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# *Committee Meeting*

of

## JOINT COMMITTEE ON THE PUBLIC SCHOOLS

### INNOVATIVE PRACTICES SUBCOMMITTEE

*“Invited guests have been asked to speak on the topic of charter schools and the methods in which they currently report their data. The Subcommittee will begin a discussion of the potential inclusion of charter schools complying to QSAC regulations for methods of reporting data”*

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**LOCATION:** Committee Room 11  
State House Annex  
Trenton, New Jersey

**DATE:** July 20, 2015  
10:00 a.m.

**MEMBERS OF SUBCOMMITTEE PRESENT:**

Assemblyman David W. Wolfe, Chair  
Senator Ronald L. Rice  
Assemblywoman Mila M. Jasey  
Assemblywoman Sheila Y. Oliver  
Assemblywoman Donna M. Simon

**ALSO PRESENT:**

Amy Tibbetts  
*Executive Director*

Rebecca Sapp  
*Executive Assistant*



*Meeting Recorded and Transcribed by*  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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SENATE

Hon. Ronald L. Rice  
Co-Chair

Hon. Diane B. Allen  
Hon. Christopher "Kip" Bateman  
Hon. Linda R. Greenstein  
Hon. M. Teresa Ruiz  
Hon. Samuel D. Thompson

ASSEMBLY

Hon. Mila M. Jasey  
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Hon. Ralph R. Caputo  
Hon. Betty Lou DeCrocce  
Hon. Sheila Y. Oliver  
Hon. Donna M. Simon  
Hon. Benjie E. Wimberly  
Hon. David W. Wolfe



**Joint Committee on the Public Schools**

135 West Hanover Street  
P.O. Box 070

Trenton, New Jersey, 08625

Telephone: (609) 847-3365

Fax: (609) 292-4912

Amy Tibbetts  
Executive Director  
[atibbetts@njleg.org](mailto:atibbetts@njleg.org)

Rebecca Sapp  
Executive Assistant  
[rsapp@njleg.org](mailto:rsapp@njleg.org)

**MEETING NOTICE**

**TO: Members of the Innovative Practices Subcommittee – Joint Committee on the Public Schools**

**FROM: Assemblyman David Wolfe, Chair**

The Innovative Practices Subcommittee will hold a meeting on Monday, July 20, 2015 in Committee Room 11 on the Fourth Floor of the State House Annex, beginning at 10:00 a.m. Invited guests have been asked to speak on the topic of charter schools and the methods in which they currently report their data. The Subcommittee will begin a discussion of the potential inclusion of charter schools complying to QSAC regulations for methods of reporting data.

**The public may address comments and questions to Amy Tibbetts, Executive Director, at 609-847-3365, or by email at [Atibbetts@njleg.org](mailto:Atibbetts@njleg.org)**

Issued July 10, 2015

## TABLE OF CONTENTS

	<u>Page</u>
Melanie Schulz Director Government Relations New Jersey Association of School Administrators	3
Patrick J. Fletcher President New Jersey Association of School Administrators, and Superintendent of Schools River Dell Regional School District	4
Harold Lee Director Office of Charter Schools New Jersey Department of Education	7
Colleen Schulz-Eskow Legislative Liaison New Jersey Department of Education	7
Amanda Vega Manager Communications and Marketing New Jersey Charter Schools Association	42
Donna Medea Education Director Greater Brunswick Charter School	43
Sharon Seyler Legislative Advocate New Jersey School Boards Association	63
Susan Cauldwell Executive Director Save Our Schools NJ Community Organizing	70

## TABLE OF CONTENTS (continued)

	<b><u>Page</u></b>
Nicole D. Cole, Esq. President and CEO New Jersey Charter School Association	78
Sean W. Hadley, Esq. Associate Director Government Relations New Jersey Education Association	87
Jaime Valente President Teaneck Community Charter School Education Association	92
<b>APPENDIX:</b>	
<i>Charter School Oversight &amp; Accountability</i> submitted by Harold Lee	1x
Testimony submitted by Amanda Vega	11x
Testimony submitted by Donna Medea	13x
Testimony submitted by Sharon Seyler	14x
Testimony submitted by Susan Cauldwell	15x
Testimony submitted by Sean W. Hadley, Esq.	20x
pnf: 1-97	

**ASSEMBLYMAN DAVID W. WOLFE (Chair):** Good morning. Thank you for coming here on the hottest day of the year. (laughter) Hopefully, this will be the coolest room in Trenton.

My name is Dave Wolfe, and I want to welcome you to today's hearing -- and it is just a hearing to express your views on a topic that we think is pretty important.

We are a subcommittee of the Joint Committee on the Public Schools. We look at innovative practices -- things that are a little bit different than the ordinary; and certainly charter schools kind of meet that criteria.

But actually, the real reason for our meeting today is we're going to have a shower for Amy. (laughter) But she doesn't know that; neither did I, but hopefully she will not have her baby today -- *babies* -- but we'll see.

Anyway, there are some people who have signed up to testify, and we'll call them in the order that they chose to say they wanted to speak. And then if anybody else would like to speak, we would certainly like to hear from you.

But before we begin, I'd like to ask that my fellow Committee members say a few words. So we'll start with Senator Rice.

**SENATOR RICE:** I just wanted to say good morning. We're working all summer; you can tell. I want to thank you for taking the time out of your schedules to be here. And I want to thank Assemblyman Wolfe for the job he's doing as our subcommittee Chair in making sure that we continue to get information that will be of value to us as we deliberate on education.

So thank you very much.

ASSEMBLYMAN WOLFE: Mila -- Assemblywoman.

ASSEMBLYWOMAN JASEY: I'd just like to repeat the Senator's greeting. It's amazing to see so many people here on a summer day. It shows that you're interested and committed, and we thank you for coming. And I thank Assemblyman Wolfe for following up on this issue. It's a topic that's very important to all of us, but more importantly to all the children, and parents, and citizens of New Jersey.

So I look forward to hearing the testimony and being brought up to date. Thank you.

ASSEMBLYMAN WOLFE: Thank you.

Assemblywoman.

ASSEMBLYWOMAN SIMON: Thank you.

Well, Helen Keller said it best: "Alone we can do so little; together we can do so much." So I'm very proud to be here, rolling our sleeves up, trying to get something accomplished over the summer period of time. I'm looking forward to hearing both sides; I know everybody is passionate about it. Just to look at a comparison about what's being done on the public schools, and also the charter schools -- how we can improve that for the kids.

It's good to be here; thanks.

ASSEMBLYMAN WOLFE: Thank you, Assemblywoman.

And I think the Assemblywoman just said something very important: we're just here to listen, not to take sides. I know this is an issue that's of concern to all of us, and we would appreciate it if you would

respect the opinions of the people who do speak. Not necessarily us, but the folks who are here to listen. (laughter)

So we're going to be talking about, obviously, charter schools; but also methodology for evaluation, and also the consideration of: should QSAC criteria be applied to the charter schools. I'm not saying that any of us have a feeling for or against any of those criteria; but we feel it's important that we air those before we come to some realistic conclusion.

So there are people who have indicated they wish to testify. And so the first person who has indicated is Melanie Schulz from NJASA; and Peter Fletcher -- Patrick; I'm sorry, Patrick.

Ms. Schulz, would you state your name and record, please, for the Committee? No, I was only kidding. (laughter)

**MELANIE SCHULZ:** Good morning, members. Melanie Schulz, on behalf of the NJASA.

Thank you so much for this long-overdue conversation. I think it's important that we put everyone in the room together to talk about the similarities, and maybe the differences, of this particular kind of reporting. Senator Rice will probably remember back in 2004 when we were writing the original QSAC legislation -- that we did give consideration to including charter schools in the process. Subsequently, in 2007, when we revisited the QSAC legislation we considered it then. There never seemed to be a full and robust conversation about why or why not; but I think that this hearing might prove to be the first in many good conversations that we can have over time.

I am joined today by NJASA's 2015-2016 President, Mr. Patrick Fletcher. Mr. Fletcher is our Superintendent in River Dell Regional,

which is a school district -- a high-performing school district comprised of grades 7 through 12. He's been in the district since 2006; his background is as a business administrator. He's also a CPA. About 1,700 students. And a good spokesperson for NJASA; but a good person to talk to you, too, about what happens with QSAC, and also how it might or might not relate well with charter schools.

So I'm not going to take up any more of your time because I think it's important that you really hear from a practitioner.

So with that, I will give the microphone over to Mr. Fletcher.

**PATRICK J. FLETCHER:** Good morning, and thank you for the opportunity to be here.

As Melanie Schulz said, my name is Patrick Fletcher and I currently serve as the President for NJASA.

I'd like everyone to understand that any remarks that are made on behalf of the Association are not a swipe at charter schools, because charter schools, just like public schools -- when done well, children succeed. And charter schools, just like public schools -- when *not* done well, children do not succeed.

We've been involved in the QSAC process for a number of years now. And I've been a Superintendent for almost 15 years and have been through several different iterations of QSAC, and State monitoring, etc., in a variety of different roles. And I have to say that over time, as this process has evolved, it's gotten better and better, more focused; and I think it's something that can be certainly utilized across all the different school iterations that we have in the State of New Jersey.



If we differentiate the way that schools are measured, we begin to create an unlevel playing field for the measurement of student success. And it's very important, I think, for not only people who are interested from the public, but also for the practitioners in the field to be able to make fair judgments as the way schools are compared, regardless of their organization. When we create an unlevel playing field, advantages grow for one versus the other. And I think that's something that all legislators and all members of both houses should keep in mind as we continue to move forward.

The current iteration of QSAC is an on-going process; it's called a *continuum* for a reason, and that's because we try to keep a measurement process in place from year to year to year. And as I indicated, it's become more focused, it's very clear, and once the public school goes through the process, then they have to make their results known to the public. We are required to post it on our websites and make it available to our public so that they have an opportunity to see what the State is looking at and, hopefully, that we're doing well at it.

And I think that's perhaps one of the most important aspects of the process -- is that it's clear. I hate to use the word *transparent*, because it's overused, but it's certainly available for the public and for other practitioners to keep an eye on it, to look at it from one place to another.

MS. SCHULZ: So if you have any questions, we'll be happy to address them; or we'll both be around. After you hear from others, maybe you'll have more questions.

ASSEMBLYMAN WOLFE: Okay.

ASSEMBLYWOMAN JASEY: May I ask one quick--

ASSEMBLYMAN WOLFE: Mila.

ASSEMBLYWOMAN JASEY: You mentioned that the process has improved. Could you give an example of that?

MR. FLETCHER: Yes. Unfortunately, I go back to the days when we first had what we called *monitoring*. And monitoring was a process where school districts basically created a war room and went through this enormous checklist of hundreds of items -- that we tried to put together evidence that we were meeting these requirements. However, as the State Department has begun to take advantage of technology, and as we have a statewide database, and as we have the submission of our audits and a lot of other reporting done electronically, what's happened is that that enormous checklist has been winnowed, if you will, down to some essential elements in four major areas of operations, and it's become very clear. And school districts -- regardless of whether they are a charter or a public school -- that are operating effectively have a continuous bank of evidence that's available for people to look at, and to make a determination as to whether or not there is a performance issue or that the districts are performing well. So it's become a clearer situation; it's become a more focused situation; and it is certainly something that has improved in its implementation at the local level over the years.

ASSEMBLYWOMAN JASEY: Thank you.

ASSEMBLYMAN WOLFE: Anybody else? (no response)

Okay, thank you very much.

MR. FLETCHER: Thank you.

ASSEMBLYMAN WOLFE: And if you can stick around, we may ask some questions later on.

MR. FLETCHER: Sure.

ASSEMBLYMAN WOLFE: Thank you.

Okay, next we have testimony from the Department of Education, and we have two people from the Department who will testify, and I will let them introduce themselves to the Committee.

Welcome.

**HAROLD LEE:** Thank you very much.

ASSEMBLYMAN WOLFE: So whoever wants to go first, can go first.

MR. LEE: Hello, everyone. Thank you for this opportunity.

My name is Harry Lee; I'm the Director of the Charter School Office at the New Jersey Department of Education.

**COLLEEN SCHULZ-ESKOW:** Hi, I'm Colleen Eskow, and I'm the Legislative Liaison from the New Jersey Department of Education. Thank you for having us today.

MR. LEE: So we actually have a presentation, which you should have available, that we want to go through to share about charter school oversight, and accountability, and our role in ensuring that charter schools are providing a high quality education to students. And so I'm going to, largely, go through that slide deck; if you have it open, that would be great. Yes, that one (gesturing).

So if you go to slide 2-- Before I get into the meat of the presentation, I wanted to share about the role of the Department in monitoring, as well as basic charter school information. The mission of the Department is to ensure that all students, regardless of zip code, graduate high school ready for college and careers. And the charter program fits in

well with this mission, and we need to ensure that our charter schools are providing a high quality public education to students.

As the authorizer, the Commissioner has final authority over charter school openings, monitoring, and all high-stakes decision making.

ASSEMBLYMAN WOLFE: Excuse me.

MR. LEE: Yes.

ASSEMBLYMAN WOLFE: I know you're sharing this with us; we do have a copy. But the people here don't have a copy. Is there some way that if they want a copy, they can get it from you? I mean, can you give an address or something they can--

MS. SCHULZ-ESKOW: We can make that available to folks if they-- We can possibly put it on our website. We'll follow up.

MR. LEE: Yes, we can--

MS. TIBBETTS (Executive Director): It will be in the transcript.

MS. SCHULZ-ESKOW: It will be in the transcript as well.

ASSEMBLYMAN WOLFE: All right. Well, you'll have to wait until the transcript comes out, and then you can read it, okay? (laughter)

MS. TIBBETTS: Or you can send it to me, and I can -- they can e-mail me, and I can send it out.

MS. SCHULZ-ESKOW: Yes, that's no problem.

ASSEMBLYMAN WOLFE: Okay, all right. Okay, thanks very much.

MR. LEE: So in the 2015-2016 school year we will have 89 charter schools serving over 40,000 students in the state. And many of our

charter schools are predominantly in our urban areas such as Newark, Camden, Trenton, and Jersey City.

And this last bullet really highlights how seriously we take the work of authorizing schools. Over the last three years, 15 charter schools have opened, but 11 charter schools have been closed. And so we've also placed 28 schools on probation for academic, fiscal, or operational reasons. So through improvements in our authorizing practice, we really set some high expectations for charter schools in the State.

So I'm on slide 3 here. I'm going to talk through the core functions of the Charter Office when it comes to charter schools. Charter schools have to apply to the Department, and we have a very rigorous application process -- that's the first graphic there. For schools that get initial application approval, they go through what's called a *preparedness process* to gauge their capacity and readiness to open a high-quality charter school from day one. Once schools become operational, the Department monitors these schools on an annual basis and takes certain actions depending on -- when necessary, including renewal, expanding, sanctioning, and closing schools whenever appropriate. All of our work is guided by what's called the *Performance Framework*, and the Framework is our accountability tool that we use. I mean, it's really a backbone of a lot of our work. It is, essentially, our QSAC.

