

New Jersey. Department of Education.

Response to NJEA Press Release of October 19,
1972 and answer of NJEA dated November 13, 1972.

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A Response to Point 1*New Jersey, Dept. of
Education,*of the N. J. E. A. Press Release*Response to NJEA*October 19, 1972*press release of Oct. 19, 1972,
and answer of NJEA
dated Nov. 13, 1972,*

The Fair Play Committee's allegation that Commissioner Marburger does not recognize Chapter 303, Laws of 1968, represents either a misunderstanding or a distortion of the factual situation. A review of Commissioner Marburger's budget decisions gives testimony to his complete support for the results of negotiated agreements. In every case he has restored funds budgeted pursuant to negotiated agreements which had been cut by municipal officials despite considerable pressure of public opinion to do otherwise. His decisions in these matters is typified by the language contained in Board of Education of the Westwood Regional School District v. Mayor and Council of the Township of Washington. "The enactment of the "New Jersey Employer-Employee Relations Act," L, 1968 C 303, now N. J. S. A. 34:13A-1 et seq. requires public employers, including local boards of education to conduct collective negotiations, in good faith with bona fide representatives of recognized units of employees regarding terms of employment such as salary policies, before the board adopts such policies. The agreements reached between the parties must be set down in writing N. J. S. A. 34:13A-5.3. The primary purpose of this act was doubtless to afford public employees the opportunity to organize and to conduct meaningful collective negotiations with the public employing body."

It is unfortunate for the cause of public education that teachers who have had the sole legal support of the Commissioner behind their negotiated agreements are misinformed to the point that their reactions to budget decisions are congruent with those forces in the community who believe that voter disapproval can override such agreements. It is crucial to the welfare of teachers that they understand that the Commissioner of Education has and will continue to uphold the law with regard to Chapter 303 as it pertains to negotiated agreements. He will continue to do this despite strong political opposition calling for his dismissal by groups who are aggrieved by these very same budget restorations.

In the Fair Play Committee's lament teachers are led to believe that Commissioner Marburger's decisions have been anti-teacher. The factual situation does not support this allegation. The Commissioner has consistently held that terms and conditions of employment must be committed to writing and that where boards of education have not done this the benefit of any doubt must reside with the teacher. The Commissioner's language in the case of Van Etlen and Struble v. the Board of Education of the Township of Frankford gives clear indication of the importance he places on teacher negotiations.

The Fair Play Committee is obviously concerned that the Commissioner has been unable to gratuitously provide a situational meaning of the term "condition of employment." The NJEA legal advisors well know that such a definition is a judicial responsibility. They are further aware that the only judicial language available regarding this matter has held that negotiations are limited to salary and fringe benefits.

As a constitutional officer, the Commissioner must be guided by the statutes and judicial determinations. If in the judgment of the Fair Play Committee the terms and condition of employment in the public sector remain vague and open ended then the proper recourse available to them is to seek guidance from the Public Employment Relations Commission (PERC), which has the legal responsibility to develop administrative doctrine in law pursuant to Chapter 303. In fairness it should be pointed out that the NJEA's Executive Secretary, Dr. Frederick Hipp sits on this Committee. If PERC is unable to function to the specifications of the NJEA Fair Play Committee, perhaps it should mobilize its membership to seek remedial legislative action. At any rate the Legislature specifically excluded the Commissioner of Education from any activities regarding PERC and the administration of Chapter 303. If the Commissioner were to assume the responsibility that the Legislature intended to reside in PERC he would be exceeding his authority and subject to criticism. It should be noted that the Commissioner's decisions regarding school law are a result of adversary proceedings brought to the Commissioner for adjudication. The test of the Commissioner's actions in this regard cannot be relegated to a matter of popularity but must be judged on the quality of his decisions both in the record built and the ultimate disposal of appeal.

In this regard, it should be noted that the Commissioner has never been reversed by the courts of New Jersey on a decision involving individual teachers and/or teacher rights.

A Response to Point 2

of the

N. J. E. A. Press Release

of Thursday, October 19, 1972

In a press release dated October 19, 1972 entitled "Group Urges N. J. E. A. Oppose Marburger Reappointment" the N. J. E. A.'s Fair Play Committee contends that the statewide testing program has been "mishandled". They allege that the Educational Assessment Program is "confused", "wasteful", and "damaging to children."

This response will reiterate itemized refutations of the N. J. E. A.'s positions which have been directly communicated to, and acknowledged by, the association's executive staff on several occasions.

