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PUBLIC HEARING

before

SENATE EDUCATION COMMITTEE AND ASSEMBLY EDUCATION COMMITTEE

on

SENATE BILLS 2355, 2356 AND ASSEMBLY BILLS 2926, 2927

(Establishment and Governance of State-operated School Districts)

October 14, 1986
Council Chambers
City Hall
Jersey City, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assembly Education Committee
Assemblyman Joseph A. Palaia, Chairman
Assemblyman Frank J. Gargiulo, Vice Chairman
Assemblyman Gerard S. Naples
Assemblywoman Mildred Barry Garvin

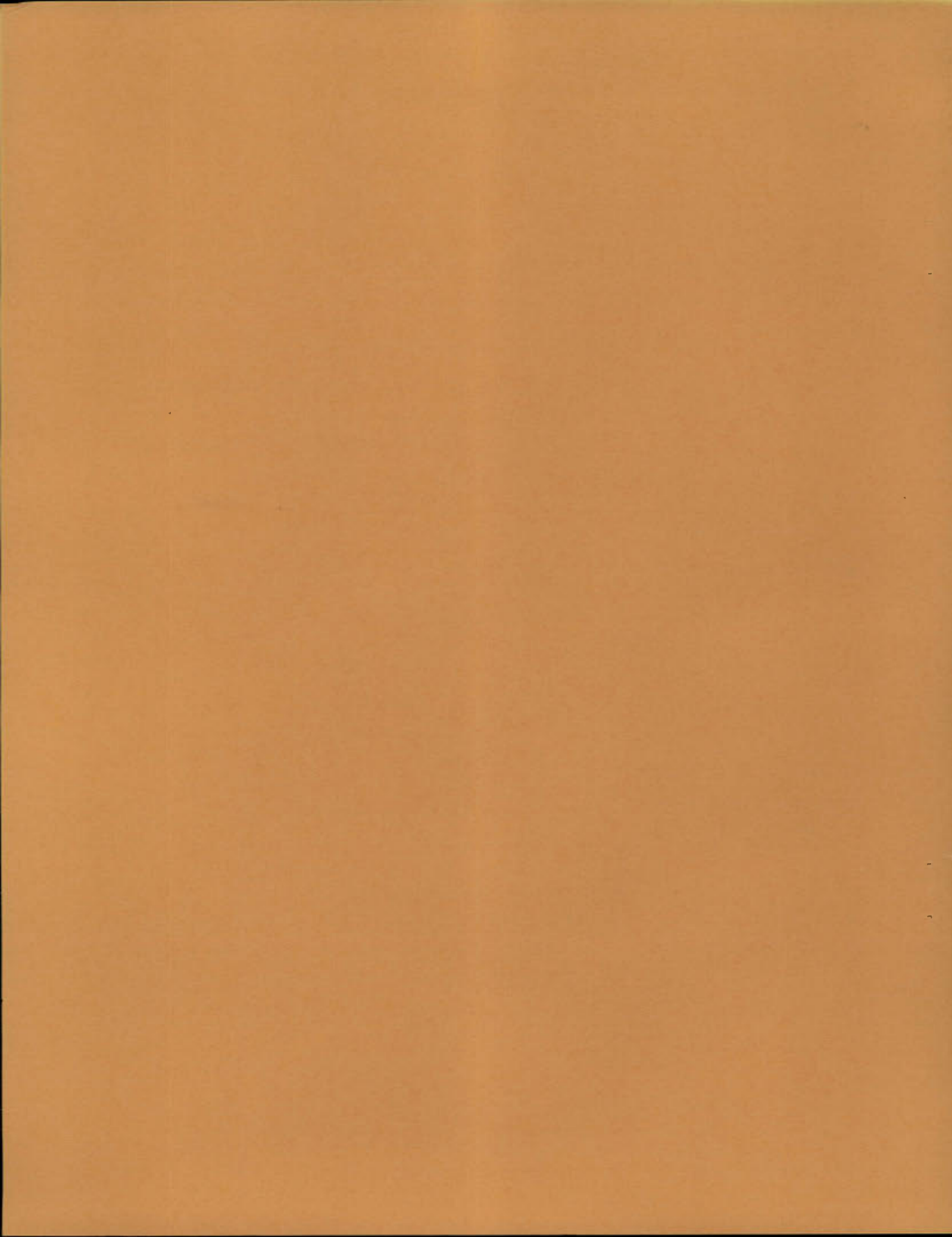
ALSO PRESENT:

Deena R. Schorr
Office of Legislative Services
Aide, Senate Education Committee


David J. Rosen
Office of Legislative Services
Aide, Assembly Education Committee

* * * * *

Hearing Recorded and Transcribed by
Office of Legislative Services
Public Information Office
Hearing Unit
State House Annex
CN 068
Trenton, New Jersey 08625



MATTHEW FELDMAN
Chairman
DANIEL J. DALTON
Vice-Chairman
RAYMOND LESNIAK
WAYNE DUMONT, JR.
JOHN H. EWING


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GERARD S. NAPLES

September 3, 1986

REVISED
NOTICE OF PUBLIC HEARINGS

The Senate Education Committee and the Assembly Education Committee will hold four joint hearings as follows:

Tuesday, September 16 at 10 a.m. in Room 424 of the State House Annex, Trenton.

** Thursday, September 25, at 10 a.m. in Room C-211, Main Building, Bergen Community College, Paramus.

Tuesday, October 7 at 1:30 p.m. in the Campus Center, Rutgers University - Camden, Camden.

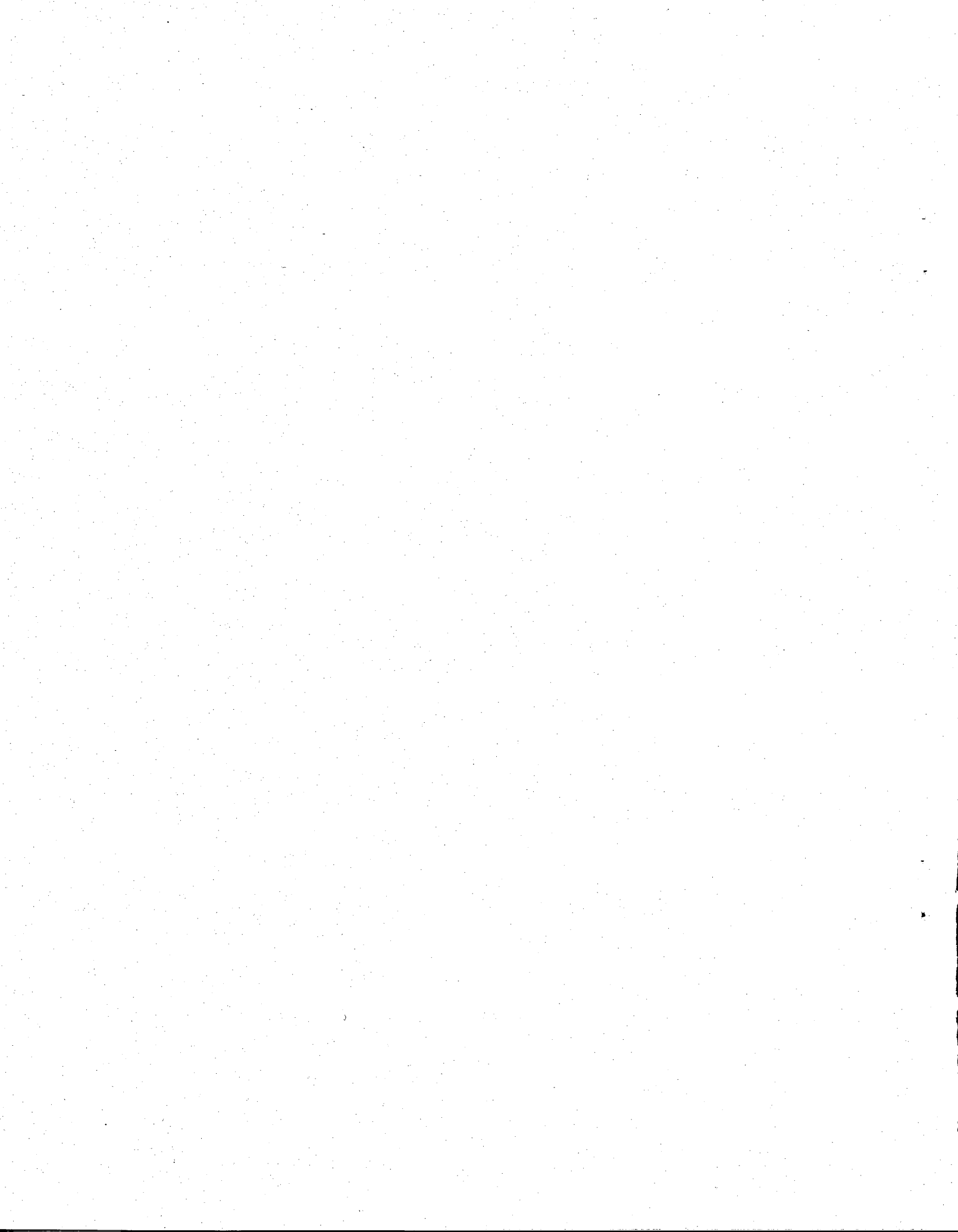
Tuesday, October 14 at 1:30 p.m. in the Council Chambers, City Hall, 280 Grove Street, Jersey City.

The hearings will consider the
**ESTABLISHMENT AND GOVERNANCE OF
STATE-OPERATED SCHOOL DISTRICTS**

(S-2355, S-2356, A-2926, A-2927)

Anyone wishing to testify should contact Deena Schorr, aide to the Senate Education Committee, or David J. Rosen, aide to the Assembly Education Committee at (609) 984-6843 and should submit copies of their testimony to the committees on the day of the hearing.

** denotes change in date and location from the August 18 notice.



STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1986

By Senators EWING, McNAMARA, HURLEY, DiFRANCESCO,
CARDINALE, GORMLEY, DORSEY, HAINES and GAGLIANO

Referred to Committee on Education

AN ACT concerning the establishment of State-operated school
districts and amending sections 14 and 15 of P. L. 1975, c. 212.

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

1 1. (New section) The Legislature finds and declares that:

2 a. The New Jersey Constitution requires that the State main-
3 tain and support a thorough and efficient system of free public
4 schools for the instruction of all children in the State between
5 the ages of five and 18;

6 b. In compliance with this mandate, the State Department of
7 Education monitors school districts and during the monitoring
8 process attempts to assist school districts with correcting any
9 deficiencies identified by the monitoring;

10 c. The monitoring process may reveal some school districts
11 which are unwilling or unable to correct the deficiencies identified
12 during the process; and

13 d. The State Department of Education should be empowered
14 with the necessary and effective authority in extreme cases to
15 take over a local school district which cannot or will not correct
16 severe and complex deficiencies in that school district.

1 2. Section 14 of P. L. 1975, c. 212 (C. 18A:7A-14) is amended to
2 read as follows:

3 14. The commissioner shall review the results of the evaluations
4 conducted and reports submitted pursuant to sections 10 and 11
5 of this act. If the commissioner shall find that **[a school or]** a

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

Matter printed in italics *this is new matter.*

6 school district has failed to show sufficient progress toward the
7 goals, guidelines, objectives and standards, including the State
8 goal and any local interim goal concerning pupil proficiency in
9 basic communications and computational skills, established in and
10 pursuant to this act, [he] the commissioner shall advise the local
11 board of education of such determination, and shall direct that [a
12 remedial] an improvement plan be prepared and submitted to
13 [him] the commissioner for approval. The improvement plan shall
14 be based upon the school district's own internal review and assess-
15 ment of those remedial activities necessary to correct those de-
16 ficiencies noted in the evaluations and reports. If the commissioner
17 approves the plan, [he] the commissioner shall assure its imple-
18 mentation in a timely and effective manner. If the commissioner
19 finds that the [remedial] improvement plan [prepared by the
20 local board of education] based upon the internal review process
21 is insufficient [he] or unsuccessful in correcting the deficiencies
22 noted in the evaluation process, the commissioner shall designate
23 the county superintendent to appoint a review team which shall,
24 in conjunction with the Department of Education, examine the
25 district's areas of deficiencies and prepare directives to be utilized
26 by the district in the preparation of a corrective action plan to
27 achieve certification. The entire cost of those activities associated
28 with the review committee shall be assessed by the commissioner
29 against the district and shall be deducted from the district's ap-
30 portionment of State aid. If the commissioner finds, based upon
31 the findings and directives of the review team and the Department
32 of Education, that conditions within the district may preclude the
33 successful implementation of the corrective action plan or that
34 the district has failed to make reasonable progress in the imple-
35 mentation of the corrective action plan to achieve certification, the
36 commissioner shall direct that a comprehensive compliance inves-
37 tigation be conducted by the Department of Education which in-
38 vestigation shall result in a recommended administrative order.
39 When the recommended administrative order is approved by the
40 commissioner, the commissioner shall order the local board to
41 show cause why the [corrective actions provided in] administra-
42 tive order, subject to the provisions of section 15 of this act and
43 section 1 of P. L. . . . c. . . . (now pending before the Legislature
44 as Senate Bill No. 2550 of 1960 or Assembly Bill No. 2927 of 1956),
45 should not be [utilized] implemented. The plenary hearing upon
46 said order to show cause shall be conducted in the manner pre-
47 scribed by subdivision B of article 2 of chapter 6 of Title 16A of

48 the New Jersey Statutes. *In this proceeding the district board*
49 *shall have the burden of showing by clear and convincing evidence*
50 *that the corrective action prescribed in the recommended adminis-*
51 *trative order is arbitrary, unreasonable or capricious.*

1 3. Section 15 of P. L. 1975, c. 212 (C. 18A:7A-15) is amended
2 to read as follows:

3 15. If, after a plenary hearing, the commissioner determines that
4 it is necessary to take corrective action *as provided in the recom-*
5 *mended administrative order, [he] the commissioner shall [have*
6 *the power to] order necessary budgetary changes within the*
7 *school district[. to order in-service training programs for teachers*
8 *and other school personnel,] or [both] such other measures as*
9 *he or she deems appropriate with the exception of the creation of*
10 *a State-operated school district. If [he] the commissioner deter-*
11 *mines that [such corrective actions are insufficient, he] the dis-*
12 *trict has failed to correct the deficiencies outlined in the adminis-*
13 *trative order, the commissioner shall [have the power to] recom-*
14 *mend to the State board that it [take appropriate action. The*
15 *State board, on determining that the school district is not pro-*
16 *viding a thorough and efficient education, notwithstanding any*
17 *other provision of law to the contrary, shall have the power to*
18 *issue an administrative order specifying a remedial plan to the*
19 *local board of education, which plan may include budgetary changes*
20 *or other measures the State board determines to be appropriate.]*
21 *issue an administrative order creating a State-operated school*
22 *district. Notwithstanding any other provision of law to the con-*
23 *trary and upon its determining that the school district is not pro-*
24 *viding a thorough and efficient system of education, the State*
25 *board may direct the removal of the district board of education*
26 *and the creation of a State-operated school district whose functions,*
27 *funding and authority are defined in P. L. , c. (now pend-*
28 *ing before the Legislature as Senate Bill No. 2356 of 1960 or*
29 *Assembly Bill No. 2927 of 1956). Nothing herein shall limit the*
30 *right of any party to appeal the commissioner's administrative*
31 *order to the State board or the State board's order to the Superior*
32 *Court.*

1 4. (New section.) Pursuant to section 15 of P. L. 1975, c. 212
2 (C. 18A:7A-15), the State board shall have full authority to:
3 a. remove the district board of education, b. create a State-operated
4 school district, and c. appoint, upon recommendation of the com-
5 missioner, a State district superintendent of schools to direct all
6 operations of the district, including the implementation of the

7 administrative order. The State district superintendent of schools
8 shall have all authority and powers previously vested in the
9 district board of education.

1 5. This act shall take effect immediately, but shall remain in-
2 operative until enactment into law of P. L. . . . , c. . . . (now pend-
3 ing before the Legislature as Senate Bill No. 2356 of 1986 or
4 Assembly Bill No. 2927 of 1986).

STATEMENT

This bill amends current law to provide procedures for the establishment of a State-operated school district where a local school district has failed to rectify serious and documented deficiencies and where the State Board of Education determines that the district is not providing a thorough and efficient system of education. As part of the establishment of a State-operated school district the State board is authorized to remove a local board of education and appoint a State district superintendent to direct all operations of the district.

This bill will not become effective until the enactment of a companion bill (Senate Bill No. 2356 or Assembly Bill No. 2927 of 1986) which establishes procedures for the governance of a State-operated school district.

EDUCATION—GENERAL

Provides for the establishment of a State-operated school district in certain circumstances.

STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1986

By Senators EWING, McNAMARA, HURLEY, DiFRANCESCO,
CARDINALE, GORMLEY, DORSEY, HAINES and GAGLIANO

Referred to Committee on Education

AN ACT concerning the governance of State-operated school districts,
amending N. J. S. 18A:9-1 and N. J. S. 18A:10-1 and supple-
menting Title 18A of the New Jersey Statutes.

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

1 1. (New section) Whenever the Commissioner of Education shall
2 determine after the issuance of an administrative order that a local
3 school district has failed to assure a thorough and efficient system
4 of education, the State Board of Education may issue an admin-
5 istrative order as set forth in section 15 of P. L. 1975, c. 212 (C.
6 18A:7A-15) which shall remove the district board of education and
7 create a State-operated school district. The State-operated school
8 district shall become effective immediately upon issuance of the
9 administrative order by the State board.

1 2. (New section) a. The schools of a State-operated school district
2 shall be conducted by and under the supervision of a State district
3 superintendent of schools appointed by the State board upon recom-
4 mendation of the commissioner.

5 b. The State district superintendent shall be appointed for an
6 original term not to exceed five years. Notwithstanding any other
7 provision of law, no person so appointed shall acquire tenure nor
8 shall the commissioner, with approval of the State board, be pre-
9 cluded from terminating the superintendent's services pursuant to
10 the terms of the superintendent's individual contract of employ-
11 ment. For the purpose of the New Jersey Tort Claims Act, P. L.

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

Matter printed in italics *thus* is new matter.

12 1972, c. 45 (C. 59:1-1 et seq.), the State district superintendent shall
13 be considered a State officer.

14 c. The salary of the State district superintendent shall be fixed
15 by the commissioner and adjusted from time to time as the com-
16 missioner deems appropriate. The cost for said salary and for the
17 salaries of all persons appointed pursuant to this amendatory and
18 supplementary act shall be an expense of the local school district.

19 d. The State district superintendent shall perform all the duties
20 and possess all the powers heretofore and hereafter assigned in
21 Title 15A of the New Jersey Statutes to central administrative
22 and supervisory staff, instructional and noninstructional, which
23 shall include but not be limited to the superintendent of schools,
24 secretary of the board of education, school business administrator,
25 school business manager, and assistants and clerks thereto.

26 e. Except as otherwise provided in this amendatory and supple-
27 mentary act, the State district superintendent shall have the power
28 to perform all acts and do all things consistent with law necessary
29 for the proper conduct, maintenance and supervision of the schools
30 in the district.

31 f. The State district superintendent may make, amend and repeal
32 district rules, policies and guidelines, not inconsistent with law for
33 the proper conduct, maintenance and supervision of the schools
34 in the district.

1 3. (New section.) No person shall be appointed to any position
2 pursuant to this amendatory and supplementary act unless the per-
3 son shall hold an appropriate certificate as prescribed by the State
4 Board of Education.

1 4. (New section.) Notwithstanding the absence of a board of edu-
2 cation, a State-operated school district shall remain a corporate
3 entity.

1 5. (New section.) Except as otherwise provided in this amenda-
2 tory and supplementary act, the State district superintendent in a
3 State-operated school district shall have the power to:

- 4 a. Enforce the rules of the State board; and
- 5 b. Perform all acts and do all things, consistent with law and the
6 rules of the State board necessary for the lawful and proper con-
7 duct, operation and maintenance of the public schools of the dis-
8 trict.

1 6. (New section.) a. The State district superintendent of a State-
2 operated school district may:

- 3 (1) remove from the district's competence any matter which is
4 arbitrary or unduly discretionary and is not provided for in the
5 manner provided by law;

6 (2) Cause a report of the condition of the public schools and the
7 public school property under the superintendent's control and an
8 itemized account of the condition of the finances of the district to
9 be printed and published as soon as practicable after the close of
10 each school year; and.

11 (3) Cause an exact census to be taken annually of all children
12 residing in the district between the ages of five and 18 years, in-
13 cluding such other information as he or she may deem necessary or
14 proper and appoint, for the purpose of taking that census, as many
15 suitable persons as may be necessary to act as enumerators and
16 fix their compensation, which compensation shall be paid as a cur-
17 rent expense.

18 b. A State-operated school district may be sued under its cor-
19 porate name.

20 c. State-operated school districts may join with local boards of
21 education for the purpose of affording the districts those benefits
22 which may accrue pursuant to P. L. 1953, c. 108 (C. 15A:15B-1
23 et seq.).

24 d. A State-operated school district shall be subject to all pro-
25 visions of chapter 19 of Title 15A of the New Jersey Statutes ex-
26 cept that all warrants for claims or expenditures approvable by a
27 district board of education or any action required of a district
28 board of education pursuant to chapter 19 shall be authorized by
29 the State district superintendent.

30 e. Authority for the implementation of any provision of chapter
31 20 of Title 15A of the New Jersey Statutes relative to the acqui-
32 sition and disposition of property which requires action by a district
33 board of education shall, in a State-operated school district, be ex-
34 ercised by the State district superintendent.

35 f. The authority vested in boards of education by chapter 21 of
36 the Title 15A of the New Jersey Statutes shall in a State-operated
37 school district be vested in the State district superintendent.

38 g. State-operated school districts shall be subject to all require-
39 ments set forth in chapter 15A of Title 15A of the New Jersey Stat-
40 utes except that such determination as may be required of a
41 district board of education by the provisions of said law shall be
42 rendered by the State district superintendent.

1 7. (New section) There shall be established within a State-operated
2 school district an internal audit function which shall be a part of
3 the business activities of the district and report to the State
4 State district superintendent and the central board. The cost of
5 providing this internal audit function shall be borne by the dis-
6 trict.

1 8. (New section) a. In a State-operated school district, all of-
2 ficers, employees and consultants, professional and nonprofessional,
3 certified and noncertified, shall be employed or retained, trans-
4 ferred and removed as provided below:

5 (1) The State district superintendent may appoint, transfer and
6 remove clerks, pursuant to the provisions of Title 11 (Civil Ser-
7 vice) of the Revised Statutes and the provisions of N. J. S.
8 18A:17-1 et seq.

9 (2) The State district superintendent, subject to the approval of
10 the commissioner, shall appoint and set the salaries of such State
11 assistant superintendents as the superintendent shall deem neces-
12 sary and assign to them their duties and responsibilities. No State
13 assistant superintendent shall acquire tenure, notwithstanding any
14 other provision of law.

15 (3) The State district superintendent of schools shall, subject
16 to the approval of the commissioner or his designee, make all per-
17 sonnel determinations relative to employment, transfer and re-
18 moval of all officers and employees, professional and nonprofes-
19 sional, except that the services of the district auditor or auditors
20 and attorney or attorneys shall be immediately terminated by crea-
21 tion of a State-operated school district pursuant to section 15 of
22 P. L. 1975, c. 212 (C. 18A:7A-15).

23 b. The State district superintendent may delegate to subordi-
24 nate officers or employees in the district any of the superintendent's
25 powers and duties as the superintendent may deem desirable to be
26 exercised under the superintendent's supervision and direction.

1 9. (New section.) Except as otherwise provided in this amendatory
2 and supplementary act, any person serving under tenure or per-
3 manent civil service status shall retain all tenure rights and may
4 continue to serve in the district pursuant to the provisions of this
5 section. However, they shall perform only such duties as pre-
6 scribed or delegated by the State district superintendent and for
7 which they may be appropriately certified.

1 10. (New section.) Notwithstanding any other provision of law
2 or contract, the positions of the central administrative and super-
3 visory staff, instructional and non-instructional, of the district
4 shall be abolished upon creation of the State-operated school dis-
5 trict. The affected employees or officers shall be given 60 days
6 notice of termination or 60 days pay. The notice or payment shall
7 be in lieu of any other claim or recourse against the employing
8 board or the school district based on law or contract. Any employe
9 whose position is abolished by operation of this law shall be en-
10 titled to assert a claim to any position or to placement upon a pro-

11 ferred eligibility list for any position to which the employee may
12 be entitled by virtue of seniority within the district. No employee
13 whose position is abolished by operation of this statute shall re-
14 tain any right to tenure or seniority in the positions abolished
15 herein.

1 11. (New section) Upon appointment, the State district super-
2 intendent shall establish an assessment unit which shall conduct
3 on-site evaluations of each building principal and render quarterly
4 evaluation reports to the State district superintendent. Notwith-
5 standing any other provision of law or contract, the State district
6 superintendent, after completion of an assessment cycle of not
7 more than 12 months, may dismiss any building principal for un-
8 satisfactory performance or other good cause. Prior to the dis-
9 missal, the State district superintendent shall give the principal
10 written notice of the dismissal. Prior to the effective date of the
11 dismissal, the principal shall have the opportunity to meet with
12 the State district superintendent in order to be heard on any rea-
13 son why the dismissal should not occur. The State district super-
14 intendent shall provide the principal with written notice of finaliza-
15 tion of the dismissal or recall of the dismissal notice. The dismiss-
16 sal shall take effect immediately upon finalization and shall termi-
17 nate all employment rights including, but not limited to, salary and
18 benefits with the exception of pension rights. Any building prin-
19 cipal dismissed pursuant to the provisions of this section may
20 appeal to the commissioner and seek reinstatement by requesting a
21 hearing. The request must be made within 10 days of the effective
22 date of the dismissal. In the hearing before the commissioner, the
23 appellant shall bear the burden of proving that the dismissal of the
24 appellant by the State district superintendent was arbitrary, capri-
25 cious or unreasonable in order to be restored to the position of build-
26 ing principal. Any building principal dismissed pursuant to the
27 provisions of this section shall be entitled to assert a claim to any
28 other position or to placement upon a preferred eligibility list for
29 any other position to which the principal may be entitled by virtue
30 of seniority within the district. No person dismissed from the
31 position of principal pursuant to the provisions of this statute
32 shall retain any right to tenure and seniority in the position of
33 principal. Building principals who are not dismissed pursuant to
34 the procedures provided herein after completion of the assessment
35 cycle shall not be dismissed except pursuant to the provisions of
36 N. J. S. 18A:6-10 et seq.

1 12. (New section) a. State-operated school districts shall be
2 created only as provided pursuant to section 15 of P. L. 1975, c.
3 212 (C. 18A:7A-15).

4 b. State-operated school districts shall be conducted by and un-
5 der the supervision of a State district superintendent appointed
6 by the State Board of Education upon recommendation of the com-
7 missioner.

8 c. The commissioner shall also appoint an advisory committee
9 of no more than 15 persons from among the residents of the dis-
10 trict who shall meet with the State district superintendent monthly.

1 13. (New section) a. The State district superintendent shall
2 annually provide to the commissioner an assessment of the progress
3 of the district toward meeting the provisions of the commissioner's
4 administrative order. The commissioner shall formally report to
5 the State board on the district's progress.

6 b. Based upon the annual assessment of progress and the dis-
7 trict's having received State certification, but not sooner than five
8 years after the establishment of the State-operated school district,
9 the commissioner may recommend to the State board that a dis-
10 trict board of education be appointed, and that local control be re-
11 established. The board shall, for an interim period of three years,
12 be composed of residents of the district appointed by the State
13 board upon recommendation of the commissioner. The terms of
14 office of the board members shall be so ordered that three members
15 shall be appointed for three years, three members shall be appointed
16 for four years and three members shall be appointed for five years.

17 c. Upon the appointment of the aforesaid board of education,
18 the State district superintendent and those members of the super-
19 intendent's staff appointed by operation of these laws relating to
20 State-operated school districts shall continue to serve for a one
21 year transition period upon conclusion of which their term of
22 service shall expire without prejudice to the right of the district
23 board of education to reappoint any or all such persons to similar
24 positions within the district.

25 d. Not less than two years after the appointment of the interim
26 board of education, the board shall conduct a special election for
27 purposes of placing the question of classification status before the
28 voters of the district.

29 e. If the voters of the district shall elect to become a type I dis-
30 trict, it shall be governed by the provisions of chapter 9 of Title
31 18A of the New Jersey Statutes relating to type I districts after
32 January 31 next ensuing, unless the district is established in a city
33 of the first class, in which case it shall be governed after June 30
34 next ensuing. The members of the district board of education at
35 the time of said election shall continue in office until expiration of
36 their respective terms and the qualification in office of their suc-
37 cessors.

38 f. If the voters of the district shall so elect that the district
39 shall become a type II district, it shall be governed by the pro-
40 visions of chapter 9 of Title 18A relating to type II districts and
41 the members of the board of education appointed by the commis-
42 sioner shall remain and continue in office until the expiration of
43 their respective terms and the qualification of their respective
44 successors.

1 14. (New section) The State district superintendent of a State-
2 operated school district shall develop a budget on or before the
3 first Tuesday in March. This budget shall conform in all respects
4 with the requirements of chapter 22 of Title 18A of the New Jersey
5 Statutes and shall be subject to the limitations on spending by
6 local school districts otherwise required by P. L. 1975, c. 212 (C.
7 18A:7A-1 et seq.).

1 15. (New section) Upon the preparation of its budget, the State
2 district superintendent shall fix a date, place and time for the
3 holding of a public hearing upon the budget and the amounts of
4 money necessary to be appropriated for the use of the public schools
5 for the ensuing school year, and the various items and purposes
6 for which the same are to be appropriated, which hearing shall be
7 held between the first Tuesday in March and March 15. Notice of
8 the hearing, contents of the notice and the form and purpose of
9 the hearing shall be as provided in N. J. S. 18A:22-11, N. J. S.
10 18A:22-12 and N. J. S. 18A:22-13.

1 16. (New section) After the public hearing provided for by
2 section 15 of this amendatory and supplementary act but not later
3 than March 15, the State district superintendent shall fix and de-
4 termine the amount of money necessary to be appropriated for
5 the ensuing school year and shall certify the amounts to be raised
6 by special district tax for school purposes as well as the sum
7 necessary for interest and debt redemption, if any, to the county
8 board of taxation and the amount or amounts so certified shall be
9 included in the taxes assessed, levied and collected in the municipali-
10 ty or municipalities comprising the district. Within 15 days after
11 the certification by the State district superintendent, the govern-
12 ing body of the municipality or municipalities comprising the
13 district shall notify the State district superintendent of its intent
14 to approve the commissioner the amount of the special tax re-
15 source to be appropriated for each item appropriated in the proposed
16 budget.

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

2 School districts shall be classified as type I and type II school
3 districts, [as provided in this chapter] *except that the State 1002*

4 may, by administrative order pursuant to its authority under sec-
 5 tion 15 of P. L. 1975, c. 212 (C. 16A:7A-15) create a State-operated
 6 school district.

1 18. N. J. S. 18A:10-1 is amended to read as follows:

2 The schools of each school district, shall be conducted, by and
 3 under the supervision of a board of education, which shall be a
 4 body corporate and which shall be constituted and governed, as
 5 provided by this title, for a type I, type II or regional school dis-
 6 trict, as the case may be, but the State board pursuant to an ad-
 7 ministrative order issued by authority of section 15 of P. L. 1975,
 8 c. 212 (C. 16A:7A-15) may create a State-operated school district
 9 which shall be conducted by a State district superintendent.

1 19. This act shall take effect immediately, but shall remain inop-
 2 erative until enactment of P. L. , c. (now pending before
 3 the Legislature as Senate Bill No. 2355 of 1986 or Assembly Bill
 4 No. 2926 of 1986).

STATEMENT

This bill establishes procedures for the governance of a State-
 operated school district established by order of the State Board of
 Education pursuant to companion legislation, when a local school
 district has failed to correct serious deficiencies.

A State-operated school district would be conducted under the
 supervision of a State district superintendent appointed by the
 State Board for a five-year term. The bill provides for the elimina-
 tion of certain administrative and supervisory staff positions in
 the district and delegates all administrative and supervisory re-
 sponsibilities, including authority to establish the school district's
 budget, to the State district superintendent. It also provides for
 the establishment of a 15 member advisory committee, appointed
 by the Commissioner of Education from among the residents of
 the district, which shall meet monthly with the superintendent.

The bill provides a procedure for the phased reestablishment of
 local control of the district following the district's receipt of cer-
 tification, but not sooner than five years from the date of the State
 takeover.

EDUCATION — GENERAL

Establishes provisions for the governance of State-operated school
 districts.

ASSEMBLY, No. 2926

STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1986

By Assemblymen GARGIULO, PALAIA, Dario, Assemblywoman Ogden, Assemblymen Albohn, Kline, Kavanaugh, Franks, Catrillo, Muziani, Loveys, DiGaetano, Assemblywomen Donovan, Muhler, Assemblymen Penn, Kelly, Frelinghuysen, Miller, Assemblywoman Cooper, Assemblymen Zecker, Azzolina and Martin

AN ACT concerning the establishment of State-operated school districts and amending sections 14 and 15 of P. L. 1975. c. 212.

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

1 1. (New section) The Legislature finds and declares that:

2 a. The New Jersey Constitution requires that the State main-
3 tain and support a thorough and efficient system of free public
4 schools for the instruction of all children in the State between the
5 ages of five and 18:

6 b. In compliance with this mandate, the State Department of
7 Education monitors school districts and during the monitoring
8 process attempts to assist school districts with correcting any de-
9 ficiencies identified by the monitoring:

10 c. The monitoring process may reveal some school districts which
11 are unwilling or unable to correct the deficiencies identified during
12 the process: and

13 d. The State Department of Education should be empowered
14 with the necessary and effective authority in extreme cases to take
15 over a local school district which cannot or will not correct severe
16 and complex deficiencies in that school district.

1 2. Section 14 of P. L. 1975. c. 212 (C. 18A:7A-14) is amended to
2 read as follows:

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

Matter printed in italics *thus* is new matter.

3 14. The commissioner shall review the results of the evaluations
4 conducted and reports submitted pursuant to sections 10 and 11 of
5 this act. If the commissioner shall find that **[a school or]** a school
6 district has failed to show sufficient progress toward the goals,
7 guidelines, objectives and standards, including the State goal and
8 any local interim goal concerning pupil proficiency in basic com-
9 munications and computational skills, established in and pursuant
10 to this act, **[he]** *the commissioner* shall advise the local board of
11 education of such determination, and shall direct that **[a remedial]**
12 *an improvement plan* be prepared and submitted to **[him]** *the*
13 *commissioner* for approval. *The improvement plan shall be based*
14 *upon the school district's own internal review and assessment of*
14A *those remedial activities necessary to correct those deficiencies*
15 *noted in the evaluations and reports.* If the commissioner approves
16 the plan, **[he]** *the commissioner* shall assure its implementation
17 in a timely and effective manner. If the commissioner finds that the
18 **[remedial]** *improvement plan* **[prepared by the local board of**
19 **education]** *based upon the internal review process is insufficient*,
20 **[he]** *or unsuccessful in correcting the deficiencies noted in the evalu-*
21 *ation process, the commissioner shall designate the county super-*
22 *intendent to appoint a review team which shall, in conjunction with*
23 *the Department of Education, examine the district's areas of de-*
24 *ficiencies and prepare directives to be utilized by the district in the*
25 *preparation of a corrective action plan to achieve certification. The*
26 *entire cost of those activities associated with the review committee*
27 *shall be assessed by the commissioner against the district and shall*
28 *be deducted from the district's apportionment of State aid. If the*
29 *commissioner finds, based upon the findings and directives of the*
30 *review team and the Department of Education, that conditions*
31 *within the district may preclude the successful implementation of*
32 *the corrective action plan or that the district has failed to make*
33 *reasonable progress in the implementation of the corrective action*
34 *plan to achieve certification, the commissioner shall direct that a*
35 *comprehensive compliance investigation be conducted by the De-*
36 *partment of Education which investigation shall result in a rec-*
37 *ommended administrative order. When the recommended adminis-*
38 *trative order is approved by the commissioner, the commissioner*
39 *shall order the local board to show cause why the* **[corrective ac-**
40 **tions provided in:]** *administrative order, subject to the provisions*
41 *of section 15 of this act and section 1 of P. L. , c. (now*
42 *pending before the Legislature as Assembly Bill No. 2927 of 1960*
43 *or Senate Bill No. 2536 of 1960), should not be* **[utilized]** *impl-*
44 *mented. The plenary hearing upon said order to show cause shall*

45 be conducted in the manner prescribed by subdivision B of article
 46 2 of chapter 6 of Title 18A of the New Jersey Statutes. *In this pro-*
 47 *ceeding the district board shall have the burden of showing by clear*
 48 *and convincing evidence that the corrective action prescribed in*
 49 *the recommended administrative order is arbitrary, unreasonable*
 50 *or capricious.*

1 3. Section 15 of P. L. 1975, c. 212 (C. 18A:7A-15) is amended to
 2 read as follows:

3 15. If, after a plenary hearing, the commissioner determines
 4 that it is necessary to take corrective action *as provided in the rec-*
 5 *ommended administrative order, [he] the commissioner shall*
 6 *[have the power to] order necessary budgetary changes within the*
 7 *school district[, to order in-service training programs for teachers*
 8 *and other school personnel,] or [both] such other measures as he*
 9 *or she deems appropriate with the exception of the creation of a*
 10 *State-operated school district. If [he] the commissioner deter-*
 11 *mines that [such corrective actions are insufficient, he] the district*
 12 *has failed to correct the deficiencies outlined in the administrative*
 13 *order, the commissioner shall [have the power to] recommend to*
 14 *the State board that it [take appropriate action. The State board,*
 15 *on determining that the school district is not providi. a thorough*
 16 *and efficient education, notwithstanding any other provision of law*
 17 *to the contrary, shall have the power to issue an administrative*
 18 *order specifying a remedial plan to the local board of education,*
 19 *which plan may include budgetary changes or other measures the*
 20 *State board determines to be appropriate.] issue an administrative*
 21 *order creating a State-operated school district. Notwithstanding*
 22 *any other provision of law to the contrary and upon its determining*
 23 *that the school district is not providing a thorough and efficient*
 24 *system of education, the State board may direct the removal of*
 25 *the district board of education and the creation of a State-operated*
 26 *school district whose functions, funding and authority are defined*
 27 *in P. L. , c. (now pending before the Legislature as Assem-*
 28 *bly Bill No. 2927 of 1980 or Senate Bill No. 2556 of 1980). Nothing*
 29 *herein shall limit the right of any party to appeal the commission-*
 30 *er's administrative order to the State board or the State board's*
 31 *order to the Superior Court.*

1 4. (New section) Pursuant to section 15 of P. L. 1975, c. 212 (C.
 2 18A:7A-15), the State board shall have full authority to: a. re-
 3 move the district board of education, b. create a State-operated
 4 school district, and c. appoint, upon recommendation of the com-
 5 missioner, a State district superintendent of schools to direct all
 6 operations of the district, including the implementation of the ad-

4

7 ministrative order. The State district superintendent of schools
8 shall have all authority and powers previously vested in the district
9 board of education.

1 5. This act shall take effect immediately, but shall remain inop-
2 erative until enactment into law of P. L. . . . , c. . . . (now pending
3 before the Legislature as Assembly Bill No. 2927 of 1986 or Senate
4 Bill No. 2356 of 1986).

STATEMENT

This bill amends current law to provide procedures for the es-
tablishment of a State-operated school district where a local school
district has failed to rectify serious and documented deficiencies
and where the State Board of Education determines that the dis-
trict is not providing a thorough and efficient system of education.
As part of the establishment of a State-operated school district
the State board is authorized to remove a local board of education
and appoint a State district superintendent to direct all operations
of the district.

This bill will not become effective until the enactment of a com-
panion bill (Assembly Bill No. 2927 or Senate Bill No. 2356 of
1986) which establishes procedures for the governance of a State-
operated school district.

EDUCATION — GENERAL

Provides for the establishment of a State-operated school district
in certain circumstances.

STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1986

By Assemblymen PALAIA, DARIO, Assemblywoman Ogden, Assemblymen Albohn, Kline, Kavanaugh, Franks, Catrillo, Muziani, Loveys, DiGaetano, Assemblywomen Donovan, Muhler, Assemblymen Penn, Kelly, Frelinghuysen, Miller, Assemblywoman Cooper, Assemblymen Zecker, Azzolina and Martin

AN ACT concerning the governance of State-operated school districts, amending N. J. S. 18A:9-1 and N. J. S. 18A:10-1 and supplementing Title 18A of the New Jersey Statutes.

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

1 1. (New section) Whenever the Commissioner of Education shall
2 determine after the issuance of an administrative order that a local
3 school district has failed to assure a thorough and efficient system
4 of education, the State Board of Education may issue an administra-
5 tive order as set forth in section 15 of P. L. 1975, c. 212 (C.
6 18A:7A-15) which shall remove the district board of education and
7 create a State-operated school district. The State-operated school
8 district shall become effective immediately upon issuance of the
9 administrative order by the State board.

1 2. (New section) a. The schools of a State-operated school
2 district shall be conducted by and under the supervision of a State
3 district superintendent of schools appointed by the State board
4 upon recommendation of the commissioner.

5 b. The State district superintendent shall be appointed for an
6 original term not to exceed five years. Notwithstanding any other
7 provision of law, no person so appointed shall acquire tenure nor
8 shall the commissioner, with approval of the State board, be pre-

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

Matter printed in italics *thus* is new matter.

9 cluded from terminating the superintendent's services pursuant to
10 the terms of the superintendent's individual contract of employ-
11 ment. For the purpose of the New Jersey Tort Claims Act, P. L.
12 1972, c. 45 (C. 59:1-1 et seq.), the State district superintendent
13 shall be considered a State officer.

14 c. The salary of the State district superintendent shall be fixed
15 by the commissioner and adjusted from time to time as the commis-
16 sioner deems appropriate. The cost for said salary and for the
17 salaries of all persons appointed pursuant to this amendatory and
18 supplementary act shall be an expense of the local school district.

19 d. The State district superintendent shall perform all the duties
20 and possess all the powers heretofore and hereafter assigned in
21 Title 18A of the New Jersey Statutes to central administrative and
22 supervisory staff, instructional and noninstructional, which shall
23 include but not be limited to the superintendent of schools, secretary
24 of the board of education, school business administrator, school
25 business manager, and assistants and clerks thereto.

26 e. Except as otherwise provided in this amendatory and supple-
27 mentary act, the State district superintendent shall have the power
28 to perform all acts and do all things consistent with law necessary
29 for the proper conduct, maintenance and supervision of the schools
30 in the district.

31 f. The State district superintendent may make, amend and repeal
32 district rules, policies and guidelines, not inconsistent with law
33 for the proper conduct, maintenance and supervision of the schools
34 in the district.

1 3. (New section) No person shall be appointed to any position
2 pursuant to this amendatory and supplementary act unless the
3 person shall hold an appropriate certificate as prescribed by the
4 State Board of Examiners.

1 4. (New section) Notwithstanding the absence of a board of
2 education, a State-operated school district shall remain a corporate
3 entity.

1 5. (New section) Except as otherwise provided in this amendatory
2 and supplementary act, the State district superintendent in a
3 State-operated school district shall have the power to:

4 a. Enforce the rules of the State board; and

5 b. Perform all acts and do all things, consistent with law and the
6 rules of the State board, necessary for the lawful and proper con-
7 duct, equipment and maintenance of the public schools of the
8 district.

1 6. (New section) a. The State district superintendent of a State-
2 operated school district may:

3 (1) Sue in the district's corporate name and likewise submit to
4 arbitration and determination disputes and controversies in the
5 manner provided by law;

6 (2) Cause a report of the condition of the public schools and the
7 public school property under the superintendent's control and an
8 itemized account of the condition of the finances of the district to
9 be printed and published as soon as practicable after the close of
10 each school year; and,

11 (3) Cause an exact census to be taken annually of all children
12 residing in the district between the ages of five and 18 years, includ-
13 ing such other information as he or she may deem necessary or
14 proper and appoint, for the purpose of taking that census, as many
15 suitable persons as may be necessary to act as enumerators and fix
16 their compensation, which compensation shall be paid as a current
17 expense.

18 b. A State-operated school district may be sued under its corpo-
19 rate name.

20 c. State-operated school districts may join with local boards of
21 education for the purpose of affording the districts those benefits
22 which may accrue pursuant to P. L. 1983, c. 108 (C. 18A:18B-1
23 et seq.).

24 d. A State-operated school district shall be subject to all pro-
25 visions of chapter 19 of Title 18A of the New Jersey Statutes
26 except that all warrants for claims or expenditures approvable by a
27 district board of education or any action required of a district board
28 of education pursuant to chapter 19 shall be authorized by the State
29 district superintendent.

30 e. Authority for the implementation of any provision of chapter
31 20 of Title 18A of the New Jersey Statutes relative to the acquisi-
32 tion and disposition of property which requires action by a district
33 board of education shall, in a State-operated school district, be
34 exercised by the State district superintendent.

35 f. The authority vested in boards of education by chapter 21 of
36 Title 18A of the New Jersey Statutes shall in a State-operated
37 school district be vested in the State district superintendent.

38 g. State-operated school districts shall be subject to all require-
39 ments set forth in chapter 18A of Title 18A of the New Jersey
40 Statutes except that such determination as may be required of a
41 district board of education by the provisions of said law shall be
42 rendered by the State district superintendent.

1 7. (New section.) There shall be established within a State-
2 operated school district an internal audit team which shall monitor
3 the business functions of the district and report its findings to the

4 State district superintendent and the commissioner. The cost of
5 providing this internal audit function shall be borne by the district.

1 8. (New section) a. In a State-operated school district, all officers,
2 employees and consultants, professional and nonprofessional,
3 certified and noncertified, shall be employed or retained, trans-
4 ferred and removed as provided below:

5 (1) The State district superintendent may appoint, transfer and
6 remove clerks, pursuant to the provisions of Title 11 (Civil Service)
7 of the Revised Statutes and the provisions of N. J. S. 18A:17-1 et
8 seq.

9 (2) The State district superintendent, subject to the approval
10 of the commissioner, shall appoint and set the salaries of such State
11 assistant superintendents as the superintendent shall deem
12 necessary and assign to them their duties and responsibilities. No
13 State assistant superintendent shall acquire tenure, notwithstand-
14 ing any other provision of law.

15 (3) The State district superintendent of schools shall, subject
16 to the approval of the commissioner or his designee, make all per-
17 sonnel determinations relative to employment, transfer and removal
18 of all officers and employees, professional and nonprofessional,
19 except that the services of the district auditor or auditors and
20 attorney or attorneys shall be immediately terminated by creation
21 of a State-operated school district pursuant to section 15 of P. L.
22 1975, c. 212 (C. 18A:7A-15).

23 b. The State district superintendent may delegate to subordinate
24 officers or employees in the district any of the superintendent's
25 powers and duties as the superintendent may deem desirable to be
26 exercised under the superintendent's supervision and direction.

1 9. (New section) Except as otherwise provided in this amendatory
2 and supplementary act, any person serving under tenure or
3 permanent civil service status shall retain all tenure rights and may
4 continue to serve in the district pursuant to the provisions of this
5 section. However, they shall perform only such duties as pre-
6 scribed or delegated by the State district superintendent and for
7 which they may be appropriately certified.

1 10. (New section) Notwithstanding any other provision of law
2 or contract, the positions of the central administrative and super-
3 visory staff, instructional and non-instructional, of the district shall
4 be abolished upon creation of the State-operated school district.
5 The affected employees or officers shall be given 60 days notice of
6 termination or 60 days pay. The notice or payment shall be in lieu
7 of any other claim or recourse against the employing board or the
8 school district based on law or contract. Any employee whose posi-

9 tion is abolished by operation of this law shall be entitled to assert
10 a claim to any position or to placement upon a preferred eligibility
11 list for any position to which the employee may be entitled by
12 virtue of seniority within the district. No employee whose position
13 is abolished by operation of this statute shall retain any right to
14 tenure or seniority in the positions abolished herein.

1 11. (New section) Upon appointment, the State district super-
2 intendent shall establish an assessment unit which shall conduct
3 on-site evaluations of each building principal and render quarterly
4 evaluation reports to the State district superintendent. Notwith-
5 standing any other provision of law or contract, the State district
6 superintendent, after completion of an assessment cycle of not
7 more than 12 months, may dismiss any building principal for un-
8 satisfactory performance or other good cause. Prior to the dis-
9 missal, the State district superintendent shall give the principal
10 written notice of the dismissal. Prior to the effective date of the
11 dismissal, the principal shall have the opportunity to meet with the
12 State district superintendent in order to be heard on any reason
13 why the dismissal should not occur. The State district superin-
14 tendent shall provide the principal with written notice of finaliza-
15 tion of the dismissal or recall of the dismissal notice. The dismissal
16 shall take effect immediately upon finalization and shall terminate
17 all employment rights including, but not limited to, salary and
18 benefits with the exception of pension rights. Any building
19 principal dismissed pursuant to the provisions of this section may
20 appeal to the commissioner and seek reinstatement by requesting
21 a hearing. The request must be made within 10 days of the effective
22 date of the dismissal. In the hearing before the commissioner, the
23 appellant shall bear the burden of proving that the dismissal of the
24 appellant by the State district superintendent was arbitrary,
25 capricious or unreasonable in order to be restored to the position
26 of building principal. Any building principal dismissed pursuant
27 to the provisions of this section shall be entitled to assert a claim
28 to any other position or to placement upon a preferred eligibility
29 list for any other position to which the principal may be entitled
30 by virtue of seniority within the district. No person dismissed from
31 the position of principal pursuant to the provisions of this statute
32 shall retain any right to tenure and seniority in the position of
33 principal. Building principals who are not dismissed pursuant to
34 the procedures provided herein after completion of the assessment
35 cycle shall not be dismissed except pursuant to the provisions of
36 N. J. S. 18A:6-10 et seq.

1 12. (New section) a. State-operated school districts shall be

2 created only as provided pursuant to section 15 of P. L. 1975, c. 213
3 (C. 18A:7A-15).

4 b. State-operated school districts shall be conducted by and
5 under the supervision of a State district superintendent appointed
6 by the State Board of Education upon recommendation of the com-
7 missioner.

8 c. The commissioner shall also appoint an advisory committee of
9 no more than 15 persons from among the residents of the district
10 who shall meet with the State district superintendent monthly.

1 13. (New section) a. The State district superintendent shall
2 annually provide to the commissioner an assessment of the progress
3 of the district toward meeting the provisions of the commissioner's
4 administrative order. The commissioner shall formally report to
5 the State board on the district's progress.

6 b. Based upon the annual assessment of progress and the
7 district's having received State certification, but not sooner than
8 five years after the establishment of the State-operated school
9 district, the commissioner may recommend to the State board that
10 a district board of education be appointed, and that local control be
11 reestablished. The board shall, for an interim period of three years,
12 be composed of residents of the district appointed by the State
13 board upon recommendation of the commissioner. The terms of
14 office of the board members shall be so ordered that three members
15 shall be appointed for three years, three members shall be appointed
16 for four years and three members shall be appointed for five years.

17 c. Upon the appointment of the aforesaid board of education,
18 the State district superintendent and those members of the super-
19 intendent's staff appointed by operation of these laws relating to
20 State-operated school districts shall continue to serve for a one year
21 transition period upon conclusion of which their term of service
22 shall expire without prejudice to the right of the district board of
23 education to reappoint any or all such persons to similar positions
24 within the district.

25 d. Not less than two years after the appointment of the interim
26 board of education, the board shall conduct a special election for
27 purposes of placing the question of classification status before the
28 voters of the district.

29 e. If the voters of the district shall elect to become a type I
30 district, it shall be governed by the provisions of chapter 9 of Title
31 18A of the New Jersey Statutes relating to type I districts after
32 January 31 next ensuing, unless the district is established in a city
33 of the first class, in which case it shall be governed after June 30
34 next ensuing. The members of the district board of education at

35 the time of said election shall continue in office until expiration of
36 their respective terms and the qualification in office of their
37 successors.

38 f. If the voters of the district shall so elect that the district shall
39 become a type II district, it shall be governed by the provisions of
40 chapter 9 of Title 18A relating to type II districts and the members
41 of the board of education appointed by the commissioner shall
42 remain and continue in office until the expiration of their respective
43 terms and the qualification of their respective successors.

1 14. (New section) The State district superintendent of a State-
2 operated school district shall develop a budget on or before the
3 first Tuesday in March. This budget shall conform in all respects
4 with the requirements of chapter 22 of Title 18A of the New Jersey
5 Statutes and shall be subject to the limitations on spending by local
6 school districts otherwise required by P. L. 1975, c. 212 (C.
7 18A:7A-1 et seq.).

1 15. (New section) Upon the preparation of its budget, the State
2 district superintendent shall fix a date, place and time for the hold-
3 ing of a public hearing upon the budget and the amounts of money
4 necessary to be appropriated for the use of the public schools for
5 the ensuing school year, and the various items and purposes for
6 which the same are to be appropriated, which hearing shall be held
7 between the first Tuesday in March and March 18. Notice of the
8 hearing, contents of the notice and the format and purpose of the
9 hearing shall be as provided in N. J. S. 18A:22-11, N. J. S.
10 18A:22-12 and N. J. S. 18A:22-13.

1 16. (New section) After the public hearing provided for by sec-
2 tion 15 of this amendatory and supplementary act but not later
3 than March 18, the State district superintendent shall fix and
4 determine the amount of money necessary to be appropriated for
5 the ensuing school year and shall certify the amounts to be raised
6 by special district tax for school purposes as well as the sum
7 necessary for interest and debt redemption, if any, to the county
8 board of taxation and the amount or amounts so certified shall be
9 included in the taxes assessed, levied and collected in the munici-
10 pality or municipalities comprising the district. Within 15 days
11 after the certification by the State district superintendent, the
12 governing body of the municipality or municipalities comprising
13 the district shall notify the State district superintendent of its
14 intent to appeal to the commissioner the amount determined to be
15 necessary to be appropriated for each item appearing in the pro-
16 posed budget.

1 17. N. J. S. 18A:9-1 is amended to read as follows:

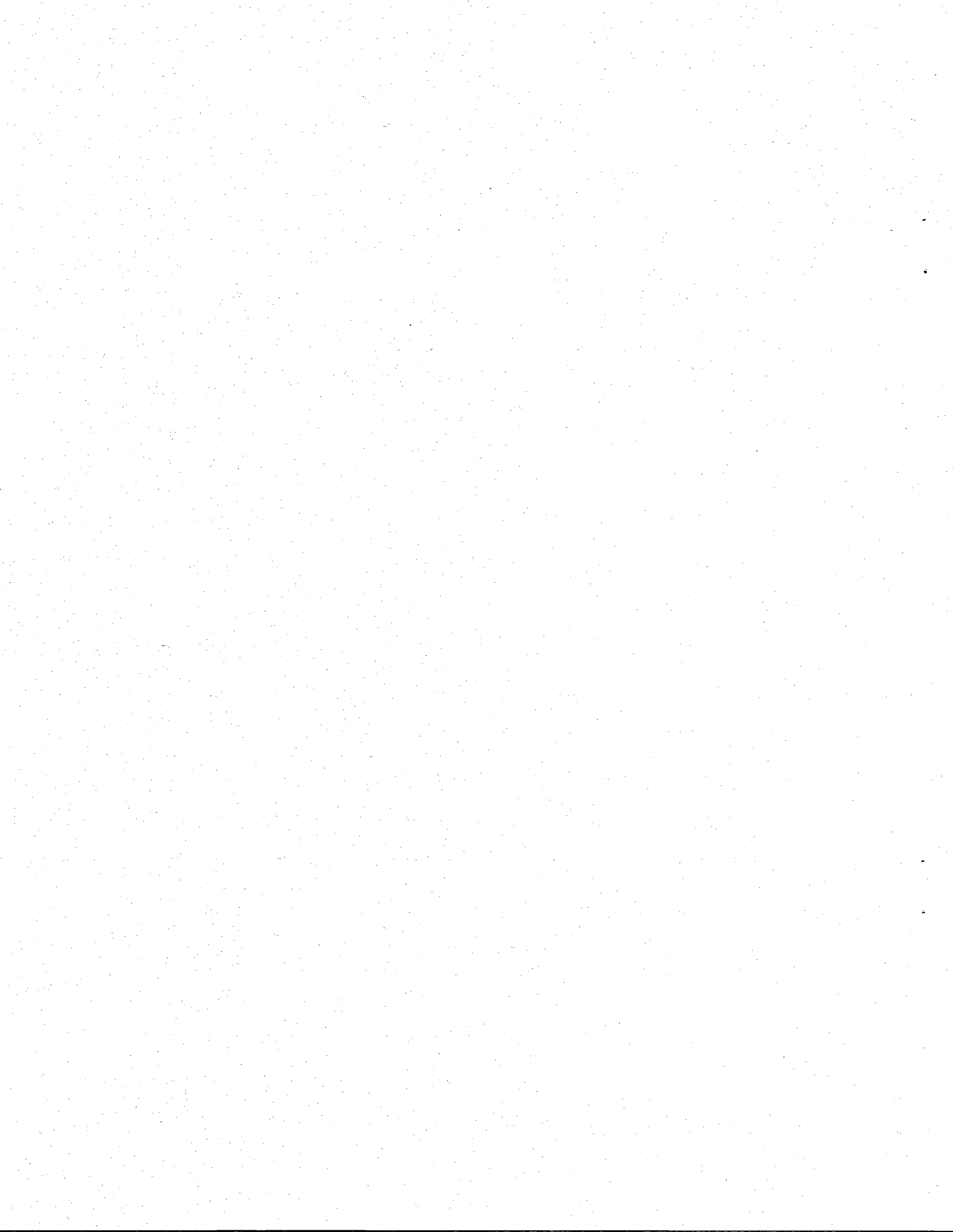


TABLE OF CONTENTS

	PAGE
Anthony Cucci Mayor of Jersey City	2
Assemblyman Joseph Charles, Jr. District 31	3
Assemblyman Ronald A. Dario District 33	7
Assemblyman Charles J. Catrillo District 32	8
Councilman William O'Dea Jersey City	9
Senator Edward T. O'Connor, Jr. District 31	14
John J. Howarth, President New Jersey Association of School Administrators	15
Harold Ruvoldt, Jr., Esq.	18
Dr. Robert H. Marik State Board of Education	20
Dr. Elena J. Scambio Coordinating County Superintendent Northern Region	23
J. Chris Connor Former member of Passaic Twp., Morris Co. School Board	27
John N. Fox, Superintendent Green Township Schools	32

TABLE OF CONTENTS (Continued)

	PAGE
Cecilia Zalkind Government Relations Coordinator Association for Children of New Jersey	36
Hattie Kinman, Parent Newark	50
Valerie Quinones, Parent Newark	52
Minnie Edwards Member of the P.T.A., Newark	52
Jerome Hamilton, Parent Newark	55
Edward Naeem Syed, Parent East Orange	56
Darryl Black Newark	58
Anita Tur, Staff Representative Newark Teachers Union	59
Arthur H. Tyehimba Community Coalition Against Institutional Discrimination	66
E. Wyman Garrett, M.D. Former Member of Newark School Board	68
Wilbur Haddock, Chairman People United for Better Schools, Newark	74
Michael Marino, President Jersey City Board of Education	78
Kabili Tayari, President City-Wide Parents Council, Jersey City	84
Dadisi Sanyika The National Black Independent Political Party NJ Chapter	91

TABLE OF CONTENTS (Continued)

	PAGE
Ivette Alfonso Newark Board of Education	93
Marcoantonio Lacatena, President NJ State Federation of Teachers, AFT/AFL-CIO	97
Archer Cole NJ Industrial Union Council of AFL-CIO	101
Henry Przystup, Ed.D., Principal and Former Superintendent of Jersey City Public Schools	105
Mark V. Kohl, Teacher Jersey City	115
Reverend Thomas G. Sinnott, Director South Hudson Lutheran Parish	120
Franklin L. Williams, Superintendent Jersey City Public Schools	125
Joy Dechert, Parent	130
Michael Carbone	131
Joseph Duffy, President Historic Paulus Hook Association	132
Janice Monson, Teacher Jersey City	136
Councilwoman Frances Thompson Jersey City	138
Patricia Murphy Alvarez Jersey City	141

APPENDIX

PAGE

Statement Submitted by Charles C. Carmen, Ed.D Professor Emeritus of Education Trenton State College	1x
Newspaper Clippings Submitted by E. Wyman Garrett, M.D. Former Member of Newark School Board	8x
Newspaper Clippings Submitted by Michael Marino, President Jersey City Board of Education	10x
Statement Submitted by Kabili Tayari, President City Wide Parents Council, Jersey City	15x
Statement Submitted by Marcoantonio Lacatena, President NJ State Federation of Teachers, AFT/AFL-CIO	24x
Statement Submitted by Kenneth Carlson, Ronald Hyman, Lawrence Kaplan, and Adam Scrupski Graduate School of Education Putgers - The State University of New Jersey	45x

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mjz: 1- 77
ig: 78-101
mjz: 102-123
pmp: 124-147

ASSEMBLYMAN JOSEPH A. PALAIA (Chairman): Ladies and gentlemen, may we begin our fourth and final hearing on the school intervention bills?

First and foremost, I want to thank the Mayor and the citizens of Jersey City for allowing us to use this magnificent building. This is my first venture here, and I am very, very impressed with the history and nostalgia within the confines of this building.

I would also like to thank some people before we even get started, because toward the end of the day it gets late, and sometimes we get rushed. I would like to thank our stenographers, who have been with us through the four hearings. I would like to thank Dr. Deena Schorr from the Senate Education Committee and Dr. David Rosen from the Assembly Education Committee, and the members of the Majority Staffs on both the Democratic and Republican sides, who have been so helpful in putting these four hearings together. I would also like to thank my aide, down on the end, Joan Bonavico, for her help in directing me to these places and for finding out where we had to be.

I want to remind all of the speakers today, if you please, stay within the confines of the five-minute rule. If you have testimony, all you have to do is submit it to us. It will be made part of the record. We ask you to summarize what you give us, so we may hear as many speakers as possible. We have had requests from people who wish to be heard who just came today. I will do everything I possibly can to put you on. We have a list on the table which you may sign. You will go on at the end. So, I would ask the speakers to stay within those confines, and we may be able to hear from other people who wish to be heard. I have no problem with staying here until we hear from everyone.

At this time, I would like to ask the honorable Mayor of this fine city, Mayor Anthony Cucci, if he would come

forward and welcome us, and maybe make some remarks, whatever is to his liking. Mayor Cucci, will you please use our microphone up here?

M A Y O R A N T H O N Y C U C C I: Assemblyman Palaia and members of the Committee: We thank you very much, on behalf of the city, for your very concerned interest and for being here. We are very happy to host this hearing. And to the general public, I thank you for your interest also. I am as anxious as you are to hear the input. Whether it appears to be personally favorable or not is not the issue. The issue here is objectivity, and the issue here is education.

So, once again, welcome. Thank you for your time. Thank you to each and every individual. I could even suggest that if there are people wanting to supply input, and the hearing runs late, without being an imposition on you, maybe Jersey City could have a follow-up meeting, too, if it agrees with your scheduling.

In the meantime, I am going to acquiesce speaking first, and speak last. I am here to listen; I am here to learn. I thank you very much once again.

ASSEMBLYMAN PALAIA: Thank you, Mayor. May I please introduce a few of the people who are on the dais with me? From the Assembly Education Committee, on my far right is Gerry Naples, a Democrat from the Trenton area, who is a school administrator. Next to Gerry is Mildred Barry Garvin, Democrat, who formerly was the Chairperson of this Committee, and who does an outstanding job in education. Next to Mildred is Frank Gargiulo, a freshman Assemblyman from this area, who has been instrumental in getting these bills posted. He has one of the bills we will be discussing today.

I would ask that our first speakers would be the people who are here from the Legislature. The first one would be Assemblyman Joe Charles. Joe, do you want to go on first? (affirmative response). Then we will go to Assemblyman Dario and Assemblyman Catrillo.

A S S E M B L Y M A N J O S E P H C H A R L E S , J R . :
Mr. Chairman, members of the Joint Education Committee, welcome
to Jersey City.

I will be brief. I will stay within the five--

FROM AUDIENCE: Mr. Chairman, is it fair for us to sit
here and not be able to hear what is being said? That is not
the democratic process.

ASSEMBLYMAN PALAIA: No. You are exactly right, sir.
I agree with you. We will-- Mayor, would you please try to
see what you can do?

MAYOR CUCCI: I will make an attempt to have this
corrected.

ASSEMBLYMAN PALAIA: Fine. In the meantime--

ASSEMBLYMAN CHARLES: The public address mikes are not
working.

ASSEMBLYMAN PALAIA: I would rather have you not
talk. The gentleman is absolutely right. There is no use
talking when the audience can't hear. So, if everybody will
just be patient and quiet, we will try to get going.

ASSEMBLYMAN CHARLES: We'll wait a few moments then?

ASSEMBLYMAN PALAIA: Yes, please, Joe. (pause for
adjustment of public address microphones)

CITY CLERK: We just called our Engineering
Department. They were supposed to be here to fix these
microphones. So please excuse us. They are just not here
yet. I am going to try this mike here. If that is better,
they could sit here. I don't really need it. I am the City
Clerk, so-- Joe Duffy will tell you that. That's citizen
Duffy over there.

ASSEMBLYMAN PALAIA: Good, Tom. Joe, maybe if you
talked louder.

ASSEMBLYMAN CHARLES: I'll speak up.

CITY CLERK: They radioed for the audio engineer.

ASSEMBLYMAN CHARLES: Mr. Chairman, I will just try to
raise my voice.

CITY CLERK: In the meantime, Joe, maybe you can just project your voice.

ASSEMBLYMAN CHARLES: Yes, I will raise my voice.

CITY CLERK: Okay, thank you. They will be here in a few minutes to fix this thing. Go ahead, Joe. Speak loudly.

ASSEMBLYMAN PALAIA: Joseph, may I ask you to sort of stand sideways and sort of project yourself out into the audience, because I know we can hear you. If the people in the back row cannot hear at all, just raise your hands and we will just stop completely.

ASSEMBLYMAN CHARLES: I'll speak to Mr. Duffy. If I can project that far, I guess everyone will be able to hear me.

Any discussion of this legislation, I guess, should begin with an acknowledgement of what-- (At this point there is further discussion about microphones and P.A. system is activated.)

Mr. Chairman, I would like to start off by commending the Committee, also, for taking the discussion of this important legislation around the State of New Jersey to get input from the citizenry of New Jersey. I think the one thing you have probably heard is something that everybody agrees with; that is, we should be in the business -- all of us, at all levels of government -- of ensuring that there is quality education. We should be prepared to take whatever steps are necessary to make that assurance a guarantee for the children of our public school system.

I think we in the City of Jersey City -- myself as the representative of a portion of the City of Jersey City -- share the concern and share an interest in promoting quality education. As a legislator, and as one who has read the proposed legislation, I have some concerns about the legislation. I think that as a result of the hearings that are going on around the State, and the input that will take place in the Assembly Committee, some amendments might be offered that will improve education.

I think, first of all, we should accept one basic principle; that is, education should be controlled at the local level. There should be guidance from the State, but we should be very guarded about how we interfere from the State or any other level in the provision of quality education in the local districts.

Since this legislation has the effect of affecting local control, we should pay very careful attention to how it impacts on that. I see some provisions in the bills, as they are presently addressed -- or presently worded -- that need correction. I think a number of people, including those who sit on this Committee, have proposed some amendments which will make these better bills. For example, I think the bills should contain amendments which will assure the retention of some form of local control in the school districts, even if there is a takeover at some point. I believe, too, that provisions should be made to require due process for all employees. I believe, thirdly, that the burden should be on the State to prove that a district is in need of State intervention.

Finally, I believe that sufficient financial, business, and other kinds of assistance should be provided to local districts before the State takes over. I guess what I am really saying is, before the State acts, the State should first do all within its power to ensure that the local boards are able to make provisions. I think that any discussion of these bills is an incomplete one, unless there is also some discussion of the provision of adequate funds. I am sorry to see that up to this point, at least as initially proposed, the legislation has no provision for funding. Money is not the answer in and of itself, but I think that with the addition of moneys we will be in a position to do the types of things curriculum-wise and program-wise to improve the quality of education in our districts.

I have a concern, too, as one who has had some background with the existing legislation as to whether or not this legislation is needed. I think there are existing laws on the books which provide powers in the State Commissioner of Education to do some of the things -- a lot of the things -- that are proposed in the State intervention bills. I would hate to see those powers duplicated in these bills. I am confident that those of you who will finally shape these bills, will make sure that whatever is proposed finally to the Legislature and to the people of the State, will represent new powers and needed powers, and not simply a duplication of powers which already exist.

My final point would be this: We all favor quality education. We as parents, as citizens, as elected officials are in favor of anything that will improve quality education. Not quite anything, however. We are not willing to compromise the rights of the local districts to run their school districts, the rights of parents to be involved in the running of those school districts, and the rights of employees to due process. So, any legislation that comes forth from this Committee should be legislation that recognizes those various considerations which I have put forth to you.

I am confident you will do that. I think that if you do not do that as a Committee, then this legislation will not be the legislation it is promoted as being.

Thank you, Mr. Speaker, for the-- I should say Mr. Chairman. You haven't been promoted yet, Joe.

ASSEMBLYMAN PALAIA: I sort of like that idea.

ASSEMBLYWOMAN GARVIN: I would love that.

ASSEMBLYMAN PALAIA: I like the title; the title is great.

ASSEMBLYMAN CHARLES: I thank you, Mr. Chairman and members of the Committee, for the opportunity to address you on this important legislation.

ASSEMBLYMAN PALAIA: Thank you, Assemblyman Charles. Again, thank you for staying within the time restraint.

Joining us up here on the panel is Assemblyman Joseph Doria from this district, who is one of the leading educators we have in the Assembly. We certainly welcome you, Joe. Thank you for having us here.

ASSEMBLYMAN DORIA: Thank you very much, Joe. I appreciate your coming.

ASSEMBLYMAN PALAIA: Our next speaker will be Assemblyman Ron Dario.

A S S E M B L Y M A N R O N A L D A. D A R I O: Mr. Chairman, members of the panel, honorable Mayor, and the great citizens of Hudson County: It is an honor for me to be here to express my views and my opinion on this type of legislation.

I would rather sit and listen, which I intend to do. I do have an opinion. I will mention that also. As I traveled through the communities and discussed this legislation, I felt that I would like to get input from the public before really expressing my position. I do have a position. Listening to the good Assemblyman, Joe Charles, the part where I disagree with him is where he said, "Almost anything to help to better our educational system."

I would like to go on record saying, "We will do anything to guarantee our children a good, honest, and sincere education," at least certainly an opportunity. At this stage, I would like to thank the public for being here, for taking the time to come here on this very important occasion. Let the State of New Jersey know that the citizenry must be guaranteed that their children will get a decent shot at education.

So, I want to go on record saying that I would support this legislation -- without any problem -- once I am convinced -- and I know I will be -- that this is needed in our great State of New Jersey. Thank you.

ASSEMBLYMAN PALAIA: Thank you, Assemblyman Dario. Assemblyman Catrillo?

A S S E M B L Y M A N C H A R L E S J. C A T R I L L O:
Thank you, Mr. Chairman, members of the Committee. I would just like to add my words of welcome to you. Welcome to beautiful downtown Jersey City, to the house that Hague built.

I am here today, Mr. Chairman, not in my capacity as a legislator, but rather as a parent of a school-age child, a taxpayer of the City of Jersey City, and as a teacher. I teach at Jersey City State College. I have taught there for 10 years. As a teacher at Jersey City State College, I have many Jersey City high school graduates as students. Let me tell you, Mr. Chairman, very frankly, that the kids who graduate from Jersey City schools can't read, can't write, they never heard of punctuation and, worst of all, they have no concept of how to study. The kids simply don't study because they don't know how to study. Nobody ever taught them how to study. Nobody ever taught them how to concentrate.

In short, I believe that the Jersey City school system does a very poor job in giving our children the basic educational foundation they need to compete and succeed in an increasingly competitive, highly technological society. The Jersey City school system is simply not preparing our children for success. As I see it, the Jersey City Board of Education is either unable or unwilling to get the job done. They either can't do the job, or they won't do it. Either alternative is unacceptable.

The budget for the Jersey City School of Education is approximately \$160 million a year. For that much money, the Jersey City school system should at least turn out students who are literate. In many cases, it doesn't. I had a class this morning. I have students in Jersey City State College who cannot write sentences. How they got it, I am not sure. That is a problem for the College administration. But I am telling

you quite honestly, they can't read and they can't write. They can't read or write on an eighth grade level, and we are trying to teach them things in college. It's impossible.

Why the Jersey City school system is so poor and in such need of correction, I really don't know. I am sure there are a thousand causes. Politics is one cause, I am sure, as I am sure it is a cause in many urban school districts, and in some suburban districts also. As a result, here in Jersey City at least, there seems to be a sort of malaise that pervades the entire school system, a sort of feeling that no matter how good a job a teacher does, you won't advance, you won't get promoted, unless you have a godfather someplace -- someone who is going to help you along.

Now that has to stop, and it has to stop now. The message that has to go out is that the only thing that is going to be rewarded in the Jersey City school system is excellence, excellence from our teachers, excellence from our administrators. In short, let me say that I cannot think of a school system more in need of State intervention than the Jersey City school system. I think that systems like Jersey City's are exactly the focus of the proposed legislation. We simply cannot allow the non-education of our children to go on any longer. Enough is enough.

I support the present legislation, and I plan to vote for it at the appropriate time. Thank you.

ASSEMBLYMAN PALAIA: Thank you, Assemblyman Catrillo. Our next speaker will be Councilman O'Dea. Is Councilman O'Dea here? (affirmative response)

COUNCILMAN WILLIAM O'DEA: Welcome; welcome to Jersey City. We are glad to have you.

I think that the proposed legislation, even though there are some controversial aspects to it, has a lot of merit. I cannot agree entirely with what Mr. Catrillo said. Mr. Catrillo has been around for a long time, and I am glad to

see him finally really pushing to improve our school system. Politics has been the cause of some of the problems in our school system for a long, long time. I think, if anything, the situation has bettered recently. I wish I could say there was no politics at all in our school system, but I think that would be a little bit naive. However, I think that compared to what it used to be, as well as compared to what happens in other cities in this area, as well as in the State, things have improved.

The system of education in Jersey City still leaves a lot to be desired. I think that is why these bills are something that need to be seriously considered. If the State is to come into Jersey City, or any school district, there must be some safeguards to make sure you don't take one so-called political system and replace it with another one. There have to be guarantees, if you are going to change high-ranking officials and superintendents, about procedures and about who will oversee those procedures. These guarantees have to be put into the legislation. If you are going to change boards of education, there have to be more safeguards put in as to how they are going to be changed and who is going to be on those boards. You don't want people now to simply -- as Mr. Catrillo stated -- change who their godfather is. That will do Jersey City, or any school system in the State of New Jersey, no good.

We do have to realize that for maybe 15 or 20 years, our school system has not improved. Sadly, there are many people graduating who cannot read or write, and they are going on to college. I, as a local elected official, am very frustrated. We are told not to interfere in our school system. Yet, people come to us, and problems come to us. All we are given is a dollar figure once a year, so we can vote on a budget. That's it. After that, we have difficulty sometimes even getting information from the school system about where moneys are spent, what positions are filled, and what qualifications the people have who are filling them.

That is a problem that has gone on for a long time. Of late, we are taking steps to correct that situation.

But, I think a lot of safeguards have to be built into this. I don't think intervention is necessarily a bad idea, because I think what it is going to do is then say to the State, "Put up or shut up." You guys are then going to have to come in, and you are suddenly going to have to show how you can run a school system, make it run properly, change and improve the reading scores, and improve the literacy rate of our students. The public is not going to give you 10 years to change the system around either. They are going to demand results right away. If you are going to give them results, you are going to have to spend money. You can't step in overnight and suddenly be able to cut a budget and still improve your scores.

Then the question that is going to come upon you is, where are you going to get that money? Are you going to further tax the local property tax base? Well, if you do that, then your intended goal will be defeated because the public will just look on it as if you are just adding extra bureaucracy to the system.

So, I think the bills have merit. I think those who have looked into them and explored them, especially Assemblyman Gargiulo and Assemblyman Doria, need to be commended for the effort that is being made to realize that the State probably has to take more and more of a role in those school districts which are just not towing the line.

I want you to realize that with taking on that increased role, there are a lot of pitfalls and a lot of obligations, or expectations, that the local elected officials, the local parents' groups, the public, the taxpayers are going to expect from you. People are going to expect that if you come in and take over a school district-- They are going to expect results, and they are going to expect results very, very

quickly. To do that, more money is going to have to be spent, and you are going to have to find a way to make sure that one political system is not replaced with another one. That is very, very, very difficult to do.

I commend the idea. I think that with some work, it should be supported as a last resort. But, before that, you should try to work with those school districts. Give them a shot and say, "Here is the kind of progress we are looking for." You are not going to turn a school district around overnight. Where people cannot read or write, and the scores are so low, it is not going to turn around overnight. But, if you set the goals, and they are not able to meet the goals, then I feel that maybe the time would be right for you to come in to take over a school district that has been failing for a long, long time.

I just want you to realize there are going to be a lot of pitfalls. There are going to be a lot of expectations on the part of the public when the State comes in and begins to exert that influence. I think it's good, because we will see then, maybe in some cases, whether really the problem is so great and that there is going to be much required in a short term -- financially, as well as in changes being made. How is that commitment going to be made? Who is going to pay for that? I think that is what you are going to see. For all of the money that may have been wasted in school districts for years and years, to allow the education not to be brought up to level, and you suddenly walk in, you don't change that overnight by simply changing some faces. That will help in the long run, but that is not going to help overnight. Where are you going to get the funding that is going to be needed to really come in and provide the remediation?

If I may just make one final point. It is not directly related, but it is related to the education thing. One thing that always bothered me about the funding system for

education is that it seems to almost reward failure. The worse you do, the more money you need for something, the more money you get from the State. It seems that more should be done to create incentives to give funding for other things, like physical activities, recreation, and after school programs to school systems in school districts that do not need as much money for those other things that are beginning to improve their programs. It always boggles my mind when they come to us and say, "Well, give us \$4 million more, and we will get another \$15 million more from the State." It just doesn't seem to make any sense that you can't create a system that has more incentives for people to save money, as opposed to for people who simply spend up to cap every year, which is the problem we have had catching up now in Jersey City.

ASSEMBLYMAN PALAIA: Thank you, Councilman. We have a question from Assemblyman Naples.

ASSEMBLYMAN NAPLES: I just want to say, I don't think anybody in this Legislature has fought as hard as I have to procure more money for education, as a professional educator, and as an Assemblyman. I think I would be the last person in the world to say that the lack of funds, per se, constitutes a reason or a justification for what is going on in too many school districts in this State.

But, all that aside, I want to commend you, Councilman, because I have been very disconcerted by the dearth of municipal officials who have spoken out. I am happy to see that a Councilman is speaking out, and that the honorable Mayor of Jersey City will be speaking -- as he indicated -- for the mayors of the State. You are among the first few I have heard. Congratulations for speaking out.

COUNCILMAN O'DEA: Thank you, Assemblyman.

ASSEMBLYMAN PALAIA: I agree with you. Thank you, Councilman. (further discussion about malfunctioning microphones) By the way, in my anxiety to get everyone

introduced, I forgot to introduce myself. I am Assemblyman Joe Palaia. I am from Monmouth County. I am Chairman of the Assembly Education Committee, and I am one of the cosponsors of the bills that are being presented on school intervention. Along with Senator Feldman, who is Chairman of the Senate Education Committee, we have been conducting these bipartisan, bi-Committee hearings. In other words, we have had joint hearings, with the Senate Education and Assembly Education Committees doing this together, so we do not have to repeat the proceedings.

I don't think Senator Wynona Lipman is here yet. She will go on as soon as she arrives. Senator O'Connor is here. Senator, good timing. Would you please come forward? This is Senator Ed O'Connor, from this district. We thank you for having us, Senator. Please speak right into that big mike on your left there.

