made between that and gifted, because all our children are gifted in various ways. The academically gifted -- We have a self-contained, one-school program which will be expanded in New Brunswick. We chose that because of the literature and the research which says that that is the type of program which is the best for the academically gifted, to bring them together and to develop their skills. We have done that with one grade, 3rd Grade; next year, we will go to 4th, 5th, 6th, and finally, we will have a totally gifted school.

When we first started out, people said, "In an urban district, how many would you have?" We had a pretty high percentage. What you have to realize is that there is a sliding scale in any kind of giftedness, because you have to go to the research which says, "what is gifted," and then you set four or five other kinds of requirements necessary to get into a gifted program.

We have 25 youngsters in our program right now, doing quite well. Some parents have opted not to send their children because they would rather have them in the local school where we provide different kinds of programs for them.

We feel very positive about it. It has given us good exposure, and people can see that we can compete with the suburban schools in this area.

The best part about your program and bill is that it is funded. Again, we are asked to do something out in the schools, and again, without funding. That may be a part of what I would like to see somehow tacked in to this whole approach that you have with your testing. If schools are not doing well, or if they are doing minimally well, what incentive do you have to give them a chance to do better? That is a problem that we have.

We had a contingent of parents the other night -- Assemblyman Doria was there -- and we even had one of our parents who had a student in the gifted program, and she was very pleased.

ASSEMBLYMAN DORIA: That's right. Wednesday night.

DR. LARKIN: Wednesday night.

ASSEMBLYWOMAN GARVIN: Okay. In other words, what I am trying to put on record is something positive about urban districts. You understand my agenda?

DR. LARKIN: Well, if you want something positive, I think you can take a look at the August agenda of the State Department of Education, where we had our county Superintendent, Virginia Brinson, along with all of the principals from New Brunswick, and myself, went down to the State Department to report out that we were fully approved. That has given us a great deal of impetus as far as moving to the next level.

Two years ago, we had gone through the comprehensive basic skills review team that came into our schools. When we first had it, we were kind of upset because we thought it would be somebody from the outside, they wouldn't know our problems. What developed was a very collegial kind of experience for us and for the outside people. They came in and in fact showed us that we were weak in some areas, especially in curriculum development, as well as curriculum mapping and matching. We then took that as a positive kind of criticism of our programs, developed our curriculum to do that, and we went, in some schools, as high up as 56% of our students went up on their minimum basic skills.

So, that is a positive story that you can take back. That is why we are saying-- Our students in New Brunswick, by the way, are in the 90's. We are not in the 80's, we're not in the 70's, and we were in the 50's. We had the lowest scores at the 9th Grade, I think, three years ago. People really did a job on our school district. We felt very poorly about ourselves. It goes somewhat, I guess, to the self-fulfilling prophecy. If you tell a school district that their students are not bright or not good, they start believing it. When we started to turn it around, we started to get better. We started to say, "How

"...we improve?" People started to work harder. It is a nice experience and we feel pretty good about ourselves.

What we see, however, and I guess if I can use this forum, is movement to blunt that now. We are starting to talk about, not CAT scores now, but SAT scores. That was left dormant for a number of years. But, all of a sudden, we see this coming back. We see a creeping program now, about the colleges starting to set up proficiencies. We are not against proficiencies, but all of a sudden, that we did -- I think Mike Ross said it best -- we were in this process for a long time, we resisted it years ago. We resisted your putting all of these programs in, and rightly so. If you remember a couple of years after that, everybody was on urban districts and principals and superintendents, and then the kids themselves got a negative image of themselves. All of a sudden, we start to do very well in this area, and start to feel good about ourselves, and we change that whole process now. But, what do we start saying? We start saying, "Well, let's start looking at the SATs. Let's start looking at a college entrance proficiency area. Let's start setting up the mandate for the high schools." Well, who gave up the mandates years ago? We didn't. The college admissions offices gave it up. They let go of the proficiencies. So, we have to now get our curriculums -- and we are doing this, in gear -- but how do you go about that in one or two years? How do you bring back your foreign language people and your Latin teachers because you let them go, or you had to water down your curriculum because of proficiencies now? These are the real problems out there. Now we have to adjust to that.

We aren't saying that we don't want to adjust to it, that we don't want to go to excellence, but, let us in on the process. Let us know what is coming down. We talked about a student down in Florida who may be suing. Well, if we don't have adequate time and planning on this, maybe we have to start looking at that route.

We will not be as docile as we were several years ago. We are not going to let people climb politically or any other way on the backs of urban superintendents or urban school children. Most importantly, they are what we are working for - the children in those districts. I'm not saying anybody is, but I am saying that we learned our lesson. We got criticized recently for not speaking out on those issues. We will not do that any longer.

ASSEMBLYWOMAN GARVIN: Thank you very much. John, the next speaker?

MR. WHITE: Our next witness is Dennis Crowley, New Jersey School Boards Association.

ASSEMBLYWOMAN GARVIN: Good afternoon.

D E N N I S P. C R O W L E Y: Good afternoon. I am Dennis Crowley from the New Jersey School Boards Association, Assistant Director for Governmental Relations. On behalf of the 612 Boards of Education in New Jersey, thank you for the opportunity to share with you some of our concerns on the legislation before you.

I was very pleased to listen to the dialogue between Mrs. Garvin and Steve Koffler, at the end of Steve's testimony, because the comments contained practically all, if not all, of the things I was going to as you to say, eventually, about the issue before you. For the record, let me review our concerns on Assembly Bill 1785.

At this stage of the process, the School Boards Association cannot support Assembly Bill 1785. The reason for our position at this time is twofold. We feel that the timing for this legislation is perhaps inappropriate, and in addition, upon analysis, we have found the legislation to contain several areas of confusion, concern, and questions for us.

Under current statute, the Commissioner is required to perform an annual evaluation of the thoroughness and efficiency of all public schools under a uniform statewide system. The law prescribes that the system include an annual testing for the achievement of basic skills, and any other means that the Commissioner would deem necessary to determine the status, assure pupil progress, and assess the degree to which the educational objectives are being achieved. We believe that A-1785 would proscribe the authority and responsibility of the Commissioner at this time with regard to this area by legislating an elaborate statewide testing program. We believe that such a step should more appropriately be taken by the Commissioner of Education in his authority as the chief educational officer of the State. In fact, the Commissioner and his staff are currently developing a proposal -- which Steve has gone over in chapter and verse for us earlier, and I won't get into that now. We are, as you are, awaiting the public release of that document sometime in January.

The Legislature has already set a clear policy on the need for both pupil growth and accurate evaluation. We feel a more appropriate course of action at this time would be to allow the Commissioner to complete his study and forward his recommendations to the State Board of Education and perhaps the Joint Committee on Public Schools.

The second aspect of our present opposition to A-1785 centers on what we believe to be several confusing, and in some cases negative, provisions of the bill. Let me briefly review for you some of these provisions and why they give us cause for concern.

The New Jersey School Boards Association wholeheartedly supports statewide testing in the area of minimum basic skills to ensure that all pupils are performing to at least the statewide standard of proficiency. A statewide testing program should be employed at critical checkpoints in the academic grades to ensure that all students meet the State standards, and those who don't, receive help. In this context, we are concerned with the use of what is termed a "matrix sampling test." We feel that this sampling would eliminate the major reason for a statewide testing program. The present program identifies all students who are below the State standard and triggers help for those students. This is consistent with the thorough and efficient intent, which is to derive benefits for individual students. That should be the main purpose of any testing program.

The use of the matrix sampling test is particularly confusing in regard to the 9th Grade testing program. The bill states that the 9th Grade test program will be on a matrix sampling basis and will also be used to assess whether or not each pupil has achieved the necessary level of proficiency in regard to the high school graduation standards. If a matrix sampling test by its nature as defined in the bill does not test every student, we find it difficult to understand how it could be used to ensure that all students are meeting the 9th Grade graduation standards.

In regard to Section 2 of the bill which describes the New Jersey education testing program, we oppose a periodic statewide assessment based on national tests in areas other than reading, writing, and mathematics. We urge instead that you leave to local districts the responsibility to test those students in other academic areas. T & E requires that the curriculum of a district reflect the goals, priorities and student needs for that district. Districts are required to assess all students as a part of their educational program every year and it is this local assessment program developed in the local district and reflective of the local curriculum, which should be the heart and the soul of the evaluation and assessment program. Most districts already use nationally-standardized tests that are appropriate for their curricula. We see no need for a statewide testing program at all proficiency levels and in all subjects because, in all probability, this will do little but lead to a statewide curriculum, thus defeating the purpose of the thorough and efficient planning model.

In Section 5 of the bill, it appears to require that local districts assess every pupil every year regarding every goal and standard at both the State and local level. If this is, in fact, the intent of the legislation, we see this as potentially excessive and overburdening. It would be costly, time-consuming, and unnecessary.

According to the bill, the State testing program will be designed by the Department to assess pupil skills in reading, writing and mathematics at all levels of proficiency. The phrase "all levels of proficiency" makes little sense to us. What we think it might mean is that there would be an almost infinite number of levels of proficiency for a given subject area. In all probability, the attempt to administer a testing program based on this kind of diversity will increase the number, unfortunately, of classifications, categories and boxes into which local districts must force children. For example, by establishing just three levels of proficiency, bright, average, or minimum, one would need reliable statewide standards and assessments to place children across the State in each of those categories. Consider the implication that, for whatever number of levels necessitated by this State testing program, each level would require clear, reliable and realistic proficiencies to determine whether or not a student belongs at that level and whether or not a student has arrived at that level. And, those criteria, unfortunately, must be uniform and rigid across the State.

In Section 1, criteria for a statewide T & E testing program are established. We take exception to several of those criteria, including the notion that a statewide testing program must provide a high level of comparability over a significant range of schools and school districts. We do not believe that T & E is an exercise in comparisons. We believe it is an educational planning system based upon goals and objectives established at State and local levels and implemented at the local level. Schools under T & E are not in a contest with each other and any standardized testing program which not only encourages but in fact necessitates that kind of superfluous comparison should be opposed. We believe that any State testing program should focus on universally accepted learning objectives such as the functional skills of reading, writing, and mathematics at a level of proficiency necessary for the student to function socially, economically

and politically in a democratic society. The purpose of State testing programs should be clearly limited to determining whether a student has acquired those skills.

