

APPENDIX

Testimony of Rachel Goldberg
Assembly Education Committee
October 17, 2022

My name is Rachel Goldberg and I serve as Superintendent of the Springfield Public Schools. I am honored to join you today to offer my testimony regarding the impacts of the COVID pandemic on students. Before I begin, I would like to express my gratitude to all of you for seeking out our voices. In particular, I would like to thank Assemblywoman Matsikoudis for her commitment to our students, and for engaging Superintendents in Union County in recent discussions around school security. I would also like to recognize Assemblywoman Jasey, the assembly representative for the district where I live, for her commitment to listening to the experiences of educators.

I began my career as a teacher in Elizabeth Public Schools, later serving as Assistant Superintendent in Passaic Public Schools, and joining the Springfield Public Schools in my first superintendency in July 2020; my perspective will always include my experiences in both urban and suburban districts. I am honored to serve on the Executive Committee of the Garden State Coalition of Schools, and as a parent of three children enrolled in public elementary, middle, and high schools.

Before I begin, I would like to take a moment to recognize our district leaders, principals, educators, and support staff, who make our schools run. The thoughts I share with you today are linked to the gratitude I feel for the legion of folks working every day to support our students.

First, I would like to share my perspectives regarding the "lived experiences and academic challenges" presented by our students this year.

COVID significantly affected our students and educators over the past 2 ½ years. While the 2021-2022 school year marked the beginning of a slow return to a new normal, it was far from the "normal" we all expected. The school year was impacted by new variants, managing ten days of school exclusion for positive cases, planning schedules and personnel assignments based on social distancing, and managing policies related to vaccination eligibility and testing regimens.

Some students were out of school for significant amounts of time, and in many schools, staffing was a daily challenge. Schools were open, but we were faced with ongoing interrupted learning due to staffing and exclusion protocols.

Please know that this is not meant as a criticism, but rather a recognition that last year represented a first step toward what will be a long recovery period.

As we think of the impact of the pandemic on our systems, I have to start by recognizing that I am certainly a different leader and parent than I was three years ago, and I have no doubt that you are different legislators. This experience will impact the rest of our lives. There is a level of

gravity in acknowledging this truth as we evaluate our current environment, and navigate the learning experiences ahead.

We welcomed students back to school this September as close to "normal" as possible, and from afar, while it bears the hallmarks of a traditional school year, we are all changed. Our students carry their experiences from throughout the pandemic with them as well. Some were able to maintain academic progress, while some dealt with significant hardships; all of which have been impacted by the economic, social, and emotional challenges in their home environments and communities that surround them.

With that understanding, we are looking closely at our data to guide our instruction and programming for our students.

In Springfield, multiple levels of assessment occur to determine the level and type of student needs using a wide variety of data sources, from attendance and grades to standards-aligned benchmarks, to identify the level of student needs. On a daily basis, our teachers are looking closely at the needs of our students, and tailoring their instruction to meet those needs.

Our strategies are not based on a single assessment taken at a single point in time, but rather continuous points of analysis about a student's level of understanding and processing of critical skill sets. Last year, we also added a weekly Social-Emotional check-in for middle and high school students, to help gather perspectives on school belonging, social support, and well-being.

As I say this, I think it is critical to note that no set of numbers tell a full story; rather they are a snapshot in time of a variety of factors. We are not using the data gathered to make judgments, but to ask relevant questions about our students' learning experiences, and use those questions to guide our steps forward.

Tonight, at our Board of Education meeting, we will present our Spring NJSLA data, and set a new baseline to measure student academic progress moving forward.

As a result of our ongoing collection of data, and the feedback from our educators, we developed programs and adjusted practices to support student learning, and we are thankful for the support and participation of our community

Federal COVID-related funding provided financial resources to support critical initiatives. In Springfield, it allowed us to support a high-school credit recovery program, expand in-school and after-school academic support, fund academic interventionists, provide additional social workers to support mental health, and offer expanded summer academic programs to include social-emotional support.

Springfield parents, students, and the community are participating in opportunities to support extended learning, while voicing their desire for their children to enjoy "typical" student life experiences that make the school communities special places.

The work of our schools and community has resulted in progress.

Academically, our students are learning. Our academic benchmark data has provided clear evidence of ongoing learning over the last two years. At this early point in the year, we still have students struggling with anxiety and mental health, and our school counselors have continued to provide support. At the same time, our seniors are applying for college, while students in other grades are preparing for the fall high school drama or middle school musical. They have disagreements over four-square, and participated in Week of Respect activities. Families are attending Back to School Nights, and first marking-period progress reports are being shared.

I would like to conclude my remarks by suggesting some ways that the Legislature might support educators as we look forward to continuing the progress made to date.

My recommendations are based on consultation with the President of the Springfield Education Association, and the leader of our Principals' Association, and conversations with teachers, parents, and my fellow district leaders.

First, I would respectfully ask our legislators and leaders to balance the messaging relating to "Learning Loss," I hope we make this a narrative about recovery, not only academic but also emotional recovery. Let's not be sucked into a narrative about failure, but rather about what schools need to provide the support our students actually need.

Before adding any new assessments or changing learning standards, Let's give our kids time to enjoy their learning experiences. Let's not change graduation requirements, shift evaluation requirements, or add unnecessary assessments. We cannot forget that one of the most important lessons of COVID is that our classrooms are truly critical for the economic and social development of our country. The learning and development that happens in our classrooms is truly sacred and must be protected.

