
Committee Meeting

of

JOINT COMMITTEE ON THE PUBLIC SCHOOLS

"Testimony of invited guests on the One Newark Plan"

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

DATE: March 11, 2014
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Ronald L. Rice, Co-Chair
Assemblywoman Mila M. Jasey, Co-Chair
Senator M. Teresa Ruiz
Senator Samuel D. Thompson
Assemblyman Ralph R. Caputo
Assemblywoman Sheila Y. Oliver
Assemblyman Benjie E. Wimberly
Assemblywoman Betty Lou DeCroce
Assemblywoman Donna M. Simon
Assemblyman David W. Wolfe



ALSO PRESENT:

Amy Tibbetts
Executive Director

Rebecca Sapp
Chief of Staff

Christopher Emigholz
*Senate Republican
Committee Aide*

Meeting Recorded and Transcribed by
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SENATE

Diane B. Allen
Linda R. Greenstein
Donald Norcross
Ronald L. Rice
M. Teresa Ruiz
Samuel D. Thompson

ASSEMBLY

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



JOINT COMMITTEE ON THE PUBLIC SCHOOLS

135 WEST HANOVER STREET

P.O. BOX 070

TRENTON, NJ 08625

(609) 847-3365

FAX (609) 292-4912

Amy Tibbetts

Executive Director

atibbetts@njleg.org

MEETING NOTICE

TO: Members of the Joint Committee on the Public Schools

FROM: Amy Tibbetts, Executive Director

The public may address comments and questions to Amy Tibbetts, Executive Director, at 609-847-3365, or by email at Atibbetts@njleg.org.

Pursuant to N.J.S.A. 52:9R1-5, the Joint Committee on the Public Schools will hold a reorganization meeting on Tuesday, March 11th at 10:00 am in Committee Room 11 in the State House Annex.

Invited guests will speak on the topic of the One Newark Plan.

Issued February 27, 2014

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SENATOR RONALD L. RICE (Co-Chair): Good morning. My name is Ronald L. Rice, State Senator, and Co-Chair of the Joint Committee on the Public Schools. And I just want to thank those who have come down this morning to testify on some of the issues that are impacting the City of Newark in particular. And we will be calling you up to give testimony and to be heard on the record.

But before we do that, under the statute this is the Joint Committee on the Public Schools and we're responsible for overseeing the school districts that are under State control, the school construction programs, and all of those things that apply to the QSAC legislation which governs the education system in general and how we're doing. It determines whether or not the State is going to intervene in public education in this State.

And under our statute we're required to reorganize every session. And the statute itself -- just for the record, so there's no misunderstanding -- the statute says that we should reorganize and select a Chairperson of the Committee and a Vice Chair of the Committee. That's the statute. Via our discretion and our process -- to try to bring about some fairness in terms of both houses of the Legislature, the Senate and the Assembly -- we decided that we would have co-chairpersons. That is not the statute; that is our desire and has been for quite some time, at least during

the period of time that I and Assemblyman Wolfe have served, and I think we're the tenured members here. And so that's the process.

And so as traditionally happens, under our process and procedure, I'm going to step down as the Co-Chair and I'm going to turn this meeting over -- and I would ask for a vote, just to be official -- to the Executive Director to be temporary Chair for the purpose of holding the reorganization election.

And so I will make a motion that the Executive Director, Amy Tibbetts, be voted as temporary Chair of this Committee.

Is there a second?

ASSEMBLYWOMAN MILA M. JASEY (Co-Chair): Second.

SENATOR RICE: All in favor?

ALL: Aye.

SENATOR RICE: Any opposed? (no response)

Amy.

MS. TIBBETTS (Executive Director): Thank you, Senator Rice.

The floor is now open for the election of co-chairpersons of the Joint Committee on the Public Schools. Are there any nominations?

ASSEMBLYMAN CAPUTO: Madam Chair, it's my honor and privilege to nominate as co-chairs: one, Senator Ron Rice, and the other co-chair, Assemblywoman Mila Jasey.

MS. TIBBETTS: Thank you, Assemblyman Caputo.

Are there any other nominations? (no response)

ASSEMBLYMAN WOLFE: I second the nomination.

MS. TIBBETTS: Seeing there are none, the floor is now closed for nominations.

We will now take a vote for co-chairpersons of the Joint Committee on the Public Schools.

All in favor of Senator Ronald Rice and Assemblywoman Mila Jasey, say aye.

ALL: Aye.

MS. TIBBETTS: And at this time I also have a letter from Senator Norcross, who couldn't be here today, that he would like me to read for the record.

"Dear Committee members: Please accept my apologies for being unable to attend the March 11 reorganization meeting for the Joint Committee on the Public Schools. I am honored to have been reappointed to this Joint Committee and fully intend to serve as an active member. Accordingly, I ask for your support to remain as Chairman of the School Facilities and Construction Subcommittee. Furthermore, I wish to state my support for Senator Rice and Assemblywoman Jasey to serve as the Co-Chairs of the full Committee. Again, please excuse my absence from this reorganization meeting. I look forward to working together with you as we consider the challenges and opportunities facing our public schools.

Sincerely, Senator Donald Norcross."

SENATOR RICE: Thank you very much.

MS. TIBBETTS: And I now turn the meeting over to Senator Rice and Assemblywoman Jasey, the Co-Chairs.

SENATOR RICE: Once again, thank you. Let me thank the members of the Committee for allowing Assemblywoman Jasey and me to

continue to serve, not just on the Committee, but to serve you in a leadership capacity.

And I also want to state, for those of you who have worked with us and know us: This is a really active Committee because we are confronted with very serious responsibilities under statute. And this is a mobile Committee. What I mean by that is we do spend time at the State House; but we also recognize that our members are not just serving on this Committee but on other committees as well, and also have other responsibilities in terms of, in many cases, employment and other issues that they address. So as a result of that, going back quite some time ago once again, Assemblyman Wolfe and I decided that we should have some subcommittees. And so we kind of restructured this organization with the co-chairs and to have subcommittees, because that gives us a chance to have members serve and get information during periods of time when it's not necessary for the full Committee to necessarily meet, and to get back to us. And so that information and those committees will probably remain pretty much the same.

We do have a new member on the Committee who we are going to acknowledge in a moment and have her say something to us. We have two new members -- I forget the Speaker is a new member. She was the Speaker, so she was on everything, you know. (laughter)

But we also have, for your information, and I need to introduce, the Executive Director, who all of you know served under Melanie. And Melanie has left us, but she was here this morning. Assemblyman Wolfe, you just missed her; she was helping out.

ASSEMBLYWOMAN JASEY: She's still here.

SENATOR RICE: She's still here; there she is in the back, okay?

But Amy Tibbetts is very capable, and will grow in this position as Melanie did. And Melanie is right there, as a right hand to her. And she's family.

Rebecca Sapp -- we call her Becky -- I think everybody knows Becky because every place we have gone she was there doing the transcribing. She probably knows more about what we said and did in the past than anyone around. (laughter) She has all the records, and she traveled. And the other thing that's good about the staff is they live here in the capital, so it's easy and accessible to our needs in terms of what we have to do with OLS and working with the Legislature in general.

And so with that I just want to, once again, thank everybody for giving us the vote.

I want to turn it over to the Co-Chair, Assemblywoman Jasey. And hopefully after she speaks she will introduce our new member -- two new members to the Committee and have them say some words. And then we're going to ask our members to say some words, and then we'll get into our hearing.

Assemblywoman Jasey.

ASSEMBLYWOMAN JASEY: Thank you, Co-Chairman Senator Rice.

I just want to thank everyone for your confidence. For those of you who don't know, I have served on the Committee before, and I look forward to serving again. I think that this is a really exciting time in New Jersey. We have a lot of challenges in public education but we also, I

believe, have tremendous opportunities. And I look forward to, through this Committee, championing those opportunities and facing those challenges in a bipartisan and intelligent, thoughtful way. Because at the end of the day, it's the children of New Jersey who deserve our support and our time; and it shouldn't be about anything else.

So I look forward to that. I think it's going to be an exciting two years, and I hope that we will take this on the road and look at those districts that are succeeding and those that are struggling, and figure out how we support all of them.

Thanks very much, and--

SENATOR RICE: Excuse me, Co-Chair.

ASSEMBLYWOMAN JASEY: Yes.

SENATOR RICE: I'm going to take the liberty. I did something that wasn't exactly protocol. But we forgot to take the roll call.
(laughter)

MS. SAPP (Chief of Staff): Senator Allen.

SENATOR RICE: Absent.

MS. SAPP: Senator Greenstein.

SENATOR RICE: Absent.

MS. SAPP: Senator Norcross.

SENATOR RICE: Absent.

MS. SAPP: Senator Rice.

SENATOR RICE: But Senator Norcross, for the record, had indicated by way of written communication what his vote was as related to the Co-Chairs.

MS. SAPP: Senator Rice.

SENATOR RICE: Here.

MS. SAPP: Senator Ruiz.

SENATOR RUIZ: Here.

MS. SAPP: Senator Thompson.

SENATOR THOMPSON: Here.

MS. SAPP: Assemblyman Caputo.

ASSEMBLYMAN CAPUTO: Here.

MS. SAPP: Assemblywoman DeCroce.

ASSEMBLYWOMAN DeCROCE: Here.

MS. SAPP: Assemblywoman Jasey.

ASSEMBLYWOMAN JASEY: Here.

MS. SAPP: Assemblywoman Oliver.

ASSEMBLYWOMAN OLIVER: Here.

MS. SAPP: Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: Here.

MS. SAPP: Assemblyman Wimberly.

ASSEMBLYMAN WIMBERLY: Here.

MS. SAPP: And Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Here.

SENATOR RICE: Okay, a quorum is established once again,
let the record reflect.

Assemblywoman, go ahead.

ASSEMBLYWOMAN JASEY: Thank you.

It's my honor to introduce the two new members to the Joint
Committee, and they are Speaker Oliver and Assemblywoman Simon. And

I would ask of each of you to bring greetings to the Committee and introduce yourselves.

ASSEMBLYWOMAN OLIVER: Well, good morning, everyone.

It's an honor and a privilege for me to have been appointed by Speaker Prieto to join with you and to address the work of the Joint Committee on the Public Schools. I am extremely passionate about education -- K-12 particularly -- and the future of the public schools in New Jersey.

I believe we have a wonderful system of K-12 education in this state. I hope that, as we move forward in our work, we will begin to ideologically integrate, that we have one school system -- not an urban school system, not a suburban school system -- but one system of K-12 education in this state.

And while I know the Co-Chair said that we are going to work in a bipartisan fashion, I want to tell you that you see that the Assembly is here, and the Assembly is here in full force. (laughter) And you will be hearing strong representation, participation, and movement forward from the Assembly side of the aisle.

It's a pleasure to work with Senator Rice and with our Co-Chair, Assemblywoman Jasey.

ASSEMBLYWOMAN SIMON: Good morning.

Congratulations, Senator and Assemblywoman. I'm proud to be here. I am grateful that I was appointed to this Committee. I know that for the members on the Assembly side, we have either two speeds: We're off, or on turbo. So I'm looking forward to rolling our sleeves up and

getting to work. I have a firm belief that whatever is in the best interest of the children is what we're here to do. We are a Committee of purpose. And I often say that if there's a law and we can't get through it, we go around it, we go over it, we go under it -- but we get to the other side. And we will do that together. So I'm proud to be here.

Thank you.

SENATOR RICE: Okay. Why don't we start over with my colleague, Senator Wolfe.

ASSEMBLYMAN WOLFE: Thank you for my promotion. I appreciate that. (laughter)

I just really want to congratulate the Co-Chairs. It's an honor to serve on this Committee. I think very often you don't really get to pick and choose the people who you are serving with. But over the years this Committee has been very deliberative, and very professional, and I certainly look forward to looking at the issues that we're going to be dealing with this year because they all have to do with all the children in the State of New Jersey. And I'm very fortunate to have these colleagues to work with, and I look forward to another fruitful year.

Thanks a lot.

SENATOR RICE: Assemblyman Caputo.

ASSEMBLYMAN CAPUTO: Thank you, Senator Rice and Co-Chair Mila Jasey.

I'm very pleased, again, to be appointed to the Joint Committee on the Public Schools. And I'm also very respectful of many of the talents of the people who serve on this Committee. To see the former Speaker and

some of the most outstanding people in the Legislature donate additional time to public education to me is very gratifying.

All of us recognize that this Committee serves a very specific purpose: Where there are holes, we try to fill those holes -- because things happen so quickly there's no other committee in the State that will concentrate on the challenges that face public education as we see it. The polarization that is taking place in our public education system between charter and public schools is something that we have to resolve and work out -- because, as it's been said, it's the education of all of our children that counts.

There are many other challenges that we're going to face, and I'll be very pleased to be part of that solution also.

Thank you.

SENATOR RICE: Assemblyman Wimberly.

ASSEMBLYMAN WIMBERLY: Good morning.

Thank you, Co-Chair Rice and Co-Chair Jasey. It's definitely an honor to serve on this Committee.

I'm entering my 25th year with the Paterson Public Schools as an educator. And the challenges that I have seen over that period of time -- I look forward to continue to address the concerns and issues, in particular the underachieving districts. One of my main concerns will obviously be to concentrate on local control; and the issue of continued school construction, where needed, in areas that have lacked construction; update antiquated systems when it comes to technology and facilities.

It is definitely an honor to be here and I'm excited to continue to serve on this Committee.

Thank you.

SENATOR RICE: Assemblywoman DeCroke.

ASSEMBLYWOMAN DeCROCE: Thank you.

Congratulations, Senator Rice and Assemblywoman Jasey. I'm happy and honored to be returned back on the Joint Committee. And I look forward to working with all my colleagues.

Since I arrived in Trenton -- this is my third year in -- everyone has known and I've been very vocal about my concerns for the children, and that anything that I will weigh in on will weigh on the side of the children and what's best for them.

So I look forward to working on the issues that I feel as a Joint Committee we can move in a positive direction. And we do have a great educational system. And nothing is perfect. So I think it's our job to make sure that things are better. And I look forward to working with my colleagues, and I thank them for their support of us on the Assembly side, the Senate side, and most importantly I know that all their concerns is what's best for the children.

Thank you.

SENATOR RICE: Senator.

SENATOR THOMPSON: Thank you, Mr. Chairman.

Among our duties as elected officials I can think of none more significant than ensuring that a quality education is available for all of our children in the state -- doing everything that we can to assure that it is there and made available for all the children.

So I am delighted to be a part of this Committee and try to accomplish that task. We have some excellent schools out there; we have

others with challenges. And we're all working to try to move them forward and make them better.

Thank you.

SENATOR RICE: Senator Ruiz is the Chair also of the Education Committee. I know she is not feeling that well, so I am glad to have you here. I know that if you have to leave, just step out, okay?

SENATOR RUIZ: Again, I'd like to echo my congratulations to Assemblywoman Mila Jasey and Senator Rice.

Someone asked me this morning what would be the most compelling thing that occurs here today. And I think that for the Essex delegation, we have had an opportunity to witness real time and place of what's occurring in the District of Newark. But for others around the state, in your capacities as Legislators, you've only been reading headlines. Today you will have an opportunity to view precisely a firsthand experience of some of the challenges that we're facing.

I think that the best opportunities that we have in the Joint Committee is to cross party lines, cross house lines, and really continue a conversation that sometimes cannot happen in our Committee chambers because of time, quite frankly. And so as Chair of the Ed Committee, I look forward to continuing my service here, to pick up on some elements to work on collaboratively and, ultimately if it makes sense, in a positive way that impacts the next generation of leaders in the State of New Jersey to see it to fruition and law.

SENATOR RICE: Thank you very much.

We're going to start the hearing. But I need to preface my remarks by indicating that this is our first meeting. Unfortunately, we're off

to a late start. There is too much happening in New Jersey. The media is talking about different things, but they're not talking about the real issues as related to education -- some other things. We're getting ready to roll into the budget real soon, and there are a lot of questions and answers that need to be supplied to this Committee from the education side.

Those of you who know us, as Senator Thompson and I and others -- Democrats and Republicans, and (indiscernible) -- have been asking for accountability and transparency as it relates to municipal dollars and Newark Watershed -- stuff like that. There are those of us here who are members of the New Jersey Legislative Black Caucus and our Subcommittee on Education has had public hearings in the community which Senator Ruiz and others have attended, and received information from. Some of those folks are here today. They have asked this Committee to hold hearings involving some of the issues that are plaguing -- in particular some of the takeover districts. I know that the Executive Director told me that Assemblyman Wolfe is very much concerned and wants to have hearings as it relates to some transparency and accountability matters. I know that Senator Norcross, who is not here today, is still very much concerned about the school construction and emergent projects. I know that there-- Traditionally, you read the paper and you hear about the urban districts and the takeover districts. There are some real serious concerns in suburban districts. And I know that Speaker Oliver is very much concerned about some issues that are starting to take place in the Montclair School District. And I know that Assemblywoman DeCroke and I and others have legislation in mind that needs to be looked at through the other committees. And so there is a lot of work to be done.