In this same context, we feel confusion has developed about the purpose of a State testing program. Let me say again, hopefully clearly, that we believe the purpose of a statewide testing program to be the determination of whether the student has achieved the State standard of proficiency -- those levels of performance below which no student should be allowed to drop. We feel most strongly that testing at higher levels of performance in those skills and in other skills should be left to the local districts who already are running far more comprehensive and far more reliable testing programs suited to their curriculums. Those programs are complex enough. Districts do not need an expanded State test to duplicate what they are already doing within their curriculum.

In the same regard, the bill seems to force an over-testing condition of dual testing for students in Grades 3, 6, 9, and 12, since in Section 9, the bill requires local annual testing for every student, and in Section 3, also requires statewide matrix sampling testing for students in Grades 3, 6, 9, and 12.

In another concern, we read the bill to require that schools be evaluated solely by test scores. This would be appropriate as part of the comprehensive evaluation system mandated by T & E, but schools should not be evaluated only on test scores in the 3 R's. If the State is determined to evaluate schools on the basis of test scores, however, why not use the results of the local assessment programs already operating in districts across the State. If these programs are valid enough for determining program and curriculum changes and for remediation for individual students, they ought to be sufficient enough to determine whether or not individual schools have arrived at the achievement of their goals and objectives.

And on a final note, we are very doubtful that an appropriation of \$911,000 will adequately cover the cost of what promises to be an elaborate and complex testing program. This is especially true in light of the fact that in this year's State budget the Department originally requested -- but did not receive -- some \$1.2 million to operate only three basic level tests: the MBS, the 9th Grade writing, and the 9th Grade high school graduation test. The testing programs described in A-1785 is far more elaborate than those three primitive tests and an appropriation of \$911,000 will fall far short. Apart from the cost to the State, we are more concerned with the fiscal impact of this legislation on local districts. To that end, we would like to request that before this legislation moves any further, a fiscal note should be attached to clearly describe the impact on local budgets, as well as on the State budget.

In summary, let me say that we are not opposed to testing programs both on a local and a State level. In fact, we fully support them within the context of the existing statute. However, we cannot, at this time, support Assembly Bill 1785 for two basic reasons: 1, its timing and its complexity preempt what we feel are the legitimate responsibilities of the Commissioner to address and rectify the problems surrounding State testing within his authority; and 2, the specific content of A-1785 requires significant additional study to resolve the questions on the intent and the consequences of the bill. Thank you.

ASSEMBLYWOMAN GARVIN: Okay, thank you, Dennis.

ASSEMBLYMAN PALAIA: Dennis, the very, very last statement that I made -- in fact, the very last sentence -- is something that I think needs clearing, because you said it is solely in the province of the Commissioner of Education to develop something. I take exception to that because I think it is unusual type of thing. He might come out with the concept of something, but it is up to us to develop it and fund it. Consequently--

MR. CROWLEY: (interrupting) Let me add something to what I was saying--

ASSEMBLYMAN PALAIA: Please. I wish you would, because I think what you are saying is misleading. I think you are making it too cut-and-dried.

ASSEMBLYWOMAN GARVIN: We took issue with that before.

MR. CROWLEY: Let me say it another way. Because the Commissioner is so close to announcing a fully-blown testing program, we feel we should all step back and see what that looks like.

ASSEMBLYMAN PALAIA: See, you missed that before. We went through that, Dennis, before you got here. We fully concur that that is the way it should be.

MR. CROWLEY: I preceded my remarks by saying I think I heard everything I came to hear in the comments.

ASSEMBLYWOMAN GARVIN: Yes, but Dennis, I think people who feel that way are really not informed of all of the processes involved, in the State legislative process as it relates to the State Board, and the Commissioner. There is going to be a budget presented to us, about January or February. It is through the Joint Appropriations Committee process that anything is funded. So that is your legislative role. I do not want a misunderstanding that these hearings and this bill are in any way against the Commissioner or to usurp him, if you will. This is not the intent of the hearings, it is not the intent of the bill, and we had a change in administration, a new Commissioner, education is continuing. We can wait for certain things. We have a responsibility to put some issues on the table as a priority, so in your new Commissioner's deliberation, he, himself, from these hearings, will know how the public feels. It is public input, even from the Commissioner's and the State Board's, in the legislative process. You are the second-- Most of the letters have been "how dare you." I resent that. How dare you, because we have a role and we are going to feed into with the Commissioner in the long run. I don't think anybody waits when we are dealing with such an important issue in government, and we as a Committee-- We can't help it if we are just leaders as an education Committee in the State, can we Joe?

ASSEMBLYMAN DORIA: No. Let me just reiterate. I think Mildred made an important point. We have a responsibility to review these areas, and to get public input. I think, unfortunately, that there is not that much public input sometimes in the Department. This bill is here, it is being discussed. It may or may not eventually be the bill that is passed, but the idea is that the Committee definitely has a role, and a proper role, as Mildred says and Joe has said, in the process. If we didn't do this, then we would be left somewhere in the dust, which has happened so often in the past.

What we are trying to say is that there is an activist role on the part of legislators in the area of education to take the forefront - take

some of the shooting. We do this in all areas. In the end, we may not agree with something we introduce, completely. I have done it, Mildred has done it, and Joe has done it. I will put a bill out and then I will change my mind on it. The point is, we have learned, and everybody has learned, through the process because it allows for the give and take that is necessary. I think that is so important, and Mildred is absolutely right.

ASSEMBLYWOMAN GARVIN: Dennis, thank you so much for your testimony.

MR. CROWLEY: Thank you. I appreciate the time.

MR. BIRD: May I ask a question. Is there a time frame for when this bill is going to go to the floor?

ASSEMBLYWOMAN GARVIN: That is the reporter. No. Fred, there isn't a time frame related to the bill that is before us today. It is the power of the Chair to call for bills, and there is no time frame. We have to wait until the report is typed up to review it, and meet with the Commissioner on it.

MR. BIRD: Just one other question, and I know this is unusual: Is there another public hearing scheduled?

ASSEMBLYWOMAN GARVIN: No, I have not scheduled another public hearing, but it doesn't preclude the fact that we have had requests. This has conflicted with several kinds of conventions, and if I get enough requests, we, as a Committee, could very well have another public hearing.

ASSEMBLYMAN PALAIA: I think what you just said is very important. You didn't hear, Fred, the openness that we have on the bill. You are listening to three of the five members right here saying, "If we have to have another session, we'll have another session." That dialogue, I think, really says it all, Fred, that we are open on this and we want to hear from everybody.

MR. CROWLEY: Let me just add, too, that the scope of the discussion has indicated that we are talking about an issue and not a legislation, at this point, I think - the issue of testing.

ASSEMBLYMAN PALAIA: Certainly. No question about it.

ASSEMBLYWOMAN GARVIN: Yes. No question about it. Thank you, Dennis. Is there anyone who has a schedule-- We wanted to take 20 minutes. I understand they have lunch in there. We usually go without lunch. We don't have that luxury. But, if there is anyone here on a schedule, we will not break in order to respect someone who is here who cannot wait 20 minutes -- we are going to eat very rapidly. Herb, do you--

MR. GREEN: I can wait. I was going to wait for Paul Trachtenber and Marilyn Morehauser. They are expected between 12:00 and 1:00. I was going to speak after them. But, if you need somebody to fill the time--

ASSEMBLYWOMAN GARVIN: No, no. Sylvia, if you can't wait-- What we are going to do is eat very rapidly and just take a 20-minute break. Okay, John.

MR. WHITE: Sybil Smith, New Jersey Association of Black Educators.

S Y B I L S M I T H: My remarks will be quite short, and I would like to make them now so that I can get back to the other things we have to do.

I would like to thank you for your continued efforts to bring the legislative process to the citizens of the State of New Jersey, and to allow

input to your Committee from various elements of the State's population. I think it is important and critical to the effective flow of information back and forth.

The New Jersey Association of Black Educators is happy for this opportunity to address this most very critical issue. We would like to express our support of Assembly Bill 1785. We think it attempts to provide the State with some means of providing standards for the education of the students of New Jersey.

We know that the educational preparation of students in this State has been dismal in the past in many aspects. We see students entering college reading on levels that should not have allowed them to graduate from grammar school. We see students not able to compute or do the most elementary algebraic operations. In some of our urban districts, we see students graduating as valedictorians who cannot write a reasonably literate essay. Certainly, something must be done.

We applaud the Assembly Education Committee in moving towards some direction for the State in the area of education. Certainly, the experience and expertise of legislators who have had a significant background in the educational systems of the State may be compared favorably with that of the State Department of Education. We see the Commissioner moving to reorganize the Department, and if this eventually provides for improved service to students, we say "fine," but we cannot allow students to suffer while that process proceeds.

This Committee has a responsibility to the electorate, to the citizens, and to the students of this State, as it does to the Department of Education, to provide for quality education for all of the State's youngsters.

Certainly, there are problems in the mechanics of testing, test-taking, and statewide testing. Some variations of the procedures may be warranted. Some of those variations have been stated previously in this hearing.

We may want to look at the possibility of pre- and post-testing. We may want to look at proper preparation of students and parents for the tests. We may also want to examine the possibility of changing the grades at which the tests are given so that we may track a specific group of students from year to year.

We feel that over the last few years the Minimum Basic Skills test has become minimum skills obtained by students. Students must be encouraged to strive toward excellence. In efforts to score well on Minimum Basic Skills tests, some teachers have neglected to provide enrichment and advanced work for gifted and talented students. We think this is a deplorable situation, and one that this bill, by including more than just basic skills, can attempt to alleviate.

Again, we would like to express our support of your effort in moving toward the day when each student educated in the State of New Jersey may expect to have been educated to his or her fullest potential. I think that is our greatest concern, that we do start moving toward quality education in the State.

ASSEMBLYWOMAN GARVIN: Thank you, Sybil. Are there any questions?

MS. SMITH: I would just like to say one thing, because you did mention the Johns Hopkins program - the gifted and talented program.

ASSEMBLYWOMAN GARVIN: Yes. I meant to see if Newark did it, yes.

MS. SMITH: One of the problems that I see -- that is a personal issue, since I have a child who is involved in that -- is that the State has removed its support of that program. The State is initiating its own program, Rogate.