Second, we need the legislature to look closely at school funding, and recognize that the federal CARES, and ESSER funds provided critical support that will no longer be affordable when the funds are depleted. Dramatic inflation in costs such as transportation, health care, and infrastructure threaten our budgets. We must ask that the Legislature look closely at future state budgets, recognizing that the federal investment in our schools was essential to pandemic recovery, but additional support will be critical in the years ahead to meet the new, changed needs of our students and staff impacted and exacerbated by the pandemic.

From an immediate and practical perspective, please look at the impact the current QSAC reporting requirements will have on schools- no school system should be judged by the Department of Education based on the difference in student achievement between the Spring of

2019 and the Spring of 2022. We should not be using comparative data to evaluate the quality of our education systems.

Finally, before the committee votes on any more education-related bills, we ask that you consider carefully whether or not the policy or bill will actually make the experience of a child in a classroom better. Will it give a teacher more time to spend when a child is struggling with the first sounds of a word? Will it give the counselor any more time to support a 7th grader suffering from anxiety? Will it give the principal time to join a grade-level team meetings? Will it give me more time in the schools, and less time in technical assistance sessions or searching for dollars to support another mandate? Will it give school board members more time to listen to productive dialogue that leads to positive changes in policies to strengthen their systems?

While there are no easy answers, educators across this state can provide the critical feedback necessary to help our schools provide our students with the positive, affirming, and challenging learning experiences that will continue to make New Jersey among the best in the country. Please continue to seek their feedback first as we work to support our educators and students.

Thank you for your time and consideration.



Testimony of Anthony Scotto Before the Assembly Education Committee

October 17, 2022

Good morning and thank you for the opportunity to share my perspective on the progress being made in addressing “interrupted learning “in our schools. I am Anthony Scotto, the Director of Curriculum and Instruction in the Hamilton Township School District. Our school district serves 12,000 students in 3 high schools, 3 middle schools and 17 elementary schools.

As Director of Curriculum and Instruction, I am responsible for overseeing the academic life of our district in all schools, working with administrators, teachers, paraprofessionals, curriculum supervisors and all staff on curricular issues, assessments, the selection of instructional platforms, innovations, and staff development.

There is no doubt that the impact of the pandemic on student learning has been significant in all grade levels. As we begin our second, in-person school year since schools closed statewide, our students’ experiences during the pandemic are still with them and we, as educators, need to keep this fact in mind as our students proceed during their school careers. Personally, I try to be hyper alert as to where a particular cohort or student was in March 2020 as I work to address the learning needs and service offerings in Hamilton. As educators, we are trained to recognize the root causes of why students may struggle and work through those issues with them. Whether the issue is a sudden increase in behavioral issues, social-emotional issues, or difficulty with specific academic content, we strive to put the issue into context and work with our families to address the issue.

To determine the level and types of students’ needs in our district, we utilize pre-assessment and diagnostic assessment measures such as iReady, LinkIt, and/or locally developed benchmarks. We have continued to utilize various online instructional platforms such as Ed Puzzle or Peardeck as student-centered formative assessment tools for within the classroom. We analyze the results of these benchmark assessments, standardized scores, along with other data points, a best practice that was in place long before the COVID-19 pandemic to establish baselines and tailor student learning. We have worked with our instructional staff to develop curricular launch guides to address prerequisite skills and content, a practice we continue to use this year. For example, a grade three math teacher, middle school 6th grade math teacher, or high school Algebra I teacher has access to practical instructional activities and formative assessments examples to guide their instruction.

If we see that students are struggling and/or need further acceleration, we provide additional learning opportunities. We have added additional basic skills staff at the elementary school, re-focused our title one funding at the middle school level, and



created double ELA and Algebra classes (with additional support on study skills). These are just a few examples of what we have done to support our students and families. This is what we are trained to do...and we know it is our professional responsibility.

What we have learned about our students is they are improving due to their resilience and desire to be successful. To address their needs, we have established before, in-school and after school tutoring experiences, both virtually and in-person. We have utilized our federal ESSER dollars to institute summer programs and Jump Start Programs in grades K-12. We learned the importance of heightened communications to families, engaging our community about all events, programming, and opportunities for their children.

On unique way we have done this is to set up “Pop-up Schoolhouses” throughout our community, similar to a Community Day held in many municipalities, to provide a focused location for families to learn about our program options, sign up for free and reduced-price meals, meet our staff and engage with the school community directly. Families are critical partners, and our community is grateful for our efforts, especially our “we are all in this together” approach to moving learning forward.

Technology has been an important tool in our work. Every student now has a personal device to use for learning at school and at home. The one-to-one initiative has resulted in continuity of learning for our students resulting in limits in the areas of interrupted learning. We purchased instructional platforms that have enabled us to further engage the students and allow teachers to closely monitor student progress and performance. We have also increased our professional development opportunities for school staff to enhance their skills and learning in this new learning environment. Additionally, the technology has strengthened our connections with families, providing tools for them to utilize virtual choice boards for programming and a virtual bulletin board for school events. We have our messaging translated into multiple languages as well.

So how are our students progressing?

I am proud to say that our assessment results are showing that our students are starting to perform at levels similar to performance levels pre-pandemic. Yes... we all want to see stronger performance, however, as I mentioned at the beginning of my comments, we must be aware of where students currently are to tailor instruction and promote student success. Students want to learn and improve. Elementary students are closely reading the text and citing text evidence... middle school students are comparing and contrasting two pieces of literature and engaging in literature circles with their peers, high schools are taking advanced level English courses to accelerate their learning prior to graduation.