SENATOR EDWARD T. O'CONNOR, JR.: I guess my timing was just about perfect.

ASSEMBLYMAN PALAIA: It always is.

SENATOR O'CONNOR: Thank you, Mr. Chairman and members of the Committee. I am here to lend my support to the bills. I think the legislation is innovative, it's drastic, some would say almost Draconian, but I believe it is necessary legislation, and I commend Assemblyman Doria and the other sponsors for taking the initiative they have.

What I would emphasize is, it is my feeling that most of the measures the bills provide are unlikely to be used; that is, they will be used in rare instances, and only after a local board of education has been given every opportunity -- every reasonable opportunity -- to come into compliance with State law. I feel the ability to take over a local board should serve as a sufficient incentive for the local board to get its act together, so to speak. Hand-in-hand with this, is the requirement on the State Board of Education's part, to

demonstrate that it has done all that it could to assist the local board to come into compliance, and they did this at every step during the monitoring process.

So, it is my feeling that teamwork is really encouraged, rather than discouraged by the legislation. I recognize that the legislation is likely to create some serious problems in the event of a takeover, with issues such as tenure, local control, etc., but I feel that all of these, important though they are, pale in comparison with what I feel is the bottom line, and that is the requirement that we provide a quality education for our children.

We simply cannot accept the fact that some school boards are not able to come into compliance with State law, and I think that this legislation sends that very clear message. Again, I applaud the sponsors, and look forward to working with Assemblyman Doria and the other sponsors. Thank you very much.

ASSEMBLYMAN PALAIA: Thank you, Senator. Our next speaker will be Mr. John Howarth, President of NJASA.

J O H N J. H O W A R T H: Good afternoon, distinguished legislators. I am Superintendent of the Northern Valley Regional High School District, and also President of the New Jersey Association of School Administrators. The Association represents chief school administrators, superintendents, central office personnel, principals, and others in top management positions in New Jersey's public schools. I appear today on behalf of the Association to briefly comment on our concerns regarding State intervention in local school districts.

I came today not to praise the plan to intervene in local school districts. It is indeed a tragedy that we have gathered here to debate the merits of this proposal. But, the continued failure of school districts to meet the needs of their students cannot be tolerated. The New Jersey Association of School Administrators supports the concept of State takeover of errant school districts as an inevitable necessity.

A school district which continues to fail to provide essential educational services to the children in its community should not be permitted to operate under local control. If State assistance is proffered and thwarted, the Commissioner of Education must intercede. We cannot permit children to suffer to satisfy the whims of parochial interests.

There comes a time for professional educators to speak with one voice, even if it appears that the solution may operate against their self-interest. The ongoing failure to provide education cannot be countenanced. If efforts to remediate have been exhausted, drastic action must follow.

Aspects of the State intervention plan must be examined closely. Outright dismissal of central office personnel and the superintendent of schools, without any consideration of ability or performance, may, in fact, be "throwing out the baby with the bath water." The proposed legislation seeks to abolish the positions of "central administrative and supervisory staff, instructional, and non-instructional," upon creation of the State-operated school district. This is cited in the legislation in section 1, Page 4.

There is a certain amount of vagueness and a concern about due process I would like to address. Vagueness: The phrase "central administrative and supervisory staff, instructional and non-instructional" needs clarification. A cursory review of current law fails to reveal what positions are specifically abolished. Public statements by the Department of Education suggest that only the chief school administrator, the head of personnel, the director of finance, and the top administrator for curriculum would be affected. That is not what the legislation states, and NJASA believes clarification is essential.

Under due process, the outright abolition of the central administration contravenes current law, which embraces

the notion of due process and grants public employees some measure of job security for good performance.

I cite Black's Law Dictionary, 5th Edition, which gives us a definition of due process: "Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. If any question of fact or liability be conclusively presumed against him, this is not due process of law."

The sweeping powers sought by the Commissioner of Education must be tempered by some guarantee of due process for the individual. NJASA urges that a mechanism for the evaluation of the chief school administrator and other central office staff be added to the proposed legislation. For example, the review team selected by the county superintendent of schools could conduct evaluations of the administrative personnel. The purpose of this would be to afford due process to the employees, as well as to identify and retain experienced administrators with in-depth knowledge of the local school district's operations.

Careers and property rights are at issue, and groundless wholesale massacre will be strongly opposed. Yet, NJASA does not believe that this concern should emasculate the fundamental issue of State intervention. A district which fails the exhaustive monitoring scheme and remediation efforts through Level III, one which cannot even demonstrate "reasonable progress" in correcting deficiencies -- that district must suffer the fate of erring guardians -- removal.

School districts are creatures of the State and, as such, are obliged to give each child a thorough and efficient education. The State cannot suffer its offspring to fail this constitutional duty. The victims are helpless.

Our Association motto is not an advertisement. When critical issues such as this are faced, the words remind us that our desire is our duty: "The New Jersey Association of School Administrators is an organization of professional educators dedicated to the advocacy of school children in New Jersey. The Association protects the rights and opportunities, serves the educational interests, and promotes the educational welfare of New Jersey's youth -- the leaders of tomorrow."

We have faith in this intervention plan, and we believe it can help our children in New Jersey. Thank you.

ASSEMBLYMAN PALAIA: Thank you, John. Are there any questions from the panel? (no response) Thank you, John. We appreciate it. The next speaker will be Mr. Harold Ruvoldt, Jr. H A R O L D R U V O L D T, J R.: Thank you, Mr. Chairman, members of the Assembly and Senate. I come before you today to remind you of a little history. Seventeen years ago, in this hall, a young boy by the name of Kenneth Robinson started a lawsuit. It was announced in this very room. Today, the quality of education that Kenneth would receive were he not a lot older, in the Jersey City public schools, the Newark public schools, and many of the public schools in the State, has not changed.

I want to suggest to you that the bills before you are not at all a remedy for what those problems which were raised 17 years ago addressed. If you find in your legislative deliberations that a board of education, or series of boards of education, have deliberately thwarted what goes on in the classroom, then by all means remove them. If you find, for example, that the State Department of Education has faithfully carried out its responsibilities in approving curriculum, in approving schools, in approving what goes on in the classrooms -- which it does now -- then by all means put them in charge.

If on the other hand, however, you find -- as I suggest you will -- that the reasons that students have not

been achieving is because we, as a State, have not given local people the tools and the means to correct these problems -- I don't mean money alone, but certainly money is a significant part -- then removing the local board of education provides no remedy whatsoever. I suggest to you that in the years since Robinson started, no one has been able to point to a single school district where the board of education deliberately, consciously, and willfully undertook a course of action to see that its children did not achieve. To the contrary, in the three examples I can recollect where the State Board of Education had effective control over the school districts, the educational fate of those children improved to no greater degree that it had under prior boards selected by local people.

The problems, however, are twofold, if I may suggest them. One, there is an intimately bound-up, political process which invades every local board of education, regardless of whether the children achieve or not. That is borne on the fact that boards of education are either elected through the political process, or appointed by political personages. That is by no means an indictment of that, but a realization that it is a fact.

Second of all, I want to suggest to you that we take inappropriate resources and dedicate them to education. We say to our boards of education today that the choice you have to make is not what the children need, but what the city, or the local government, can afford. That basic, fundamental choice in education is what undermines the entire process. And taking a new system, as your bills propose, which substitutes the State Department of Education, which has no track record of success in terms of achieving quality education, by any means, and putting it in the place of a local board, and binding it to the same resources that the local board of education has, dooms the same system to failure.

Finally, the last point I want to make is, your statute, or your recommended statute, with all due respect, changes nothing in terms of what the present law is. Take any aspect of education as you have it today, be it a curriculum choice, the certification of teachers, the approval of plans for new school buildings, or major renovations in school buildings, every one of them today must be approved by the State Department of Education.

So I suggest to you, ladies and gentlemen, that the degree to which the local boards of education in our major urban areas have failed has been a failure of the State as well, to give the resources for compensatory education and to give the resources to improve the fiscal facilities in which education is conducted.

So, we share this blame together, and simply removing local people from the decision making process does nothing in terms of improving the quality of education.

That is basically what I have to say to you. Thank you for your time.

ASSEMBLYMAN PALAIA: Thank you, Mr. Ruvoldt. Very well said, sir. Our next speaker will be Dr. Robert Marik.

D R. R O B E R T H. M A R I K: Mr. Chairman, members of the Senate and Assembly Education Committees: I thank you for this opportunity to speak to you today about State intervention in chronically deficient local school districts.

As a member of the State Board of Education, I wholeheartedly support the legislation now before you. There are many legitimate, important issues connected with the idea of State intervention, and those issues are being fairly aired before you in this series of public hearings.

I would like to talk about two. The first is why the legislation is needed, when the courts have already established that the State has the power to intervene in such districts. In my opinion, we need to have specific legislation for at

least three major reasons. First, when the legislation is clearly on the books as to the procedure for intervention, it reduces the probability of an extended litigation process in the courts to establish that right and that process.

Secondly, it establishes for everyone in the education system the rules of the game, if you will. The districts, as well as the Department, as well as the Legislature understand very well and have prescribed for all to see exactly the steps that will be taken.

And thirdly, it helps the Department of Education to put into place the staffing and procedures and capabilities to carry out a comprehensive and effective intervention.

As you know, there have already been several instances in which the State has intervened in a limited way in districts which were facing immediate financial and programmatic crises. In those cases, however, we came into battle of fire which was already well out of control. We had to contain the damage as quickly as possible. There were no predetermined procedures, and there was not the time, nor the preparation to address the operations of the district in a comprehensive manner. I agree with the prior speakers who have said it is really questionable whether anything was accomplished, beyond perhaps getting by the immediate problems that faced those districts.

But, this system is a more comprehensive system, and it is designed to deal with the total problems and the total capabilities of the district. Let me review very briefly what those steps are, because they are, in fact, a lengthy due process to encourage and allow and help the district to succeed with its own resources and with its own local district government.

As you know, first the T & E monitoring procedures, which establish what are the indicators of a certifiable school district, are clearly laid out, and it is that basis on which the regular monitoring of school districts proceeds, and those

which succeed are certified for a period of five years. Then, if a district fails that monitoring, the Level II process involves a plan developed by the district, which they use to correct the deficiencies, and they have up to a year to correct those deficiencies, based on their own plan. If that is not successful, an outside team comes in, in what we call the Level III monitoring. It analyzes the problems, presents that analysis to the district, and the district is asked again to put together yet another plan based on that analysis, to correct the deficiencies, and has up to a year to correct those deficiencies.

Finally, the Commissioner can mandate some corrective actions to correct the deficiencies up to another year. So, there is up to three years, and up to three levels of process, with increasingly more resources of expertise drawn in to help the district, to allow the district, with its own resources, to correct the problems. Only then, under this legislation would the Commissioner recommend to the State Board that State intervention proceed.

I would suggest to you that that is an extensive and appropriate due process. It is, in fact, an effort to lean over backwards to avoid invoking intervention. But, having failed in all of those levels, it is our view -- in supporting this legislation -- that it is appropriate to take what some people have called the Draconian actions of removing the board of education in the local district, removing the top management of the district, if you will, and bringing in a State district superintendent to manage the district.

I believe this is well-thought-out, thoroughly analyzed, and well-constructed legislation, and I would strongly encourage you, and ask that you support it as a good education law. Thank you.

ASSEMBLYMAN PALAIA: Thank you, Doctor. Our next speaker will be Elena Scambio, Coordinating County Superintendent - Northern Region.

D R. E L E N A J. S C A M B I O: Thank you very much. I would like to thank you for the privilege for being here today to hear input from the greater community of this State. I am here as an employee of the State Department of Education.

My name is Elena Scambio, and I am the Coordinating County Superintendent for the seven northern counties of this State, as well as the Superintendent of Schools of Essex County. My career spans some 18 years in public education, most of which have been spent in, and with, urban school districts. I have been a teacher, an administrator, and a board of education member of a very large urban district.

Having served children from a number of different vantage points, I have an understanding of the inner workings of our urban school districts and the systemic problems that impede and sometimes prohibit educators from providing quality education to thousands of children.

The proposed plan to intervene in deficient school districts does not begin and end with a takeover. Takeover is indeed a last resort, a last resort that we -- the State Department of Education -- hope to avoid. Rather, the plan provides for systematic State review of New Jersey's most troubled school districts. Its ultimate aims are to ensure that all children receive the education guaranteed them under the Constitution, as well as to restore responsible local control.

As you are aware, the State utilizes a process of constructive monitoring designed to assist local school districts to meet essential, but minimum standards of a thorough and efficient education. As Dr. Marik indicated, it involves a three-tiered progression over the course of three to five years for districts to realign their programs and resources, and thus remediate the deficiencies necessary to meet these aforementioned standards.

Inherent in our monitoring procedure is the identification of barriers to effective schooling. It is essential that provision be made to go beyond these procedures in instances where districts have been unable, or unwilling to correct chronic deficiencies. We get to a point and we must ask: What then? What happens to the children and the unkept promise of our Constitution?

Some might suggest that State takeover of a local school district sounds like a drastic step, and it is. It is an extreme response to what we believe is a dire situation. Takeover is a last resort attempt to deal with an educational state of emergency, and an emergency can't be treated just like any routine matter. It demands a drastic response.

When the majority of students in a school district are failing to demonstrate mastery of basic skills, there is an educational emergency. When 30% to 50% of students in a school district drop out of school, there is an educational emergency. When 8% of the teaching staff is absent on a given day and education is interrupted, there is an educational emergency. When a district with a 50% rate of student mobility does not have a standardized curriculum and uniform textbooks, there is an educational emergency. When teachers and students are not provided with environments which are conducive to learning -- clean, orderly, safe, healthy, properly equipped, and supplied facilities, there is an educational emergency. When student pregnancies reach epidemic proportions, there, again, is an educational emergency.

It is evident that the issue of State intervention is not merely one involving the stipulation of law, but one involving the commitment of conscience. What about the children? What about the unkept promise? What about their future?

I would like to focus on some of the conditions that might exist in a few school districts which would impel the

State to give the utmost consideration to initiate the takeover plan. These conditions are those which contribute directly, and indirectly to the denial of a free and appropriate public education for all of our children. Due to the improper and inappropriate political influences exerted on personnel in some school districts, staff morale is adversely affected. High absentee rates for teachers and high staff turnover rates result in a lack of program continuity, staff instability, and inefficient and ineffective program delivery.

Consider, if you will, the following hypothetical scenarios: What about the fiscal office in some school districts frequently determining program priorities, instead of educational needs, triggering fiscal support? That is the classic "tail wagging the dog" syndrome in public education. What about the existence of two sets of personnel records for the mayor's daughter, which indicated two different dates of appointment, so that his daughter would be prevented from being reduced in force? What about the prevalence of intrusion of political preferences in personnel practices? Sometimes, because of political alliances, personnel appointments are made. The school system often becomes the largest employment agency in the municipality. Therefore, patronage becomes the prevalent personnel practice.

For example, if a person offers political support to the candidacy of an elected office holder, he or she is often offered a promotion or perceived promotion, something like an out-of-the-class assignment, as a reward. Therefore, the selection of staff is frequently not based on the merits and competencies of candidates, but rather are assessed on their value in the political arena. Sometimes it is nepotism. For example, a candidate for a district coordinator's position ranked sixth and last as a result of the interview process. Nevertheless, the person was appointed to the position and, coincidentally, happened to be the spouse of the board president.

Political allegiances have been strong enough to protect incompetent staff. When an employee's work performance is unsatisfactory, supervisors are often directed to look the other way and not proceed with appropriate disciplinary actions because of the employee's political standing.

Let me restate what I said earlier. Proposed State intervention is a drastic, last step in a comprehensive process of State monitoring. It is not a step that we would like to use, but one which we believe must be available if the conditions that I just described in those hypothetical scenarios exist. These conditions provide barriers to effective schooling and create an atmosphere in which professional staff, as well as parents, recognize that politics, and not education, drives the school system. The resulting depressed morale limits expectations for student and staff performance, and contributes to widespread malaise inimical to the urgency for school improvement. This results in children's self-esteem being destroyed by unsuccessful school experiences. This then, in my view, perpetuates the prevalent declining socioeconomic and physical environment in which they live. Poverty, social and racial inequities, vandalism, low employability, substance abuse, increased suicide, and poor early childhood development all work together to continue this vicious cycle of poverty.

Given these chronic conditions and their existence, not only are we denying thorough and efficient education, we are also denying children the opportunity for a productive future. Even though there is potential to change this system and this situation, it will not occur without clearly defined roles and responsibilities for parents and community members. In the State intervention plan, there is a provision for a community advisory committee. Through this forum, and with some delineation, the skills, information, and means, such as the public policy training developed by organizations like

School Watch, as well as the institution of school site councils, will allow for improvement. Then, and only then, will real systemic change occur in the educational organizations of our cities.

If we see the community and the schools as being interconnected, we can develop a true partnership between educators and community members that will return the ownership and responsibility for our schools to a healthy community. Our failure to act should these conditions exist would, in my view, be as morally reprehensible as having created them in the first instance. I believe our children should expect that we will exercise fortitude and strength of character on their behalf. Should we fail, our children will remain hostage, and will not be provided that which they are constitutionally guaranteed. Isn't it about time to keep the promise?

ASSEMBLYMAN PALAIA: Thank you, Elena. There are no questions back and forth here, just straight testimony.

FROM AUDIENCE: Mr. Chairman, I have a question. I think people-- (Remainder of comment inaudible to transcriber since person is not near a microphone.)

ASSEMBLYMAN PALAIA: Wait, wait, hold on, please. I can't take any testimony here now. I'm sorry, sir. We have an order that I am trying to stay with. If you are signed up to speak, you will get your opportunity.

I would like to have J. Chris Connor, former member of the Passaic Township, Morris County, School Board, speak next.

J. C H R I S C O N N O R: Mr. Chairman, members of the Joint Committee: I am a past board member, having served on the Passaic Township Board of Education for 12 years. I served as President of that body for four years. In addition, I served as Vice President for the New Jersey School Boards Association for four years. I hasten to add that the comments I am going to give you today are my own, and do not reflect my past associations.

I plan to briefly focus in on four areas: The need for this legislation; the necessity of removing board members; the removal of central office staff; and finally, additional funding. I will focus on the second point, being a former board member.

First of all, however, the need for the legislation. I have heard here, and I have heard previously, that the legislation may not be needed because there is already either a law or a court order which would define what the State Department of Education can do. I'll have to tell you, as a board member who lived through the '70s, that working through court orders, and working through court decisions, is not the way to run a school district.

Court decisions have a tendency to be modified and, in fact, have a tendency to be overturned, and even if they aren't, their applicability can be restricted to specific cases. The Legislature, as I see it, is responsible for developing the legal framework in the area of takeovers. This legal framework will reduce the uncertainties and will ensure that the process is less likely to get hung up in court proceedings. Clearly, court challenges will come about through this legislation, but I do not think it is an appropriate way to run a business, to always be worrying about having a court decide what your authority is. The Legislature is, in fact, the body that ought to tell the courts what that authority is.

The second point is, removal of the board of education. I feel most strongly that this is critical to the successful implementation of this legislation. To allow the boards of education, some of whom were at fault, to remain in power, even in an advisory capacity, will undermine the efforts of the State-appointed superintendent.

In this case, the school district has gone educationally bankrupt, and I think that under most conditions the boards of directors go, I think that is appropriate here.

If they are allowed to remain and, as some suggested, be individually dismissed based upon some definition of what bad performance is, much of the time of the State superintendent is going to be spent removing these board members and, I might add, perhaps their replacements.

In addition, the community will tend to focus on the fight between the State and the board of education. This fight will probably refocus their energy towards one side or the other, rather than having them work where they should be working, and that is on ways to improve their schools.

The results of retaining the board of education will hamstring the State-appointed staff, and will embroil the State-appointed staff and, in fact, the State Department of Education in controversy with both board members and local politicians.

The suggestion that the local board of education be retained as an advisory council, I think, has some of the previous difficulties, plus some additional ones. First of all, to use the local board of education which, in fact, has been found not to be doing its job, as a sounding board, ensures that you only listen to those people with political power. And, in fact, in order to maximize the chances for success on a takeover, the State must have the right to have an advisory council that has both broad community representation and broad community support. Retaining the local board as that advisory council will not meet that criteria.

I might add that the legislation does not preclude the appointment of former board members back to the advisory council if, in fact, in the opinion of the Commissioner those people have done a good job and do represent a portion of the community.

The third point: The removal of central office staff I also think is essential to the implementation of the legislation. Many of the staff members bear direct

responsibility for the educational bankruptcy, and again, as in any bankruptcy, should be relieved of their duties. There is an argument that the removal may be unfair because employees who have been trying to do a good job will be removed and, in fact, I think that argument has some merit. However, I think the Department of Education's proposal best deals with that. A proposal I have heard is due process or, when the State superintendent comes in, he will immediately fire all those people who are bad, and keep all of those people who are good.

Let me say that that second alternative will do one thing: It will be unfair to those employees who, in fact, may, under a more progressive administration, be able to provide some leadership to that district. If I am appointed the district superintendent -- State superintendent -- if I have a question about whether or not an administrator -- a central office staff administrator -- is going to cut the mustard or not, and if I have to decide right then, and if I keep that person, that person immediately has tenure rights once again, I can tell you what I am going to do. I am going to let that person go. Whereas, if everyone is let go and I have the right to rehire people back based upon either proven merit or those people who may well possess the necessary merit given time, then I would have the option of hiring that person back and, in fact, if the person proved himself or herself, they could be retained to provide both a historical perspective and leadership to the district.

Finally, on additional funding, I know that none of you want to provide additional money and, in fact, I would never claim that money is the answer. But, I would like to suggest that those districts which are educationally bankrupt, probably in some instances, are very close to financially bankrupt. I think it may be-- In fact, I think I know for sure that when you find some of these districts, you will find textbooks that are outdated and maintenance that has been

delayed for years and years and years. This is going to require some up-front money, and I think it is unrealistic, especially in urban areas with already high tax rates, to expect the communities to immediately pay for the mistakes of the past boards of educations and the administrations.

I would propose that the legislation allow for a process in which the Commissioner certifies a financial need, obtains the concurrence of the State Board of Education, and presents his financial requirements to the Appropriations Committee for supplementary funding. The Legislature would, of course, retain funding authority and could grant funds outright, or as a loan. The definition of the funding process would prevent dealing with financial needs on an ad hoc basis, and would provide some assurance that funds were available, if required.

Finally, in conclusion, I think the proposed legislation deserves rapid enactment and should improve education in New Jersey. It deals in a very important area, educational failure, and should be effective, both directly and indirectly, in combating the problems. Its success is not guaranteed and, when implemented, will place a large burden on the State Department of Education. But I believe the legislation is worth a try, because if successful, it will result in more children being able to read, write, and contribute to our State and our country, and that is a goal that we can all support.

Thank you very much.

ASSEMBLYMAN NAPLES: I have a question here.

ASSEMBLYMAN PALAIA: Questions? Assemblyman Naples.

ASSEMBLYMAN NAPLES: Mr. Connor, I have been feverously searching for the Supreme Court opinion. I had something underlined, but I can't find it. I'll wing it, as it were.

Do you believe for a moment that the passage of this legislation would obviate further litigation or challenges to the same extent as would be the case with respect to operating under a court decision?

MR. CONNOR: Well, first of all, I will clarify that I am not an attorney, but from a layman's position I believe-- When you said "to the same extent," that is the key. I do not believe it would obviate certain legal challenges, but I do think it would establish a framework that would lessen the potential area for legal confrontation.

ASSEMBLYMAN NAPLES: But, you agree that there will be legal confrontations?

MR. CONNOR: Any new law always goes through that.

ASSEMBLYMAN NAPLES: You got it. Thank you. I just wanted to establish that.

ASSEMBLYMAN PALAIA: Thank you, Assemblyman. Thank you, Chris. And thank you, ladies and gentlemen, for staying within the five-minute time restraint. Most of you are doing very, very well. We appreciate it.

Mr. Thomas Puryear, a parent from East Orange. Is Thomas here? (Mr. Puryear not present) We'll move right along to John Fox, Chief School Administrator of the Green Township Schools.

J O H N N. F O X: Good afternoon, ladies and gentlemen, members of the Assembly and the Senate. My name is John Fox. I am Chief School Administrator of the Green Township schools located in Sussex County.

I have come here today to urge your support in the passage of S-2355/A-2926 and S-2356/A-2927. The passage of these bills would enable the implementation of the Level III monitoring process, as presented by Commissioner Cooperman and members of the State Department of Education.

The passage of such legislation has the potential to impact on me directly. In August, 1985, I assumed the role of

Chief School Administrator of a district which is currently at Level II monitoring. If our district does not revert to the Level I stage, I, as Chief School Administrator, will be subject to the proposed consequences of the Level III initiative.

I have been active in the field of education within the State of New Jersey for the past 24 years serving in a variety of capacities. I have taught high school students in an urban district. I have taught reading to adults in the same setting. Also, I have been a principal of a school which educates emotionally disturbed adolescents in both a residential and day setting. A majority of these students came from some of the largest urban districts throughout the State. So, I am familiar with the difficulties which plague administrators in working with youngsters that bring a myriad of problems into the classroom setting.

In addition to being an educator, I am a parent of three youngsters who attend public schools within the State. The quality of their educational programs, as well as the programs of each child registered in our public schools, is important to me. I have seen many benefits develop in schools and their programs as a result of the monitoring process. It has created an atmosphere in the schools where planning has become an essential ingredient in the daily routine.

Some have characterized monitoring as a paper process with outcomes that have little bearing on children. From my perspective, I disagree. I see the monitoring process as a commitment to a course of action by all individuals who represent the local educational community. For a variety of reasons, some school districts have not been able to overcome circumstances which lead the staff from crisis to crisis.

When my current district failed the Level I stage of monitoring, it had a demoralizing effect on staff and a negative impact on community and board of education members.

One reason the district failed monitoring was directly related to its use of substandard instructional spaces.

It was a condition that the district had been aware of for the past 10 years. When we came to the realization that State guidelines on room size, teacher observations, curriculum, etc. were more than suggestions, the board and the administration narrowed their range of focus to those goals and objectives which would be instrumental in steering the district through these embarrassing times. The unity which then developed between administration, board, and staff was gratifying. Each realized that a bond referendum for a \$2.6 million building addition could not be passed without the other's help.

After the defeat of the first referendum, there were times we wished that the State Department would come in and order that we sell bonds. All the feedback on successful passage of the referendum was extremely discouraging. Naturally, residents were concerned about tax increases generated by such indebtedness over the next few years.

However, we were able to convince people that the State of New Jersey also had a stake in our success by assisting with State aid in the amount of 50%. State School Building Aid reflects the percentage our district also receives in Equalization Aid. as you know, the underpinning of Equalization Aid is the concept of reducing the disparity between rich and poor districts in providing services to youngsters within particular school districts.

By reason of the concepts inherent to Equalization Aid, we recognize that all taxpayers have a stake in the progress of our school district. Conversely, as an individual taxpayer, I have an interest in the progress made by other school districts throughout the State when they accept State aid.

The Level III initiative addresses my concerns as a taxpayer in lending assistance to those districts which, for whatever reasons, cannot overcome longstanding deficiencies using resources which are internal to that district. The initiation of Level III monitoring activities by the New Jersey Department of Education provides deficient school districts with an opportunity to correct their problems under the supervision of the State, while maintaining local responsibility for the overall operation of the district.

The implementation of a comprehensive compliance investigation and the issuance of a Commissioner's formal administrative order are extraordinary measures enacted by the Department of Education as a means of last resort to correct serious educational problems, while allowing a district to function under local control. It is my understanding that Level III will be invoked when an educational "state of emergency" exists within a district.

Some have criticized the Level III initiative as lacking in due process. I disagree. At each level, affected individuals and the district have the right to appeal the findings of the State Department through prescribed legal avenues. The initiative asks that the district demonstrate reasonable progress toward meeting certification standards. The initiative basically has a five-year cycle which permits districts time to demonstrate reasonable progress.

In my view, the initiative seeks to bring the full resources of the district to benefit children directly. Can we say to our children, "We do not have the resources or capacity at this time to meet your needs. Come back in five years; we can do it then"?

Thank you, ladies and gentlemen, for your attention.

ASSEMBLYMAN PALAIA: Thank you, John. Any questions from the panel? (no response) Thank you very much, sir.

Our next speaker is a replacement for Richmond Rabinowitz of the Association for Children, Cecilia Zalkind.

C E C I L I A Z A L K I N D: Assemblyman Palaia, members of the Committee: Thank you for the opportunity to address you this afternoon.

My name is Cecilia Zalkind, and I represent the Association for Children of New Jersey. We are a statewide child advocacy group. We believe we speak as an independent voice for children in the State, and are here to express our concern about the plan and what we feel are in the best interests of New Jersey's children.

Let me begin by saying that we believe strongly that something must be done to meet the educational needs of children in failing districts. Failure to educate must not be condoned. There is some justification for a strong intervention plan; however, what that intervention plan should be and how it is carried out is of question to us. I would like to address that in my testimony before you today.

I would like to stress four points: One is the role of the Department of Education; second is the need for some positive, rather than punitive intervention; third addresses the issue of funding, which has not really been addressed in the proposal; and fourth are some specific suggestions for the State plan as it currently exists.

First, we have some serious concerns about the role of the Department of Education at present -- its present powers -- and in the proposed State takeover. If this proposed plan were to pass, the Department of Education would have unprecedented, and nearly unlimited power in what has been a traditional and strong area of local control. We have a lot of questions about whether the Department can successfully meet this challenge. We are not very impressed with the Department's record of success in other areas. As an Association, we have worked for several years to ensure, for example, that juveniles in county

detention and shelter facilities receive their level of thorough and efficient education. This has not been mandated through the State. Now, although the Department has not opposed legislation on this issue, it has done little on its own to set State standards for education of these youngsters, and to provide support to ensure educational services for these children.

Secondly, we believe that the success of the State takeover still depends a great deal on local issues and the Department's sensitivity to local needs and problems. Once again, we would have to say that the Department's record gets failing grades. We are very active in supporting, for example, school-age child care initiatives. The Department opposed this legislative proposal consistently through the legislative process. The Department has traditionally resisted initiatives that they view as beyond their educational role, in spite of some documentation on the local level that local districts, comprised of parents, teachers, and school administrators have identified these as needs of their district. We are concerned about the Department's sensitivity to local issues.

Further, we would like to question what the Department's role is right now. We believe the Department does have some power and authority granted to it by statute, and in the Administrative Code. Some precedent for a strong State role has already been set by the Department's limited intervention in Trenton and East Orange. What is the Department doing right now?

We believe strongly that the Department must take some corrective action now to assist deficient school districts. One of our most serious concerns with the proposed State takeover is that it takes a long time. What will be the immediate benefit to children living in those districts right now? It will take several years before there is any direct positive impact on children who are students in these school districts.

We believe it is imperative that the Department immediately begin to do everything in its power to help failing districts. The Department has referred to knowledge of mismanagement, perhaps unethical behavior. If they have evidence to this fact, they should pursue the remedies that are available to them right now.

We believe strongly that any plan to intervene in deficient districts must be a positive, rather than a punitive one. The Department has significant resources and expertise available to it. These resources, such as review teams, staff training, management services, should be directed to support troubled districts before action is taken to replace local district control. The plan, as it is presently proposed, is an adversarial one. It has already engendered significant controversy throughout the State. Continued controversy will follow it. It is foolish to believe that State intervention will succeed without local support, and we believe that a more positive approach initially might help to ensure such local support.

Third, I would like to briefly address the issue of funding which has been raised by other speakers before me. This is something that is not discussed in the current proposal, yet the inequities in New Jersey school financing formula have been well documented in litigation and in commissions that have met on educational issues in the State.

First, we believe that the plan should in no way be viewed as making these initiatives unnecessary. We need to take a look at our school financing formula. Secondly, we are concerned that there might be a necessity to look at the need for additional funding, and that this has currently been omitted from the plan.

We believe that the identity of deficient school districts will be of no surprise to anyone. The list is likely to include some of the major urban, economically depressed

areas. Yet, the plan itself, and supporters of the plan, stress fiscal management, rather than additional funding, as a key element of the plan. In all good conscience, we have to question whether successful remediation can be accomplished without any additional financial resources. We find it difficult to believe that all of the problems of a deficient district can be solved without increased expenditures. Can even the most efficient management save enough money to seriously address the problems of decaying buildings, the cost of hiring more teachers to reduce class size, and to provide remedial classes? We believe that financial assistance, either in the form of loans or grants, must be attached to this legislation, should the remediation plan for that particular district warrant it.

I would like to stress that we are not saying that money is the answer. Additional funding, additional financial support to failing districts is not going to be the answer, but it should be balanced with the emphasis on fiscal management that is throughout this plan.

Additionally, we are very concerned that the implementation of the plan itself presents a financial burden to the district. In the bills, the review that follows the Level III monitoring-- The cost of that review must be borne solely by the district. This has been estimated by Dr. McCarroll to be \$75,000 to \$100,000. The monitoring itself -- the review itself -- will present a financial burden to an already hard-pressed district. This is also an issue we are concerned about.

It would be very foolish of me to stand before you today and say that no State intervention is necessary. There are districts, even when Level III monitoring is accomplished -- even the most careful review -- which will continue to need intervention. I hesitate to say that we do not support State intervention at all; however, in analyzing the bills, we feel

there are some amendments we would like to propose, should the plan be carried out and intervention occur in particular districts.

First, we feel very strongly about the need to monitor the State-run district. There is nothing in the current proposals that looks at what is happening in the district after the State superintendent takes over and the school board and the current superintendent are dismissed. Who is going to monitor the success of the State-run district? We believe strongly that there must be an independent monitoring body to ensure that educational services are improved. If the local district must meet the goals of the corrective action plan, shouldn't the State have to meet the same goals?

Again, we believe strongly that the people directly involved cannot be the ones to monitor and decide if they are meeting those goals. Some independent monitoring is necessary.

Secondly, we have some concerns about the somewhat automatic removal of personnel under the current proposal. What if a particular district has personnel who should be retained? We feel that some assessment of the district -- which will occur in the Level III monitoring and the subsequent review -- will document some of the problems in that particular district. Perhaps on a district-by-district basis, there will be key administrators who should be retained to prevent chaos in the district and to continue some continuity of educational services.

Third, we are very concerned about the role of the community advisory committee. We believe this is an essential element to the success of the plan, yet the proposal does not really spell out the role and responsibilities of this advisory group. We are interested in seeing some guidelines as to the composition of the committee, the kind of information they are to receive from the superintendent, and the mechanism for them to bring information to the superintendent. They are going to

be the community's link to the State-appointed superintendent, and we believe some further clarification of this committee is necessary. At this time, they are responsible to the community, but are not in the position of any authority to even participate in the dialogue or participate in the plan of that particular district.

Our last concern with the current proposal is that we believe curriculum concerns must be addressed. The plan, as it is now proposed, focuses, again, on the management issues. It does not focus on curriculum. If we are really discussing academic bankruptcy, we believe the legislation should require the Department to develop an educational corrective action plan. This plan should spell out, in detail, what will be taught in the district and how that will improve the quality of education, as well as the minimum skills' scores. This plan should be available to the public, and should include grade level information, in-service training plans for teachers, etc.

I thank you for the opportunity to present these issues before you today. They reflect our concern with the plan and our concern with New Jersey's children.

ASSEMBLYMAN PALAIA: Thank you. Assemblyman Naples?

ASSEMBLYMAN NAPLES: A very sincere presentation. I have a question to ask about due process. I am cognizant of the fact that you are not a lawyer, but do you believe that the appropriate legal avenues, at various levels, constitute due process to the same extent the tenure statutes do?

MS. ZALKIND: Well, I am an attorney, but I am not familiar with the tenure statutes. In looking at the bill, we found some questions--

ASSEMBLYMAN NAPLES: You're a teacher. Most teachers -- I know I am -- are familiar with them.

MS. ZALKIND: No, I am not a teacher.

ASSEMBLYMAN NAPLES: Oh, I thought you were. Excuse me.

MS. ZALKIND: In looking at the bills, we had some concerns because we didn't feel it was clear as to who would be dismissed. It sounded to us as if positions would be dismissed. What about individuals? We felt that the first step to due process would be some clarity about that. What happens when the State superintendent comes in?

ASSEMBLYMAN NAPLES: Someone else will get that question, too, along the way. I don't know which person, but thank you.

ASSEMBLYMAN PALAIA: Thank you, Ms. Zalkind.

MS. ZALKIND: Thank you.

ASSEMBLYMAN PALAIA: Our next speaker-- I am amazed that the Mayor was allowed to stay with us this long without being called out to a meeting. Mayor Cucci would like to be heard. He asked to be at the end, but, Mayor, in all deference to your busy schedule, we would be more than happy to hear from you now.

MAYOR CUCCI: Thank you very much, Assemblyman Palaia and everyone on the Committee serving so well. I appreciate the next speaker acquiescing. I have been called on a genuine emergency, so that will guarantee the brevity of my remarks.

Let me first say this: I genuinely support the concept of the legislation. One would be a fool not to support the concept. The actuality remains to be seen. Okay? But, let me say this: I don't want to wait for that. I, in a very friendly way, challenged the State to come in tomorrow and take over the entire board of education in a friendly, challenging, non-adversary way, because if it is so bad here in Jersey City, then I am not going to procrastinate. I don't have to wait for legislation. We can make that arrangement among ourselves.

But, if it be the desire of the State to study, to wait and see, then I have to go along with that also. But if we have an emergency-- An emergency is now. That is the way I interpret emergency. I may sound a little bit brash, but I

don't mean it that way. I hope some of the speakers who are up here with the politics have not at one time been politically favored by an appointment themselves, somewhere in the State, somewhere in the city, somewhere in the county. I do not mean that to demean anyone at all. But, if we have to talk objectively, one must be totally free of sin; otherwise, we cannot be objective at all.

I am surprised at Assemblyman Catrillo, with his universal statements based on, perhaps, an isolated item. It is the biggest contradiction you could have to logic. You cannot talk universals on specifics. The complete condemnation of the Jersey City school system by the very man who supported the last administration, who got Jersey City -- or helped it to get here -- is the height of hypocrisy.

We must first know where we have been, to find out where we are. To find out where we are going, we must be cognizant of where we are now. It is very easy for any official to blame the past. I don't do that. I do it on a factual basis. I will be receptive to those things I am to blame for.

But I have to now look at the State very carefully. When the State -- for four years, between 1981 and 1985 -- knowingly allowed a deficit pattern of spending, knowingly allowed under-budgeting, knowingly allowed reallocation of funds, and knowingly admitted on June 19, 1985, that it did not push for the reclassification of Civil Service personnel, whether they were teaching or non-teaching, because there was an election going on-- I can't believe the State 100%. Now, it has come to the point where they fail to see their own tasks.

If the blame is on the local level, the blame is on the State level; and the blame may also be on the national level. But, when you talk of State intervention, that implies that the State, if it comes in, will straighten everything out, and all schools will be a success. That is what it implies.

I challenge you, starting tomorrow-- Let me give you a little bit of what happened here in Jersey City. For four straight years, there was under-budgeting, not going up to the cap or near the cap. Not that money is a guarantee of education, but some of those subjects and some of those programs do help to give the opportunity to learn. It does not guarantee the opportunity to learn. Jersey City lost \$10.2 million in reimbursements from the State for failure to go to the cap or near the cap.

When I got into office, we were burdened with a \$4.4 million deficit spending pattern that had to be addressed, because there were 17 principals transferred to administration for a false affirmative action plan -- false. We have put them back. This administration has addressed the \$4.4 million deficit. This administration has, in every way, tried, and we are going out on October 22, hopeful that we will be approved for \$8.8 million which we intend to spend very, very carefully.

We are now making arrangements for an in-house, full-time auditor and controller, something that was never seen before. As far as every appointment I made to the board of education, none of them is a city job holder. That doesn't guarantee anything, but it is a far cry from a \$35,000 deputy mayor being the president of the board. It is a far cry from when he was replaced with a \$40,000 Hudson County political administrator being the president of the board. It is a far cry from when every member of the board was a political appointment.

I think for the first time in Jersey City, no one controls that board. Did I make some recommendations? You're darned right I did. So does the President of the United States; so does the Governor. If my recommendations are not adhered to, I accept that. If they are, and they fail in their mission, then I must change. But we are talking blatantly as if politics were the big thing in this board of education.