I also want to preface my remarks as we get into this hearing -- we invited the people today because we didn't want to have a long, long day, but we had a commitment to the public to try to get all of us to know more and understand what this "Newark One Plan" or "Newark Now Plan" or whatever it's called -- *One Newark* plan. The residents don't see it as the One Newark plan; they see it as the Board of Education plan, with no involvement of Newark. And I think that goes back to some of the accountability and transparency issues raised by Assemblyman Wolfe.

Then we also invited the Superintendent, who is a State-appointed Superintendent, to come today to make some remarks and tell us about this plan. And others have been invited as well, and they're here. And then it was my understanding from the Executive Director and staff that the Superintendent of the Newark Public Schools indicated that she did not receive an invitation which, in fact, is not true. I have a letter dated February 24 that was sent out by the Executive Director at our request -- at my request -- to Superintendent Anderson, giving her the location, etc. I know there were a couple of phone calls made to the District, and there were e-mails sent. And so I just want the record to reflect that whoever transmitted that information to the Executive Director's office that the Superintendent was not in touch with-- It is not accurate. And I think, for the record, that's part of the problems that you hear the people in the Newark district, and particularly in other takeover districts, crying about: the fact that people are not telling the truth, but the media is printing what you read.

And so we also want to indicate that the Joint Committee is going to have to really step up its authority. I think that over the years,

Assemblyman Wolfe, we've been kind and gentle in our approach, and we wanted to do that. But we've gone through two Administrations; folks in the other Administration lied to us, and folks before them lied to us about the SDA money and all that stuff. And we are having the same problem with this Administration, where we've sent numerous letters to make a request to give us updates on the long-range facility plans -- which have not been updated in a number of years. And they are supposed to do that and report to us. We get no responses. There have been letters written to the Department of Education raising a series of questions regarding other issues that we're required to have information on that we have not received in a period of time -- no response to that. There have been issues about the annual plan, and an update on the takeover districts and what's taking place there with the process -- no responses. And it almost appears as though this Committee -- in the eyes of the Department of Education and its leadership at this time -- is just a Committee of folks that sits here and wastes our time.

I intend to change that, along with the Co-Chair and this Committee, because there are other issues out there. You've been reading, and there is probably some testimony today, about Pink Hula Hoop and all this finagling of corporations and entities with monies -- who are all the same people. There are clearly some conflicts there. And so we're going to be holding a hearing and inviting people to come in to explain to us more about what's taking place with the sale of buildings in the City of Newark, and this mechanism that's taking State dollars and turning them over to profits and nonprofits to close down schools and move public assets. We need to know more.

And I'm a firm believer that the issues that are being raised about the Governor and what he knew and what he didn't know -- that's valid. But I also think that the issues that Senator Thompson and I raised about what they knew in Newark -- Cory Booker and others -- that's valid. And I also think it's valid to raise the issue: What did the Commissioner and others know that we don't know about these transactions, and what does it mean with these relationships that they have?

And so we're going to have to be a little bit more vigilant as a Committee, Co-Chair and members. And we intend to do that. And we will be seeking the Senate President and the Speaker's cooperation to assist us with our needs as it relates to getting answers. And we will be moving up and down the state -- based on our members asking us to be places, or based on the public asking us to be places -- when we can.

And so with that said we'll start this hearing. And we have a list of people who want to testify this morning. And we're going to start with Mr. Mark Weber. Mr. Mark Weber is a Rutgers doctoral candidate, but he is also the lead author of the analysis of this One Newark plan.

Mark, thank you very much for coming. And you can hit your red button, and then give us your name and title -- whatever you want to give us -- for the record. And then you can go into your presentation.

MARK WEBER: Thank you, Senator.

My name is Mark Weber. I am a New Jersey public school teacher, and parent, an education researcher, and a doctoral student in Education Theory, Organization, and Policy at Rutgers University, New Brunswick.

I am also the lead author, along with Dr. Bruce Baker of the Graduate School of Education at Rutgers, of two analyses of the One Newark plan. The first, “An Empirical Critique of One Newark,” looks at the student consequences of the restructuring plan for the Newark Public Schools.

The second, just released yesterday, is titled “One Newark’s Racially Disparate Impact on Teachers.” Dr. Baker and I were happy to have Dr. Joseph Oluwole of Montclair State University, one of the country's foremost experts on education law, join us in co-authoring this latest brief.

I’d like to make it clear that neither report is published by Rutgers University. The work Dr. Baker and I have done is our own; we received no financial support for it, and all of the data we used is available through public sources, specifically the New Jersey Department of Education and documents published by the Newark Public Schools.

I was pleased to present a synopsis of “An Empirical Critique of One Newark” to the Legislative Black Caucus this past February. For the benefit of those who were not able to attend, let me quickly recap our findings.

One Newark calls for one of four actions to be taken at each NPS school: Renew, which requires all staff to reapply for their jobs, potentially resulting in a large turnover in the teaching staff; Charter takeover, where a Newark-based charter management organization will assume control of the school; Closure, where the school will either be shuttered or used by NPS for a completely different purpose; or No Major Change, where a school may be redesigned, but otherwise will not significantly transform.

After careful analysis, we've reached the following conclusions:

First, measures of academic progress are not significant predictors of the classifications assigned to NPS schools by the district when controlling for student population characteristics.

Slide 1 shows the test-based outcomes in 8th grade math and language arts, and Student Growth Percentiles. While there are differences, only a few are statistically significant; specifically, the proficiency rate for so-called *Renew* schools, which will require staff to reapply for their jobs. Note, however, how much closer the MGP, or *growth scores*, are for schools that don't face sanction, will be renewed, or will be taken over by a charter, or will be closed.

In the case of schools set for closure, those growth scores -- which, according to the State, take into account student background characteristics -- are actually higher than the average scores for schools that do not face a major sanction.

Number 2: Schools assigned the consequential classifications have substantively and statistically significantly greater shares of low-income and black students.

As this graph shows, schools tagged for charter takeover and closure have significantly larger proportions of black students than schools that do not face large changes. Renew schools have larger proportions of free lunch-eligible students, a proxy measure for economic disadvantage. It's also worth noting Newark's charters serve a significantly smaller proportion of these free lunch-eligible students, significantly fewer English language learners and special education students, and also a larger proportion of girls.

Number 3: Facilities utilization is also not a predictor of assigned classifications, though utilization rates are somewhat lower for those schools slated for charter takeover.

Utilization is measured by taking the ratio of students enrolled compared to the number of students the building is designed to serve. Closure schools, according to this data gathered by the Education Law Center, are not underutilized.

It's worth noting that NPS has not released a Long Range Facilities Plan -- as is required by State law -- since 2005. It's nearly impossible for us to analyze the relationship between facilities use and One Newark without this plan.

I'd like to amend my written testimony, if I may. I just learned from the Education Law Center that a Facilities Amendment has been released. We haven't received this yet, but we're very curious to take a look at it and hopefully use it to inform our analysis.

Number 4: Proposed charter takeovers cannot be justified on the assumption that charters will yield better outcomes with those same children. This is because the charters in question do not currently serve similar children.

This scatter plot graph shows the proficiency rates for Newark schools plotted against the proportion of free lunch-eligible students. Yes, Newark's charters are among the schools in Newark with the higher proficiency rates, but they are also the schools that serve fewer free lunch-eligible students. This graph shows a clear correlation between economic disadvantage and test-based outcomes -- a dynamic that has been studied

extensively and is not debated among education researchers. Poverty, indeed, does matter.

The charters, which are the filled diamonds, are slated under One Newark to take over the NPS schools, which are the unfilled diamonds. You'll see the filled diamonds in the upper left, and the unfilled diamonds in the lower right. We must ask: Where is the evidence that these charters can achieve the same results when they serve a different population of students?

Number 5: When adjusting school aggregate performance measures for the children they serve, the charter management organizations slated to take over schools under One Newark achieve no better current outcomes on average than the schools they are slated to take over.

Here we see that Bragaw and Alexander schools are slated to be taken over by TEAM Academy, the Newark branch of the national charter management organization KIPP. Yet, when adjusting for four student characteristics: free lunch, special education, limited English proficiency, and gender -- which is a surprisingly important factor in test score outcomes -- TEAM actually does worse than either Bragaw and Alexander in 8th grade mathematics when compared to statistical prediction. We found similar results for grade 8 language arts.

Now, let me be clear: We are not saying that Bragaw and Alexander are better schools than TEAM. Rather, we are stating that when accounting for student characteristics, we find little evidence that the students currently at Bragaw or Alexander would do any better under a charter school run by KIPP.

So to sum up our first brief: There is a racially and economically disparate impact on students under One Newark and the classifications of schools appear to be arbitrary and capricious.

I'd now like to discuss the findings of our second brief, where we look at the impact of One Newark on NPS teachers.

As Dr. Oluwole explains in our report, there is a larger context for the changes One Newark seeks to impose on Newark's teachers. Racial discrimination against students and teachers has historically gone hand-in-hand. Choice plans that led to student racial segregation also led to teacher racial segregation.

To the extent that One Newark disproportionately impacts one race of teachers over another, the plan may be vulnerable to a legal challenge under Title VII of the Civil Rights Act of 1991. The challenge would likely be under a claim of *disparate impact*, where a seemingly neutral policy disproportionately affects a protected class of persons. The problem for NPS in such a challenge would be to show that One Newark can be justified as a plan that legitimately targeted schools for Closure, Renewal, or Charter school takeover. But as we've shown, One Newark's consequences are arbitrary and capricious.

Further, the demographic composition of the NPS teaching corps differs significantly from that of the Newark charter sector staff.

This slide shows differences between the staffs of Newark's charters compared to NPS schools. Charter school staffs tend to have more white teachers and slightly more women. They also tend to have far less experience.

This slide shows that more than half of Newark charter sector's teaching staff has less than five years of experience. The research consensus is clear: Teachers gain most ineffectiveness during their first few years of teaching.

In Newark there is a clear correlation between the race of a teacher and the race of her school's students.

As this graph shows, black teachers are far more likely to teach black students; the same is true for Hispanic teachers. The NPS student population is 8 percent white but white teachers, on average, teach at schools with twice that proportion of white students.

The data can't tell us how or why this correlation between a teacher's and her students' race occurs. But we also see differences in school assignment depending on a teacher's race.

As part of New Jersey's ESEA waiver request -- that would be under Race to the Top -- the New Jersey Department of Education has classified many Newark schools as *Priority*, *Focus*, or *Reward* schools. Black teachers in Newark are twice as likely as white teachers to work in a Priority school -- what most would consider to be the toughest school assignments. Again, the data cannot describe for us the mechanisms through which this assignment occurs.

But because black teachers have, on average, the tougher assignments, their students often lag in proficiency as measured by State tests. The next slide shows the gap in proficiency between the students of the average white teacher, black teacher, and Hispanic teacher in Newark.

There is a specific difference in 8th grade proficiency at the schools where the average white, black, and Hispanic teachers are assigned.

The proficiency rate shows how many students cleared the bar when taking the State test. In other words, we're looking at the proportion of students at a school who meet or exceed (indiscernible) school.

The gap between black, white, and Hispanic teachers shrinks considerably, however, when we look at measures of student growth. In this case, the gaps are considerably smaller -- even when we convert to scales and to comparable measures. Commissioner Cerf -- I'm sorry, former Commissioner Cerf -- has stated that these growth measures -- or SGPs -- are "looking at the progress students make, and that fully takes into account socioeconomic status."

Dr. Baker has cast serious doubt on this claim; however, if this is the State's position and, by extension, the position of NPS as a State-run district, then it would appear that Newark's black teachers, even though they take on the most difficult assignments, still manage to demonstrate growth in their students at rates comparable to their white colleagues. And yet we have found that under One Newark black teachers will be disproportionately facing an employment consequence.

As this graph shows, NPS' black and Hispanic teachers are far more likely to have to reapply for their jobs -- either to NPS or to a charter management organization -- under One Newark than white teachers. Using standard statistical models, we calculate the odds that a black teacher will face an employment consequence as compared to a white teacher at over 2 to 1.

Because of its shift to charter school management and because of its disproportionate impact on black teachers, it is quite likely that One Newark will lead to a city-wide teaching core in Newark that is more white

and less experienced than it is today. There is, in our view, no evidence that this will lead to better student outcomes.

Given the very serious nature of these findings -- both focused on students and teachers -- we must question the validity of One Newark. There is no evidence that the plan will improve student achievement. There is a serious concern that the plan will disrupt Newark children's schooling and abrogate the rights of their parents as their schools move to private governance. Drs. Baker and Oluwole have just published a paper in the *Emory Law Journal* that further explores this issue. You can find the link to that at the end of my testimony.

Teachers of color will disproportionately face an employment consequence compared to white teachers under the plan.

State Superintendent Cami Anderson and her staff owe us all a justification for One Newark. If they have additional data, they should release it. If they can explain their methodology in detail so that the results can be replicated, they should. If they can demonstrate One Newark is good for the students and the families of Newark, they ought to do so immediately. And if they can justify the disparate impact of this plan on teachers of color, I have little doubt many lifelong educators in Newark and across the state want to hear from them.

Until Ms. Anderson and her staff speak, however, we are left with disturbing questions and serious doubts.

Please contact either Dr. Baker or myself if you would care to discuss these reports further.

Thank you. It's a great honor to be here.

SENATOR RICE: Thank you very much.

Just me asking the Committee members: First of all, I believe the Committee-- We're going to be hearing a lot more about the One Newark plan. We'll probably be hearing challenges to it, and we'll probably create some challenges ourselves. And then there are those who think that this plan is a plan that, like others in this state and throughout the country, is really not geared to helping the-- It's geared to the demise of the District, and to assist some relationships that we will talk about at another hearing as we call people in.

But my question to the Committee members: Does anyone have a question?

Assemblyman Wolfe, and then Ralph.

ASSEMBLYMAN WOLFE: Yes. I felt like I was in graduate school, looking at the stars, the graphs, and the circles. (laughter)

I was curious. In your first study and your second study-- In your first study you broke down the teaching population and only had "percentage black." In the second study you broke it down to Hispanic, black, and other -- Asian. What was the difference in the two methodologies?

MR. WEBER: We didn't (*sic*) break it down into different racial categories, Assemblyman. We reported it for you here today, in the testimony, in different categories than in our brief. But we did break it down. If we didn't find something that was statistically significant we wouldn't necessarily report it.

So I'd have to go back and review slides, but we did break down all the racial categories. And I think if you go back through the report you'll see most of that descriptive data is there.

ASSEMBLYMAN WOLFE: Okay, thank you.

SENATOR RICE: Assemblyman Caputo.

ASSEMBLYMAN CAPUTO: Yes, thank you, Chair.

You know, I've been going to a number of hearings, attending with some of the people who are serving on this Committee. And some of the most disturbing ideas have come through -- without any real response from the Administration.

You know, our history, in terms of public education, I think is well known. And one of those elements means that there has to be some type of engagement with the community, and also engagement with the working staff, the taxpayers, the Advisory Board -- whatever. It seems that we're the ones who are questioning. I read your report and I've listened to your testimony. There are very serious questions that come up. But what disturbs me is that we're not getting the kind of response from the people who are emanating this plan. It's almost, like, unbelievable that we could continue to go on with these mandates from the top, experimenting with the children of Newark, experimenting with the taxpayers and the entire community -- without any real response from those people who are making these plans.

I don't know how this democracy is working, but it doesn't seem to be working in Newark. It may be working in some of the other communities in the state, but to me this is very disturbing and I think that it has to come to a halt. And I agree with Senator Rice -- this Committee should not be wasting its time. Either we get those answers, Senator, or we're going to have to do something in terms of getting the legislative authority to get people to come before our Committee to answer questions.

That's without accusing anyone of any particular harm or poor intent. But I think it's only fairness -- it's only to achieve some type of fairness in the process, to eliminate the kind of stress and polarization that's going on in terms of the changes that are taking place. And these changes are taking place in spite of the response of many people from not only this Committee, but people from the City of Newark -- interested parents, etc., members of the unions and whatever. I mean, everyone is entitled to understand what is being dictated and the reasons why, and how we can help resolve that situation or assist in trying to bring about a better public education in the City.

