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R E P O R T

to the

Legislature

by the

Senate and Assembly Committees on Education

concerning

Sex Education in the Public Schools

(Pursuant to Assembly Concurrent Resolution No. 69 of 1969)

April 9, 1970

New Jersey State Library

LETTER OF TRANSMITTAL

MEMBERS OF THE SENATE AND GENERAL ASSEMBLY

GENTLEMEN

April 9, 1970

The 1969 Senate and Assembly Committees on Education herewith submit their report on the results of a study of "sex education in the public schools", as directed by Assembly Concurrent Resolution No 69 of 1969

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HON. ROBERT N. WILENTZ

- 1/ Concurs with all recommendations except 2 (c)
- 2/ Mr. Selecky declined to sign the report because he did not take part in the deliberations leading to its final approval.

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Introduction

The Committees held three days of public hearings and received a great deal of material on this topic. Over one hundred witnesses appeared before the Committees including state officials, representatives of state-wide organizations, local organizations and individuals.

Conclusions

After reviewing the transcripts of testimony and the materials presented, the Committees have reached the following conclusions.

(a) There was great concern on the part of many parents and citizens regarding the content of many courses in sex education as well as recommended reading material and other teaching aids.

(b) A great majority of those testifying felt that courses in sex education should not be required of any student and that students be permitted to take such courses unless a parent or guardian objects, in writing, to the board of education.

(c) There was very little concern about the content of courses in biology, health, zoology or other similar science courses. Most witnesses seemed to feel that most of these were elective courses and were suited to the age of the pupils.

(d) Many expressed the view that the curriculum and course of study, materials and teaching aids should be the direct responsibility of the local board of education, in accordance with present law. However, many others expressed the view that more detailed guidelines and a list of approved teaching aids should be made available to school districts by the State Department of Education.

(e) There were many conflicting views as to the proper age at which to begin instruction in sex education, if at all. The weight of the testimony seemed to favor the position that no sex education as such should be given before the junior high school grades.

(f) There were many suggestions that boards of education should provide for a sex education program in their adult school curriculum and parents should be encouraged to attend these courses.

(h) There was much concern on the part of many regarding the problem of the increasing number of high school girls who were becoming pregnant, and expressed the point of view that the school, the home, the church and other community agencies must work together in helping to resolve this growing social problem.

(i) Many parents expressed the opinion that materials and teaching aids should be available to parents for review before being used in any sex education course.

(j) There was concern on the part of many regarding the use of SIECUS materials in many of the schools. The opinion was widely expressed that these materials should not be used.

(k) The importance of utilizing appropriately trained and experienced as well as psychologically equipped teachers for such courses was expressed by several witnesses.

Recommendations

1. Local Boards of Education are charged with the following responsibility in section 18A:33-1.

18A:33-1. "Each school district shall provide, for all children who reside in the district and are required to attend the public schools therein and those who reside therein or elsewhere and are entitled or permitted to attend the schools of the district pursuant to law, suitable educational facilities including proper school buildings and furniture and equipment, convenience of access thereto, and courses of study suited to the ages and attainments of all pupils between the ages of five and 20 years, either in schools within the district convenient of access to the pupils, or as provided by article 2 of chapter 38 of this title,¹ but no courses of study shall be adopted or altered except by the recorded roll call majority vote of the full membership of the board of education of the district."

¹Section 18A:38-8 et seq.

We urge all local boards of education to carefully comply with the provisions of 18A:33-1 and review all materials and teaching aids now in use or to be used in any course in sex education.

2. When a local board of education decides to include in the curriculum of a school a course in sex education the board should.

(a) Involve the community in the development of courses in sex education.

(b) Make a copy of any proposed course of study available in the school office for review by any parent or guardian

(c) Not adopt any formal course of study on sex education for grades below the junior high school level. However, this shall not include courses in biology, health, zoology or other similar science courses

(d) File a copy of the adopted course of study with the County Superintendent of Schools.

(e) Make a copy of any adopted course of study available in the school office for review by any parent or guardian.

(f) Permit students to take such courses unless a parent or guardian files written objection with the board of education.

(g) Not require any pupil to complete a course in sex education as part of the requirements for promotion or graduation from any school in the district.

(h) In appropriate situations arrange to have the program presented to boys and girls in separate classes.

3. The Commissioner of Education, with the approval of the State Board of Education should.

(a) Make a thorough study of the materials available for use at the junior and senior high school levels and prepare a list of materials and guidelines for use by local boards of education excluding any SIECUS materials.

(b) Provide inservice training programs for teachers and prospective teachers of sex education.

4. Local boards of education are encouraged to include courses in sex education as part of their adult education program.

5. Boards of education should permit only those who are properly prepared through training and experience, certified by the State Department of Education and psychologically equipped, to teach sex education courses.