Before you can change the learning system, you must change the attitude of educators -- some educators. You must change their attitude so they will be more objective. No one is intimidated. The way I recommended a few administrators, so did I recommend those who were not in thinking with my politics. I did not, in any way, discriminate.

If you cannot move in tomorrow, then look at what Jersey City has done in 14 months. I am very saddened that we are still the lowest scores in the State. But look at the difference in the personnel. We do not have a grand jury presentment at this board of education. Former Prosecutor Ruvoldt, who spoke here-- I wish he were still here to tell you that while he was the prosecutor, for the first time in the history of Jersey City, the last board of education had a grand jury presentment for politics. Forty-one teachers -- one 16 days short of tenure -- were released under the false disguise of economy, while 41 teachers with lesser experience went into their places. All 41 of those teachers, either through litigation or negotiation, won their way back. It cost the city \$2 million -- The Jersey Journal printed it -- because we had to pay retroactive fees where required, plus litigation fees.

I have -- and I say I -- fewer than five cases to be litigated, and they will be litigated. When you compare a \$2 million deficit to correct grand jury presentments and rash reprisals, then you must look at where Jersey City is today.

I appreciate your coming here. I want more meetings. I am not adamant that we have all the answers, but I am not surrendering in 14 months that Jersey City cannot be objective in its board of education. If you feel differently, please come tomorrow -- we are only in session since September -- particularly when you have enough money. I want to see what changes there will be. I don't say there will not be changes, but I am very interested.

The emergency is now. If not, then we are asking you to study Jersey City very well. The State has an auditor in there, and has had him there. Study us well. If you think we are a prime target, then that is your opinion. If you don't think we are a prime target, we are asking to show good faith here. My life would be much easier if someone would just take this responsibility away from me, but it is a responsibility that must be taken care of. It is a responsibility that must be pursued. I find it objectionable that a few people can pretend now that they have the answers to education, when they supported the very, very principles that got us here. I take some objection to some people who pretend objectivity, when their whole lives depend upon political fostering and appointments.

If you go with your legislation, I am going to support it, but I support objective legislation, not legislation that can be used as a tool -- a political tool. Make Jersey City your pilot city right now. Make it your pilot city. If this succeeds within a year, you will have gotten proof where you can move in. I have no objections whatsoever.

Thank you for your kind and courteous attention. If I have been abrasive to some, I--

ASSEMBLYMAN PALAIA: Not at all.

MAYOR CUCCI: --don't mean it that way. If I have been truthful, I do mean it that way.

ASSEMBLYMAN PALAIA: Mayor, let me tell you something. (Assemblyman Palaia interrupted by loud applause.) Mayor, I think Assemblyman Naples said before that we were impressed that Councilman O'Dea even came here, which is fine. We don't know what they are going to say, but, you know, we want people in local government to come out and tell us how they feel about these bills. If we didn't care, Mayor, we wouldn't be here.

I just want to clarify something. It is not at the discretion of this Committee to say whether Jersey City is in an emergency status. That is not our function. That is the Department of Education. I'm sure if it was that bad, you would have people in here -- or maybe they are monitoring now. See, that is not our function right now, Mayor.

What we are trying to do is augment a program that would help Jersey City, and other places -- not necessarily Jersey City.

Now, we did have a couple of questions, if you only have a couple of minutes. Okay? Assemblyman Gargiulo had a question first.

ASSEMBLYMAN GARGIULO: It's not so much a question, Mayor, as a statement. That was a very good presentation, by the way. The bills which are before you do not require takeover by the State tomorrow. They are going to give you the opportunity you are asking for. I know you are new as a mayor, and I am sure things are changing in Jersey City. These bills are-- Before any takeover would take place, it would be several years down the road. In that several years, there are a lot of mechanisms whereby you and the State, together, can make a plan to improve the system.

We are not trying to take the school system over. We are trying not to. That is one of the reasons for the bills.

MAYOR CUCCI: I understand that, Mr. Gargiulo. I appreciate that. I am not taking task with you personally. I meant generally, that if we have an emergency -- and I think the lowest grades in the State are repugnant -- then I have no problem with making Jersey City a test city right away. I really don't, because I would be a fool to hold back, or stand in the way of education, which is the very sustenance of our future generations in their total self-reliance. So, I couldn't care less if I do something politically wrong, as long as I do it genuinely right or by conscience. I have no problem with that.

ASSEMBLYMAN PALAIA: Thank you, Mayor. A couple of other questions. Assemblyman Naples?

ASSEMBLYMAN NAPLES: Two quick questions. First, that was a very fine presentation, Mayor. The first question is: Were you speaking for the Conference of Mayors in your statement for or against the legislation?

MAYOR CUCCI: I was speaking for myself.

ASSEMBLYMAN NAPLES: For yourself only. Okay. I misunderstood you. I thought you said before-- That takes care of that question.

MAYOR CUCCI: No, sir, no, Mr. Naples, I am speaking for Tony Cucci. I would not trespass in that way. Okay?

ASSEMBLYMAN NAPLES: Okay. I beg your indulgence for misunderstanding you.

MAYOR CUCCI: I'm in my own house, and I speak, you know, for myself.

ASSEMBLYMAN NAPLES: The other questions is-- First, let me preface it. There are some around this State -- not yet formally -- who have propounded the suggestion along the lines of what you just said, that if things are bad enough, skip levels, send the monitor general in under the current statute, change the statute to give him power to institute tenure charges, and go at it. Is this what you are saying right now?

MAYOR CUCCI: Sure, because you must remember that what you are saying -- you, meaning in a general sense--

ASSEMBLYMAN NAPLES: I haven't said it yet.

MAYOR CUCCI: If the State has to intervene -- if it has to -- then the State is saying, "This is an emergency." But it also is accepting now, is inheriting the obligation, saying, "We have the answer." I am saying to you, if you have the answer, do it now.

ASSEMBLYMAN NAPLES: Do it quickly.

MAYOR CUCCI: Don't wait. Okay?

ASSEMBLYMAN NAPLES: Thank you.

ASSEMBLYMAN PALAIA: Thank you. Please wait a minute, Mayor. We have one more question from Assemblyman Doria.

ASSEMBLYMAN DORIA: Thank you very much, Mayor Cucci. It is not really a question. I just want to comment. I want to congratulate you on your excellent comments. I think what is important to understand here, and I think you have really presented it well, is: The concept of this legislation is an excellent concept, but, again, we need to give the municipalities, the local school boards, the opportunity to prove that they can do their job. Then, if they fail in doing that job, then maybe the State should take over.

MAYOR CUCCI: No problem.

ASSEMBLYMAN DORIA: I think that is an excellent point that we should all be aware of. I think the Mayor hit it on the head. If there is a problem now, then the State should be in here now. If there isn't a problem, then the State should give the local school district all the resources, all the various support it can give it to do the job in the right way. If it has not done that, then the State should be responsible for the errors, and not the local school district. Then, when the time comes that the local school district does not do its job, then the State should come in.

Basically, I support the Mayor wholeheartedly in that position, and I want to commend him because I think it takes a lot of courage to be willing to put yourself on the line, to put your school district on the line, and say, "We are going to get the job done." I want to commend the Mayor on his position.

MAYOR CUCCI: Thank you. Mr. Doria, you said it even better. I want to congratulate each and every one. I think you have in mind the same thing we have in mind -- what is best for all of New Jersey.

So, thank you. Please excuse me for leaving now. It really is a genuine emergency.

ASSEMBLYMAN NAPLES: We understand.

MAYOR CUCCI: I thank you very much, and I thank the audience, too.

ASSEMBLYMAN PALAIA: Right. Thank you, Mayor. Our next speaker will be Hattie Kinman from Newark.

H A T T I E K I N M A N: Good afternoon, members of the Senate and members of the Assembly. I reside in Newark. I am a parent, a homeowner, and a taxpayer. I am also one of the many parents who attend monthly executive school board meetings and weekly community meetings. I always attend school board meetings and I always leave unsatisfied. I ask questions and never get a legitimate answer.

The board members constantly ignore the needs of our children. The elementary and high school students in Newark did not ask to be in a school system where they could not learn and did not get a quality education.

I agree with another parent named Minnie Edwards, that education has taken a back seat in our schools. Students are failing the H.S.P.T., the C.T.B.S., and any other testing, due to poor instruction or no instruction within their classrooms. Some teachers are giving the students homework assignments without instructing the students on how to do the work.

Evaluate the teachers' grading system. I feel it is wrong for any teacher to give a student a failing grade for unjust reasons. Example: Chewing gum, student is late to class, student wearing a hat in class, etc. High school students can't learn effectively if elementary teachers are teaching them on an elementary level instead of a high school level.

Since September 3, 1986, teachers at Vailsburg High School and Malcolm X. Shavazz High School are already experiencing a lack of books and school supplies for all their classes during the school day. The students are using dittos in their classes since they don't have books.

As a parent, I feel that all principals, vice principals, teachers, etc. should be placed under a microscope to be thoroughly examined to see if they are qualified for their jobs. Elementary and high school students are constantly tested throughout the school year. The teachers who teach our children should also be tested during that school year.

Are the teachers tired of the Newark school system? Some, maybe. There is a large number of teachers who are sending their school-age children to private schools. The reason why they are, maybe, also tired of the Newark school system, is because they know the problems which exist within the system, and they want the very best for their children.

The Newark school system is currently trying to avoid State intervention, and instructional time should be very crucial. Yet, on September 19, 1986, my daughter came home from Vailsburg High School at one p.m., seventh period, and said that all of the students who had eight classes did not have to go to their eighth period class. There was a pep rally for the football players on instructional time. The students did not stay in the playground. They were sitting all over cars, all over the homeowners' properties, smoking marijuana, drinking alcoholic beverages, and they left garbage everywhere.

I called the school to complain to the principal; she was outside also. I called the police department. I finally called the county superintendent's office and the superintendent's office to register a complaint. One of the vice principals only tried to clear the street when the majority of the students were gone.

The Newark school system cannot avoid State intervention when they are constantly losing instructional time. The parents discipline and educate their children from birth until they enter grammar school and graduate from high school. We are placing our children in a failing school system. How can our children learn without qualified teachers, books, and school supplies? The answer is, they can't.

There are children in foreign countries who are starving for food, and there are children within the United States who are starving for an education. The school students in Newark are like Daniel in the lion's den, and only State intervention can save them. I believe State intervention will personally guarantee our children an adequate education. The future of the students is in the hands of everyone who cares about tomorrow. The jobs of the future require very intelligent employees. State intervention will answer prayers in Newark, and we will all unite as one to fight for education.

Thank you.

ASSEMBLYMAN PALAIA: Thank you. Valerie Quinones from Newark.

V A L E R I E Q U I N O N E S: Good afternoon, ladies and gentlemen. My name is Valerie Quinones. I am a resident of the City of Newark, a taxpayer, and a concerned parent. I want to talk about the basic skills program. The Newark Board of Education receives millions of dollars each year from the State and Federal governments to run a basic skills program for our children, who are deficient in math and reading.

The average child enrolled in the basic skills program will go through the school system never reading or doing math at his or her proper grade level. This is a proven fact. My daughter, Joycie, has been in the basic skills program for the past five years. So far, Joycie is still on a low math and reading level.

I fully support a State takeover of the Newark School District. Thank you.

ASSEMBLYMAN PALAIA: Thank you, Ms. Quinones. Minnie Edwards?

M I N N I E E D W A R D S: Good afternoon. My name is Minnie Edwards. I am a parent and a taxpayer in the City of Newark. My children attend the Newark public schools. I am an active parent, a member of the P.T.A. at the schools my

children attend, when time permits. Most of our P.T.A. meetings are held during the a.m. hours when most parents are at work. I attend most, if not all, board meetings. It has become a charade.

Over the past years, the education of our children has declined. Our children are on the lowest levels. It was projected at a recent board meeting that it would take approximately 10 years for our children to actually be on their grade level. Our schools are lacking supplies. Our children are victims of needless busing and overcrowded schools. Our children are constantly tested on subject matters not taught in the classrooms. Our schools are in terrible condition.

Last year, a group of students came before the board to ask for window shades for their schools because they had to wear sunglasses in class in order to see how to do their assignments. Our children are being placed in Special Ed programs without due process.

My son, a retaineer in the first grade, during the '85-'86 school year, was tested in May of '85 on the C.T.B.S. test. He scored a 92 in math, and a 53 in reading. Four months into the 1985-1986 school year, I received a warning notice stating that my son was heading for a possible retention. I could not understand why, and I could not get a logical answer. He was reassessed in January, 1986, scored a 53 in math and a 36 in reading. These scores were still too high for him to receive extra help in the basic skills program, even though he was still having problems. So, he was referred to the Special Ed Program, which I contested.

I met with the director of the Special Ed Program, and she indicated to me that my son was not ready for their services, but he needed intervention. I questioned the administrative staff as to what they do with students who, like my son, need extra help, but because of high test scores cannot receive it. Something is wrong.

My other son, a fifth grader last year, came home with 189 math problems to be completed in one day. He was given two hours in the classroom to start. There are a lot of answers parents need and want, but like our children, we are like the shadow of the living dead. No one responds. Call it racism, or whatever you want, but I welcome State intervention. I think it is a step in the right direction.

To the State I would like to say, if you have a plan to educate -- I mean, to provide a thorough and efficient education, and you can straighten out our system, then welcome aboard. Humpty-Dumpty has had a great fall. We need you to put him back together again. Education has taken a back seat to a political arena of power hungry people in our system, who want to be in control. Salaries are increasing, while education is decreasing.

Thank you.

ASSEMBLYMAN PALAIA: Thank you. We have a question from Assemblyman Doria.

ASSEMBLYMAN DORIA: I just have a question for clarification. You said P.T.A. meetings are held in the a.m. hours -- in the morning?

MS. EDWARDS: Yes.

ASSEMBLYMAN DORIA: How do they expect parents to get there?

MS. EDWARDS: I don't know. Sometimes we have to take off from work.

ASSEMBLYMAN DORIA: Is this a common practice?

MS. EDWARDS: Yes, it is.

ASSEMBLYMAN DORIA: And this is for parent/teacher conferences on children?

MS. EDWARDS: Yes, correct.

ASSEMBLYMAN DORIA: I think that in itself is an abomination.

ASSEMBLYWOMAN GARVIN: It is at the teachers' suggestion.

ASSEMBLYMAN PALAIA: Yeah. Thank you, Ms. Edwards. Thank you for your testimony. The testimony was excellent from the last three people we had from Newark. May we go to Jerome Hamilton now, also from Newark?

J E R O M E H A M I L T O N: Good afternoon, ladies and gentlemen. I wish to thank this body for the opportunity to voice my concerns. I am a concerned parent and taxpayer. I would also like it to be known that the concerns I have are shared by many who could not attend this gathering, and by those who silently voice their frustrations and feelings because they simply and uneducationally believe that no matter what one who is concerned says or does, the problems will not change. Let it be said that they feel this way because of a lack of faith and trust for and in those who govern and supposedly run our schools. But a change must come about, because the continued acceptance of any school district which repeatedly fails to meet State approval is a threat to us all.

There is talk about urban schools having special problems, such as drugs, teen-age pregnancies, and a lack of parent participation. Well, first, I would like it to be known for the record that all but parent participation apply to just about every school district. So, these are not special problems; these are social problems that are shared by many. These problems need to be handled in a more in-tune and caring fashion.

Let it also be said for the record that, in my opinion, the continued failure of school districts to educate, to motivate, and to provide a young adult with the basic tools, which are reading, writing, and math in our society as it stands today -- these are just stepping stones to enable one to at least adequately provide himself or herself with a decent way of life -- is directly linked to the drug problem, to teen-age pregnancy, and to crime itself. Therefore, to allow any school district to operate in a continued failure posture

is, in itself, a crime against humanity and the continued growth of our State, as well as our nation.

Therefore, I will ask all of us to apply common sense, to look at the State-proposed plan not as a threat to one's tenure or to one's right to choose who should run a said district, but as the first step toward strengthening our educational system for the betterment of us all. Let it also be known that although many of us are for State intervention, to think that we will allow the State to come in and not provide a thorough and efficient education is, at this point, ludicrous. If that were to happen, the State would be faced with a backlash unprecedented in the the State's history, for these are serious times, and serious steps need now and forever more to be taken to ensure that the children of today are thoroughly educated for the future.

I thank you, and may you let your conscience be your guide.

ASSEMBLYMAN PALAIA: Thank you, Mr. Hamilton. Very nice. I appreciate the brevity. You are getting right to the point. We hear what you're saying. I think that is excellent.

May we have Mavis Wilson next, please, from Newark? Is Mavis here? (Ms. Wilson not present) No? Okay, let's move ahead then to Edward Naeem Syed.

EDWARD NAEEM SYED: Mr. Chairman and members of the Assembly and Senate Education Committees: Thank you for this opportunity to address you this afternoon. First of all, I would like to make a correction. I live in East Orange, not Newark, okay? (referring to the way he was listed on witness list)

ASSEMBLYMAN PALAIA: Right.

MR. SYED: My name is Edward Naeem Syed. I am a parent and a citizen of the State of New Jersey.

Good afternoon. I wish to thank the legislators for this opportunity to address you concerning a State takeover of

dying, failing, and corrupt school districts. This presentation today is coming from a parent and citizen of the State of New Jersey who will be happy to see the day come when urban school children will receive the proper education that is so badly needed.

Here we are in 1986, headed into the 21st century, and we still have children going through the public school system in urban areas who cannot read or write. It is an insult and a slap in the face to any civilized society. We can no longer continue to produce and manufacture minds in our school systems which are destined to failure from day one because of incompetent educators, who feel, because of the many complexities of problems in urban centers, that our children can't learn and compete with all other children. That is a cop-out and an outright lie. Almighty God, the Creator, says each of us is created equal, with the same potential to strive, as in a race, toward all that is good, and forbid all that is wrong.

We are well aware of the many problems that face us today in the urban areas, but our boards of education and educators should not use this as an excuse not to educate our children in the urban cities. If local boards and school districts are given adequate time to correct deficiencies in our children's education and they fail year after year, then we welcome State intervention -- and any other kind of intervention -- to correct these drastic problems.

When we talk about State intervention, we cannot separate the State from the people, because the State represents the people. Legislators, we cannot continue to allow our educational system in urban centers to go to pot, while greedy, selfish, carpetbaggers rob our students of proper education for political favors, political contracts, and political jobs, while our most important resource -- our youth -- cannot read or write, or function as human beings in a society that demands so much of them.

We repeat, once again, we favor State intervention, and any other kind of intervention that can save our children and give them the quality education they need so much. Teachers know what should be taught, but they have restrictions on them. There are people in authority about them who are not sympathetic, who do not see what he or she sees. Some are people who do not want to see what they see.

In the Sister Clara Muhammad Elementary School, which is a private school that has been in existence for about 50 years-- We have about 30 schools running full-time in cities throughout America, and about another 30 or 40 private schools. We have a school in Newark presently that goes from pre-K to eighth grade. Unfortunately, it only goes to the eighth grade at the present time. We do not receive Federal, State, or local assistance. It is all run on tuitions and donations. Our schools are putting out some of the best minds and some of the best citizens in America. We just want to prove that it is not money. Money is not the issue. It is what you are doing with the money you have. In the Sister Clara Muhammad Elementary School, our teachers have the opportunity to work without any excuses. In many public and parochial school systems there are real excuses. In other school systems there are administrators who are more concerned about politics and dollars than they are about creating human beings.

We should know that there is nothing we can give to, that is more worthy of our support than to give to the development of a human being's mind. That is what we are here for. Thank you.

ASSEMBLYMAN PALAIA: Thank you. Well said, sir; very well said. Mr. Darryl Black, from Newark.

D A R R Y L B L A C K: Good afternoon ladies and gentlemen. My name is Darryl Black. I am a citizen of Newark. I would like to thank you for the opportunity to speak to you this afternoon.

I am here as a concerned citizen of Newark. Being a product of the Newark school system and knowing what I knew then and how things are now, I am in definite favor of State intervention. I believe at this particular moment that our children are not receiving the quality education they are entitled to. In order for our communities and our children to develop, we must ensure that these children are getting those things and educational resources which will allow them to develop in a positive manner.

With the present administration, I feel the children are not receiving the quality education they deserve. I plead to you, and I plead to all of the people in the audience, that we need to seek another alternative. If this avenue will be more conducive to our children's situation, then I welcome the change. I hope you will take corrective action as soon as possible to help our children reach the stars.

Thank you.

ASSEMBLYMAN PALAIA: Thank you, Darryl. Our next speaker will be Eloise Washington. Is Eloise here today? (Ms. Washington not present) Let's move ahead to Alma Evans. Alma? (Ms. Evans not present) We'll move ahead then to Anita Tur.

A N I T A T U R: Good afternoon, ladies and gentlemen. My name is Anita Tur, Staff Representative of the Newark Teachers Union. I am here this afternoon representing the Newark Teachers Union in opposition to A-2926 and A-2927.

Ladies, gentlemen, friends, and parents in the audience: In two years we will celebrate the bicentennial of the United States Constitution. We, the people of the United States, have had the benefits and the advantages of living under the protection of this amazing document for nearly 200 years. The Newark Teachers Union is deeply concerned that the proposed school takeover legislation, in its present form, violates the provisions of this precious Constitution. We

believe that the part of the proposed school takeover bill, the part which takes away the right to vote from certain people in certain localities, is not only unconstitutional, but runs counter to the current of history all over the world in 1986.

If we study the history of all peoples, we know that human history is the story of people struggling to obtain for themselves basic and fundamental God-given rights and equal treatment. We see these struggles taking place all over the world -- daily, on television, in newspapers, in magazines, on the radio -- and from the words of the men and women themselves. We see and hear that from Nicaragua to South Africa struggles are taking place to obtain liberty. Men and women, from 12-year-old children in school to grandmothers and grandfathers are daily laying down their lives and spilling their life's blood to gain their rights and to gain equal treatment.

One of their principal goal is to secure for themselves the right to vote. One man, one vote. "One person, one vote" is their cry. How then can anyone seriously propose, in the State of New Jersey in this year of 1986, to take away the right to vote from certain people in certain localities? At the same moment in history when black and Hispanic men, women, and children are fighting in other countries across the globe for the right to vote, is it right or just for this State takeover bill to propose to take away the vote of black and Hispanic U.S. citizens who are the voters who are the majority in Newark and in other New Jersey localities affected?

The Newark Teachers Union is anxious and concerned. What will happen to Newark voters, Newark children, and Newark schools if this school takeover law, as presently written, is enacted into being? What causes our anxiety? The very words and attitudes of members of the State Department of Education. May I cite just one example that shows very disturbing signs?

Newark Teachers Union President, Carol A. Graves, has compared Dr. Cooperman's proposed takeover of Newark schools with similar events in Soweto, South Africa. Is this comparison too strong? Is it exaggerated? Is it off the mark? Apparently, President Graves' analysis hits right on the target. The very words of the New Jersey State Department of Education administrator appear to confirm their intentions. Speaking of the proposed State takeover, this State administrator is quoted in the press. Out of his mouth comes the statement that Trenton wants complete and unquestioned control, "Like MacArthur in Japan."

"Like MacArthur in Japan." What does this phrase mean? In order to fully understand what type of treatment Commissioner Cooperman may have in store for Newark and for other communities which are taken over, let's review a little history. At the end of the Second World War, the United States defeated Japan. This bloody war cost the United States tremendous losses in men killed, wounded, imprisoned in concentration camps, etc. After dropping the atomic bomb on the cities of Hiroshima and Nagasaki in August, 1945, the United States accepted Japan's unconditional surrender. To carry out the United States military occupation of the defeated nation of Japan, President Truman, shortly afterward, named five-star General Douglas MacArthur as Supreme Commander for allied powers in Japan. A 400,000-man U.S. Army occupation force was sent to help General MacArthur in keeping order in Japan. Supreme Commander MacArthur was now the absolute ruler of the nation of 75 million people. He was the dictator, king, czar.

President Truman, when he outlined the General's powers stated it well. He said as follows: "You will exercise your authority as you deem proper to carry out your mission. Our relations with Japan do not rest on a contractual basis, but on unconditional surrender. Your authority is supreme."

At his discretion, MacArthur could suspend the emperor's functions, dissolve the Japanese parliament, outlaw political parties, disqualify any person from political office, control who entered and left the country, censor the press, and set the value of all Japanese currency. In fact, General MacArthur rewrote Japan's constitution, prohibited worker strikes, had major war criminals executed, and purged over 200,000 lesser war criminals from public life.

Many Japanese bowed when they mentioned his name. Some dropped to their knees when they met him in person, although the General deliberately mixed very little with the Japanese people. When he traveled by car between his residence and his office every day, all other traffic was stopped, as the Japanese policemen turned traffic lights green for him and saluted as he passed. General MacArthur retained this all-powerful position for five years and seven months.

We ask this question: Based on the comments of the New Jersey Education administrator, who said that the takeover should be conducted like "MacArthur in Japan," is this what Commissioner Cooperman has in mind for Newark schools? Are Newark citizens considered by Trenton to be a defeated enemy race to be ruled by an outside army of occupation headed by an all-powerful overlord? Is this what the New Jersey Department of Education administrator means when he is quoted as saying that the State takeover should be run like "MacArthur in Japan"?

Thank you.

ASSEMBLYMAN PALAIA: Ms. Tur, I allowed you to go on, even though I didn't think it was really relevant to what these bills are all about. But, you know, in your speech, I have to say you talked about everybody's constitutional rights but the children's. The children here have a right to an education. I noticed in your speech that you really talked about everybody else's constitutional rights. Where are the rights of these kids? Did you not hear the excellent -- not because they were

in favor of the takeover -- but, did you not hear the excellent testimony of Hattie Kinman, Valerie Quinones, Jerome Hamilton, and Edward Naeem Syed, who said -- and he said it so well -- doing the most with the money you have. That is what these bills are really all about.

They are taking to task those districts which are taking literally hundreds of thousands of dollars of State taxpayers' money -- not just Newark's -- State taxpayers' money and spending it in a manner that is not in the best interests of the students. These parents-- I don't know your system that well, but I will say this: I hope somebody listens to what these people are saying, because they made some excellent points here.

Now, I can't believe that what they are saying is not factual, because they are parents, and obviously they traveled all the way to Jersey City to tell us about what is happening. But, Ms. Tur, I really have to take exception to the Newark Teachers Union and its position about what is happening in your district. We sit here as an impartial panel, and I, myself, hear two completely opposite sides on what is taking place in Newark. Who are we to believe, the sincere parents -- the 8, 10, 12 of them who came here to tell us about it? I don't know.

I know some of my panel members wish to be heard. I would call on Mrs. Garvin, if you will.

ASSEMBLYWOMAN GARVIN: Thank you, Mr. Palaia.

MS. TUR: Assemblyman, may I respond for one minute?

ASSEMBLYMAN PALAIA: Yes, surely, go ahead.

MS. TUR: The Newark Teachers Union is aware that there are many serious problems with public school education in many cities in the United States, including the State of New Jersey. However, we believe that it is not necessary to formulate any bill, or proposed bill, which runs counter to the Constitution in that it takes away the right to vote from certain voters in certain localities. At the same time, we

would echo the sentiments of other people who have spoken at this lectern, who said that in their opinion the powers already exist with the Commissioner and with the State Board of Education, that it is not necessary to propose or to pass school takeover legislation which, as one of its fundamental parts, takes away the right of voters to vote in certain localities.

ASSEMBLYMAN PALAIA: Let me explain that to you. I know I myself, as one of the sponsors of one of the bills, and Assemblymen Doria and Gargiulo, and Mrs. Garvin, who is the primary sponsor of these bills-- I feel that the way the structure is right now, the Commissioner does not have the right to go in and do what we feel he should do in order to restore a district to some reasonableness for the benefit of the children. I don't think he has that right, right now. I think in order to clarify it, this legislation is very much needed.

Now, as to constitutional rights, everybody has a constitutional right to take away the voters' rights, and this and that. Keep something in mind: If you want to accept 70%, 80%, 90% of taxpayers' money, you have to account for that money. That is what we are trying to do here. We need an accountability for where that money is going. If we see test scores constantly coming out and hear complaints from parents like you heard today that are contrary to the way the money is being spent, then as a State legislator I know I have every right to stand up and be heard about it. I think that is what we are trying to do here.

Now, Mildred, go ahead.

ASSEMBLYWOMAN GARVIN: Thank you, Mr. Chairman. Ms. Tur, I just want to make a quick comment. I am disappointed in your history lesson, but on the other hand, I would have hope that during these hearings, that with the experience the Newark Teachers Union has, that they would have put around this case,

perhaps, a recommendation for correcting many of the ills which exist in many of the school districts.

I would like to go on record as saying that I am very disappointed that you saw fit to give us a history lesson, instead of reading the bills and giving us the wealth of your experience.

Thank you, Mr. Chairman.

ASSEMBLYMAN PALAIA: Assemblyman Naples?

ASSEMBLYMAN NAPLES: I have a very quick question, and just a quick statement to make. Are you here as a member of the Newark Teachers Union, or are you representing the many people in that teachers union with that statement?

MS. TUR: I am here as a staff representative of the Newark Teachers Union, Assemblyman Naples.

ASSEMBLYMAN NAPLES: Okay. Let me just say this: When Assemblyman Palaia mentioned the people who had signed on, my name was absent because I have not committed myself one way or the other. But, let me just say this: If this legislation becomes law, I don't think that Saul Cooperman, who is an honorable man, is going to be running in with a sword in his hand trying to chop heads off. I think you've got to view it in that vein if we are going to get anything done in this context.

ASSEMBLYMAN PALAIA: I would just like to add to that history lesson, I don't know whether General MacArthur ever did so badly at that.

ASSEMBLYMAN NAPLES: He was a good one; he was a damned good one.

ASSEMBLYMAN PALAIA: As it turned out, Japan is maybe doing a lot better than we are in this country. Maybe we taught them too well. Maybe we learned them too good, or something. I don't know. Anybody else? Assemblyman Gargiulo?

ASSEMBLYMAN GARGIULO: I would just like to clarify the history lesson a little bit in terms of whose responsibility education is in the State of New Jersey.

Nowhere in any constitutional document is a local government responsible for the education of the children. It is a State responsibility that is delegated to the local communities. We are not relieving or taking away anyone's rights. The State has given those rights, and the State may alter those rights. It is in our Constitution -- the State Constitution -- where the State governing body is responsible for the education of each and every child in the State of New Jersey.

Thank you.

ASSEMBLYMAN PALAIA: Thank you, Ms. Tur. Our next speaker will be Arthur Tyehimba. Do I have that right, Arthur?

A R T H U R H. T Y E H I M B A: Yes, you do.

ASSEMBLYMAN PALAIA: Give me a little better pronunciation when you get up here, Arthur.

MR. TYEHIMBA: (Witness pronounces his name for Assemblyman Palaia.) Mr. Chairman, ladies and gentlemen of this august body: I greet you on behalf of the membership of the Community Coalition Against Institutional Discrimination. I am here also as a concerned parent in the Newark School District.

We agree, with one exception, with the concept of your legislation. However, we take issue with its mechanics. The legislation, in our opinion, is based on the concept that it is only the local school district that is to blame for its failure. It is our contention that the State is just as responsible and, based on this premise, we find the mechanics of this legislation not only to be an affront to our understanding of our school districts' problems, but we find it counterproductive to the very goals that the legislation is supposed to accomplish.

First, this legislation tells us that because of the failures of the current school districts we should throw away that district's right to self-determination. We are also told

by the legislation that the State can remove the authority of the local superintendent, the local board of education, and other offices, and place all of this power in one office to be controlled by one individual.

Ladies and gentlemen, it appears to me that this is the fastest way to encourage patronage. But, more important, it is a sure method of undermining and ignoring the talent of the local school districts.

Second, the State is not accepting the responsibility of this dilemma, but at the same time, it is asking the local school districts to foot the bill for this new administration. It has not even suggested that it can do a better job than the local school districts that will be replaced, only that they are going to take them over.

Third, this legislation does not, to our satisfaction, assure that the State will effectively take advantage of the local talent within the school districts. This is a very important point. For example, in the City of Newark, which did poorly on H.S.P.T. scores, the same failing district controls schools such as Arts High, Science High, and University High, which are among the finest secondary schools in this nation.

The question that must arise from this is whether it is the total local system that is to blame, or whether it is a part of it. Certainly, the answer must be that it is a part of the system, not the system in total. We would then recommend that your legislation be amended to fully take advantage of the local school district's talents, if you must come in. Second, and most important, if you are to come in, we would appreciate it if the State would assume some of the burden of this massive undertaking with all of our tax money.

For the sake of time, I will not go any further. I appreciate the opportunity you are giving us to come here to express our opinions. Thank you.

ASSEMBLYMAN PALAIA: Thank you, Arthur. Thank you very much. Dr. E. Wyman Garrett, please, former Newark School Board member.

E. WYMAN GARRETT, M.D.: Mr. Chairman, members of the Joint Committee from the Assembly and the Senate: First, I would like to preface the time which I served on the Newark Board of Education, so I won't be quoted as being on the present Newark Board of Education. It was back in 1967 and 1970.

I think I would at least want you to understand the gargantuan nature of the bill before you. I have a copy of Senate Bill 2355. I don't think anyone here separate from the N.T.U. -- and I'm sure that in the interest of being very nice to the N.T.U., the N.T.U. is 99% of the reason why you are here-- What has happened in Newark -- and not just necessarily Newark -- what has happened anyplace where folks are disenfranchised -- not necessarily vote disenfranchised, but disenfranchised from society as a whole -- is that you find it is very easy to take advantage. I think what it has done is put us in a "Catch-22" situation.

Of course, I am not going to stand here and say I think you should disenfranchise the voters of Newark. There is no way in the world I am going to say that. But, by the same token, we realize that a power group used that same method of take advantage of us in Newark. Consequently, we are caught here in a "Catch-22" situation. What we can say to you, though, is, in reviewing Senate Bill 2355-- I happen to be a physician. But, we are now going to talk about the methodology which is attached to this bill. In other words, it is not going to do us any good with Cooperman running around saying that the local problems don't have anything to do with what is going on in Newark. I don't really think the Commissioner meant that.

I have seen reference to it in several papers, but I really don't believe he meant that, because if you must start with any situation in any town, how can you sit here, as learned people, and not say that poverty has something to do with what is going on in Newark. There is no way you are going to compare Short Hills, New Jersey to Newark, New Jersey, or Jersey City, without comparing the people, the taxes, the security, the dollars, the educational system -- everything that separates Short Hills from Newark. Obviously, this bill does not take that into account.

One of the things I am going to say to you is, you are certainly going to have to look inside. It does no good-- I don't know who the super-person is going to be. I would assume that this person's office is going to be next to a telephone booth, so that when he charges in and comes out as Superman, he will be able to solve all the problems that are going on. Number one, if this person has a background in what is going on, you won't find a person to come into Newark. Number two, if a person does not have a background, when he comes in, he is going to be inundated. It is as simple as that. You cannot sit here and say that those are not problems.

I practice medicine in Newark every day. I served on the Newark Board of Education, and I realized that the problems are unbelievable -- totally unbelievable. If we start with the-- There are three methods by which the superintendent will review the Newark school system, according to the Commissioner. I heard one of the members of the State Board stand up, and what he said to you I don't believe was anywhere near what is really going on. If he is going, number one, to allow the Newark school system, by its own internal audit, to come up with a plan that he must approve-- Now, that is the first thing. He must approve the plan, and then he turns around and says the plan didn't work. Does that absolve the Commissioner now?

What we're saying is, we believe in intervention with cooperation. In other words, if you are not going to help us, then what you are going to do is make the situation worse. In other words, how is he going to make the kids go to school? That is part of our problem -- student attendance. Do you mean that you now, as legislators, are going to come in and say, "Okay, you will go to school"? Are you telling us now that they will go to school? Do you believe that?

What we're saying is, we have to work together to find out how we can get the kids to go to school. We realize that the Newark Board of Education has caused tremendous problems. We realize that one of the big problems that Cooperman has is that "sweetheart contract" between the NTU and the Newark Board of Education. No one wants to talk about it, but that is the way it is. Part of what you're saying is-- If you are talking about mismanagement-- Is the superperson now going to come in and say that contract is part of mismanagement and now say we are going to abrogate it? Do you think that the teachers are not going to go on strike? The teachers will strike in Newark as quickly as you drop your hat. That has been proven.

But, by the same token, the teachers are the bottom line. Do you understand that? We must inculcate what the teachers are going to do, because if the superperson comes along, can he do it without the teachers? There is no way he can do it without the teachers. Consequently, we are going to have to develop a method whereby we can coexist. I realize that is very difficult, but if the Commissioner is going to set up the various levels which each one, now, he must approve-- That is my point. How are you now going to absolve him when that method fails?

I agree with the Mayor of Jersey City. If the superintendent now has a plan, then he is obligated to institute that plan right now. Don't let another two, three, four, five, six, seven, eight -- a thousand kids fail. Is it

safe to assume that if a kid is reading on a second grade level, his parents are reading on a second grade level? I think we can make that assumption. The point with which we must deal then is, how are we going to effect the literacy of the parents who have been failed by the system? Part of the problem that your kids don't have, is that when they go home there isn't anyone there to help them with their homework. Do you understand that? We are talking about reality now. If the parent can't read, then the parent can't help the kid to read. That is what we're saying.

We're saying that whatever attack is made, number one, it must start with the parents. The parents who came up here were speaking to you from their hearts, but they are also telling you, "We don't want you to just bring a system in. We want you to bring a system in that has some chance of success." Consequently, this bill does not address that. This bill goes on to say: "I will first let the school system itself come up with a program, which I will approve. If it fails, I will then go and tell the county superintendent to come up with a plan in association with my office. If that fails, I will then go and put my own group in. And, if that fails"-- Well, now, he has had three shots, and it has failed all three times.

Now, if the Commissioner cannot do it in those three shots, what makes you think he is going to be able to do it with this superperson? It really stuns me to think you are going to give one person the power that I read about in this bill. Where in the world are you going to find this person? He can do--

ASSEMBLYMAN GARGIULO: He or she?

DR. GARRETT: He or she, pardon me. Mrs. Garvin is my Assemblywoman. Yes, he or she. I'm sure I will still vote for her.

But, where are you going to find the person who is going to have the omnipotence to do that? If this is true, then why don't you do away with all the boards around the State and have one person? You would save us money, wouldn't you? Obviously, that is not going to work. You're talking about time for patronage. Oh, boy. What is going to happen when this person comes in and talks about setting a budget? You are all politicians. What is going to happen when he sets a budget and we will not even be able to turn around and say, "Oh, maybe we can appeal it"? All the politicians are going to be jumping up and down.

Politics is a way of life. Please. Anyone who says differently is totally naive if he doesn't think politics is a way of life. It has to be that way.

Again, what we are asking you to do is, please sit down and look at this bill. There has to be a need for intervention with cooperation. That is number one. Number two, if we can do it together, then we won't have the time when everyone will come in and be disruptive, because if you bring the superperson in, number one, are you going to make people listen to him? Are you going to make people do what he says? Of course, you can't. That is why we think you should take the bill back into Committee. You should get input from the parents. It is obvious that the NTU is only going to be self-serving. I had quite a problem with the NTU when I served on the Newark Board of Education, in ways that I won't even go into now.

Our point is, you have a gargantuan task. We want you to set it up so that every kid gets a thorough and efficient education. But the question is, how do you go about that? Please understand what we are saying to you. Please come into the community prior to-- For instance, when he talks about the last group of folks, I read whatever it was when I went to Dr. Scambio's office. They were going to evaluate the system from

Trenton, not even on-site. That was ridiculous. How are you going to evaluate us? The very least you could do is come to Newark -- we will give you an armed guard -- so that you can sit down and evaluate. You wouldn't come to Newark without an armed guard. You would be foolish. You have to understand that of the moneys we spend on the kids, it's \$2 million or \$3 million on security. Now, where you live, do they have security? You don't need security, but in Newark, you do need security. So, you're spending two, three, four million dollars on security. Therefore, that goes away from the money you could have for instruction.