This process is amputated because it doesn't seem to be working in a two-way situation. Even in any teaching-learning situation, it's a two-way street. And I think, you know, people who are out of the system-- When they look at this, unless they've had some educational background in terms of the research or professional ability, in terms of education, they are not going to understand this. It's going to take us some time to look at this and understand it completely -- the type of research, where you got your information from, and why you reported it in such a way.

So I'm very pleased. I've heard you before, and I'm very pleased that you're here, and I'm very pleased some of the people are going to be here to testify. But without the other link, I think that what we're doing is continuing to do something that's important, but I have to side with the Assemblyman in this regard -- that we've got to do something in terms of making those people in the public positions who have a responsibility for providing education for our children to also respond to the

legislative authority of this Committee. If you look at the statute -- and it says it very clearly -- that we have the responsibility to investigate the public schools. Well, we can't do that if we don't have cooperation.

So that's about it, and I'm continuing to listen. Thank you.

MR. WEBER: Assemblyman, may I add something to that?

SENATOR RICE: Through the Chair.

MR. WEBER: I'm sorry. (laughter) Mr. Chairman, may I add something to that, please?

As a social scientist, the idea of replicability is one of the key things that we always look at. You have to be able to replicate results. So we want to see from NPS, as social scientists, how did you do this? Give us the data, give us the methodology so we can replicate it. In our brief, we put footnotes to all of our data. We explained all of our methods. You could replicate our brief. You may draw different conclusions, but you could replicate it. How is One Newark put together? That's the fundamental question that we have as social scientists.

SENATOR RICE: Well, we as a Committee are going to try and get some answers as we move forward. What is happening today is that some of you who are providing testimony on the record at our first meeting really are laying the foundation for subsequent meetings; because not only do we want to know, we're mandated to know under statute. We have to know. And someone has to tell us.

Any questions from any of my other colleagues?

ASSEMBLYWOMAN OLIVER: I have a comment.

SENATOR RICE: Assemblywoman.

ASSEMBLYWOMAN OLIVER: Yes. I just want to thank you, Mr. Weber, for the time that you and your colleagues have invested in doing this critical work. And I know Assemblyman Wolfe made reference that this was research; he thought he was in graduate school. I did get an *A* in social research, and I think what you have done for this Committee is what our Chair just iterated. You have given us an adult, mature focus on the things that we need to be examining and identifying, and the implication it has not just for the Newark Public School system, but for the broader community. Because as you entered into the record the data in terms of implications for teachers -- and you even described age cohorts, etc. -- any movement of the pieces in the Newark community has implications for neighborhoods in Newark, and it has implications for local economies in Newark, and the social fabric of the city.

So I want to thank you for raising those types of issues in your analysis. I think that you are helping us move from the public rhetoric that we've been engaged in -- in this building and in other buildings -- and you have challenged us as members of the Joint Committee on the Public Schools to approach this task, under the leadership of our Chair and our Co-Chair, taking politics out of it, taking rhetoric and posturing out of it, and focusing on it as researchers, evaluators, and assessment people.

So I want to thank you for that work.

MR. WEBER: I appreciate that very much, Assemblywoman. Thank you.

SENATOR RICE: Assemblywoman.

ASSEMBLYWOMAN SIMON: Yes, good morning, Mr. Weber.

Is it true that your blog is *Jersey Jazzman*?

MR. WEBER: That's me.

ASSEMBLYWOMAN SIMON: Okay. So through reading and researching that, you're not really in favor of charter schools. Is it because of what your research has shown about the creaming -- the potential slant that it takes for certain students and it leaves other students out? That's one question. And the other question is about the Newark schools that spend \$31,000 a student. Why do you think that teachers who have come to some of the legislative members say that they have to take \$1,000, \$2,000 out of their own pocket, because the money that is being sent to the Newark schools is not trickling down to the classroom -- so the supplies aren't there for the students to learn properly. Just your opinion.

MR. WEBER: Thank you.

ASSEMBLYWOMAN SIMON: You're welcome.

SENATOR RICE: Through the Chair, first of all I'm not sure if-- We are dealing with the One Newark plan right now. I'm not sure if your research addressed that.

MR. WEBER: It does not. That's what I was about to say. I'm not prepared to talk about that.

ASSEMBLYWOMAN SIMON: Okay.

SENATOR RICE: Right, that's what-- And so that's okay, for the record. Let me assure the Assemblywoman that we're going to have that discussion. This is why we're having this foundation laid. There are so many questions that we've raised in the past that were never answered. But on this one we're going to stay with One Newark, and I want the staff to make a note, because when we get Ms. Anderson in here -- if she shows, or

the Commissioner or somebody -- I'll call Mr. Cerf back -- somebody should tell us something. Because the numbers get inflated also, the way that they're put together. The factors-- It's very interesting how they do things now in districts to give you the bottom line.

So with that, are there any other questions about One Newark?

ASSEMBLYWOMAN OLIVER: I have a comment, Chairman.

SENATOR RICE: Yes.

ASSEMBLYWOMAN OLIVER: Yes, what I would like to share with Assemblywoman Simon -- not in defense of the testifier -- but that is part of the difficulty everyone has had. Because the questions you're posing to the testifier are questions that should be responded to by the State-appointed Superintendent of the Newark Public School District and the representatives of the DOE. It is a takeover district. The State runs it. The State strikes the budget. The State determines appropriations and allocations. And someone from the DOE should be here to address the questions that you're raising,

Now, I had to smile when you asked him if he did a blog, because I could certainly identify others in this building who are associated with blogs. So I don't think that's the appropriate question to raise. I think that what Assemblyman Caputo entered on the record -- that we are a legislative Committee, we have statutory authority, and if we do not begin to get the responsiveness from the Administration and Superintendent Anderson we're going to have to pursue avenues. We have an obligation to the people we represent to answer those questions.

Now, having served as a School Board President and served on a School Board, something that Senator Rice said is absolutely appropriate.

There are different costs associated with running certain kinds of school districts. You talk about safety and security. We went through conniptions to have a bill passed, that Assemblyman Caputo put up, to put panic bars in schools. I think that all of these different environments in various school districts have relativity to the cost and operation of the schools. But if your concern is the per-pupil spending in Newark, we need the Superintendent here to respond to that inquiry.

ASSEMBLYWOMAN SIMON: No, I don't disagree with you. Because Mr. Weber is so integrated in education I wanted to hear from him, just his opinion. But I totally agree with you.

SENATOR RICE: Okay, thank you.

MR. WEBER: Mr. Chairman, if I may. Dr. Baker is the foremost authority on school financing.

SENATOR RICE: You did good. We're going to get the answers, okay? You don't have to try to defend or justify a response to that question.

MR. WEBER: Understood.

SENATOR RICE: Because I think the Assemblywoman understands that you really can't answer it. But she also is going on the record indicating that we want some answers. And I'm going on the record to say we're going to do all we can to get some answers to that question because the numbers become relevant in our District. It also becomes relevant to many of us who represent the takeover districts because we're tired of the media and others distorting the numbers. I could build the numbers up in other districts if I pulled all the factors together. But when you isolate them, then you see a different kind of a number.

And so we understand that, okay?

SENATOR THOMPSON: Mr. Chairman.

SENATOR RICE: We'll get to the Senator first, then we'll go here, okay?

Senator.

SENATOR THOMPSON: Your investigation has led you to conclude that the One Newark plan would result in a racially disparate impact on teachers. I mean, that was your--

MR. WEBER: Yes.

SENATOR THOMPSON: Do you have any reason to believe that this was intentional -- that they designed the plan in order to be racially disparate?

MR. WEBER: I have absolutely--

SENATOR THOMPSON: Let me finish the question.

MR. WEBER: I'm sorry.

SENATOR THOMPSON: Or was it an unintended consequence of what they were trying to achieve by the approach you're taking?

MR. WEBER: I have no idea of any motivation, Senator. We are looking at numbers, and numbers can only tell you what is. They can't necessarily tell you why it is.

SENATOR THOMPSON: So in other words, yes, this is what you conclude is the set result; but whether it was intended or whether it was an unintended consequence, you would not attempt to draw any conclusions.

MR. WEBER: It is well beyond my purview to even attempt to address the question.

SENATOR THOMPSON: Because, I mean, you know you can design plans to try to cure a problem that, really the only way you can see to cure a problem, will result in a disparate impact on some group, somewhere. And sometimes that does happen.

MR. WEBER: And I believe that in our brief, Dr. Oluwole goes through and talks about the differences between an impact that may have a motivation and one that simply does not. That doesn't change--

SENATOR THOMPSON: I find it hard to believe that, perhaps, the Superintendent and those who are involved with her are really racists and intentionally going out to harm one group versus another.

SENATOR RICE: Well, Senator-- And we're going to let you go. I have two questions, I believe.

I don't believe at this point -- living in Newark, watching and hearing the Superintendent -- that she intends to be racial. I think it goes far beyond that, this particular plan. But that's a discussion we'll have at another time. I think that if, in fact, the District was non-minority and this plan is there, it was intended for different reasons. When kids are failing in urban districts like Newark, Paterson, Jersey City, Camden, and there are others that they will eventually take over, there's a reason for that under these kinds of plans -- which has been documented throughout the country. They just come in different cloths. So we'll have that conversation in the future. But to just kind of concur with you, I don't believe the intent was from a racist perspective, for a lot of different reasons. But I do believe that there is some potential malice there.

So with that, why don't we-- You didn't get a chance, Assemblywoman; we're going to let you go.

ASSEMBLYWOMAN DeCROCE: It's really not a question, Mr. Chairman, just a comment of what you said earlier when we started.

The request for information in trying to get to the bottom of it isn't something that just started in the last couple of years with this Administration. As you had said in the beginning, it goes back; it goes back to other Administrations and others who were responsible.

So I don't view this as a target, in particular, of anyone who is just there right now. But the ones who are there right now are responsible to report to us. So this has to go deeper than just where we are right now, because this started a long time ago and we need to correct the wrongs that happened before and are happening now.

That's all I'd like to say.

SENATOR RICE: Thank you.

Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Yes, Mr. Chairman, two things: Something you said at the beginning of our presentation was, I think, very poignant. And that is that you invited some folks to come and they claim they never got the message. And this is a story that we hear so often, as Legislators, when we have public hearings. It's very convenient for people not to show up. It's not only very frustrating, but I think it's an affront to us as Legislators. And I'm not saying this as a partisan issue; I'm just saying that's the way things have been done here in Trenton. And I think we really need to be very, very forceful and not picking and choosing who we are "going to go after." But I think there's a reason when we ask people to

come -- we want some answers, because people are asking us for those answers.

The second thing is, I did make a statement earlier asking about the two studies. But listening to my comments -- I mean the comments of my colleagues, that is why I had made a request earlier; you did mention that -- that we really look at all of the takeover districts. Some of us -- Mila-- And are you on the Education Committee, too?

ASSEMBLYWOMAN SIMON: Yes.

ASSEMBLYMAN WOLFE: Donna, and Ralph, and I had a hearing this past month. I don't remember why the gentleman was there, but he claimed to be a graduate of Trenton -- one of the Trenton schools. And he was trying to advocate for some changes in the District. And he basically told the Committee of -- it's almost thug-like tactics that were applied to him and other people who wanted some answers to questions. They were being excluded from meetings; they weren't really told where the meetings were going to be held. And these were "in the name of education."

So I'm saying this goes on, and has been going on. And I think this is really the time that we need to put our feet down and say, "Look, there are problems in the State, and we can't continue to gloss over them." I don't know how long-- I know Jersey City, I guess, was the first District that was taken over. There have been so many quality measures that you had to go through, hoops to go through to get out of being taken over. No one's been released from takeover; I mean, this perpetuates. And I really think we have to come up with some suitable road map to help these districts out, and not to blame people.

Thank you.

SENATOR RICE: Mr. Weber, Senator Ruiz is going to make a comment, but you can go. I'm going to call the next speaker up in a moment. But thank you very much for your testimony.

MR. WEBER: Thank you, Mr. Chairman.

SENATOR RICE: Go ahead, Senator Ruiz.

SENATOR RUIZ: Assemblyman, I think you highlighted what we -- Senator Rice and I -- have been talking about most recently more often. I have a bill pending currently that is precisely that: QSAC, in its intent when it was drafted. Like everything else that we do here, there has to be a time where we come back and revisit all the laws that we've put on paper to ensure that the intent is captured, that unintended consequences that perhaps create a negative impact are fixed, that there are always opportunities for us to get better at everything. QSAC is one of those things.

There's language in there, quite frankly, that says it doesn't matter how great you are in every capacity, the Department of Education still has the opportunity in any circumstance to remain in control based on their determination. So it's almost counterintuitive -- it would be clearly impossible even if you met the 80 percent criteria to be removed out of there.

SENATOR RICE: Okay, we're going to bring these speakers up.

Go ahead, Assemblyman.

ASSEMBLYMAN CAPUTO: Very quickly, very quickly. You know, the issue here is usurping the legislative authority of the total

Legislature, and also of this Committee. And the fact is you can't have any type of resolution to any of these things that we do legislatively if we don't have an adequate response from the bureaucracy.

Not one is over the other -- that's the Executive Branch and we're the Legislative Branch -- but we both have roles to play. And the fact is that we face the public and we are responsible for the districts that we represent and also have a State responsibility. And we can't do that adequately if we don't have the proper information from the Executive Branch. So we could go through all of this, and I just want to lay that on the record. Because you and I, Senator, have discussed this and we're going to have to move forward. And I know that former Speaker Oliver feels the same way. I mean, we just can't go on like this, meeting after meeting, for you to get exasperated about the information that you need and that you're not getting. So I want to talk about that eventually -- how we're going to resolve that situation.

SENATOR RICE: And we'll have that discussion.

The next speaker is going to be Marie Blistan, Vice President of NJEA. And while she's coming up, let me just add to the last conversation with my last two colleagues.

I just want to say -- and this is where Senator Thompson and I agree -- and to the Committee members -- I've been here a long time. It is most unfortunate that where the public is getting hurt is that there are questions to be raised and, unfortunately, some of the questions raised come back to bad results and impact people who are supposed to be responsible for doing something. If it's a Republican, Republicans are kind of defensive. If it's a Democrat, Democrats become defensive. And as a

result of that, we look at parties and not the issues. And the taxpayers continue to get hurt; in this case, the kids continue to get hurt. And what I call legalized -- not legalized, but corruption under the auspices of being legal, continues to perpetuate itself -- which is white-collar crime. We don't want to ask the hard questions, and we don't want to anger each other out of respect as being Legislators. But the reality is that we have to do that.

When I read the paper today, and what I know, and what I've documented, and what I've had people provide to me, this issue that stays in the paper is the only issue you are hearing right now -- and that is the George Washington Bridge. And my position is that that's not a Republican we should be looking at when we look at the Governor's situation, that's a person. But Senator Thompson says, and I say, that I've been yelling for two governors and two administrations to take a look at Newark's problems up there, and the Cory Booker Administration relationships -- that's not a Democrat, that's a person we're looking at. But folks defended against that. And now it's coming back to haunt us.

I've been saying, and Assemblyman Wimberly and others who represent the takeover district have been saying -- along with other colleagues who understand what's going on -- is we have to take a look at the education system and these commissioners who are protecting people and not allowing people to give us information. That's not Republican or Democrats. And so if it offends some Democrat for me to say that Cory Booker should come back here and tell us more about that watershed thing, then that's too bad. If it offends some Republicans for someone to say that Governor Christie should tell us more, that's too bad. If it offends any of us to say that Christopher Cerf, who left here with all these business

relationships and these One Newark plans, should come back and answer some questions so we can (indiscernible) the legitimacy of it -- if that offends someone, then it's too bad. Then it means that we should not be here. And that is why this is known as the Joint Committee; not the Joint Committee of the Democrats in the Assembly and the Senate, or the Republicans in the Senate or Assembly. It is the Joint Committee of Democrats and Republicans in both houses of the Legislature who the people feel-- And that's why it's the Chair who puts this Committee -- to keep our members on the Committee, because I know it's a good Committee. But we can be objective in our approach, and tell our party colleagues, and their support systems, and whoever else is out there that we love you but we can't protect you if you're wrong -- and intentionally wrong at that, okay?

And that's why you're right -- the two of you. We have to be more aggressive. I've got to be able to tell the Senate President and the Speaker -- and my Committee has to support that and my Co -- that, look, if they're not coming before us then damn it, if you can give subpoena power to one committee, you can give it to another committee. Because the law says that we have fiduciary responsibility to get answers. And if you don't allow us to do that as the President, then we can be charged with malfeasance in office -- because people are giving us documents that need to go further. And if that doesn't happen, Assemblyman, then if need be I'll personally go to the Feds and try to get them involved. But someone needs to answer to the education system in Newark with all the money we're wasting, all the money we have spent, and these kids are still failing after 20-plus years in these districts. And we just took over another district.