During the course of both public and private discussions, the E. A. P. staff has urged the N. J. E. A. to utilize its myriad communication channels to present factual information about the program--its intent, design, and anticipated results--to the Association's membership. Until this month, with the promised publication of a single article by Dr. Ascher, the Association has not extended such an opportunity to the department. The Association has, however, continued to disseminate inaccurate and distorted descriptions of the program, despite public requests from its memberships for "more complete information" prompted by personal presentations at N. J. E. A. sponsored activities by program staff. If some "confusion" exists, it can be directly attributed to the N. J. E. A.'s conscientious efforts to broadly distribute fallacious information.

The assessment program was characterized as "wasteful." The per pupil cost of developing unique tests which accurately reflect, and therefore more accurately measure, what is actually taught in New Jersey public schools is identical to the per pupil cost of purchasing a currently available nationally marketed standardized tests. Such nationally developed and marketed instruments (Iowa, Metropol, Stanford, etc.) are not sufficiently accurate representations of curriculum specifications in New Jersey. There is, obviously, little value in testing for what is not being taught. Therefore, the purchase of a national test for statewide use could be characterized as "wasteful."

There are many indications from the educational community--school boards, parents, teachers, administrators, students, taxpayers, etc.--that the educational community is not utilizing presently available resources in the most efficient or meaningful fashion. The Educational Assessment Program would be "wasteful" if it were merely a duplication of existing local testing programs. However, E. A. P. will provide, for the first time in New Jersey, information about the relationships of surrounding conditions, individual differences among children, and distinctive educational practices to what children are learning.

E. A. P. is designed to facilitate meaningful allocation of existing resources, financial and expertise, at state and local levels. It is by design, therefore, the antithesis of "wasteful."

The N. J. E. A. alleges that the program is "damaging to children." The N. J. E. A. executive leadership is fully aware of the fact that no individual student scores will be produced by the program in the first year. This decision was made precisely to insure the protection of students from the historical misuse of test results by unknowledgeable professionals and nonprofessionals.

The Educational Assessment Program plans include a large scale information campaign directed to both professionals and nonprofessionals. This campaign is already underway and is designed to increasingly raise the level of general knowledge about what test scores mean and do not mean. Individual student scores will not be developed by the E. A. P. until it is certain that results will be interpreted properly and not used inappropriately.

This program would be "damaging to children" if it produced scores which unfairly stigmatized children. Scores which encourage the judgment and classification of children solely according to what they have learned and, in effect, simply blame children for a lack of achievement, are to be abhorred. Such scores are the norm-referenced scores traditionally produced in testing programs based upon present nationally marketed achievement tests. The use of these tests has historically received the tacit support of nearly all educators as evidenced by their widespread use. The Educational Assessment Program is a purposeful movement away from the stigmatization of children.

Teacher organizations have, they declare, known for many years that conditions outside the schools affect success in the education of a child. Teacher organizations have, they declare, known for years that norm-referenced tests do not take into account conditions outside the school. With this knowledge, the refusal of teacher organizations to promote the use of a program, which anti- quates the need for norm-referenced testing, could be considered "damaging to children."

The Department is accused of "superficial interference" which will "greatly mislead the public on what many schools are accomplishing." The public is misled when it is not presented accurate or complete information. Special interest groups have in the past attempted to contain information, such as assessment data, within their own community. The public is only told what the special interest group wants the public--defined as anyone other than a member of the special interest group--to know. The public, however, is quite able to make decisions when presented sufficient information. It is the policy of the State Board of Education that the public have available to it the same information about the progress of their children that is available to educators. Teacher organizations have often complained that important information has been withheld from them by other groups.

In addition, the Educational Assessment Program will provide the state its first opportunity to regularly identify programs, within groups of similar school districts, which show special accomplishment. The identification and dissemination of particularly successful programs will highlight to the public--and to educators--what many schools are accomplishing.

The statement "...with testing a month away, Marburger's testing office could not tell school officials how the tests would be scored or what test scores would mean" is a complete fabrication. On October 11, 12 and 13--at three training sessions conducted in Northern, Central and Southern New Jersey--over 800 district test coordinators heard the program director describe in detail the test format, the nature and meaning of test results, and proper and improper uses of those results. In attendance at each of those training sessions, were members of the N. J. E. A. 's executive staff including: Norman Goldman, editor of the "Review"; Donald Rosser, Communications; Flory Naticchia, Instructional Committee; and Vincent Perna, Instructional Committee. Representatives of the state's press were also present.

At the Southern training session, not only did N. J. E. A. staff listen to the Program director's explanation of "scoring" and "score" meanings, but Mr. Flory Naticchia publicly questioned the scoring system indicating the same concerns raised two weeks later in the press release. Mr. Naticchia publicly received what was apparently a satisfactory answer, since he had no further questions when Dr. Ascher inquired if the response had been sufficient.