You see, if you are not made aware of those types of problems, then you are not going to be able to deal with them. So, I guess you can understand that we are right back where we started. It is really terrific that you have gotten together, number one. I think that Cooperman should be here, because I think he has to understand that he has to stop running around this State saying that it doesn't matter if you're poor, it doesn't matter if you're black, it doesn't matter-- That is ridiculous. He can say those things because he isn't poor, black, or ignorant. I would hate to think that his appointment was political. I'm sure it was not.

I thank you for this opportunity to talk to you. I hope, again, that you will please listen to the folks who represent us, and certainly Assemblywoman Garvin represents us. We would hate to think that she would suggest certain amendments, and that your august body would not agree. Was that said properly, Mildred?

Thank you very much.

ASSEMBLYWOMAN GARVIN: Yes, I approve of that.

ASSEMBLYMAN PALAIA: Doctor, she was nodding her head as you were going on. Thank you, Dr. Garrett. Very well said, sir. The next speaker will be Milli Kahabdullah. Is Milli here? (Ms. Kahabdullah not present) Donna Negnoski, from

North Bergen? (Ms. Negnoski not present) Moving right along, Eddie Stephens, Jr., Jersey City Chapter of Operation PUSH? (Mr. Stephens not present) Michael Marino, Jersey City Board of Education? (Mr. Marino not present) Wilbur Haddock, from Newark? Wilbur?

W I L B U R H A D D O C K: Thank you very much. Good afternoon, Mr. Chairman and members of the Senate and Assembly Education Committees.

Before I make my presentation, may I first say that I was somewhat surprised that this august body did not choose Newark as one of the places to come and have a hearing. I would like to suggest to you -- if it is not too late, and if it is possible to extend the hearings -- that you consider coming to Newark, because the parents of -- and you heard some of them today -- 57,000 students in Newark, plus East Orange, Irvington, and surrounding areas, would, I'm sure, like to participate in this important series of hearings, and share with you some of their concerns. I hope it is not too late to consider that. We would welcome you to Newark as a possible place to have a hearing.

My name is Wilbur Haddock. I am Chairman of People United for Better Schools in Newark, New Jersey. I have been asked to convey to you that PUBS is principally and unequivocally opposed to New Jersey's plan for intervention in deficient school districts -- Bills A-2926 and A-2927, as they presently stand.

It is our understanding that the New Jersey Constitution required the State to establish a thorough and efficient educational system, and that the Public School Act of 1975 was the process to achieve an educational system that is supposed to ensure that every district can raise enough money to operate a thorough and efficient system of free public schools. Urban districts have been forced to go back to court in the Abbott vs. Burke court case to challenge school funding in New Jersey, because in spite of the law, it is not happening.

Secondly, the law created procedures to make school districts more accountable to the public. For the most part, in most of our urban cities, this has not happened either. Now we are being asked to believe that new laws will succeed where old, longstanding ones have not. Both components of the T & E law are important and necessary to achieve educational reform and true effective schools.

Let us briefly look at the history of past State intervention, as limited as it has been. The State always came in with great fanfare, full of sound and fury, and went about its job in the usual, professional, businesslike way. When the work was completed, the people left, and in a few months it was business as usual. While the State was in, in many cases, the community was told what would be done, instead of being allowed to become an equal partner in the rebuilding of the educational system and gaining much needed confidence in the State Department of Education.

Because of these experiences, we are tired of being on advisory committees where we are seen but not heard. We are tired of the attitude of many educators, board members, politicians, and others that parents and community persons do not understand the complexity of money in the educational system, while at the same time they are trying to keep us from learning. We are tired of being thrown crumbs from the table. Parents and concerned citizens in urban districts unorganized and organized are now demanding to be a part of the planning, the harvesting and cooking. They want to sit down at the table as an equal partner.

In 1983, at the "Birth of Newark," the community believed that we were on our way toward quality education with community involvement. While we took on city and county political bosses, administrators, and board of education members whose commitment to education, rather than personal gain, was questionable, and because we dared to work with union

leaders, we were attacked. People who never got involved or offered a hand, just pointed a finger at us. Now, the leadership is saying there needs to be State intervention. We could have used the assistance and expertise of many of these people back then, as struggling community people trying to deal with an area that was new to us.

How could PUBS elect all nine board members and still be confronted with many of the same problems? We organized the change. But, many of us were naive, trusting, and wanted to believe that people really cared about the kids. We believed the struggle was about education, but later found out it was really about big business and power, and who was going to call the shots. We wanted to believe the State and the prosecutors who followed through on many investigations that seemed to be always starting, but never finishing.

And, finally, when we, the community, tried to use the existing laws, or regulations, we found out that terms like "encouragement of local participation, maximum citizen involvement in education, and self-determination" -- all of which are found in the T & E laws -- were meaningless in helping us to stamp out the deep-seated evils in urban public education. What PUBS and other community organizations wanted -- and still need -- is a working partnership with local and State educational leaders. Where there is resistance, there must be a clearer and tougher law mandating the rights of citizens to become involved. This must come first before laws of intervention, because based on past history, the laws will be on the book, but parents and citizens will still be out in the cold.

Today, we the concerned citizens in PUBS, feel like David going up against Goliath, with a slingshot. But, we still believe we can win. We can surely use some more ammunition from the State in the form of collaboration toward unity, not intervention toward exclusion.

Let's borrow from the pages of states which are taking a different approach to school improvement, like California, Illinois, South Carolina, and Florida. These states' improvement acts include the total communities across the states in improving public education and efficient school districts. PUBS believes, as I am sure many of you do, that education is the key ingredient to survival, rebirth, and the future of our urban cities and our young people.

We also strongly believe we can effectively deal with the reported new demographic shock wave of emerging generations which are already challenging our public school systems. But it is also important to realize and admit that the State, no matter how noble its intentions are, cannot, and must not, try, or be allowed to do it alone. Neither should boards of education, superintendents, principals, teachers, parents, students, or citizens mistakenly believe that they can do it alone, with all their faults. It is time to stop blaming the victims, because it will take all of us working together to get the job done correctly.

Urban school districts did not become deficient by themselves. They have had lots of help; in most cases, the wrong kind. Now, we have the rare opportunity to collectively provide the right help, while giving much needed encouragement, assistance, and power to parents, students, and citizens, who are ready to take up the challenge with the right tools. Instead of continuing to do what is politically expedient, let's strive to finish the job we started in 1975. We in PUBS promise to continue the job we started in 1983 in Newark with some major differences in leadership. Before we intervene and end up tearing down, let us try to build up a basic support for the powerless and often forgotten -- the urban parents and communities. All we are asking is that you give people a chance. Give us, the people, the weapons so that we will not be shut out, overlooked, or excluded any longer. With this

backing, we can put a big dent in the nepotism, patronage, skipping of contracts, no-show jobs, incompetence, and lack of accountability which run through our educational system. We will also be able to support and protect those who are committed, who do care, who are overwhelmed, but who still try against these odds.

We want to hire people, reward people, support people, and educate our children the old-fashioned way, because they earned it. PUBS is willing to give it a try. Can the State do any less?

On behalf of People United for Better Schools, PUBS, I thank you for your time and attention.

ASSEMBLYMAN NAPLES: I just want to say very quickly-- You know, David pulled an upset and beat Goliath with that big club.

ASSEMBLYMAN PALAIA: Thank you. At this point in juncture the Committee hearings will be taken over by the Vice Chairman of the Assembly Education Committee, Assemblyman Frank Gargiulo.

ASSEMBLYMAN GARGIULO: Thank you, Joe. I saw Mr. Marino-- Mr. Marino from the Jersey City Board of Education please?

M I C H A E L M A R I N O: Good afternoon. Honorable legislators, thank you for affording me the opportunity to address you today. Hopefully, I might add something to the thought processes that you are going through, complex as they are.

Conceptually, I must say that I agree with the intent of the Commissioner of Education, Dr. Cooperman to afford each and every student an education to prepare him or her to meet the challenges of today's and tomorrow's world. I accept the fact that the Legislature of the State of New Jersey has the responsibility -- no, the duty to see that a thorough and efficient system of education is in place in the entire State.

Dr. Cooperman's desires for excellence in the learning process, thereby affording students the best opportunity to achieve their capabilities should be ingrained in every level below him, even to the custodial help.

The method to which we are asked to resort to achieve this is one of great concern to me. That is the takeover of the district by the State. First of all, there is no such thing as the State. There are only people. People like yourselves elected to do the will of -- and what best in your judgment, for the citizens of New Jersey. There are other people we call bureaucrats, who somehow or other do not have to pay heed to the electorate, or the citizens they serve. You will leave here someday soon, but they will go on and on and on, making laws with regulations far beyond the original intent of the legislative laws you may have written, and subject not to the courts for its merit, but to administrative judges for its compliance with existing authority.

With all due respect for the dedicated and sincere workers who run this government of ours, but are caught in the system, we need only to look at the unfortunate turn of events with the computer in our Department of Transportation -- responsible for the relatively simple task of registering a motor vehicle -- as an example of what can happen. Attorney General W. Cary Edwards described the situation as ludicrous and totally unacceptable, but said little can be done to change it: "This is the most ludicrous, ridiculous system government has ever devised," said Edwards. "To force people from all over the State to travel to the center of Trenton to correct a mistake that we caused."

Another example of the system not working as originally intended is the case of Dawn Green, who is threatened with a jail sentence. State officials deny any intent to punish Green. They admitted, however, that the young mother-to-be is the victim of glitches in the system so complex

that even experts in the field aren't sure how it works. I have attached copies of those articles for your perusal, and the breakdown of these relatively simple systems.

Now we want to give a complex duty of running a complex school system in a complex society to the same type of Trenton bureaucrats. God help us if there are no safeguards from the glitches. I have been on the Jersey City Board of Education for only three months, and our superintendent has been at the head of Jersey City education for little over a year. Our predecessors have not given us an easy job. The system is in Level II monitoring, and the students rated almost the lowest in the State in the H.S.P.T. tests. There may be many reasons for this but certainly no excuses, and I offer none.

I would like, however, to offer some of my perceptions. I know that you have had testify before you a former superintendent, who was at the helm of this district for 10 years. The results of his tenure have come to fruition in the recent H.S.P.T. tests. It was the result of his charges over those years that delivered next to the lowest State scores.

Now he comes to this body and complains about the system in Jersey City. Where was he three, five, seven, ten years ago? We have witnesses complaining about the political influences in the Jersey City system. Maybe that was the case, and maybe that was the reason a judge removed them from their positions in the system, because it was given to them illegally. Now they are unable to use their political clout to get it back, because the present board will not bend to political pressures. That is an act of independence by this Jersey City board of education that should well be noted at this hearing, so that you can sort out the kind of testimony before you.

In a more positive vein, I wish to point out that while former administrations have given token increases to the Jersey City system, allowing it to erode, notwithstanding that the State of New Jersey, a partner in this process, has endorsed those low levels of spending. The present administration has committed this year to the Jersey City system, a \$20 million increase. I think that's probably the greatest increase by any district, anytime, anywhere. You'd have to correct me if I'm wrong.

They recognized the work that has to be done, the programs needed to be funded, and the progress made over the past year in correcting scores of years of misdirection. The present board has backed its superintendent in making massive administrative changes to put stronger leaders into weaker schools, and to revamp curriculum that hasn't been changed since 1965. That was 21 years ago.

My point: Will this system or any other system be rated for what it is doing, or will the Trenton bureaucrats take over arbitrarily? As an example, some of those who are monitoring on Level II right now are the same people who are testifying against Jersey City in the courts. Is there objectivity in this process? How will you write it into the law so it isn't rewritten as regulations later on?

Dr. Cooperman may be right in his desires to take over the districts, but shouldn't all other alternatives be exhausted first? I've attached an article by Ernest Boyer, president of the Carnegie Foundation for the Advancement of Teaching.

Mr. Boyer states: "Without taking educators off the hook, our first obligation is to recognize that poverty and schooling are connected, and that what we see as poor performance may be connected to events that precede schooling and even birth itself. "The growing fetus" -- and I quote -- "requires a diet rich in protein, vitamins and minerals. Yet most poor mothers do not have adequate nutrition. Further, the

human brain grows more rapidly during the first year of life, and yet today 40% of all people in America classified as poor are children. Malnutrition affects almost half-a-million children in this nation. The implications for schooling are dramatic."

Is this an alternative that should be explored? What are all the other alternatives? I don't know. Has anyone searched for them, or recommended them, or tried them? Only you can answer that, or can you?

The concept of the State taking over the schools is one that needs more than a desire to achieve a most worthwhile goal. The concept requires that the legislative branch of government in New Jersey give to an employee of the State government the authority: 1. To pass regulations and 2. To use those regulations to remove from office an elected State official, namely, a school board member.

Let's see what I have said: An employee can fire an official elected by the people. I think you might be skating on this ice. I'll remind you that a few people in Boston had a tea party because they didn't like the idea of not having their say. Let it also be noted that there is no such thing as local taxes and State money. The State has no money. It only returns the money it takes from the people. So, it's all our money, all our taxes.

Getting back to Trenton bureaucrats regulating elected officials out of office: Could the Legislature pass similar laws that would allow the removal of councilman from office -- mayors from office, freeholders from office, county executives from office, etc., etc., for not complying with their regulations? Why not? It assumes the overriding responsibility of doing good.

Was it Alexander Hamilton that said that people could not govern themselves, and that government should be the prerogative of nobility? Do we now have the nobility of New Jersey bureaucrats moving in to apply Alexander Hamilton's philosophy?

Just one more moment of your time, if I may-- Why is it Trenton bureaucrats want you to give them power over the district you are unwilling to give to local school boards? They're saying, in effect, "These are the rules that you must use to correct and run the district." However, if we take over because of your failure, we recognize that we cannot do the job either because of the rules. Therefore, we will accomplish it under a different set of guidelines -- authority to dismiss tenure the main one.

Why doesn't the subject district get the same authority desired by the takeover team? Why a different set of rules? Might I now suggest that the ultimate decision to take over a district be the decision of the Legislature and its due process.

I'll leave you with these thoughts in a most positive atmosphere. I recognize your deliberations to be cumbersome and the decision awesome. I recognize your intent and that of Dr. Cooperman to be closely aligned with the Jersey City Board of Education, to maximize education in this and all other districts. I pray your legislation will be in the best interest of the people you serve. Thank you.

ASSEMBLYMAN GARGIULO: Just one thing. Assemblyman Doria.

ASSEMBLYMAN DORIA: I just want to thank Board President Michael Marino for coming here. I just want to recognize that he's a former colleague of ours in the General Assembly. He's just taken over as board president and I know he's worked very hard as a Jersey City Board of Education activist. Thank you, Mike.

MR. MARINO: Thank you.

ASSEMBLYMAN GARGIULO: Is there anyone here from the City-wide Parents Council of Jersey City? (affirmative response)

K A B I L I T A Y A R I: First of all, there is a prepared statement that we have, but in all honesty I must start off by quoting Dr. Martin Luther King who said: "The true crust of the earth will rise again."

There need to be some things to be corrected here today. First of all, I want to say very briefly--

ASSEMBLYMAN DORIA: Excuse me. Before you begin your testimony, could we just have your name for the record?

MR. TAYARI: Kabili -- K-A-B-I-L-I. Tayari -- T-A-Y-A-R-I. The first thing I want to say is that I strongly support unions and the right of workers, but I do not, in no way, support-- I do unite, in standing with other parents, not only from Newark, East Orange and Jersey City but from anywhere else, that fight against union manipulation and union interference as has been exemplified and still being practiced by unions like the Newark Teachers Union and the Jersey City Education Association. I want to go on record by saying that because, just to paraphrase Dr. Garrett, there are two reasons that we are here talking about intervention. One of them is the NTU, and the other is the Jersey City Education Association.

Another thing that I want to set straight is the Jersey City Board of Education's statement about how it is not controlled by anyone. Yes it is. Who has it always been controlled by? That is, whatever present municipal administration is in office. Although it is true that none of the Cucci appointees work for the Board of Education, their spouses and their girlfriends do. And some of the Cucci appointees are actually committeepersons of the Democratic party.

We need to look very clearly at something else that needs to be set straight. Level II monitoring is what we're in now, and most definitely we'll probably enter Level III. Again, as King said, "The true crust of the earth shall rise again."

Good afternoon, members of the Senate Education and Assembly Education Committees. Let me first commend you for having the four hearings in different parts of the State of New Jersey. But let me especially say that it is very good that you are having this one in Hudson County, and right here in Jersey City. My reason for saying this will be discussed later in my presentation. However, although you have had four different hearings in four areas of the State, there need to be two to four additional hearings prior to your vote. They should be held in the late afternoon or early evening, starting at either 4 p.m. or 6 p.m., but no later than 6 p.m., in order to provide the hard-working parents in our State and opportunity to attend and be heard, as well as to hear the various positions which will be given, as well as excuses.

I most strongly emphasize the importance of this, because parents have not been involved pre the plan, during the plan, and post the plan. I am not at all considering, or taking into account the September 8th gathering, held in Trenton by the New Jersey Department of Education. Since only a well-chosen, select group of parents -- and this is to say nothing against those parents -- but not one of them was from Jersey City -- not even contacted -- and they were privileged to attend this meeting. This too, will be focused upon further in my discussion.

To some, much of what is going to be stated in this presentation may seem harsh, antagonistic or negative. However, I submit nonetheless, that what I say here today is simply an honest, just, unemotional and candid position. This plan, and the proposed legislation for intervention cannot -- I want to repeat -- cannot be discussed as either pro or con, or simply emotionally, or superficially, or subjectively. Nor can it be given blanket support, or blanket non-support for expedient electoral gain.

However, it must be analyzed, thoroughly and critically, with a comprehensive perspective. Everyone and everything must be considered and included -- the parents, the finances, the history, the politics, the ramifications, the teachers, the administrators, the board of education trustees, the county superintendent, the bureaucracy, the New Jersey Department of Education, the politicians, the unions, the questions of due process, affirmative action, responsibility, racism, accountability, collectivity. Finally, and most importantly, our children, here and now and those to come, who represent our future and our hope. My name is Kabili Tayari, and I am a member of the Association for Supervision in Curriculum Development, the National Council for Basic Education, the NAACP, the Executive Council of the New Jersey Association of Black Educators, the National Effective Schools Research Association, the African Heritage Studies Association, the Board of Directors of the New Jersey Black Issues Convention, and I am a teacher in a private school. But first and foremost, I am a parent with children in the New Jersey Public School System.

ASSEMBLYMAN GARGIULO: Mr. Tayari, may I interrupt you for a second? The statement you have is quite lengthy, and I'm afraid I'll have to cut you off before you're done. Could you summarize it? It's nine pages. If you read it all we'll be here--

MR. TAYARI I'm not going to read the entire nine pages, sir. I would just like to deal with the first two pages, and also take out some recommendations that we have, and also some evaluations of how we see the system's function.

ASSEMBLYMAN GARGIULO: That's good. I'll make sure that this gets into the record.

MR. TAYARI Because we did not know-- Based on the previous hearing, we did not know that you were going to set a time limit here today. We would have come with a five-minute

presentation. In Trenton, people were allowed to-- You know, when we called up, no one informed us that there was going to be a time limit. We're not contesting that. I'm just saying--

ASSEMBLYMAN GARGIULO: I'll make sure the whole thing gets into the record. Okay, thank you.

MR. TAYARI I emphasize my role as a parent, since as a member of the National Coalition of Title One, Chapter One Parent's Association, as state co-chair of the New Jersey Basic Skills Improvement Council, as an Executive Board member of the Jersey City Chapter One/State Compensatory Education Parent Advisory Council, and finally, as President of the Jersey City City-wide Parents Council Association, I speak as a representative of parent interests, chosen by such organizations locally and state-wide.

One thing I would like to quote is an article from Mr. Robert Braun, printed on Friday, October 3, 1986 -- and I quote: "History -- in many ways, a sad history, has left us with the correlation between race and poverty. It has left us with cities that have been havens for the poor. To suggest now that the terrible forces of history should not be challenged in order to improve future prospects is the worst sort of cynicism." We agree. Today, we are here to challenge the terrible forces of history.

Just less than 25 years ago, high schools such as Weequaic High School in Newark, Passaic High School in Passaic, Clifford J. Scott High School in East Orange, and Lincoln High School here in Jersey City, just to name a few, were some of the best public academic institutions when they were primarily composed of well-to-do Jewish or Italian youth. But when these same schools, and others in cities like Camden, Red Bank, Asbury Park, Orange, Atlantic City, Trenton, Paterson, and Hackensack became predominantly black and Spanish-speaking, they began to decline academically.

The other thing we point out is that 11 years ago there was a Thorough and Efficient Education Law that the State lost in court. A black family came before the State, filed a class-action suit and the courts ruled that the State was not providing a thorough and efficient education. Eleven years later, Abbott vs. Burke-- The State is being sued for the same thing. We parents have some serious questions about the fact that the State has not even implemented a court mandate

Number two: Some other things we have as recommendations for amendments is that we think that very seriously, a proven point of unwillingness in school districts do not-- They do not-- They make it a practice not to give public information to parents. We say freeze their funds when they do not give public information to parents. We say on the part of the State Department of New Jersey when we do reach out to the Department of Education, as we did in 1983 in Newark, New Jersey, to ask the State to aid in sequence, Reverend Oliver Brown and Mr. Edgar Brown on the board of education. The State stood by and took a hands-off position.

In 1985, the parents of Jersey City have documented and shown aspects of not only patronage and nepotism, but even supplanting in some other areas. The State has backed away. The State's representative was here at those board of education meetings, and we asked for people to sit down with us and discuss these matters and aid us. There has not been that kind of cooperation.

We say Level I, Level II and Level III monitoring seriously needs to be strengthened, because there are too many loopholes in there. One, it gives the county superintendent the right to make decisions about certain dead-end programs, and then turn around and he or she -- with all due respect, thank you, Assemblywoman Garvin -- he or she not be held accountable. We also say that the devil would have an advisory council. It might sound like we sat down with Mr. Haddock.

Good, because see, as we said, this thing needs to be thoroughly analyzed.

What we need is a community commission that is empowered with the power to subpoena and investigation, that the New Jersey Department of Education will back up. We get the household cry "who will select?" If you look in the position paper -- and I'm going off the top of my head-- We're calling on the New Jersey Assemblypersons -- you -- the New Jersey Senators -- you -- the county freeholders, the city council person, the college administrators, the public school administrators, the chamber of commerce representative, religious leaders, civic organizations and civil rights organizations, who have a history of advocating thorough and efficient. That can be documented.

Now who should select them? The New Jersey Public Advocate's office, the Attorney General's office and some members of the New Jersey State Board of Education. Due process-- I'm sorry. The Federal troops went into the South in the 1960s not to take away the rights of the citizens' in the South, but to back up those citizens so they can do what? Have the right to democracy. Have the right to justice. Have the right to due process. We say come in here and back up the parents. Because, it's the parents that are getting stepped on.

There are some honest board members. We don't want every board member. Like in Newark-- You mean to tell me when Oliver Brown, and Rhonda Hughes, and Ivette Alfonso, and Elvira Williams took a stand against a five-member majority that is controlled by the NTU and the Democratic Party and other patronage members who are freeholders, that they got stomped on and denounced instead of being upheld. We say that's unjust. We cannot hold people who just come to the board, brand new, equally responsible as those who have been there for some time.

There are some other things that we've talked about. Affirmative action-- There's no affirmative action guarantees

in this plan or in the legislation. You're talking about making the school districts pay for State takeover. If they are not able to financially do the job, why are you going to make them pay for the State takeover? We definitely say that is unjust and definitely incorrect.

Unwilling? We say you've got to define that, because four members, like Rhonda Hughes and Yvette Alfonso are willing but unable. Because why? The power forces are against them. The other people are unwilling. In the Jersey City school district, where we need to have new schools built, and the bond is not even being pushed? Or where the board of ed sits by and blatantly violates Chapter One State and Federal regulations when they are on the books? That's unwilling.

But, in the case of Asbury Park, where bond issues are pushed and the voters elect not to support that, then school district is then unable. Then we take it to the Bureau of Facilities in the Department of Education. If they say no to the voters or the appointed board on having the right to a bond issue, then it is the State of New Jersey, at that point who is unwilling, and not the local boards of education. So this whole question of bureaucracy within the boards has to be looked at, as well as the thing to step over the parent.

I want to sum up by saying this: On June 17, 1986, I was present at the press conference that the chairman and the co-chairman, the Governor and the Commissioner, and I think Assemblyman Naples spoke at. I heard people say that they were raising concerns that they knew parents would definitely uphold.

Let me say this in all due respect and all due honesty. Start meeting with us. Start coming to us. Don't tell us stuff like all we have to do is call. Call up these mayors. Call up these boards of education. They know who the parents are, and not the hand-selected parents -- like the Quinones, parents like them. They know who we are. Tell them to get so you can sit down and talk to us.

Because, we can show you clearly, just like here in Jersey City and in Newark-- We can show you clearly -- and in many other places -- where political patronage is still going on. Because, although some people may be testifying against intervention who were formerly in certain places, if you get the board of education records -- I think it was November or December -- you'll see that the Parents Council of Jersey City went on record and said that those principals who were axed in the unjust, or undemocratic and anti-affirmative action matter, was very incorrect and we didn't uphold that. That didn't mean we agree with everything they did, but we do support justice and democracy. Thank you.

ASSEMBLYMAN GARGIULO: The National Black Independent Political Party, New Jersey Chapter -- is there someone here?

D A D I S I S A N Y I K A: Good afternoon. My name is Dadisi Sanyika -- D-A-D-I-S-I S-A-N-Y-I-K-A. I reside in the city of Newark, and I am a product of the Newark school system. I am also a member of the National Black Independent Political Party. My organization recognized that education is ultimately a State responsibility, and that the State may have to exercise its responsibility directly over local school districts.

However, we question the methodology pursued in the process of change. Not the bottom-line goal of quality, thorough and efficient education. First, we believe that a methodology that abolishes the principal of home rule -- a well-established practice in New Jersey -- is a denial of democratic rights and demonstrates an impatience with democracy. The wholesale dismissal of board of educations, superintendents and lower-echelon personnel undermines the franchise of the parents who elected these individuals, and attended numerous meetings to guarantee accountability. We recommend due process, hearings to determine who is liable and what charges are. We ask -- Do all board members have equal responsibility for deficiencies of the district, and are new

hires and lower-echelon personnel also accountable for the present problems?

We reject the notion that financial mismanagement and illegality are characteristic of predominantly black and Latino school districts. It is a gross and unfair generalization that ignores the reality of schools underfunding and the political economy of these cities. The Commissioner already can intervene, based on a T & E law that was reaffirmed in 1981 by the Supreme Court.

In addition, the attorney general and the county prosecutor are the proper officials to pursue all charges to completion. My organization questions the criteria for evaluation and stresses evenness of State-wide monitoring. While collecting evidence on local school districts, performance of the State should also collect evidence on the effectiveness of its monitoring process. The lack of results of the State's much-publicized urban initiative is a clear indication that the State cannot proceed as if it is faultless.

Thorough and efficient education means more than just monitoring, but has an economic part that is constantly neglected. The State proposed to take over districts where officials are unwilling and unable to correct deficiencies. My organization defines unwilling as a refusal to take the necessary action to implement T & E, and on the other hand, unable to define, which the State does not do, because of lack of funding, socioeconomic conditions, lack of technical assistance or training. A distinction should be made between the terms and groups of individual. The Commissioner presently has the power to approve, monitor and direct plans of the local boards of education to provide quality education for all public school youth. Since the Commissioner has failed to exercise responsibility, especially in predominantly black and Latino low-income families with youth attending public schools, why

should we not interpret any new moves as an attempt to cover up their past failures. Abbott vs. Burke, a case which is now being heard before the courts, which is dealing with adequate funding above and beyond T & E, is characterized by the State as a misapplication of sufficient funds given. The district needs only to apply funds effectively. This again is a gross misrepresentation of the lowest wealth district with the poorest taxpayers.

The failure of local districts, blaming the victim, whose deficiencies are attributable to the State's neglect-- The issue is not how to successfully teach our youth, the issue is, as the late Dr. Ronald Edmonds states, whether there is the political will to educate our youth. And again, we go with Dr. Wyman Garrett's statement that we want intervention with cooperation. Thank you

ASSEMBLYMAN GARGIULO: Thank you. Charles Bell, from the Newark Board of Education? Charles is not here? (affirmative response) Ivette Alfonso, from the Newark Board of Education.

I V E T T E A L F O N S O: Hi. Good evening -- it's already evening -- members of the Senate and Assembly. Before I start I just want to clear up one point. I appreciate the comments of Mr. Tayari in terms of the board members trying to go forward, and the principals. I have a problem of union-bashing, and I don't think that we should get into that. I always believe that if there are problems with anybody, including bargaining units, they have to be resolved amicably, rather than in a destructive or an aggressive type of manner.

I say that because what I want to talk about a little bit today is not so much directly in terms of State intervention, but in terms of what it means to be a board member. I happen to be a member of two boards. In fact, right now I'm late for a board meeting, but I thought I would stay to talk. I'm a member of an appointed board; I'm a member of an elected board.

As board members, and-- The thing most people-- It's interesting, because a lot of people don't know this-- I mean, I know that you know this, but a lot of the public doesn't know this. We're not paid to do our task. We have to work around our work hours, which means long, late committee meetings or early, very early meetings, if you want to catch up with the superintendent. We look at big budgets -- \$160 million, I heard for Jersey City, close to \$300 million for Newark.

We think that's enough, but then when we start looking at it, and we see how it gets parceled out. You take out for the salaries, and the food, and the fixed cost. The parents act sort of suprised that from whatever is left is where the crayons to computers have to go. That's a problem for us.

We as a board, many times -- and I am talking specifically about urban boards-- We're blamed for everything, from the drugs and the bad housing to the breakdown of the family. I have actually had members of the committee come up and say, "You're responsible for all this." I think if you all were blamed for this, I don't know how you would feel about this, or other members of the unions would feel about this.

Yes, there is an interest in, as has been said, in firing us. Actually, I'm almost to the point to say that you can't fire me because I quit. I'm saying that because it has been very demoralizing to see this process, to see the way urban board members have been painted. We have been painted as one step from the gutter, latter-day Willie Suttons -- I don't even know who Willie Sutton was; I'm too young to know who Willie Sutton was but I found out -- who don't care about children. Well, I do care about children, and that's the reason why I'm here. I think most board members do care about children.

What everybody seems to forget is that the problems we face have been around for a long time. They didn't come -- started -- when Ivette Alfonso got on the board. They

unfortunately started at the same time as the deterioration of the urban cities started. It's going to take a long time to change. I think Dr. Garrett said it very well, that if you don't think race and socioeconomic status has something to do with it, then we're definitely not talking the same language.

I think that if people are really serious, and that includes you, the legislators, it includes the State department and the Commissioner-- If you're really serious about giving board members the ability to be policy makers, to give the kind of direction that we're talking about, to do the kinds of drastic things that are being talked about, then why can't we have some of these powers? Give us the power to remove tenured personnel. That is a problem we have. Do you know how hard it is to get rid of someone who has tenure? You're talking about anywhere from two to three years and the commission may still turn you down. Let us dismiss the superintendent without it costing over \$600,000 like it did in Newark.

I think, also-- Don't call us for favors. State legislators, don't call us for favors. City councilman, don't call us for favors. Freeholders, don't call us for favors. Governors, mayors, county superintendents, commissioners-- Now, when I get these phone calls, I always say to the person, "I'm sure the superintendent is going to make the best recommendation possible, and we'll act accordingly." I don't know who is calling him, though, and I don't know what kind of pressure, in the end, he may have to respond to. Because, everybody calls for one thing or the other.

We're really serious about changing it. We have to talk about changing all that, and we have to put those things on the table. Stop saying that we are all going to really, really be serious about education, and really give the districts the chance to do what they have to do and what they want to do.

I think that in terms of certain recommendations that I'd like to make-- I think that our comp-ed programs are a mess. I do agree, and I share the frustrations of the parents. I've been listening, believe it or not. I share the frustrations of the parents that spoke here before. A lot of that has to do with the fact that we don't give much of a credit to be-- We don't even get much of a push. I think school districts can be very creative when it comes to that. Always the insistence is on pull-out programs, and I have a big problem with that. And, I think that's an area that the State right now, could be helping us with, in a much more effective manner.

The question of the H.S.P.T.-- The summer academy that was developed was developed as a last-minute thing. The emphasis was on the students that almost would have passed with a few points. I wonder why it was only given to that type of student as opposed being opened up to the students who had really done very badly. So if we're going to have those kind of academies-- Let's not manipulate it so that a State department initiative looks good, but that we really deal with the serious problems we have in terms of our students.

In terms of the whole budgeting thing-- I think the State needs to lose Abbott vs. Burke. Let's get on with actually fully financing the T & E formula. Because, I think that the money is not the only issue, but those resources are very important. We've lost over the years. Urban areas have lost over the years. We're worse off than we were when T & E was enacted. That has to be looked at very seriously. That is a big concern.

I think that some of the other areas that the State needs to be more cooperative in terms of the districts has to do with the whole budgeting process. Right now we're struggling with the whole per capita issue in Newark, in terms of how it fair is that to our specialty schools. We have --

somebody mentioned before -- magnet schools which do turn out very good students, but they cost more. We have to deal with that. We have to find a way to be able to put in some extra money in there, without, you know, shortchanging other students. Both are the kinds of things we need help with.

I'm sure I'm near my time, but what I'm saying basically -- what I'd like to summarize -- is that I am a board member, and I have been a board member of one or the other boards for about five or six years now. You know, I am involved in this because I believe in it. I believe in that whole thing of local representation. I believe that students can learn, that systems can teach children. All I'm saying is that we have to do this in a much more quantitative manner. Stop talking about us as we're wrong, with horns or tails. I don't have any, and I don't intend to grow any. Let's really look at what we can do together, effectively, to change things around. Thank you.

ASSEMBLYMAN GARGIULO: Thank you. Assemblyman Palaia?

ASSEMBLYMAN PALAIA: We are right in order with Mr. Lacatena. Is he here? (affirmative response) Oh, there he is. I'm sorry. I saw you out in the hall before.

MARCO ANTONIO LACATENA: I'd like to thank the members of the Committee for the opportunity to speak today, and to commend both the members of the Committee, the Legislature and the Governor for their concern with the problems of the schools. In fact, the recent emergence of education as a major public issue is very heartening, and if we are to believe the polls, we have an opportunity to make some changes that will be both beneficial to the community and to the students as a whole.

The New Jersey State Federation of Teachers and our parent organization, the AFT, have been following these hearings very closely. Some of our local affiliates have participated, and much information has been generated. And, if

today is an example, more questions have been raised than answered. In fact, very few have been answered satisfactorily. Perhaps not for want of trying but because the answers are so elusive.

What the State Federation did was to commission a research firm -- an educational research firm -- Pelavin and Associates of Washington, DC, to look into this legislation, the T & E bill, and to research similar legislation that existed in other states. A copy of their report to the State Federation is appended to my testimony, and I've provided copies to the committee aide. Also attached are some questions that have been raised by our Newark affiliate, and the column of the President of the AFT, Al Shanker, on the subject.

What Pelavin Associates found is that there are only two states, Kentucky and South Carolina, that currently have such legislation enacted into law. They find many similarities between the legislation in each of those states, as well as the legislation proposed here in New Jersey. They include several stages of review of school district offerings and student achievement, by state authorities, and state intervention is viewed as a last resort.

But, in neither of the two cases is the degree of intervention as severe as it is proposed here in this particular legislation. It's more-- The legislation that you proposed is more radical than that which has been adopted in either Kentucky or South Carolina. Now, while those states permit the State to remove local officials, they do not provide for the appointment of a State-appointed district superintendent or for the assumption of direct State control for a given period of years. The criteria--

The other major difference was that the criteria that are used in those states include measures of progress in remedying inadequate student achievement. In New Jersey, what we have is a static approach to the evaluation. That is, what

happens at the end of Level III is the sole determinant of whether the State should step in or not, which raises a lot of serious questions.

For example, are the standards of student achievement that are set forth as one measure-- There are other measures, I know, but lets take the measure of student achievement. Are those appropriate to all of the communities? Isn't an affluent suburban district that is performing above the State required minimum, but not as well as similarly affluent communities in the rest of the country-- Are they to be found okay? They are not deficient?

On the other hand, students in an urban area who are doing better than students in comparable urban areas throughout the country, but not up to the static measure, are they to be considered to be deficient enough for State takeover? Is it correct to evaluate school districts solely on their status, without taking into account a school district's rate of progress? Are wide-spread deficiencies and student achievement even within a district's power to correct? Are there not other factors that affect the student achievement?

In other words, aren't the real problems in many cases often political and social policy, coupled with inadequate funding? Can local boards or administrators be responsible for things like nutrition, for clothing children adequately, for getting rid of the drug problems that surround the school area when the State and the Federal governments are at the same time cutting these programs? In other words, are we just looking at the symptoms?

Does this legislation address the symptoms of which the school problems are only one result of perhaps much broader policies? Is it fair to require a local district that has arguably inadequate resources, to pay the substantial administrative costs that are going to be inherent in a school takeover? And what about the period of time for which you're

going to take over a district? You give a school district under Level III a year. I know you're saying its going to take so long to do all of this, etc., that really they have a few years to shape up. But, the State is claiming that it needs a minimum of five years. Is this a minimum period? It's not even a fixed period, but it's a fixes minimum period of takeover -- five years. That's something that you ought to look at.

What about those districts where they changed the procedure, such as in the city of Newark and some other cities, where for the first time people are getting the power to elect their own school boards? Now, I recall having to go to the city of Newark in the early 1970s to supervise student teachers. Let me say what I saw then in terms of what existed, not just in the school but as a result of all the other environmental factors, certainly required what one would consider takeover in terms of what you're talking about today. Those conditions persisted, at least since the 15 years since I have made the visit.

What you've got now are elected school boards, you've got cooperation that is going on between school boards, between the teachers -- teachers' organizations -- hopefully the parent organizations and the superintendent, and it takes a little while to put things into motion. Are we-- You know, is this-- When you're talking about a school district failing Level III, where some of this failure has been going on for years and years and years, and giving them a year, or two, or even three to correct the deficiencies that took several decades to put together-- Is the State going to be able to generate within the community the kind of support that it needs for a school system, if you're not going to give an elected school system that opportunity?

The questions that have been raised by the Pelavin Associates and by many of our affiliates are many. They're

certainly the questions that have been raised here. It seems to the State Federation, that we'd like to see something happen, and we should take advantage -- as I've said -- of the good will that exists.

But reluctantly, we've got to oppose this particular legislation. We think the legislation is divisive rather than healing, that it relies on intimidation rather than persuasion for whatever effectiveness it might have. It has set various groups -- principals, superintendents, teachers, board members, and community groups -- against each other, and individuals within those groups against other individuals. If the power granted to the State -- to the appointed State Board of Education -- is ever invoked, what is likely to occur is just more rancor and strife that would over whelm the voices of reason.

We don't want to waste this moment. What we would suggest is that many of the problems that have been raised here should be, and I hate to say the word "studied," but this really should not be a political problem. The problem requires some deep thinking to come with answers -- you know, real answers -- and come up with some viable legislation that everyone could support. Thank you.

ASSEMBLYMAN PALAIA: May we have Archer Cole, New Jersey Industrial Union Council of AFL-CIO. Mr. Cole, I know you have an important meeting to go to. I would have tried to get you on sooner, but everybody seemed to be here.

A R C H E R C O L E: Thank you very much. Well, I've been here now for three and a half hours, and it was worthwhile listening, believe me.

First of all, I want to thank you for the opportunity to appear here on behalf of 250,000 industrial union members throughout the State who work in our factories and our mills, and who come from the very communities -- many of them -- that we are so concerned about.

My heart goes out to the parents from Newark, Jersey City, and other places, who spoke here today about their frustration and the ability of their children to get a decent education and become good, productive citizens of our society. We, too, are concerned with that. Our organization has backed every education bill from the House of Representatives in Congress to the State of New Jersey. We were one of the few labor organizations which came out for the income tax a few years ago, because we felt that the property tax was discriminatory and did not produce funds for the very communities we are concerned about here today.