6. The State Board of Education is requested to distribute a copy of these recommendations to all local boards of education.

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NEW JERSEY STATE BOARD OF EDUCATION
STATE-OPERATED SCHOOLS COMMITTEE REPORT

May 4, 1994
David Brandt, Chairman

In February of this year, President Anne Dillman appointed a committee of the board to look at the takeover law for failing school districts. The charge to the committee was to develop the State Board's policy for withdrawing from a state-operated school district. The members of the committee are Nancy Schaenen, Bob Woodruff, Debbie Wolfe, Orlando Edreira and myself as the chair of the committee. Anne Dillman is also an ex-officio member. Our liaison to the department is Assistant Commissioner, Barbara Anderson.

BACKGROUND

The committee began by reviewing the takeover law and administrative code. Basically, the statute expanded the monitoring code to allow for the creation of state-operated districts. The statute also addresses how a state-operated district must operate during the takeover period. What's missing in the law is how to measure achievement, define success and how to determine when it's in the best interest of the children for the state to withdraw.

Four years into the takeover law, we are realizing the downside of an incomplete takeover policy. The takeover law was developed as an extension of the monitoring process. Districts who could not or would not meet the requirements for certification would be placed in Level II or Level III monitoring and given the opportunity to take corrective action. However, it was apparent that some districts have a management and governance problem which is so rife with political interference that the district's administrators may be unwilling or unable to take corrective action.

The premise at the time that the law was crafted was to bring in the state to correct the management and governance problem, rid the district of political interference and the negative influences impacting their effectiveness and then the district can take the necessary corrective actions and become certified. In hindsight, we may no longer agree that such a premise was adequate. Once there is a state-operated school district, is achieving the minimum necessary for certification the exclusive goal of the process? Are the students entitled to higher expectations? Another problem that may have affected the outcomes of the current process is the fact that the department has not had the staff or resources to complete the monitoring process. Some of the missing pieces affect our ability to assess progress in state-operated districts--as examples, we need the fourth grade test and we need content standards.

Jersey City and Paterson are both state-operated districts. According to the statute, the state may withdraw after five years. Jersey City was the first of the two districts to be taken over by the state and the five year period will end in October. Is the state's work there complete? Has success been achieved? What should be the state's exit plan? The committee's work will affect the current state-operated districts and any districts that may be taken over in the future but certainly Jersey City is the immediate concern.

The committee has met several times to discuss and define its mission. Timelines for the committee's work are in part dictated by what's happening in Jersey City right now. We all know that Mayor Schundler has proposed a pilot voucher program in Jersey City and that Governor Whitman has indicated an interest. We heard the state administrators report to the State Board in January that it's too soon to withdraw--that progress is being made but there's more to do. We know that the legislature is taking another look at the takeover law and may be considering a pilot voucher program.

With that in mind, the committee looked at four areas. Number one, what are the educational goals of the two existing takeover districts and where do we stand in achieving those goals? In other words, how are we doing? Number two, we must answer the question about when and how the takeover should end. To answer that question, we need information about assessment--how should progress be determined and success measured when we take over a district? Also, how will we decide that we have reached the point that it is in the best interest of the children to return a state-operated school district to "local control"? Should changes be made in the form of governance for that local control? Third, given political realities in Jersey City, what role should the Department of Education play in designing a pilot "voucher" system that is grounded in good, sound educational principles. And finally, what action should be taken by the State Board of Education in Jersey City when the minimum five years for a state takeover ends this October. Should we end the takeover or extend the takeover and, if so, under what conditions and expectations.

PROCESS FOR THE COMMITTEE'S WORK

The State Board is the policy making body of the department. Our role is to look at the big picture and set the course for policy development. The process that the committee followed to do its work was to study each of the four areas and identify the issues that the department must address as they create a proposed policy.

The committee is presenting the issues that must be addressed in general terms and is asking the department to work on the specifics. We will ask the department to react to the report, develop a policy, and propose a plan of action for the implementation. The full board will consider the department's response.

ISSUES TO BE ADDRESSED

The first two issues that we are asking the department to address will affect the current state-operated districts and any future state-operated districts. The third and fourth issues are specifically related to Jersey City.

- 1. Develop a policy for withdrawing from a state-operated school district which addresses the issues the committee has identified.**

Evaluation

We believe that a good withdrawal policy must address evaluation. What was the criteria for taking over the district and what were the conditions at the beginning of the takeover? We must assess whether or

not the conditions which contributed to state takeover have been or are being corrected.

Part of the evaluation procedure should include a process for monitoring the district to determine current conditions. We must be able to answer the question of whether or not the district can be certified.