And so I'm going to go into details around the Framework. We'll go to the next slide -- 4 here.

So what is the Performance Framework? The Framework has three parts: academic, fiscal, and organizational. Each charter school in the State signs a charter agreement or a contract with the Department which

lays out the terms and conditions of operating a charter school in the State of New Jersey. We use the Framework as a basis for all high-stakes decision-making. And the graphic on the right side is something that I do want to highlight.

There are some important differences between charter schools and traditional public schools. When the Legislature established the charter program 20 years ago, the hope was that charter schools would be engines of innovation that will allow for new and different teaching and learning methods. An important idea to understand is that charter schools have more autonomy than traditional public schools: they have their own Board of Trustees, control of their budgets and personnel, freedom of curriculum, etc. But in exchange for that autonomy, there is much greater accountability. So charter schools run on contracts with the DOE, and they really interact with us through that contract. As the authorizer, we have the very important responsibility for ensuring schools are providing a high-quality education -- or they run the risk of being closed.

And the Framework is going to be the main driver of that decision to sanction or close a school -- or expand a school, for that matter. We do not have the same relationship with district schools; which is why we use a different tool, which is the Framework.

And so I'm going to get into our accountability tool and give you a broad overview of the three sections which may be helpful in contextualizing all this.

So there are three sections within the Framework -- we're on slide 5: academic, fiscal, and organizational. And here are the guiding questions that we utilize when we evaluate schools. First, and the most

important: is the school's academic program a success? We also need to ensure that schools are fiscally viable and organizationally sound as well. And so we're looking at multiple indicators, measures, metrics, to answer these three central questions. And charter schools are held to very high standards, and academics is going to be very important in all decision-making.

Slide 6 -- around the academic Framework. There are many indicators that we look at, and I'm going to go through these next few slides relatively quickly. I don't want to get too in the weeds here. But we're looking at-- There are multiple ways to evaluate educational data, and we're looking at multiple measures when looking at school quality and evaluating schools. So we're looking at absolute performance compared to the growth -- post-secondary readiness, for example. I do want to provide an example of something within our Framework that is not within QSAC -- which is comparative performance. We are looking at our charter schools against district averages, for example. We want to answer the question: If this charter school does not exist, would students in this school be better, on average, than the district schools? And so we want to ensure that charter schools are providing a high-quality option for our students.

Next is the organizational Framework. We're looking at a variety of indicators here to determine if a school is in compliance with relevant laws and regulations, and ensuring that schools are operationally strong and have the capacity to run a great school.

So there are a lot of components that we're looking at. Again, we take our role as the authorizer very seriously. We must ensure that we are safeguarding public and student interests. And I want to highlight that,

as the Department, we have the full support and resources within the Department to look at schools and evaluate schools. And so if we get a complaint on a particular issue -- for example, within special education -- we can leverage a special education office to do an investigation.

We also work very closely with our county offices, who go on most of our visits when we do site visit monitoring. And we also have a good relationship with OFAC if there needs to be further investigation on certain issues.

And so I do believe we have sufficient resources and eyes on this. And we need to ensure that charter schools are abiding by relevant laws and regulations.

So the financial Framework. We review a bunch of different indicators here, both near-term and long-term indicators, sustainability indicators. And we need to ensure that charter schools are fiscally viable. We're not looking at a school's spending decisions, for example; but we're looking at their financial position -- that they can make payroll, for example. So we look at a variety of indicators to ensure that they can be operational, moving forward.

In terms of oversight and monitoring, we collect a lot of information and data on charter schools each year. Charter schools must take the State exam like all other public schools. We collect information through NJ SMART, which is the State's longitudinal data system that's all publically available. We also have an online software system we use for compliance, called *Epicenter*, which we use to collect a lot of compliance documentation. Charter schools are also required to submit an annual



report each year on August 1. They also undergo an annual financial audit, which is due December 5.

We also have a dedicated fiscal team to review budgets. When we go on site visits, for example, we leverage the county offices and make sure that we have a rigorous process in place there. And since charter schools undergo -- run on contracts, which are 4 years initial and subsequent 5 years, they have to undergo a rigorous renewal process before they get another contract with the State. And we review about 15 to 22 schools annually, at this point, within the Charter Office.

And then I'm going to talk a little bit more about the renewal process -- which is the last slide in your deck here. The renewal process provides an opportunity to present evidence -- for schools to present evidence that they are providing a high-quality education to students. They have to submit a renewal application, and they receive a site visit from our staff. We also utilize an external reviewer when we go on these visits, as well as county office staff.

And we pour a lot of resources into this process. We go all day; we do interviews with key stakeholders, including the Board, administrators, teachers, parents, and students. We review documents and compliance checks, as well as visit classrooms.

So in closing, I would say that we take our role very seriously as the authorizer. We have dedicated staff to evaluate schools. The Framework is really what we utilize because it's a contract and we really interact with that contract with schools. And the charter program exists within the larger context of the Department, and we have the major goal of providing high-quality educational options to families and students.

Thank you.

ASSEMBLYMAN WOLFE: Mr. Lee, that was an excellent presentation -- easy, at least for me, to understand and very well done.

And I would like to just interrupt your testimony to introduce Assemblywoman Sheila Oliver, who has joined us.

Sheila, would you like to say something before we go on?

ASSEMBLYWOMAN OLIVER: No. I would just like to thank Chairman Wolfe and, of course, our Co-Chairs of the Joint Committee for conducting this hearing today.

As you can imagine, all of us have a great deal of interest in the charter school movement in New Jersey. One of the things I'm hoping to walk away with is learning how we are using what we are learning from the charter experience, and application to public schools. We know that originally the charter movement evolved in New Jersey as a, quote, "learning laboratory" for us to explore various techniques in educational instructions. I know that in some parts of this great state there is a good symbiotic relationship between the local districts and the charters.

So I hope today you can shed some light on what the Department is doing to help us take models of instruction that we see evidenced in charters -- and what is the applicability to public schools, in general.

ASSEMBLYMAN WOLFE: Thank you.

Ms. Schulz, do you have anything you'd like to add?

MS. SCHULZ-ESKOW: No.

ASSEMBLYMAN WOLFE: No?

MS. SCHULZ-ESKOW: Eskow; but, you know -- Melanie's daughter.

ASSEMBLYMAN WOLFE: Oh, I'm sorry. (laughter)

MS. SCHULZ-ESKOW: It's okay, it's okay.

ASSEMBLYMAN WOLFE: Melanie's daughter, would you like to add something? (laughter)

MS. SCHULZ-ESKOW: At this time, we wanted to really focus on what we're doing currently with charter schools and accountability.

ASSEMBLYMAN WOLFE: Okay.

MS. SCHULZ-ESKOW: So, you know, that's what we're prepared to speak about today.

ASSEMBLYMAN WOLFE: Any members -- do you have any questions?

Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: Good morning. Thanks for being here.

Something that struck me was your stats on -- that indicated that as of September 2015 there will be 89 charter schools; over the last 3 years, 15 opened; and 11 charter schools have been closed; and 28 have been placed on probation -- I think over 40 percent. What seems to be the issue?

MR. LEE: So I would say that we've increased the rigor in our process and created the Framework. So the Framework was developed in 2012. And so schools can be placed on probation for a variety of reasons -- everything from their audit being late -- and it's really the lever that we use

to ensure that their audit comes to us within a week after; and it really moves schools.

In terms of the number -- the amount of schools that have been closed versus those that have been opened, I would say that our job is to ensure that charter schools are of the highest quality. And so the schools that we have closed, they just have not met our bar in terms of the expectations we have set. Around-- Many of the charter school closures, most of them are around academic performance. So if they are not performing well, they run the risk of being closed and they do not get another contract with the State.

And the Framework has some very rigorous benchmarks that we use and utilize to make that determination of what does *high quality* look like. Again, on the front end, in terms of opening 15 schools, we want to make sure that these schools have a great chance of being high-quality schools.

ASSEMBLYWOMAN SIMON: Okay. Have you done a forensic on the schools that closed to figure out, you know, what could have been done differently to save them, or, moving forward, the criteria-- I mean, I don't know, and I don't know if anybody else on the Committee knows, what the criteria is through the application process -- what it takes to open up a school, or what your criteria is to close it.

MR. LEE: Right. So we have done a lot of work over the last four years to improve our authorizing practice and align with national best practices. So we've worked very closely with NACSA, which is the National Association of Charter Schools Authorizers, that builds capacity for authorizers to ensure that high quality charter schools open in the state.

And so we increased the rigor on the front end, in terms of our application process; we've revamped the application process. Currently, it is a two-phase process. Phase one is an executive summary -- about 25 pages; and then we have phase two, which is more in-depth. We also have a much more rigorous interview process and utilize external reviewers who are national experts to help us in this process.

And so I would say that we tightened up our authorizing in a way that we've set the bar higher.

ASSEMBLYWOMAN SIMON: Okay.

MR. LEE: And some of the schools that have been closed we probably would not open at this point, based upon our current review process. And they just were not providing a great education to students.

ASSEMBLYWOMAN SIMON: Do you find that because charter schools are known to run at a more lean-and-mean administration level-- Where in some schools there could be a superintendent and, you know, for a high school -- 9, 10, 11, 12 -- you have a principal, assistant principal; where in some charter schools the principal is the superintendent -- do you find that that is a struggle?

MR. LEE: So certainly that could be a challenge for schools in terms of the administrative staff, right? But each charter school, I'd say, is different and unique, and they have different structures in place. Some charter schools may have additional administrators, some may not. I can't speak to exactly -- for all the 11 schools that have closed, whether that has been a main issue. But, again, I think organizational and leadership capacity is definitely an issue for these schools that, if they do not have -- if we don't have the confidence that they can turn things around, or have the

leadership in place at the Board level as well as the Administrator level, then it's a difficult decision, and challenging for the school.

ASSEMBLYWOMAN SIMON: Okay. And lastly, I know we're here to talk about the inclusion of QSAC. From the Board of Ed perspective -- since you have both the public side of things and the charter school side -- what do you see as the major differentiation between charters reporting-- I mean, some say the charters report more than the public schools. The public schools say, "Come on board to QSAC." So what, from your perch, is the major differentiation? And do you think that it should be more of a -- maybe the two entities getting together and blend their methodologies?

MR. LEE: So I'll preface this answer with: I am not a QSAC expert. But I want to circle back to this idea that charter schools run on contracts with the Department, and we really interact with these charter schools through that contract. And so they have to get a charter agreement, which is a five-year contract; attached to that agreement is the Framework.

And that isn't the case with traditional public schools. And the main driver within our high stakes decision is really embedded within that charter agreement. We've certainly looked at QSAC as we developed the Framework. So we've taken pieces of that, especially around the compliance pieces -- for example, NJ SMART error rates, which is directly aligned with QSAC. So we've certainly looked at QSAC in other models from other states to develop the Framework; and so there has been some sort of blending there.

ASSEMBLYWOMAN SIMON: Okay. All right, thank you.

Thank you, Chair.

ASSEMBLYMAN WOLFE: Assemblywoman.

ASSEMBLYWOMAN OLIVER: Yes. I don't know if we've delved into this area prior to my coming, but I'm interested in understanding what the Department's position is in terms of support to charters and their capital needs. We experienced, in the past two-and-a-half years, a transaction whereby a potential charter operator was provided with funding through the New Jersey Economic Development Authority. I know that, you know, we had always had a position from the beginning of the charter movement in New Jersey that charters would be responsible for the acquisition of their buildings, facilities, and that whole financing.

It seemed to me that was the most high-profile example that we saw. And I'm interested in knowing: Does the Department now view utilizing funding capabilities that we have, bonding capabilities that we have in order to construct, renovate, and expand charter facilities?

MS. SCHULZ-ESKOW: Unfortunately, I believe, Harry and I are not the best people to respond to that question. But we're certainly-- We'll bring it back to the Administration and be able to respond. I just wouldn't be able to give you accurate information and wouldn't want to give you misinformation. But we can certainly reach out to Amy, or through the Chair, and definitely try to get the best answer to that question.

ASSEMBLYWOMAN OLIVER: I would appreciate that. I think that that is something that the members of the Joint Committee really need to--

MS. SCHULZ-ESKOW: We can certainly follow up on that.

ASSEMBLYWOMAN OLIVER: --wrap their arms around. Because what I would like to say to you is that the Legislature overall has to address this issue of tax credit initiatives we're doing in this State, and the amount of the pool that is available. And if we are now going to open that pool up to charter operators, it has significant implication for the finances of this State.

MS. SCHULZ-ESKOW: Well, we can certainly take that back and follow up.

ASSEMBLYWOMAN OLIVER: Thank you.

ASSEMBLYMAN WOLFE: Thank you.

Chairman, do you have a question?

SENATOR RICE: How are you doing?

MR. LEE: Doing well.

SENATOR RICE: Mr. Lee, how long have you been with the Department?

MR. LEE: I've been with the Department about a little over 10 years.

SENATOR RICE: Okay. You didn't come from Eli Broad, by chance, did you?

MR. LEE: I did not.

SENATOR RICE: Aspen?

MR. LEE: I did not.

SENATOR RICE: All right. You know, years ago when this charter thing started to move-- I have several bills that are still in. Senator Ruiz wouldn't let them go; and I'm not calling her out, but I think she's wrong holding those bills. But I just don't beat her up the way I beat up



other people. Because I just happen to like her; I just beat up Joe Dee.  
(laughter)

But the reality is that I said there are a couple of things that should happen: Number one, we started out giving out applications for charter schools like they were water. People I personally know -- I know their skill set, I know their integrity -- were actually applying to open charter schools. One person -- I remember the application -- and winds up absconding to Puerto Rico with \$50,000. He never had a building; when he did get a building, it was not up to code; 200-plus kids had to go back to a traditional public school in September at the last minute. We didn't expect that to happen. And that's been on more than one occasion.

So I said, "You know, let's slow this thing down. Do *A* before you do *B*." Even today, when I move around the urban communities, people come to me and say, "Well, I'm going to open a charter school." And I look at them, and say, "Oh, you are?" They don't have 10 cents in their pockets; they don't have a location, etc. But yet we give them applications for consideration.

I've always said we should clarify the process; but like I said, we could never move the bill.

Then we were giving out applications so arbitrarily and randomly that everybody in the world gets one. And it seems to me that it was a movement to get a certain number of charter schools placed in New Jersey in urban communities -- which is part of the national movement, and I think you are aware of that; you may not acknowledge it because you work for the Governor -- and as a result of that no one has paid attention to the negative side of schools, and who these people were, and school failures.

So my question is: What is your process now for chronologically applying, for these schools? You know, everything seemed to be going to KIPP -- well, we're going to talk about that -- or North Star. So what was intended by the lady in Milwaukee years ago -- a model that we could place in traditional schools -- got off-track and became a whole new school system with buildings and everything else.