At other meetings prior to October 11, the scoring system was described in some detail. At one of these sessions, a presentation to the Bergen County Education Association Presidents, Mr. Naticchia was present and, in fact, was an invited speaker along with the E. A. P. 's director.

The nature and intent of the scoring system has been directly communicated to N. J. E. A. officials, both elected and employed, on several occasions, including public meetings of the Needs Assessment Advisory Council, luncheon with Dr. Hipp and Mr. O'Brien of the Association, and telephone conversations with various N. J. E. A. staff.

The scoring system which will be used and was described on the aforementioned occasions and others was developed in recognition of articulated teacher fear, often founded, that traditional types of norm-referenced scores would be used to judge the effectiveness of individual professionals.

The Association's statement concludes that the Commissioner "contributes to the atmosphere of repression against teachers by his pronouncements and his insistence upon a procedure of straight-jacket statewide testing that can only curb imagination and innovation among children and teachers in the classrooms."

It should be recognized that on several occasions, (notably a public meeting of the Needs Assessment Advisory Council and a private luncheon of Dr. Hipp and O'Brien of the Association and Dr. Ascher and Mr. Tecker of the Assessment Program) both elected and appointed officials of the association specifically indicated that teacher involvement, as referred to in the release, meant that any teachers to be involved be selected by the Association. It is clear that if a local administrator does not choose to turn to the local Association for the selection of staff to be involved in various programs, then this is a matter of issue to be resolved by and between the local administrator and organization. Regardless of the Association's definition of teacher involvement, over 9,000 teachers were involved in the development and refinement of the state tests. To our knowledge no other state has ever even attempted to solicit such a large-scale professional input.

The Statewide Assessment program, through its unique development and reporting procedures, its movement toward practical criterion-referenced testing, and its movement away from traditional norm-referenced testing, is itself imaginative and innovative. The Assessment Office has made a special effort to explain to educational professional and the public how this program is a break from, and an improvement upon, traditional standardized testing programs. The N. J. E. A.'s continued resistance to this program could itself be considered an indication of a lack of ability to innovate and a fear of change in the status quo.

A Response to Point 3
of the N. J. E. A. Press Release
October 19, 1972

One of the most successful programs to increase the classroom teacher's voice in the management of schools is being opposed by NJEA. NJEA failed in its effort to gain control of the program which employs team teaching, individualized pupil instruction and the use of teacher aides. It has therefore made an all-out attack on Commissioner Carl L. Marburger for his support of the program which is entitled, Multi-Unit School/Individually Guided Education (MUSE/IGE).

At the present time more than 60 N. J. schools and more than 1,200 classrooms are engaged in developmental activities leading to adoption of the IGE program. Schools in all 21 New Jersey counties are participating. This includes schools in rural areas, urban areas and inner-city schools. New Jersey is one of more than 20 states in which IGE is being implemented.

In a widely publicized attack on Marburger, NJEA made a number of critical assertions about the Department of Education's handling of the IGE Program.

NJEA has charged that the IGE Program is being imposed on local schools and teachers by the Department of Education. The facts are that the only schools that are involved are those which requested entrance to the program and were able to provide evidence to the Department that the teachers and the principals in the model schools were in full support of the effort.

NJEA has charged that teachers are not involved in the adoption of the program in their schools. The Department of Education rejected an effort to require NJEA to "sign-off" on each district's entrance because it became apparent that the organization officials were frequently at odds with the teachers in the model schools over their participation. The IGE process actually gives teachers increased skills and a greater voice in selection and use of curriculum and materials as well as teaching methods.

NJEA charges that school districts are using the IGE project as a device to cut out teaching jobs. The facts are that no teacher has lost a job as a result of the IGE Program. NJEA has presented a single alleged example of such displacement, but that teacher had never been employed in an IGE Program.

From the very outset, NJEA was involved in meetings held by the State Department staff to plan the IGE effort in New Jersey. NJEA representatives were included in national conferences and planning sessions at the invitation of the State Department of Education. However, they exploited their access to plans by attempting to sabotage the program in many communities where the NJEA was unsuccessful in using the IGE to their interest at the bargaining table.

- 4 -

It is indeed tragic that a teacher organization should choose to attack a program that can offer teachers new and exciting decision-making roles, more effective working conditions and a rare opportunity to play a central role in an important school improvement program. It would appear that it is not the teachers who resist experimentation and innovation, but the central staff of the NJEA.