ASSEMBLYWOMAN GARVIN: What is that?

MS. SMITH: Rogate - R-O-G-A-T-E. The cooperation of the districts with Johns Hopkins has been diminished because of this difference in cooperation. I think it is incumbent upon the State to allow students access to all kinds of programs. I think it is something that needs to be explored, and something that your Committee may be interested in looking at. But, I think the Johns Hopkins program has a track record, has a policy, and has programs that have been in existence for some time. I think it is an important one, that the students of the State need to have access to.

ASSEMBLYWOMAN GARVIN: I thank you. I will communicate, because I am not fully informed.

MS. SMITH: I have the information from Johns Hopkins.

ASSEMBLYWOMAN GARVIN: I will ask the Commissioner -- Steve, if you don't mind -- to respond to the question on the Johns Hopkins programs here in the State. When I get that information, I will see that it is properly disseminated.

MS. SMITH: Thank you.

ASSEMBLYWOMAN GARVIN: Thank you, Sybil. Okay, we are going to take the quickest 20 minutes. Assemblyman Doria has to run to a meeting at NJIT, but he is going to return.

ASSEMBLYMAN DORIA: I will try to get back.

ASSEMBLYWOMAN GARVIN: But, he is with us.

ASSEMBLYMAN DORIA: Thank you very much, Mildred.

ASSEMBLYWOMAN GARVIN: Thank you, Joe.

(Afternoon Recess)

AFTER RECESS

ASSEMBLYWOMAN GARVIN: We will reconvene this public hearing. John, would you call the next witness.

MR. WHITE: Marilyn Morehauser, Paul Trachtenberg, and Phillip Mash.

MR. TRACHTENBERG: Phil won't be testifying.

MR. WHITE: Okay. We will hear from Marilyn Morehauser, Director of the Education Law Center, and Paul Trachtenberg, Professor of Law, Rutgers University. Are you going to testify individually, or are you going to testify as a team?

MARILYN MOREHAUSER: Yes, individually. We are really a team act, but we will go on one at a time

Madam Chairperson, Committee, and Staff: I am happy to be here to testify on the proposed Assembly Bill 1785. As Mr. White noted, the testimony to be given today by Professor Trachtenberg and myself is really the fruit of joint work, together with the work of Phil Mash, the professional staff of Education Law Center, and several others who are very seriously interested in the issue posed, or the issues posed by the bill.

We had hoped to have written comments prepared to submit to you, and we assure you that they will be forthcoming. In addition to which, we will submit to you the specific proposed amendments to this bill. If they don't reach you by next week, we certainly hope by the week following Thanksgiving, they will be in your hands.

As perhaps you can gather, from just this description of the amount of analysis and thought we have given to this, we consider this a very important bill. Generally, we agree on the thrust of the bill. Certainly, in this era of high technology jobs, and with New Jersey's emphasis on attracting high technology industry to the State, the children for whom the State has the responsibility to train for the job market, should be taught, and there should be accountability for their having been taught higher order skills. That said, we must point you to what we see as legal in educational policy problems with, not the thrust of the bill, but the effect of the bill.

In order to deal with these problems, we feel that we must look at the constitutional underpinnings of the bill that this would replace. The thorough and efficient constitutional mandate, as interpreted by the New Jersey Supreme Court, embraces that educational opportunity which is needed in the contemporary setting to equip a child for his role as a citizen and as a competitor in the labor market. It was this interpretation of the Constitution which compelled the enactment of Chapter 212, and as the Legislature wisely recognized in 1976, further compelled the establishment of standards for assuring that the educational opportunity promised by the Constitution is actually delivered.

In approving the Minimum Basic Standards Bill, the Legislature recognized, as many people in the State recognized, that there are large -- there were and still are, as I will note further -- numbers of children in our public schools either graduating or dropping out of school, still unable to read, write, or do simple arithmetic. So, today, we want to applaud the purpose of the Minimum Basic Skills test by directing your attention to the legal compulsion

under the Constitution which that test aims at meeting; and further, of the Graduation Standards Act, which the Legislature also considered necessary to fulfill the Constitutional requirements, namely, again, to assure that our children in our public schools are functional in the job market and as citizens.

The bill seems to be a response to certainly widely publicized, if not widely held, perceptions that everybody in the State has now mastered minimum basic skills. "We've done that job," is the line I hear over and over again, or I read about.

I would like today to point you to some information that has been forthcoming from the Department of Education which seems to negate that widespread perception. In a document entitled, "100 Plus Successes in Basic Skills," issued by the Department of Education in 1981, this information was included:

There are nearly 50,000 students attending 30 high schools with serious basic skills problems. What are these high schools? Eight of them are vocational schools; 22 of them are urban high schools.

The document goes on to note that in 1981, 47% of the 9th Graders in those high schools did not meet the State Minimum Competency Standards in reading. Additionally, the document notes, between the 9th Grade and the 12th Grade, 45% of the students in these 30 high schools drop out. And, "this probably accounts for the considerably higher percentage of 11th Graders meeting the State standards - 11th Grade - since -- and this makes sense -- low achieving students are more likely to drop out; successes hang on.

Additionally, as reported in the national publication, "Education Daily," on November 9, 1982, the New Jersey Basic Skills Assessment Program, conducted in institutions of higher education, both public and 10 private such institutions in this State, it has been noted that there is no improvement in mastery of basic skills and there has been no improvement since 1978. These are the basic skills tested in 70,000 entering freshmen in New Jersey institutions of higher education. Of those 70,000 students tested in 1981, only 30% showed full proficiency in 6th Grade arithmetic. That is a sad commentary.

Mr. Edward Morranti, who is Chairperson of the Higher Education Basic Skills Assessment Committee, has stated that the goal of the program of higher education assessment in New Jersey is, "public acknowledgment of students' basic skills deficiencies and increased research into why they occur."

Finally, in another Department of Education publication entitled, "Interim Report Concerning Schools Involved in Comprehensive Skills Review Process," 1981, the Department noted that in 169 schools, performance on the Minimum Basic Skills test either remained stable or declined, and that in those schools, fewer than 65% of the students had met basic skills standards. That was as of 1980.

I think just these basic facts may give the lie to the commonly held perception - that basic skills have been mastered. There are substantial numbers of children in this State who do not function on a minimum level in reading and in math, because as we know, writing has not yet been tested. Those of you who do, as I do, that is, shop in our urban stores -- Rite-Aid is one example. I frequently go to Mr. Lurman's establishment in Newark, where I live and work -- there are young people, products of our public schools, who can't figure simple change. They will never make it out of those bottom-level jobs. The high technology that we are trying to attract to New Jersey will be

a job market that will continue to exclude those who most need to make it up. It is that problem that we address as we look at the bill.

In Assembly Bill 1785, the proposed use of an undefined matrix sampling -- and I am sorry I missed Mr. Koffler's testimony. Perhaps the definition would have been made clearer -- will assess not those children who are failing, it will assess schools. In so doing, it will ignore the continuing widespread educational non-achievement of thousands of urban children. Additionally, it will eliminate the test as a tool for diagnosing individual deficiencies, and for assuring individuated remediation targeted specifically to those deficiencies.

Once more, I reiterate: The Constitutional guarantee assured all New Jersey public school children is a guarantee that goes not to schools but to children, unless the test, which is a criterion reference test, a test that every child should pass if the Constitutional mandate is to be effectuated for every child, the children are not protected. The children most in need are ignored in this bill. Remediation cannot be individuated, and it must be individualized if their deficiencies are to be met.

All of which is not to say that we would agree that the Minimum Basic Skills test, as it now is and as it has been devised and administered, is all that the children, the poorest children in New Jersey need. It is very, very minimal. Perhaps the next time a court looks at what is needed for the Constitutional mandate to be met in today's society, more than minimal skills will be talked about. We would fervently hope so,

But, it remains true that even under the very easy, easy to reach, as anybody who looks at that test would recognize, standards, far too many children are not achieving, and we cannot abandon those children. Nor do we believe that it is inconsistent with this bill to do matrix sampling and also to do a test that would permit individualized assessment - perhaps not at the same time.

Professor Trachtenberg, in his remarks, will deal specifically with the recommendations we make, so I will leave the fleshing out of that recommendation to him.

Additionally, as to the provisions of this bill, because of what we recognize, and many people in the State recognize, as a present dearth of testing programs in many school districts, we believe that the bill should more specifically mandate for interim years when the statewide test is not given - both State control of the test -- which doesn't mean there shouldn't be a local option -- as well as accountability to the State and to the public for results of those tests.

I have here today, and if you would like to know the specifics, I can, of course, give them to you, what presently issues from the Department as guidelines for what should be done in interim years. The problem is, it isn't done. We would advise legislators who care about the year-by-year testing to assure achievement, to build into this bill requirements of State control, so that what is now on the books will be required, will be mandated by the law. Because too many districts simply have no semblance of a testing program other than the Minimum Basic Skills test.

There is a second and a very serious legal problem that arises under this bill, and which also arises under the statutes that are now on the books. For the most part, the problem is evident and is ripening for legal challenge under

the Graduation Standards Act. In our appearance before you for urban education advocates, we spoke to you of the denial of access of non-English-speaking students to the testing program, and of course that means, at least for some students, to graduation, which has been interpreted by Federal courts as being a property right.

Under both the equal protection provisions of the State and Federal Constitutions, and Title VI of the Civil Rights Act of 1964, what is happening in this State is challengable - if not now, in 1985, when the first class of graduating students who must meet the standards is due to come out of the schools.

At present, under the regulations promulgated pursuant to the Minimum Basic Skills Act and then incorporated in the Graduation Standards Act, there is permissive denial of access for non-English-speaking students to the State testing program. Specifically, NJAC 6:39-1.5b permits local districts not to require limited English-speaking ability students to participate in the testing program. It is permissive. The decision can be made on a district-wide basis, unlike the decision made for handicapped students as built into the regulation, where the decision is made on the basis of the students Individualized Education Program. There is no such individualized decision.

As to the seriousness of this problem in this bill, I think the question legislators must ask themselves is whether or not they mean every child. Are you, again, delegating to the Department of Education the authority to decide or, to permit districts to decide, that every child doesn't mean every child? That is what has happened in the past. Do you want limited English-speaking ability students to participate in the testing?