What is your-- What is the process? Because I thought that was going to come out when the Assemblywoman was talking. Chronologically, what happens now if someone wants to get a school? And what is the criteria? And what should the people have, and what should the Board look like, what should be in place?

MR. LEE: Sure, I can talk through our process, which I believe is a very rigorous process, I would say.

SENATOR RICE: Is a very what?

MR. LEE: Rigorous process.

So charter schools can apply to the Department. There's a two-phase application process; either in March or October they apply. So if they meet our bar in terms of the application process-- And it's a two-phase process in terms of, we want to ensure that they have a quality plan in place -- a lot of things that you spoke about in terms of having a facility, having a curriculum, having a track record of success, and having the skills to open up a charter school. So, you know, it's very difficult to do.

And so it's not only the plan that's presented; it's also the people who are going to implement the plan. And so we look for -- within a founding team -- legal expertise, financial expertise, obviously educational expertise, real estate expertise; all these different components we look for

within the application. After the application goes through our process, there's a rigorous interview process. And if schools pass that process, they are granted initial application approval.

After application approval, they go through what's called our *charter boot camp*. And we go through a preparedness process. So there are certain regulatory guidelines that are required for charter schools to open -- a list of 15 things, including constitution of the Board, and some facility pieces for sure. And all that is done before a final granting of a charter on July 15. Once that final granting of charter happens, they sign the charter agreement and then they go through our monitoring process.

So every school that is new we will be visiting at least twice a year. And we want to ensure that they are proving a high quality education for kids. So that's the broad overview of our process.

SENATOR RICE: Is financial required -- some degree of financing?

MR. LEE: So a financial review is required through the application process, yes.

SENATOR RICE: How much?

MR. LEE: So it depends on the district, and there's a budget review.

SENATOR RICE: It depends on the district? Financing depends on the district?

MR. LEE: Right. Because--

SENATOR RICE: I'm doing a charter school, so my finances become the district's? That's what you're saying?

MR. LEE: So charter schools are financed through the district, and obviously through the funding formula.

SENATOR RICE: No, no, no. no. I want to come in, like the people I know -- they're new -- and get an application to do a charter school. You don't know me; I don't know you. You're going to ask me about any money -- do I have money in place, do I have reserve? Do I have a building? Are those questions asked of the applicant? We know they're taking money and sucking money out of the districts; that's why we have these deficits that no one is replacing. So what's the process for the applicant? What's required of the applicant besides just signing a piece of paper and saying, "I want to do a charter school." Besides just saying, "I'm going to look for a building." And meanwhile, they get their application and they go out there and start to market. And people are signing up, only to find out that they can't go to the location because there is no location or any (indiscernible). That's what I'm talking about.

MR. LEE: So within the application, they do identify a facility. And there are financial questions within the application.

SENATOR RICE: What kind of questions? Are you avoiding something?

MR. LEE: They have to create a budget, and a cash flow.

So our fiscal team is here; but, very broadly, they have to create their own budget, as well as a five-year projection of what the school will look like -- including a cash flow schedule, which is included.

SENATOR RICE: Let me stop you right there.

Create the budget on paper; I can put a budget on paper. Are there any questions about what I have right here in my pocket? What I have in the bank?

MR. LEE: Certainly that--

SENATOR RICE: Because the people I know had no money, they had no building, they were running around begging people. But they got their application and you guys were approving them.

MR. LEE: That is part of the application process, yes.

SENATOR RICE: So how much is required, minimum, for me to -- if I want to open a facility?

MR. LEE: I can't answer that in terms of what the minimum is. If you have additional funds it would certainly help you in that process.

SENATOR RICE: Then you have no structural process. Then there is no structural process. That's what I'm getting to. You have bits and pieces of things that you arbitrarily do. So I suspect that I will be looked at differently than someone who's got lots of objective stuff there, but there's nothing to lay a foundation across the board. Is that what I'm hearing?

MR. LEE: So I would say that we have a dedicated finance team -- that has been with the Department for a very long time -- that has a very rigorous process that they utilize to determine if a charter school will be fiscally viable.

SENATOR RICE: Well, through the Chair, would you send us in writing what that process is -- this very great financial team process, and who these great financial people are who--

MR. LEE: We can certainly do that, sir.

SENATOR RICE: You will? Okay.

All right. How many-- You talk about school closings. The argument with traditional schools is that "they're failing." Well, that's true across America. The problem is that we said that they're failing so we shut them down, closed the building. The building is not the problem; it's what's taking place in building. Then we wind up selling the buildings or transitioning them to charter schools. And I think that's what was given -- some of the capital stuff. And then we wind up using State dollars to fix them up. Then we wind up getting these nonprofits, versus profits, to put these coalitions together to suck up State money -- which I think is legal on its face, but it's not legal based on the intent of what we are supposed to be doing.

And so my question to you is, how many of the KIPP schools have we closed? Because it seems like every time I turn around you're opening more, and more, and more -- particularly in areas like Newark, etc., and Camden. So how many of those schools have been closed since they have been in operation?

MR. LEE: So TEAM charter schools had one charter, and so they have not been closed, right? So they operate under one charter; they have multiple locations. But it's one decision point, and they have not been closed.

SENATOR RICE: So if I have one charter, but within my charter I have all these different school locations -- if this location is failing, that means that they don't get closed down? We just let them, because they are operating a charter with seven other schools or something? I mean, you know, is that the way it works? Because most of the charter schools

don't have more than one location. And to be quite frank, the Marion Thomases, and some of the other so-called *schools* that you all cater to, to keep them in the process -- the Liberties-- I mean, if you're going to close charters, Liberty should have been closed years ago. They are doing a lot better now; and I'm not saying they should have been closed, but at one time they should have been closed based on the criteria. Those are schools that don't get attention.

And then we say, "Well, charter schools are failing and traditional schools are failing." We argue, and we take the position that we should slow down the application of charter schools. That's why I requested a moratorium. Look at the legislation: I requested the moratorium, going back years ago, that never got passed -- not to stop charter schools, but to say, "Hold it. Let's take a look at what we have, what's working and what's not working, and let's fix what's not working -- not close what's not working." We're supposed to be fixing schools, not closing schools.

And when you look at QSAC -- QSAC talks about failing schools building *capacity*. That's the operative word; I was a part of that all summer long and all year long, and the one word -- we said we're going to build capacity. So if a school is failing, you don't shut it down -- you build capacity in traditional public schools.

So it seems to me that our hue and cry is that we have these institutions in our communities known as *charter schools* and they're failing. Most charter schools in the country are failing, and you know that. The reality is that if they are failing, but we have them, why not slow the process down, take the resources that we're pumping into new applications, new

charter schools -- at least our part of it -- and fix those failing charter schools like we fix the traditional ones.

What's your response to that?

MR. LEE: So I would say that we have closed-- It's a different contract with charter schools. So that's the first point I would like to make -- in terms of charter schools do run on contracts. And it is -- we're not necessarily providing direct technical assistance to these schools to turn them around. It really is up to the Board of Trustees and the Administration to provide a high-quality education to students. We're doing the monitoring and evaluation piece of that, but if charter schools are failing, they do, we believe -- they're not upholding their end of the contract, and so they should close.

And could you restate the second part of your question regarding the monitoring process?

SENATOR RICE: Well, I haven't gotten to the monitoring process yet, but you answered what I wanted.

So technically-- You keep bringing up this contract piece.

MR. LEE: Yes.

SENATOR RICE: And that galls me, because the public is very confused as to what a charter school is. And if there is a contract, then that means that it's privatization. Because you--

MR. LEE: That's a--

SENATOR RICE: Because you don't -- because the only control that you have is language. You have a contractual relationship with an entity, whether for-profit or nonprofit. It is still a privatization type of piece, primarily because you have no control over your own destiny. My



point is: Why would you-- If there's a contract, then why are we not putting language in the contract to say, "You will follow QSAC," or "You will follow this?" Do you understand what I'm saying? Can you justify that to me?

MR. LEE: Yes. So to clarify: The contract is with the Department with the Board of Trustees at the school. So it's a nonprofit Board; and so that's who our contract is with. Our contract-- Tied to the contract is the Performance Framework -- which we highlighted today -- which is our accountability tool for charter schools.

SENATOR RICE: And my point is, is that whether it's the Board of Trustees or whoever, it's a contract. A contract is two or more people agreeing on something, right?

MR. LEE: Correct; yes, sir.

SENATOR RICE: You have some quid-pro-quos, right? There is some consideration, there are some expectations. You know, don't get me into the lawyer stuff now, because I can handle that too.

So on the expectations, you should write them in where they are ideally what we do traditionally under QSAC. Because you're negotiating a contract. If not, they're just walking away and saying, "Well, I'm not going to do a charter school here; I'll go to New York. I'll go back to New Orleans where everything is charter school."

So my point is, is how do we correct those deficiencies, or do better contracts to bring charter schools online with traditional schools in terms of accountability and transparency, in terms of fixing them -- since we're using our money? How do we do that? Have you thought about it?

MR. LEE: We certainly thought through these issues. I would say that through our accountability system, which is tied to the Framework, we do have some very important metrics and measures that we look at -- which is different than QSAC, because it's a different contract. We're looking at academic performance a little differently as well.

SENATOR RICE: And my point, again -- and then I'm going to get off this, but I want it clear in the record when you read it: They are different because you're making them different. And when you do the negotiation, you contract. You don't have to accept what they ask you to take. They can't make you take it. You can say, "Here's how it's going to work. You can do a charter school, but you're going to follow the rudiments and the guidelines of QSAC. There won't be a separate monitoring system. You're going to do indicators. You're going to do the same kinds of things that we do." I mean, you need to look at that, okay?

So just let me know, through the Chair. Send us something as to when you're going to take a look at that, how you're going to take a look at it. You can talk to the Commissioner; he understands where I'm coming from.

Accountability. There were some things that you raised earlier-- And we talked about the websites for the charter schools, and there seemed to be some contradiction or some need for clarity. Because it seems to me and some of my members on our Committee, and others, that on the websites themselves -- some of those websites, a lot of those websites don't let people know who the Board members are. Is this a secret of who they are? We know they are a bunch of wealthy people, in many cases, and sometimes they're not. They're just grassroots people who get the support

of wealthy people. The published minutes are not there, in many cases --- nor are the public meeting schedules. So if you are observing these websites, or you're watching them, have you identified those kinds of issues?

MR. LEE: So we will certainly take that under advisement. We do collect all that information.

SENATOR RICE: Okay, would you send that information to us, through the Chair, as to how many you find that are not meeting those criteria or elements, you know, etc.?

Mr. Chairman, I'm going to just be quiet right now, because you say *charter* to me, I get upset because of the things that they are not doing versus what they should be doing. You know, we're not anti-charter; but we want a different kind of accountability, etc. Okay?

ASSEMBLYMAN WOLFE: Thank you, Senator.

Any more questions?

ASSEMBLYWOMAN OLIVER: I do, yes.

ASSEMBLYMAN WOLFE: Yes, Assemblywoman.

ASSEMBLYWOMAN OLIVER: Yes. When you illuminated the founding board of charters, you talked about legal expertise, you talked about financial acumen. One of the major tenets of the charter legislation originally in New Jersey was parent participation. I heard you not make reference to parents being an integral part of the founding of a charter school. Now, if we have gotten off that path, I'd like to know that; and I would also like to know, in the charter application do we require a certain percentage of the board to be comprised of parents? That's one question I have for you.

MR. LEE: So the parent involvement piece is critical. As part of the founding team there needs to be a qualified founder, which is a parent or teaching staff member within that district. So I did leave that out, that in terms of -- community roots are critical in this, right? So community engagement is a big part of our process in terms of looking at the application. Do they have folks who can partner with these different community groups? That's going to be critical. And demonstration of need within the district, as well, is part of our process. So yes, there's not a minimum, in terms of parent--

ASSEMBLYWOMAN OLIVER: Is there a requirement-- You know, you will see "30 percent of the board must be comprised of parents." Do you at DOE--

MR. LEE: There is no minimum, no.

ASSEMBLYWOMAN OLIVER: You have no minimum. So I could conceivably found a charter school with one representative parent as a part of the mix.

MR. LEE: It is possible, yes.

ASSEMBLYWOMAN OLIVER: Okay. And I would purport that that was not the original intent when we established the charter statutes in New Jersey. You said parents are a major part of the input. And let me explain to you why parental participation at the board level is important. And I am very disturbed to hear that you don't really prioritize that, because with parents as part of the founding board you are doing what Senator Rice made reference to: You're establishing capacity-building within communities. The more you have residents of a community who have children who are enrolled in school districts getting exposed,

developing their own leadership capabilities, you're strengthening school systems in the community. And I'll direct my angst at that with Commissioner Hespe, but I am very disappointed to hear that you don't think that's a very important thing to do when you review these applications. Because 9 times out of 10, if you look at some of the boards of the charters in New Jersey, significant numbers of the members of that board don't even live in that community.

MR. LEE: So I would say it depends on the school. There are certainly boards within charter schools in the state that are mostly parent driven--

ASSEMBLYWOMAN OLIVER: Yes.

MR. LEE: --so I think it really does depend, and there is a variety there.

ASSEMBLYWOMAN OLIVER: But it should be required in every one that is established.

The other thing I would like to ask you-- You know, Assemblywoman Simon pointed out the number that have been opened, the number that have been closed. And as local representatives, we are often besieged by people who had their children in a charter school that has been closed. What is the process now for the local school districts now having to scramble around and find a way to take these children into the local district? You've diminished down the funding to the district; the district has had to revamp its whole organizational structure; they've had to reduce the number of classrooms in certain grades; and a whole lot of other things. What is your process for reintegration of children back into the traditional system when you have closed a charter?

And one of the other things that happens to some parents is at the 11th hour they find out that these charters are closed, and then you have -- you're creating fruit basket upsets for families as they scramble around trying to deal with the education of their children in local districts. So what is your process, your requirement, and what help do you give to families who have to now enroll their children back into a traditional setting?

MR. LEE: So I would say that closing a charter school is one of the most difficult decisions we have to make. We know that impacts parents and families tremendously. We work closely with parents, the county offices of education, and districts to effectuate a smooth process when a charter school is closed. That decision is made at the end of February, usually along with the renewal decisions at the end of February. And so we do have some lead-up time. So the charter schools close as of June 30; but starting from that day letters are sent to parents from the Department. We work closely with the districts to ensure there are reregistration fairs with the districts.

And so we do have somebody dedicated within the Department -- not in our office -- that is our Closure Manager who has been doing this for the last several years, who has been taking a leading role in that. If parents contact us directly, we certainly reach out.

ASSEMBLYWOMAN OLIVER: And then my last issue, Assemblyman Wolfe, would be my first question: I've yet to hear how you're taking this fantastic data you're collecting at the charters, and how there is somehow a symbiotic relationship between the traditional school leadership and the local charter leadership. Because remember: Going back

to the Christie Whitman era when we started this, the end goal was to use the knowledge learned, the scientific indicators, and to use that innovation to put us on a course of educational reform across the board. And I personally know of one place where there is an effort to bring traditional school leadership together with charter school leadership. But in too many instances, folks are running, you know, just their own operation; running it like a business, and the local traditional school system be damned.