We feel that the whole question of the economics of the problem is not being addressed properly. New Jersey, while it gains very low-paying jobs now -- \$3.50, \$4.00 an hour -- \$5.00 -- and we celebrate our "low unemployment rate," The Newark Star-Ledger came out with the figures released by the Department of Labor that today, in our State, there are 2000 less manufacturing jobs -- these are the \$8.00, \$9.00, and \$10.00 an hour jobs that our members have -- than there were at the height of the recession back in 1981, 1982.

So, this relates very much to what we are talking about. How can parents who are unemployed, or who are worried about losing their jobs, exercise a decent environment for proper education and take the time to go to school meetings and board meetings and hearings, in order to express their point of view?

Why I am against these particular bills -- even though I applaud their intent -- is because I feel that where you single out education for centralized takeover, you are making a mistake. This should be applied to all other facets of government where failures are rampant. Should we take over local police departments next because crime goes up in a particular city? Should we take over housing authorities where slums persist and grow? Should we take over the Department of

Commerce for failure to maintain a manufacturing base in this State? So, you see, if we apply the same standards here, the State will be in the business of takeovers everywhere. Someone spoke about Motor Vehicle Bureau and all of the terrible things that are happening there. Is education being singled out?

I would hate to see the hopes of the parents here today frustrated because we are picking individuals with all the power, super power, to step in and correct the situation. God forbid that they do not. Where are our hopes then? So, see, where you single power, as you are attempting to do in this legislation, in an individual or a system, you are doomed to failure if, by chance, the system breaks down. There is nowhere to go from there.

I think it is wrong, in the way we do things in our society, to give a single individual the autonomy, the authority to fire boards of education, whose members were elected or appointed by the people and who are accountable to the people. I think these people have certain rights. I picked up a flyer from the Department of Education, where they say that school boards are special interests. Well, isn't their special interest education? Isn't that what they are elected for? Can you put them as the enemy, as this brochure put out by the Department of Education does? What is a special interest? Is labor a special interest when we are concerned about our members who number 250,000 this date? Everybody has a special interest. The Legislature can be called a special interest, because you do have special interests. You are elected. Somebody can remove you, however. Boards are legislative bodies. You would see the same thing happen if this thing continued in all areas of government, as we are frustrated, because society cannot solve, unfortunately, the basic problems we have. We don't solve housing; we don't solve mass transit; we don't solve toxic waste; we don't solve unemployment. When we are 7%, we celebrate somehow that that

is great.

So, this takeover syndrome can be visited on all facets of government. What I suggest here is that we use our democratic rights of home rule to correct this. I think if the intent of this legislative body to correct a very bad and untenable situation in the city schools and other places -- if it were directed to work with boards of education-- I liked what Marco Lacatena said today, that there should be, before we rush into a super solution whose failure could be tragic to the State if it doesn't work-- And I don't see any new moneys being infused here. I don't see any socioeconomic problems being tackled here. What about drugs? What about lack of attendance? As Garrett said, will the appointment of the State person automatically give you all the rights to correct truancy and lack of attendance in the schools? You know that cannot be.

So, we need a combined attempt to tackle this thing. You showed your intent, but I think we need the setting up of a special commission to involve all aspects of our society -- and that takes in everybody -- the Legislature, school boards, unions, and plain public citizens such as came here today to seek a solution. I feel that with this intent, we don't bash anybody. We don't bash school boards -- they're all bad. We don't bash unions -- they're all bad. We don't bash the Assembly or the Governor. We could all be critical of one another. What I am afraid of is that empowering one entity of government to take over in this instance would be placing false hopes that this is the solution, when it is more fundamental than this.

Thank you for the opportunity to appear here. I think you are doing good work in looking at this thing, but let's look at the total picture. Let's not look for one solution here where failure could be absolutely tragic to the hopes of people who want to improve education in this State. Thank you.

ASSEMBLYMAN PALAIA: Thank you, Mr. Cole. Our next speaker will be Mr. Walter Chesner. Is Walter here? I don't think he is. (Mr. Chesner not present) May we have Dr. Henry Przystup?

D R. H E N R Y P R Z Y S T U P: My name is Henry Przystup. I'll try to condense my written statement because it is rather long and I appreciate what you are going through today.

ASSEMBLYMAN PALAIA: Thank you, Doctor. We would appreciate it.

DR. PRZYSTUP: Members of the Committee: Thank you for allowing me to express some of my thoughts once again concerning the need for New Jersey State intervention into our public schools. On September 16, 1986, I submitted an address to this Committee in Trenton. Unfortunately, I was unable to attend. This time, however, rather than talk about the use of tokens, the trivialization of management skills, and political bossism, I would like to share with you the ethos of the poor and working class and their effect on public education.

I am not going to go into the demographics. You can just look at that to save time. But, for the past 20 years, I have been brainwashed to believe that the cities were underfinanced because of the poverty found there. I also believed that the State Department of Education was insensitive to the cities because of their aloofness, elitism, and predisposition to assist suburban children. After being a teacher, principal, supervisor, assistant superintendent, and superintendent of schools in Jersey City, I have observed the State nudging the cities to better manage their affairs, while they, too, experienced the frustration of political interference from time to time. Unfortunately, it has taken me a long time to raise my consciousness to accept that the city schools, by and large, are mismanaged, and secondly, these city schools cannot be helped unless the State intervenes. It

should come as no surprise to anyone that the public is demanding the State Legislature to do something about reforming urban schools. Even the poor and working class in our cities are seeming to say, "Enough is enough."

It is quite clear to me that educators and citizens of Jersey City have become resigned to accept the celebration of tokenism; one man rule in the teachers union; the trivialization of management skills, and, the one man rule in city hall. There is a general correspondence between the society of Jersey City as a whole and the way schools are run. In other words, these conditions are allowed to continue because of an atmosphere of acceptability and resignation by the masses.

Speaking of acceptability and resignation, I have been impressed with the positions of various educational groups, such as the School Boards Association, the New Jersey Administrators and Supervisors Association, the New Jersey Principals and Supervisors Association, and the New Jersey Education Association. Every single one of these organizations knows of the corruption and mismanagement historically found in Jersey City, and yet, they all pussyfoot around this historic legislation for only one reason. They all look to protect a very small segment of their membership and to maintain the status quo in their organization.

The net result of this behavior is characteristic of teachers, principals, and superintendents in general. That is, in the past 100 years, reform has never started within public education -- never. Reform has always come from the outside, unfortunately. As the greater environment of Jersey City seems to cradle and embrace political bossism, so, too, do the various New Jersey educational organizations seem to embrace and cradle the status quo. Therefore, educational reform is remote to most people in education because of the general acceptability and resignation of "what is," rather than "what ought to be" in our schools.

Today, I offer this Committee, through my participant/observations of the employees and society of Jersey City, some generalizations that may be helpful in assessing the behaviors of other school districts found in New Jersey. Although it is very difficult for me to be scientifically neutral, my generalizations are made on concrete behaviors and circumstances that are uniquely and contextually Jersey City.

The Jersey City Board of Education and the people working in, and controlling its bureaucracy are beyond the typical moral order found in most suburban boards of education in New Jersey. It is hypothesized, however, that Jersey City shares similar sentiments and values of those boards of education found in Camden, Paterson, and Newark. All these cities seem to share the same sentiments, values, and culture of the poor and working class. Unlike the armchair philosophy I just read by four Rutgers University professors in The Star-Ledger, the central theme of my address is based on the reality of the cities. That is, the poor and working class found in Jersey City are predisposed to accept a common morality of behaviors that are similar to a backward society -- and I say that affectionately. From this perspective, I shall make some generalizations about the Jersey City Board of Education. I am not going to talk about the demographics; you can read that -- the number of teachers, the H.S.P.T. scores, and so on and so forth. That is not necessary.

I will now attempt to offer you a set of hypotheses that I believe will give, in a concrete way, the sentiments, the values, the beliefs, and ideas which are the ethos of the Jersey City Board of Education. However, I must emphasize that I welcome and encourage anyone interested in urban public education, particularly in Jersey City, to criticize or reject any of my observations and perceptions on what is the reality of Jersey City:

1) Whenever you have great numbers of uneducated and poor people, political hacks thrive, and because of ignorance and poverty, the poor have a tendency to tolerate the injustices committed against them. That is what the president of the parents council was saying. Martin Luther King said it. All of the leaders for the poor said the same thing.

2) Where managerial skills are rare, you will usually find greater ignorance and poverty.

3) Whenever lawyers have inordinate decision making power in educational administration, you have greater organizational conflict and greater organizational inefficiency.

4) Whenever leaders say, especially in the cities: "We are all equal," or proselytize the concept of "egalitarianism," lowered test scores on all forms of standardized tests appear; fewer kids get accepted to prestigious universities; fewer kids obtain skilled jobs; fewer kids know the difference between a community college and a university; fewer kids attend school regularly; and finally, most kids in the city are not given a fair chance to compete and survive while being led to believe that "We are all equal." They don't teach that in the suburbs, or anyplace in the State. But, you can tell that to poor kids.

5) Whenever you allow the working class to believe that they are the only ones who are useful or utilitarian, management skills are deemphasized and trivialized.

6) It seems that no one will further the interest of the Jersey City public schools except for those whose interest is for private advantage. Therefore, there is no public ground swell in an organized fashion to reform the schools. You can't when you have poor and ignorant people. They don't have the wherewithal to do it.

7) The average Jersey City citizen seems to believe that only school officials should be concerned with the public schools because officials are paid to do so. It is rare for

private citizens to take an interest in public education, and the few who do are seen as "troublemakers" -- as these parents were seen -- or, "There must be something in it for them."

8) The average Jersey City citizen does not believe that they can check on the officials of the board of education because that is the responsibility of someone else or a higher authority. I won't read the rest for the examples. You can figure that out.

9) Because of a history of mistrust and mismanagement, distrust and disloyalty exists in the Jersey City Board of Education. It exists because the organization does not contain a clear division of labor; there is no clear authority of who is in charge; rules and regulations apply to some and not others; a political orientation is given to educational matters; and finally, there is no career orientation based on reasonable management objectives.

10) There is a street corner mentality and a lack of a sense of mission in the Jersey City Board of Education. For example, it is almost impossible for principals and supervisors to possess a sense of mission if there is little respect for people who work in the central office. These professionals consistently see -- that is, the people working in the schools -- people promoted who are either tokens or perceived as incompetents. Principals are almost forced to isolate themselves in their own schools and neighborhoods without ever venturing out of them. New administrators in central office are perceived as one "gang" taking over for another "gang."

11) Rules and regulations apply to some and not others. There is absolutely no fear of punishment for incompetence, but yet there is great fear should you show disrespect for the president of the teachers union or the current or past Mayors of Jersey City. Teachers are hired solely -- and this is unbelievable -- by the assistant superintendent in charge of personnel who was promoted from a

physical education teacher of an elementary school soon after the last mayoralty election. His credentials in administration and supervision were that he was the grievance chairman of the teachers union and was friendly with the president of the teachers union and the mayor of Jersey City. Everybody knows this and accepts it as the natural order of things. Principals do not hire teachers. Head custodians do not hire or fire custodial aides and cannot comment on the work of private vendors or skilled craftsmen. Office managers or administrative secretaries do not hire or fire clerks and must take whomever is sent to them. Chapter I Basic Skills teachers and aides are not hired by the director or assistant superintendent of schools in charge of this large department. They must take whomever is sent to them. The assistant superintendent in charge of pupil personnel services, however, celebrates the notion that he does not do the hiring, and it is particularly noticeable in at department the effects of one man rule, trivialization of managerial skills, political bossism, and classic tokenism.

I only have a few more to go. I'm sorry.

12) There are approximately eight persons with earned doctorates in Jersey City -- out of 4700 employees, or 5000 -- and in less than a year, six of these people were either fired, transferred, or demoted. The axiom that seems to work is, "If you have a doctorate, you will likely be fired or demoted." On the other hand, if you belong to the teachers union and do not disagree with the union president, and you do not have a doctorate, your chances of a lifetime position are good.

13) The Mayor of Jersey City, the president of the teachers union, his appointed assistant superintendent of schools in charge of personnel, and then the superintendent of schools in Jersey City rule in that order, and precisely that order. In contrast, the suburban superintendents are the educational leaders and the highest authority in the suburbs,

and, usually, there is little or no interference from the outside politicians.

14) There is a "matter of fact" acceptance by custodians and vendors that they are obligated to buy political tickets for political favors. In the last four years, even teachers and principals are beginning to buy political tickets. The marketing of political tickets does not exist in the suburbs.

15) Most people assume that bribery and political influence is a normal happening, even in cases where it does not exist. Very few teachers, clerks, or custodians have faith in the oral and written examinations they take for promotion. The general consensus is: "The tests are rigged, and it's who you know."

By the way, the Mayor of Jersey City mentioned about the affirmative action. More than 40% of the children are Hispanic. When I was superintendent, ETS -- Educational Testing Service -- said the tests did not have content validity. They were not good. They were not about to say they were good. Two professors from Rutgers University, one of them the head of the Statistics Department, said, "I can't validate them." There were no Puerto Ricans, not one Puerto Rican principal or assistant principal in Jersey City. I used affirmative action. I taught the Puerto Ricans and the blacks. That is how I did it. So, if he said it was wrong, fine. But, still today, there is not one Puerto Rican as an assistant principal or a principal.

By the way, Jersey City is one of the few cities in the State that still goes through the charade of giving tests. They don't do that in the suburbs, by the way. They don't give tests in the suburbs.

16) The greater the political intrusion into a board of education, the greater the need to rationalize the credentializing of the poor and working classes vis-a-vis the

use of a test. Since the poor and working classes accept the notion that someone higher than themselves must make decisions for them, the use of a test is legitimized to be objective and out of the hands of the politicians.

17) Most employees of the board of education believe that only a few people are inspired by a zeal for public interest: Altruism does not exist and everything connected with good management is a fraud. For example, some principals and teachers prefer to start their day at 7:00 a.m., an hour and a half before their starting time. Several prominent administrators from central office stated: "They only come to school at that time to beat the traffic on the Turnpike." Another leading administrator echoed a similar sentiment: "I don't trust anybody, and I only expect a little from most people." Or, many politicians and administrators in central office will say in unison: "How can the State Department of Education understand our children if they live out of town?" Not only are teachers, principals and central administrators suspicious of one another, they are alienated from the greater society of New Jersey. School leaders are microcosms of the society they serve. Stated another way, school leadership corresponds to the culture of an advanced society as it corresponds to the mores and folkways of a backward society.

I am not going to read any more because I am getting aggravated as I am reading it. I will just end with the last page.

Every four years, the educational leaders change with the mayor. In the short run, if you do nothing as an administrator and hurt no one, chances are nothing will happen to you. In the long run, if you change things, good or bad, you are marked -- like I am right now -- and in the next election, you pay for it -- and I am still paying for it. "The world turns around" is the common expression among middle managers. The custodians are more philosophical, they say:

"Bosses are bosses. What's the difference, they're all lazy, crooked, or do nothing." Essentially, the Jacksonian spoils system is a way of life here.

Many workers in the board of education place little confidence in the promises of superiors. Usually, if someone gets a favor or promotion, she supports the party who gave it to her. Otherwise, loyalties are given for favors and lip service to promises.

Many blue-collar workers assume that whatever group is in power is self-serving and dishonest with the goals of the organization. Organizational goals generally take a back seat to personal sentiments and value a changing leadership that takes place every four years.

Given the sentiments, values, and culture of the working class and poor, accompanied by political instability internally and externally, the Jersey City Board of Education is unstable. The question is not that the political leaders are honest; the question is, "How can I best protect myself as an employee?" It is no wonder that employees make sudden shifts at the polls and sudden shifts in loyalty to various leaders.

Finally, one has to assume from these behaviors and attitudes, that the Jersey City school system is in a state of anomie; that is, there is social instability resulting from a long history of bad management and uncertainty that comes from a lack of purpose or ideals.

I believe this new legislation recognizes the external environment of the cities and, therefore, the law will help future educators and leaders to plan their course of action on behalf of the children of the cities. Hopefully, the hypotheses and generalizations I made, will inspire others to conduct research or advance creative solutions to improve public education in New Jersey.

Thanks a lot.

ASSEMBLYMAN PALAIA: Thank you, Doctor. May I just ask one quick question? Do I read this correctly, that you are now a principal?

DR. PRZYSTUP: Right.

ASSEMBLYMAN PALAIA: And a former superintendent?

DR. PRZYSTUP: Right. I am a former superintendent in Jersey City.

ASSEMBLYMAN PALAIA: You are a former superintendent of schools in Jersey City.

DR. PRZYSTUP: Right.

ASSEMBLYMAN PALAIA: When were you moved to a principal position? How long ago was that?

DR. PRZYSTUP: When Mayor Cucci was elected.

ASSEMBLYMAN PALAIA: I don't want to get into local politics, but was this a normal type of thing? I mean, you were the superintendent of schools, and all of a sudden now you are a principal in one of the elementary schools?

DR. PRZYSTUP: Dr. Ross was the former superintendent of schools.

ASSEMBLYMAN PALAIA: Right.

DR. PRZYSTUP: He left. They appointed me superintendent.

ASSEMBLYMAN PALAIA: Okay.

DR. PRZYSTUP: The new Mayor was elected. They demoted me to principal of an emotionally disturbed regional day school. Then from there, I am in P.S. 41 in Jersey City.

ASSEMBLYMAN PALAIA: And that is what you do presently?

DR. PRZYSTUP: That is what I do presently.

ASSEMBLYMAN PALAIA: But there was no rhyme or reason to your elevation and then demotion, or whatever you might want to call that? I assume it was a demotion back into the--

DR. PRZYSTUP: As a principal, right.

ASSEMBLYMAN PALAIA: It is hard to believe these things exist. Thank you, Doctor. That was very -- I might use

the word revealing, and it was very honest on your part. I allowed the doctor to go on because I think the testimony was very relevant to what we are talking about with these bills.

It's six o'clock. We have been here for five hours now, almost, and my feet haven't touched the floor yet because the seat is too high. (laughter) I have been dangling my feet. I don't know how Mayor Cucci does it, but my feet haven't touched the floor yet.

May we have Mark Kohl, a teacher in Jersey City? Did Mark hang in there this whole time? Mark, please come forward.

M A R K V. K O H L: Thank you for allowing me an opportunity to address you on this most important legislation. My name is Mark Kohl. I am a teacher in the Jersey City public school system. I have followed these hearings very closely. In fact, I attended your first session in Trenton. I have listened to the concerns of various organizations and individuals. I have read about still others, as I am sure you have. Each respective educational organization has duly taken its stand based on what it perceives to be in the best interest of its constituents. Except for a few surprises, their endorsements have been predictable. I wish to also take a stand based on the best interest of my constituents, the children. Being an educator, I am compelled to consider them first and foremost, even if they don't vote or pay dues.

I teach in a troubled school system. I think you know that by now. Our children are not doing well. In fact, they are not even doing well when compared to other city children. If the high school proficiency test is a valid indicator for determining whether or not a student has acquired the knowledge and skills necessary to be a productive citizen as an adult, our children are surely at risk. Our children, as a group, had overall lower scores than all other children in the State of New Jersey, and I do not say that proudly.

Why are our children doing so poorly? Is it reasonable to suggest that in Jersey City there is an overwhelmingly disproportionate number of poor teachers? Is it reasonable to suggest that Jersey City's children are not as capable of learning as their counterparts? I seriously doubt our teachers are significantly less capable than other districts' teachers. Our children, with all the disadvantages they must overcome growing up in the inner city, are still children -- children who can learn and grow if given an opportunity. I won't pretend that children from poor families share the same opportunities as children from affluent families. However, they must be afforded an opportunity to be productive adults. That is their constitutional right and our obligation as New Jerseyans.

What has gone wrong in Jersey City? Perhaps things have gotten out of hand. During my tenure as an educator, I have witnessed, read, or heard about grand jury presentments for political interference, millions of dollars wasted on unnecessary legal suits, mass teacher layoffs and transfers, also known as blood baths -- and that name was given to them by a board president -- immediately following the inauguration of each new mayor. I've seen a deficit school budget, and even a board meeting actually canceled because a quorum couldn't be attained as a result of some board members reportedly being escorted by politicians to Atlantic City for the evening.

During the last two or three years, Jersey City has had the superintendency changed five times. The assistant superintendent for special education -- I work in special education -- has been changed five times in as many years, with four different titles being used due to pending litigation concerning the position. Our board president has been a deputy mayor, a mayor's campaign manager, and even an alleged high school dropout. School board meetings have become so outrageous they're called by many "The best entertainment in town."

In spite of what I have heard here today, I have not seen anything from anyone to indicate that these conditions are not going on now.

With all this and more tearing away at our school system, we scratch our heads and quizically ask, "Why are our children doing so poorly?" Why indeed?

Children doing poorly is really what this legislation is all about. The State Constitution guarantees equal opportunity for all children, regardless of their attending district. When a local district demonstrates an inability or unwillingness to provide a thorough and efficient education, peaceful coexistence between the State and local district is no longer possible. Nor is peaceful coexistence reason enough, in itself, to allow failure to continue at the expense of our children. We must always keep in mind, their future is being decided now in the classrooms.

In 1972, the New Jersey Superior Court ruled in *Robinson vs. Cahill*, "All children must have a thorough and efficient education." Robinson, by the way, attended the Jersey City public schools. As a result of this ruling, the concept of State responsibility for public education was reinforced. The trend, historically, has been for public school districts to yield to the growing influence of a more centralized State Department of Education. However, the Department of Education has not been very successful in centralizing their control and influence within the cities. It appears the cities are not about to give up control of anything unless obliged to do so by force or law, even when constitutional mandate is in question, and even when our children's future is at risk.

If this isn't reason enough in itself to pass this legislation, then let's take a moment to review it from a different perspective. The issuance of high school diplomas has become dependent on a student's ability to pass the

H.S.P.T. The purported objective nature of the H.S.P.T. does not recognize socioeconomic differences. All children are simply judged equally. Therefore, the differences in learning opportunities provided in each of the State's districts, by necessity, will become the main issue. Districts identified by State monitoring as being deficient are not meeting their educational mandate. Unless the Department of Education follows through with a comprehensive remediation plan, inclusive of vigorous intervention when necessary, it, too, may find itself in violation of State constitutional mandate. As more pupils are denied diplomas in identified risk districts -- like Jersey City -- the likelihood of a suit filed successfully by a student increases significantly. Just where the liability lies will then be determined in the courts. That day is coming, unless we do something to stop it.

I suspect Commissioner Cooperman had come to that realization some time ago. I further suspect he has presented this legislation as a means of preventing that day from becoming a reality. Finally, I suspect he justifiably has concluded there will be no winners in the courtroom on that day.

I want you to know that I am aware of due process and the seriousness of removing elected officials. However, please be careful not to water down this legislation to the point where it becomes ineffective legislation. These are very serious problems we have in some districts, which have been allowed to overwhelm our schools and place our children's future at risk. It won't be an easy task for the State to come in and correct decades of neglect and abuse. Those who have control aren't about to hand it over without a struggle. Don't think that for a minute. I believe Commissioner Cooperman's intervention plan is on target. To be effective, the legislation must be written in clear, straightforward language that doesn't provide for legal loopholes. To be effective, the legislation must be strong enough to facilitate whatever changes are necessary to remediate our district's problems.

Because this legislation becomes enforceable only after the State has provided the local district ample opportunity to exhaust its internal resources, I believe home rule has not been violated. Those districts being considered for intervention, and I suspect there will be very few, have not been able to effectively change direction on their own. To suggest they can miraculously do so now without intervention is at the very least a foolish notion; a notion, I fear, that will bring us closer to that day in court.

In conclusion, I ask you to remember my constituents, perhaps yours as well. They must always be considered first and foremost. Pass this legislation to safeguard their rights and give some hope to their future.

I thank you for your time.

ASSEMBLYMAN PALAIA: Mark, that was excellent. By the way, I have to ask you a very personal question. You have come before us now; you made a excellent presentation, and you presented yourself in a professional manner. Do you think your job is in jeopardy at all when you come out? We asked this back in Trenton. You were there that day.

MR. KOHL: My job is not in jeopardy because I have already been demoted.

ASSEMBLYMAN PALAIA: You've been demoted?

MR. KOHL: Well, they didn't call it a demotion. They called it a transfer. But, when you lose \$1500 a year, I call it a demotion.

ASSEMBLYMAN PALAIA: That's a demotion. If you recall, you were in Trenton that day. Remember, you had a couple other fine teachers who came forward. They were excellent. They really had a lot to say.

MR. KOHL: Absolutely. I know those teachers, and they are excellent teachers, too.

ASSEMBLYMAN PALAIA: Yes, they are. I could just tell. I'll tell you, I am concerned. Mildred?

ASSEMBLYWOMAN GARVIN: Has anything happened to those fine teachers who came before us, to your knowledge?

MR. KOHL: Everybody, I think, who made a presentation-- I think they had already had something negative happen to them as a result, I believe, of a mayor change in Jersey City. I was not only demoted, but my wife, who is non-tenured, working a year and a half in the city with excellent evaluations -- I think she took one day absent during that time-- Her principal, who was absolutely satisfied with her beyond belief, was never consulted. Her supervisor, who was satisfied with her, was never consulted. But, the assistant superintendent of personnel laid her off under the guise of a budget crisis, while in the same school, a teacher who was hired only two months ago, remained employed.

That doesn't make sense to me. It's legal, but it doesn't make sense.

ASSEMBLYMAN PALAIA: I'm sitting here with my mouth open. It is very unusual when politicians can't say anything.

MR. KOHL: She is working in another district, by the way, a suburban district which was very happy to have her. She got there, basically, because her former principal wrote a glowing recommendation for her.

ASSEMBLYMAN PALAIA: Thank you, Mark. If you don't think we have fine teachers, you're crazy. That is a fine teacher right there.

Reverend Thomas Sinnott, Director of South Hudson Lutheran Parish. Reverend, we apologize for keeping you here all day like this, but I'm sure you understand the process we have to go through.

REVEREND THOMAS G. SINNOTT: I admire your perspicacity and your willingness to sit there and listen, and hopefully hear. In most circumstances, it is I rather than this panel who hears confessions, but today I must speak before you to make confession, confession of the sin of abdication. I

am bold enough to do so on behalf of myself, as well as a number of other people in Jersey City.

I am a resident of Jersey City, and my daughter attends public school in Jersey City. I am urgently concerned about the educational system here. It is my feeling, and I so confess, that parents, political and governmental institutions, and the church have abdicated our collective responsibility to provide quality education for the children of our community. The result of our uninvolvedness has been an unintentional, yet nevertheless devastating conspiracy to rob the children of Jersey City of their birthright, a quality education which encourages each individual to reach his or her full potential.

There is a feeling of hopelessness here in relation to public schools. On one hand we see the speed and efficiency by which developers, with full support and encouragement from the city, invest millions and millions of dollars in our waterfront. And, on the other hand, we see the public schools treated as orphans. The school system is a political football. If you do not believe all of the other people who spoke, believe me. I wouldn't lie to you. Almost weekly, our local newspaper reports that this program or that program has been canceled due to a lack of funds. And overnight, miraculously, it is reinstated.

Today a certain school is to be closed, and tomorrow it is open again. Or, consider the 200 high school students who I saw roaming around in front of their school because they had no schedules three weeks after school began, or their schedule showed seven periods of physical education. I could go on and on. Others have documented the case here today. I simply want to pose the question, "How can teachers, students, parents, and administrators educate children in the midst of such chaos?"

I am not saying that Jersey City is an easy or an ideal place in which to educate children. We have a big

challenge here. We are a multi-racial, multi-ethnic community. We speak many different languages at home. Our neighborhoods are troubled and unstable because families are constantly forced to move out of their communities because of the economic pressures of development. Families are constantly under pressure -- economic pressure, fear of being uprooted again, jobs moving out of the city, factories closing, drugs and crime, longer commutes to work, and physical and mental dysfunction caused by stress. These are all pressures that make it difficult to raise children and difficult to be children.

The problem is not the children, however. We cannot say that because there are low test scores, drugs, violence, and dysfunction that the problem is the children. That is blaming the victim. The children are reacting to the oppression of the system which cannot deal with the challenge of the city. We have teachers who can and will teach; we have parents who do care; and, most importantly, we have children who want to learn.

As a director of a large urban coalition of 17 Lutheran ministries, 13 of them here in Jersey City, I get to talk to a lot of people. Parents, particularly, are frustrated. Pastors consistently experience the effects of an inadequate educational system. For example, boys and girls come to tutoring programs and religious classes and Sunday school eager to learn. The fifth grade communion class cannot use the fifth grade materials because most of the class cannot read on a fifth grade level. We are constantly being put into the position of doing remedial education before we can begin religious education. We gladly assume this position because there is a need. Our job is to meet need when and where we find it. But, we would not be in this position if the public schools were doing their jobs.

I am in favor of the State Department of Education taking over the public school system in Jersey City for a period of time. We need to break the cycle. School cannot be a political football. Our schools must be caring, no nonsense institutions for the education of children. There can be no time wasted, no money wasted, and, most importantly, no young minds wasted. Young minds are wasted when we define self-interest so narrowly that it includes only jobs, contracts, percs, days off, patronage, and the like. Our real self-interest must be to educate young people so that they will one day be productive members of our urban community.

I believe that outside intervention is needed. There must be a rude awakening for us all. Low test scores, poor morale, and large-scale abandonment of the public school system in favor of private and parochial education, if they have not convinced us that there is sufficient reason to change our ways, then I don't know what will. We are depriving our children of their birthright, and that is a sin of the adult which will be visited upon us even to the third and fourth generation, to quote Scripture liberally.

I am in favor of doing something for the children. Please help us to repent; that is, to turn around and take a new direction which acknowledges the difficulties which we face, and which affirms the right of every child to a quality education.

Thank you.

ASSEMBLYMAN PALAIA: Thank you, Reverend. Very well said.

REV. SINNOTT: Could I ask a question of the panel, collectively?

ASSEMBLYMAN PALAIA: Anyone have a question?

ASSEMBLYWOMAN GARVIN: No, he has a question.

REV. SINNOTT: I'll be brief. Have you visited in schools in Jersey City and Newark and in such places? Have you actually sat in classrooms?

ASSEMBLYWOMAN GARVIN: Yes, I have.

REV. SINNOTT: Okay. I recommend that every panelist do that because you get a different view of what it's like and what the real issues are. You find kids who want to learn and they're bright, sparkley, and they're inquisitive. And you find teachers who want to teach. Somehow in the midst of this whole thing we have to sort it out to make that possible.

ASSEMBLYMAN PALAIA: Reverend. Just to give you a little background of the panel. I've been a elementary school principal for 33 years in Monmouth County. Assemblyman Gargiulo is parochial school principal in West New York. Assemblywoman Garvin is a school board member and very active in all phases of education.

Although I've not visited Jersey City schools or Newark schools, per se, I've been around the State quite a bit in my capacity as Chairman. I think the major problem, Reverend, that we have is a continuity with the school system here. And what you heard from the previous two speakers is that you must have continuity and articulation in order to give the students an active learning experience. You can't keep changing all the time and I get that from listening to the testimonies here today. Assemblywoman Garvin?

ASSEMBLYWOMAN GARVIN: My dear Chairman, we're not in South Orange and continuity is very difficult. But I think I'd like to commend you for all these hearings because I thought it was bad in other Newark urban districts that I participate in, but I think this hearing proves that our urban schools are truly at risk. They are truly at risk and I commend you for having us experience this.

ASSEMBLYMAN PALAIA: It's one of the reasons, you know, that I've been criticized on why didn't we go to Newark? But you just can't go to all the places, but that's what I wanted to get up to-- We went up to Paramus, we went down to Camden, we've been in Trenton, and of course we're in Jersey City now and it's twenty after six and I wanted to hear what

everybody had to say. And I'm awfully glad we did, because, not that the other speakers were not to the point in what we were trying to hear, but our last two speakers have gotten to the crux of what the problems are here in Jersey City. That's what that bill is all about. You're absolutely right. It's correcting that situation.

REV. SINNOTT: I grew up in Fair Haven and that's in Monmouth County. The school I went to is a far cry from the school my daughter goes to. I think you should all sit in classroom and experience. I wanted to reiterate that and I'm glad you're here. Thank you.

ASSEMBLYMAN PALAIA: Thank you Reverend. Is Joseph Parlavecchio here? How about Franklin Williams, Superintendent of Schools in Jersey City? Mr. Williams?

F R A N K L I N L. W I L L I A M S: You've heard so much already I guess you think this is a Sodom and Gomorrah. Well I'd like to inform you that this is not Sodom and Gomorrah. Jersey City is a fine city. It's an old city and it's a proud city. It's a city that was always on the forefront of education. It's a city that when my mother attended school at the turn of the century and graduated from The High School of Jersey City, Jersey City was rated number four in the nation.

There are those of us who are still proud of Jersey City. There are those of us who still hold a great deal of hope for Jersey City. I was listening to some of the questions that you did ask some of the testifiers, but I think that you, sir, have to look into the kind of answers that they gave you. I would like to read my statement and perhaps out of my statement you might get a little more understanding of what I'm trying to say today.

I wish to thank you for this opportunity to voice what I consider profound concerns regarding the proposed changes in the legislation which governs schools. Please permit me to preface my remarks with the statement that I appear here today,

not out of fear of losing a job -- as written in The Newark Star Ledger about urban school district superintendents -- but out of a deep concern about the ramifications of the proposed legislation.

I would briefly like to underscore the recent testimonies by a prior Jersey City superintendent, a few teachers from this district, and a former board member, who testified, I think, in Trenton. If one were to closely examine their motives for their testimonies, some very revealing facts might be disclosed. It is not ironic that the prior superintendent left this district when it had abysmally failed the Level II Monitor after 10 years of his leadership. Does it not seem enigmatic that the same superintendent stated in 1981, that he was proud of his performance when the district's minimum basic skills test scores reflected an abysmal 51% failure rate, and the dropout rate and teacher absentee rate remained concealed? Is it not strange that the three teacher-testifiers were part of a bogus affirmative action plan that was initially doomed to fail -- a plan that was accepted by both the county and State educational offices? Isn't this the same affirmative action plan that was forceably attacked by the court because no plan really existed?

Didn't a testifying former board member sit on the board of education for three years and say nothing until he decided to run for public office and use the educational system as his platform? I think that in such a very important issue as that facing us now, there should be credible witnesses.

Our children have been pawns and puppets for those seeking gain. The greed for gain, not necessarily politics, has helped to plague school systems. Gain from the educational system from all levels -- city, county, and State -- those who wish to benefit from the system have equated power with position but failed to actualize position with performance.

Why didn't the county and the State education

departments respond when we complained about the ineffective central administration staff of 17 principals assigned to the superintendent's office with limited administrative authority? Why didn't the county and State respond when we complained for the last six years about a budget that was totally inadequate for education in Jersey City, even when the prior superintendent refused to sign his name on such a budget? How did the county and State stand idle -- that's the county and State Education Department -- stand idle when an affirmative action plan did not meet our needs and was ruled arbitrary and capricious by the court. A plan that brought great unrest, embarrassment, and unsettlement to this school district.

The present superintendent and a very carefully chosen central office staff who assumed office a little bit more than a year ago, inherited an plethora of neglected problems that have long eroded the school system.

In addition to correcting the problem, we have simultaneously developed new programs to meet the State guidelines. We can actually see clear evidence of a turnaround in the Jersey City school district. At the same time, we are constantly being harassed, cajoled, and threatened daily with the State takeover.

We have had to assume the responsibility of the sins of past generations. If the State Department of Education was watching us-- Has not the State been somewhat derelict in its job? The State Department of Education always had the power to intervene. Perhaps the ill has been in their unwillingness to execute their responsibility.

I have great doubt about some strange force coming into this city to bring about change. How much additional burden will the taxpayers carry after such intervention? In this city where old schools and neglected schools are a serious problem, how will the State find land and money to build the new schools?

If the State knows how to do all these things, why have they not lent their expertise to this district or to similar troubling districts in the past? Why is the State now seeking legislation for that which they already have power? Let those of us who know the problems -- have the expertise, and are able to work out these problems -- let the State Department of Education continue its job to provide our districts with retraining of teachers and administrators as they are recently doing so well. Have them provide us with the technical support we need. Have them reassess our financial funding system to see if it adequately serves our urban districts. This is what we need; not intrusion, not intervention, but a genuine partnership. Intervention will not only weaken you as a Legislature, not only weaken the State Department of Education, but it will weaken us too. We know the job. We can do the job. Let us do it.

But before I leave you I'd like to say to you that the history of education has been doctoral study and I'd like to say to you as legislators that I don't know if you have followed the educational history. It has always been the State's desire to take over the educational system. You see, this is a power that belongs with the legislation. From the first Commissioner, he tried to have the kind of powers to take over. My concern with the State taking over anything, the State will only follow the politics of that State organization, be it whoever that organization be. I have fears about the State. That's why school systems were free and autonomous. School systems were free and autonomous for the very reason of not being a totalitarian State nor being dictated to, and this was firmly supported by Legislatures throughout--

If you give away that power or take away that power from the cities, then you take away that power from yourself -- from your districts. You will destroy education as it is. This is history. It might not be law, which many of you

participate in, but I say to be cautious in letting so much power go to the State because the State will dictate what will be taught. It will be dictated not just in the urban districts but it will be dictated with whatever their philosophy might be, whatever some crazy man might be, who might become a governor or something and who will tap the shoulder of the Commissioner and say, "This is what I want taught -- I want this" or "I want that taught." That's why cities had the freedom so they can have the autonomy to say, "This is what we want taught in our neighborhoods -- in our communities." This is a very precious commodity that must be retained. And I do wish you would get an educational historian to also be on any team that you might have to study this further.

SENATOR PALAIA: Excuse me, Mr. Williams. Assemblywoman Garvin?

ASSEMBLYWOMAN GARVIN: When were you appointed?

MR. WILLIAMS: I was appointed superintendent in August 1985 - just over a year.

ASSEMBLYWOMAN GARVIN: Thank you. I just have another comment to make. I think the dedication of this Committee, if you're not familiar with it, has been, perhaps, one of the best bipartisan committees in Trenton, and I think what we've heard up to this point is no way that this bill should not fly. If it's for no reason but a drastic change to make a drastic change, and it's unfortunate that you are a new superintendent and you are caught into it.

MR. WILLIAMS: I'm not caught. I want you to understand that I'm not caught. No. The money that I make here is (Speaker uses hand gesture). Okay? I'm very capable of doing whatever, but I've been 30 years in the district, so I'm going to continue as superintendent and if this is your legislation, so be it.

ASSEMBLYWOMAN GARVIN: I'm a cosponsor.

MR. WILLIAMS: So be it.

ASSEMBLYWOMAN GARVIN: Thank you, Mr. Chairman.

SENATOR PALAIA: Thank you Mr. Williams. Our next speaker -- and these are add-ons, so I know you've been patient. Keep in mind that we've been here for over five hours now. Is Joy Dechert here?

J O Y D E C H E R T: Thank you very much, to the Committee for having the patience to listen to all of us. My name is Joy Dechert, I bear one important title. I am a parent. I have been involved in and attended board of education meetings for over the past eight years. I have watched three administrations come into the system and slowly watched the deterioration of my children's education.

I applaud the Committee for sponsoring this bill and I am in full support of it. I feel I have nothing to loose and much to gain. My daughter is eight years old and is in the third grade. She has already been harassed because I speak at public podiums. And this was told to me by the person who harassed her -- that when I shut up, my daughter will be taken care of, but until then she will be harassed. I handled that myself.

Mr. Williams failed to tell you that he was deputy superintendent, second in command under Dr. Ross. So, that whatever reflected on Dr. Ross would also reflect on him. I applauded Dr. Ross because there was progress under Dr. Ross. It slowly deteriorated when he was forced out. All right?

I am in full support of takeover because I have seen nothing but an oncoming train coming at me since the new administration has taken over. There was some improvement. There is no more. When a child can be harassed in a classroom because her parents speak out at a podium, there is no more improvement. Things have gone down the tubes. And I feel that the only answer would be State takeover because right now our children's education are -- have been -- in jeopardy for many years, but is more so. And that's all I have to say. Thank you very much.

SENATOR PALAIA: Thank you very much. Michael Carbone? Is Michael here?

M I C H A E L C A R B O N E: I appreciate the panel and the Chairman to letting me talk tonight. I will be very, very short. I am very annoyed, especially sitting here all night long and hearing what very, very few people, like Mr. Williams and Mike Marino, speak on in favor of what they're doing to this city in Jersey City.