Schooling is more than academics and there are significant signs that our students are recovering from the interruption to their school lives. Student participation is increasing in our school activities across the district. Many of our pre-COVID routines, such as



instrumental and vocal music have resumed in our schools. Kids are excited about having important roles in the play. Students are excited to take on leadership roles in clubs. I continue to be optimistic about this school year and our students' ongoing growth and progress.

In closing, I want to thank this committee, the State Legislature, and our congressional delegation for all you have done to fund our schools, to address the heightened level of student needs, and the extra costs every school district has absorbed to continue to provide academic, health-based, nutritional and technology services to our students and families. Our work is solidly underway, but these additional costs will continue for quite some time. I urge you to continue to work with our congressional delegation, the Murphy Administration, and our local school districts to advocate for the continuation of necessary funding. Please do not enact any additional mandates or requirements at this time, as we must continue to focus on the necessary work of academic recovery for all students. Please give us the room to perform this work without adding on more, particularly as we struggle with staffing issues.

Now and into the foreseeable future, school staffing is a major challenge. We thank you for the efforts that have been made to assist districts in the hiring of staff by loosening certain certification requirements or hiring restrictions. Teachers and school leaders are key ingredients to student growth and school improvement. Please continue to advocate for new and innovative ways to train and recruit new educators at all levels. One area that is still a stumbling block is the significant delays in processing certification paperwork and the current residency law in this state. We continue to lose viable candidates due to the requirement that these candidates live in New Jersey. We ask that this obstacle be addressed, even for a temporary time-period of a few years in our multi-border state.

Finally, I urge you to join us in the field as we continue to "hold the bar high" in our expectations of our students, yet understand, as we in the schools do, that this is "where we are" in education right now, and that the entire world is in a different place than it was in March 2022. There is progress to note and student recovery to celebrate. We pledge to work with you to continue to move our students and schools forward in this brave new world.

Thank you.

Submitted by: Anthony Scotto

TESTIMONY BEFORE ASSEMBLY EDUCATION COMMITTEE

17 OCTOBER 2022

Dawn Howlen and Francine Pfeffer

New Jersey Education Association

Good morning. I'm Francine Pfeffer, associate director of government relations, and with me is Dawn Howlen, associate director of professional development, who left teaching in the Trenton school district after 17 years to come to NJEA in April. Dawn was an instructional coach but was moved back into a 6th grade English Language Arts classroom when Covid struck.

In addition to what Dawn is going to tell you, I spent the last several days reaching out to an unscientific sampling of teachers I know in New Jersey to add their feedback. I spoke with teachers from all grades and types of districts.

Overall, I found that elementary teachers in the lower grades are hopeful about student progress. For the most part, they feel that their students ended the year close to where they would have been academically without Covid. This year, students are starting the year in a better place academically than last year's, and their teachers feel that they may end up even closer academically in the same place students were pre-covid.

Many high school teachers say that their students are not in the same place academically. While this year is better than last year, students lack critical thinking skills and stamina and are less willing to spend time thinking. One English teacher gave me the example that she's seeing a lot of summarizing with no theorizing from her students. Students don't really know how to have conversations with each other to deepen their thinking, because they haven't done it.

All levels are noticing problems with behavior, although it is better this year than last year. One teacher said to me, "Students are stuck in the grades they were in when schools shut down. During the hybrid year, they weren't in school enough, and last year, while better, wasn't 'normal.'" A second-grade teacher told me the kids don't know what to do with rug time. "It's something they never did, and they are so used to being in configurations I wouldn't normally use – rows that are far apart – that seating them in groups, and being on the rug, is something they are having a hard time with."

Special education students and English Language Learners need even more support. Many special education students didn't really do well with remote and hybrid learning. English language learners are also further behind for the same reason.

Students at all grades are having a hard time regulating themselves, they can't pay attention the way they used to, and they all need social-emotional support. Staff, too, needs that social-emotional support. They are frustrated, tired, their jobs have become more difficult, and they also lived through this same trauma. In many of these conversations I had, I felt I was providing a brief therapy session.

I'm turning it over to Dawn.

Dawn:

Districts are using assessments such as the STAR or link-it to determine student's initial academic levels. Teachers are also using their own formative assessments to assess where to begin instruction and how to form groups to better accommodate the needs of all students. Some districts are using benchmark testing. Most districts have a curriculum that includes formative assessments along the way.

In Trenton, we used different online resources, such as Nearpod, Kahoot and Flipgrid, that allow students to work at their own pace, while also providing a great amount of engagement.

Moving away from pre-pandemic instruction also includes giving students more autonomy. The gradual release model has been more meaningful over the last two years because students were working independently while they were working remotely. In that, some of them have enjoyed having more time during class to explore different concepts.

Every district is doing things a little differently. Some have interventionists to help students, some had summer school and extra remediation when needed, or an extended school day for some students. One high school created a school-within-a-school for students who needed more attention. One went to block scheduling to better help students. As many different districts as we have, they all have different solutions.

Fran:

Some of you may recall that during the hybrid year, the education groups got together and spoke with members of the legislature about accelerated learning, moving students forward while using formative assessment to ensure students were moving forward in their learning while catching students up with any gaps they had.

Dawn:

In Trenton, we have had minimal parent involvement in the past, but our involvement increased tremendously when we returned to school last year. I think parents were more engaged because they saw, firsthand what it was like for their children to learn at home. We had so many parents for parent conferences, that I was not able to see all of them that night. We made virtual

appointments for those parents who were waiting 20 minutes after conferences officially ended. Additionally, many of the parents were very grateful for the electronic communications that I sent weekly. They felt more involved in their child's education, which created more parent buy-in and trust. Parents would reach out to ask questions about their child, but also about things that were happening in the district and community.