I'd like to hear from you what you require in terms of using what is learned from the charter system -- the laboratory -- and how that's being incorporated into local schools. And this is why I'm asking this question, and it's a very serious question. Because we will always have more traditional public schools in operation across the State of New Jersey than we will charters. But when you begin to siphon off resources at a local level to support charter schools, you are leaving behind a population and cohorts of students who are not benefitting from some of the great things you tell us that happen in charter schools. You have an obligation to do what the law intended. And I'd like to know what you're doing, to do what the law intended.

MR. LEE: So in terms of the State's role in dissemination of best practices, I think what you're getting at -- I think this is certainly an area of growth for us, as a Department. We do have what's called a *Charter School Program Grant*, which is a dissemination grant that has been distributed the last couple of years to share best practices with certain schools. So that has been distributed, and we can share that information.

But to your point: Yes, charter schools were supposed to be beacons of innovation that allow for best practices to be shared. And that's certainly something that we will take under advisement.

ASSEMBLYWOMAN OLIVER: Well, if you're not doing it, you're violating the law.

SENATOR RICE: Yes, yes.

MS. SCHULZ-ESKOW: I think just one thing I'd like to share.

I know there are pockets of locations where things are more readily shared. I know our Executive County Superintendents do a good job sharing information through roundtables, and it really brings opportunity for people to come to the table and say what they're doing in their schools and sharing information. I know that's one place across the state where it is certainly happening now.

ASSEMBLYWOMAN OLIVER: And if-- You know, as Senator Rice said, I embrace all forms of education. I say repeatedly: There is no such thing as one size fits all. However, you as the Department of Education are further creating this chasm and this divisiveness within school districts where there are a lot of charters when you run a separate but equal system. I believe it is incumbent upon the New Jersey Department of Education and its leadership to make certain that there are great relationships that exist between charter operators and those in the traditional schools. If you don't do that you're going to continue to have this combative relationship that exists. And you should prioritize that; you should. There's no excuse not to prioritize that.

Thank you, Chairman.



ASSEMBLYMAN WOLFE: You're very welcome.

Now, back for a 12th time -- no. Senator Rice wants to come back. (laughter)

SENATOR RICE: Just one quick question, because this comes up regularly. And no one hears about it except for those who housed charter schools. You can't seem to get into other areas because people recognize charter schools for what they really are; and the process that we have in place doesn't protect those communities or the school system.

The question is, is that charter schools-- In Newark you have the Newark One Plan now, which you are very familiar with, okay? Kids are sent all over the place; it's a nightmare. But we have special needs students. The question is, what are you-- Aren't the charter schools supposed to provide or have provisions to deal with these special needs students when they come in there? I know that the IEP people are giving them information and programs to take with them. They wind up coming back to traditional schools; the program is supposed to come back. They are telling parents, "You don't really need any special services; just disregard that." So why are we not mandating that anyone-- If we're doing this randomly -- if anyone just has a special need and not provide those services-- Can you tell us about the special needs piece? I think that's very important.

MR. LEE: Sure.

SENATOR RICE: I'm listening.

MR. LEE: So charter schools are free, open enrollment institutions that are required to serve all students, including special ed students. We certainly review whether schools are protecting the rights of

students -- whether through identification or referral -- or carrying out the student IEPs. That's within our Framework.

And so equity is a huge topic nationally; it's something that we take seriously and want to ensure. And it's a very complex issue, right? Special ed is a very complex issue with a lot of different facets. But we believe that charter schools should serve all students, and that is part of our Framework.

SENATOR RICE: You said you *believe* they should serve; *are* they serving all students? That's the key, because we're funding them. Are they-- If you're (indiscernible) to this, you should know this. Are the charter schools in New Jersey -- all of them -- are they servicing special needs students? Are there programs in place -- curriculums and whatever needs that are necessary? Is that taking place in New Jersey, or are they being denied and sent back to traditional schools, or the need is being ignored because they're telling the parents they don't need the special treatment?

MR. LEE: So if we hear -- if that happened, we would not allow that to happen. So part of our process is to ensure that charter schools are serving all students, they are not turning away students. And a lot of that -- there may be some anecdotal stories on this, but we are committed to ensuring that charter schools are serving all students, including educationally disadvantaged students such as special ed students, English language learners, etc. So it is an important facet of our monitoring.

SENATOR RICE: Let me do it this way, so we don't prolong the meeting.

Through the Chair, you said we have 89 charter schools. All right, you send us the list -- and make a note on this to get it to the Commissioner too -- send us the list of every charter school that has services for special needs, and those that do not. And let us know what kind of services they have, and let us know what personnel they have to deliver those services within those schools. Because 89 schools should be able to pick up special needs students if they're coming from traditional populations. You agree with that, right?

MR. LEE: We can certainly do that.

SENATOR RICE: Well, you will. But you do agree, right? That every school should be able to service what comes to them, right?

MR. LEE: Yes.

SENATOR RICE: So when you do the contract stuff you were talking about, there's no contract language that they have to address special needs?

MR. LEE: There is, within the contract. They are subject to the same special ed regulations as any other traditional public school.

SENATOR RICE: No, no. See, you guys tap dance. I didn't say *regulations*. My question was that the contract says that if you're going to be a charter school you will have to accept special needs students if they come your way, and you have to have a program in place for that, and we want to see it. Is that in the contract language?

MR. LEE: Yes, it is.

SENATOR RICE: Then send me a copy of the contract; I'd like to see it. Sometimes I can read better than I can hear, okay? So send that through the Chair as well.

MR. LEE: We can certainly do that, Senator Rice.

SENATOR RICE: Thank you.

That isn't in the contract; I guarantee it.

ASSEMBLYMAN WOLFE: Okay.

ASSEMBLYWOMAN JASEY: One quick question.

ASSEMBLYMAN WOLFE: Whoops; oh, my goodness.

Yes, Assemblywoman.

ASSEMBLYWOMAN JASEY: Thank you.

I mean, the testimony has been very enlightening.

I do have one question. Is there anything in the process that limits the number of times a group can apply -- file an application for a charter school? Like, you know, can-- We do hear stories of charter schools applications being denied, and then reapplying. Is there a limit to how many times they can reapply?

MR. LEE: There is no limit, but we certainly ask for that information when we collect the application. So there's no limit, no.

ASSEMBLYWOMAN OLIVER: That warrants another question; I'm so sorry. (laughter)

ASSEMBLYMAN WOLFE: Sure it does; okay.

ASSEMBLYWOMAN OLIVER: The District that I represent-- That's a very interesting question that's been raised, because there is an entity within my Legislative District that has repeatedly applied for the establishment of a charter school -- probably minimally five times. It's a very progressive community; it's a very well-informed and educated community. And it's a relatively affluent community. Will they go through this painful exercise ad infinitum before you will say, "We don't think you

have a good concept; we don't think you have a good framework here." Because I think it's very agonizing for those people involved with that particular charter organization to repeatedly apply to the State for a charter. And it's quite clear that the State is never going to accept the application of this group.

MR. LEE: Yes. So we cannot prevent applicant groups from applying. There's nothing in our regs that say you cannot apply. And so they are free to apply; but within our discussions we do have denial comments that are given to schools each time that they don't get through our process, and we have discussions with them. And so there is that feedback for schools.

ASSEMBLYWOMAN OLIVER: So now I'm thinking, as a Legislator, perhaps some of my colleagues should examine introducing legislation to get that into statute. Because it's a tremendous amount of resources that are being wasted -- a tremendous amount of resources on your end in terms of staff time; and you go out into the field, and you have to have reviewers, and you project the hours that are being spent at the Department. On the community side, you look at the investment that's going on there. It's ludicrous that you don't have some kind of a process. So maybe we'll have to introduce some legislation in order to put focus from the Department on that issue.

ASSEMBLYMAN WOLFE: I think that's it for any questions. However, I just want to say something. I want to thank all of you for listening, and participating by listening. And I have to say the charter schools were established in law 20 years ago. They've been in practice 19 years. And so what we have today is a culmination of issues that have risen

over those years. They didn't just come up today. And I think the purpose of our meeting is to clarify the issues -- what should be done to make sure that we have the best possible programs, and to carry on.

So I want to thank my colleagues for their questioning. Obviously, it was some pretty tough questions. And I want to thank you two -- not you two, but Mr. Lee and Ms. Eskow (indicating pronunciation) -- is that right?

MS. SCHULZ-ESKOW: That's right; thank you. (laughter)

ASSEMBLYMAN WOLFE: --for being here.

And now we're going to hear the other side. We're going to hear from the charter school people. And, again, I wish -- I hope you will give them the same courtesy that you gave to this group.

So we have three -- actually, three people -- Ms. Cole, Ms. Vega, and Ms. Medea from the New Jersey Charter School Association coming to testify. So get ready; we have our helmets on up here. (laughter)

(cell phone rings) Whoops, I have a phone call. Chairman, can you take over?

SENATOR RICE: I gotcha, sure.

ASSEMBLYMAN WOLFE: Thank you.

**A M A N D A V E G A:** Good morning, Committee. My name is Amanda Vega from the New Jersey Charter Schools Association, and I will be testifying on behalf of Nicole Cole, our President and CEO, who unfortunately could not be here this morning.

Also with me, I would like to introduce Donna Medea. She is the Education Director for Greater Brunswick Charter School in New

Brunswick; and she also is a former Superintendent of the Alpha Public School District.

One of the things that we would like to present to you all is the fact that charter schools--

SENATOR RICE: Excuse me. What public school district, or charter school district?

**D O N N A M E D E A:** I was the Superintendent in Alpha Public School in Warren County for four years before coming to Greater Brunswick Charter School.

SENATOR RICE: Alpha?

MS. MEDEA: Alpha -- A-L-P-H-A.

ASSEMBLYWOMAN OLIVER: That's up in Doherty and Michael Patrick territory -- up that way. (laughter)

SENATOR RICE: Okay, I got it.

MS. MEDEA: It's a very small little town.

SENATOR RICE: Okay.

MS. VEGA: One of the things we would like to say is that because New Jersey's charters are subject to greater oversight and accountability -- more so than any other public school structure in New Jersey -- we find the process of QSAC to be duplicative, and it will actually water down many of the measures of accountability that are already in place for our charter schools.

Increased accountability and oversight is very much the culture of our charter schools, and they face the very real threat of closure if they do not meet the high stakes to which they are tasked with. Our leaders must earn their charters; and after they earn their charters, they must prove

the right to maintain those charters by keeping them open and demonstrating academic success. And, more than anything, the ultimate test of public accountability is the right for parents to both choose those schools, and withdraw their child if they are unhappy with the academic process in a given school.

There are five points that I just quickly want to make before I turn it over to Donna, and that is that the charter schools sign a charter agreement with the Department of Education. It binds the school with the Department of Education and the charter school Performance Framework. And in addition to the Framework there are additional measures of accountability that may be specific to the individual school's mission. So some of our schools have missions that are specific to service learning, or to arts, and so that is all a part of the contract which is available on the DOE website.

The Framework sets very high standards for student outcomes, and puts student outcomes first and foremost in addition to organizational capacity and financial stability. On top of the Performance Framework and the charter agreement, New Jersey's public charter schools also submit annual reports to the Department that collect all pertinent data about their performance and their operations. The annual reports must demonstrate the public charter schools' effectiveness, as well as the school's compliance with the DOE's Performance Framework and the charter agreement.

In addition to the annual reports, there are annual financial audits using the program that is virtually identical to traditional public school district audits, and is among the most rigorous such audits in the country.



Finally, in addition to the charter agreement, Performance Framework, annual reports, and the annual audits, New Jersey's charter public schools are also subject to a thorough and exhaustive renewal process -- initially after the first four years, and thereafter every five years.

Charters are opened with very specific outcomes in mind, and they're expected to fulfill their missions and go above and beyond. The Framework and charter agreement, combined with the annual reporting and renewal process, provides a far more complex system of accountability tailored to the individual school's needs.

Before decisions are made and duplicative processes are added, we urge not only Chairman Wolfe, but all members of the Committee to visit the many charter schools that we have in the State of New Jersey, meet staff, and learn more about the process and the extensive review and oversight currently in place.

I would like to turn it over now, with your permission, to Donna Medea, to say a few things.

MS. MEDEA: Good morning, everyone. I hope you excuse me; it's my first time ever doing something like this, so I'm a little nervous. I speak in front of my current school constantly.

So I've been at Greater Brunswick School -- Charter School -- going into my fifth year; so four full years. I was an equal number of years in a traditional public school too. So I have seen both sides. I have seen the accountability system from both the district and the charter perspective, and I believe it's necessary that charters maintain their existing system of accountability separate from QSAC.

Charters must meet a higher standard of accountability, and must do so on an annual basis in a way that's aligned with our distinctive missions and the high standards set by the State. We in the charter community are always mindful of the high stakes and profound consequences of failing to measure up. The possibility of closure weighs heavily on charter leaders. No district superintendent has that worry. The mandatory renewal of public charter schools every five years is unheard of in a world of district public education. The accountability system for charters takes this into account, allowing for the accumulation of data and evidence over the course of the charter term that then informs the renewal process.

Charter school performance standards are both comprehensive and demanding. They cover student outcomes, equity and access to the school, organizational capacity, and financial management. They are also potentially tailored to the specific themes and missions of the schools, holding them accountable for the promises made in the charter application.

Greater Brunswick, with its focus on individualized instruction, community involvement, and English language acquisition for our predominantly low-income Latino community, is held accountable for serving those students in ways that meet their specific needs.

The last thing charter schools need is more regulatory oversight. We already must fulfill virtually all the same regulatory requirements as our district peers, and we must do so with fewer resources. The New Jersey Department of Education has done a good job in recent years of improving the entire charter school authorization and renewal process, while raising the bar for charter school performance, equitable access, and financial

stewardship. Any changes to the system of charter school accountability should come through this robust process already administered by the Office of Charter Schools -- and not through QSAC.

And I do want to invite all of you to come visit Greater Brunswick and to see our school in operation, to meet our teachers and our family members.

Thank you.

SENATOR RICE: Thank you.

So let's talk about QSAC and charter schools accountability.

MS. MEDEA: Yes.

SENATOR RICE: Should we remove QSAC from traditional public schools and just pick up the charter schools accountability system? We don't need two.

MS. MEDEA: No, we don't; not for-- They're different purposes, I think. And I don't know--

SENATOR RICE: They're not different purposes. Transparency and accountability, building capacity, educating kids.

MS. MEDEA: But--

SENATOR RICE: And to make sure the money is going to the right place. The speakers before indicated that they don't look at your spending; they look at the other spending.

MS. MEDEA: What do you mean, they don't look at our spending?

SENATOR RICE: That's what the gentleman said. He said they look at financial stuff, but they don't look at your spending.

MS. MEDEA: Oh, we go through a full audit just like traditional public schools. They do look at our spending. And that is part--

SENATOR RICE: I'm just telling you what he said. When we file a transcript, that's going to indicate it.