So I just want to say I'm sorry to go off, but I want the record to reflect that at my first meeting so you can refer back to this record, as we move in the future, to remember what I said. And that's not to offend anyone.

I'm sorry. Next speaker -- please give your name and who you represent.

M A R I E B L I S T A N: Thank you Senator Rice, and thank you for your words. They are well spoken.

Good morning, everyone. Thank all of you for being here.

My name is Marie Blistan. I am a very proud public school teacher, for over 30 years, of students in special education. And I am also equally as proud to be the Vice President of the New Jersey Education Association.

NJEA does represent approximately 120 certified school nurses in Newark -- who have been without a contract, I might add, for about four years now, but who come to school every day giving services to our students there. In many cases, they are the only healthcare professionals that some of these children see in Newark. And they certainly do provide them with the best that they can so that they can perform educationally.

But in addition, we also represent approximately 200 other teachers and school employees in the Newark system

I am here today to speak on behalf of all of them, but I am telling you that I'm also here to speak on behalf of every school employee, every educator, every parent, and every resident in New Jersey who is concerned about public education in New Jersey. Because the One Newark plan not only poses a threat to people in Newark; ladies and gentlemen, it

poses a threat, in my opinion, to the very notion of universal public education designed for every student in this state.

For nearly 20 years, the New Jersey Department of Education has had control of Newark's schools. And I want you to please keep that in mind when listening to any claims by the State-appointed Superintendent. She believes that there is only one solution. After all these years of State takeover, she wants to impose a plan on Newark without meaningful input from the community and over the strong objections of the school personnel and public school advocates there. That is the wrong approach, and that is why I urge you to do everything in your power to stop this imposition. It is an imposition that is misguided, it is top-down, and it is illegal. And I will qualify all of those statements.

The One Newark plan is misguided in many ways, but especially in its push to replace many neighborhood public schools with charter schools. Those charters have less accountability to parents and to the Newark community than apparently even the Department of Education.

Let me be clear: NJEA has always supported high quality charter public schools. We believe they do have a place alongside traditional public schools as laboratories for innovation. But they were never intended to undermine or replace traditional public schools -- but that is, in fact, what is happening right in Newark. By giving privileged status to charter schools and treating them as a superior alternative to traditional public schools, the One Newark plan threatens the long-term viability of public education in Newark.

You know that such special treatment flies in the face of available research, which shows that charter schools perform very similarly to traditional public schools when they educate similar student bodies. There is no educational justification for favoring charter schools as a large-scale solution to the real challenges faced by every school in Newark.

But that is exactly what has been happening, and will happen more, if the One Newark plan is fully implemented.

Charter schools -- which often have superior resources as a result of private grants and foundational support -- are given free or subsidized space in under-resourced traditional public schools. Some charters have been allowed to opt out of the supposedly open universal process, meaning that the well-documented racial and socio-economic disparities in enrollment, that were already documented to you -- will be allowed to continue to the benefit of those few privileged schools.

In an especially disgraceful example, this District recently sold one of the public schools -- an historical property -- to a private charter school operator for far below what it was worth. It is beyond my personal and professional comprehension how this State thinks it has the right to sell property that rightly belongs to the people of Newark, and sell it for much less than what it's worth.

But that was a great deal for the private charter school operator. It was great for the Superintendent's strategy to promote charter schools over traditional public schools. But it was a bad deal for Newark's residents who saw their property taken away with no input and, worse, not even any recourse.

But One Newark isn't just misguided; it is also a top-down plan being imposed over the objection of the community it claims to serve. You have seen yourselves the outrage of parents and community leaders expressed at meetings and in protests in Newark. And they have every right to be outraged. Their schools are being closed, and their children are being displaced, and they are not being consulted about whether changes are necessary or even what changes should be made.

Instead of engaging with parents in the community, the Superintendent has simply to attend meetings of the school Advisory Board, and it seems that she's taking her cues right from the top. Last September, when defending the Superintendent, Governor Christie said, and I quote, "I don't care about the community criticism. We run the School District in Newark, not them."

Please let that sink in. "I don't care about the community criticism. We run the schools, not them."

Well, he's certainly right about one thing: The State has been running the schools. It's run them for over 18 years. And now it's trying to use its failure of leadership to impose a plan that will permanently take away the chance for real community input into public education in Newark, because the community has no say over how charter schools are run. And if this plan succeeds, and the charterization -- and let's call it what it is -- the charterization -- the privatization of Newark goes forward unimpeded, there will be very little left for the residents of Newark, even if they ever get their public schools back.

Residents have a right to be angry, and I stand with them -- personally and professionally -- in opposition to this plan that will

essentially take away their right of any chance of ever regaining meaningful and local control over our Newark schools and their children.

But in addition to being misguided and being top-down, components of the Newark plan are also illegal.

As you know, the Superintendent has announced the intention to fire hundreds of veteran educators in direct violation of the tenure law. It's a law that NJEA supported, that each of you on this Committee signed, and that Governor Christie also supported. That law specifically kept in place the right to due process and the role of seniority in layoff decisions.

As far as I know, the State-appointed Superintendent in Newark is not exempt from the laws of the State -- as far as I know. She doesn't get to pick and choose which laws apply to her. She doesn't get to fill the budget holes created by her policy and the State's underfunding by illegally firing hundreds of school employees.

So I thank the Assembly for passing a resolution opposing this illegal plan. I thank the members of the Senate who have spoken out against it. And I reiterate what NJEA President Wendell Steinhauer testified to at the last meeting of the Advisory Board: NJEA will fight this dishonest, illegal plan at every turn.

The challenges in Newark are great. It's going to take everyone -- parents, educators, elected leaders, policy makers, and community leaders -- to meet those challenges. But the One Newark plan attacks educators, it ignores parents, and it disenfranchises community members. And it attempts to run an end game around Legislators in pursuit of an agenda that will ultimately hurt Newark's children.

We can do better. We must do better. And I urge you -- each of you -- to use your power to stop this attack on Newark and to insist that the community be given the right to say how its children are being educated.

Thank you very much.

SENATOR RICE: Thank you very much.

Any--

Assemblyman.

ASSEMBLYMAN CAPUTO: Thank you, Chair. Thank you, Mr. Chair.

SENATOR RICE: And then Assemblyman Wimberly.

ASSEMBLYMAN CAPUTO: First of all, I agree with you. And also, I was very proud to be a prime sponsor on the resolution that passed the Assembly -- an effort by the District to bypass the seniority, and lay off over a thousand teachers over the next three years. As you stated, the law is very clear in the teacher tenure act in New Jersey. And if someone is highly ineffective, that's the way the procedure is set forth in the law.

MS. BLISTAN: Correct.

ASSEMBLYMAN CAPUTO: This is a clear example how there is no authority, yet the equivalency waiver would be a way for them to RIF teachers without following the procedure. So, I mean, I know the Senator also -- Senator Ruiz -- cosponsored that resolution in the Senate, so we're together on that. And it's just a matter of respect.

This is the problem -- there's a lack of respect for the people who are working in education, for the children, and for the parents, and

taxpayers -- not only in Newark, but as you said, this could be a problem throughout the State of New Jersey. Once that equivalency waiver is granted -- if it ever happens -- it could happen anywhere. And seniority, in terms of teacher performance or teacher earned credits in terms of their seniority, would be wiped out. So this is something that we have to pay very close attention to.

Thank you,

SENATOR RICE: Assemblyman Wimberley.

ASSEMBLYMAN WIMBERLY: Thank you, Chairman.

Both presenters have been excellent. You hit a valid point, one I think a lot of people don't realize. They look at it as a Newark problem right now, but next it's going to be a Paterson problem, a Jersey City problem.

MS. BLISTAN: Right.

ASSEMBLYMAN WIMBERLY: And the financial windfall that will end up in other people's pockets will not be our children's, it will not go to classroom supplies, it will not go to extracurricular activities. In the City of Paterson, we have just been notified -- a State-operated District -- that we're going to be \$30 million short. Now, we've been 22-plus years under State operation. Whose fault, fiscally, is that? Now you have fiscal monitors in place that have, under QSAC, said that we passed 80 percent on this, that, and the other. Well, you know, I think three of the indicators we've passed. As Senator Ruiz said, there is nothing done. So our School Board commissioners and community leaders kept reaching out to Cerf -- at the time -- "Can we get this part of control back? Can we get that part of

control back?" And no response; no different than Cami Anderson. It's coming from the State Department of Education.

So I think it becomes -- and Senator Rice, you said it over and over again -- it's definitely a situation where there is taxation without representation; and that this is a legal matter. Because we're talking about increasing property taxes in the City of Paterson which is, you know, below poverty at every level you can think of from the educational side -- that they're going to increase it. But what are you giving our children back? What are you giving our community back? And then now you turn around -- we'll be next. And I hate to say it, but before you know it we'll be at another press conference and Cami Anderson will be joining Cerf and Joe Klein for something else. And those people get paid and we don't get paid. But we get attacked on the end of pension and benefits and everything else.

So I mean, this is a problem that is just not a Newark problem. And I think the wake-up call comes from the person who lives next to the store -- the one who has been a homeowner forever in that neighborhood where the school is downtrodden or maybe sold. You know, like I've said over and over again to the people in charter schools, "I'm not anti-charter school at all. But I think we need a fair playing field." You know, the City of Paterson has had three to four charter schools that have fiscally failed. But yet we continue to try to bring something on. We have one that's successful, which I sat in hearings last year and they weren't able to expand. So you explain that to me: Now you're successful, but you can't expand. You have the property and the building, but you can't expand. Because maybe you're not tied in with the right people, or is it the right thing, really, for our students and our community?

So I mean, the investigation, Senator-- This is a fiscal situation that you have to be blind not to see -- that only certain people will benefit from this. It will not be us, it will not be our children, but it will be private companies outside of these downtrodden communities, our urban centers that really need the help. The money is going in the wrong direction.

Thank you.

SENATOR RICE: I just want to thank the speaker. And I want to say to you that my reading of the statute -- the equivalency waiver -- and then checking with OLS, and others, and attorneys, is that the dispatching won't allow the equivalency waiver. It was never intended for that. But if you go back and look at, as I think the Assemblyman -- one of my members -- indicated, we passed a law. And those provisions were really taken out, with the intent of the Legislature in its totality. And the bill that was passed -- I didn't think it was a great bill, but because of the compromise everybody basically supported the bill and the compromise -- but that's coming out. So to say you're going to just tell us, years later, that you're going to change our law and our intent -- we think it's wrong.

And so we will be having more hearings on this. I just want those who may leave to know that the Committee as a whole will be having hearings. And the subcommittees will be having hearings. I know that Assemblyman Wolfe and others on the Subcommittee that deals with all this charter stuff and innovation, and choice, and things like that -- and they would ask some hard questions and so would this Committee. And so we're not going to let this go.

I think we're at a time now when we cannot be passive in our approach anymore as the Joint Committee. Because every time we turn

around we're asking for information and we don't receive it, and we just ask again, and we don't receive it, and then the next thing you know the session is over and we are starting a new session. In the meanwhile, every time I pick the paper up, or I read something, or I get documents, the information that we're supposed to be receiving independently -- the Law Center has gone back to court to get and they end up winning. And I'm saying, "Hold it. We shouldn't have to go to court -- the Legislators -- to get information." And so we're going to try to change that scenario.

The final thing I want to say to you before you leave is that Commissioner Cerf, from my understanding, is leaving or has left. And I understand that there's a new Commissioner appointed, who used to be the Commissioner, David Hespe, who I think will be a little bit more accommodating, if you will, to come to meet with us, to see us. But there may come a point in time where Commissioner Cerf, regardless of where he's gone, may have to come back and answer some questions too. Because some of the questions that we're posing and have posed over the last two or three year we got no response from him. I'm not sure if the Commissioner -- new Commissioner will be able to answer them. I think they can. The question is whether he wants to or not -- for a lot of reasons. But we need the answers, because a lot of those questions involved millions and millions and dollars that were spent or are going to be spent in the future. And I know that we did ask the Commissioner -- the new Commissioner to come today. But out of fairness to him, he just got appointed. He wanted an opportunity to take a look at the One Newark plan and talk to people and get to know more about the plan. So I think we're in a better state with him, because he doesn't carry the same baggage as the guy who has left, etc.

So once again, thank you very much for your testimony.

MS. BLISTAN: Thank you, Senator. Thank you, everyone, for taking your responsibilities as gatekeepers seriously.

ASSEMBLYWOMAN JASEY: Thank you.

Our next speaker-- We have three more speakers listed. We'd like to hear now from Antoinette Baskerville-Richardson, President of the Newark School Advisory Board.

As she is coming up, let me take the opportunity to thank both Mr. Weber and Ms. Blistan for their testimony. It's very informative, and I especially appreciate having it in writing and in color. Thank you.
(laughter)

ANTOINETTE BASKERVILLE - RICHARDSON:
Good morning, Chairs, Senator Rice.

ASSEMBLYWOMAN JASEY: Ms. Baskerville, could you put your light on, please?

MS. BASKERVILLE-RICHARDSON: Oh, okay. Yes, that would be very helpful.

ASSEMBLYWOMAN JASEY: Red means you're on.

MS. BASKERVILLE-RICHARDSON: Okay, thank you.

Again, good morning to Chair Senator Rice, Assemblywoman Jasey, and also to all the honorable Senators and Assemblypersons of the Joint Committee on the Public Schools.

My name is Antoinette Baskerville-Richardson. I'm the President of the Newark Board of Education. And I thank you for the opportunity to speak to you here today.

The testimony that I'm going to give will probably be familiar to some, as I have spoken in recent months on this issue a number of times. I hope, however, that I am not redundant. Please bear with me as I'm sure that some people have not heard this before.

Mr. Weber -- he brought the data. What I bring today is, I believe, the community narrative, which I think is the other side, the other piece.

As a former student, parent, and teacher in the Newark Public Schools, and now as President of the nine-member Board, I'm obviously embedded in the improvement of public education, and I have no vested interest other than to assist the system that educated me in providing the best possible education to the children of Newark.

I'm here today in confidence that you share my sense of urgency to get to the point where we can actually improve education in the Newark Public School system. And I am very encouraged by what I have heard here so far this morning.

The Newark Public School system has been in need of improvement for as long as I can remember -- and that goes back, too, when I was in school as a child. I think education is something that must be constantly improved. So any idea that those who are engaged in opposition to the One Newark plan do not believe in change is absolutely false.

Just a historical perspective from where I sit: I believe that the system was ill-prepared to meet the needs of African-American families migrating from the South in the 1940s through the 1960s; and again ill-prepared to meet the needs of Puerto Rican and then multinational Latin American families who populated Newark more so in the 1970s and 1980s.

The advent of standardized testing as an additional high school graduation requirement -- the high stakes testing that we now talk about -- the incremental difficulty of these tests, in part, paved the way for State takeover, and absolutely paved the way for the demonization of teachers, the labeling of children and their schools, and the billion-dollar testing and test preparation industry.

I have another perspective to offer, and that is the State takeover and the historical build up to Cami Anderson: 1995 to 1999, the State take over -- at least from where the residents of Newark sat -- was a hostile take over. Many people were disoriented; many people were fearful. But there was little resistance, even at that time, from organized labor. That was the Beverly Hall period.

And we moved from that, in a few years -- 1999 to 2008 -- the Marion Bolden period. Dr. Bolden was a homegrown Superintendent; whether or not one always agreed with her, there was no doubt ever that she had the best interest of the students at heart and that she would fight for funding and resources for the Newark District. We almost forgot that we were under State control.

Then from 2008 to 2011, Superintendent Dr. Janey was an intermediary who brought the five-year Great Expectations long-range plan, which served as a preparation for the arrival of Cami Anderson.

And then 2011 to the present: Cami Anderson has proceeded to simultaneously distort and expand Dr. Janey's Great Expectations plan. And my point here is simply that the plan that Cami Anderson is now undertaking did not actually originate with her. It was part of the Great

Expectations plan, and that plan, as I said, has been distorted, has been enlarged, and we see the results of that now.

Much has been said about the massive, aggressive, and I believe ill-conceived One Newark plan. And the first thing I must say is that no one I know -- and I know a lot of people in the City of Newark -- no one I know worked on the One Newark plan. Certainly, no member of the School Board worked on it. And at this point, there is no one who is even willing to stand up and say that they worked on it. And I would challenge anyone -- I'm not challenging this body -- but I would challenge anyone to produce, outside of a small, secret circle of people, anyone who worked on the development of the One Newark plan.