Students are making progress academically, but the most significant improvements have come in their social interactions. Last year, most of the students felt awkward and did not build many connections because that had not been able to socialize and meet their classmates. Now, they can communicate and express their feelings without angst.

It's going to take time, but we will get our students where they should be.

Fran

I know you were curious about federal funds. What I found was that, while everyone seemed to know that the district did get money and did something with it, most educators didn't know exactly what. There were lots of new programs and lots of money, but some of that might have been district programs.

The other question I know you wanted to hear about was what can you do to help?

- More staff. So many teachers are covering classes. They are exhausted, and they don't have the time they need to recharge.
- More mental health staff, for both students and staff.
- Less pressure to "get kids where they were pre-pandemic." It's draining, and we need time to get them there.
- Resources, support and training to make sure we are most effectively help students.

But the most important thing educators need? It came with some expletives and strong language. I say that so that you understand the frustration that educators feel.

- Teachers want to be left alone to actually do their jobs.
- They don't need all these extra state assessments. Start Strong – why bother? Districts have better assessments built into their curriculum.
- Stop requiring Student Growth Objectives. In many cases, they end up being paperwork compliance exercises, provide little actionable data, and add another assessment for students.

One teacher pointed out to me that her district had its diagnostic assessment to assess student levels, the benchmark assessment which tests students knowledge of the 6th grade standards, Start Strong, and whatever assessments the teachers are giving for SGOs. And most districts are about 25 days into the school year.

The beginning of the school year should be reserved for building connections and relationships with students, so giving the Start Strong at the beginning of the year was an unnecessary interruption. Especially as someone pointed out to me, the NJSLA was in the spring. Why couldn't we just use those results? How much change was there?

Said one teacher, "If we are moving to a culture of testing, we're doing the wrong thing. You can't fix three years of behavior and social-emotional needs in six months. And testing kids is the wrong direction."

Please heed what the educators in our schools are saying. They are the experts.



JerseyCAN Testimony in Support of Accelerating Student Learning

To Committee Chair Lampitt and Committee Members:

Thank you for the opportunity to testify today about an accelerated student learning approach to address learning recovery in New Jersey. My name is Paula White and my career as an educator spans more than 2 decades, from my start as a classroom teacher to sitting on the editorial board of a journal published by the National Council of Teachers of English; assuming public school leadership; serving as an appointed member of the New Jersey Council for Young Children; and leading school improvement for public schools in our state. I am now the Executive Director of JerseyCAN, which is a bi-partisan education research and advocacy organization entering its 10th year of operation. JerseyCAN has demonstrated an unwavering commitment to ensuring that all students across the State have access to high quality education options.

JerseyCAN's 2021 report, *A Time to Act: A Framework to Accelerate Learning* speaks to the promise and possibility of accelerating student learning, built around 5 core areas upon which I will succinctly expound. This framework has proven to be fertile ground for accelerating student learning prior to the onset of the pandemic and is more relevant now than ever before.

I. Student and Family Engagement:

- During the earliest days of the pandemic, families and educators were thrust into close bidirectional relationships which entailed educators entering students' residences each day and parents and caregivers watching teachers teach in virtual classrooms. This unprecedented access to homes and to the culture and curriculum of schools made it clear that students must feel seen and safe to learn and, also that the realities of home life add a layer to students' socioemotional needs that may not have been sufficiently acknowledged before.
- In the world of real estate, the mantra is "Location, location, location!" but in the universe of schools, in order to accelerate student learning the focus must be, "Connection, connection, connection!" Schools must connect with families to hear their concerns and needs and to ensure that parents fully understand school success benchmarks and where their children stand. Digital literacy and digital access will enable this on platforms such as Zoom, so parents can meet with a teacher from the kitchen table at home, not just in the teacher's classroom at school. Also, students must learn in classrooms conducive to protecting their mental health, and schools must clear pathways to services for students with identified mental health needs and coordinate the delivery of such services, as needed, with parents.

II. High quality, Inclusive Curriculum, Instruction and Training:

- Evidence-based curricular strategies and programs should be vetted through disciplined guidance provided by the New Jersey Department of Education (NJDOE). Strategies outside of the regular school day hold great potential, but they cannot replace quality core instruction and a plan for the professional learning necessary to deliver on such instruction should be present. Whether pushing for experiential learning opportunities, in-class support for English learners, or reading instruction framed around the science of reading, our curricular and instructional choices cannot be haphazard.
- NJ.com recently published an essay that I wrote discussing science of reading legislation and/or policies that have been passed in more than two dozen states and the District of Columbia. As in the case of Mississippi, which has moved up several rankings in education since their science of reading legislation was adopted, the benefits of such legislation is clear. I am making the case in that essay, and today before this committee, that New Jersey should follow suit to create parameters around literacy instruction to amplify the most fundamental skill of all - learning how to read.

III. Effective Resource Allocation for Equitable Systems:

- \$2, 766, 529, 533 in American Rescue Plan ESSER funds were awarded to the state of New Jersey. This influx of federal funds provides an opportunity for our school districts to make bold investments in the futures of their students. To accelerate learning, proper funding oversight must occur and, given the staggered nature of disbursement of these funds, district and state spending must be regularly audited.
- Under the CARES act, ESSER I funding was available until September 30, 2022. Now that the window of use is closed, we should evaluate if there are residual funds, and identify the reasons they were not spent and where funds were used, we must interrogate how such usage aligned with the goals of learning acceleration. For ESSER II funding, a \$30M mental health services grant was set aside. The pandemic has taken a quantifiable toll on students' mental health so as long as New Jersey's students stand to benefit from mental health services, no available dollars should be left unspent. And, a Learning Acceleration Grant sets aside funding for programs with demonstrated records of success as well as for related professional learning for educators. We must monitor this closely because without proper review to ensure that programs meet an evidence-based bar, these funds will be effectively squandered.