But my point is, is that you're being oversighted. You don't believe that there should be indicators that you have to perform and meet expectations on?

MS. MEDEA: There are -- there are those indicators. The Performance Framework, which we're measured against each year, sets very high standards in all those areas.

SENATOR RICE: So what are your indicators?

MS. MEDEA: Well, I don't have them in front of me here.

MS. VEGA: I believe the indicators are in the Performance Framework. But all of this does go back to what was said earlier -- that many of the issues that have now arisen for charter schools, and questions, come out of the fact that this is a process that has been 20 years going. And so we do need to revisit the bill. In a draft bill that we have, we did include increased measures and accountability for many of the questions that you were asking, Senator Rice, in terms of financials and looking at student outcomes. And so that all was included.

SENATOR RICE: So you have a draft bill?

MS. VEGA: I do not have it on my person, no. But I do believe that I can get you that -- I can certainly share that.

SENATOR RICE: Is it a legislative bill, or a bill that you are looking to provide to the Legislature?

MS. VEGA: I believe it is a bill that we are looking to provide to the Legislature. I do not manage the policy, and so I will refer that question to our policy person.

SENATOR RICE: Through the Chair, if you can provide it to us, we would like to take a look at it.

MS. VEGA: Absolutely.

SENATOR RICE: Maybe we can give you some direction.

MS. VEGA: Will do; thank you.

SENATOR RICE: Maybe we can make it better.

Okay, Mr. Chairman, you can take over. I asked the first question, so Mila should probably have some.

ASSEMBLYMAN WOLFE: Okay.

I apologize for stepping out on you. I think-- I just heard your comment about the draft for possible legislation. I think that's important -- that whatever you have, perhaps some of the things we've talked about today -- we can look at that and perhaps massage it for you or (indiscernible).

Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: Thank you.

So I didn't hear clarification of Senator Rice's question. Do you-- In your opinion, do you think it would be helpful to eliminate the QSAC and go with your criteria? I mean, do you think that's more stringent? Or do you think that maybe the two parties should get together and have more of a blended evaluatory process?

MS. VEGA: We do believe that the Charter School Performance Framework is much more stringent, given that there is not

only the renewal process, but there are the annual reports and audits that must -- that charter schools must comply with. And so we do see that the charter school Performance Framework, as it currently stands, is much more stringent than QSAC is. And we would certainly invite traditional public schools in to look at the review process that charter schools go through, because we do find it to be beneficial in terms of accountability and transparency.

ASSEMBLYWOMAN SIMON: Okay. I have another question, just for curiosity's sake. Some stats came out about a month ago that, on average, a student -- I guess, a price tag per student -- for average in New Jersey in the public school side is \$19,211, where 50 percent of that is salaries and benefits. Do you have a percentage, an average, for charter schools for per child? And then, the other thing is to follow up with Senator Rice and the discussion with DOE about the special ed. You know, I've also heard that some of the charter schools are not that strong in special ed. So when we look at the evaluatory process of what type of special ed programs you have in the charter schools and what the DOE is going to send us, not only what type of therapeutic measures -- so OT/PT; you know, there's a lot of speech pathology, social groups. Also, on the other side, equally as important is the Child Study team. Do you have that Child Study Team evaluation? So that when a child needs to be classified, do you have that in place? So those are the two things that I'm interested in also.

MS. VEGA: I'll just touch on the first part of your question.

I do know that we have the figure; I don't have it off the top of my head, in terms of average cost per pupil of a charter school student--

ASSEMBLYWOMAN SIMON: Okay.

MS. VEGA: --and what the breakdown is, in terms of salaries. And I will be sure to, again, take note of that and absolutely pass that along.

I'm going to turn it over to Donna for the second part of your question.

ASSEMBLYWOMAN SIMON: Okay, thank you.

MS. MEDEA: We do have a Child Study Team in place, and I believe that charter schools are required to have that in place. And a lot of charter schools, from my understanding, partner with the Educational Services Commissions in their county. We have two social workers on staff -- one that deals with the elementary, and one that deals with the middle school. We contract learning consultants and psychologists to come in for evaluations and whatever else -- and meetings -- whatever else we need them for.

ASSEMBLYWOMAN SIMON: Okay. So you have more of a umbrella--

MS. MEDEA: Yes.

ASSEMBLYWOMAN SIMON: --staff, rather than having the Child Study Team in each individual school looking at--

MS. MEDEA: Right.

ASSEMBLYWOMAN SIMON: Okay.

MS. MEDEA: And I will say, having experience in other -- in small traditional schools, that that's pretty typical in those schools as well.

ASSEMBLYWOMAN SIMON: Okay.

MS. MEDEA: We had part time people when I was in Alpha, and we contracted some of our services out as well. So that's pretty typical, depending on your size.

ASSEMBLYWOMAN SIMON: Do you have any of your students who you see who are -- have they been sent out of district from your schools because you couldn't handle them?

MS. MEDEA: We have one-- Right now, we have two students out of district, out of, I believe our number-- I could be a little off, but I believe we're around 60 students -- special education students -- out of 383 currently. I don't know what that percentage works out to be; 15 or 16 percent of our student body. We have two--

ASSEMBLYWOMAN SIMON: So you have 60 students out of 40,000 who are special ed?

MS. MEDEA: Out of 383 students.

ASSEMBLYWOMAN SIMON: Oh, okay, okay. (laughter)

MS. MEDEA: It comes out to--

ASSEMBLYWOMAN SIMON: That's still low.

MS. MEDEA: Usually that's measured in percentiles, so it's somewhere around 15 percent of our student body is represented by our special education population.

ASSEMBLYWOMAN SIMON: Okay.

MS. MEDEA: And we have -- we go by a philosophy of inclusion, so we have a staff of, currently, five special education teachers who push into classrooms and provide services. We have two special education teaching assistants who go into other classrooms as well to service our students.

ASSEMBLYWOMAN SIMON: Okay. All right, thank you.

ASSEMBLYMAN WOLFE: I have a question.

MS. MEDEA: Yes?



ASSEMBLYMAN WOLFE: I presently do not have any charter schools in my District. I used to represent a District that had a charter school; and I just saw one of the new charter schools that was approved is in the town right next to where I live, but it's not in my District. And there might be one coming in my District. So that's kind of my experience with the charter schools, other than philosophically the way it's supposed to be.

MS. MEDEA: Yes.

ASSEMBLYMAN WOLFE: And yet, some of my colleagues here have -- they represent areas of multiplicity -- let's put it that way -- of charter schools. They have a lot, and some of them are high-performing, and some of them are not high-performing. And we just heard the process that goes through to revoke some of those charters.

In your Association, you represent all the charter schools, I assume.

MS. VEGA: Yes, we do.

ASSEMBLYMAN WOLFE: But as a legislator, I have met with individuals who claim to be representing groups of charter schools. So, you know, I guess what I'm really saying is, who do I really listen to? I mean, do I listen to you, as the big group; or these other -- I don't want to say *little* groups, but these other, maybe, special interest groups that claim to represent certain charter schools. I mean, I think to be fair -- because obviously there are issues here we talked about, as I said before -- they're 20 years old. We are trying to get them resolved. But do you have unanimity, let's say, in your process? I mean, you talked about you're looking at financial areas, and certain evaluative processes that you go through. Do

they dovetail with what the State requires, or are you just really relying on what the State requires?

MS. VEGA: So I think-- And, again, I'm not the expert on this, and so I just want to preface my response with that.

ASSEMBLYMAN WOLFE: Right.

MS. VEGA: But in terms of the first part of your question -- who should you listen to -- I think it's a matter of taking in all the information and you making the best decision based on what your constituents and the individuals who are involved in this work on a day-to-day basis--

We very much do look at what is currently in place and required by the Department, and we look at all the places for intersection and alignment in that capacity.

ASSEMBLYMAN WOLFE: Right; okay.

ASSEMBLYWOMAN OLIVER: Mr. Chairman, we all three have questions.

ASSEMBLYMAN WOLFE: Who was first here? (laughter)

SENATOR RICE: The Speaker.

ASSEMBLYWOMAN OLIVER: Senator Rice.

ASSEMBLYMAN WOLFE: Well, we'll defer to the women.  
(laughter)

ASSEMBLYWOMAN OLIVER: Oh, okay. Thank you.

ASSEMBLYMAN WOLFE: Assemblywoman; sorry, Senator.

ASSEMBLYWOMAN SIMON: Smart man.

ASSEMBLYWOMAN OLIVER: That's why he's been a legislator for a long time. (laughter)

I'd like to know something more about the New Jersey Charter School Association. So if we have 87 charter schools, do each one of them belong to the New Jersey Charter School Association?

MS. VEGA: We have about 85 percent of our schools as members.

ASSEMBLYWOMAN OLIVER: And you're a 501(c)(3) nonprofit entity?

MS. VEGA: Yes, ma'am, we are.

ASSEMBLYWOMAN OLIVER: And what year were you formed?

MS. VEGA: In 1999.

ASSEMBLYWOMAN OLIVER: And what is your governance structure? You have a Board, so where do you draw your Board members from?

MS. VEGA: Our Board members come from leaders of the community. We also have members who were involved in the process of the initial drafting of the charter school law. And so we look to members who both have an understanding of the internal workings of the charter school world, in addition to business leaders who can provide feedback and direction in that capacity as well.

ASSEMBLYWOMAN OLIVER: You have any parents on your governing board?

MS. VEGA: We actually do have a parent on our governing board, yes.

ASSEMBLYWOMAN OLIVER: That's a start. (laughter)

What's the size of your Board?

MS. VEGA: I want to say we're about seven; don't quote me on that.

ASSEMBLYWOMAN OLIVER: Okay; and you have one parent.

Do charter schools that join the Association -- do they pay a membership or annual dues to the Association?

MS. VEGA: They do pay -- there is a dues structure, and it is based on the size of the school and the number of students enrolled.

ASSEMBLYWOMAN OLIVER: Do those schools have to utilize funds other than the public funds they get from the State to pay those Association fees?

MS. VEGA: That I am not sure of, and I can confirm the answer for that.

ASSEMBLYWOMAN OLIVER: Yes, through the Chair, I would like to receive that information -- you know, how you handle that.

Where are you physically located -- the New Jersey Charter School Association?

MS. VEGA: We're just down the road in Hamilton. We used to be in Trenton and we moved to Hamilton.

ASSEMBLYWOMAN OLIVER: And what's the size of your staff -- the New Jersey Charter School Association?

MS. VEGA: We have seven members on staff.

ASSEMBLYWOMAN OLIVER: And where do you get your funding to do the work that you do?

MS. VEGA: We have funding from grants that we submit to. And if we have additional funding, again, I can get you that, through the Chairman.

ASSEMBLYWOMAN OLIVER: Yes, you need to tell us where you get your funding from.

And I don't know if this is a question for you; you might know this, since everyone belongs to your Association and you talk amongst yourselves. Or maybe this may be a question for the Office of Charter Schools. But one of the challenges represented to charter schools is they need buildings and they need facilities. The fact that much of the charter movement has proliferated within urban communities -- some of those communities have benefitted in having the construction of new schools under our School Development Authority, or whatever it is we're calling it these days. We call it something different every week. But then, what occurs when the State finances the construction of a new school in Paterson, in Newark, in the Oranges -- those buildings become dormant. And I have heard from charter schools that have sought to be able to acquire the use of one of those schools, and in many instances they are not successful. Why are they not successful? If a district has a vacant school, it's not using it; the State has given them funding to build a new state-of-the-art school. Who calls the shots in terms of the charter having access to that building for its own purposes? It's in that district; it's kids from that community. Is that a shot that is called by the local school board, or is that a shot that can be called by the State Department of Education?

MS. MEDEA: Right now, I think it's the local school boards that have a say over who uses their buildings. We have our own building

we purchased 10 years ago. We just finished our tenth year in this building. It was a factory that we renovated -- apparently an old bowling alley that we renovated. And we have quite a large mortgage.

But yes, the public schools -- their unused buildings -- it's really up to them, the local district, whether they want a charter to use it.

ASSEMBLYWOMAN OLIVER: Is Mr. Lee still here?

ASSEMBLYWOMAN JASEY: Yes.

ASSEMBLYWOMAN OLIVER: Mr. Lee, can I impose on you to come forward one moment.

Because part of this whole complex issue we're dealing with -- with public education in New Jersey -- is money. And if, in fact, the State has appropriated money for the construction of a new K through 6 school in some town, or a K through 12, they get the funds from the State; they build that new school; and then the school district shuts down operation of that old school. Is it fact that the local school district, even though they've received millions from the State to build this new school -- that district still can do whatever it wants to with that school that has been replaced? Is that the way this thing is working, policy wise, at DOE?

MR. LEE: (off mike) I am not sure. I do not know the answer to that question. We have to talk with the Commissioner on that. I do not know exactly how that -- the mechanics of that.

ASSEMBLYWOMAN OLIVER: Because the--

SENATOR RICE: Mr. Chair, Assemblywoman -- just right quickly.

ASSEMBLYWOMAN OLIVER: Yes.

SENATOR RICE: I believe -- and we can have staff check it -- if we're talking about SDA money, SDA has the interest in the property just like the vacant lots. I believe the school district would have to acquire SDA authority to move forward. I believe that's the way it works.

ASSEMBLYWOMAN OLIVER: So if I have five vacant schools in a community that I represent, and they've had five new schools built, the State doesn't have any dialogue with the district about those five remaining schools that are vacant? I'm raising this issue because there is annual maintenance, upkeep requirements; there is investment of personnel; there is security costs involved. And we are not-- Why isn't someone in DOE talking to these school districts that have built replacement schools, that are continuing to draw from their budgets to maintain buildings that are empty?

MR. LEE: So again, I'm going to apologize. I do not know the exact process there, but I'm not the best person to answer that within the Department. But we can certainly get that to you.

ASSEMBLYMAN WOLFE: Can you get that? Can you get that for the Committee? Could you request that information for the Committee?

MR. LEE: Sure.

ASSEMBLYMAN WOLFE: Thank you very much.

ASSEMBLYWOMAN OLIVER: But we always hear about how taxpayer funds are being wasted. This is definitely a waste of taxpayer funds.

MR. LEE: We'll certainly look into that and provide that information.

ASSEMBLYWOMAN OLIVER: Thank you.

ASSEMBLYMAN WOLFE: Senator.

SENATOR RICE: Yes, a quick question to the Charter School Association.

You say 85 percent of the roughly 89 charter schools are members of your organization. How many-- How do you consider-- When you said 89 charter schools -- and this is a question Mr. Lee may have to answer -- you indicated that KIPP was one charter. So is that being counted as one school in the 89, or is it being-- Do you know what I'm saying?

MR. LEE: Yes.

SENATOR RICE: It is? So technically, there are more than 89 schools.

MS. VEGA: So there--

SENATOR RICE: What does the 89 represent?