The effects of the One Newark plan are predictable. Weequahic High School will not survive. The last hub of Technical Education-- Let me just go back. Weequahic High School will not survive because of one aspect of the plan that was not detailed here today by Mr. Weber -- and that is co-location. Because Weequahic High School will be-- Two other programs will be co-located within Weequahic High School. There was a compromise of sorts by the Superintendent, where she said instead of phasing out Weequahic High School this year that it would be allowed to have 9th grades for the next two years. However, the other two programs that are being co-located-- And I have nothing against the other two programs at all. One is an all-boys program and one is an all-girls program. They are both public school programs. They are both NPS programs. But they have been given the green light to grow. They have been given the green light to grow their grades, to grow their populations. So what I see is that if that happens within that same building, how does

Weequahic High School, as a comprehensive high school, survive? I do not think that it can.

In addition, the last hub of technical education -- Newark Vocational High School -- is being eliminated. It is being destroyed. It is being put into a building that does not have the facilities to allow the students who are majoring, for example in culinary arts, to engage in their chosen profession and to be prepared to go into the world of higher education or work, which they are now able to do at the facility at the building in Newark Vocational High School.

In addition, high concentrations of over-credited students will populate and possibly -- probably -- negatively affect the cultures of both West Side High School and Malcolm X Shabazz High School. And at Malcolm X, Principal Gemar Mills has successfully turned around the previously prevalent gang culture inside the school. This concentration of over-aged, under-credited students in these schools will probably set these schools up to be put in the category where they will be in line to be closed in the near future.

Please do not interpret this as any feeling that students who are under-credited and over-aged should not have an education. What I am saying here is that high concentrations of such students has a potential negative effect on the overall culture and test scores of a school, and it is, therefore, a very bad decision.

The closing of Newark Evening High School is devastating to the Newark community. Newark Evening High School serves under-credited high school seniors, adjudicated youth, and adults seeking a full credited high school diploma rather than a GED. Newark Evening High

School also offers ESL classes for immigrants, and high school preparation classes that prepare undereducated adults to take credited high school classes. One of Newark's former councilmen, George Branch, graduated from Newark Evening High School. This is a program that should be duplicated all over the city and not closed.

And even more to the heart of the matter is that traditional public school elementary school children and parents, and the multitude of issues that they will be faced with -- including transportation, pressure to enroll their children in a charter school in order to keep them in the neighborhood school building. In addition, charter schools are based on a parochial school model of behavior modification and mandated parental involvement. And this is absolutely fine for parents who choose this model; this is not a model to be forced upon a family.

I tell the story of a mother who I spoke to who works from 4 o'clock until midnight. Her children go to the neighborhood school down the street from her house, and then from school they go straight to the grandmother's house -- who lives on the same block. Now that school is being changed from a K-8 school to, I think, a pre-K or a K through grade 4 school. This woman -- this mother spoke to me because she has a dilemma. She cannot-- She's not in a position to change her job; she doesn't have the kind of job where she can modify her hours. And she is at a loss because her children will now have to travel alone to a school outside of the neighborhood and then travel back. These are the kinds of effects on the fabric of the community that the One Newark plan has.

In addition, the continuing pattern of renewing schools will only add to the Employees Without Placement pool of teachers, as Renew

school staff and administrators are forced to reapply. We're all aware that principals' budgets again will more than likely be cut, and principals will have to cut programs. The EWP pool, created by Cami Anderson's reform plans, has already cost the Newark District over \$50 million -- approximately \$26 million for 2012-2013 and approximately \$26 million for this year.

SENATOR RICE: Ms. Richardson, let me interject. Could you explain, for the record, EWP?

MS. BASKERVILLE-RICHARDSON: I'm sorry -- Employees Without Placement. Those are teachers who, when a school is Renew, must reapply for their jobs. And for any number of reasons, which doesn't necessarily have anything to do with performance, they end up in a pool. It has to do with what their particular certification, maybe. If a principal has to make cuts to a program, for example, they may have to eliminate an art teacher, a music teacher, a guidance counselor. And many people end up in that pool of people and they are still, of course, being paid by the District.

We are quite aware, however, that Cami Anderson has an answer to that, and that answer is, of course, in the equivalency waiver that she is looking for. And with that, that basically continues her pattern of union busting. When I say *union busting*, I'm not just talking about teachers, although the equivalency waiver refers just to teachers. There have already been massive layoffs of clerical staff and other workers that many people are not even aware of. Those are lower paid workers; many of those are Newark residents and many of those people are parents of students who go to the Newark Public Schools. So this pattern, it basically

brings instability to children, instability to families, and it wastes precious dollars.

All of this would be bad enough if we were dealing with a Superintendent who demonstrated management skills, community relations, or just simple respect for the parents of the children whose interests she purports to serve.

And what I must say now, and I say this with a heavy heart, is that there is no resolution or pathway to cooperative planning or normal Board, community, and District relations with Cami Anderson in place. She has closed ranks; she has insulated and isolated herself; she has dug her heels in, in preparation to ride out the storm. She does not care what the community says and she does not care what the Board says. I venture to say, with all respect, that she probably does not care what you say. She has stated that she will not attend School Board meetings, and has completely -- as I said -- isolated herself from the community and from a city that pays her in excess of \$300,000 a year, if you count her approximately \$50,000 a year bonus.

I'm not sure what words to use to express the level of anger in broad sectors of the Newark community. I cannot predict the reaction if one-third of the teaching force is fired or laid off. I cannot predict the reaction if the One Newark plan is not stopped.

And so I believe that it is incumbent upon civic and educational leaders in Newark to initiate a process of developing a community-based solution to improving the Newark schools; and that I would like to tell you, and I am happy to tell you, that those important conversations are beginning to take place.

And I must speak before I leave here about the Newark Public Schools "Advisory Board of Education." If you have not done so, please take the opportunity to watch our last two Board meetings -- January and February -- which are taped. The purpose of watching these meetings -- that I would like for you to do -- is to please watch as the Newark Board conducted its business despite the fact that the Superintendent walked out of one meeting; despite the fact that she did not come to the next meeting; that we carried on all necessary discussions, voted on all voting items, listened to all public speakers, and demonstrated without a doubt that the Newark Board of Education is ready, willing, and able to govern itself and the District.

We realize that the problem is not just Cami Anderson. But the plea that I make here today, from our Board and from my constituents -- our constituents, the citizens of Newark -- is that we wish to move forward. We cannot move forward under the circumstances. I have certainly reached out to Superintendent Anderson since the last meeting that she missed. None of my e-mails have been returned by her at all.

At this point, we urge this body to do everything in your power to put pressure for the removal of Cami Anderson so that the District can have the possibility of healing and surviving. This does not mean that I am averse to working with Cami Anderson. It is the responsibility of the Board to work with whoever the Superintendent is. It is simply, from where I sit, that this has become impossible. We cannot improve the Newark Public Schools as long as the time and energy of Board members is taken up in having to be detectives -- to find out, to try to figure out what the Superintendent is doing.

And as long as we are involved in public, political communication, rather than normal communication that should take place between the Board -- particularly between the Board President and the Superintendent-- We want to focus on programs, policies, and improved facilities for our students. And we're confident that we will get to the other side, but we need your help in order to do so.

Thank you.

SENATOR RICE: Thank you.

Assemblyman-- There are two of you; you can choose which one goes first. You know, we're bipartisan here. (laughter)

ASSEMBLYMAN CAPUTO: First of all, your testimony is excellent and it gives us another perspective, as it would be for someone who serves on an advisory board. They really mean *advisory*. You should have more authority than you do.

But I want to get down to something very specific on the EWP pool. Those are principals, teachers who are this pool. Are these people working in any way, or are they answering phones, or are they in other certified positions? What jobs do they hold?

MS. BASKERVILLE-RICHARDSON: From what I have been told -- and I say that because, of course, I cannot physically see where these people are--

ASSEMBLYMAN CAPUTO: Right.

MS. BASKERVILLE-RICHARDSON: From what I have been told-- And I hesitate to answer because I do not know what is, in fact, true.

ASSEMBLYMAN CAPUTO: Generally, I mean--

MS. BASKERVILLE-RICHARDSON: But I have been told by the District that each of these people is in place somewhere in the District, in some capacity -- be it as a substitute teacher-- But I think what-- If I may, what has not happened -- which could help in terms of the issue of equity -- is in many instances in charter schools there are two teachers in a room when necessary. And that is an option that Newark could actually look at and one that I would suggest if I were to be heard.

ASSEMBLYMAN CAPUTO: Well, that's part of an educational plan that would make sense. This doesn't seem to make sense. This is almost like a rubber room -- unless I'm ill-informed.

What I'm trying to get at is there must be people out there who are teaching in these areas where they are not certified. These people are pulled out, and then haphazardly distributed throughout the District to do other functions. I'm only assuming -- I don't know if it's documented in any way -- but the question should be asked through the County Superintendent, who represents the Commissioner in every county -- the Executive County -- whether these people who are not in their former positions, are they in positions where they are certified?

MS. BASKERVILLE-RICHARDSON: I can only--

ASSEMBLYMAN CAPUTO: You know, because if they're not, then they are in violation of the law.

MS. BASKERVILLE-RICHARDSON: I cannot answer--

ASSEMBLYMAN CAPUTO: I know you can't, but I just want to put it on the record. And the number of people-- How many people are we talking about?

MS. BASKERVILLE-RICHARDSON: I do not know because the number that we are given changes every time we ask.

ASSEMBLYMAN CAPUTO: Well, approximately what would you say the last figure was?

MS. BASKERVILLE-RICHARDSON: The last figure that we were given was "a couple of hundred people." But that is--

ASSEMBLYMAN CAPUTO: Amazing.

MS. BASKERVILLE-RICHARDSON: I have no idea. But, I mean, when you look at the amount of money that's spent, the number actually has to be more.

ASSEMBLYMAN CAPUTO: So where is this-- And we're talking about wasting money. It's incredible. But from an educational point of view, to have a principal answering a phone, or teachers in areas where they're not certified. And now they're caught with a situation because they have budget shortfall -- that they want to use this equivalency waiver to fix their budgetary problem, rather than to do something that makes educational sense.

And as has been said here, Newark's been under State control for many, many years. I go way back with that; I worked in the Department -- I was a teacher in Newark. I served as County Superintendent. These things could have been done along the way. And you know obviously there's a fiscal problem in terms of the State. But they don't seem to mind hiring these consultants from New York and everywhere to come in, and we don't even know who they are. Millions of dollars that are being spent on people we-- We also hire people from Teach

For America; they pay a commission, I'm told, to that organization. And they come in and take experienced teachers' positions.

Now, obviously everybody's not as effective as they should be. They should be evaluated and, as we stated, they should be evaluated based on the law. And if they have to go, they have to go. But the idea-- This is not-- This makes no sense at all that people are floating around the District, in a rubber room or wherever they are. If they are noncertified in positions -- noncertifiable positions all this has to be looked at. And I'm very appreciative that you brought this to our attention.

Thank you.

SENATOR RICE: Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: I have two questions; hopefully they will be brief questions.

You mentioned, when you first started your presentation, you described *under-credited students* in the schools.

MS. BASKERVILLE-RICHARDSON: Yes.

ASSEMBLYMAN WOLFE: What's an under-credited student?

MS. BASKERVILLE-RICHARDSON: An under-credited student is simply a student who has failed one or more classes and is in danger of not graduating on time.

ASSEMBLYMAN WOLFE: There are a lot of those?

MS. BASKERVILLE-RICHARDSON: I don't have a number. I can't speak to that.

ASSEMBLYMAN WOLFE: Okay. The second question -- I just have-- The structure of the takeover district. You are President of the Advisory Board.

MS. BASKERVILLE-RICHARDSON: Yes.

ASSEMBLYMAN WOLFE: Correct. Is there a School Board?

MS. BASKERVILLE-RICHARDSON: I'm sorry?

ASSEMBLYMAN WOLFE: Is there a School Board?

MS. BASKERVILLE-RICHARDSON: That is the School Board.

ASSEMBLYMAN WOLFE: You're it?

SENATOR RICE: They are the School Board.

ASSEMBLYMAN WOLFE: So you're appointed?

MS. BASKERVILLE-RICHARDSON: No, we're elected.

ASSEMBLYMAN WOLFE: Elected by the public?

MS. BASKERVILLE-RICHARDSON: Yes, we're elected by the citizens of Newark -- yes.

ASSEMBLYMAN WOLFE: Okay. Do you have a staff?

MS. BASKERVILLE-RICHARDSON: No.

ASSEMBLYMAN WOLFE: You don't have a staff?

MS. BASKERVILLE-RICHARDSON: We do not have a shelf, we do not have a pencil, we do not have a-- What we do have -- and let me be positive -- there is one Director who is assigned as the Director of Board Affairs who basically works in the capacity of being the liaison between the District and the Board members, and who serves in the capacity of getting us information, requesting information that we ask for. But in terms of any material or personnel assistance of any kind beyond that, we do not.

ASSEMBLYMAN WOLFE: Do you have an office?

MS. BASKERVILLE-RICHARDSON: No, we do not.

ASSEMBLYMAN WOLFE: Do you have telephones?

MS. BASKERVILLE-RICHARDSON: No, we do not. Yes, I'm sorry. We have Blackberries.

ASSEMBLYMAN WOLFE: Thank you very much.

SENATOR RICE: Assemblywoman Jasey, and then she is going to identify the next two speakers.

ASSEMBLYWOMAN JASEY: Okay, and I think-- Can you guys turn your mikes off so--

ASSEMBLYMAN WOLFE: We'd like to leave them on.
(laughter)

ASSEMBLYMAN CAPUTO: We're going to get in trouble here. (laughter)

ASSEMBLYWOMAN JASEY: Thank you.

First of all, I'd like to thank you very much for your testimony and for coming here.

I have one quick question, and then I will ask my colleagues what their questions are.

And that is: For the EWPs -- Employees Without Placement -- are they, if you know, are they in positions where they are being evaluated per the Teach NJ law?

MS. BASKERVILLE-RICHARDSON: We ask that question frequently. We have been told that they are evaluated, and we have asked what they are evaluated on. And we were simply told that they are evaluated on the work that they are doing. And that is as much information as I have, but the Board has had that concern.

ASSEMBLYWOMAN JASEY: Okay, thank you. So that's a question that I think we need to look into, certainly.

In the interest of time, I'm going to ask my colleagues to keep their questions or comments short because we do have two other speakers who we are expecting to hear from.

Assemblywoman DeCroce.

ASSEMBLYWOMAN DeCROCE: Through the Chair, just one short question. The liaison to the Advisory Board of Education -- who appoints the liaison? Who hires that individual?

MS. BASKERVILLE-RICHARDSON: The Superintendent. The Superintendent does all hiring under State control; we have absolutely no authority over who is hired to any position.

ASSEMBLYWOMAN DeCROCE: Okay, thank you.

ASSEMBLYWOMAN JASEY: Assemblywoman Oliver, and then Assemblyman Wimberly.

ASSEMBLYWOMAN OLIVER: Yes, I would first like to -- since no one else has in Newark -- offer an apology to you. I have made it my business over these past several months to keep up with what is going on with the Newark School District. Assemblyman Wolfe made reference and asked you, "Do you have a staff? Do you have an office? Do you have--" Serving on a School Board is a labor of love. It is the investment of one's time, heart, tears, blood, and sweat. I have seen what you, as the leader of the nine-member -- I think it is -- Advisory Board, have been subjected to.

And, you know, I have observed the administration of the Newark Public Schools holding you, as the leader of the Advisory Board, responsible for the kind of passion that the community is exhibiting in having this plan imposed upon them. It is not your job to address and

“control” the citizens of Newark. If the Superintendent is not capable of engaging civically and providing leadership to the people in the Newark School District, then she should remove herself as the Superintendent. And I feel very passionately about that.

And I feel passionately about it because I invested my time to go and sit in on some of the public forums that have been established in Newark, and I have been outraged, as a professional, to see the conduct of, who should be, a professional and their engagement with the people of Newark, the educators of Newark, the administrators, and the other stakeholders.

So I just want to personally, on behalf of the State of New Jersey, offer an apology to you of everything that you have withstood.

I am glad that you took the time to give a historical glimpse into the instability of leadership that has existed. You provided with for us all of the regimes that we have had in terms of superintendent leadership in the State takeover district. And anyone who knows anything about the operation of schools knows stability in an educational environment is essential. And when you look at flavor of the day -- in terms of superintendents in Newark -- that certainly has exacerbated the problem in terms of moving the District forward.

One hundred seventeen attendance officers were removed from the Newark District?