IV. Educator Support and Innovative Staffing:

- Educator staffing is a challenge across New Jersey's school districts - north or south, urban or rural, district or charter. Teacher attrition rate is a driver of this problem. One way to address this is for the state to build strong teacher residency programs, pairing incoming teachers with master teachers for coaching and support, and providing a living wage for the residency year, similar to the resident physician model. Substitute teachers, no matter how well intentioned, cannot provide the continuity of learning that students need to optimally advance.

- To simultaneously expand and diversify the teaching force, federal funding can be used to invest in educator preparation in minority-serving institutions to create a teacher pipeline. Also, with hard-to-staff certification areas, we recommend temporary certification for current teachers who want to add another endorsement to their license.

V. Data for Understanding Student Learning:

- Clear, timely formative and summative student assessment data are vital for accelerating student learning because data tracks success, and defines the scope of lingering challenges. Data reports also identify bright spots across our state to facilitate learning and strategy replication. State and national polling shows that parents support data use as a means of understanding students' needs, and national polling also shows that teachers favor the use of standardized assessment data as a part of a comprehensive approach to identify the learning needs of students. Our immediate recommendation here is to invest in data systems that allow for statewide conversations about student learning and to challenge our institutions and systems to shorten the feedback loop from data collection to data sharing so that teachers, students and the general public can gather information about learning trends quickly and address them accordingly.

These recommendations are far from exhaustive but they represent some of the best thinking about how to accelerate the learning of our students. I appreciate the opportunity to testify before the committee, and I am happy to respond to any questions you may have.

Paula White

Executive Director, JerseyCAN

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NEW JERSEY LABORERS' - EMPLOYERS' COOPERATION AND EDUCATION TRUST
104 Interchange Plaza, 3rd Floor
Monroe Township, New Jersey 08831

TO: Chairwoman Pamela Lampitt
Members of the New Jersey Assembly Education Committee
FR: Ciro A. Scalera, Director of Government Relations, NJLECET

Date: October 17, 2022

RE: **A-4496 - School Development Authority (SDA) Bill**

My name is Ciro Scalera and I appreciate the opportunity to discuss A-4496 on behalf of the New Jersey Laborers' - Employers' Cooperation and Education Trust (NJLECET).

NJLECET is a labor management fund representing over 25,000 laborers in NJ and their signatory contractors. We work statewide with numerous stakeholders to promote investment in economic development, transportation, school construction and utility infrastructure.

We have a long history of involvement and support for the School Development Authority and its predecessor organizations. We have and continue to believe that the significant state support for school construction requires a solely focused organization committed to insuring the effective development of school construction projects. Uniformity, consistency, and accountability in terms of legal, regulatory, financing, and construction procedures should be the same throughout our state and, in our view, vested primarily in the SDA. We believe that state taxpayers and our contractors deserve no less.

Today we would like share recommendations for important labor provisions we believe are essential for improved SDA functioning. We have shared these specific amendments with the sponsor look forward to continuing to work with legislative staff to develop this concept.

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The central theme of our proposed amendments is to enhance the SDA's contractor prequalification procedures and its project review and closeout practices as a way of ensuring that New Jersey's school construction is undertaken by responsible, qualified, and reliable contractors. The SDA could then quickly draw from its pool of rigorously vetted prequalified contractors to deliver capital construction and emergent work repair projects at schools in a timely fashion in the SDA districts. Regular operating districts undertaking their own school construction projects would be allowed to rely on the SDA's contractor prequalification and performance assessments in their own school construction procurement.

Our proposed amendments would:

- Strengthen SDA's contractor prequalification procedures to ensure that only the most responsible contractors can bid on school construction projects.
- Strengthens SDA's project review and closeout procedures to identify contractors that fail to deliver projects in a timely fashion and within the contract's budgetary specifications.
- Allows for prequalified contractors to lose prequalified status following a finding that they failed to deliver projects on time and within the project budget.
- Require that SDA maintain a public list of their prequalified contractors on their website.
- Allow school districts to disqualify a low bidder for a school construction project based on prior negative experience on SDA-funded projects.
- Add an in-house office within SDA to work in conjunction with the Department of Labor to ensure compliance with prevailing wage, wage and hour, and workplace safety requirements, and to ensure that contractors with severe recent workplace safety and wage and hour violations don't qualify for SDA prequalification.
- Allow SDA to address emergent safety condition construction projects more nimbly by deploying contractors from its prequalified contractor pool to quickly address the emergent project; and
- Specify that demolition and site work should not be contracted separately from the rest of a school construction contract.

Beyond these suggestions, which we developed before the sponsor introduced his bill, we also have significant concerns about the bill's expansion of the number of entities eligible to undertake school construction projects to municipal redevelopment agencies, County Improvement Authorities, and public-private partnerships. We have worked hard over the decades to ensure that public bidding processes are fair and free from undue influence. Any delegation of the fiduciary responsibility for use of school funds must be accountable to these existing bidding laws and protections. We're concerned that this bill's expansion of school construction authority to these additional entities, each of them with different sets of rules regarding public bidding and the application of prevailing wage, will create significant confusion and lead to an even more uneven playing field for school construction contractors. Centralizing more of the procurement under SDA, under much more rigorous prequalification and project delivery evaluation procedures and allowing other districts to piggyback off of that robust vetting framework, should further streamline the process of school construction in this state, and it would make it much easier for the legislature to continue exercising rigorous oversight of the public funds expended for that purpose.