In fact, it would not be difficult to counter-charge that the NJEA has not acted in the best interests of the vast majority of teachers who view this program as a real opportunity for providing excellence in education. While other teachers all across the nation have supported this program, NJEA takes blocking action.

It would not be difficult to show that during meetings of the broadly representative advisory council meetings, NJEA was constantly blocking the efforts of those who represented the superintendents, principals, taxpayers and boards of education to move this exciting project forward.

No better evidence of the basic difference of opinion between the NJEA leadership and its own membership can be found than in the many statements of support for MUSE/IGE than have come from local teachers.

In a May 2, 1972 letter to Dr. Anthony Conte, the Director of the New Careers in Education Project, unit leaders Dorothy Williams, Jean M. Taylor, and Lois Cardell of Washington Avenue School in Chatham Borough wrote:

"We feel that the model program is of extreme benefit to both students and teachers involved. If NJEA were truly concerned about quality education instead of playing politics, they certainly would not be trying to scuttle the program."

"We pledge continued support to MUSE/IGE and resent the interference of NJEA (of which we are members). It appears to us that what they fear is not the program, but the fact that they are losing some of their control, as systems have to improve educational standards through outside services."

Carl M. Canfield, a unit leader from Paterson's P. S. #27 School, included in his letter of June 8, 1972:

"It has come to my attention that there have been some most unfortunate and totally unfounded derogatory criticisms of the IGE program being implemented in Paterson's P. S. #27, principally by a representative of NJEA.

"As an educator and a unit leader, I consider this (criticism by NJEA) to have been done in a most unprofessional manner."

"With or without the cooperation of NJEA, please rest very assured that we at P. S. #27, shall implement IGE to its fullest potential--and then some."

On January 24, 1972, the members of the Collins School staff sent a

letter to Mr. Frank Miserendino, President of the Livingston Education Association, NJEA. The letter, signed by staff members, noted:

"We wish to repudiate the statements made by the LEA (Livingston Education Association) President which stated that we were pushed into this program involuntarily. We feel we should have been consulted before any telegrams to Trenton were sent stating that Livingston teachers are against the program. Since we are teachers directly affected, we have a special interest in this matter. Unless this program can be proved to be educationally unsound by someone with special knowledge, we request that Mr. Miserendino and the LEA not pursue this matter further."

Twenty-five teachers of the Merriam Avenue School in Newton, New Jersey, included the following information in their letter of December 2, 1971, to Commissioner Marburger:

"The Newton Teachers Association has voted down the Wisconsin MUSE Program, even though we of the Merriam Avenue faculty approve the plan with a strong majority vote.

"We would like to know if there is a possibility of reinstating our school without the necessity of a vote by the entire membership of N. T. A.

"We really want to become involved in this program."

The foregoing statements clearly demonstrate that teachers are willing to be accountable for work in the program.

To date, the Department of Education has selected elementary schools in 60 school districts for introduction of the program. In each of these schools, there has been endorsement of the program by the teachers involved, despite claims to the contrary by NJEA.

Teachers should ask those who purport to speak for them, Why do you oppose a program that fosters better pupil-teacher relationships, that gives the teacher more flexibility, that places the teacher in an important decision-making role, and that utilizes the best that research can offer today?

A Response to Point 4

of the

N. J. E. A. Press Release

Thursday, October 19, 1972

The NJEA "Fair Play" Committee alleges that Commissioner Marburger attempted in 1970 to radicalize the high school students of the State. From 1967 until 1970, many of the State's high schools were undergoing serious problems of student unrest. An examination of the social scene during this period reveals that the nation's youth were in turmoil. The Commissioner organized the State Department of Education to be responsive to this situation.

Department Task Forces were assigned on a daily basis from one trouble spot to another. The County Superintendents of Schools routinely responded to the distress calls of local administrators and boards. The Commissioner and the State Department of Education were resolute in their demands for discipline and for an orderly school process. In each of his decisions regarding matters of student unrest, the Commissioner fully supported the right and duty of the board to maintain order in the local high school. (See attached memorandum of March 14, 1969)

In the summer of 1970, in an effort to better understand the problems of high school youth, the Commissioner involved a group of college students in what amounted to a feasibility study for the creation of an Office of Student Affairs. This group of students published a newspaper of low quality, which contained points of view not carefully developed or explicated. The reaction on the part of school administrators and boards of education was immediate and decisive in its criticism of the Commissioner's actions in this matter.

Commissioner Marburger accepted that criticism and acted upon it with immediate results. He took this criticism of his personal judgment, and sought out his critics to determine their major areas of concern.