The unsafe and lower leveling conditions of our education system here in Jersey City is erroneous. They speak about there is no political favoritism as you've seen all night long -- there has been. There are four areas that I'm concerned about of which have never been mentioned tonight. They talk about Mayor Cucci and various other political people and about how they had to put up with \$2.5 million and various other things concerning the budget. Well it's ridiculous that we have nine assistant superintendents that are all making over \$49,000 a year salary plus benefits to include a deputy superintendent -- which under Mayor Jordan and Mayor Smith, which were previous administrations, there were only three. We could easily streamline the system with five. And by having a State takeover, you would have this.

The board of education just recently hired, about two weeks ago, an architect at a salary of \$40,000 per year, plus benefits. We have an architect by the name of Mr. Leonard Mayo, who is the architect for the board of education. It's ridiculous that the board of education has to now hire another one. I assume this would probably be a political ploy.

My fourth question was-- Well, it's not a question-- It's a shame I have to hear this. A friend of mine is a teacher within the Jersey City Board of Education. And just recently, your panel, or one of the monitoring panels came into the school system and he was teaching students. The number of students was 46 in one class. To have 46 students in one class

with one teacher and with ten other students standing up because there were no other desks available-- This is the board of education system in Jersey City. This is Mr. Williams saying that he is running this system excellent -- that he does not need the State to intervene. It is ridiculous. And without the State intervening, 15 of the students were taken out of that class because a State monitoring panel came in and took 15 out. How can a student understand and learn on a one-to-one basis with a teacher when he has 45 other students in the same class?

In closing, I'd like to quote Abe Lincoln, who said that, "You can fool some of the people some of the time, but you can't fool all the people all of the time." And the city residents, the taxpayers, the parents of this city now understand what's going down and what's happening, and we're in an uproar. Thank you.

ASSEMBLYMAN PALAIA: Thank you, Michael. Our next speaker -- and again I ask you to please, get right to the point, as Mike did, we'd appreciate it -- Joseph Duffy? Joseph, you've been waiting patiently from the very beginning here. Bring that mike down right to your-- That's right--

J O S E P H D U F F Y: Thank you Mr. Chairman. I've been here since about a quarter to one and I've been very patient and I want to thank this Committee and the lovely ladies that you have on your left for being so patient and so beautiful and to tolerate what I consider a situation which probably needs correcting.

My name is Joseph Duffy. I'm a lifelong resident of our great city and I reside at 108 Grant Street. I'm addressing this board as President of the Historic Paulus Hook Association. Chairman Palaia, you're from Monmouth County and I know that Monmouth doesn't have large cities like we have here in Jersey City. So, I'm going to address my remarks, primarily to our neighborhood association. It's a historical

neighborhood; for those of you who don't know about Paulus Hook, we had a battle here in 1779 on August 19, and that's where Paulus Hook comes from.

So again, we had a meeting and at the last meeting of our neighborhood group, I was authorized to present to you complaints about the constant increases in the educational tax rates. They have been and are now much above the highest increases in the cost of living index and I'm puzzled by that. Let's assume that labor and the materials go up, they certainly go up in concert with the cost of living. Yet, the increases in their budget have been tremendous.

To give you an example: the \$11 million increase into 1986 budget shows an upward change of 9.66%. This is just one year. I, as a social security recipient, got 3.1%. That was the cost of living change in 1986. Why did the employees and so on and so on and so on, get 9.66% increase? That's just the beginning.

In 1987, as you know, they're going to add on some more because there's an \$8.8 million bond issue -- was going to add a little bit more to that. So, that's why I'm concerned about items that appear in the budget. There was an article that appeared in The Jersey Journal of October 7, wherein the State's Treasurer, Feather O'Connor, announced that the school districts will be permitted to increase their spending by 14.5% in 1987. I'm sure they'll go up to the cap-- So again, as a taxpayer and a president of a neighborhood group, we're concerned about our taxes -- the amount of taxes that the Board of Education puts on our tax bill. As you all know, our tax bill is composed of three items: the city, the county, and the Board of Education. And the Board of Education almost every year has been the highest in percentage increases.

This 14.5% next year is going to be a bombshell to our members and my association. It is my opinion that basic educational problems are not solved by spending year after year

of our money. I don't believe that you can solve problems by throwing more money at them. I guess, you as legislators know that. It's a false concept. It's not a realistic concept.

Some problems can be solved by putting more money into, for example, defense and so on. But not education. To solve a problem, you need problem solvers and you have to determine the causes of the problems. We don't have that in the city. Now, I'm going to ask the Committee: "Can you write to the president of the board of Jersey City requesting certain information?" Is that within your province (sic)?

ASSEMBLYMAN PALAIA: Yes, it is. We'd probably go through the Department of Education, but, yes, we could that.

MR. DUFFY: Well, I'd like to suggest-- I'd suggest the following information that you obtain from the board:

Number one: The percentage of one-parent families in the grammar schools and in high schools. The reason I say that is this, we do have a large number of one parent families. Now, if that is a fact, and the percentage is very high, probably that person is busy working or maybe has two jobs, in some cases, to support their children.

So therefore, if there's a large percentage of one-parent families, there is a problem which the board can't solve -- it's the parent. As you all know, I believe that the parent has the primary responsibility of educating his or her children. That's my belief as a good Catholic and as a member of the Catholic Church. That has been the position of the Catholic educational system -- the primary responsibility of educating children belongs with the parents.

The educational system is only the secondary method to improve and so on and so on. My second point: The percentage--

ASSEMBLYMAN PALAIA: Mr. Duffy, get to it, will you please?

MR. DUFFY: Yeah. The second point is the percentage of one-parent families of where that parent has a regular full-time employment.

Item number three: The percentage of two parent families where both parents have full-time regular employment.

And lastly, I'd like this Committee to obtain -- and I'd like to, you know, have you send me the information when you do get it -- the number of students in the high schools as of September 30, 1986 compared with September 30, 1985, also the number of students in the grammar schools at September 30, 1986 and September 30, 1985.

In conclusion, I am not in favor of the takeover by the State, because, in my humble opinion, it will not solve the problems. I believe in home rule. It's an old common law custom which came into our society when the colonies were established as the 13 colonies during the Revolutionary War.

It came from England --home rule -- and common law principle, and the State has absorbed this common rule by taking over the obligations that should be given to common law; you know, ideas. And the common law means to me that you cannot abrogate this and the law should be of the people, by the people, and for the people. That's the common law principle.

And this State, with my humble opinion, again, had no right to interfere with the educational process. It should always have been-- The Plymouth colonies and so on -- the original foundations of all the colonies -- they didn't have the State come in and say, "You should do this." They ruled themselves. They ran their own educational system. And thank you for listening.

ASSEMBLYMAN PALAIA: Thank you Mr. Duffy. You know, my Committee is mad at you because the list was supposed to have been completed, and I was gracious enough to allow the list to go on further. Now, if they want to leave, they have

every right to because I cannot ask any of my Committee members to stay almost six hours. I only ask that if you want to get up and say that you are in favor of the bill or you are opposed to the bills, and a quick statement why, we sure would appreciate it. And again, I ask Mrs. Garvin or Frank if they would like to leave? I'm going to stay because this is our last hearing.

I want to hear from Janice Monson, now -- 334 Eight Street. Janice?

JANICE MONSON: Okay. I am both a parent of four children, two of whom are in the Jersey City public school system, unfortunately. I'm also a teacher. I have a master's and I have seven years teaching experience. My first three years I taught in a school that was run by the Division of Youth and Family Services. What we were told then, and it was my first year teaching -- was that when you are in a school, your classroom and where you work should be good enough for your child. And I really wish that some of that feeling be conveyed to some of the other people that are running the schools in Jersey City and in some of the other places that I've taught.

I think that what I would like to know is that. "If you people moved into my neighborhood tomorrow, would you feel good about sending your kid or your grandchild to our public schools?" because that becomes a real serious issue for us. I'm very involved with my community. I'm the president of a block association. I'm involved with a coalition. And what we've found is that numbers of people have come into our community, have decided to live in our community, have found out how lousy our schools are, and have moved out.

I think what ends up happening is instead of having a solid community that we can count on, we can count on people living in our neighborhood from before they're married to until their kids are four years old. And that's no way to build a

community. I think that when we look at the schools in Jersey City, we can look at local schools and we can see what the kids are tested at in their first year. They are tested in the first grade. We can see what their percentile is, and sure enough, because of class bias, race bias, deprivation at home, or no breakfast that morning, our kids are coming in the lowest quarter in the first grade.

It's up to the schools to not leave those kids in the bottom quarter for eternity, but to raise those kids to a higher level. It's up to the schools to make education what it's suppose to be, which is suppose to make everyone have a chance at life, which I don't feel that they are getting.

I think that when I was in Rutgers, I was very involved in a sit-in that let people have open admissions. And what happen was that we found that a lot of kids were coming into the schools -- in the colleges -- as a freshmen who never before would had the opportunity to go there. Unfortunately, what we found out was that the kids couldn't read, the kids couldn't write, and the kids couldn't do math. But those kids who went there, went there with the same dream that I had and the same dream that everybody in this room had when they enter a college. They want to make it. And what we're doing is that we're denying them that ability. We're taking a kid and saying, "Oh yeah, you can go to college even though you've gone to school almost all the time for 12 years, maybe you've missed a day or two. But even though you are a serious person and even though you've passed, you're not reading at a 12th grade level." You're not doing math at a 12th grade level.

ASSEMBLYMAN PALAIA: Mrs. Monson, please get to the point.

MS. MONSON: Okay.

ASSEMBLYMAN PALAIA: I want to know if you're for the bill, if you're opposed to the bill, or, you know, some very quick comment of why, please.

MS. MONSON: Okay. I would like the State to come in. I saw the difference. I worked for the State Department of Education for one year at the regional day school when it was run by the State. I work there for one year when it was run by Jersey City. I am not an anti-Cucci person. As a matter of fact, I pressed charges against Mayor McCann for a political shakedown. So, I'm not saying this out of political motivation. I want our kids to learn. And if we can't do it in Jersey City and if our local people can't do it in Jersey City, then I want somebody else to come in and make sure that they learn. Thank you very much.

ASSEMBLYMAN PALAIA: Thank you Janice. Councilwoman Frances Thompson. Is she still here? My apology, Councilwoman, for keeping you. I would have tried to get you on sooner but I just couldn't get there.

FRANCES THOMPSON: No problem. I'm just a citizen today. I'd like to have your indulgence so that I'm given the ample time to speak. I'm glad to see you here. Ms. Garvin was my professor in college, so she knows the kind of work that I do, and I do know some of you.

I have several problems. First, so that we won't be rushed to say what's my side, I don't believe that the State should come over our school systems. There have been inherent problems in the school system here for several years. I am the third generation in Jersey City. I do, in fact, know Jersey City. My mother was very involved in the parents' council. As a matter of fact, she was the first black woman to be the State representative for the parents' council. So I know about the system. I was a substitute teacher here for about three years, in most of the schools in my area, because I had decided to select those areas because I had a master's degree. So, I do know what's going on in the system.

And at that time I had been in several schools that existed in my ward, which is predominantly a black ward. My

ward has 37,000 constituents, where there were teachers in the system who were totally, absolutely, and unequivocally incompetent. How they stayed there and how they survived there, I don't know, and I still don't understand why.

And as a substitute teacher, I would go to the principal and go into an uproar. I was told that there was nothing that could be done about that. They're stuck here. They've been moved around and they can't move anywhere. For that reason, I stayed in the system and tried to do the best that I could. I'm an existentialist by nature. I've been trained by my parents to be that way. So, I work for my own gratification. There's no money involved in that.

The people that I hope you are listening to, moreover, are the parents. The parents legitimately have a gripe. They are legitimately concerned. There is no ulterior motive for them being here, other than that they want the system to change and that they, in fact, want their children to learn.

If you talk about some of the teachers here, and some of them are friends of mine -- they're going to get mad -- there has been not one time that people who you have heard speak have not asked from one of the political heads for a favor or some kind of help in the structure that they're in. There are some that are now getting to run a campaign or one is getting ready to come about. So anything that will be advantageous to them and to groom or develop the constituents, you will see them saying a different thing.

I still have three more years and one way or the other, I'm working for my own gratification and also to enhance the quality of life in my community. So, if that makes me a loser on the next go 'round, let it be. I'll lose, but I'm going to speak from the bottom of my heart.

I think that there should be a partnership with the State and the school system. The system has been in a bad situation for a long time. The problem that I find is that

there is a lack of trust with the school system and with the parents. I've said that with my parents. Some of you don't know that each councilperson has an autonomous agency and a non-autonomous agency that they monitor. I monitor the board of education. So I've interacted quite regularly on a regular basis with the parents and also with the board of trustees and the school system in trying to make some sort of understanding of what is going on.

I do, in fact, see some changes going about in the school system. I've seen the figures. I've seen the stats that the grade point averages have increased -- not a remarkable amount, nothing to yell about, but they've gone up 12%; they've gone up 15%. That means nothing but for the conditions that they've been in for a long time, I think there's a problem.

Along with that, when people make a statement that there is a correlation between poverty and education, being a master's student from Rutgers University and having to do stats and doing quite well, I should say, I can't legitimize that. At least 30 or 40 years ago, when many of your families came here from foreign lands, your parents couldn't speak English. You did well because the teachers produced; they made you produce. And from that, you sit here as educated, well-minded, wise individuals. I do not think that in fact, poverty has a great impact on that. I think what does is how the teachers look at the students. Do they think the students can perform? Will the students perform? And if they have a low expectation of our students, they're not going to perform.

A great deal in the majority of the students who are in our system right now are minority students. I don't know if that expectation is that high and I think that expectation should be built up. I want you to join with us in a partnership to increase the educational system that exist here.

I don't think that the disrespect that the Superintendent receives from parents or educators is correct. He sat in that position on the outside from the previous administration, unable to do anything, unable to produce, and the people in this audience know that. I don't care who's angry. I'm speaking a fact and you know that.

All I'm trying to ask you to do is to generate a partnership. Help the system get better. I'm concerned with my minority children learning. I'm concerned with white children learning. And something needs to be done right away. But for you to come in and take over the system and increase the tax rate from the people who are requesting this takeover-- Maybe they can stand the effect of a tax increase, but most of the people of Jersey City, whose main income runs between 12% to 15% can't afford the increase of you coming in.

So, I think that jointly, you can work with us from the outside and come in and make sure that things are done right, but in fact, that something is done so that our children can be educated. And I hope that everybody gets up and speaks. It's truly from the bottom of your heart to be concerned about the education -- and not getting a promotion, not seeing if their wife got a job, or if they are going to win the campaign. Thank you.

ASSEMBLYMAN PALAIA: Thank you Councilwoman. Patricia Murphy Alvarez?

ASSEMBLYWOMAN GARVIN: How many more do you have?

ASSEMBLYMAN PALAIA: I just have a few more here. You see that my Committee is after me and so I ask you to be brief and get to the point. Patricia?

PATRICIA MURPHY ALVAREZ: My name is Patricia Murphy Alvarez. I reside at 241 South Street, Jersey City. I come before this group as a concerned resident, homeowner, and taxpayer of Jersey City. But more importantly, I'm a parent. I have two children who are enrolled in the

Jersey City public school system. Their education is of paramount importance to me. I've been active in both community groups and in parent organizations in Jersey City for the past nine years.

During that time, I have seen progress made in some areas of education, only to see that progress reversed many times by the political interference which exist in the Jersey City Board of Education. I am not here to lay blame on any one individual or on any group of people. I am here simply to ask if you can help.

I have witnessed the Board of Education through the past three municipal administrations and with the changing of the guard. I have seen the political ax used and the patronage system put into place. At every change of administration this punishment and reward method for dealing with personnel has been carried out with an apparent disregard for the children of this city.

Will the intervention of the State change this practice? I have often felt that the Jersey City Board of Ed functions not as an institution for learning, but rather as an employment agency. Well this city is faced with a major challenge. Are we turning out children who are equipped to go to an employment agency, fill out a job application, and more importantly, children and young adults who will be sought by perspective employers? I seriously doubt that the majority of our graduates are so equipped. I think that the results of the H.S.P.T. scores emphasize that failure adequately.

Now that we can all recognize the problem, it is past time for us to institute the remedy. We have the monitoring system in place and perhaps now it is time to have a lever of enforcement. What good are laws if there are no enforcement procedures in place? I am tired of hearing that improvements will take time. I believed that when I was a kindergarten mother. I even believed it when I was a second grade mother, a

fourth grade mother, and a sixth grade mother; however, now that I'm a eighth grade parent, what do you propose we tell the graduating class of 1987, "We're sorry, but it will take time"? Well these young people are running out of time. We cannot turn the clock back.

Unlike private industry that produces a product and can recall the product if necessary, a school system has no such luxury. What you see now is what we will turn out into the world -- adequately prepared or not.

I have always been a believer in home rule, however, when home rule fails to meet the needs of children of this city, then it is time for the needs of the children to take precedence over the interest and needs of any adults, whether on the local or State level.

With the continued upheaval through political interference that district experiences, the children too often appear to be forgotten. Would the State's intervention have a stabilizing effect on our schools? I sincerely hope so. This district functions similar to a yo-yo. Unfortunately, our children's futures can no longer be treated as a game.

At the beginning of a school year, we are uncertain until the last possible moment what teachers will be hired or fired, what coordinator positions will be in existence or abolished, what programs will be offered to our children, and sometimes, such as this past year, what principals will be where.

We're never sure what contracts have been signed, what leases are secure, and whether or not supplies will be in place when the children begin classes -- more times than not, they are not in place. We seem to lose sight of the importance of continuity of programs and personnel. Children cannot thrive and learn in an atmosphere of suspicion, indecision, and mediocrity, which is what we are expecting them to do. We have created a school system where mediocrity thrives at the expense

of excellence. I, as a parent, find that a deplorable condition.

At a time when the majority of Jersey City students fail to pass the H.S.P.T. and fail to meet the minimum standards set forth, we in Jersey City are faced with a Superintendent of Schools who declares programs, such as the High School Academic Bowl, as nothing more than, "An Elitist Frill." I resented that comment as both a parent and a taxpayer. Perhaps I misinformed-- But I was under the impression that a school system existed in order to attempt to achieve academic excellence. If this system does not exist with that goal in mind, then it's time we reassess our priorities. Children, children, children must be our one and only priority. We have an obligation to offer our children the best education possible. We are failing to do that in Jersey City. We have to abandon the old, "Who's on our team?" philosophy. The only losers in that type of game are the children.

If the State's intervention can offer hope to the children of this city, I implore you to please enact the legislation necessary -- to intervene into local school districts. The children of this city and this State are looking to all of us for direction. Can we give them hope for the future? Please help us if you can. The clock continues to tick and our children continue to grow. These are suppose to be the best years of their lives. Let's help make that true. Thank you for your time and patience.

ASSEMBLYMAN PALAIA: Thank you Ms. Alvarez. Ms. Alvarez, I'm just saying now that this has been-- You're excused, Ms. Alvarez.

I'm sorry for the remaining five speakers, but I'll just tell you something ladies and gentlemen. It's five after seven, we've been here for almost six hours, and I know you've waited around, but I told those people that I had add-ons at

the end. We could get to you if the speakers got to the point and I think at this point in time I cannot ask my Committee members who have been very diligent, and I thank you Mrs. Garvin and Frank for staying around to the bitter end. I thank you for time and patience and this concludes--

If you have a written testimony, you're welcome to submit it up here to David Rosen or Deena Schorr. So, I thank you for your patience and indulgence. Or you can still mail it to Trenton -- any kind of written testimony that you have. Thank you.

(HEARING CONCLUDED)



APPENDIX



TRENTON
STATE COLLEGE

Dr. Charles C. Carman—Professor Emeritus of Education

631 Medford Leas
Medford, New Jersey 08055
October 23, 1986

Assemblyman Joseph Palaia, Chairman
Committee Hearings on School Takeover Proceedings
c/o Mr. David Rosen
Office of Legislature Services
State House Annex, CN 068
Trenton, N. J. 08625

Dear Mr. Palaia:

I was very disappointed when I learned that I would not be able to give public testimony concerning Assembly Bills 2926 and 2927. After having followed the exploits of the present State Board of Education, Commissioner and Department of Education since the first term of Governor Kean began, I feel that I can rightfully and intelligently state that the two bills - Assembly Bills Nos. 2926 and 2927 - should be abandoned. The present practices for taking actions against School Boards of districts which are declared to be doing an inadequate job of providing an education for the children and young people of their district, should be continued. (Chapter 212, Laws of 1985, C 1&A:7A - 14, 15, 16.)

Before the Assembly considered the two bills, dated June 30, 1986, they should have done a research study of what the present State Board of Education and their commissioner has done to solve the problems faced by certain schools and school districts in the State during their nearly four and one-half years in office. The first order of business would have to be an investigation of the governor and the top officials of the State Department of Education to find out if they have the qualifications and experiences to propose such a move. People without an adequate background in Public Education in our State should not be offering such a "take-over" proposal that would replace the procedure already established in the "T. & E. Law of 1975." Our governor should seek the counsel of experienced public school educators before he continues his backing of the move. But, once more, I urge the legislators to seek the resumes of state department officials who have had a hand in proposing this policy. If they do, I am sure they will find out that there is a lack of depth perception on the part of the officials as to the impact of such a move on the pupils and teachers of a district where the State assumes such a dictatorial control.

If money is discussed as a reason why some school districts are not up to par in the matter of buildings and grounds, other educational facilities, etc., it might be a good idea to find out why the governor of our state withheld the full financing of the T. & E. Law of 1975 until the fourth year of his administration - the election year of 1985.

It might be a good idea to also look into the background of the salary bill of 1985 which established a base salary of \$18,500 for beginning teachers. This proposal was year's old but was not enacted by the legislature and signed by the governor until

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Trenton State College. Hillwood Lakes CN 550 Trenton, NJ 08625

the election year of 1985. Please note that by the time these two bills went into effect nearly four years had gone by with finances in the school districts in our State in a very precarious condition.

Now, let us consider why, after four full years in office, the officials of the State Department of Education are asking for the right to take over "lock, stock and barrel" any school system which it designates as failing to meet all the standards set by the present State Board of Education. Doesn't it seem odd that the school systems so designated have not been helped with their difficulties up to the present time? This present state educational administration has had the time to set up master teacher programs, an Academy, Teacher of the Year Awards, basic skill tests, High School graduation tests, an alternative method for the training of teachers, etc., etc., but has not had the time to help so-called "ailing school districts" with the many fundamental problems which face modern day school systems - especially those in urban areas.

This same education department, with a myriad of helpers at the main offices in Trenton plus the offices in each county which are manned by a County Superintendent and staff, has failed miserably in its fundamental job of servicing New Jersey public schools under present state laws. This State Department of Education and every other department which preceded it have been designated as a "service" unit in the public educational set-up in our State. Its job over the years has been, in addition to its evaluative function, to help in many different ways the school districts of our State when they have had problems. It is obvious that the present officials of the department have been derelict in their duties and have spent too much time on extraneous matters rather than facing up to their main job - "servicing the many school districts in our State."

Now, that they are in trouble, they are trying to divert attention from their failure to adequately do their job by calling for the right to take over school districts with certain types of problems. Why wasn't attention given to these problems, which must have existed previous to this year, in the first year of this administration? The answer to this question is easy: you can't put rank amateurs in charge of such a very, very important unit of our government, our public schools and The State Department of Education, and expect anything but confusion which now exists concerning the relationship of the school systems throughout the State with the department.

Another matter that should be looked into concerns itself with the financing of the "compensatory" education program. It was reported that nearly \$50,000,000 had been added to these funds this year. That means a total of nearly \$153,000,000 is now devoted to this program. To date, there has been little evidence that this expensive educational endeavor is paying off. If this is true, then why was \$50,000,000 more added this year? The commissioner states somewhere that the expectation was that the HSPT was not going to be as successful as it was and more money would be needed to help jack up scores in school systems throughout the state. All these monies spent on compensatory education over the years since the program started could have been used more effectively if the various school districts had been allowed to continue their very effective practices for taking care of children with learning difficulties.

October 23, 1986

Assemblyman Joseph Palais, Chairman
Committee Hearings on School Takeover Proceedings

#3

Then too, at the present time no report has been made on the \$5,000,000 program to uplift three urban high schools - one of which is Trenton High School. When public money is allotted in an amount like this, shouldn't a report be forthcoming about progress being made?

The "alternative" teacher certification program is still not accredited. After one year of practice there was no evaluation report issued on its progress. The newspapers reported that some 60 people, who participated in the program, had been issued teaching certificates by the State Department of Education. This was done in direct opposition to the Education Laws of the State of New Jersey which state in Title 18, Article 3, 18A:6-38, Powers and duties of the board (State Board of Examiners); issuance and revocation of certificate; rules and regulations. "The board shall issue appropriate certificates to teach or to administer, direct or supervise the teaching, instruction or educational guidance of..." This duty has never been superceded by some new law. How can the "State Department of Education" issue teaching certificates to the so-called teachers who spent a year teaching under the new program? Something is wrong here.

Another matter which needs checking refers to the myriad of "New Jersey Administrative Codes" which have been revised under the present administration of the department. It would seem that little has been said about the relationship of the new codes to the underlying laws which govern the content of the codes. Who checks the administrative codes for their legality? The only check so far has been the State Board of Education which must pass on the content of the new codes. Is this lay board aware of their responsibility in relation to the legality of the "codes?" I would doubt it. Are they aware of the mass of reporting called for in the new codes? Do they understand the inclusion of new responsibilities assumed by the Commissioner, who is the administrative aid to the Board? I don't believe that the State Board of Education understands its full responsibility under the law which states: "Article 1. State Department of Education. 18A:4-1 State department of education continued: composition The state department of education is hereby continued ^{as a principal department} in the executive branch of state government, and it shall consist of the state board of education, which shall be the head of the department, ..." As head of the department it would seem that the present board has not exercised its duty as the "general supervisor" noted in Section 18A-4-10 (New Jersey Statutes Annotated) because certain practices of the State Department are open to question.

There is no doubt that before any more decisions are made about the New Jersey State Department of Education and its commissioner taking over any school district in the state, that a complete check should be made of the present department and its officials to find out what they have really been doing to aid public education in our State. This was not done for the previous administration and, after its demise, a hearing had to be held concerning the funds that the department had received from the U.S. government. Before the present officials are continued in office, shouldn't a check be made to determine if the department has been really facing up to the needs of our public school systems in the State of New Jersey?

In all the literature on the T. & E. Law and the present legislation on "take-over," the terminology of the New Jersey Constitution concerning the State's responsibility for our public school system has been plagiarized in order to set

October 23, 1986

Assemblyman Joseph Palais, Chairman
Committee Hearings on School Takeover Proceedings.

#4

up the present move. "The New Jersey Constitution requires that the State maintain and support a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and 18." (Quotation from Assembly Bill 2926). The following plagiarized usages of this statement are: "... has failed to assure a thorough and efficient system of education." (Assembly Bill 2927, P.1) and "The State board, in determining that the school district is not providing a thorough and efficient education, ..." (Assembly Bill 2925, p. 3.) There is a great deal of difference between "a thorough and efficient system of education," or "a thorough and efficient education" and "a thorough and efficient system of free public schools." There has been no really good definitions of the first two statements. In fact, it would be very hard to define a "thorough education" or "an efficient education." The main purpose of the public schools of New Jersey is to provide an education commensurate with the needs of each and every child and young person in our State. This usage should be accurate. It is evident that the people on the State Board and in the Department of Education have not taken the time to carefully study the statement on education made in our New Jersey State Constitution.

Recently, newspapers in the state and surrounding areas have been publishing columns and articles that bring up in depth questions concerning the "take-over" move. A recent New York Times column by Albert Shenker, President, American Federation of Teachers (September 7, 1986, page E-9) posed these issues:

1. What will be the basis for declaring bankruptcy?
2. Should a locally elected school board be removed because it "cannot," even if it tries hard, convince its community to put up the money for a needed program?
3. Will those who take the district over be able to force the community to pay higher taxes?
4. Or will bankruptcy be accompanied by additional funds? If so, why couldn't the state give the funds to the school board members elected by the local people so that they can do the job?
5. Can a newly elected school board be removed because of the failures of an old one?
6. Clearly, giving only one or two years to change school programs or to turn thousands of students around is not enough time.
7. Still another issue is whether there are any people in the governor's office or in state education offices who can reasonably be expected to do a better job than local officials they replaced.
8. The bankruptcy issue threatens to be an explosive one! There are plenty of problems with school boards. But, they are the problems of democracy.
9. How and to whom and during which election will the state receiver be accountable?

October 23, 1986
Assemblyman Joseph Palais, Chairman
Committee Hearings on School Takeover Proceedings
#5

A copy of this article is enclosed. I hope each and every member of the Assembly Committee responsible for the hearings will read this article carefully.

At the present time the one criterion for a takeover of a school in a particular school district seems to be the inability of 75% of its ninth grade students to pass the HSPT. If this is the truth, then many urban school districts will be unfairly treated by the State. Setting a passing percentage such as this without first finding out if that many students in a school system can really pass the "Proficiency Test" brings up the question "Is student performance an absolute or relative standard?" The day when we can expect all students, regardless of the school system, to measure up to passing standards set up on a test such as the HSPT, or any other such examination, will never come to pass because the Constitution states that the public schools are to offer instruction to all children in the State between the ages of 5 and 18. Can we label as "failures" those young people who do not have the basic intelligence to pass this test?

My recommendation is that no new law be passed that would allow the State Board of Education to take over any school district in the State of New Jersey, but that those sections of the T & E Law regarding the State's right to intrude be adhered to. (Chapter 212, Laws of 1975. C.18:7A-14; C.16A:7A-15; C.18A:7A-16, pages 879-880.) There are too many legal angles to the new bills that cause me, and many other citizens, to doubt whether or not an appointed board, such as the State Board of Education, should be allowed to eliminate an elected school board in the State of New Jersey.

Very truly yours,

Charles C. Carman

Dr. Charles C. Carman
Professor Emeritus of Education
Trenton State College

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TRENTON
STATE COLLEGE

Dr. Charles C. Carman—Professor Emeritus of Education

631 Medford Leas
Medford, N.J. 08055
October 24, 1986

RESUME

Dr. Charles C. Carman, Professor Emeritus of Education
Trenton State College
631 Medford Leas, Medford, N. J. 08055

EDUCATION

- 1928 - Graduated from Trenton High School
- 1940 - B.S.Ed, Rutgers, The State University of New Jersey
- 1946 - Ed.M, Rutgers, The State University of New Jersey
- 1956 - Ed.D, Rutgers, The State University of New Jersey

OCCUPATIONAL EXPERIENCE

- 1932-40: Library Assistant - Trenton Free Public Library
- 1940-58: Librarian-Teacher - Junior High School No. 2, Trenton
New Jersey
- 1958-61: Principal - Gregory Elementary School, Trenton, New
Jersey
- 1961-72: Professor of Education - Trenton State College
- 1972 - Retired
- 1972-83: Did supervision of student teachers and taught methods
courses, part-time at Trenton State College

MISCELLANEOUS

Veteran - World War II - Two years overseas.

- 6X -

Good afternoon, members of the Senate Education and Assembly Education Committees. Let me first commend you for having the four hearings in different parts of the state. But, let me especially say that it is very good that you are having this one in Hudson County, and right here in Jersey City. My reason for saying this will be discussed later in my presentation.

However, although, you have had four different hearings in four areas of the State, there needs to be at least two to four additional hearings (prior to your vote) which should be held in the late afternoon or early evening, starting at either 4PM or 6PM (but no later than 6PM) in order to provide the hard-working parents of our community an opportunity to attend and be heard, as well as to hear the various positions which will be given. I must strongly emphasize the importance of this, because parents have not been involved PRE the plan, during the plan or POST the plan; and I am not at all considering, or taking into account the September 8th gathering held in Trenton by the NJ Department of Education, since, only a well-chosen select group of parents (and not one from Jersey City was even contacted to attend such a meeting) were privileged to attend. This too, will be focused upon further during my presentation.

To some, much of what is going to be stated in this presentation may seem harsh, antagonistic, or negative; I submit nevertheless, that what I state here today, is simply an honest, just, non-emotional and candid position.

This plan, and the proposed legislation for intervention, cannot be discussed as pro or con, or simply emotionally, superficially or subjectively, nor can it be given blanket support or non-support for expedient/electoral gain. However, it must be analyzed, thoroughly and critically, with a comprehensive perspective. Everyone and everything must be considered and included - the parents, the finances, the history, the politics, the ramifications, the teachers, the administrators, the Boards of Education trustees, the County Superintendents, the bureaucracy, the NJ Department of Education, politicians, unions; the questions of due process, affirmative action, responsibility, racism, accountability, collectivity, and finally and most importantly, our children (here and those to come), who represent our hope and our future.

My name is Kabili Tayari, and I am a member of the Association for Supervision and Curriculum Development, the National Council for a Basic Education, the NAACP, the Executive Council of the New Jersey Association of Black Educators, the national Effective Schools Research Association, the African Heritage Studies Association, the Board of Directors of the New Jersey Black Issues CONvention, and I am a teacher in a private school - but first and foremost, I am a parent with children in the NJ public school system. I emphasize my role as a parent, since as a member of the National Coalition of Title One/Chapter One Parents Association, as state co-chair of the New Jersey Basic Skills Improvement Council, as an Executive Board member of the Jersey City Chapter One/S.C.E. Parent Advisory Council, and finally as President of the Jersey City city-wide Parents Council Association, I speak as a representative of parent interests, chosen by such organizations locally and state-wide.

As parents analyze the plan and the proposed legislation, we believe that the authors and sponsors are making a sincere attempt to eliminate the miseducation of our children in the state of New Jersey, but we have, concomitantly, very definite, critical reservations, and questions, about the crucial flaws inherent in both the plan and the proposed bills.

First of all, to quote Star-Ledger reporter Robert J. Braun in an article dated Friday, October 3, 1986, "History - in many ways, a sad history, has left us with the correlation between race and poverty. It has left us with cities that have been havens for the poor. To suggest now that the terrible forces of history should not be challenged in order to improve future prospects is the worst sort of cynicism". Today, we are here to challenge the terrible forces of history.

Just less than 25 years ago, urban high schools, such as Weequaic High School in Newark, Passaic High School in Passaic, Clifford J. Scott High School in East Orange, and Lincoln High School here in Jersey City, just to name a few, were some of the best public academic institutions, when they were primarily composed of well-to-do Jewish or Italian youth. But when these same schools, and others in cities like Camden, Red Bank, Asbury Park, Orange, Atlantic City, Trenton, Paterson and Hackensack, became predominantly Black and Spanish-speaking, they began to decline academically. In order to understand the relationship between the academic decline of these schools and the change in their respective race and ethnic characteristics (occurring as well in the respective cities), we must examine the history of events over the last 25 years affecting and impacting upon public education.

In 1973, the State Department of Education allowed these urban school districts, that were are are still predominantly Black and Spanish-speaking, to institute a process called "Open Curriculum", that aided in deteriorating these public schools and their mandate for provision of quality education. The Open-Curriculum Act transferred the responsibility of providing a thorough and efficient education through a viable and sound curriculum (from the guidance counselors, supervisors, principals, superintendents, assistant superintendents and the entire Boards of Education) and placed it squarely on the backs of the poor and unskilled, that is, we parents and our children.

In 1975, a Black family, the Robinson Family from Jersey City, sued the State of New Jersey on the grounds that the State was not and had not provided a "thorough and efficient" education for poor school children in New Jersey - it became known as Robinson vs. Cahill, or the acronym of the "T & E" law. Now, eleven years after Robinson vs. Cahill in which the State lost its case, it is being sued once again for not providing a thorough and efficient education, and the mandate from the court in Robinson vs. Cahill has not been implemented! This 1986 case is known as Abbott vs. Burke. Our analysis of this history indicates that on the one hand, parents and the citizens of this state have endeavored to hold the State of New Jersey accountable for its responsibility to ensure a thorough and efficient education for our children, yet on the other hand, despite legislative and court mandates, the State has failed to act on them in a responsible and accountable manner. This is not the only travesty by the State of NJ against Black and Spanish-speaking and poor public school youth.

Between 1976 and 1979, a law was passed by the NJ legislature, also referred to as the "Competency Exam" law, which stipulated that the graduating requirement for the classes of 1985 through 1988 would be the Minimum Basic Skills test, and for all classes graduating after 1988, the High School Proficiency test. Throughout this process, parents were to be thoroughly informed. This was not done.

Parents were not and have not been informed about the Open Curriculum Law which is still in effect. We have not been thoroughly informed about the Competency Exam law, which did not result in a stronger mandated uniform curriculum instituted by the NJ Department of Education (until about a month ago). In fact, the local districts have not been thoroughly monitored by the State's direct representative, the County Superintendent, to ensure that the parents were thoroughly informed and knowledgeable about the Open Curriculum Act, the Minimum Basic Skills test requirement or the High School Proficiency test requirement. Our investigation as parents further discloses that the County Superintendent has not held local school districts accountable for the realignment of the basic course requirements in its curriculum so that students would obtain the skills and mastery necessary to pass those tests and to graduate.

The failure of the State and County to ensure accountability, their own and that of local school districts, has resulted in the absence of an effective monitoring process and meaningful working partnership between the local district, the County Superintendents' office, the NJ Department of Education, and above all, the parents. Despite the potential of the Level One, Two and Three monitoring process to create such a level of accountability, it has not yet been instituted.

It is not an intervention law that is needed, but the development of the political will to eliminate a racist, undemocratic, unconstitutional and unjust practice against Black, Spanish-speaking and all poor public school youth by local school districts, the County Superintendent's offices and the NJ Department of Education; and the implementation of a guaranteed thorough and efficient education in the NJ public school system. We, as parents, submit therefore, that there should be an amendment to the proposed legislation that mandates that parents and parent groups

¶ be informed by the local district, and the County Superintendent and NJ Department of Education

¶ be provided with ongoing information, progress reports and provided an opportunity to have input into the monitoring process through regular meetings

and;

that where the mandate for parental information is not implemented, the district's funding will be frozen by the State.

The fact that parents have not been included as part of the decision making process at any level - the state, county or local - or fully informed of the developments which are shaping the learning process in which their children are engaged, is a manifest failure of the educational process in NJ; notwithstanding that all levels of educational leadership claim to support the effective schools theory. This theory, which has been proven time and time again.

that the involvement of parents in the academic decision-making process at every level has reinforced tremendously the importance of school and home, and greatly enhanced the self-esteem of our young people. We assert that parents were not involved in the development of the state intervention plan; and further point out that neither were concerned teachers, administrators, principals, superintendents, Blacks, Spanish-speaking persons or trustees of the various Boards of Education. We contend that this absence in itself, is sufficient to question the legitimacy and credibility of the plan. We therefore strongly recommend the aforementioned amendment be made an addendum to the proposed legislation.

Secondly, we proposed an amendment relating to the three levels of State/County monitoring and the accountability of the local districts, the County and the State. We believe that a curriculum must be implemented that ensures that our children a) learn basic skills, b) master these skills and c) pass both the MBS and the HSPT test requirements. We further recommend that the SRA process be instituted as part of the HSPT process, as it is in the MBS process. The implementation of these steps as outlined would serve as the definition of the "unwilling and unable" provision in the plan that is presently vague and unclear.

It must be understood that the question of accountability is at the crux of the present deficiencies in our local school districts and the failure, historically, to ensure a thorough and efficient education process throughout the schools in our State. We have already stated our position on the failure of the State Department of Education to implement its responsibilities under both legislative fiat and court mandate. In the face of the proposed legislation, investing the State with such far-reaching and unlimited powers, we must again intensify this question of accountability. What is it the State will ensure us as parents they will provide, that they so clearly have not provided in the past? Why has there not been any self-criticism on the part of the State and County for the present state of affairs? Despite the fact that the State has present powers of intervention; despite its continued assertions that supplanting, union interference, nepotism, political patronage, mismanagement, corruption, political and union manipulation, kickbacks, etc. has and is occurring in our local school districts, it has responded in primarily two ways which do not reflect or ensure accountability: a) proposed legislation to take-over deficient school districts with no corresponding plan to ensure quality education, and b) manipulated and manuvered public opinion and concern through constant and inflammatory rhetoric. Even when the Department of Education invoked its powers of interevntion in 1979 in Newark, in Trention, and in East Orange in 1982, when the district's budget was taken over, we found no evidence of a more efficient and accountable process of education. In 1983, the parents and citizens of Newark requested the intervention of the County Superintendent and the Commissioner's offices to intercede in the unlawful prevention of the seating of two elected Black Board members on the Newark Board of Education, and nothing was done. In 1985, the parents of Jersey City called upon the County Superintendent and the Commissioner's offices to intervene, under its present powers, and again, nothing was ever done. These representatives of our State's mandate to provide thorough and efficient education, entrusted with the responsibility to do so, would not even meet with concerned parents. As parents, citizens and taxpayers, we cannot and should not be exhorted to place our faith and trust in a process and in institutions that has not been nor is currently responsive to our needs and to the potential of our children to be fully educated citizens in our society.