MS. BASKERVILLE-RICHARDSON: Yes.

ASSEMBLYWOMAN OLIVER: I’ve read reports out of the DOE about the issue of number of days-- I remember two budget cycles ago, the Governor wanted to penalize school districts, in terms of their

budgets, in terms of attendance. Well, in the State's largest school district, you don't ensure attendance by eliminating 117 positions of attendance officers. (laughter) So it's mind boggling to me what's going on in that District.

I've observed the marginalization of parents, the marginalization of administrators, and just a blatant disrespect. Personally, I consider myself an educated person. I've gone to several public meetings where I think that the discourse has been one in which it has minimalized the intelligence of the citizens of the community. And I find that to be a blatant level of disrespect in the operation of that State District.

Several weeks ago, five principals of a school went to a community meeting at a church. And they had the audacity to stand up and exercise their First Amendment rights of freedom of speech. And within 48 hours they were suspended from their positions. One of those principals, I had followed his career in leadership because he took one of these "potentially Renew" schools, turned it around, brought lots of external resources -- but because he dared stand up and voice his opinion, he was suspended. His due process rights were violated, as were those of the other principals and administrators. And I am really glad that they have taken their case to Federal court.

Now, I'm going to wind up by saying that at one meeting that I attended, a member of the community stood up and addressed the issue of a principal who had worked with Superintendent Cami Anderson in New York City, who had been brought up on charges in New York because of the misuse of a credit card that belonged to the New York City School system. That administrator also had been the subject of a sexual harassment charge

with a subordinate in the school. I would like to know -- and I know you can't answer this, because you don't get answers -- why did a State-operated school district hire this person and appoint them as a principal of a school, all right? Don't tell me about the incompetency of administrators in Newark when we are importing and implanting incompetent administrators in the Newark Public School system.

And if I'm speaking with passion, it's because I'm tired of the nonsense that's going on in the City of Newark and the operation of its School District.

And then I just want to close with this issue of the evening schools. Several years ago -- I can't remember what commissioner it was -- but school districts were told they could not utilize any of their State appropriation to finance and fund alternative schools for dropouts. But we're willing to spend inordinate amounts of money on juvenile detention systems in this state, operating a quasi-prison system operated through privatization. But we cannot address the issue of alternative forms of education for young people who are on the verge of being dropouts. I think it's insanity; I think that the rhetoric that is being used and that is emanating out of the State Department of Education is designed as a distraction to keep people's focus off of what issues are really going on.

And Senator Rice, I'm going to close and say to you that if we cannot get answers, I am prepared for this body -- or those of us of this body who are so inclined -- to legally pursue holding the State of New Jersey responsible for everything that is going on in the Newark Public School system.

SENATOR RICE: I hear you loud and clearly.

ASSEMBLYWOMAN JASEY: Assemblyman Wimberly, would you just allow me to let one of our Senate colleagues speak?

ASSEMBLYMAN WIMBERLY: Yes.

ASSEMBLYWOMAN JASEY: And then we'll come back to you.

ASSEMBLYMAN WIMBERLY: Who wants to follow Sheila?
(laughter)

ASSEMBLYWOMAN JASEY: All right. Senator Thompson, then Assemblyman Wimberly, and then Senator Ruiz.

Thank you.

SENATOR THOMPSON: Thank you.

Assemblyman Caputo was raising questions about the EWP personnel. And, of course, we recently had the issue about the Superintendent speaking of the layoffs -- that apparently they are working to lay off maybe a thousand or so teachers and so on. And that supposedly this was brought about because there has been a decline over the years -- about 30 percent -- in the school population. So they apparently have far more teachers than you need.

I don't know whether these are among those personnel who are in that category. But if that is the case, then the question was: are they doing what their category is, or classification is? Obviously, you have more people than you need for those -- that you probably have a bunch of them who are not doing what their titles would suggest they should be doing.

Assemblywoman Oliver certainly did speak with passion. And I would disagree with you on point, Assemblywoman. The reports I hear -- maybe they are not accurate -- is that one of the reasons the Superintendent

said she is not going to attend any more of the Advisory Committee meetings was that she indicates that they have become very raucous and out-of-control and just beat-up sessions.

Now, I know when you were serving as Speaker, if we got out of line, you didn't hesitate to suggest we -- in nice words -- sit down and shut up.

ASSEMBLYWOMAN OLIVER: That's right.

SENATOR THOMPSON: It is up to the person in control of the meeting to see that people don't get out of line. Certainly a display of some passion is permissible, but there is a line that-- You need to keep some civility in a meeting. And I can't see anybody wanting to go every time and just, unnecessarily, out of line, be beat up. Whether that occurred or not, I don't know; that's the press reports, I guess.

But the question for you -- would you agree that there are major problems in the school system in Newark? That is to say, in terms of the number of children who are not completing their education, or when they complete their education they graduate without the knowledge that they should have? Would you agree with that?

MS. BASKERVILLE-RICHARDSON: What I would agree to, Senator Thompson, is that the particulars that you discuss are not unique to Newark.

SENATOR THOMPSON: Well, we're only discussing Newark. So my question is, would you agree? And in Newark there is a problem there, a major problem.

MS. BASKERVILLE-RICHARDSON: What I have said, and I will say again, is I think that the Newark Public School system has never

successfully addressed the needs of the various populations of students that go to the schools. So given that, I think that the answer is yes -- there is an absolute need to reform the school system, but it cannot be imposed; it must be done in concert with the community.

SENATOR THOMPSON: Okay, fine. You agree that there is a major problem there. And of course, you have a lot of criticism as others do of the One Newark plan. Now, again, you are the school Advisory Committee -- Board -- whatever. Have you worked on trying to come up with a plan to address the problems that are there, as opposed to simply being critical about what is being offered?

MS. BASKERVILLE-RICHARDSON: I will say two things: First, I will address just the work of the School Board -- that the work of the School Board, as you know, goes beyond just sitting at the meetings; that there are committees, and through those committees, through the Curriculum Committee -- which is programming instruction through our Operation and Finance Committee and via our Constituents Services Committee -- these are ongoing discussions. What you might envision that we may be able to do as a Board in terms of addressing these problems in a systematic way -- we are not able to do that because the Board is not included in whatever planning goes on.

In the One Newark plan, for example, the Board was made privy to the plan two days before it was disclosed to the public. There was absolutely no process of Board inclusion in any part of the planning process. So as a Board we have no way to do that.

The work that we do do, in addition -- and I'll venture to say that being on the Newark Board is probably a lot more complex than being

on a board in some other community -- is that we work as much as possible in conjunction with the Newark community so that there are discussions that are going on with various other entities in the City, with the universities, with some of our local elected officials, even with former superintendents in the Newark District. So these conversations are going on -- conversations that should be able to come under the umbrella of the District, but because of the way that the District is managed that cannot happen.

So we do engage in those sorts of discussions about what the District should look like. But we are unable to do it under the auspices of our office and under the District.

SENATOR THOMPSON: I do recognize that under your -- where you're established, and so on, you do not have the authority to develop and implement a plan to make major changes in the way things are run. But despite not having authority to implement, there is nothing that would bar the Board from sitting and devising a plan, and putting forth as a recommendation and pushing, as opposed to fighting one little fire at a time -- over here, okay, we have a problem with this part and this part, and so on. Coming up with an overarching plan to deal with and resolve the problems there. There is nothing-- Hey, you're an Advisory Board; you can give that advice, "This is a way to get there." Instead of waiting for the Superintendent to come out with her plan, develop a plan that will deal with these problems. You can do that; you have that authority.

SENATOR RICE: You can't do that in Newark.

MS. BASKERVILLE-RICHARDSON: If I may respond.

Idealistically, I suppose that we could do that. But the reality is that the Newark Board, as I said, our time is taken up simply trying to manage the business that we are responsible for, and that means trying, in our case, to simply figure out what the Superintendent is doing because of the amount of information that is withheld from us, because of things that are done in secret, in the dark, that we find out about later. If we do not act as detectives, then many things go on behind our back, over our heads and, unfortunately, those are the things that our time is taken up with.

Board members are, as we know, people who-- I happen to be retired; I'm fortunate. All the other Board members have families with young children and have full-time responsibilities. They put a lot of time into the work of the Board. But to do what you are saying -- we would be glad to do it but we cannot do it without the help of staff, we cannot do it without the help of resources and researchers and all this kind of thing.

So we would love to do what you are saying, but based on the circumstances, that capability is simply not there.

SENATOR THOMPSON: Yes, I see you're engrossed with looking at the trees rather than looking at the forest.

But in terms of the Superintendent -- the information that I've been given, and tell me if this is inaccurate: It indicates that she did "host monthly stakeholder updates, regularly briefed the Advisory School Board and principals, conducted family meetings, hosted faculty meetings at 15 schools, trained community-based partners on how to use the new One Newark enrollment system, and the District hosted about 100 meetings in the two weeks before its winter break." Is that accurate? I mean, when we speak of, she has no contact, etc.--

MS. BASKERVILLE-RICHARDSON: No, sir. I'm sorry; no sir. It is not accurate, and I have asked for evidence, I have asked for a schedule of when and where these meetings took place. I have received nothing. I can simply tell you about a meeting that I attended that was supposed to be a community meeting. That was a meeting for Weequahic High School and Malcolm X High School -- Malcolm X Shabazz High School alumni that was held at the Chase Room at New Jersey PAC. That room holds, maybe, 150 people. It was packed to capacity. The Superintendent -- Cami Anderson came; she did not do a full disclosure. She only talked about one small part of the plan. And then she had people take-- She had staff take questions on index cards as people came in. At the end of the meeting, of course folks were expecting that their questions, or at least some of the questions, would be answered. She did not answer the questions. She did not even address the audience and tell them that the questions would not be answered, or that someone would answer them and get back to them. She did not even say that the meeting was over. She simply walked out of the meeting and left people sitting there wondering if there was going to be a question-and-answer period or if their questions would ever be answered. That's the meeting that I was at.

In reference to the community meetings -- I will tell you the-- I can only tell you the feedback that I have gotten. There were over 30 meetings held in a two-day period. The meetings were held on the same night as our Board meeting so the Board members could not attend. Senior staff and other staff were sent out to the schools; in some of those circumstances they were not able-- They, basically-- People became angry because they did not have the information to be able to answer people's

questions. And, sure, she can say that the meetings were held. But were they productive meetings? Were they interactive meetings? Were any suggestions taken from the community? I have to say, from the feedback that I've gotten -- no. That it was simply a PowerPoint, a roll out, and any questions that were answered that there was basically no more information available than what was in the PowerPoint.

So I don't know how anyone, anywhere would feel about that when it directly affects what is going to happen to their children next year. So the simple answer from everything I know is that that report is false.

SENATOR THOMPSON: Thank you.

MS. BASKERVILLE-RICHARDSON: You're welcome.

SENATOR RICE: Senator Ruiz is next, and then you have the Assemblywoman, and the Assemblyman.

ASSEMBLYWOMAN OLIVER: And then I have one more comment.

SENATOR RUIZ: Thank you, Chair.

I want to just -- because the Senator-- I was going to wait until the Assemblyman made his comments, but I think they are appropriate now.

The State of New Jersey-- The first time that I saw the need of high school students not being prepared was when we served on the New Jersey STARS program. About 20 percent of New Jersey STARS recipients -- many of the county colleges reported back to us that they were in need of remediation. So, in need of remediation in school districts across the state is a problem that has to be addressed, and one that impacts every corridor in every district in the State of New Jersey.

Secondly, the role of school boards, which we oftentimes tell them, is oversight -- not day-to-day operations. They give of their time. I say this because I am part of a household of an individual who dedicated many years to superintendents in the City of Newark in a Chair capacity. What I will tell you is the stark difference: Those meetings -- whether changes were occurring or not, change is always tumultuous -- the interaction between the Board and the Superintendent was quite different than what the Board and the Superintendent have today. I know that firsthand.

I think Chair Baskerville started with one of the most important things that she stated. No one is standing up to defend mediocrity or failure, or supporting what exists. It's quite different. But the opportunity to have discussions, to evoke changes, like two teachers in a classroom which demonstrates more strength, will have to take the will and the strength of the union, the District Office, the Board, and all of us working together.

The problem is that the trust is gone and has been gone for a very long time. Every time a presentation is made -- and I can only speak for myself, and my existence in different capacities of conversation -- you get one picture; you open the paper the next day, it's quite a different landscape. You turn the page, it's quite a different map. You turn the page, it's a different universe. So every time there's a conversation and parents call the office, I, quite frankly, stand there and point to the NPS for discussion, probably more so than you do, because there isn't one particular answer. I still have questions about the universal enrollment plan that, quite frankly, do not have concrete answers --because there are not. So

when you ask a question that there isn't an answer to, you can keep asking -
- it's just that it doesn't exist.

I keep going back to one simple thing. This plan wasn't developed last month or the month before. During the summer timeframe, if we are talking about schools that you are claiming to close because of population size -- just hear me out for one second -- it's 200 families. Why wasn't the District working with those families to let them know then of what the impending plan was, to knock on the doors, to do the grassroots initiative?

So when you ask the question, "Has everything been done for everybody to be known?" -- on paper, perhaps: 60 meetings, public hearings, a website, one day where parents can go. If you're asking me, I don't think enough has been done. But more importantly, we can't have conversations of change because the trust is gone.

ASSEMBLYWOMAN JASEY: Thank you, Senator.

Assemblyman Wimberly.

ASSEMBLYMAN WIMBERLY: Thank you, Chairwoman.

Commissioner (*sic*), thank you for that in-depth report.

You hit a couple of points that sometimes I think get lost. I know, even in our school district in Paterson we hear a lot about the teachers who are in the pool or whatever, and not accounted for, and the amount of money. But displaced students and neighborhoods-- We were at a hearing, I guess, last year in Newark and one of the parents came up and they talked about -- and I believe you were in attendance, I'm not sure -- the students who are falling through the cracks with the changes of the school structures and the areas. And I think that's something that needs to

be emphasized because, just like we talk about, you know, the workers in our communities who are getting lost in this educational system, be it school attendance officers or secretaries and custodial staff -- you know, those people -- you don't hear a lot about. But those students who fall into that category, they can't find on paper anymore; who never showed up at school Number 22 or school somewhere else. The impact of that, Commissioner, could you just talk to us about that a little bit more in depth -- like the loss of students with all these shuffles? And I know just like Paterson and Newark and Camden and in many areas, we have transient families. I mean, we have kids who move three times within the school year, and that doesn't seem normal to anybody but people who live in these situations. What impact is this going to have on those students -- or has it had on those students who, like I said, they show up one day and instead of there being a 5th grade there, now it's a K-4. That's a major factor that's not being discussed. And you talk about drop-out rates, and reduction, and formulas from this Administration to ask for a 96 percent attendance rate. But the students can't find their classroom. Can you just give us a little briefing on that, a little further?

MS. BASKERVILLE-RICHARDSON: Well, the only thing that I can say to you, again, as I have to some other questions, is that these are questions that we have asked -- that Board members have asked. And one of the examples for which we have asked for specific information -- we have not gotten it -- was students who attended a school that was closed a couple of years ago, which was the Academy of Vocational Careers. And those students also-- It was not exclusively a special needs population, but it had a high number of special needs students. It had a culinary program

and certain other technical, specialized programs. And there was concern as to where those students were and how they fared after that school was closed. And we did continually ask for information on whether those students were being tracked as to their success, where they landed, and all that. We never got that information. So I am unable to answer your question.

ASSEMBLYMAN WIMBERLY: Through the Chair, I think that's something that we need to look at, because I think there are students who are just dropping off. Now, if you're closing evening programs that have an impact on ESL students, for example, now they decide, "We're not going back to school." I know students, as a high school teacher before, that worked. And the evening program was the only program for them, or the vocational programs were the only programs for them. But, through the Chair, I just think that's something that we need to look at also, and that has to be really put on the radar. Displaced students from closed schools -- where did they land, and where are they? Because we have, unfortunately, students that just may be wandering or are no longer on the books -- or still may be on the books, in some circumstances -- that we really do not have any account for.

Thank you.

ASSEMBLYWOMAN JASEY: I hear you, Assemblyman, and we're making note of that.

ASSEMBLYWOMAN DeCROCE: I have a question.

ASSEMBLYWOMAN JASEY: Okay, and we do want to get to our two speakers.

ASSEMBLYWOMAN DeCROCE: Right, okay.

When you were speaking earlier about the Superintendent not appearing before the Advisory Board, and my colleague, Senator Thompson over here questioned about the Chair -- whoever is chairing the meeting should have control of the meeting. My question to you is, if the Superintendent would appear before the Board and needed to discuss real estate transactions, contractual obligations, personnel matters, or the One Newark plan -- if she appeared, couldn't she go into executive session with you to discuss those issues so that she didn't have to deal with that?