As a result of a series of meetings, in the matter of student involvement, a joint committee of the State's secondary school principals and student council leaders, with the technical assistance of the State Department of Education, developed an award-winning booklet called, "A Guide to Student Rights and Responsibilities." This booklet has received endorsement from every major educational organization in the State. The NJEA, after waiting a year to determine the public's reaction to the booklet, also signalled its approval through an endorsement by its delegate assembly.

Still pressing in his attempt to involve students in the educative process in the State policy level, the Commissioner has worked diligently with the N. J. Association of High School Councils. He has offered this group the facilities of the Department of Education for its meetings, and has provided significant technical support to its efforts. The Commissioner has great faith in the wisdom and intelligence of young people.

His career in New Jersey was placed in jeopardy by the actions of a few young people in whom he placed his trust. The Commissioner does not view his disappointment as sufficient cause to renounce the idea of student involvement. The secondary school principals, the elementary principals, the school boards association, and, if they are interested, the NJEA, are all involved and continue to be involved in an effort to develop a meaningful Office of Student Affairs, not to radicalize young people, but to teach them the thrill of involvement in our governmental process.



STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION

March 14, 1969

MEMORANDUM

TO: County Superintendents
Secretaries of Boards of Education
Local Superintendents of Schools
Administrative Principals

FROM: George F. Smith, President
State Board of Education

Recent instances of disorder and disruption of the educational program in a number of New Jersey school districts have compelled the attention of the State Board of Education and its Commissioner and have required the issuance of this statement.

Local school districts are required by fundamental law to provide proper school facilities and to maintain an appropriate program of education. All children of school age have a right to attend the public schools and to receive a suitable education.

Any disruption of the schools or interference with their normal operation offends this right, which is constitutional in origin, violates the law and cannot be condoned or tolerated. The State Board of Education and the Commissioner deplore the use of means which flout the law and they condemn any resort to such methods to express protests or enforce demands for redress of grievances. A local board of education should adopt as a first and indispensable principle that neither violence, disruption, vandalism nor seizure of school buildings can be permitted under any circumstances.

At the same time, from the standpoint of justice, we must recognize that there are conditions in need of improvement and that students should have some means by which their concerns may be effectively expressed, considered and disposed of fairly.

Official avenues for the expression and correction of grievances already exist. If attempts to resolve a problem are not successful at a local level, recourse may be had to the county superintendent of schools for his advice and counsel in

Education, who is expressly empowered to hear and decide controversies and disputes related to the conduct of the public schools. Any person may file an appeal to the Commissioner of Education on behalf of any student or group of students protesting an act or a failure to act on the part of local school authorities. After hearing and considering all of the facts in the situation, the Commissioner has authority to take appropriate corrective action.

But despite the existence of these means available at the county and state levels for resolving disputes, the State Board strongly recommends that local boards of education formulate and implement procedures--if such procedures have not been adopted--by which pupils and their parents may make known their concerns and have them considered and disposed of fairly. Such procedures, soundly conceived, well understood in advance and fairly executed, can do much to produce concord and the avoidance of outbreaks of lawless behavior which sometimes result from lack of communication.

The State Board of Education recognizes that many school districts have developed effective plans for preventing and coping with disorders. However, because of the incidence of disruptions in New Jersey schools the Board requests that each school district submit to its county superintendent by April 1, 1969, its specific plan for dealing with student grievances, and its specific plan for coping with potential student disorder.

It is, of course, imperative that the Department of Education be kept informed by each school district of impending or current disruptions. Such information must be sent immediately to the county superintendent of schools for submission to the Commissioner and the State Board of Education.

We impress upon all local boards of education the need to give these matters their immediate and earnest attention.



NEW JERSEY EDUCATION ASSOCIATION

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RESEARCH

NOV 16 1972

DIVISION

November 13, 1972

WHY THE STATE BOARD OF EDUCATION IS WRONG ABOUT DR. MARBURGER,

On November 1, the State Board of Education issued a "Statement" supporting Education Commissioner Carl L. Marburger for re-appointment as New Jersey's Commissioner of Education. On the same date, the N.J. State Department of Education issued a "Response" to the NJEA Fair Play Committee's October 18 call for Dr. Marburger not to continue in office.

Both documents have been widely distributed. Both contain allegations that must be answered and errors that must be corrected. The following text does so.

1. COURT DECISIONS & DUE PROCESS

The State Board of Education's defense of Dr. Marburger claims: "It should be noted that the Commissioner has never been reversed by the courts in a decision dealing with tenure or other teacher rights." The State Education Department's "Response" makes a similar claim.

The record shows otherwise. This claim is both misleading and erroneous.