MS. VEGA: Eighty-seven -- and Harry, correct me if I am wrong -- but 87 represents the number of charter schools; so the number of actual charter agreements.

SENATOR RICE: Okay, not physical schools.

MS. VEGA: Not physical school buildings, no. Because some of our charters have -- and I believe, correct me--

MR. LEE: Multiple facilities.

MS. VEGA: --multiple facilities or campuses.

SENATOR RICE: How many of your charters have multiple facilities? Two, three?

MR. LEE: We can get you that--



SENATOR RICE: North Star, KIPP -- who else? TEAM is KIPP.

MS. VEGA: We can certainly get you that information.

SENATOR RICE: Yes, it's probably no more than three or four, right?

MS. VEGA: Potentially, but we can get you the specifics on that; absolutely.

SENATOR RICE: Okay. And get specific; get us a fresh list of all the charter schools that are now operating. And then tell us that this group has multiple schools, this one has a school, okay? And send us updates on their performances. We're supposed to be getting that anyway. Are we getting the updates on the performances from charter schools?

Mr. Lee, aren't you required to send to the Joint Committee and the Legislature annual reports on charter schools and how they are doing?

MR. LEE: So the annual reports are required for charter schools to send to the Department.

SENATOR RICE: Yes.

MR. LEE: Which is aligned to our Framework, but I do not believe there is a requirement in terms of an annual report by the Department.

SENATOR RICE: To the Joint Committee and to the Legislature?

MR. LEE: I do not believe so. We collect a lot of information--

SENATOR RICE: Would you find out? And if not, then we're going to have to do legislation, because we're supposed to be looking at

everything. This is the Joint Committee. For some reason I think that you're supposed--

MR. LEE: We can certainly send you the information.

SENATOR RICE: I think we're supposed to be getting reports, so I should know already that -- the network of schools -- this many and this is how they're doing. Network of schools over here, this is what they're doing, etc. And then we can talk about money through the Committee. I just wanted to raise that, okay?

Thank you, Mr. Chairman.

ASSEMBLYMAN WOLFE: Okay, thank you very much. We appreciate your testimony. Thank you.

MS. VEGA: Thank you very much. We'll be here throughout for any additional questions.

ASSEMBLYMAN WOLFE: Oh, sorry -- don't go. Sorry.

ASSEMBLYWOMAN JASEY: Just very quickly, because unfortunately I'm going to have to leave shortly for another meeting.

But I want to thank you for your testimony -- all of you -- and I am very encouraged to hear that you have been working on a draft bill that would -- and correct me if I'm wrong -- would review what's been happening over the last 20 years, and that it may make some recommendations about changes or additions to legislation.

MS. VEGA: Yes, that is correct.

ASSEMBLYWOMAN JASEY: That's very exciting news, and I appreciate it. And I want to go on the record saying that I support the concept of charter schools, and I think the question here really is how do we take the experience of charter schools and address -- use that experience to

benefit all of our regular public schools. That's really what we're trying to get at. It's not an attack, but rather it's information gathering so that we can use those best practices if, in fact, there are some that have been developed for all of our kids. And that's really the goal here.

So I appreciated it very much. And Donna, I think you did a great job.

MS. MEDEA: Thank you.

MS. VEGA: Thank you, members of the Committee.

ASSEMBLYMAN WOLFE: Okay, thank you very much.

Well, those of you who have been glued to your chairs for two hours -- we're halfway through. (laughter) How about that, okay?

And even though it's lunch time, we're not going to break for lunch. And some of my Committee members might be leaving us, but we'll be here.

So we're going to move on. We're going to hear next from the School Board Association, our pal Sharon Seyler. (laughter) I mean, the Legislators' pal.

So you're the School Business Administrators (*sic*), right?

**S H A R O N   S E Y L E R:** Now I can say good afternoon to everyone.

ASSEMBLYMAN WOLFE: Okay.

MS. SEYLER: Members of the Committee, thank you for inviting the New Jersey School Boards to comment on this issue of accountability for charter schools.

As you can see in my position statement, of the 87 charter schools of this year, 81 of them were members -- they volunteered to be

members to us. They pay an affiliate fee of \$2,500 and we provide training and advocacy for them -- which is what I'm doing right now.

In my position statement, I basically quoted the current law; and I put in our position statement. Our position for accountability was voted on, as policy, through one of our delegate assemblies. And we would like -- we basically state that traditional public schools and charter schools should follow the same methodology for accountability. And that's what we support.

In this conversation of listening to every other entity speak about this, I think I'm going to focus on the fact of the turnaround for a charter school -- that when they are considered underperforming, that they're only given the one year probation. And a traditional public school, if they're considered underperforming they're given years of turnaround time; where a charter school is only given one year of turnaround time or they're subject to close.

So if you're going to follow the accountability system to at least be similar, I think at this point it would be an issue, maybe, to be looked at to revise -- that the turnaround time for a charter school that's underperforming be given a longer period of time to be able to improve themselves. So I think that that's an issue.

You know, I think that we would like to work with the Department of Ed. If there are any changes that need to be made in the accountability process now, we'd be happy to work with them to revise any issues that come up after this hearing, or as we move forward.

But I think basically we want to just say that we would definitely like to see a similar process for both entities. We'd like to see

transparency so that the school district that sends students to a charter school knows how the students are doing that they've sent, and their tuition is now following the child. I think that all that is important, and that everybody needs to know what's going on, and they're just basic issues.

So if you have any questions, go ahead.

ASSEMBLYMAN WOLFE: I have a question.

MS. SEYLER: Go ahead.

ASSEMBLYMAN WOLFE: Listen to this -- this is weird.

Are the Board of Directors of these charter schools members of your group?

MS. SEYLER: Everybody-- The Boards of Trustees--

ASSEMBLYMAN WOLFE: Right.

MS. SEYLER: --depending on-- So what I told you--

ASSEMBLYMAN WOLFE: Right.

MS. SEYLER: --81 of the 87 schools.

ASSEMBLYMAN WOLFE: Right, okay.

MS. SEYLER: They--

ASSEMBLYMAN WOLFE: Good; okay.

MS. SEYLER: The Boards of Trustees are affiliate members.

ASSEMBLYMAN WOLFE: Very good; thank you.

Senator.

SENATOR RICE: Yes. Let me say I agree with you. Apparently I may have to restate my many years of arguments a little differently using your language-- (laughter)

MS. SEYLER: Well, I listened to you--

SENATOR RICE: --because I keep saying, "Why do we continue to give out applications for charter schools, rather than slowing the process down since we have so many? Do my moratorium--

MS. SEYLER: Right.

SENATOR RICE: --and use the resources to fix the charter schools that are failing, since they are in existence. And you said the same thing in different language, and everybody heard you. In fact, the Assemblyman thought it was a good statement. (laughter)

ASSEMBLYMAN WOLFE: Thank you very much; thank you.

SENATOR RICE: I have to change my statement -- the way I say that.

But the question goes back to the other part-- And we really need to recommend, as the Committee -- insist on that. You know, that we slow this process down of giving out applications and start fixing some things, okay? And that's on both sides -- traditional as well as the other.

On the other side, you know, the accountability question came up, and the charter school network said that they're very uptight because we're so tough on them with regulations, versus QSAC being kind of weakened. I'm not so sure if all that is true. It may be true, because we don't write the contract the right way. I find they get away with a lot of stuff that should be in the contracts. And that's why we need to have a session on that as well with the Commission (indiscernible) and the Attorney General. Who is doing these contracts? Well, what are you asking for? Well, maybe we should have some say-so into what you're asking for, since we're still legislators and Education comes under the State.

But does it make a difference which model we use, for lack of a better word? Or are you just concerned that everybody is on the same page operating with the same rules?

MS. SEYLER: And actually, in the position statement, we don't say it has to be QSAC. We would just like that both entities follow the same process. So maybe there's a compromise somewhere, where you could pull from QSAC and pull from the charter school monitoring, and put something together where everybody could follow the same process.

SENATOR RICE: Well, I do know that we're going to revisit QSAC. I've had a commitment to do that for quite some time, since I'm one of the original people behind QSAC, along with Assemblyman Wolfe.

MS. SEYLER: Okay.

SENATOR RICE: We've been around a little while, you know?

MS. SEYLER: Well, it has been made easier as the years have gone by since it first was implemented. So it is a little bit less stringent, I guess, is the word. You know, if a school is doing well, or a district is doing well, they get the one report in between. But for basically -- they have six years or seven years that they're not monitored because they're doing -- they've been doing well consistently.

SENATOR RICE: Yes, but on the traditional side, you have the other problem where you're supposed to build capacity; and if you talk to the Commissioner, you ask him -- we need that information too.

Take Newark, for example. What capacity have you been building? Every time we turn around you're making a change, but you're not reporting to this Committee as to what resources you're putting in there to build capacity -- what people you're putting in there, what money you're

putting in there, what's the plan. They said it's the correction action plan, but it goes beyond just that written correction action plan. What's the actual resources? So both sides have some problems and we need to fix those problems on accountability.

ASSEMBLYWOMAN OLIVER: Question.

ASSEMBLYMAN WOLFE: Assemblywoman.

ASSEMBLYWOMAN OLIVER: Yes, thank you, Chair.

Since you represent everyone, I'd like to ask what the sentiment is of the School Boards Association with the issue of what we have lived with -- painfully: superintendent caps. And it was a bad idea from the beginning; obviously, there are those who see the error of their ways. And within the Association, I'm sure that there has to be agreement across the board that we need to abolish this concept of superintendent caps.

MS. SEYLER: We don't support the cap. We have seen too many quality superintendents leave the State of New Jersey. And not to say that we don't have qualified superintendents working currently; but we've had superintendents who have made drastic decisions to leave because of a severe cut in their salary, and who were very qualified.

You know, I think I'm going to put it this way. Consistent leadership is really important. And you had superintendents, who were giving really quality leadership in your school districts, who had to make a choice to leave because of salary issues. And that is very severe to the State.

ASSEMBLYWOMAN OLIVER: I think the other egregious thing -- and this goes back to everyone who belongs to your Association -- is that I can be a superintendent of a district in an extremely large, multi-complex demographic and I have a capped salary; but I can be the head of a



charter school with 60 students and I can be paid a half a million dollars, if that's the choice of the board.

MS. SEYLER: Yes.

ASSEMBLYWOMAN OLIVER: That's crazy. I just wanted to put that on the record.

MS. SEYLER: So that's, you know, another concept of why things should be similar and why they should follow the same methodologies.

ASSEMBLYWOMAN OLIVER: Thank you.

ASSEMBLYMAN WOLFE: I have to apologize. I said you were from the School Business Association.

MS. SEYLER: Yes.

ASSEMBLYMAN WOLFE: Pardon me -- from the School Boards Association. You are from the School Boards Association?

MS. SEYLER: Yes.

ASSEMBLYMAN WOLFE: Okay.

MS. SEYLER: Is that what you said? That's what you said.  
(laughter)

ASSEMBLYMAN WOLFE: Yes, I did. You didn't hear me say that, right? Okay.

MS. SEYLER: No, you did say School Boards.

ASSEMBLYMAN WOLFE: I couldn't gavel my former Speaker out of order when she started talking about superintendent salary caps.

MS. SEYLER: No, you couldn't. (laughter)

ASSEMBLYMAN WOLFE: But I agree with her. Very good.

Okay, any other questions for Sharon? (no response)

Thank you very much.

MS. SEYLER: Thank you very much.

SENATOR RICE: We're going to lift the legislators' cap.

ASSEMBLYMAN WOLFE: Yes, okay. (laughter) The Governor's cap -- right over here.

All right. Hey, we're getting there.

Next, we're going to hear from Save Our Schools and Ms. Cauldwell, Executive Director.

Assemblywoman, thanks for coming. Thank you.

**S U S A N C A U L D W E L L:** Good afternoon. My name is Susan Cauldwell; I'm a member of Save Our Schools New Jersey, which is a 29,000-member, grassroots, all-volunteer (indiscernible) education organization. I'm also Executive Director of a small nonprofit that we established about two years ago to support the work of our volunteers. And some of our members are behind me today.

I'm also a former Board of Education member who sat on the QSAC review committee. So this topic was really quite interesting to me.

Save Our Schools New Jersey supports comparable accountability and transparency for all publicly funded schools. In this time of tight revenues and flat funding, it's more important than ever to ensure that all publicly funded schools are educating our students effectively and efficiently.

We believe that New Jersey charter schools are not being held to the same standards as New Jersey's district public schools. Public schools are evaluated using the QSAC framework, while charter schools are

evaluated using the charter Performance Framework. I'm not sure you've had the opportunity to look at both of these. As I said, I have quite a bit of familiarity with QSAC, and took a kind of deep dive into the charter Performance Framework over the weekend.

QSAC was created by the Department of Ed based on the needs of New Jersey students. The charter Performance Framework was created for the NJDOE by the National Alliance of Charter School Authorizers -- a national charter school advocacy organization that, in our opinion, does not reflect New Jersey curriculum or standards. In fact, there are numerous differences between QSAC and the Performance Framework, including the number and type of indicators, the requirements to show compliance, and the scoring. This makes comparisons between traditional public schools and charter schools problematic, and raises the question of why district public schools and charter schools are evaluated differently by the State.

I'd like to give you three examples of those differences.

As was stated earlier, QSAC reviews occur every three years and encompass five areas: instruction and program, fiscal management, governance, personnel, and operations. By contrast, the charter Performance Framework is conducted annually and encompasses just three areas: academic performance, financial performance, and organizational performance.

The components of the areas evaluated also differ. For example, under instruction and program, QSAC requires school districts to demonstrate "that they use a monitoring process to continually improve curriculum implementation for each New Jersey core content curriculum standard and Common Core State standards." Similarly, QSAC requires

school districts to ensure that the curriculum specifies the content to be mastered for each grade, including benchmarks and interim assessments, and is horizontally and vertically articulated across grades and content levels. No such requirements exist in the charter Performance Framework. In fact, the DOE doesn't even look at curriculum for charter schools. The evaluation of charter schools academic performance is based solely on test scores. We don't believe there is any justification for the State not to monitor the curriculum utilized by charter schools. All students deserve a rich and varied curriculum that emphasizes inquiry-based cooperative learning, and this should be one criteria for evaluating any publicly funded school.

Melissa Katz, who student-taught at an elementary charter school during the past academic year, testified at a State Board of Education hearing this June that the school's instructional focus was solely on tested subjects -- English language arts and math -- and that no curriculum existed for science or social studies. She also reported that the math and English language arts curriculum were tightly scripted and consisted mostly of worksheets.

Such violations of our State's Core Curriculum standards should be detected and stopped by the State's evaluation framework. However, because charter schools are not evaluated on their curriculum, there is no way to determine how widespread these practices are.

Another difference: QSAC requires public schools to verify that instruction for all students is based on the curriculum and includes instructional strategies that meet individual students' needs -- including IEPs. *All students* includes students with disabilities, ELL students, GMT

students, and students in alternative ed. QSAC says districts prove their compliance with this standard through lesson plans, technology plans, classroom visits, program descriptions, and assessment data -- among other items. In contrast, the charter Performance Framework asks “if students in subgroups are making adequate growth based on the school’s media SGP.” SGP is the Student Growth Percentile; it measures changes in students’ standardized test scores relative to other students in the state with similar test results.