Thank you for the opportunity to speak. We look forward to working with the sponsor and this Committee on this important bill.

NJEA Assembly Education Committee Testimony
Mike Flynn, NJEA Government Relations, Associate Director
Monday, October 17, 2022

NJEA position on A4496 (Coughlin, Lampitt)

NJEA appreciates the efforts of the Speaker and Education Chair to strengthen the program to build healthy and modern schools in New Jersey. We know that over the course of the SDA in its many iterations it has had its struggles and successes, and that there is always room for improvement. Our observation right now, however, is that the SDA is working as well as it ever has with careful selection of sites, efficient construction and successful opening of schools.

NJEA has reviewed A4496, which contains many significant shifts in SDA form and function. While some are not within our wheelhouse of expertise, we do have at this moment some immediate concerns we want to raise.

1. Legislative approval of projects – requiring legislative approval of SDA projects moves an objective analysis into a more political decision-making process that could alter the long-standing prioritization of construction based on seats needed. While there are other criteria that enter the consideration (community support, land available, etc), it is not clear why we would want to have the Legislature potentially override a set of priorities set forth by clearly established standards. In addition, we would add that the SDA has been receptive to conversations about priorities and rationale. So, we would prefer to see perhaps required hearings on the priority list to take input rather than a Legislative approval.
2. We have concerns about the language that would fund construction of Charter and Renaissance schools in SDA districts.
 - a. Our first concern is how Charter and Renaissance schools would be prioritized. The basis for deciding construction priorities has been the overcrowding of

schools. In traditional public schools, overcrowding is easily calculated and determined. We are not sure how that would manifest in Charter and Renaissance schools since they have wait lists that cannot be verified.

b. Second, funding for this construction cannot come from the already insufficient funds to address traditional public school needs in SDA districts, districts which have some of the oldest schools in the state.

c. Charters and Renaissance Schools have flexibility not granted to traditional public schools in part to allow for funding sources that traditional public schools cannot access. By bringing them into the SDA portfolio, it allows them increase access without balancing that for the traditional public schools

Ultimately, it was not the intent when Charter and Renaissance schools were created to provide them access to state funding. The SDA and its predecessors (and their funding) were required and authorized by our Supreme Court as part of the remedies in *Abbott v. Burke*. Those funds are to be allocated to traditional public schools in the SDA districts covered by Abbott. The court did *not* include non-traditional schools and facilities in its orders and rulings.

It is worth noting that the construction of Renaissance Schools is supposed to be covered by the nonprofit proposing the project:

18A:36C-7(b) The costs of a renaissance school project including, but not limited to, the costs of land acquisition, site remediation, site development, design, construction, and any other costs required to place into service the school facility or facilities constituting the renaissance school project shall be at the sole expense of the nonprofit entity. The nonprofit entity may use State funds to pay for a lease, debt service, or mortgage for any facility constructed or otherwise acquired.

And while we acknowledge that Charter and Renaissance schools would gladly utilize state funds, in the current structures we cannot support opening the already limited funding expanding to cover these additional schools

3. The bill creates three Model School Designs for Elementary, Middle and High Schools. One size fits all doesn't work as SDA districts focus primarily on urban districts where site locations are difficult to adhere to cookie cutter approach. This one size fits all approach doesn't take into consideration the individual needs and puts into statute something that may need to change over time to fit shifting needs.

4. The bill allows for outside construction management service to oversee entire project. This will create confusion and bring in too many government agencies to oversee the outside construction management. In an attempt to streamline, it will create more bureaucracy.

5.

SDA already has the capacity and expertise to manage construction projects. Additional layers of oversight will add to costs and bureaucracy.

The bill states projects must be approved by the Legislature instead of SDA. The bill doesn't specify how this works. Will it be in the yearly budget or through separate legislation? The Legislature created a separate government agency to free it of undue political influences. Putting it back into the legislative process allows for political influences.

There is already a strategic planning process that requires SDA and DOE to review and evaluate districts needs and requirements based on data. Legislative involvement is superfluous, distracting, and unnecessary.

The bill states cost overruns must be approved by the Legislature. What if the Legislature doesn't approve the overruns, what about input from the DOE? Since district aid is at stake, NJDOE will have a say, thus causing delays and bureaucracy. Cost overruns are typically a construction management issue that is sufficiently handled by SDA and contractors.

Over the maximum final costs must approved by Legislature. Review of appropriate costs, project changes, and total costs are adequately handled by experienced and knowledgeable SDA staffers.

The bill states that any updated strategic plan must be sent to the Legislature. What of current funding that has already been provided for current strategic plan? What if the Legislature doesn't approve it or stalls it? Once again, we believe the SDA, with its historical knowledge, experience, and expertise, is best situated to evaluate district needs and requirements for developing strategic plans.

We do support ending the process of voter approval for projects. This will allow for less political interference in needy projects. This is best achieved through a separate bill.



NJSBA Statement

A-4496 (Coughlin / Lampitt)

Revises various provisions of law governing construction of school facilities projects and operations of New Jersey Schools Development Authority.