It is misleading because decisions by Dr. Marburger affecting teacher tenure and rights have been reversed by the State Board of Education itself on several occasions. In the case of Meyer v. Sayreville alone, the State Board of Education reversed Dr. Marburger on two separate and distinct occasions.

It is erroneous because in Zielenski v. Guttenberg, (February, 1972), both the State Board of Education and the Superior Court's Appellate Division reversed a decision by Dr. Marburger on teacher tenure. In this case, Dr. Marburger ruled that a teacher in the community of Guttenberg had not earned tenure. On appeal, both the State Board and the Superior Court ruled that Dr. Marburger was wrong. Despite Dr. Marburger, the teacher's tenure was restored.

Dr. Marburger has consistently refused to grant due process to terminated non-tenure teachers. When such teachers ask Dr. Marburger to require the school board to give a reason for their dismissal, he quotes the time-worn dictum that the school board has "the absolute right" to dismiss any non-tenure teacher "for any reason whatever or for no reason at all." This dictum comes from the notorious 1917 decision of the Illinois Supreme Court upholding a 1916 action by the Chicago Board of Education abolishing tenure for all the city's teachers and firing 68 known to have joined a union. American society has outgrown this concept.

2. CHAPTER 303

In its "Response," the State Department of Education claims: "The Commissioner of Education has and will continue to uphold the law with regard to Chapter 303 (the N.J. Public Employment Relations Act, Chapter 303 of the Public Laws of 1968), as it pertains to negotiated agreements."

This narrow statement evades the real issue. NJEA is criticizing Dr. Marburger for not upholding the law as it pertains to people. For example, in Black Horse Pike Reg. v. Sammons, (June, 1972), Dr. Marburger fined the president of the teachers' association three months pay for filling a role permitted by Chapter 303. Worse, in Brick Twp. v. Pietrunti, (July, 1972), Dr. Marburger fired the teacher association president for fulfilling her role as organizational spokesman under Chapter 303 at a meeting co-sponsored by her organization. In both these cases, Dr. Marburger ignored Chapter 303, and instead, made his rulings under the Tenure Act in the N.J. Education Code. A quandry has thus been created in which a teacher can be prosecuted under one State law for abiding by another State law.

3. NEGOTIABILITY

The State Education Department claims that "the only judicial language available" regarding the phrase, "condition of employment" has held that "negotiations are limited to salary and fringe benefits."

Chapter 303 makes no mention of "condition of employment". Chapter 303 speaks of "the terms and conditions of employment". Until now, only the N.J. School Boards Assn. -- the employer's organization -- has ever maintained that the phrase "terms and conditions of employment" should be interpreted so narrowly as to apply only to "salary and fringe benefits".

4. TEACHER INVOLVEMENT

Both the State Board of Education's "Statement" and the State Education Department's "Response" claim that "approximately 9,000 New Jersey classroom teachers assisted the State Department of Education" in developing the mass statewide testing done on November 14 and 15.

The fact is that some number of teachers -- quite possibly 9,000 -- were handed mimeographed checklists and asked to make marks upon them. Many teachers who participated in this mass-production "involvement" complained to NJEA that they were given no real chance to provide input or assistance. Here are some of their comments:

"The items to be checked for test content were over-simplified. Whatever was checked has already been decided."

"I got the feeling that questioning was not encouraged."

"I came with many questions but got the feeling that, regardless of our comments, there existed a 'this is it' attitude."

"As a non-tenure teacher, I was scared to death at my involvement and was very puzzled as to what to do."

"I object to the lack of prior information on what was expected of me at this meeting. I had to check off items 'cold' as it were."

"I feel that this group was drafted involuntarily but now are members of a group purported to have been 'involved' in actual planning."

This is not true involvement.

5. REPORTAGE

The State Education Department claims the NJEA has not extended to Dr. Gordon Ascher, the Department's director of tests and measurement, the opportunity to present factual information about the State's mass testing program to the NJEA membership. The record shows otherwise.

On March 18, NJEA called a special statewide conference in the Holiday Inn, North Brunswick, on statewide testing and gave Dr. Ascher the major speaking role in the program. NJEA subsequently held regional meetings on statewide testing, two on April 29 and two on May 20, for the specific purpose of giving Dr. Ascher a forum for explaining the program to teachers. As much as was known at the time and reported by Dr. Ascher at these NJEA meetings was related in the NJEA's monthly newspaper and magazine. What the State Department of Education apparently finds untenable is that these periodicals also reported on the questions and objections which were raised at these sessions. Dr. Ascher also addressed four meetings at NJEA conferences on the Montclair and Rider College campuses on August 23 and August 28. In addition, Dr. Ascher authored a major article on statewide testing which appeared in the November issue of the NJEA REVIEW, a monthly magazine distributed to over 100,000 educators in and around New Jersey. Dr. Ascher also spoke at three different meetings at the 1972 NJEA Convention.