On October 3, 1986, Mr Robert J. Braun stated in a Star-Ledger article, that "perhaps the questions should be rephrased". Well, the questions should not be rephrased, but answered. The first question raised by Mr. Braun was "isn't it inherently racist to allow predominantly black school systems to continue to fail, generation after generation"? The answer is yes, it is and has been inherently racist on the part of the local school districts, the County Superintendent's office, and the NJ Department of Education to allow predominantly black school systems to continue to fail, generation after generation.

The second question Mr. Braun raised was "isn't a failure to act inherently discriminatory against those children who would most benefit by action?" The answer to this question also is yes, and therefore the NJ Department of Education's failure to invoke its present monitoring general powers in those local districts where they know of such acts as political and union manipulation, malfeasance, nepotism, patronage, political interference, mismanagement and the like, may also be regarded as discriminatory. And where the State Department's powers are limited in these matters, then all information at its disposal should be turned over to the Attorney General's office for investigation and/or indictment.

In the three times and places where the NJ Department of Education has invoked all or some of its Monitor General Powers, then the Department needs to (in a thorough and comprehensive report) show how it did or did not achieve thorough and efficient education in the local school districts of Newark in 1979, Trenton in 1980 and East Orange in 1982. The State Department of Education needs to show whether it improved the level of education received in those districts and how; and if the level of education did not improve in those three districts after such powers were invoked - show why not and what was done and attempted; and if the level of education improved in these districts, what was it the State Department of Education did or did not do that maintained it at a higher level, or that caused it to decline. This information and the answers to these questions have not been given to parents; and if it has not been given to you the legislators; then it needs to, before you vote one way or the other, as well as it should be given to parents.

No where in the plan or proposed legislation is there a method or process to implement quality education or thorough and efficient education in the targeted "deficient non-accredited" school districts, nor does anything in any way within the plan (with the exception of the powerless Advisory Council) include parents as equal partners of power.

Therefore, the first step of intervention should be the following amendment - instead of the advisory council (which comes at the tailend of the proposed intervention process), we recommend a) the first step of intervention should be an empowered community commission with investigative and subpoena powers; b) that it's composition be 51% of parents with children in the public school system; c) the Commission members be selected by a committee made up of NJ assemblypersons, senators, college administrators, city council members, county freeholders, religious leaders, public school administrators, local chamber of commerce representatives, civil rights organizations, community organization representatives and parents; d) this committee shall be appointed by a panel composed of the NJ STATE Board of Education, the NJ Public Advocates' Office and the NJ Attorney General, and e) the

criteria to be appointed to this committee to select the Commission members shall be those who have a record of consistent advocacy for thorough and efficient education that can be documented.

The empowered Community Commission makes the Effective Schools Theory a reality by developing a real parent-NJ public school system partnership of the type that the late Afro-American Dr. Ron Edmonds advocated. Parents already have an advisory council status now with the local school districts, the NJ Department of Education, and the County Superintendent and what parents and their children must have is a power partnership in information-sharing and decision-making and evaluation.

Another suggested amendment to the proposed legislation is that all findings from evaluative studies of local school districts deficiencies' and plans and processes and methods to correct such deficiencies, and development of thorough and efficient education shall be given to parents specifically and to the general public.

A part of the plan and the proposed legislation that is highly unjust and needs to be eliminated, is the section that requires the local school districts to pay for state take-over, particularly where a local district is financially unable to provide a thorough and efficient education to the youth in that district. There is no justice or due process in this stipulation.

Also in cases where local school districts are actually unable but definitely willing to provide the best education that they can provide for the youth of that district, then the County Superintendent's office and the NJ Department of Education shall be required to provide assistance (be it technical or financial or both) to the local school district, and provide guidance and direction, and a collaborative plan for implementation of thorough and efficient education. This is the present flaw in levels two and three of the monitoring process, and also in both the plan and the proposed legislation. This process, as it stands, provides no due process, collectiveness or cooperation; no collaboration in implementing a plan or process for achieving proficiency in our schools. For example, voters in Asbury Park turned down a bond issue to build new schools; therefore Asbury Park was not unwilling to correct a noted deficiency, but due to the wishes of its voters, they were unable. However, in Jersey City, where there are three new schools *THAT NEED TO BE* ~~constructed~~ (PS #3, PS #28 and PS #17), *and there're* 38 substandard classrooms need to be replaced, there has not been a bond issued by the City administration nor a plan submitted by the Board of Education to eliminate this deficiency - now this is unwilling and needs to be addressed accordingly.

Yet if a bond was issued in both Jersey City and Asbury Park, the Bureau of Facilities of the NJ Department of Education has final determination to approve or deny the bond. In the case of denial, it would be the State Department of Education that would be unwilling and not Jersey City or Asbury Park. The definition and process of declaring local school districts unwilling or unable must be defined very carefully and comprehensively.

If a school district a) does not comply with federal and state regulations and guidelines, it shall be defined as unwilling; b) if it does not share all public information with parents (as is the practice of the Jersey City School district and many more), it shall be defined as unwilling; and c) school districts that are severely and financially handicapped shall be defined as unable.

There can be cases where a local school district is unwilling and unable - simultaneously, such as in the cases of Newark and Jersey City. Let us take a look at Newark. In Newark, it has been alleged that the voting majority of the Board of Education members are controlled by East Ward Democratic party chairman, Lou Turco; City Council President, and East Ward councilman, Henry Martinez;; Freeholder Joseph Parleevechio, the North Ward Democratic Party and the Board of Education President, Charlie Bell, who lives in the East Ward and has been on the Newark Board of Education for 16 years, and has made appointments (as principals and other positions) solely on the basis of party and ward affiliations. Yet, when four Board members (Rev. Oliver Brown, Rhonda Hughes, Evelyn Williams and Ivette Alphonso) took a stand to bloc votes against measures that represented patronage, nepotism, conflict of interest and that were not of an emergency nature, the County Superintendent came out against them instead of trying to support the four of them. In fact, all of the remaining five members of the Newark Board, under the leadership of Mr. Bell, have strong political party ties to the system of patronage politics. So, in this case, you have five board members who are able, but unwilling, and four board members, who are willing but unable.

In Jersey City, the Mayor has had his former running mate (Danny Waddleton) appointed as a supervisor in the Board of Education; another campaign supporter (Johnny Cash) as the paid Director of the Adult Evening School (a position that prior to the Mayor being elected was a non-salaried position); the First Assistant Superintendent of Personnel was the former grievance chairperson of the Jersey City Education Association (the local teachers union); persons were demoted as principals and supervisors because they were on the losing side, while others on the winning side received promotions (a relative became an Assistant Superintendent and a campaign supporter became a supervisor), and all of this hiring and promotion of campaign supporters, friends and relatives has occurred in the wake of 1) a proclaimed four million dollar deficit (in November of 1985) and 2) a proclaimed eight million dollar deficit (in March of 1986. This is unwillingness. Mr. Richard Kaplan, from the NJ Department of Education was a witness at public Board of Education meetings where parents exposed these contradictions of the Jersey City Public school system, but the county superintendent's office and the Department of Education both failed to intervene on the behalf of the 31,000 school-age youth of Jersey City.

In the midst of this situation in Newark and Jersey City, where 57,000 and 31,000 students are involved, respectively, the children do not have a curriculum; there is blatant non-compliance of the Chapter One/S.C.E. federal and state guidelines by these Board's administrative staff, and both districts are in desperate need of new school facilities and both school districts are faced with level three non-accreditation status. What the parents, citizenry and 88,000 students of these two local school districts need is the State Department of Education to assist the willing Board trustees, administrators, principals and supervisors and parents in removing unwilling elements, and eliminating the anti-education character of these two districts and aid in correcting the district's deficiencies. What is not needed is the removal of the democratic rights of these communities to an elected school board nor their right to control the appointed school board.

In the 1960's, the federal troops were not sent into the South to take away the right of people in this region to vote, but to assist

mocratic rights.

Due process is another very important democratic and constitutional right, and should not be infringed upon. All Boards of Education trustees should not be judged the same - it is not fair or just. All administrators, superintendents, principals and supervisors should not be judged as being alike or equally responsible for miseducation of our children. Nor should the County Superintendent and non-teaching tenured teachers be allowed not to share equally the responsibility for the miseducation of public school children. The County Superintendent cannot be the judge, jury and prosecutor because there must be fair hearings for all accused, jsut evaluations with definitive outlined criteria for all judgments made - a due process method must be stipulated and outlined in the legislation.

Also, there must be an Affirmative Action mandate included in the legislation to guarantee the last hired is not totally removed or minimally retained.

Also, the maximum requirement for length of stay cannot be longer than five years and a minimum of three years.

Why is the intervention proposal being introduced at this time? Is it because Governor Kean is running for national election and the Republican Party controls the Assembly? Is it to stop the Abbott vs. Burke case? Whatever the case, these questions and a lot more need to be examined and answered!

For, in the face of the miseducation in our schools, and the systematic academic destruction of our children (which has a longer history than today), this is not any easy, painless argument to accept. In the face of rampant illiteracy among our youth, teacher absenteeism, personnel demoralization, nepotism, union interference, political patronage, and overall lack of accountability, we are all to aware of what is fundamentally wrong with our public school system. Yet, precisely because the diagnosis is so fundamental, we cannot afford to accept simplistic analysis, superficial remedies, fall victim to our frustrations or allow ourselves to be manipulated by those who want to use the aspirations of parents toward their own opportunistic gains. We need a comprehensive, thorough analysis that places all of these issues in the proper political perspective to enable parents and the total citizenry to forge an accountability movement (which is parent-led) that has clear goals and objectives, chooses its own leadership and sets a profound example of hope inspiration for all of New Jersey's public school youth who need desperately to believe in their own futures.

Each day, the struggle over who will control the multi-million dollar educational system in which our children are 'dumped' is intensifying, and rightfully so, because it is a question of power, politics and values. That is to say, that those who have the power (such as the State through legislative fiat) may prevail over the district, but based on what political process and whose values? If the State, which presently has broad powers to intervene in school districts (and under the present proposed legislation, would have unlimited authority) has not been able to ensure a "thorough and efficient" education for our children as mandated, (and they haven't); if they have known all along about cronyism, patronage and union-dominated politics as they have stated and did nothing (which they haven't); if there is no plan to resolve the noted deficiencies in our schools (and there isn't); and finally,

if there is no provision for the State's accountability to this community (and others) and there isn't; then why should we uphold the State while denouncing the Boards of Education for the very same reasons?

A year ago, Assemblywoman Mildred Barry-Garvin, then chair of the Assembly Education Committee, authored a column for UPDATE in which she discussed relevant education issues. Ms. Garvin noted the potential impact of the High School Proficiency Test on poor school districts, suggesting that the State has an obligation to insure that adequate remedial programs, staff and facilities are in place, citing the experience of Paramus as a prime example. After noting the invidious imbalance in the amounts of money spent per pupil between relatively rich and relatively poor districts, the Assemblywoman went on to state a conclusion that many think is equally applicable to the current debate:

"The issue is not how to successfully teach our children..The issue is, as the late Dr. Ron Edmonds stated, whether there is the political will to education our children".

To be sure, we, all are agreed upon the ultimate goal, i.e. quality education for New Jersey's school children. All the strategies, resources and regulations are means to that end. And none of us would agree to defend a position maintaining the status quo. It is the methodology to be pursued in the process of change, not the bottom-line goal, that is at issue. Because the State Constitution mandates the State government to provide a "thorough and efficient" education for all the State's school children and because specific legislation to implement this mandate is already on the books, various observers, including Mr. Ted Reid of the NJ School Boards Association, believe Mr. Cooperman and his associates ought to exercise their existing mandate before asking for added authority.

New Jersey State Federation of Teachers



American Federation of Teachers/AFL-CIO

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October 14, 1986

**STATEMENT OF MARCOANTONIO LACATENA, PRESIDENT
NEW JERSEY STATE FEDERATION OF TEACHERS, AFT/AFL-CIO
REGARDING A-2926 AND A-2927, PRESENTED TO THE JOINT SENATE
ASSEMBLY EDUCATION COMMITTEE ON THE ESTABLISHMENT AND
GOVERNANCE OF STATE OPERATED SCHOOL DISTRICTS**

I would like to take this opportunity to commend the members of this Committee, the Legislature, and the Governor for their concern with the problems confronting those of us who work in the schools. The recent emergence of education as a major public issue is most heartening. Polls show that even in this time of public sector retrenchment, voters recognize the vital role of the schools in their communities and favor increased financial support for them, even at some cost to themselves. We who are the educational and political leadership of this state must join together to make the most of this opportunity to increase the resources available to the schools and improve the prospects that those resources will be used effectively.

"Take-over" or "bankruptcy" legislation as they are sometimes called, such as the bills under consideration here is one response to this challenge. The New Jersey State Federation of Teachers and our parent organization, the American Federation of Teachers, have

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-24x-

been following these hearings closely. Some of our local affiliates have participated. Much information has been generated, and many questions have been raised. Few of these questions have been answered satisfactorily by the proponents of the bills or by the bills themselves.

The State Federation has commissioned Pelavin Associates of Washington, D.C. to research similar legislation throughout the country in an effort to find the answers. A copy of their report is attached to my written testimony here today. Also attached are some of the questions raised by our Newark affiliate and the column of the president of the AFT, Al Shanker, on this subject.

Only two states, Kentucky and South Carolina, have enacted such legislation into law. The laws in both states, and the bill before you, include several stages of review of school districts' offerings and student achievement by State authorities. In all cases, State intervention is viewed as a measure of last resort. The laws all provide for local development of plans to address educational deficiencies, a period in which local districts can implement these plans with or without technical assistance from the State, more direct State intervention into the management of the district, and finally for State removal of local school officials from office. All three states have a formal means of identifying educational deficiencies in the districts based on standards defined in State regulations. For a district to be identified as "deficient," it must fail to meet State criteria in a number of areas.

The proposed New Jersey legislation, however, is more radical than that adopted in Kentucky and South Carolina. While those

states permit the State to remove local officials, they do not provide for the appointment of a State District Superintendent or the assumption of direct State control for a period of years. Moreover, the criteria for determining a district "deficient" in Kentucky and South Carolina include measures of progress in remedying inadequate student achievement. In New Jersey, the situation at the end of the evaluation process is the sole determinant of whether a district is deficient; this is the static approach to evaluating educational effectiveness. But the most glaring difference is that New Jersey views the takeover in terms of eliminating democratic control of the school district.

There are many unresolved questions raised by the proposed legislation. Some of these are:

1. Are the standards of student achievement set forth in the legislation appropriate to all communities? What about the affluent suburban district that is performing less well than other such districts throughout the country. If students in an urban area are doing better than students in any comparable urban area in the country, but are still behind students in middle-class suburban districts, is that grounds for takeover?

2. Is it correct to evaluate a school district solely on its status, without taking into account its rate of progress? Might not standards be set too high, so that some districts would have no hope of maintaining local control, however heroic their efforts to improve?

3. Are widespread deficiencies in student achievement within a district necessarily within the power of school administrators to

correct? If not, will a State District Superintendent and school administration be any more successful in providing a thorough and efficient education than previous local school officials? What, for example, could a State District Superintendent do about drug sales and drug addiction in the vicinity of schools?

4. Aren't the real problems often political and social policy coupled with inadequate funding, and not poor administration? Don't districts overwhelmed by environmental factors inimical to the educational process require substantial additional resources to maintain an environment conducive to learning? Can local Boards or administrators or teachers put adequate nutrition in a child's stomach, cloth the child warmly in winter, or rid the city of drug pushers when the federal and state governments cut the programs to deal with these problems?

5. Is it fair to require a local district with arguably inadequate fiscal resources to pay the substantial administrative costs inherent in a State take-over?

6. What if deficiencies can be corrected in less than five years? Conversely, what if they cannot be corrected in five years?

7. What if a new school board or superintendent has just been installed? Should the new board be removed for the failures of the old one? Or should it be blamed for the failures of the old one? How long should a new board be given to turn things around?

8. How can a State District Superintendent, selected by and accountable to outside authority in Trenton, generate the community support for the schools that all authorities agree is essential? How will the community respond if he or she orders massive property

tax increases? Will the State be able to evade its share of the financial burden by this device?

9. How can the State avoid the negative racial overtones inherent in the takeover of the schools in a predominantly black or Hispanic district by distant and predominantly white authority figures?

10. Is it really desirable to sweep aside democratic problem solving processes and rely on methods which are intrinsically authoritarian when dealing with such sensitive and profound issues?

11. What is to prevent political considerations in Trenton from intruding into the administration of a district taken over by the State?

After considering these questions and many, many others raised by this legislation, the NJSFT is convinced that the implications of a State take-over are so disturbing that actual take-overs will be rare indeed. It has been said by proponents of the bills that if the bills are passed, the possibility of a take-over will be used by the Commissioner to encourage a more positive local response to the "suggestions" of the Trenton bureaucracy.

Thus the take-over will be like a nuclear deterrent -- threatened but seldom used, and if used, used at great cost. Some may believe this desirable -- but do we really want to make cold-war thinking the cornerstone of our State's educational policy? I think not.

Reluctantly, we in the State Federation must oppose this legislation. It is divisive rather than healing; it relies on intimidation rather than persuasion for whatever effectiveness it

-28x-

may have. Already, it has set principals, superintendents, teachers, board members, and community groups against each other, group against group and individual against individual within each group. If the power granted to the appointed State Board of Education is ever invoked, rancor and strife will overwhelm the voices of reason.

But we must not waste the momentum generated by heightened public awareness and concern. Therefore, the NJSFT-AFT suggests that instead of passing these bills, the Legislature establish a commission of experts and citizens to study how State government may become more positively and productively involved in helping local districts solve their problems. The voluminous record of these hearings will surely be of great help to them.

We, the educational leaders and concerned citizens of New Jersey, must reach out to each other in search of real solutions -- not quick fixes -- realizing that the image of leadership is no substitute for reality. Genuine institutional change is slow, but, working together, we can make small positive changes add up to something big.

attch:

NYT article, 9/7/86, Al Shanker

Research report to the NJSFT from Pelavin Associates, Inc.

NTU Questionnaire on Proposed Takeover Legislation

-29x-

PELAVIN ASSOCIATES, INC.

1300 19th Street, N.W., Suite 500 • Washington, D.C. 20036 • (202) 785-3308

October 6, 1986

MEMORANDUM

To: Marcoantonio Lacatena, President
N.J. State Federation of Teachers

From: Joel D. Sherman
Executive Officer

Subject: Educational Bankruptcy Legislation in New Jersey

Background

In June 1986, bills were introduced into the New Jersey legislature to establish state-operated school districts and to provide rules for their governance. These bills were proposed as a last step in a process designed to ensure that school districts in New Jersey provide all students with a thorough and efficient education. They provide for the establishment of a state-operated school district only after school districts have gone through the planning, implementation and monitoring processes established by P.L. 1975, c. 212 and Chapter 8 of the New Jersey code, and a demonstration by the district of an inability or unwillingness to correct severe and complex deficiencies.

This memo provides background information to assist the N.J. State Federation of Teachers develop its position on the education bankruptcy legislation. It contains: 1) a statement of the provisions of the proposed legislation in New Jersey; 2) a discussion of experience with educational bankruptcy legislation in two other states, Kentucky and

South Carolina; 3) a comparison of the provisions of the proposed legislation with laws and regulations in these other states; 4) a discussion of issues and options for New Jersey.

Provisions of the Proposed Legislation

The bills to establish state-operated school districts have the following provisions.

o Assembly Bill No. 2926 and Senate Bill No. 2355 provide procedures for establishing a state-operated school district where a local school district has failed to rectify serious and documented deficiencies and where the State Board of Education determines that the district is not providing a thorough and efficient system of education. As part of the establishment of a state-operated school district the state board of education is authorized to remove a local board of education and appoint a state district superintendent to direct all operations of the district.

o Assembly Bill No. 2927 and Senate Bill No. 2356 establish procedures for the governance of a state-operated school district established by order of the State Board of Education when a local school district has failed to correct serious deficiencies. Under these bills, a state-operated school district would be conducted under the supervision of a state district superintendent appointed by the State Board for a five-year term. The bills provide for the elimination of certain administrative and supervisory staff positions in the district and delegate all administrative and supervisory responsibilities, including authority to establish the school district's budget, to the state district superintendent. They also provide for a phased reestablishment of local control of the district not less than five years from the date of the state takeover.

Experience with Educational Bankruptcy Legislation

Although the proposed "educational bankruptcy" legislation in New Jersey has received a great deal of public attention, New Jersey is not the first state to consider a state takeover of school districts when districts fail to provide programs that meet state standards. Currently two other states, Kentucky and South Carolina, have similar legislation on the books. Although these laws are relatively new -- and no school district has been taken over by the state to date -- they provide points of reference for the current debate in New Jersey. We discuss below the general provisions of bankruptcy laws and regulations in these two states and then provide some points of comparison between laws and regulations in these states and the proposed New Jersey legislation.

Kentucky - Regulations to implement Kentucky's Educational Improvement Act require that each local school district prepare an Annual Performance Report by September 15th of each year that includes data on several aspects of school programs and services and student achievement during the previous school year. Based on this report, the local board of education is required to identify program and service deficiencies and deficiencies in student achievement. The regulations state that a district will have deficiencies when it does not meet one or more accreditation standards in each of these four areas: 1) program and service offerings; 2) planning and reporting; 3) academic achievement; and 4) product goals. In the area of academic achievement, there are two indicators of student academic performance, including test scores on the Comprehensive Test of Basic Skills and passage rates on tests in selected skill areas; product goals include student attendance and student dropout rates.

Districts are required to prepare and submit to the State Board of Education by October 15th of each year a Master Educational Improvement Plan (MEIP) that contains plans for addressing: 1) accreditation deficiencies; 2) deficiencies in academic performance on state-mandated tests; 3) personnel in-service needs; 4) financial deficiencies; and 5) other program and performance deficiencies. They are then required to report to the Kentucky Department of Education their progress in correcting these deficiencies by September 15th of the following year. The Department then identifies those districts that are failing to make satisfactory progress. The Educational Improvement Advisory Committee, a group of 18 members appointed by the governor, then reviews these progress reports and recommends to the Superintendent of Public Instruction those districts which are "educationally deficient" and which should be provided with technical assistance by the Department of Education.

School districts which fail to meet or make satisfactory progress toward correcting deficiencies in program and service standards and product standards, i.e., fail to adhere to the time lines established in the approved Master Educational Improvement Plan, after receiving technical assistance from the Department of Education, are subject to direct management intervention by the State Board of Education. The state superintendent has the authority, with the concurrence of the state board of education, to limit the local superintendent's and school board's authority to expend funds, employ and dismiss personnel, establish the district's instructional program and policies and reallocate up to 25 percent of the district's state equalization funds. If a school district still does not meet established time lines for

correcting deficiencies after direct management intervention by the State Board of Education, the state can remove from office a member or members of the local board, the superintendent, or other school district personnel.

The regulations administering the Educational Improvement Act have been in effect in Kentucky for just over two years. In the fall of 1985, school districts submitted MEIPs for the 1984-85 school year. Several districts were identified as having deficiencies in test scores, dropouts and attendance and have implemented plans to correct them during the last school year. None of them, however, were declared "educationally deficient" and in need of technical assistance from the Kentucky Department of Education. When the Board of Education meets in the fall of 1986, staff in the Department of Education anticipate that a small number of districts will not have made satisfactory progress in correcting their deficiencies and may be declared "educationally deficient." They will receive technical assistance from the Department but will not yet reach the point where either direct management intervention or removal of local school officials from office by the state will be required.

South Carolina - The Education Improvement Act of 1984 authorized the State Board of Education to develop criteria for evaluating the quality of education in the school district in the state. The State Department of Education was assigned the responsibility for collecting data from school districts and for evaluating the quality of education in the districts. The evaluation of districts by the Department could produce three possible outcomes:

- 1) The district meets all minimum criteria.

2) The district does not meet all criteria, but meets a sufficient number not to be educationally impaired. The screening identifies problems areas and the State Department of Education provides technical assistance in resolving them.

3) The district fails to meet the required number of criteria and is declared to be "seriously impaired." The State Superintendent, with the approval of the State Board of Education, appoints a review committee to: study educational progress in the district; identify factors affecting the impairment of quality; and make recommendations for corrective action to the State Board of Education to be implemented by the end of the school year. If the recommendations approved by the State Board of Education are not implemented within six months of receiving them, the State Superintendent has the authority to:

- o Declare a state of emergency in the district and present evidence to support this to the Education Committees of the House of Representatives and the Senate. If a majority of the committee members concur with the finding, the State Superintendent may place funds for programs funded under the act in escrow for the duration of the emergency. The state of emergency can be declared ended by a majority vote at a joint meeting of the Education Committees of the House and Senate.
- o Furnish advice and technical assistance in implementing the recommendations to the State Board of Education.
- o Recommend to the Governor that the office of superintendent be declared vacant. The state superintendent may then furnish an interim replacement until the vacancy is filled by the local board of trustees.

In December 1984, the State Board of Education adopted regulations that specified minimum criteria standards to be applied to district performance during the 1983-84 school year. The regulations contained two summary criteria for establishing the quality of education in a school district. These included:

o Achievement Test Results - School districts had to meet two-thirds (18 of 27) minimum criteria standards on the BSAP and the CTBS. Each achievement test standard was satisfied if at least one of the following conditions were met: 1) the improvement performance by the district met or exceeded the gain realized by the statewide population above the prior administration of that measure; or 2) the performance of the district met or exceeded a defined minimum performance level for that measure.

o Accreditation Deficiencies, Dropout Rate, Student Attendance - School districts had to satisfy four of six minimum criteria standards for accreditation deficiencies, dropout rate and student attendance.

In 1985, the State Board of Education approved a report for the 1983-84 school year that found the following: 54 districts met all standards; 32 districts did not meet all standards but met summary requirements; 6 districts were "seriously impaired." These six districts undertook corrective action to redress their impairments and were not subjected to further intervention by the state.

In December 1985, the State Board of Education approved minimum criteria standards for the 1984-85 school year. These included 1) Achievement Test Results and 2) Accreditation Deficiencies, Dropout Rates, Student Attendance and Faculty Attendance. In the area of academic achievement, districts had to satisfy two-thirds (18 of 27) minimum criteria standards for the BSAP and CTBS achievement tests. In the second area, the districts had to satisfy three-fourths (6 of 8) of the minimum criteria standards.

In 1986, the State Board of Education approved a report for the 1984-85 school year that found the following: 59 districts met all

standards; 31 districts did not meet all standards but met summary requirements; two districts were "seriously impaired." These two districts are currently implementing corrective action to redress their impairments and have not been subjected to more extensive state intervention.

Comparison of Bankruptcy Legislation Provisions

There are several important similarities and differences in the provisions of the educational bankruptcy legislation in Kentucky, South Carolina and New Jersey. They are similar in the following areas:

- o All include a series of stages of review of school districts' program and service offerings and student achievement and, in all cases state intervention is viewed as a measure of last resort. They all provide for local development of plans to address their educational deficiencies, a period in which local districts can implement these plans with or without technical assistance from the state, more direct state intervention into the management of the district, and finally for state removal of local school officials from office.

- o All three states use some combination of process and output measures to identify educational deficiencies in districts. District success on these measures is evaluated based on standards defined in regulations. For districts to be identified as "deficient," they must fail to meet state criteria on a number of indicators of these standards.

The states differ in the following areas:

- o The proposed New Jersey legislation appears to be more far-reaching than the legislation in the other two states. Assembly Bill No. 2927 and Senate Bill No. 2356 specifically provide for the appointment of a state district superintendent and establish the

superintendent's authority to carry out certain actions for a period of up to five years. In South Carolina, in contrast, where a district has failed to take corrective actions to redress its educational impairments, state law empowers the state superintendent to declare the local superintendent's office vacant and appoint an interim replacement until the vacancy is filled by the local board of trustees. Similarly in Kentucky, regulations empower the state board of education to remove a local board of education or the local superintendent from office but do not specifically provide for the creation of a state district superintendent. Some experts on the law in Kentucky suggest that the existing board of education will simply be replaced by a new board.

o The states take different approaches to measuring student achievement when they determine whether school districts are "deficient" or "impaired." All three states use a standards approach to measuring student achievement, but these standards are approached in different ways. New Jersey uses a static approach in evaluating districts. Districts that fail to meet the following criteria will not be rated "acceptable" in mandated basic skills if: seventy-five percent of pupils in grade nine do not pass the state mandated basic skills test; test scores of 75 percent of the pupils in grades three and six of each school in the district do not equal or exceed scores prescribed by the State Board of Education for commercially published tests or district criterion-referenced tests approved by the State Board. Kentucky, in contrast uses a progress approach to measuring student achievement. School districts may have deficiencies when students do not attain standard scores on tests of basic skills. However, a district will only be declared "educationally deficient" when the district fails to attain

the standard level within a specified time frame. In other words, progress toward the standard, rather than the standard itself is the criterion for establishing that a district is educationally deficient. Finally, South Carolina uses both a status and progress approach to measuring deficiencies in student achievement. School districts must meet two-thirds of minimum criteria standards on tests of basic skills. However, each achievement test standard is satisfied when one of the following conditions is met: 1) the improvement in performance by a district meets or exceeds the gain realized by the statewide population above the prior administration of the test; or 2) the performance of the district meets or exceeds a defined minimum level of performance for that measure. On both tests of basic skills used by the state, the BSAP and the CTBS, the "free lunch" student population is used as the standard of student performance.

Issues Raised by the Proposed Legislation

The proposed legislation in New Jersey provides an extremely detailed and comprehensive set of procedures for correcting deficiencies in local programs, fiscal practices, governance and management operations. There are, however, a number of unresolved issues that require consideration by the New Jersey Federation of Teachers in developing a position on the proposed legislation. These are discussed below.

o Criteria for a State Takeover of School Districts - To achieve certification before the state intervenes or establishes a state-operated school district, school districts must establish an acceptable level of performance on 10 elements of the educational process. These include student outcome measures on mandated basic skills. As stated above, New

Jersey uses a static approach to evaluating student achievement. To be certified, 75 percent of pupils in grade nine must pass a state-mandated test of basic skills and test scores of 75 percent of the pupils in grades three and six must equal or exceed scores prescribed by the State Board of Education. In contrast, other states with educational bankruptcy legislation use either a progress approach or a combination of status and progress to establish district certification. There is at least some question about whether the static approach used by New Jersey for establishing educational deficiencies in a school district are adequate or appropriate. Are the standards set so high that some districts will not ever be able to achieve these standards, even after state intervention or takeover of the district? Should progress toward the standard, rather than a level of performance be used as the criterion for district certification?

o State Actions to Improve Education in a State-Operated School District - The establishment of a state-operated school district would follow only after school districts did not attain certification during a number of phases of review and monitoring. The last phase, Level III monitoring, involved both an external review of the district's deficiencies and, where the district has failed to correct long-standing deficiencies, a comprehensive compliance investigation by the state. This objective of this investigation was to identify and document irregularities in the district's educational programs, fiscal practices, governance and management operations that impede the district's efforts to achieve certification. In principle, a state-operated school district would be expected to take actions that address problems identified in the compliance investigation and these, of course, would be district-specific.

Nonetheless, the legislation does not provide any guidance about the types of actions that would be undertaken by a state-operated school and how these actions would address school districts' deficiencies any better than current district practice. Although districts that were taken over by the state had ample opportunity to improve their educational programs and achieve certification, it is, at best, unclear whether a state district superintendent and school administration will be any more successful in providing a thorough and efficient education than previous local school officials.

o Financing the School Program in a State-Operated School

District - There is a strong presumption in the proposed state takeover legislation that current funding of school programs in all school districts in New Jersey is adequate to provide a thorough and efficient education and that failure to do so is the result of fiscal mismanagement on the part of local school officials. Based on this presumption, the full cost of the state intervention -- including the salaries of the state district superintendent, support staff and the auditing team assigned by the state -- would have to be borne by the local district. Although state review and monitoring of school districts' fiscal practices may, in some cases, confirm this presumption, arguments can be made -- and are currently being made in court -- that the resource base to fund a thorough and efficient education is inadequate in some districts and that additional state funding is required to accomplish this objective. It is therefore unclear whether the burden of financing a state-operated school district should be borne at the local level or whether the state should finance a larger share of the cost of this intervention.

o Teacher Employment in a State-Operated School District - The proposed legislation is explicit about the status of school principals in a state-operated school district but more ambiguous about the status of teachers in this situation. The legislation provides for an assessment of the performance of building principals during the first year of the state takeover and gives the superintendent the authority to decide, within a 12-month period, whether to retain or dismiss each building principal. Teachers' employment, on the other hand, appears to be protected under existing tenure and civil service laws. However, it is unclear whether the assessment of principals will have an effect on the employment of teachers. It would appear almost certain that an evaluation of principals would be based, at least in part, on a school's performance in meeting standards of student achievement. Where schools continue to fall short of state standards, questions would inevitably be raised about the efficacy of individual teachers. While the legislation appears to protect teachers' jobs, it also provides that the superintendent can assign district staff to duties "for which they may be appropriately certified." This leaves open the possibility of nonvoluntary transfers or other actions that may infringe on current protections for teachers. Although this is not an inevitable consequence of the proposed legislation, it is a potential outcome.

o Period of State Intervention - The proposed legislation provides for the maintenance of a state-operated school district for a period of at least five years. This period is based on a number of assumptions. Most importantly, the district has been given numerous opportunities to correct its deficiencies and has failed to do so over the years. It would thus appear that the problems of the district are so

severe and complex that they would be difficult to resolve in a shorter period of time. This may well be the case. However, it is possible that, with an effective state district superintendent and a more capable school administration, a school district's deficiencies could be corrected in a shorter time frame. Under these circumstances, should the state continue to operate the school district for the whole five-year period or should the state consider the reestablishment of local control in less than five years?

NEW JERSEY'S PLAN
TO INTERVENE
IN DEFICIENT SCHOOL
DISTRICTS

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We recognize that education is ultimately a state responsibility and that the state may, in dire situations, have to exercise its responsibility directly by taking over a local school district. We agree with Commissioner Cooperman that the state's overriding concern must be the welfare of the children in its schools. Thus, we wish to have our concerns and suggestions be construed as constructive comments on a plan intended to promote a goal we all share: the thorough and efficient education of New Jersey children.

The Pre-Takeover Stage

1. If, as State Education Department officials are claiming, the state already has clear evidence of gross fiscal mismanagement in some districts, there is no justification for engaging in the protractedness and dilatoriness permitted by the intervention plan. The state should act immediately, even to the point of bringing a criminal court case where the evidence warrants this.
2. There is no discussion in the intervention plan of the state's responsibility for assuring adequate resource provision to local dis-

tricts. In the Abbott v. Burke case now being heard by an Administrative Law Judge by order of the New Jersey Supreme Court, the state is contending that such provision has been made. That is, the state is saying that local districts have been given the funds with which to offer a thorough and efficient education and it is merely a matter of applying those funds effectively. The state stands by this position even for urban districts where the per pupil expenditure is much less than in suburban districts. This posture places the full financial burden of further improvement on local districts and taxpayers, including the lowest wealth districts with the poorest taxpayers. If, in fact, adequate state support has not been provided, the state may be forcing failure on local districts and then blaming the victims. The state may be preparing to take over districts whose deficiencies are, to some extent, attributable to state neglect.

3. As the state assembles an evidential basis for the take-over of a district, it should place its evidence of alleged ineptitude in the context of the external constraints affecting the district. Commissioner Cooperman's assertion that district officials use local conditions as an excuse for failure is unduly harsh. It suggests that there are no local conditions that augur against success. High pupil transiency rates, the siphoning off of the better students to private and parochial schools, and the high incidence of teenage pregnancy are only a few of the measurable phenomena that affect schooling but over which school officials have little

control. There are pathologies which are not easily measured, such as drug addiction and family trauma, but which are known to impact with special severity on certain school districts. Ernest Boyer has called attention recently to the very basic problem of inadequate nutrition, an inadequacy that begins before the child is born. If the state dismisses these non-school problems in its calculus, it may well find that its school intervention yields the same frustration that is familiar to local officials.

4. While collecting evidence on local district performance, the state should also be collecting evidence on the effectiveness of its monitoring process. It is conceivable that, in some respects, this process is an impediment to substantive achievement by local districts. To date, there are not even results on the state's much-publicized Urban Initiative, and yet the state proceeds as though it will be found faultless. Absent evidence on the effectiveness of its own role, the state should refrain from giving local districts the detriment of the doubt, as is done in the intervention plan.

5. The Level III review guidelines should be developed by the state, not by a review team appointed by the state. If each review team develops its own guidelines, there will be no assurance of uniformity across the different Level III reviews. A state guideline that does not apply to a particular district need not be used in the review of that district, and a review team can

go beyond the guidelines where it thinks this to be necessary, but some consistency of approach is desirable for the purposes of fairness and predictability.

6. The program directives that are issued to a district subsequent to a Level III review should be research-justified, and the research should document success in a variety of districts of the same general type as the reviewed district (e.g., urban, rural, poor). Where research is not available and where professional judgment has to be exercised, there should be an appropriate humility in passing this judgment.

7. The implementation of the directives resulting from a Level III review should involve the active participation of State Education Department personnel. These personnel should be on site on a regular basis to offer their guidance. Their involvement might prevent the necessity for a state takeover. Should it become necessary for the state to take over anyway, valuable insights will have been gained by state personnel which could help to make the intervention a success.

8. Instructional programs and teacher development should be raised to the same level of priority which the intervention plan gives to management practices. Good programs and good teaching can offset a lot of bad management, but the reverse is not true. Education does not take place in the central office or even in the principal's office, generally speaking; it is conducted in the

classroom. The waste and inefficiency and staff demoralization that result from poor management practices certainly demand attention, but progress in these areas may not translate to better classroom practices.

The Takeover Stage

1. There is a remarkable vagueness about what will happen at the takeover stage beyond the wholesale displacement of incumbent officeholders. The complexity of the need for takeover is denied by the simplicity of the approach to takeover.

2. Since the "effective schools and teachers" research is likely to have been tried - and tried seriously - before the takeover (if for no other reason than to prevent the takeover), the state should be prepared to offer something specific beyond these nostrums. A state-appointed district superintendent who also serves as a one-person board of education is obviously going to be someone with tremendous power, but to invest this much power in a single individual is not itself a very potent prescription for success. What reasons are there for thinking that this individual can succeed where the combined forces of state, county, and local officials were inadequate to prevent the takeover?

3. Recent research on both school and industrial organizations documents the effectiveness of collegial governance, especially where the employees are professionals. The Carnegie Forum

on Education and the Economy, whose membership included Governor Kean, devotes a considerable part of its report (A Nation Prepared) to the importance of expanding the governance role of teachers. This past July the Education Commission of the States issued a report with the telling title of What Next? More Leverage for Teachers. And Commissioner Cooperman himself, in a Newark Star-Ledger article of August 31, 1986, is quoted as saying that the state would be taking "dramatic steps" this year to improve professionalism among teachers. None of this is reflected in the intervention plan, which simply confers enormous power on the state-appointed superintendent.

4. There is a question of whether the state-appointed superintendent will be empowered to abrogate employee contracts if these are deemed to be instances of "mismanagement." In addition to terminating all of the central office staff, will the superintendent be able to dismiss such support staff as custodians and secretaries?

Again, we trust that these concerns and suggestions will be taken in the spirit in which they are offered: that of a willingness to cooperate with the state toward educational improvement and of a keen sense of our responsibility for doing so.