Now, we recognize that there are serious problems that have to be wrestled with. I don't want to address them in any degree of specificity. As I said earlier, the most serious problem arises under the Graduation Standards Act, because that is the bar of the diploma, and that is a serious bar.

I think this Committee should seriously look at amending the Graduation Standards Act.

Just to explain a bit more as to the legal problem: In this State, non-English-speaking students who start early enough in school may not have a problem in graduating if they are in good bilingual or ESL programs. However, the critical problem attaches to the child who comes in to our public schools in later grades. What about the Puerto Rican child who comes in at 9th Grade? There is the corps curriculum to deal with; there is the 9th Grade test, and although we have been promised by our former Commissioner that there would be Spanish language tests, there are none. There are additional questions to wrestle with.

Do we think the child is competent to function in New Jersey's job market as a New Jersey citizen, without being capable of meeting minimum standards of competency in mathematics, in reading, and in writing? Those are questions, however, that cannot be avoided as 1985 approaches.

As I said earlier, we will be presenting written comments to you, as well as the specific amendments we are recommending for this bill. Professor Trachtenberg will address himself to those specifics.

If you have any questions now on anything I have said, I would be happy to deal with them.

ASSEMBLYWOMAN GARVIN: Okay, Marilyn. I have a question on that statement you just made about the Spanish language test. I thought we had done that. You are bringing new information to me.

MS. MOREHAUSER: What happened, Madam Chairperson, there was, I think, two years ago, a request by the Department for funding to devise a Spanish language test, and the response of the Legislature was, "You have enough money." The Commissioner agreed. We still don't have the test.

ASSEMBLYWOMAN GARVIN: I happened to have been on the Joint Appropriations Committee during that process, when, I remember, the commitment was made. This is new information, and I thank you for that because it was with the understanding, first, there was a resolution to put money in -- if I remember correctly -- separately.

MS. MOREHAUSER: Yes.

ASSEMBLYWOMAN GARVIN: And then, because of other priorities, that resolution was not called for, but the Commissioner made a commitment.

MS. MOREHAUSER: That's right.

ASSEMBLYWOMAN GARVIN: I was on that Joint Appropriations Committee, and this is new information, which I thank you for.

MS. MOREHAUSER: As I said, we recognize that there are serious problems that have to be dealt with. But, as an example, the math test wouldn't have to be a newly-devised test to newly validate a test; the reading and writing might have to be in a language other than English - would have to be a good translation because math is really not related to language, within any culture, the same math is used, certainly within the western cultures.

ASSEMBLYWOMAN GARVIN: I just have one other -- I don't know if it is a question. One of the things that took place this morning, we had two urban Superintendents -- I think one of the two represented the Urban Roundtable.

MS. MOREHAUSER: Right.

ASSEMBLYWOMAN GARVIN: They were more positive about the success of the minimum basic skills.

MS. MOREHAUSER: There certainly has been some success, but-- You notice the title of the one book, from which I took the statements of the Department, notwithstanding, certainly increasing achievement is reflected in our present Minimum Basic Skills test. There are substantial numbers of children still not reaching those levels of competency. That is worrisome.

ASSEMBLYWOMAN GARVIN: Okay, thank you. John, who do we have?

MR. WHITE: Our next witness is Paul Trachtenberg, Professor of Law, Rutgers University.

PROFESSOR PAUL TRACHTENBERG: Thank you, Madam Chairperson, members of the Committee, and Staff. I am pleased to be able to share some further reactions about Assembly Bill 1785 with you. Let me try, in brief form, to do several things. I would like to express some support for what I take to be at least two of the basic thrusts of the Assembly Bill, to raise some concerns and then to suggest some ways in which I think those concerns might be alleviated, consistent with the basic thrust of the bill.

There are two respects in which I think the bill makes an important contribution: one is the extension of the State's systematic involvement

in pupil achievement beyond the minimum basic skills area to the higher levels of skills, and, indeed, to skill areas other than reading, writing, and mathematics. I think in both of those respects, the bill can make an important contribution.

Secondly, I think to the extent that it represents a clearer statutory statement of the State/local shared responsibility for dealing with matters of pupil achievement and assessment, and for remedial and curricular responses, I think it can equally make an important contribution.

So, in those respects, I support it, and I think I speak for Marilyn Morehauser as well.

There are some concerns, and I don't want to repeat what Marilyn has said - I share her feeling that there are concerns along those two lines - but, I want to try to address it in a somewhat broader and slightly different way.

The State really has two major constitutional obligations which are relevant to Assembly Bill 1785 and what it seeks to cover. One is the notion of providing equal educational opportunity to all pupils within the State, and that is under the State Constitution's education clause, the so-called T & E Clause.

The second, which is really triggered most specifically by the high school graduation requirement is, that the State has an obligation to conduct that program in a fair, and an equitable, and a valid manner, and that attaches under both State and Federal Equal Protection and Due Process provisions.

To discharge those responsibilities, the State has to assure a significant degree of uniformity statewide. That, to me, seems inevitable. The State Supreme Court, on many occasions, has made clear -- including in the Robinson vs. Cahill case -- that ultimately, it is the State's responsibility to see to the education of all of the students.

That is not to suggest that it is incompatible with very substantial local flexibility and local discretion and local initiative about how statewide goals and standards are to be met, and whether to go beyond those. Those are certainly important and permissible areas for local districts. But, at the center of the educational process -- and certainly educational accountability process -- is the State, and the State simply can't avoid that responsibility. That seems to me especially true about the achievement of that level of competency which is necessary for students to function in the world outside of the schools. Marilyn has talked about that. But there, the State has an absolutely essential and absolutely constitutionally-required function. I think there is no dispute about that.

Under the laws that now exist, the State has sought to meet that responsibility in a variety of ways. It has provided a sequence of basic skills tests at periodic intervals; it has exercised some limited control over local district assessment beyond those statewide basic skills tests; it has required local districts to come up with a basic skills improvement program; it has required remedial programs for individual students who have deficiencies; it has provided a State Compensatory Education Fund and imposed some program requirements; and, it has sought to impose a forum of district classification - all as part of a framework to try to deal with these and some other issues.

I believe that there is a special importance which attaches to the 3rd Grade and 6th Grade State Minimum Basic Skills test as a prerequisite to

the 9th Grade, now graduation requirement test. It seems to me, among others, there are at least two elements of that that are very relevant to Assembly Bill 1785.

One is the purpose that those 3rd Grade and 6th Grade tests serve in the early and uniform identification of individual students with minimum basic skills problems, which may jeopardize their ability, ultimately, to pass the 9th Grade graduation requirement test.

Those earlier tests, and particularly under existing State regulations, the 6th Grade test is the vehicle for required remedial help for individual students.

Secondly, to the extent -- there is much discussion about this, and not a lot of agreement -- a testing program can be said to drive the curriculum, to shape the curriculum, it seems to me that the effect of the 3rd Grade and 6th Grade Minimum Basic Skills test is to insure that the curriculum in every district has some kind of sequential approach that it incorporates those skills which will ultimately have to be demonstrated by students when they get to the graduation requirement test in the 9th Grade.

I am concerned about-- My major concerns about Assembly Bill 1785 is that the elimination of the 3rd Grade and the 6th Grade individual Minimum Basic Skills test will tend to work against both of those important purposes. It will tend to work against the uniformity in the identification at an early stage of students who demonstrate basic skills problems that may ripen, ultimately, into problems with their being able to graduate; and secondly, it poses problems in terms of curriculum, because to the extent it frees districts to use the California test, or the Iowa test, or any one of the eight or ten other tests, they may, to some degree, build their curriculums not around the State test, because that is a distant test; that is a 9th Grade test under this bill. They may build their curriculums around a 2nd Grade or 4th Grade California test or an Iowa test-- The extent to which the 9th Grade State test involves such basic material that it will be covered, no matter what the curriculum direction of the local district, is not entirely clear to me. Some people argue that it is so minimum, so basic, that it is hard to imagine any district, no matter what its curricular choice is, that wouldn't cover the material.

But, I would suggest to you that that is not so absolutely clear, and I draw that, and I have shared with you, Madam Chairperson, some court decisions in Florida and in Georgia, where courts were concerned, as a legal matter, about exactly that problem.

In connection with the Florida high school graduation requirement, also thought to be a minimum basic skills requirement, the court said that the state had not discharged its obligation to demonstrate that students were actually being taught what the graduation requirement test was testing, and that it is simply unfair as a matter of notions of due process of law to test somebody and make their graduation depend upon material which they may not, in fact, have been instructed in. So, I would suggest to you that there is at least a big question mark about letting local districts go substantially freer than they now are of any sort of State direction in the earlier grades about how their curriculum should be shaped.

There are also some practical problems, I think, with the elimination of the individualized tests at the 3rd Grade and 6th Grade levels. One is a problem which I think may occur in the high-achieving districts. Those districts, as we know from existing MBS test results, have a huge percentage of their students meeting the Minimum Basic Skills test without difficulty. They also have some small percentage of students who do not meet those requirements. I am very fearful that those few students in the high-achieving district will be largely ignored - will be ignored to a greater extent if the district is freed of statewide testing at earlier grades than they are now.

Secondly, in those districts which have had and continue to have massive problems with bringing their students to the minimum basic skills levels, it seems to me that the elimination of earlier statewide tests will tend to make those problems less visible to the public and perhaps to the State, and will, I think, undermine some of the positive advances that have been made -- that you apparently heard about from urban superintendents. In connection with the preparation of the "School Watch" report, one of the things that surprised some of us was, in response to questionnaires, many school people talked very favorably about the MBS test, because they said it really dramatizes what we may have suspected anyway. But, it forced us to confront the reality. My fear is that eliminating the statewide test at the earlier grade levels will permit local districts to defer the reality. To use national tests and say, "Well, we're not up to national norms, but we haven't been"-- It fudges and fuzzes the issue of how big the problem is.

Assembly Bill 1785, as I read it, eliminates the 3rd Grade and 6th Grade Minimum Basic Skills test on an individual basis. True, some basic skills items would be folded in to the broader test, which is going to be applied on the matrix sampling basis, which I understand to mean individual students will take different portions of a large test. The results will give some profile of schools and school districts, but will say very little that is definitive about individual students.