6. WASTEFULNESS

The Education Department claims the State's mass testing program is not wasteful because the per-pupil cost is no higher than the cost "of purchasing a currently available nationally marketed standardized tests". The fact is that NJEA has called the program wasteful -- not because of the per-unit cost -- but because the program duplicates these other nationally marketed tests already being purchased and administered to the same pupils to test the same basic skills.

The Educational Testing Service of Princeton has even developed a handbook to let anyone -- especially State Education Departments -- translate a test score achieved on any of the seven most widely used reading tests into an equivalent score on any of the others.

7. CONFUSION

The State Education Department claims that any "confusion" in its statewide testing program is due to NJEA's "inaccurate and distorted descriptions" of it. The fact is that NJEA's efforts to report developments in the program have been hampered by the confused quality of information emanating from the source of this information: the State Education Department. For example, a pamphlet specially prepared by the Education Department to inform the public about the testing program states: "The assessment program is not an accountability system." In his NJEA REVIEW article, however, Dr. Ascher asks, "Is the Education Assessment Program an Accountability System?" and answers "Yes." The State Education Department has continually contradicted itself.

Publications of the State Department of Education stated that "the initial testing... will be conducted with norm-referenced tests". When NJEA pointed out that this method of scoring would automatically doom

half the classrooms, schools, districts, and counties in the State to being labeled "below average" -- no matter how well they did -- Dr. Ascher described them as "in part norm-referenced, and in part criterion-referenced.... we might think of them as 'performed referenced!'."

Dr. Marburger, himself, on December 22, 1971, in a UPI release is quoted as being opposed to a series of statewide uniform examinations for high school students, similar to New York's regents examinations.

Stating there has "been a lot of pressure, a lot of push and pull" within the Department of Education to establish such tests, Dr. Marburger said, "We've done some fairly comprehensive research on the question."

While stating that he personally opposes the move at present, Marburger said, "I'm saying that at this point in time I don't think it's valid for New Jersey."

His main objection, he said, is that "we tend to teach for tests, and I have real concern of what test results would mean. District X tends to teach what they perceive the test is going to contain, and therefore the kids do very well and others don't do that."

8. CURRICULUM

The Education Department claims national reading and math tests "are not sufficiently accurate representations of curriculum specifications in New Jersey." The fact is that there are no statewide curriculum specifications in New Jersey in reading and mathematics. Dr. Ascher once said: "There is no way to develop a valid test for an entire state when you don't have a uniform statewide curriculum."

9. TEST SCORES

The Education Department claims that the test scoring procedure, and the meaning of the scores, were explained at "training sessions" conducted on October 11, 12, and 13. The fact is that teachers and members of the NJEA staff attending these training sessions found the explanations inadequate.

In his article in the November NJEA REVIEW, Dr. Ascher gives only this explanation of the scores: "To learn the significance of each input, condition, and educational process variable in predicting output (in this case measured by the test), test scores will be used in a statistical technique known as multiple regression analysis. This analysis will determine the relationships between a number of variables and an output score."

At the State Board meeting of November 1, 1972, the chairman of the State Board's own committee on testing, Mrs. Ruth Mancuso, admitted that with less than two weeks to go on the statewide testing, her committee had not taken final action on a dissemination policy of test results. She reported that a position paper was being developed and that the original plan was to have it ready for that day's meeting. She indicated that it was not completed and that the paper was still forthcoming from the State Department staff.

Even the State Education Department's "Response" contains no real explanation of how the tests will be scored and what the scores will mean.

10. DAMAGING TO CHILDREN

NJEA has suggested that the State Department of Education adopt the guidelines of the U.S. Department of Health, Education and Welfare for the protection of human subjects in such experimental areas of testing. The State Department has not responded to that suggestion.

11. MUSE/IGE

The Education Department claims that its "Multi-Unit School - Elementary" program and its "Individually Guided Education" are "important" school improvements. The fact is that MUSE/IGE is one of many educational "packages" put together by university theoreticians, promoted by slick films and booklets, and transplanted by foundations or federal money into local school districts eager to appear "innovative". The track record of such "innovations" holds forth little promise of panacea.

When Dr. Marburger's department first began ballyhooing the MUSE/IGE program, NJEA informed him that the Association "stands willing to assist the New Jersey State Department of Education in any rational, logical, and scientifically-controlled endeavor." Because recent educational history is filled with "innovative" programs that make flashy headlines but produce few educational benefits, NJEA felt the burden fell upon the Education Department to show in advance that MUSE/IGE could be expected to improve student learning. NJEA asked the Education Department such questions as:

How much pre-planning has gone into adopting and disseminating IGE?