Assembly Education Committee

October 17, 2022

The New Jersey School Boards Association, a federation of all the state's local boards of education, appreciates the opportunity to provide feedback on A-4496. Thank you for discussing this bill and providing a forum for NJSBA and our colleagues across the P-12 education community to testify on one of New Jersey's defining education policy questions: how to ensure that all students have access to safe, modern school facilities equipped to deliver programs and services that meet our students' diverse needs.

It is a fitting time to examine our school facilities funding system. In this year's budget, the Legislature and the Murphy Administration made the largest investment in school construction in well over a decade, empowering the NJ Schools Development Authority (SDA) and NJ Department of Education (NJDOE) to administer nearly \$2 billion for school facilities projects, emergent needs, and capital maintenance. This year has also seen record costs to taxpayers to support local school facility needs; earlier this month, voters in Cherry Hill approved a \$363 million bond referendum, New Jersey's largest in at least a decade. As the State and local communities ramp up their investments in school facility needs, the NJSBA welcomes this opportunity to consider whether the current statutes governing school construction could be improved to better ensure equitable and efficient distribution of resources.

This work should build on the progress the SDA has already achieved delivering new or renovated school facilities to aid student learning in some of our neediest districts. We appreciate, for example, that despite the Authority being at its lowest staffing level in almost 20 years, and through the height of the COVID-19 pandemic, since 2019 it has opened 9 new schools and completed 3 major additions, resulting in 1.6 million square feet of new construction impacting more than 10,000 students. And just last month, the SDA's Board of Directors approved 16 additional projects that will reduce overcrowding and other facility deficiencies in 13 SDA districts. We thank the Legislature, the Governor, the SDA, and the NJDOE for their efforts that made this progress addressing critical school facility needs possible.

While we appreciate the Committee's discussion of A-4496 to advance that progress, we believe that, in its current form, the bill raises several questions and concerns that should be addressed if the bill continues to move through the legislative process. We have also raised these matters with Speaker Coughlin's office; we thank the Speaker and his staff for their openness and look forward to continuing these important conversations.

Our concerns are as follows:

- The bill would require a school facility project to be authorized by the Legislature before a school district submits the application to the NJDOE and before the SDA begins construction. This raises at least two concerns. First, subjecting school facility projects to legislative approval requirements risks politicizing and further delaying the project approval process. Given recent increases in inflation and interest rates, any unnecessary delays risk significantly increasing the cost of the project. Second, the sequence of events for project development and approval envisioned by the bill is unclear. It is not clear, for example, whether a school district would be required to submit a project application to the Legislature in order to receive the authorization required to then submit to the NJDOE, and if so, what that project application would look like.
- The bill would require SDA, in consultation with NJDOE, to develop three model school designs per grade band. SDA district facilities would be required, and Regular Operating District facilities would be incentivized, to conform to one of those model designs with some exceptions. Three model school designs per grade band may not accommodate the considerable variety of community circumstances and district needs that may influence school design. NJDOE regulations already impose specific planning and construction standards for school facilities, see e.g. *N.J.A.C. 6A:26-6*, such as ceiling heights for classrooms and hallways, minimum widths for entrance and exits, requirements that preschool classrooms be no higher than the second floor and have a minimum square footage of usable space, and requirements for incorporating environmental sustainability standards. NJDOE regulations also allow exceptions from these standards upon finding that compliance would result in “practical difficulty to the school district” and that the exception would not “jeopardize the health, safety, and welfare” of the school community. These current requirements are sufficient to ensure the safe and prudent use of school facilities, while building in adequate flexibility to accommodate unique district needs.
- The bill would require all school facility projects in Regular Operating Districts to be overseen by a construction management service provider. While the NJSBA recognizes the value of the oversight, coordination, and expertise that these entities can provide districts for relatively large and complicated projects, to require their oversight of all projects – even small projects well within a district’s capacity and expertise to oversee – is overly restrictive, and may unnecessarily subject districts to burdensome and time-consuming contracting processes.
- The bill would prohibit SDA from paying for remediation of a brownfield site. At this time, it is not clear whether existing funding sources can sufficiently supplant SDA’s role providing for site remediation, raising concern that this provision could further limit facility site options for already land-strapped districts.

- The bill would allow school districts to issue bonds to finance school facilities projects without voter approval if the district secures an agreement with a municipality to use at least 60% of PILOT revenues from one or more designated properties to repay the bonds. The NJDOE would have to approve the arrangement. While the NJSBA generally supports additional flexibilities around how districts can finance the local share of school facility projects, the bill does not ensure that the PILOT revenues received will cover a meaningful portion of the debt service, leaving it possible for districts to bypass approval by voters while still saddling them with significant costs. The considerable variety across the state in percentage of property taxes that goes to schools may also make the 60% target more palatable in some communities than others. For example, according to the New Jersey Department of Community Affairs' 2021 property tax data, the average municipality's school levy represented about 53% of its total levy. For 85 municipalities, the figure was less than 40%; for 103 municipalities, it was greater than 65%.
- The bill's provisions for public financing of facility projects for charter schools in SDA districts appear to create a separate process for reviewing and ranking charter facility project applications compared to traditional district applications. For example, the bill states that SDA would establish educational priority rankings for charter school projects based on criteria and methodology determined by the SDA. Under current law, for traditional districts, the NJDOE is responsible for such ranking in consultation with SDA. We appreciate the bill's provisions designed to address the numerous complexities that would be associated with publicly funding charter school facility projects, such as the uncertainties created by the prospect of revocation or nonrenewal of a charter, but further review is necessary to determine whether those provisions are sufficient. Setting aside the complexities, if charter school facility projects do become eligible for funding, the application process should mirror that for traditional districts to the greatest extent practical.
- The bill would make various changes to how SDA is funded and run. While the NJSBA cannot claim expertise on the inner workings and financing of the SDA, these shifts raise concern that any friction during the transition period could impede SDA's core functions to the detriment of the districts and students they serve.
- The bill would require each district to submit school-level capital improvement plans, for each school in the district, that contain the same enrollment projections, building capacity, health and safety condition information, and school facility needs as is currently required for district-level long-range facility plans. Given that the current LRFP revision process can be highly time- and labor-intensive, to add significantly more data to these plans without additional time or supports for district could be unduly burdensome.
- The bill would enumerate specific types of projects that must be prioritized in the SDA's next statewide strategic plan, such as projects replacing school facilities that are 50 or more years old. It is not clear that the priority project categories created by this bill are