So, individual students will not be assessed until the 9th Grade on a statewide instrument. What happens in districts will vary, I suspect, from district to district about the extent of the use of national tests, or locally-created tests, what they do with them, where they set pass scores, if they are free to set pass scores differently. I think students who reach the 9th Grade, having not been systematically tested in a way that will suggest to them whether they are on target to meet the 9th Grade graduation requirement test, have a real grievance, legally and otherwise.

I think it is not a sufficient answer that they can get remedial help after they fail the 9th Grade test, and that they can retake the test, because the statistics that Marilyn indicated suggest that what a lot of those students will do is wait until they are 16 and drop out. They won't avail themselves of subsequent remedial help. The time to help them is earlier, not after they have demonstrated their failure at the 9th Grade level.

There are some solutions. I don't want this to sound like a blanket indictment of the bill because I don't mean it to be. And indeed, I think some surprisingly minor changes in the language of the bill can adequately deal with these policy and legal concerns. Let me try to suggest them. We are working on language which would implement them.

I have done a little checking, perhaps not enough, with some technical people on test construction. But, I am told that this is a feasible approach, and so, our suggestions are the following:

That the matrix sampling approach be continued in Grades 3, 6, 9, and 12, but that a full minimum basic skills test be incorporated in Grades 3 and 6. It is already provided, I presume, in Grade 9, as the high school graduation test, but as follows: -- it is not simply going back to the existing system. I think it is importantly different. And let me also say, it does not seem to me the same legal or other compulsions attached to a 12th Grade minimum basic skills test, because as I understand what happens now, the 11th Grade test is essentially a rerun of the prior test, so, I don't see any particular point in saying we shall have a full-blown 12th Grade minimum basic skills test. For those students who pass the 9th Grade basic skills test, it seems to me they have established what the State has required of them in the basic skills area. They will be tested in the 12th Grade on the matrix sampling basis, and I think that is adequate. For a student in 9th Grade who fails the 9th Grade test, that student would have the opportunity to retake the 9th Grade test, hopefully until the student is able to demonstrate success on it. So, I'm not sure -- at least legally -- that a 12th Grade full minimum basic skills test is required. But, it seems to me it could be handled in the following way:

That the expanded test given on a matrix sampling basis could be administered in January or February of the school year in those grades - 3rd Grade and 6th Grade. I understand there was a research study prepared some time ago for the State Education Department which would suggest that by including a relatively small number of minimum basic skills items on that portion of the test which each student takes, it is possible to get a sufficiently accurate insight into the individual student's performance to at least say that this student has significant potential of showing minimum basic skills problems. The example I was given was, you might include 15 items. If a student gets 14 or 15 of those items correct, you can reasonably, safely assume that the student is on target. As to exactly where the dividing line falls below that, I think it is more a matter for technical people than for legal people. But I have been advised by at least one person who I think has some knowledge of this, that there is work which suggests that the State can make some determination based on that limited number of items, at least as to students who are in some jeopardy.

And, that further, the so-called turnaround time, the time it would take to get that information, might be as short as four to five weeks. So, if a testing program is carried out in January or February, those students who have problems could be identified in time for them, and only they, to take a full-blown minimum basic skills test in either the 3rd Grade or the 6th Grade. That would still be in time to have their program for the following school year adjusted to give them remedial help, if after taking the full test it turns out that they indeed do have a problem.

Let me just emphasize what that means. That means, in many districts - high-achieving districts - the great bulk of students, by virtue of their performance on this limited sample of minimum basic skills questions, would in effect, be exempted from the full minimum basic skills test. So, it doesn't mean that somebody who is going to ultimately score 800 on the SATs is going to

take a rudimentary basic skills test. That student will have to take it in the 9th Grade, as a certification of graduation, but it does not mean that that student will have to take it in the 3rd Grade and in the 6th Grade. It does mean that students who may be in some jeopardy of not passing the 9th Grade minimum basic skills test will have an earlier exposure to basic skills testing on a State level, and will have access to remedial programs if in fact they do not demonstrate that they can be successful.

So, that is one, and probably the major suggestion, and I think it is a fairly modest suggestion. It means some significant number, but probably a relatively, manageable percentage of all 3rd Grade and 6th Grade students will have to take something beyond the matrix sampling test; namely, a full-blown basic skills test. But, that is done for students whom we have some reason to believe may have serious basic skills problems. I think as to those students, the State has a responsibility to do something more than say to the local district, "Do something about it, and we as a State will wait until 9th Grade, and then get the bad news if it is bad news."

Secondly, it seems to me, that school and district performance under this approach can be assessed on a combined basis. It can be assessed on the matrix sampling approach in the broadened competency test in reading, writing, and mathematics, as the bill provides; it can be assessed by this periodic national testing in areas other than reading, writing, and mathematics, also as provided in the bill; and, in addition, there will now be a further bit of data about each school and district; namely, how many of its students demonstrated some weakness in the basic skills, sufficient to require that at the 3rd Grade and 6th Grade they take the full basic skills test, and how did they fare on that full basic skills test.

It seems to me another important bit of information, not only to deal with individual students, but to help the State direct its attention and energy and resources at schools and districts.

Finally, in line with something Marilyn talked about, I believe that the language of the proposed new Section V in Assembly Bill 1785, which now says, "The Commissioner of Education shall establish standards for the local assessment program," should be expanded in the following three respects: First, that the Commissioner should specify those national tests which may be used by local districts; secondly, that the Commissioner should establish on some kind of anchoring basis - some kind of comparability basis - acceptable performance levels on those national tests, which will be in harmony with the performance levels on the State test; and finally, a requirement that local districts should report to the State and make public the results on those national tests.

It seems to me, that is a way to further buttress the continuity that, I believe, is crucial for the State to build into its assessment program and into its recognition of the importance of student achievement in the areas of basic skills.

I also want to endorse Marilyn's statement, which is really, in a sense, outside of the parameters of this bill, that the Committee should consider amendments of the High School Graduation Requirements Statute, to deal with the very special problems of children whose primary language is not English, because there are serious legal and educational policies, and ultimately serious

legal questions with what is being done now.

So, in conclusion, I think that the changes to accommodate these concerns are relatively modest. They, plus a variety of more technical changes - which we are going to propose -- I think would permit the laudable aims of Assembly Bill 1785 to be advanced, but in a way that is fully consistent with the State's constitutional and educational policy and moral obligations. I do not believe that the costs and time burdens, which would be added by this approach, are substantial. I think they are more limited than one might have imagined.

I appreciate the opportunity to testify, and I just want to reassure you that we will be submitting both specific amendatory language and a somewhat more formal version of these remarks to the Committee for their assistance. Thank you.

ASSEMBLYWOMAN GARVIN: Okay, Professor Trachtenberg. I would like to thank you for your excellent presentation. I think, whether or not you know it, that one of the purposes of this public hearing is to get input, and we are receptive; we want amendments before we go into the legislative process. You see, we have a little more freedom in a public hearing setting. With the idea that we will receive recommended amendments, and we still have to meet with the Commissioner, I don't think a bill as important as this can be rushed through any process. So, we welcome the amendments and your excellent presentation.

I wrote a note to myself - that you have just added a million dollar fiscal note to the bill with some of the recommendations. (laughter) I don't have any problem with that. But, I would like to thank you and say to you that we welcome the amendments, so, don't feel in any way, an imposition. I take the position that no bills are written in cement, so, we thank you.

PROFESSOR TRACHTENBERG: Well, I don't think Marilyn and I have a vision of ourselves as shrinking violets on these subjects. We won't be too hesitant in proposing amendments. Thank you very much.

ASSEMBLYWOMAN GARVIN: All right. Thank you so much. Assemblyman Palaia, do you have any questions?

ASSEMBLYMAN PALAIA: No. It was a good presentation, Professor.

ASSEMBLYWOMAN GARVIN: It was excellent. John, would you call the next witness?

MR. WHITE: Our next witness is Herb Green, the Executive Director of School Watch.

HERB GREEN: Thank you. Madam Chairman, Mr. Palaia, John: I think I can just conclude my testimony by saying, Hear! Hear! to both Paul's and Marilyn's presentations. They have said much better with much greater skill, what I have come to say, but I want to just endorse what they said, and also, specifically, endorse careful attention to Professor Trachtenberg's recommendations to specific amendments in the bill.

I would like to just add a few comments of my own, which may sound a little redundant, but I hope not too much.

Despite statements to the contrary, statements which suggest that statewide testing has outlived its usefulness -- and we have all heard those -- it seems to me too, that there is ample justification for maintaining and strengthening the State's responsibility for setting standards to certified competence.

I came with other examples; I don't need to tell them, now that Marilyn has given her list, but I just pulled out the results of the '82 Minimum Basic Skills test, and if you just look at the results in District Factor Group A districts, and see such figures as 54.8% of the kids able to pass the 9th Grade reading tests; 63.6% in math in one district, 68%, 69%-- I think the evidence is quite clear there, that there are large numbers of children who are still not able to meet even those minimal standards, and I don't really see how we can back away from the State's responsibility. Aside from the legal aspects of it, I think there is a moral responsibility.

I happened to be reading the other day, a book by a fellow named Sealy, who is the head of the Public Education Association in New York for many years. I'm not sure-- I don't think he still is. But, he said -- something like this, I didn't copy it out exactly -- The minimum competence movement represents a grass roots rebellion against generations of unaccountability, a period during which school systems adopted goal statements assuring one and all that they, "would educate all children to their full potential," and that they would provide equal educational opportunity. These marvelous-sounding commitments, unaccompanied by educational achievement standards against which to measure them, have permitted the widest possible levels of achievement, including a substantial degree of failure. It is not a mere coincidence that somewhere between 35 and 40 states now have legislation or State board requirements on competency testing.

The purpose of competence testing - to assure that at least the minimums achieved by all children in schools represents a major change from the bureaucratic trends of the last century, which have proscribed increasingly detailed bureaucratic means for achieving ever more vaguely defined ends.

I think that is a powerful way of saying it, and which leads me, by the way, to commend both you, Mrs. Garvin, and you, Assemblyman Palaia, for your comments to Dennis earlier, when he seemed to suggest that maybe the Legislature was overstepping its bounds. I think he backed off from that, but it sounded that way. I interpret what the Legislature is doing here as being a tremendously important thing, and that it is responding to the pleas of a constituency, a very broad constituency out there. So, I have no difficulty with that at all.