What criteria were applied to select IGE as opposed to any other alternative?

What data exist from test sites?

Are the test sites comparable to New Jersey?

What did the data show?

How effective was the program?

What problems now exist that dictate change?

What is it going to improve?

Does it change the teacher's role? If so, how?

The State Education Department has never answered these questions. Instead, by making promises about giving teachers extra pay, smaller per-pupil loads, and secretarial help -- it placed MUSE/IGE programs in about 60 New Jersey school districts. When NJEA asked some guarantee that the promised conditions would be fulfilled, the State Department balked.

In the absence of validating data, NJEA must consider MUSE/IGE an experimental program, not a proven benefit to pupil learning.

Commissioner Marburger makes much of the allegation that he involves all segments of the public in the goals and programs of his department. One of the groups in this category is the MUSE/IGE Advisory Committee. This committee felt that no program developed elsewhere would prove effective in a school system unless the local teaching corps supported the program. On October 27, 1972, therefore, the MUSE/IGE Advisory Committee recommended that the signature of the president of the local teacher organization be obtained before any MUSE/IGE program is implemented in any school district. This agrees with Chapter 303 which requires that: "Proposed new rules or modifications of existing rules governing working conditions shall be negotiated with the majority representative before they are established."

Rightfully, then the program originally required approval by the majority representative, but Dr. Marburger later voided this requirement. This is the reason for conflict between Dr. Marburger and the NJEA on his experimental program.

The Commissioner claims that he removed the requirements because the local association leaders were "delaying" matters by raising questions not being asked by teachers in the schools where the experiments were to be tried. The fact of the matter is that the cooperation of the local

teacher representative organization was dismissed after pressure from the N.J. School Boards Assn. and the N.J. Assn. of School Administrators, two organizations that are now the mainstay of the campaign to win re-nomination for the Commissioner.

NJEA has no objection to experimentation as long as it is understood at the beginning that resulting changes in employment conditions are not considered permanent until their desirability is proven and finally negotiated into the existing teacher-board agreement. NJEA extended its hand in "good faith" and the spirit of mutual enthusiasm for trying different approaches. The State Department would have it no way but its own.

12. STUDENT UNION

The Education Department objects that NJEA has complained of Dr. Marburger's 1970 attempts to radicalize high school students. The Education Department's "Response" admits widespread criticism of Dr. Marburger's actions and concedes these criticisms were deserved. The Department's defense is that Dr. Marburger has since changed his ways.

The facts are that, after a serious episode, Dr. Marburger did remove from the premises of the State Education Department the college students he had hired who organized a N.J. Student Union. However, Dr. Marburger helped obtain outside foundation financing for the effort, enabling the Student Union to operate outside of the Education Department Building. In fact, it exists to this day.

Subsequently, Dr. Marburger established another Office of Student Affairs in the Education Department which now devotes part of its energies to promoting "alternative schools" for students who wish to leave the public schools and enjoy themselves in free-style classes.

The Department of Education's complaint about its dealings with NJEA on the State's "Student Rights and Responsibilities" booklet is typical of the myopic manner Commissioner Marburger deals with organizations in the field of education. The booklet was developed by staff in the Departments of Community Affairs and Education, without asking for input from teacher representative organizations. Only after it was finished did the Departments ask organizations to "rubber stamp" their endorsement on the document. NJEA does not sell its reputation that lightly.

There was no NJEA hesitation about the contents of the "Student Rights and Responsibilities" booklet. In fact, the Association's magazine saw to it that the complete report was made available to the teachers of New Jersey -- even before it was released to students.

In defense of its actions in dealing with student disturbances, the State Department of Education cites its memorandum of March 14, 1969. The State Board of Education then ordered all local boards of education to file specific plans "for coping with potential student disorder". An April 1, 1969 deadline was set for submission. The next two weeks were some of the most classic examples of mismanagement in school administration. Far too few school districts bothered to consult their teachers about how to deal with the restless students. What the State got back in some cases were grossly repressive riot control plans. These only exaggerated existing tensions. Some others came forth with completely "permissive" student control models, in which professional teaching and administrative personnel could easily be made the target of "kangaroo court" proceedings on charges brought by hostile student or parent groups.

The State Department of Education makes many allegations relative to NJEA's role. Polemics and distortions represent the State Department of Education's vitriolic attack on NJEA.

The State Department's unfortunate attempt to escape the facts is regrettable.