Exit Criteria

What is the standard for success? The statute says take a look after five years. Is it time to withdraw if the district can become certified or will other problems have surfaced making withdrawal inadvisable or irresponsible? Should we develop a standard that requires that specific improvements are in place like current technology, student achievement, a safe environment or satisfactory evaluations for administrators and teachers?

Transition

How should the state withdraw? What is an appropriate "anti-back sliding" mechanism. Should a transition period last several years to make sure the district is doing OK on its own before the final exit? What "gates" or continuing performance criteria need to be met during the transition period? Are statutory changes necessary?

We believe a good withdrawal policy will include exit criteria that provides a transition period and guards against a return to past practices or destructive behavior.

Options Instead of Takeover

Are there other options to a state takeover? Have we learned things from the first two state takeovers that can help future failing districts? Are there interim interventions that can be taken or creative options that have not yet been tried?

2 Report to the State Board the progress of the Jersey City and Paterson state-operated districts based on an assessment of the available data

In order to decide if it is time to withdraw from a state-operated district, we need a definitive statement of conditions as they are at this point in the takeover. Information about the current status will also help the department and the board define the standard for success for a takeover district and define the exit criteria.

Each year the State Board has heard a report prepared by the school district. We believe this process needs some structure to improve the value of the information that is received. For instance, should the State Board just accept the assessment of progress that is presented to us or make an independent judgment? Should the State Board and the department develop outcome goals on an annual basis for each state-operated district and assess progress as good, reasonable or deficient? Should achievement of a series of specific goals represent the exit point for the state takeover? Are the services of a third-party educational evaluator necessary?

We are asking the department to develop categories of assessment such as achievement of students, corrective action to achieve certification, and evaluation of the administrators, including the state superintendent. We are also asking the department to consider whether or not the State Board should have oversight of a formal structure to assure the public that the department is thoroughly evaluating the administrators that they placed in these critical positions.

The last two issues address the immediate needs of Jersey City.

3 Address the issues of a voucher/choice program for Jersey City

Given the political reality that the governor and the mayor of Jersey City are considering a pilot voucher program, the State Board is asking the department to look at specific issues that must be addressed in an educationally credible voucher program.

There are many definitions of a voucher program. The State Board wants to ensure that a pilot voucher program is based on sound educational principles and guards against a voucher program that will result in "creaming," excessive diversion of limited public funds, racial or socio-economic imbalances and other similar potential problems. We want to help to create choices for the families and children of Jersey City. To do this in a responsible way, we believe that any voucher system must address the potential problems. Then, and only then, can a rational and proper decision be made which will be fair to the children in the public schools and not lead to inaccurate and inappropriate comparisons of schools.

4 Assess the current conditions in Jersey City and make a recommendation to the State Board to end the takeover and begin the transition period or extend the takeover under appropriate conditions

The minimum five years for a takeover mandated by the statute ends for Jersey City in October 1994. The statute requires the State Board of Education to decide when to end the takeover. Therefore, we must know what action to take this October. We are asking the department to assess the current conditions in Jersey City so that the State Board can begin the process of deciding whether or not to extend the takeover in Jersey City or begin the transition year and return the district to local control.

To make that decision the State Board needs a definitive statement of the conditions in Jersey City and an assessment of their readiness to return to local control. We believe that this assessment should be based on available data but also input from the local community, the families of the school children, school personnel, administrators and the state superintendent.

We are directing the department to set up a one day session for the State Board and the department to jointly hear public testimony. We will ask the stakeholders to assess the current status of Jersey City's schools and give us information which will help us decide whether or not the takeover should end when the five years are up or if the takeover should be extended.

Based on the public testimony and an assessment of the available data, we are asking the Commissioner to return to the State Board with a recommendation for Jersey City. The recommendation should provide enough information to the State Board so that they can vote to end the takeover or extend the takeover. Either recommendation should clearly state the expected outcome and the terms for achieving that outcome.

Five years ago, we embarked on a very important journey in order to influence change and reverse serious, long-standing problems prohibiting the children in Jersey City from receiving the educational programs that they are entitled to receive. We must now evaluate the path that we have followed and decide which fork in the road to take. We must decide to end the takeover in Jersey City and begin a transition period or must decide to stay longer and extend the takeover for well defined reasons and with an end in sight. Either decision must serve the community well and be in the best interest of the children and families of Jersey City.

TIMELINES FOR THE DEPARTMENT'S RESPONSE TO THE REPORT

Recognizing that we have a new commissioner, who is involved in a reorganization and establishing goals and priorities with limited resources, we are asking the State Board of Education to endorse this report and to ask Commissioner Klagholz to respond to the board on the first three issues by the end of the year. However, the timelines for deciding to end the takeover or extend the takeover in Jersey City is an immediate need. Therefore, we are asking the Commissioner to return to the State Board as early as possible this summer.

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