It is obvious that a persuasive argument can be made that the present program is flawed. But, that is no reason, as far as we are concerned at School Watch, and one of the reasons Professor Trachtenberg is able to cite this, and one of the reasons for those of you who have read our recommendations that they may sound familiar to you, in terms of Marilyn Morehauser's and Paul Trachtenberg's comments, is that they had a great deal to do with writing this particular chapter.

So, there is no reason to conclude that the deficiencies cannot be corrected, or that State-administered tests can only deal with minimums. I think that is one aspect of the problem that interests me, the question of the minimums. It troubles me about the present program. I have the impression that altogether too many programs, particularly in urban schools, are driven almost exclusively by the objectives of the Minimum Basic Skills testing program and that very little attention is paid to aspects of the program which go beyond the minimums. So, I think that it may be that we are, in many ways with the present program, testing the wrong things. I think that is something we have to take a look at.

of course, you do in the bill, when you talk about higher level skills. You talk about the ability of children -- to help children achieve the ability to think through and solve problems for themselves - reasoning skills. I think certainly the intent of the bill and the thrust of the bill is to move us in that direction.

That is one of the flaws of the present bill or the present system, and I think you are taking steps to correct that. I think Professor Trachtenberg's proposal would deal with that.

I am just looking here to see if there is anything that I can add. I do have one thing, yes. It seems to me that holding a test until the 12th Grade doesn't make a heck of a lot of sense. It seems to me that it would be considerably more useful, and some states I understand are doing this, to move the test back to the 11th Grade for this reason: That leaves them, the senior grade, it leaves the 12th Grade for students who have deficiencies which are uncovered by that 11th Grade test to do something about them. I don't mean just college-bound children either. It seems to me that there is a fundamental set of skills that job-bound or college-bound kids need. I think that they may, in many regards, perhaps in most regards, be precisely the same skills.

There is a shortage in this country right now of master machinists. Master machinists have to know a lot about algebra, and they have to know a lot about geometry. They don't necessarily have to be college graduates or college students. I think that the job market is asking for people who have developed a considerable level of skills above those of the minimums. (drops something) I didn't mean that. (laughter)

ASSEMBLYMAN PALAIA: I didn't think that statement was that profound.

MR. GREEN: No, I didn't think so either. Boy, that really popped out-- It should have popped out when Marilyn said something, or Paul.

MR. TRACHTENBERG: It did, but it didn't have the nerve to make any noise.

MR. GREEN: At any rate, I think you ought to give some consideration to the idea of allowing some time for corrective action in the 12th Grade. All you do by testing in the 12th Grade is identify some winners and losers under this present system, and out-- and they go up and they have their problems addressed by higher education and waste an awful lot of time there. Most high school seniors have an awful lot of time in their schedules in their senior year, to be able to deal with some of the deficiencies that might be uncovered here.

I guess that is all that is different from what the others have said. I support, in every regard, their comments. I am most concerned that we find ways to guard against the narrowing of the curriculum. As long as we maintain the minimum skills program, fine, but I would like us to take a look at a program that does, and in a progressive way, get kids to reason more effectively, and not just keep testing, what I suspect is a litigious criticism, the wrong things. Thank you very much.

ASSEMBLYWOMAN GARVIN: Okay, Herb, thank you. I think your comments are well taken. I had an opportunity to have a presentation by the Port of Authority of the infrastructure - \$80 billion. I sat there saying, "I wonder

how we are going to relate that to our young people who we are graduating from high schools and colleges." That's going to be a lot of money in building those infrastructures. So, I think your comments for training, not just for college, is quite timely.

MR. GREEN: Thank you.

ASSEMBLYWOMAN GARVIN: Thank you. Are there any questions?

(no response)

MR. WHITE: Our next witness is James Wright, Vice President, New Jersey Alliance of Black School Educators.

J A M E S W R I G H T: Madam Chairperson and Committee members: I would like to sort of preface my remarks prior to giving them. I was not aware that I was to make a presentation until about 3:00 yesterday; our President is out of town. When I got up this morning, after reviewing and looking over the bill, somewhat thoroughly, I did not have a chance to digest it completely. So, I will tell you that this is not based on a scholarly dissection of the bill at this time, and later we will give you a more comprehensive response. But, since I did get up this morning at 7:00 to write it, I will-- (laughter)

ASSEMBLYMAN PALAIA: We might as well hear it.

MR. WRIGHT: I certainly appreciate the opportunity to present my perceptions of the organizational viewpoints relative to Assembly Bill 1785.

Among the many objectives stated by our organization, there is one that reads thus -- "to meet and share ideas, improving programs and guaranteed technique for demonstrating that black and minority youth can achieve to a wholesome degree, irrespective of socioeconomic conditions." Consistently, research evidence has shown that minority students score below whites on measures of academic achievement. The differences in motivation to achieve between the races have been interpreted by placing responsibility on the home and/or school. Using culture deprivation among blacks as a cause, research has explored authoritarian and controlling parents, early experiences causing distrust of others, and father absence. Educational deprivation has explored teachers' low expectations and lack of motivation among black students.

I derived the following statements from a recent study: Achievement motivation was defined in this study as the "overall tendency to evaluate one's own performances against standards of excellence, to strive for success against these standards, and to gain pleasure from succeeding; however, economist standards define excellence in relationship to one's own past performances. Social comparison standards compared one's own performance with that of others. The study compared autonomous and social comparison achievement motivation among black and white students in the 2nd and 5th year.

The findings were interesting. The autonomous achievement motivation did not differ greatly between black and white students of similar socioeconomic backgrounds. This refutes the concept of culture deprivation as one of the primal causes for lack of achievement.

There were significant differences in the social comparison achievement motivation, which, according to the researchers, supports the educational deprivation hypothesis. The minimum basic skills, or minimum competency evaluative instrument, which evolved from the T & E statute, was immersed in commendable educational intent focusing on student achievement and equalization. But, as usual, the problem

of implementation - the implementation strategies became cumbersome and somewhat ostentatious. In other words, they became more glitter than substance.

Historically, in most instances, minimum competency testing failed to improve education, but it did contribute to the growing bureaucracy and centralization of schools. Policymakers may believe that it is sufficient to cause something to occur by legislating something - that it should occur. However, reason and evidence don't justify the belief that minimum competency testing will help poor students to learn, or poor teachers to teach.

Two major problems of American schools - urban and suburban, in some instances - are inequality of education and low academic achievement. As I perceive these as a political problem versus a technical and social problem, the question arises, "Will a more equal distribution of opportunities or resources, make educational institutions more efficient or effective?" One should remember that policy designed to solve the problem of low academic achievement is different from policy designed to solve the problem of unequal educational opportunity. The solution to the problem of low achievement is more technical than political.

With all of the negative givens related to aspects of minimal competency testing, and fully realizing that there are many people who take a total negative approach and respond to statements such as, "minimum competency testing is merely a symbolic gesture by policymakers to boost public confidence in schools," we, of the Alliance, support the positive intent of the proposed bill. The use of these tests is preferable to other less objective methods of categorizing students. Without some standards, students become contentious, teachers become demoralized, diplomas become devalued, and schools lose credibility.

We are grateful for the elimination, however, of the concept in minimum. As I perused the bill two or three times, I didn't see minimum. I am grateful for that and the Alliance is grateful for that. Actually, some of the things proposed by Professor Trachtenberg to the Committee, further extend some of the things we were concerned about as far as raising the levels. We had some problems with the matrix, in that the fact that it was not a consistent thing. One of the reasons why the urban areas are showing some progress, I believe, is that we do have some degree of consistency.

The thing I wanted to say is that the expectations, instead of being lowered, should be raised. The additional writing requirement is laudable and necessary. I sincerely hope that the professional staffs can be trained to teach the skills needed to foster the creative and technical expression aspect of the bill. A change in testing strategies and the elimination of some aspects of the paper war associated with implementation of T & E legislation have been needed for some time.

During a recent presentation, the President of the organization made this statement: "In urban districts, parents, teachers, students, and school administrators, frequently do not care enough about what happens in school. Some teachers have given up really trying to teach difficult students; students have often given up trying to learn; and, parents have often accepted the decisions of teachers and students without protest." We must find some vehicles needed to counteract this syndrome of indifference.

In closing, I would like to share with you a story, so bear with me. This may not be totally in the area of the scholarly approach, but the story is about four people, and the four people are: Everybody, Somebody, Anybody, and Nobody.

There was an important job to be done, and Everybody was sure that Somebody would do it. Anybody could have done it, but, nevertheless, Nobody did it. Then, Somebody got angry about that, because it was certainly Everybody's job.

As it turned out, Everybody thought Anybody could do it, but Nobody realized that Everybody wouldn't do it. It ended up that Everybody blamed Somebody when actually Nobody accused Anybody. (laughter)

.I'm glad that everybody in the State educational community has started listening to somebody, fostering change in such a way that nobody is excused as we utilize anybody interested in eliminating the quagmire of indifference and apathy engulfing the educational development of minority children, and continue to strive for excellence. On behalf of the New Jersey Alliance, I thank you.

ASSEMBLYWOMAN GARVIN: Thank you.

ASSEMBLYMAN PALAIA: I'm just glad he got up at 7:00 to write it.
(laughter)

ASSEMBLYWOMAN GARVIN: I hate to think of what would happen if you had a couple of days. That was an excellent presentation, and may I invite you to send any recommended amendment after the bill has been reviewed. I sure, on behalf of my Committee, thank you for your participation. This is why we are bringing these hearings to the community, so we will have a broader participation in the educational process. Thank you very much.

MR. WRIGHT: You're welcome.

MR. WHITE: Our next witness is Fred Hill, Special Assistant to Superintendent of East Orange Public Schools.

F R E D H I L L: Good afternoon. Let me just say that I am pleased to have an opportunity to speak this afternoon in support of this amendment to public school educational law.

I didn't have very much time to prepare a presentation this afternoon, and perhaps that is to your advantage as well as mine. I think the gentleman who just spoke before me certainly did an admirable job, and I am not going to try to duplicate nor top his efforts.