We think the New Jersey Department of Education should be examining the curriculum and teaching methods in charter schools, rather than looking only at test scores. Relying solely on student test scores to evaluate performance excludes important information about the way students are educated. Using test scores as the only measure of success for schools and students also reinforces the economic and racial biases of standardized tests, and encourages charter schools to focus on test prep versus providing a comprehensive learning environment. Focusing exclusively on test scores rewards charter schools that have few students with special needs, students who are English language learners, and students living in poverty -- as, on average, those students have lower standardized test scores.

In the area of scoring, school districts and charter schools are, again, scored differently. QSAC assigns scores to each indicator based on how well the school district complies; and then scores each of the five sections and adds them together to determine whether school districts meet the 80 percent benchmark in each of the five sections, in order to be certified by the Commissioner and the State Board of Education. This

provides a transparent means of identifying strengths, weaknesses, and areas for improvement.

In contrast, for many of the indicators on the charter Performance Framework, charter schools are evaluated with a simple “yes” or “no” response indicating whether they met the standard. Numerical scores are not assigned, and it appears the DOE makes a judgment call as to whether a charter schools meets expectations. This gives the Department significantly greater discretion and risks more bias being injected into the charter school performance review process. This method also does not identify a charter school’s strengths, weaknesses, or areas in need of improvement -- which is important information for not only charter school parents, but also for charter school administrators and New Jersey taxpayers.

Charter schools and local district schools should be evaluated via the same scoring framework, which includes the range of possible scores for each indicator.

There’s also a difference in the transparency of charter and district scoring. QSAC results are reviewed and approved by the State Board of Ed at their regular monthly meetings. The same is not true for charter schools. For maximum public transparency, the results of annual charter school performance evaluations should be put on State Board of Ed agendas for review and discussion.

I’m only giving you a couple of examples today, given the time that this hearing is taking.

The Department has often said the ultimate accountability measure for charter schools is that they can be closed for failing to perform.

And I heard the charter school administrator talk about the *threat* of closure. And that makes me so sad to think that she has to walk around with that hanging over her head. At Save Our Schools we strongly disagree with this approach, and we don't think public schools are like a small business that can be opened and closed with minimal disruption to the surrounding community. We don't believe that publicly funded schools should ever be forcibly closed. The academic literature is clear that the price of doing so is just too great -- both in terms of disruptions to students, families, the communities, and in terms of taxpayer dollars wasted.

Rather than opening and closing publicly funded schools at whim, we would like to see a more thoughtful and community-based process of opening charter schools and holding all publicly funded schools to the same high standards of accountability, transparency, and performance. We believe all publicly funded schools should receive the support they need, rather than the punishment, to provide students with a high-quality education.

So to sum up, save Our Schools New Jersey strongly supports charter and district public schools being held to the same high standards of accountability and transparency. We believe parents and taxpayers deserve to know how well our publicly funded schools are educating students, and we think evaluation should include both quantitative and qualitative measures. Detailed and comparable information on the performance of all publicly funded schools allows for innovative practices to be identified and shared, and for challenges to be addressed.

And finally, rigorous accountability and transparency does not limit a school's ability to innovate. It does ensure that both New Jersey students and taxpayers are well served by our publicly funded schools.

And I would like to thank you very much for inviting me to speak today.

ASSEMBLYMAN WOLFE: Any questions?

SENATOR RICE: Yes.

ASSEMBLYMAN WOLFE: Senator.

SENATOR RICE: Yes, I see a problem. Speaker had indicated what we have always argued: The intent of charter schools -- going back before they even hit New Jersey, when they were flying everybody out to Wisconsin -- was to try to get peoples' support. An experiment, if you will, for lack of a better word -- we go over here with this building and we try to educate people differently; and if it makes good sense, then we'll put it in all the schools. Speaker Oliver indicated, and someone else indicated, that we're not getting a relationship that we said, in New Jersey, we're going to have as it relates to what's good in charter schools that could be shared in others.

But then I see here that for us to do that now would add no substantial meaning to it, primarily because of some of the things that you indicated, and the Framework itself -- that the method does not identify charter schools' strengths and weaknesses, etc. So to say that this is a wonderful thing that KIPP is doing -- we won't have a true measurement of that because we don't have any measurement tools, if you will, assessment tools to find out whether or not that's good. So it's almost like a self-assessment thing, where somebody is going to tell us it's good, then we're



going to put it in traditional public schools -- if we start that process -- and then find out it's not so good.

So there's a real need to revisit this whole piece, and there's a need to bring charter schools up to some reasonable degree -- maybe a little separation in terms of uniqueness -- to some reasonable degree of accountability, but also the way we measure things out. We all should be measured the same way to find out what really works and what does not.

So I just wanted to raise that, for the record, so it could be something that we think about as we move forward, it's something we think about in our various committees as we do legislation; and to revisit.

This may not make charter school people happy; but if you're honest with yourselves, you can understand this conversation as to why we have to be able to compare apples to apples and oranges to oranges if the intent is not to grow a whole new school system, but the intent is to find out what can work across the board in school systems.

And so I just wanted to say that. So those who get offended, and those who attack members of my legislative body and my colleagues because we say we should slow down processes to take a look at things -- I think you're wrong. And I also want to say that it offends me when you start attacking my colleagues for trying to get some objectivity. So I had to at least put that on the record too -- and you will pay.

ASSEMBLYMAN WOLFE: Do you have a question?

ASSEMBLYWOMAN SIMON: Yes, thank you.

ASSEMBLYMAN WOLFE: Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: Thank you.

Do we have anybody still here from the DOE or the Charter School Association? Could you come up for a second?

Have you gotten a copy of the Save Our Schools' testimony?

MS. SCHULZ-ESKOW: (off mike) No, I haven't gotten it.

ASSEMBLYWOMAN SIMON: No? Okay. There's a couple of disturbing points that I would like you to either agree with or disagree with.

"No such requirements exist in the Charter Performance Framework. In fact, the NJDOE does not even look at any of the curriculum for charter schools. Instead, the evaluation in charter schools is based on student test scores;" and then it further says that "no curriculum existed for science and social studies." And it goes on, and on, and on. Can you speak to that?

MS. SCHULZ-ESKOW: I'm sure I can respond.

I don't know about that -- thank you -- about that specific case. But what I can say is that through the renewal process we certainly look at, on our site visits, the curriculum -- to make sure that it is aligned to the core content standards. That's a question that is asked by the team that goes out on site.

While we are focused on outcomes, we do certainly look at that to make sure they do have curriculum aligned to the nine standards.

ASSEMBLYWOMAN SIMON: Okay, thank you.

ASSEMBLYMAN WOLFE: Did you want to say something?

**N I C O L E D. C O L E, Esq.** Assemblywoman, thank you for the question.

I don't have the testimony before me, but we can certainly respond more accurately and provide more color. But right here, before you, I can say that it's not the full picture and, obviously, the Department has the-- I agree with the Department's response, but we can walk you through the process more for the charter schools, specifically, if you'd like. We're happy to come to the office and meet regarding it. Or for any of the members, any of the Committee members here, we will put something together for you and provide as much information. Look at us as your service for data.

ASSEMBLYWOMAN SIMON: Yes, I think it would be important for all of us to have that information, rather than individually. I think that it would be helpful for us to know that.

Thank you.

MS. CAULDWELL: If I could, Assemblywoman, the charter Performance Framework is online. I looked at it extensively over the weekend. The academic performance indicators are only about test scores. These ladies are talking about a review that's done upon the request for renewal; that's once every five years. I'm not sure what they do in between. If you're looking at the QSAC forms, and you're looking at the Charter Performance Framework forms, my testimony is accurate.

ASSEMBLYWOMAN SIMON: Now, would you-- We were talking about, before, that QSAC might not be the more rigorous evaluatory process; that whatever the charter schools is going through might be a little bit more substantial. Would your nonprofit agree to either blending it, or drop one and -- like Senator Rice had said, maybe the question would be what would you feel about dropping QSAC and maybe going over to a

different approach to it. But blended so that everybody is on the same page, and everybody gets evaluated the same way.

MS. CAULDWELL: Right. I think you have my feelings about QSAC and the charter Performance Framework turned around. I think QSAC is a more rigorous evaluation. Again, it's done every three years, whereas the charter Performance Framework is done every year.

As far as a specific recommendation -- is that we would like the evaluation processes to be more aligned so that we can make better comparisons and evaluate charter schools and traditional public schools in--

ASSEMBLYWOMAN SIMON: So you would not be in agreement -- I'm looking at their standards and the way that they test -- and try to get together and blend?

MS. CAULDWELL: Well, there are-- QSAC does contain indicators on test scores and student achievement. But it's not the only indicator. There's a whole curriculum and instruction section that has probably 20 questions with multiple subparts. So they're getting at whether the curriculum is delivered appropriately, or whether the instruction is differentiated, whether all types of students are receiving an education; instead of, kind of, a binary process on the charter Performance Framework -- "Did you hit this benchmark -- yes or no." And it's all test scores under the academic performance. It's not as nuanced as the QSAC review process. And from our perspective, you know, curriculum is the lifeblood of the schools; that's the gold standard, that's what they do.

ASSEMBLYWOMAN SIMON: Okay. Now, is there a stat that we can look at? Because what she is saying is that children -- I'll read so that I'm not plagiarizing. "Focusing exclusively -- have few students with

special needs, students who are English language learners, and students living in poverty on average.” Can you speak to whether there’s favoritism to certain groups? It indicates that there are fewer students being served with special needs and different needs. Are you filtering out certain students, or can you speak to that?

MS. COLE: No, not at all, Assemblywoman. There is simply no favoritism, there is no filtering. That’s not the case at all.

ASSEMBLYWOMAN SIMON: All right, thank you.

SENATOR RICE: That you are aware of.

MS. CAULDWELL: We did -- we commissioned a demographic study based on statistics that are on the Department of Ed’s website. The population that charter school students serve, for whatever reason, is not reflective in any way of the districts from which they come. There are fewer very poor students; there are fewer special needs students. The special needs students who are there have less severe disabilities than what remains in the traditional public schools. And I can send you a copy of that report. And, again, it was data taken right from the Department of Ed’s website. It’s easily replicable; we put it all into one place so people don’t have to dig for that information.

ASSEMBLYWOMAN SIMON: Now, the majority of charter schools are in the Abbott Districts. So then how do you think that they’re filtering out people if they’re all in Abbott Districts?

MS. CAULDWELL: Well, I can’t speak to how the charter schools are actually filtering out people. I can tell you there’s a significant difference in the achievement of students who are free lunch students, versus reduced lunch, versus low income. So to lump all poor students in

one category is not the correct way to look at the student population. So if you would want to make a broad generalization that people in Newark or Camden are lower income, that's true. But there are different degrees of income in those areas, and it's important to look at that. You know, a \$20,000 increase in your annual income leads to about a 100-point increase on a SAT score. There are a lot of correlations done between income and standardized test scores. And maybe some of the members here who are from those communities could speak to that better than I could.

ASSEMBLYWOMAN SIMON: Okay. That's a strong accusation. Do you have anything to say about that?

MS. COLE: I just wanted to mention specifically -- in terms of the data: I'm not sure where Save Our Schools -- where the data is coming from. But I'm just making an assumption that it's from NJ SMART. And I just wanted the Committee members to be aware -- the Association is working with the charter schools to make sure that NJ SMART is accurately portraying our schools. Because there have been instances where some of the data is being input incorrectly. And so if you're looking, you may see that-- You had mentioned free and reduced lunch, or special education. The numbers may not be accurately representing what the school is. And, in fact, the numbers are quite higher. The Department is aware of this; the Association is aware of it. We are working with our schools to improve that the data is more accurately projected because we recognize that this is being pulled, and filtered, and gathered, and we want to make sure that we're giving you the right picture.

So we are working on that. It's something that we're working -- we're hoping to put together and have a fix. And I'm happy to speak to the

members individually, like I said. We can come to district offices, convene meetings, and speak to these points specifically.

And I know the Association earlier was testifying; I don't believe they were able to speak directly on our QSAC points. And we did put together written testimony that was before you. So a lot of our response is there, or I'm happy to bring my colleagues up with me as well now.

ASSEMBLYWOMAN SIMON: Okay, that's good to hear. Because I know that the mission, not only for the Department of Education and the charter schools, but then this Committee-- And through the Chair, you know, just to reiterate that our mission is to ensure that all students, regardless of zip code, regardless of fiscal ability -- that we give them a wonderful education regardless of where they come from.

So thank you very much for clarifying.

MS. CAULDWELL: If I could, I just-- I'm sorry.

ASSEMBLYMAN WOLFE: Well, excuse me, ma'am. We're not going to have a debate. I mean, do you want to question the Assemblywoman?

MS. CAULDWELL: No, I just wanted to respond to a comment about filtering data. We did not filter any data for our report.

ASSEMBLYMAN WOLFE: Okay.

MS. CAULDWELL: We simply compiled it. And if it was incorrect, I mean, I guess that's on the DOE for putting bad data up there.

ASSEMBLYMAN WOLFE: Right.

SENATOR RICE: Chairman, just for the record -- and it's not for debate -- DOE needs to get their act together. In the City of Newark, in

the testimony we had before our Committee, was that we are at 100 percent of folks passing everything -- absenteeism we're talking about, okay? And we know that that's not true, and it was on the website. And so when information on the website-- That's what we have to work with -- information that is sent to this Committee is what we use to analyze. And so they need to get their act together, and if that information is not right they need to correct it. But until then, we have people taking what's on it and they are doing-- Look, we don't have a monopoly on brains. And just like big money comes in to pay the highly skilled professionals and accountants, and all these analytical people; well, grassroots organizations of poor people, we have some brain skills too. And we kind of pro bono our own stuff by just doing it, etc. So we're just analytical.

So I just want to put that on the record -- that once we get the information, we know how to analyze it too. And that needs to be clear -- about filtering and nonfiltering, etc. DOE needs to get their act together on what they put on the site.

ASSEMBLYMAN WOLFE: Assemblywoman.

ASSEMBLYWOMAN OLIVER: Yes. That was a very interesting exchange that I just experienced.

But there is something that I want to also put on the record that I know, based on my experience, my participation, and my ongoing involvement in schools within my Legislative District -- which is comprised of a very high achieving school district, a very affluent community. One of those districts -- two of the districts in my Legislative District are former Abbots; one is of a larger size than the other. And the other community in



my District is beginning to be an increasingly multicultural district. So I've got the whole range, which is reflective of the State of New Jersey.

But I want to focus my remarks as it relates to what is considered the traditional Abbott, special needs, underserved -- the whole socioeconomic demographic. And I will say this to you-- And I have charters in my District, and I've spent a lot of time at the charters as well. And I have a great relationship with all the educators across the spectrum.