MS. BASKERVILLE-RICHARDSON: Those are absolutely areas that we can go into executive session for, yes.

ASSEMBLYWOMAN DeCROCE: So that is a good reason why she should come before the Board, so you could adjourn into executive session to rationally discuss issues that you have concerns with, and not be afraid to hear the heckling out there. Am I correct?

MS. BASKERVILLE-RICHARDSON: The simple answer to that-- The simple answer is yes. I also would tend to think that one would have the respect to listen to the concerns of the community. I certainly, as a Board member -- and you know, we do not get paid a cent -- but I certainly sit and I listen, and I get attacked also because, as we know, everyone thinks the School Board can do things that they don't do. And it basically comes with the territory.

ASSEMBLYWOMAN DeCROCE: Right. And let me just say, 27 years of working in local government and working with boards of education, it was also my clear understanding if the board knew what was going on, then the board, too, could help the community understand more. So, you know, she needs to have that dialogue, even if it has to be in private

with you so that there's a broader understanding -- so that the community then can understand more through all of you.

Thank you.

ASSEMBLYMAN CAPUTO: Ron, quick-- Oh, I'm sorry.

ASSEMBLYWOMAN JASEY: Assemblywoman Oliver, and then Assemblyman Caputo.

ASSEMBLYWOMAN OLIVER: Yes, I just briefly want to not -- put on the record that we spent a lot of time here focusing on what's wrong with the Newark Public Schools, and we have spent no time talking about what's right in the Newark Public Schools. And I would not be able to sleep tonight unless I went on the record with that.

And so, Senator Thompson, I have-- My passion meter is down now (laughter) and I've gotten everything off my chest. But I do want to assure you that there are some phenomenal things going on in schools in the City of Newark. I have visited many schools; I've been invited to many schools as a Legislator to come in and participate in programs. There are great educators in the system, there are phenomenal achieving students in the system. And I have been very proud to be able to participate with a lot of young children who have gone on to college, graduating out of the system, and who are doing very well.

So one of the things we do very badly in New Jersey is we always focus in on what is bad. There are great things happening in the public school systems, and I think we need to give some acknowledgement to that.

ASSEMBLYWOMAN JASEY: Thank you, and you're absolutely right.

ASSEMBLYMAN CAPUTO: I can't agree more with Speaker Oliver. She is so correct. Some of the finest educators in the country are working hard every day with the challenges that they face to educate the children of Newark. And in spite of all this tension and stress they are still working as hard as they can.

One of the things that has to be said -- and I think the Assemblyman to my right brought it out -- but I want to go a little further with that. You know, one of the greatest things you can have in a school is to have identity with your teacher, principal, or community. And when kids get lost in the shuffle, when there are transfers and there is disruption, something very significant happens. Not only don't some of these kids show up, they don't feel connected anymore. And with some of the problems that these kids face, it's so important that that teacher knows who that kid is by his first name -- not by his cumulative card -- that they know the history of that child. They also know their siblings, and they also know their parents. And they know the problems that may exist.

So when you do this kind of upheaval, and this kind of upheaval takes place, it's a lack of experience and a lack of empathy, for what goes on in many of these schools and communities, that you would do something in such a harsh and callous way. It's almost like-- And then you wonder why there's disruption? Why people go to Board meetings and express their emotions? Because these schools are very important to the kids who go to them; they are neighborhood schools. Newark had a history of almost 90 schools in the City of Newark. That's all changing. And you know why it's changing? One of the basic reasons: its resources -- money. It's not because of-- It's a fight over resources.

We have an obligation to support our public schools. And we also have an obligation to give parents a choice. But we don't do one over the other. We don't have separate schools; but equal. Now we're doing separate schools but unequal. This is absolutely crazy. And people know, whether they have all the sophistication or not, when they're getting the short end of the stick. And the fact is that these kids are not getting the education that goes on in many of the districts in this state. And no other community in the state would put up with this. Even though these other school districts have been taken over, no group of people have been treated so shabbily as they have been treated in the City of Newark. And it's the first time since, I believe since 1967 or 1968, where the community is in uproar over the school system. That's a long time for people to take a lot of guff. And when someone comes into the community who has no respect for the people who they serve, and no common sense, what would you expect? What kind of order would you want? I mean, there are other countries that revolt against less.

So, you know, I think the people have been very patient in the City of Newark -- I really do. And I think that they have a perfect right to express their opinion, and have someone accepted, and be defensive about plans that they know nothing about, that are held in secret -- and that they should be part of the system. Even the Federal government tells you, and every program that's set forth into law for educational purposes, that you have to have community involvement. What do we do, set those laws aside and say, "Now, we have Cami Anderson law?"

So you know what? I appreciate the fact that you're here to give that testimony. And I agree with the Speaker on many of these issues, and I think it's just common sense.

ASSEMBLYWOMAN JASEY: Thank you, Assemblyman.

And I want to thank you, President Baskerville-Richardson, for coming and for giving us your insight and your time.

And I want to thank you on behalf of all the students of Newark for your service. Having also served on a school board for three terms -- and we don't get paid -- but you do it for the love of the children and of the love of the community. And we appreciate that very much.

SENATOR RICE: Madam.

MS. BASKERVILLE-RICHARDSON: Thank you very much. Thank you for your time.

SENATOR RICE: Madam Chair, while you're calling the next person up, let me go on record, I'm listening to my colleagues. Let me go on record to say that what you hear from the Superintendent and what you read in the paper -- some of that is valid about the community. But understand that we are a city of suppressed people who come from a history of struggle and fighting for civil rights and being shut out. And we thought we had gotten to a stage in these urban cities -- particularly predominantly minorities -- that we will have a participatory government and we can participate particularly when it comes to our kids. And when you go into a meeting and they close the door on you-- What wasn't said here, but was said at other meetings, was that parents were in a school -- just to show you what happens up there -- and the Superintendent came into the school and she was going to speak to the little graders in the library. But there were

parents there, so they decided since the Superintendent is going to talk to their little kids, that they're going to go in there with their children. Well, they got locked out of the library. And the staff got thrown out. Those are the things that you don't hear about; and if you read in the paper, you allow it to go over your head. "That's just Newark -- ain't a big deal." Because you don't know the in-depth piece of it.

When I pick the paper up, and I listen and read some of these Sandy meetings, those aren't minority people when it comes to ethnicity, etc. -- not urban in most cases. They have been raising all kinds of hell. And nobody runs away from those conversations -- those of us who are elected. And they have a right to raise hell, because it's been over a year and they've been trying to get information and communicate with people who continue to turn a deaf ear and their backs on them.

So when you look at the emotions of the people who are activists, and others, and the parents, then think about the emotionalism or the activists in those shore communities, those suburban communities where they are trying to push in charter schools and people don't want them, etc. -- it's no different. The difference is that we get pushed back so much and can't talk to anybody about anything. It's that you're constantly seeing and hearing about our emotionalism; where in your districts it comes up every now and then. But it's all the same.

And I've never run from a meeting, as a leader. And to have a Superintendent making \$300,000 a year -- appointed or not appointed -- we've never had a Superintendent in a district-- We had some bad ones who have run away from community meetings. So I want to be on the record with that, because I hear this implication on: she won't attend

because of how the people are. Well, guess what? I attended some of those meetings. And the people were okay until she decided to shut them down and walk out on them.

That's what you don't see or hear. And the media cuts off most of that stuff; they don't want you to see it on TV.

ASSEMBLYWOMAN JASEY: Thank you, Senator.

I am now pleased to welcome Elizabeth Athos, who is the Senior Attorney for the Education Law Center.

Thank you for your patience, and thank you for coming today to testify.

E L I Z A B E T H A T H O S, E S Q .: You're welcome. Thank you so much for having me. The Education Law Center is pleased to be here.

I'm going to just focus on two aspects of the plan -- facilities and budget. We've talked before about a long-range facilities plan, which is essential for sound decision making -- about whether to repair, renovate, or close school buildings. And, as you may know, each district is required to have a long-range facility plan; it has current enrollment data, building capacity and utilization rates, educational adequacy inventory of all existing school facilities, a list of deficiencies including health and safety conditions, and the districts' proposed plans for future construction and renovation. And all State financing in the SDA and construction in the SDA districts is contingent upon a project being included in that plan.

The last approved plan for Newark was prepared nine years ago, in 2005, and that's an issue that we raised to the District. And when invited to appear before the Education Subcommittee of the New Jersey Black Legislative Caucus we raised the issue there too. And there's no

doubt that community and school conditions have changed significantly in the past decade.

We were encouraged to learn that NPS recently submitted an updated long-range facility plan to the SDA and to the DOE; although I should add that when I spoke to the Chair and Baskerville-Richardson just prior to this hearing, I learned that the State Board itself has not seen this long-range facility plan amendment.

We made an OPRA request and received the plan late yesterday afternoon. It's a voluminous document; we haven't had an opportunity yet to examine it but expect to do so shortly.

Now, approval of the plan by the DOE can't occur until after a 45-day review period by the Newark Planning Board. You see, in our capacity as representatives of the school children, we will be following this process; we're going to make every effort to ensure that DOE and SDA move expeditiously to renovate or rebuild Newark public schools that present health and safety concerns, or that are woefully inadequate for 21st century learning.

Note that the school closures that have been proposed under the One Newark plan must be consistent with an updated LRFP and they must meet regulatory requirements for State approval. It appears that NPS is aware of its obligations in this regard since its cover letter accompanying its LRFP amendment application acknowledged that closure must be "subject to DOE approval." The letter also stated that "in order to effectuate portions of the plan, NPS contemplates filing with DOE to request to close certain schools, and request for permission to sell and/or lease certain of the schools slated for closure." And in both instances, they

did cite applicable sections of existing State law. So we hope the Committee and the public will join ELC in closely monitoring the District's applications to the DOE to see that appropriate steps are followed by both the District and the State.

With regard to the budget issues, NPS faces is a severe budget crisis; it's been made worse by the recent announcement by the Governor that school districts will not receive the funding to which they are entitled under the State's school funding formula in Fiscal Year 2015. The District's budget documents show that a budget gap of \$36.3 million in Fiscal Year 2013 increased to \$56.9 million in Fiscal Year 2014. Nearly 60 percent of the Fiscal Year 2014 budget gap can be attributed to a \$33.6 million increase in charter school payments during the 2013-2014 school year. Because of the gap, the District's budget for Fiscal Year 2014 shows an almost \$20 million reduction in district services to children in traditional schools. Thus charter growth in Newark is already reducing services to the District's students.

Under school funding law, charter schools receive 90 percent funding for each new child regardless of the state of the district's budget. The New Jersey Supreme Court made it clear in its December 2013 opinion, in the matter of *Proposed Quest Academy Charter School of Montclair Founders Group* case, that the Commissioner of Education must consider the impact that losing money to charters has on the district's ability to provide a thorough and efficient education to its remaining students before approving any charter; and, by extension, any charter expansion.

ELC is very troubled about the budget implications of charter expansion for Newark, and would like to see an analysis of how charter

growth will affect the already existing bunch of problems for students in the District schools. Based on this concern, we're respectfully asking the Joint Committee on the Public Schools to take the following step: call for the Commissioner of Education to fulfill his obligations under our State Constitution, as set forth in the Quest Academy case, to carefully evaluate "the impact that loss of funds" -- in this case, funds allocated to Newark charter schools -- "would have on the ability of the District of residence to deliver a thorough and efficient education;" and to also call for a moratorium on charter growth in the Newark School District until the Commissioner's evaluation is complete.

Thank you very much. I'm glad to answer any questions.

ASSEMBLYWOMAN JASEY: First, thank you for that. And I appreciate, in particular, those two suggestions -- that we ask for more information on this. Because earlier in the hearing Senator Rice referenced some of the problems that were occurring and are occurring in Montclair, which is a very suburban district and a very strong and successful district. And I was very surprised -- I will tell you personally -- to find out that Quest Academy is still talking about another application. And I believe they have been denied four or five times already by the Department, which points out one of the many flaws in our charter school legislation and one of the many reasons that it needs to be updated soon.

So I appreciate those two recommendations, because I'd like to see that long-range facilities plan; I would like to know what data was used to determine which schools should be closed, where there should be relocations. And I certainly appreciate the idea of the moratorium on

charter growth until we can determine what the impact is on the regular public schools in Newark.

I would now like to ask my colleagues if they have any questions for this speaker.

Yes, Senator Thompson.

SENATOR THOMPSON: You indicate that there's a budget gap in the 2014 budget and that \$33.6 million increase in charter school payments is a major factor here. Now, that's an increase of \$33.6 million? That's how much they're paying for charter schools?

MS. ATHOS: That was an increase, yes.

SENATOR THOMPSON: How much total are they paying to charter schools, roughly, ballpark?

MS. ATHOS: You know, I'm terribly sorry; I don't have that number. I don't think I have that number with me. But I would happy to get it to you.

SENATOR THOMPSON: Well, it's so large. Why would there be that big of a jump in one year -- a \$34 million jump? I mean, what happened to cause a \$34 million increase?

MS. ATHOS: There's been a lot of charter expansion in Newark.

SENATOR THOMPSON: Yes, but were there a lot of new ones in 2014, versus 2013? Because you're saying this is an increase, not just the total bill. So what changed between 2013 and 2014 that would lead to an increase of \$34 million?

MS. ATHOS: The Commissioner approved a great deal of charter expansion in Newark.

SENATOR THOMPSON: In that one year there was that much expansion in charter schools in Newark?

MS. ATHOS: That's my understanding, sir.

SENATOR THOMPSON: So then I guess there would be a lot more kids going to charter schools if there is that much money going -- that many more school kids coming out of the public schools and going into charter schools. Is that correct, or your assumption?

MS. ATHOS: Yes.

SENATOR THOMPSON: That's again-- You're saying each kid, the school pays 90 percent of the amount of funding that they get for kids.

MS. ATHOS: Right.

SENATOR THOMPSON: So therefore, this would amount to 90 percent of the funding for this many kids.

MS. ATHOS: No-- Absolutely. An increase in money that's paid to the charter schools means that there's an increase in the enrollment in the charter schools.

SENATOR THOMPSON: Right -- which would mean a decrease in the enrollment in public schools.

MS. ATHOS: Correct.

SENATOR THOMPSON: So therefore, wouldn't this result in a decrease in the funds necessary in public schools if they have less children?

MS. ATHOS: I'm sorry; wouldn't it result in a decrease in the funds-- I didn't--

SENATOR THOMPSON: In others words, the budget to run the public schools, if-- I'll just pick a number out of the air.

MS. ATHOS: Yes.

SENATOR THOMPSON: If you have a thousand kids less this year in public schools than you had last year, then shouldn't that mean you can reduce your budget?

MS. ATHOS: To some extent, yes. I mean, there is certainly some fixed costs--

SENATOR THOMPSON: I realize that if one kid moves it doesn't mean you lose a teacher or something or other. But then, of course, the way our funding works if you add one kid to the school, they get additional funding. But to say, you know, "We get one kid additional, we need more funding. But if we lose one kid, we shouldn't lose funding." And of course now we're talking about not just one and so on. But to cover funding -- \$34 million of funding, you have to be talking about a substantial number of kids that are no longer in the public schools. And, therefore, to say that, "Okay, well, there's a shortfall because we paid more over into the charter schools," well, part of that shortfall should have been offset by some reduced costs in the public schools.

MS. ATHOS: Certainly some reduced costs, but there are also fixed costs to operate a school district.

SENATOR RICE: Yes.

SENATOR THOMPSON: I realize there are fixed costs, but there should be-- If you have a thousand less kids, there should be some reduction in your costs.

MS. ATHOS: Yes, I guess you need to make a decision at some point about whether you're going to -- the model of reform is going to invest money in improving the schools.

SENATOR THOMPSON: Well, as you say, when we talk about fixed costs -- you had one kid who is expected, that you'll get an increase of funding for that one kid even though, really, your fixed costs haven't changed -- but you still get the same amount of money when you add one kid.

I'm saying that there's some balance here that is being overlooked.

ASSEMBLYWOMAN JASEY: I think that's probably an issue that we can look into, Senator.

Other colleagues? (no response)

All right, seeing none, thank you very much for your testimony.

And our last speaker will be John Abeigon -- I hope I pronounced your name correctly -- who is Vice President of the Newark Teachers Union. Thank you for your patience, and thank you for coming today to testify.

J O H N M . A B E I G O N: Thank you, Assemblywoman. You did a great job with my name, by the way. (laughter)

My comments are brief, and they're not as eloquent and scholarly as all those who have come before me.