I would like to stress certain points which I am sure he covered in his presentation, but just to give them added emphasis for your benefit.

I would like to give you a little historical perspective in terms of my involvement with public education in the State of New Jersey, that began pretty much at the onset of an attempt to implement the Public Education Act of 1975. I am not sure whether it is appropriate to use thorough and efficient T & E in this context, but, that is the slogan and that is the banner that I, among other educators, are rallied behind, because we saw it as an opportunity to do that which had been attempted in a variety of ways during the 1960's and certainly in the early part of the 1970's - that is, to raise the educational achievement level of youngsters in urban districts. We saw it as a systematic approach, one that certainly can be applied uniformly across any district - be it urban, suburban, or rural - and would further provide educators, primarily, with yardsticks that

they can refer to, as they apply themselves towards implementing the improvements that were needed.

I had the good fortune of working with a variety of school districts, beginning in 1977 and continuing up to 1980, when I joined one of the best school districts in the State of New Jersey, and that is East Orange. Did you hear that, Mrs. Garvin?

ASSEMBLYWOMAN GARVIN: That's a good plus. (laughter)

MR. HILL: During the years prior to my joining the staff at East Orange, I had a chance to work with suburban, as well as urban districts, in the northwest part of the State, the northeast part of the State, as well as the central part of the State. Although many educators complain of the paper, the mounds of paper that were associated with T & E, nevertheless, behind their complaints, most of them saw the advantages that this piece of legislation had brought to them, and that is, an opportunity to do, under the guise of being pressured by those at the State Department level, and certainly the legislators, that which was needed to have been done at a local level, and to take a hard look at the extent to which we, as educators, were assuming our full responsibility for providing youngsters with that which they are entitled to - a thorough and efficient education.

The yardstick that everyone began to look at and refer to, was that which was provided at the end of each year, and that is the MBS test data. As most of you are aware, many districts, particularly many urban districts, at the start of the testing program did not fare well. The evidence suggested one of two things: either youngsters in urban districts did not test very well, or, -- I should say one of three things -- perhaps the test itself was at fault, or, perhaps maybe youngsters in urban districts were not receiving the kinds of educational experiences that other youngsters were uniformly demonstrating, as evidenced by the test results.

Educators looked at that information, and in addition to preparing a long brief to defend that which it seemed to suggest, they also applied some of their energies to trying to make some improvements locally in the kinds of educational experiences that youngsters were receiving.

I don't know whether, in fact, some of the improvements that we have all seen occur, since 1977 up until this point in time, would have occurred in and of themselves; however, I doubt - without the legislation that had been passed and the enforcement activity that had accompanied that - very seriously that we would have seen such improvement in so many areas across the State.

I can speak more authoritatively about East Orange per se. We were among the school districts, that when the whole question of classification emerged, if there had not been some modifications in the terminology use, we might have fallen under the category of an unapproved school district. Nevertheless, because of classification, because of the annual reports of student progress in the basic skills areas, we did concentrate our energies in trying to improve the instructional part of our program that dealt with basic skills, and our test results, certainly over the last three years, have demonstrated that those efforts are bringing or bearing fruit - so much so that prior to classification, or at the start of classification, I believe there was only one school in our district that was approved.

As of the last Board meeting, we have all but three of the schools in our district approved, and progress is still moving - still occurring.

I would like see this legislation enacted, because I think it will serve as an additional spur to helping East Orange, as well as other districts in the State - urban, rural, and suburban - continue to improve the kind of educational experiences that they make available to youngsters. And, I am happy to see that this piece of legislation is considering broadening the focus beyond just the basic skills, and broadening the focus beyond just reading and computation skills, to encompass a broader definition that will insure youngsters of that which they are entitled to by the Constitution, and that is a thorough and efficient education.

So, that, in essence, is really the sum total of my intent in being here this afternoon, to support this legislation, to encourage those who have any doubts to lend their support to it as it is written -- if I might, I would like to, perhaps, just add one comment in terms of a recommendation for strengthening the piece, and that is on page 5. Near the middle of the page, the sentence begins, "each such district"-- That is on line 11. "Each such district, as part of its annual education plan shall develop an improvement plan for progress--" and it goes on to indicate some areas in which improvement might be concentrated. I think one of the difficulties that educators have at present, and looking at improvement strategies, is that I think immediately people turn to the curricula - the printed material of that which is to be taught. Too little emphasis, at present, is being given to that which research seems to indicate contributes a great deal towards the advancement in achievement areas, and that is the instructional process itself. I'm not sure whether the intent is to encompass instructional improvement efforts in these suggested alternatives here, but if I can, I would like to encourage you to insert that as one of the strategies to be considered.

ASSEMBLYWOMAN GARVIN: Okay, thank you very much. Do you have any questions, Assemblyman Palaia?

ASSEMBLYMAN PALAIA: No. No questions.

MR. HILL: Thank you.

ASSEMBLYWOMAN GARVIN: Thank you. Okay, John, would you call our next witness?

MR. WHITE: Our next witness is Phinnize Brown, Plainfield Public Schools.

P H I N N I Z E B R O W N: Assemblywoman Garvin, Assemblyman Palaia: Thank you very much for this opportunity to speak to you. Most of my concerns have been voiced this afternoon, but since I have been here listening, I did want to add just a few statements, and I will only take a minute. However, Steven Koffler did express a lot of the concerns that we have had regarding the testing program.

Our students need more than minimum level skills to assume a responsible position in society. It is our intent to insure students can go beyond the recall and the comprehension levels to the higher levels - the application levels, the synthesis levels, and continue from that point. I consider these higher levels as basic.

Line 6 of this bill implies, the minimum skills, as measured by the State, are basic. In the statement at the very end, it is called basic skills and higher level skills. And, as I said before, I do believe that the

application level is also basic.

Therefore, I content an assessment should be imposed to fulfill the goals and objectives of a fair and efficient education for each student, as proposed in this bill. While higher testing is supported, the purpose of the new test should be examined. For example: in the proposal, the new test would also lend itself to testing by the local school districts, as we are doing presently. Norm reference tests will be given to individual students. Norming dates of standardized tests will result with students with minimum level skills taking a higher level test as well as a standardized test around the same period of time, which could be a very confusing, as well as very frustrating experience.

I am suggesting with this point, that we have a pre- and post-measure at a given grade so it wouldn't be necessary to give that particular student, or give any student at those grades, duplicate testing.

I would also like to suggest that in planning the implementation process and preparing the test, that we make sure we have enough time to insure content validity of the items, and also to insure that we have an accurate measure for the writing or the written portion of the test.

The matrix sampling is a concern of the district because of different students being measured or planning for graduation requirements, but, they will be taking different instruments, and we could receive some criticism saying, "If I had taken the other test, I would have been able to pass it."

Some of the problems that we have had with a test on minimum level at one grade and a regular achievement level - a norm reference test - on another grade I can cite for Grade 6, for instance. We have few students at the minimum level at the end of Grade 6, but we are near in Grade 7, and they are tested again on a test such as the Metropolitan Achievement test. We found that it is necessary to put them into compensatory education programs, because they are no longer achieving the level that we would like them to achieve. So, if we had a test at a higher level, it could be compared from grade to grade, rather than a minimum level on one grade and an achievement or norm reference test level at the other grade.

I think that is about all of the statements that I would like to add, and I would like to thank you very much.

ASSEMBLYWOMAN GARVIN: Okay. We would like to thank you for your comments. It is advantageous, when you sat here all day-- I thank you for not being redundant. Okay, John, would you call our next witness?

MR. WHITE: Stephanie Robinson, Montclair Public Schools.

STEPHANIE ROBINSON: Thank you, Assemblywoman Garvin and Mr. White. I too will be brief. I am here as a parent and as an educator, and a mental health specialist. I support the State testing program, and certainly the setting of standards. I think that the aim of this bill to widen the standards to include higher levels of achievement -- because we all know that students rise to the level of expectations of those around them, particularly parents, and teachers and educators, and I don't think that the importance of expectations can be belittled. I think there is much in a way of documented evidence in the literature that says, "expectations are important," so, I commend you on that.

One other area I think that we need to be careful about in testing is that the items, and as the previous speaker indicated, the items should be as free of test bias, and as free of socioeconomic or race bias as possible, that there be a lot of planning and a lot of thought that goes into the selection of the test items.

In the MBS test, we are aware of some instances where two or three items went to make a whole category, and that if an individual failed one or two items, then they failed the whole category, which was really-- It gave a false impression of the results. So, I'm sure you will take care of that.

The legislation also calls for community involvement. Of course, that is a concept which I fully support. I think, however, that we need to be explicit on what the goals and objectives of the community involvement process will be. I think we need to have some idea of the strategies to enhance that involvement and make it most productive, because it can result in some non-productive activities.

ASSEMBLYWOMAN GARVIN: Dont' we know. (laughter)

MS. ROBINSON: I think, though, if we have an idea of what we want that to do, we can make everybody's efforts most productive. That is really all I have. Thank you for the opportunity.

ASSEMBLYWOMAN GARVIN: Okay, Stephanie, thank you very much.

MR. WHITE: Our next witness is Dave Glatzer, Association of Math Teachers of New Jersey.

D A V E G L A T Z E R: Thank you. Madam Chairman, Committee members: My name is David Glatzer. I am the Supervisor of Mathematics in West Orange, so I didn't have a long ride here and I won't have a long ride going back.

I do represent the Association of Mathematics Teachers of New Jersey, and I also happen to be serving, this year and last year, as the Northeast Regional Director for the National Council of Supervisors of Mathematics. I am pleased to be here and to offer support for the bill, and also to raise a few cautions.

I would start my comments by indicating a little historical perspective. We found ourselves, in the Association of Mathematics Teachers of New Jersey, quite distressed a number of years ago when the phrase "computational skills" was included in the legislation, for we expected and certainly wanted to see the broader definition of mathematics. At the time, we did express that concern through a letter to the Commissioner, and we, of course, had several years where people were coming up to us out at meetings and saying, "isn't there anything you can do about the fact that they keep on talking about computation," and the general opinion of mathematics teachers -- and many elementary teachers -- was that that was too narrow a situation.