But I will say to you that the difficulty that exists in the largest school district within my Legislative District -- which is a former Abbott -- there is no way if some of the students in that district were sent to and enrolled in charter schools that charters could handle it. Every day I am in the company of educators in my community who deal every single day like they're going into a combat zone. They deal with profanity hurled at them, they deal with desks thrown at them, they deal with parents who come in and are very obstinate and challenging to them. You cannot tell me that there is a charter school in this state that would accept, enroll, and work with the children who come from families with that profile, nor their parents.

So we know, despite all the flowery things we hear about open enrollment, equal access to opportunity to enrollment, "we accept everyone" -- I challenge any charter school operator in the State of New Jersey to come with me and tell me that they could handle some of the difficult students who exist in some of these populations. No way, José. You'd have half the Teach Across America teachers running out of the doors of those charter schools if they dealt with some of the students that educators in my Legislative District deal with. And I mean, it is insanity.

And you know what? They can physically confront an employee. I've seen school districts even with the worst things that students will do to the adults in the system -- that child will be right back at that school district after a five-day suspension or a two-week suspension. I've served on a school board; I've chaired personnel; I've dealt with sunshine hearings of teachers and other employees who, because they were aggressive with a student, we were going to decide if we were going to fire them.

I think it's time-- We're talking about transparency and accountability? It's high time that we get honest. I don't want to hear the rhetoric about the zip code you live in. I don't want to hear the rhetoric about the teachers who are lazy, and they're sitting on their heinies and they're not doing anything. We have some significant problems amongst poor children. And I heard the representative of Save Our Schools speak to the fact that there seems to be the ability, right now, of our Department of Education to want to turn their head away from the concept of what happens when you are poor.

We have students who live in foster care in this state in some of these communities. I see students who may live in 10 different neighborhoods over the course of a three- to four-year period. It has deleterious effects on education, academic achievement, etc.

And I often say, for those of us who are real educational advocates, we're ready to partner with anybody, in terms of improving education in this State, when you're ready to come to the table and talk about the unequal economic system that exists in communities in this state. Until we begin to deal with what poverty breeds; what lack of affordable,

sustainable housing breeds; until we talk about unemployment and the unemployment in these communities, the child who I am describing -- you can develop every fancy standard of evaluation you want. That child is not going to be an achieving student until you make social and economic investment in these communities.

So let us stop the blame game, I don't care -- go develop every tool you want over at the Office of Charter Schools. When you start addressing some of the ancillary issues that exist in this community, we can then honestly lock arms together, jump off a cliff together, and improve education in this state.

That's all I have to say, Mr. Chairman.

ASSEMBLYMAN WOLFE: Well, okay. (laughter)

Thank you very much, ladies.

And we're going to move on to the New Jersey Education Association, sponsored by Sean Hadley -- who has a great presentation.

Now, wait a minute. How many people are you bringing up here, Sean? Oh, two -- one, okay.

**S E A N   W .   H A D L E Y ,   Esq.** Yes, just two -- that's it. Only two.

ASSEMBLYMAN WOLFE: Do you want to introduce your guest?

MR. HADLEY: I will.

So I think I originally might have written in my testimony *good morning*, but-- (laughter)

ASSEMBLYMAN WOLFE: Hello, there. Good evening.

MR. HADLEY: Let me say good afternoon, and thank you, first, for the -- Chairman Wolfe, Co-Chair Senator Rice, and

Assemblywoman Oliver, Assemblywoman Jasey -- I'm sorry I missed her -- and Assemblywoman Simon. I really appreciate the opportunity to talk to you. The advantage, of course, of talking at lunch time is that my testimony is going to be a little more brief than it was originally. And, of course, the disadvantage is that it's lunch time.

Let me first introduce the person to my left, who is Jaime Valente. And he is a teacher and a Local President -- an NJEA Local President at Teaneck Community Charter School. At the end of my testimony I'm going to invite Jaime to say a couple of words about his experience there working in the charter schools.

But before I talk a little bit in specificity about my testimony, let me begin by addressing NJEA's position on charter schools, generally. We supported the original charter school law in 1995. And we continue to believe that charter schools have an important role in an innovative public education system. And as we've talked about a couple of times already in this hearing -- and I don't want to repeat a lot of the other insights that have already come to the table -- we do consider this as a laboratory of innovation. And that was where, kind of, the original intent of the law came from.

We know a lot has changed in 20 years, and we know that it's probably high time to take a pause, take a look, and see what needs to be different, moving forward.

And one of those areas of reform that we think is important is in this public reporting. And so that's one component. Now, when I talk about what I like to call *strong public reporting*, there are three components

that I outline in a little more detail in my testimony, and I'm just going to briefly touch on them -- about what I mean by strong reporting.

I think the first component of that has to be relevance; the second component of that has to be specificity; and the third component of that has to be accountability.

Now, when we talk about relevance -- when I speak of relevance, I'm again getting back to the original intent of the charter school law. If these are supposed to be laboratories of innovation that provide methods for public schools to improve, then we need to have meaningful data. We need to have data that is relevant to those public schools. And right now, we don't think we're getting that relevant data. And that's because in order to know what works, we have to ask the right questions. And right now, we're not -- right now, we're not.

We've already had lots of discussion about the differences between what is being asked on some reports for the charter schools and other reports under QSAC. It won't take you long to go through the two reports to see that there are differences -- there are a lot of differences in what is being asked. And you know what happens when you ask one group of schools one set of questions, and you ask another group of schools another set of questions: You end up with data that is very hard to cross compare. And that is kind of where we are.

So a couple of the differences that you may have noticed -- but, I mean, I'll just give you a quick example -- like user-friendly budgets, which this legislature decided to do several years ago. Putting information online in a user-friendly manner. It seemed like a common-sense idea; not applicable to charter schools.

We can go down the list of many other differences.

One of the other areas we think is important is with disaggregating data based on school buildings. All right, we've already had a discussion about how you can have one charter school that may have several buildings. Well, they can just aggregate all that data into one report. Well, we should be able to look at some of those individual buildings to see how each building is performing, what's the enrollments, what are the staff, etc. These are things we can ask questions about -- but we're not asking these questions. So it's very important that we do so.

Because ultimately what we're concerned about is that we're having different standards of accountability for charter schools and our traditional public schools. And when we're looking at these different standards, again, it kind of breeds this environment where we have separate systems of public education. And that was never the intent. The intent was to have one system of public education, and charter schools were supposed to be an innovative part of it -- but not a separate system.

So now we have this whole separate system of questions that we ask -- again, it's breeding this kind of environment where it's one system and another system; but it's all public schools -- these are all public schools.

So we really think that when you look at strong components of a strong reporting system, you have to also look at my second piece, which is specificity. And if you want to find specificity, look at the QSAC regulations. QSAC will have very detailed questions that may ask you not just, you know, an open-ended question like, "Please explain how you're engaging the community," right? You can write whatever you want on that. But it might ask specifically, "How are you complying with this regulation?"

“Do you have this policy,” etc., etc., etc. And we find these examples all over. And I don’t need to give you more of them, but I think that specificity is important as you consider what kind of reporting process you want to create.

Now, one other piece of this, of course, is accountability. And why is that an important component? Well, with this we know that if you look at QSAC reporting -- and Susan Cauldwell already mentioned this -- QSAC reporting actually has a scoring system that you know which points are assigned to each indicator, and in what areas. So it makes it a lot more accountable because everybody knows what’s being scored and what the weights are. And with the charter school reporting, we found it a little more difficult to see what these weights are and what the scoring may be. And that could invite some kind of subjective complaints -- that that’s what the result is on these reports.

So I have a couple of other quotes in my testimony that I’m not going to talk to you about. But there are some reports that have come out over the last several years -- one is the Annenberg Report that noted some problems with the reporting systems in some other states and how we really don’t want to go down that same path in New Jersey. We want to try to close these loopholes and kind of tighten up the system so we can keep our entire public education system more transparent, more accountable, and get meaningful data from it.

So again, what I’d like to kind of close with is, as we engage in this process -- and we’ve engaged in this process for a few hours already this morning -- when it comes to QSAC, specifically, as the place for charter schools, we’re not 100 percent sure if that’s actually -- necessarily the right

approach. But we do think that QSAC, as a model, is very important and should be used as a way of tightening up, maybe, the standards for charter schools, as opposed to folding them in. It may not be that clean to fold them in. But if we decide that, ultimately, that's the best way to go, we certainly think there will be some tweaks needed to the QSAC system -- because it is slightly different; they do have some other areas of focus. So you'd have to, kind of, really do a line-by-line comparison to find the best parts.

So with this, kind of, strong public reporting, we know this is a critical step but it's not the only step. And since this is the 20th year of the law's drafting, we are calling for a hard look at the law. We do think there should be a pause and a review -- whether that's a moratorium, or some other method. We do think that's important to take into consideration, as we move forward, because to do this effectively, to do a meaningful reform, we need meaningful data. And we're just not getting it right now.

So we really hope that the Committee continues with this important conversation. I really want to thank you for the opportunity to share NJEA's thoughts on this issue.

And with that, I want to invite Jaime to also share a couple of words about his experience at Teaneck Community Charter School, because it actually relates to one thing that Assemblywoman Oliver, through the Chair, has brought up a couple of times.

**J A I M E   V A L E N T E:** Thank you.

I've been at the Teaneck Community Charter School for the past six years. But the Teaneck Community Charter School is actually one



of the longest-standing charter schools in the state. We are going into our 16th year of operation.

We were founded the way the original law intended -- by educators and parents. And to this day, our nine-member Board of Trustees are nine parents in our community. They are involved in programs, curriculum development, experiences; they come from all different backgrounds, all walks of life. And they influence the decisions made in our school for their students. So it truly becomes a partnership between the educators in the building, the parents who live in the community, and the students who attend our school.

ASSEMBLYMAN WOLFE: Go ahead.

SENATOR RICE: Are you a member of the Charter Association?

MR. VALENTE: We are not.

MR. HADLEY: He is actually an NJEA member, Senator.

SENATOR RICE: Okay. I just wanted to know; I think that's important.

I think on the issue of QSAC, I've always argued-- And I have others who are members of that commission or task force of about 30 people, who worked in hot weather like this all summer long, all year long -- Commissioner -- what's his name, Librera? -- and our good friend, Gordon MacInnis -- on QSAC. The compromise was the indicator -- the capacity was what was really focused on. And that's what I don't believe that charter schools are getting in this conversation -- capacity building for those that are failing, and capacity building to keep those that are moving.

The notion of measurement wasn't what people like myself, and Superintendent Marion Bolden, and others who were very close to this process really wanted, because we don't get measured with success. For example, you go into an area or category, and it's at 30 percent. And you turn that 30 percent around over -- in a short period of time, over a year, a school year, to 45 percent. There is no real measurement -- accountability given to that. It was always 80 percent or more. And that's no way to control a district.

By the same token, I never know what we're measuring when it comes to the charter side. And that's why I say I want that information; and I think that we're required to have that, as the Joint Committee, since we have to oversee the school districts, including choice. That's why you have a choice committee and a (indiscernible) here.

So I think that's important for us to know and for us to acquire. And if the Commissioner does not understand that we should be in receipt of that information in a timely fashion on a regular basis, we may have to redo or do legislation to mandate that we get that information. We can't oversee something correctly if we don't have everything that we're supposed to have to do a fair assessment, if you will, or analysis on this stuff.

And so we are going to revisit QSAC. I know that Senator Ruiz, who chairs the Education Committee, has her notions about QSAC. I know my colleagues here have different notions, or similar notions; I think there are others who have it too. But the Joint Committee on the Public Schools and this subcommittee that's being chaired by Assemblyman Wolfe -- we're not going to be subordinate to their process. We don't do

legislation, but regardless of what those Education Committees do we're going to have some say-so on their process.

And that's why it's incumbent upon us to look at it, because it's our statutory responsibility to probably take more of a look at it than those other committees -- because that's what we do, okay? We don't do legislation.

And so I'm hoping that under Assemblyman Wolfe's leadership on this Committee that he would pay attention and talk to all of us about some of the things, once we do an assessment on the information we receive, as to what he thinks some of those components -- that we can have our own discussions -- and elements should be as we move through a change of QSAC.

I would also hope that the NJEA, and the School Board Association, and the charter schools, and anyone else who is concerned about education start to touch base on a more regular basis, and educate in some areas, and just bring to the attention of Assemblyman Wolfe so he can share it with this Committee -- and then share it with the bigger Committee -- some of the concerns, the inputs that you think that we should be having. I don't think we should continue this fight, because at the end of the day -- I'm going to say this to the charter school people -- and I'm saying this, this is not the Committee -- I'm telling you, I have lived life a long time. At the end of the day, charter school people -- you may not believe this because of all the big money that comes in, and all the big money people behind charter schools in its national movement -- at the end of the day you're going to lose. And the reason you're going to lose is because the power is in the people, and these are still our children and our kids. And the only

targets right now are predominantly urban communities and low-income families. And we know what that is all about.

So it's time that you just slow down a little bit, get on board, because most of the charter schools are not KIPP, they're not North Star. They are these little independent groups out there, etc., who are looking for something different. In fact, they're being overwhelmed by the big money schools -- I call them the *big money schools* -- that are coming in. And then they are fearful about whether they are even going to exist; because it's like this Pac-Man thing taking place out there -- to really demolish them as well, to build their bigger organization system, which is about three or four organizations that are funded nationally.

So I want to say that, for the record, because it may be something, Assemblyman, that you're not aware of in terms of the little ones versus the big ones. And there are disagreements among charter schools too.

ASSEMBLYMAN WOLFE: Thank you.

Any other questions? (no response)

I have a question. I'm curious; the question was, are you a member of the State Charter School Association, and as you responded your colleague said you are a member of NJEA. Why would that prevent you from being part of that Association?

MR. HADLEY: Well, on the--

ASSEMBLYMAN WOLFE: I'm asking him.

MR. HADLEY: Oh, okay.

ASSEMBLYMAN WOLFE: Thank you. (laughter)

MR. VALENTE: I'll do without. I'll use my teacher voice.  
(referring to PA microphone)

That is an administrative and board decision.

ASSEMBLYMAN WOLFE: Okay.

MR. VALENTE: It is not a decision made by our teachers. It's made by our board of nine parents and our administration. The teachers have chosen. And actually we are a wall-to-wall -- it covers all of our staff that is allowed to be a member of NJEA. We made that decision for ourselves. The decision to join the Charter School Association is not up to us.

ASSEMBLYMAN WOLFE: Okay, thank you.

I want to thank all of you who sat through this -- actually, it's almost a three-hour hearing. And we take this very seriously. I know some people came and they left. I think a lot of issues were brought up, a lot of feelings were expressed. But our goal, really, is to get this right and best for all the kids, and not to really choose sides.

So thank you very much for attending, and enjoy your lunch.

ASSEMBLYWOMAN OLIVER: Thank you, Chairman. Very good meeting.

**(MEETING CONCLUDED)**