I've been dealing with Cami Anderson since day one, and probably more so than anyone else in this room. I have to deal with the consequences of her decisions through the teachers, aides, and clerks that

we represent on a daily basis. So my frustration and my tone are in check this morning.

I wanted to preface, also, with some clarity on the EWP situation that I've been hearing discussed during this morning's session.

ASSEMBLYWOMAN JASEY: The what? I'm sorry--

MR. ABEIGON: The EWP -- Employees Without Placement.

ASSEMBLYWOMAN JASEY: Oh, okay.

MR. ABEIGON: Employees Without Placement is a creation of Cami Anderson, who came in and removed 300-plus teachers from classrooms; told principals, through their side-based management, to remove the people that you believe were ineffective out of your classrooms and make room for students of her Teach For America group. When we analyzed those Employees Without Placement, we found only two who had a history of unsatisfactory evaluations during the course of their employment. We have not been able to find any who would be removed via the tenure process -- whether it's the old one or the new one -- based on their file down at the Newark Public Schools. So they were placed solely there because of their age, because of their experience, and because of their cost.

Another issue that I want to clear out of the way: It bothers me immensely whenever I hear the drop-out rate in urban districts associated with the "failure" of the public schools. I'm a product of the Newark Public Schools. The Newark Public Schools did not fail and create this drop-out rate on its own. When you remove auto shop from high schools, when you remove administrative and technical skills training from high schools, these students are not dropping out voluntarily -- we're throwing them out.

As I drive every day past Broad Street, and I pass by Berkeley Academy -- which is a private, for-profit school for administrative skills, dental secretarial skills, etc. -- or the Lincoln Tech that exists in Newark, there's a waiting list of high school students waiting to get into those programs because they have been thrown out of their public school.

And to use that as the drop-out rate, and blame it in the failing teachers -- it's beyond the pale.

I'm going to continue. We distributed two packets to you this morning -- one was white and has the timeline of Pink Hula Hoop, which is probably New Jersey's crime of the century. And when the *Star Ledger* figures that out, they might begin reporting that. And the pink packet is the narrative of Pink Hula Hoop and that timeline that was written by the award-winning journalist Bob Braun.

From the plan-- Here's a statement. This is from Cami Anderson's One Newark vision statement: "All schools, charter and District, will be judged according to the same rigorous scorecard, and the results will be available to everyone in our community. We will continue to grow high-performing schools while ensuring that District schools enjoy the same conditions that allow charters to succeed."

The opposite is true. Can you imagine the Superintendent of any New Jersey suburban school district lobbying as vigorously for charters as she does? She'd be burned at the stake -- trust me. Just recall last year's incident when they attempted to have charter schools placed in Millburn. Cami Anderson and her crew have done nothing to ensure that the District schools enjoy the same conditions that charters do, because there is no money in it.

Equity. A quote from One Newark vision statement: “Our students with the greatest challenges, from the poorest homes, with disabilities, English language learners, and those involved with the court system will be served with excellent schools first, not last.” By those involved with the court system, she is referring to members of her staff; or is she prophesying her own future? Someone committed to English language learners would not have dismantled the successful Newcomers’ Program, nor would they have fired guidance and attendance counselors. By her own admission, she has “20 great schools in Newark,” according to her plan; yet she has not attempted to replicate their success across the District. Why? Because there’s no money in it; there’s no money in success.

Ethicacy. “We will assure that our workforce matches our budget, but will retain our top-performing educators who will make our schools excellent and limit the impact of job cuts on our communities. We will not allow empty or dilapidated school buildings to become blight in our communities.”

How does a school become empty? You ignore the existing facility and Pink Hula Hoop a new charter school across the street. A perfect example would be 13th Avenue School, which was one of the schools that I specifically represent on my to-do list. Thirteenth Avenue School was a successful school, comparatively speaking. Within a week of Cami Anderson’s arrival the art instructor was pulled out of her classroom and the art room disbanded, vacated. Within three weeks the science lab was taken from that school, and both teachers were taught to do art-on-a-cart, science-on-a-cart. For those who are not educators, that’s when you put all your curriculum and everything in a shopping cart and take it from

one classroom to the other. So now Cami walks into the school three weeks later, and says, "Oh, that's an empty room. Oh, that room's empty. Great. We're going to move half the building from one side to the other and the empty side of the building we're going to collocate with North Star Academy." That's how you end up with an empty building -- you empty it. (laughter)

Those 20 great schools are all in dilapidated buildings: Lafayette, a great school, dilapidated. The kids in that school took off the day Lincoln died. And the teachers, aides, and clerks that toil in them do so within the protection and conditions of a mutually agreed-to contract. So obviously collective bargaining is not a hindrance to a great education in our state.

As a Teach For America infiltrator, and real estate agent from the charter school management industry, Cami is posing as a Superintendent. She should resign, or this legislative body should find the means to fire her.

ASSEMBLYWOMAN JASEY: Thank you.

My colleagues have questions or comments for this speaker?

ASSEMBLYMAN WOLFE: I have a question.

ASSEMBLYWOMAN JASEY: Yes, Assemblyman.

ASSEMBLYMAN WOLFE: John, you said the people -- the 300 people who were laid off were as a result of age, experience, and cost?

MR. ABEIGON: They weren't laid off; they were given a new title, which is an Employee Without Placement.

ASSEMBLYMAN WOLFE: Okay.

MR. ABEIGON: And they were-- Originally, they were all reassigned and corralled to the Central Office on 2 Cedar Street in Newark. When it became obvious -- because the reporters were beginning to catch on -- that those people remained on payroll and were contributing to her budget deficit, she ordered her principals to immediately put them back into the schools so they would not be visibly seen corralled in 2 Cedar Street getting a paycheck to do nothing. So they have been dispersed into different schools -- some act as aides to a classroom teacher, some act as detention officers, others are acting as substitute replacements. So in other words, the school no longer has to call for outside subs whenever you're sick. They just use the local EWP.

ASSEMBLYMAN WOLFE: Okay, thank you.

ASSEMBLYWOMAN JASEY: Assemblywoman.

ASSEMBLYWOMAN OLIVER: Yes, thank you for your testimony.

I have read the document that Robert Braun authored. And it is my understanding that how this transaction occurred-- And I think a prior speaker put on the record about not getting market value for the sale of a Newark school. From what I understand it was our New Jersey Economic Development Authority that gave funding to an entity which is a for-profit investment firm, named Kingsland.

MR. ABEIGON: Correct.

ASSEMBLYWOMAN OLIVER: Kingsland, in turn, entered into a contractual arrangement with an organization called Pink Hula Hoop -- which was created in a one- or two-day period. And within the same timeframe, with the EDA, appropriated this money to Kingsland.

Kingsland then appropriates the money to Pink Hula Hoop, which is founded by a former member of the EDA -- from my understanding of reading the Braun document -- and his wife. And then subsequently, Superintendent Anderson awards the rights to purchase 18th Avenue School to this newly created entity.

In your work or discussions with Mr. Braun or any examination that's happened in Newark or in the Newark community, it's my understanding that that transaction would have to be approved by the Commissioner of Education under current law.

The last time I checked into this, the then-Commissioner Cerf had not yet "approved" that transaction. Has that transaction been approved now?

MR. ABEIGON: We have no evidence that that transaction was ever approved. All the written documentation that we've been able to gather we've provided to the public, and we've provided to this Committee as well.

ASSEMBLYWOMAN OLIVER: Sorry, I'm just going to ask, based on your knowledge -- you may not have the answer to this, but -- has our New Jersey Economic Development Authority appropriated funds to any other for-profit or not-for-profit charter school, or any other kind of K-12 institution in the state, or is Pink Hula Hoop establishing precedent?

MR. ABEIGON: Based on the lack of documentation to the contrary, we believe that that statement would be valid. To this day, we have no evidence that they've done that. The evidence that we have provided for you is, in our opinion-- Because the money did not go directly from Kingsland to Pink Hula Hoop. There were two so-called nonprofits in

between that -- the Friends for Team Academy and Team Academy Charter itself. So it's been sort of like flip-flop of money laundering, where you take dirty money and you launder it through certain corporations until it comes out clean. But what they've taken was clean taxpayer money, laundered it through semi-legitimate, I would believe, nonprofits, and ultimately it ends up in the hands of the for-profit Pink Hula Hoop -- which are all the same players.

ASSEMBLYWOMAN OLIVER: And I guess the last question -- and I don't know if you can validate this or not -- but it is my understanding that in all of the documents that have been made public thus far, the requirement of the District -- and this is money that originated out of our Economic Development Authority -- but it's my understanding that the terms of the contract between Superintendent Anderson and the Pink Hula Hoop group is that the building would have to remain a public school for a period of 10 years. And after that period the ownership of the building reverts back to the former member of the EDA and his wife. Is that accurate?

MR. ABEIGON: Yes, that's a fact. You have the agreement in your packet. After 10 years as an educational facility, Pink Hula Hoop owns, personally, the property of 18th Avenue School outright and can do with it whatever they want. So theoretically the day they signed the deed on the building that they bought for \$1 million less than it was valued at, they already made a profit of \$1 million -- and they didn't have to do anything.

But what makes it worse is that that building and the land was given to the City of Newark by the Krueger family. I'm not old enough to

remember Krueger beer; but Newark, we all know, was founded in great part by Krueger, Ballantine, Rheingold--

ASSEMBLYWOMAN OLIVER: We're old enough to remember. (laughter)

MR. ABEIGON: One of the great Newark dynasties gave that land to the City and the children for the use as an educational facility. I'm almost positive that Cami Anderson had no knowledge of that.

ASSEMBLYWOMAN JASEY: So the line of questioning clearly opens up additional areas of inquiry for us -- that we're obviously not going to pursue today given the late hour. But I thank you for your testimony; I thank you for the information you've provided to this Committee. And I hope that my fellow Committee members will take some time to read through it. Start writing up your questions. And, perhaps, one of the things we might do, Chairman, is survey our members to find out -- to prioritize the issues that we want to look into, because we certainly have a long list of issues to pursue.

Yes, Assemblyman.

ASSEMBLYMAN CAPUTO: First, I think what we ought to do, as a Committee, is pass a resolution that would demand that this Committee have subpoena power and forward it on to the Speaker and to the President of the Senate.

So I'd like to move -- put that motion on the floor, if possible.

If I could get a second.

ASSEMBLYWOMAN JASEY: Is there a second?

ASSEMBLYWOMAN OLIVER: I second.

ASSEMBLYWOMAN JASEY: Is there discussion? (no response)

All right, seeing none, do you want a roll call?

SENATOR RICE: Yes, we need a roll call for it.

And with the condition, if I can-- With the condition, if I can, that in the event that we would attempt at subsequent meetings to invite people in and seek information we've been looking for; and if, in fact, we are getting the same kind of responses -- they are just not going to show up, and they just ignore this -- we're not going to be like other Committees and go into perpetuity waiting on them.

The condition is that we pass a resolution to have that authority attached to this Committee; and its use is only when it becomes necessary. My gut feeling is that it may wind up becoming necessary -- the way they (indiscernible).

ASSEMBLYWOMAN JASEY: All right, may we have a roll call?

SENATOR RICE: Yes, roll call.

MS. SAPP: Assemblyman Caputo.

ASSEMBLYMAN CAPUTO: Yes.

MS. SAPP: Senator Greenstein.

SENATOR RICE: Absent.

MS. SAPP: Assemblywoman Jasey.

ASSEMBLYWOMAN JASEY: Yes.

MS. SAPP: Senator Norcross.

SENATOR RICE: Absent.

MS. SAPP: Speaker Oliver.

ASSEMBLYWOMAN OLIVER: Yes.

MS. SAPP: Senator Rice.

SENATOR RICE: Yes.

ASSEMBLYMAN WOLFE: Excuse me, Mr. Chairman.

SENATOR RICE: Yes.

ASSEMBLYMAN WOLFE: Before we proceed, I think this is a very important issue. I think the entire Committee should be part of this process. I mean, we don't have-- We may have a majority here, but I think that this is a very important issue that we should discuss at our next meeting -- let's put it that way. And I think we should have full attendance or at least the feelings of the other members also.

SENATOR RICE: That would be fine.

All right, we are in the midst of a roll call, so just hold up a moment.

Is that okay with you, Assemblyman?

ASSEMBLYMAN CAPUTO: Do you want me to withdraw the motion?

SENATOR RICE: Yes, we can withdraw the motion. I don't have a problem with that.

ASSEMBLYMAN CAPUTO: On the basis that when we have a full complement of members that it will be taken up again.

SENATOR RICE: All right, because we expect to meet again in the next couple of weeks and invite people back who claim they didn't get communications.

ASSEMBLYMAN CAPUTO: Makes sense.

SENATOR RICE: Okay, all right?

So you can disregard that roll call.

ASSEMBLYMAN CAPUTO: I need a second on the withdrawal.

ASSEMBLYWOMAN JASEY: Second.

SENATOR RICE: The roll call is rescinded.

MS. SAPP: All in favor?

SENATOR RICE: Yes, all in favor?

ALL: Aye.

SENATOR RICE: Let me first of all thank all of the Committee members once again for your support, and for being here, and for the time you spent.

We certainly have a lot of issues on our plate and there are going to be more, etc. The one thing I do know is that the subcommittees -- and we'll get that information out to the members like we have done in the past, the members and the chairs, and stuff like that -- have some work to do. Certainly, what occurred from this One Newark plan -- I suspect that Newark is really the testing ground for a lot of things that folks want to do in New Jersey throughout the other school districts. And if, in fact, there are some things that are negative and wrong, or things that may not even be legal and correct -- if they allow it to go uncontested and that foundation is laid, then in the future education in this State -- public education will be demised.

We have to be very cautious as to how we travel, and be very serious about our responsibilities on this Committee, as per the statute, because the future generations are relying on us more than anyone else down here when it comes to successes there.

And so there is going to be this whole notion of charter school issues -- which goes back to the Innovative Subcommittee and others -- that needs to be addressed. Not just charter schools and charter school numbers, but all of (indiscernible) means what's happening up in areas like Montclair, Millburn, etc., which eventually will come to some of the other members' districts. And there will be conversations and discussions.

How do we get in front of that? We know that the whole issue of the Pink Hula Hoop and the transaction-- I know in the City of Newark they're looking to sell another 11 buildings; I know they're looking to sell buildings throughout the state for different reasons. And there becomes time when you have to really do that with the building. But if you really pay attention to the information that I sent to you -- which is similar information that's being provided again today -- I sent that information to 119 legislators. And the reason I did that -- and I asked the Senate President to take a look at that, because this Committee may need the Speaker's and the President's assistance in getting subpoena power if it's necessary to get people in -- primarily because I don't ever want a legislator to tell me publicly they're not aware of it. They can disagree; but in my opinion -- and I'm a former investigator -- that whole transaction the way it was set up may appear legal on its face, but it smells more like a Ponzi scheme to me. And there are definitely some integrity issues there.

If anyone was to take the time to read the contractual information and filings for these corporations, and why someone at EDA abstained on the vote for the money because they wanted to do business with these folks, you cannot disagree -- I don't care what anybody says -- that there's clearly a conflict of interest there, if nothing else. You cannot

be the same principal setting up these for-profits and nonprofits, on all the boards, making decisions with taxpayer money and others.

So that's the issue that's going to take up the time of probably the whole Committee when it comes to people coming in -- if they come. And so there is work to be done -- this whole QSAC issue, long-range plans, reports that we haven't gotten or received that were required.

As Co-Chair, what I'm going to do is, I'm going to ask staff -- and I'll work with them-- I know there are questions in the past that we raised more than once to the Administration on different issues in education -- QSAC and others. We're going to regenerate those questions and send them back to the new Commissioner and let him know we have not received a response and we are entitled to one, and give them a time to respond to some of those as it relates to this whole transaction in the One Newark plan. I think that's something that we're going to be, and I'm going to be -- and hopefully the Co-Chair will work with me on this -- very adamant; whether there are only two of us sitting at the table at these hearings, or all of us, adamant about looking into before it gets away from us. Because that's a very serious issue.

And so I want to thank everybody once again for coming out. I want to thank the members for their support, and for working with us. And if you need us in your district -- to the members and new members, in particular, who may not know this -- let us know. We'll find a way to get there, on the issues you have. And we know that you can't make all the meetings of the subcommittees, but you can expect the Co-Chairs to always be there with you on pretty much most of the occasions if the members can't make it. So we can call these meetings, okay?

So thank you very much.

That will adjourn this meeting for now. Thank you.

ASSEMBLYWOMAN JASEY: Thank you.

(MEETING CONCLUDED)