I would embellish this part of the comments by referring to two documents. One is the basic skills position statement of the National Council of Supervisors of Mathematics, constructed in January of 1977, and essentially this has become a document which received very wide circulation and has been instrumental in many testing programs throughout the country, and also in many curriculum development projects.

In this particular position statement, ten basic skill areas were cited, and appropriate computational skills was simply one of the ten.

the others happened to include: Problem solving, applying mathematics to everyday situations, alertness to the reasonableness of results, estimation and approximation, geometry, measurement, reading, interpreting, and constructing tables, charts, and graphs, using mathematics to predict, and also computer literacy.

I think what we have found in the last several years is that many curriculum development projects have attempted to implement that kind of a view.

ASSEMBLYWOMAN GARVIN: Before you go on, could we have that for the reporters to put it into the record.

MR. GLATZER: Absolutely. Sure.

ASSEMBLYWOMAN GARVIN: Thank you.

MR. GLATZER: Furthermore, the National Council of Teachers of Mathematics, in 1980, issued an "Agenda for Action," a booklet containing recommendations for school mathematics in the 1980's, and I would refer to two of the eight recommendations made by the National Council. The first recommendation, and their priority recommendation, essentially indicated that problem solving should be the focus of school mathematics, and that we take mathematics in school, not because we from time to time need to do a multiplication problem, but because we need to do problems. Now, those problems might happen to involve multiplication.

The second recommendation, which I think is the one that is more relevant to this bill at hand-- Recommendation 2 - the concept of basic skills in mathematics must encompass more than computational facility. They do go on to talk about some rationale for that, but I will provide a copy of that as well. So, I won't spend the time to read a couple of paragraphs that I first thought I might read today.

Moving along just a little bit, then, we do feel that the notion of higher level skills -- I do support what several of the previous speakers have said -- is important. What we think has been happening across the country is essentially this, and it is happening in many states. Minimum competency tests placed a stress on minimum skills. Textbook publishers picked up on that, and so textbooks tended to have more of an emphasis on minimum skills, and then the next round of tests were done through looking at textbooks, and the cycle continues. So, we really do feel that there is a time for a concern for minimum skills, certainly, but also the expansion.

I think it is important, however, not to generalize to an extreme degree, or to a point of absurdity, for there are many districts across the State, and I would assume nationally, that have attempted to maintain an expanded program through their curriculum development efforts, through inservice, and perhaps through some local testing programs as well. It turns out that today happened to be a day in my own district where we administered a contest for kids called, "The Continental Mathematics League." That contest offered youngsters an opportunity to do some exciting problems, but problems that are quite difficult. They had something like 20 minutes, I think, to do four problems - in which to do four problems. Obviously, you are not talking about minimum kinds of skills, when kids need to do some reasoning in those kinds of problems. So, there are things going on where that emphasis does exist.

So, we do support the bill. A couple of cautions: First, the Association of Mathematics Teachers of New Jersey strongly feels that there is a need for a great amount of input into test development from the school community -

from teachers, supervisors, and professional organizations such as AMTNJ. This is critical.

I should point out that we have had a very good model for this through the last several years of involvement with the minimum basic skills program through the State Office of Assessment. Members of the executive committee of AMTNJ and other recommended individuals from throughout the State have participated on an ongoing basis, and I think the process has been more productive and more effective as a result of that input.

The Association is willing and able to participate in that, and we hope that will be forthcoming.

A second caution, which in a way relates to the first as well, is the timing. It appears that the 1983-1984 school year, for the beginning of this, could be a problem. We understand that the general rule of thumb in the testing industry is 18 months for the development of a test, and if the input that I referred to in my first caution is really going to take place, it is possible that the start date would have to be reconsidered.

In that connection, by the way, we hope that the Grade 12 test is not simply going to be the college basic skills test pushed down to 12th Grade. You hear rumors about that every now and then.

I support what one previous speaker said concerning possibly the 11th Grade being more meaningful than 12th Grade, but in either event, I'm not sure that the intent of the bill could be supported or implemented if the college basic skills test is the vehicle. I think professionals and legislators ought to be able to better define just what should that 11th Grade or 12th Grade testing be.

Also, somewhere in the bill, there is reference made to provisions by the State Department of Education including, "an adequate State program of research and development." Although this may seem like I am going off on a tangent a little bit, I think it is germane to this particular reference, and this is that we think part of that structure ought to be a State consultant or State supervisor in mathematics as was the case eight or ten years ago in New Jersey. You may or may not be aware that there are possibly only four or five states at most that do not have individuals at the State Department level in a position generally known as a state consultant in science, in mathematics, in language arts, etc. We think these positions would do much to coordinate efforts in the State and to support the kinds of work taking place in the EIC's. We certainly don't expect that the individual called State consultant would be able to offer the direct kinds of services that the EIC is offering; we do support the inservice efforts and the sharing of information efforts that would take place at the EIC's.

In summary, we are very pleased, and I am personally pleased, to see the expansion from computation to mathematics, and it seems that all of our frustration several years ago is now being addressed. As I said before, we will enthusiastically participate in the process of further defining the test specifications and the overall program. I thank you for the opportunity.

ASSEMBLYWOMAN GARVIN: I thank you for your presentation. I think five years ago, I vaguely remember when you all had problems with that terminology. So, continuity in political office has its advantages also. (laughter) Thank you very much. He represents one of my districts, you must know that. I had to get that point across. Okay, John.

MR. WHITE: Judy Granick, Montclair Public Schools.

JUDY GRANICK: I would like to thank you for the opportunity to speak to you, but also for coming up here so we wouldn't have to go down there.

I would like to precede my comments by stating that I vigorously support the concept of a statewide testing program, and one that does go beyond assessing minimal skills of youngsters. However, I do have some concerns regarding the proposed legislation to establish the New Jersey Educational Testing Program.

These concerns stem from my experience as Director of Research and Evaluation in Montclair, throughout both the EAP and the MBS testing programs.

My first concern relates to the proposed administration of the proficiency test to 12th Graders. I now also know that somebody hit this before me, but I didn't sit here all day.

Testing this late in a student's high school experience is obviously too late for the school district to develop an improvement plan involving remedial activities for that student. What purpose, therefore, can be served? The student will already have met graduation requirements by passing a 9th Grade test, or will still need to pass the test anyway.

Secondly, we have experienced cases of students in Grades 9 and 11 refusing to take the State test - in spite of all kinds of threats. It is highly likely that this problem will be exacerbated if testing is mandated for 12th Graders who have already completed graduation requirements and are scheduled to graduate in a few months.

It is also likely that the test results from a 12th Grade test administration may prove invalid. What motivation, after all, would exist for students to do well?

I recognize that the State might like to have this data, which reveals proficiency levels of those in its high schools and those that we are sending on to higher education or to the world of work. But, I feel that the data would be questionable as to its validity.

An alternative could be to conduct a small statistically valid testing program using these 12th Graders in a random sample technique, but do not make that grade mandatory.

The second area of concern, which I would like to express, relates to the legislative intention to "institute periodic assessment based on national tests in areas other than reading, writing, and mathematics." National tests, or standardized tests, as I understand them, are generally screened by districts and chosen because they best match the instructional curriculum of the district. It is not, in my opinion, realistic to expect that any test can be located or even developed that would correlate highly with the social studies or science curricula of all of the various 611 districts in the State. In this case, the results would necessarily be a modification of districts' programs to match what is tested.

In effect, a State mandated curriculum, irrespective of the needs of the children or the desires of the particular community, and a curriculum decided by some group of test publishers located "who knows where." This is supported by our experience with the MBS. The program faced unending criticism because districts focused on teaching the test specifications in order to improve scores. I am convinced that although part of the criticism came from the concern that minimal

standards were interpreted as expected standards rather than a baseline, the complaints coming out of the districts focused on the excessive educational uniformity forced upon them as a result of the State's testing program.

If this was problematic and the MBS only dealt with minimal curricula, the problem will be greater when the test attempts to cover wide-range in curricula.

The legislation also calls for a high level of reliability and comparability over a significant range of schools and school districts. I assume that districts will again be classified according to some common denominators resulting in some type of district factor groupings such as that we have already known.

I would like to suggest that a new formula for grouping and comparing districts be developed, one based upon something other than an averaging of socioeconomic factors. Any averaging process tends to hide or dismiss the real nature of the items considered individually.

Montclair is a classic example - classified as an urban central district consisting of an extremely and a uniquely wide-range of socioeconomic conditions. The averaging process resulted in our being assigned to a factor grouping with school systems very much unlike ours. From the very beginning, from the inception of the MBS program, Montclair has been in the wrong factor group. But, we didn't do too badly, so we sat with it. (laughter)

Uniform standards present another concern. It is my opinion that it is not feasible to establish standards appropriate to all students in the State. I would rather see the 1983-1984 test data, service baseline data for each district and progress toward the developed goals assessed in terms of the baseline.

Finally, there does seem to be a disparity, if one believes what one reads in the press -- I'm not sure that I do -- between the effects of the proposed legislation and the statements recently issued to the press by the Commissioner.

The Commissioner has stated his intention to transfer more of the responsibility and the decision-making process for T & E compliance to the districts. This kind of legislation, proposing the development of State goals and objectives, against which districts must assess their proficiencies, also specifying that the State will decide measurement devices by which to assess those proficiencies, defines each district curriculum in not only basic skill areas, but others as well. Local autonomy might suffer a serious setback if we are not careful. I thank you very much.

ASSEMBLYWOMAN GARVIN: Judy, thank you very much. I am also proud to bring Trenton into our local areas. I think the testimony that we have heard has just been so informative. I am proud to have brought it to you.

MS. GRANICK: Thank you. We appreciate it.

ASSEMBLYWOMAN GARVIN: And for you to participate. That's it?

MR. WHITE: That's it.

ASSEMBLYWOMAN GARVIN: Okay. I would like to thank those of you who sat here all day. This is the end of our public hearing. For those of you who testified, I want to thank you. For those of you who have testified, make sure that John White has your address, because if we decide to have another public hearing, we would notify you. We would also like to notify you when the legislative process -- that is the review of the bill, discussing amendments, after

We have met with the Commissioner of Education. So, it is still in process, but we would like to keep the people who have taken the time to testify informed on every process that this bill takes, including our meeting with the Commissioner and whatever recommendations he so puts forward. Thank you very much.

(Hearing Concluded)