more urgent than the projects that receive priority under the current ranking system, which considers a greater variety of local conditions and circumstances, such as overcrowding in different grade levels, spaces necessary to provide in-district programs and services for students with disabilities, and health and safety projects.

Thank you for your time and discussion of these important topics. We look forward to continuing to work with Speaker Coughlin, Assemblywoman Lampitt, and other stakeholders to help ensure that any major revisions to the school construction statutes center the education facility needs of all students and districts around the State, and further empower the State to swiftly and efficiently deliver high quality schools. If you have any questions or concerns, please feel free to contact Jesse Young, NJSBA Legislative Advocate, at jyoung@njsba.org or 609-940-1691.

A TALE OF TWO SCHOOLS



Cleveland Street School, Orange, NJ.
Built between 1894-1898. 289 students. K-7.



Washington School, West Orange, NJ.
Built in 1895. 396 students. K-5.

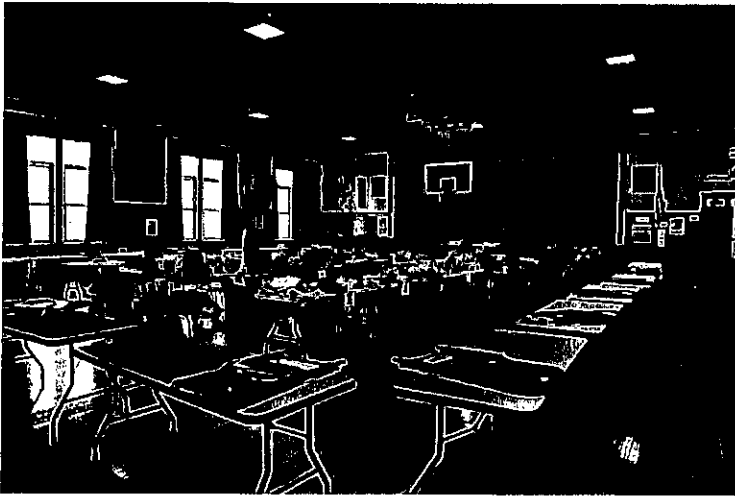


Separated by less than a mile, but worlds apart.

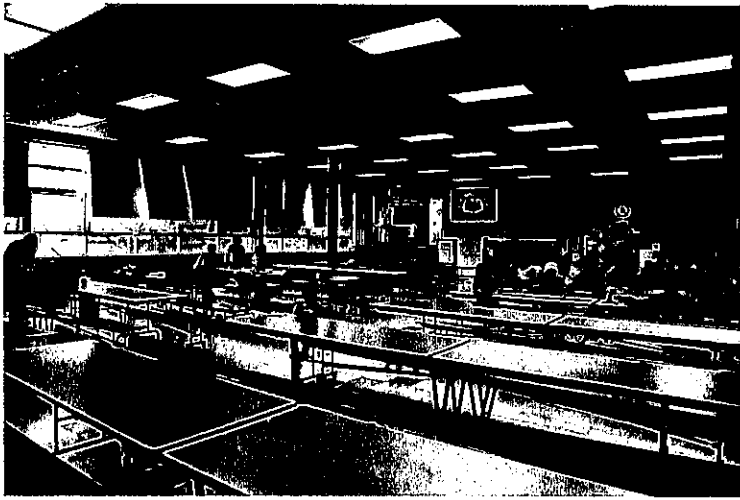


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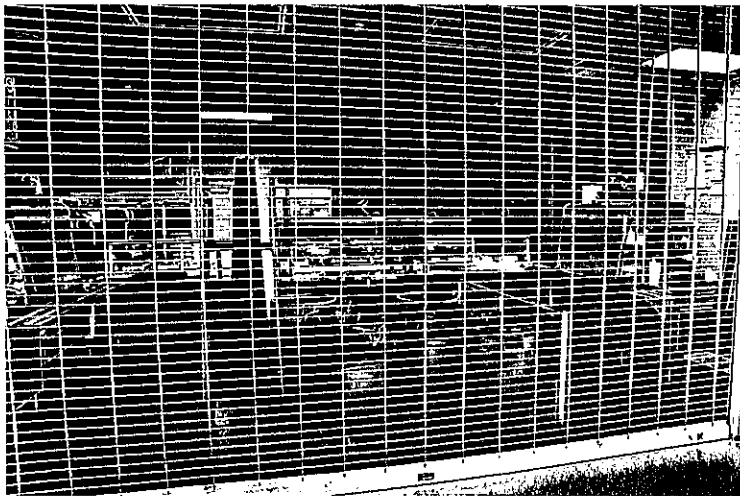
Washington School, West Orange, NJ.



Gymnasium and auditorium with stage. On this day it's being set up for a community yard sale.



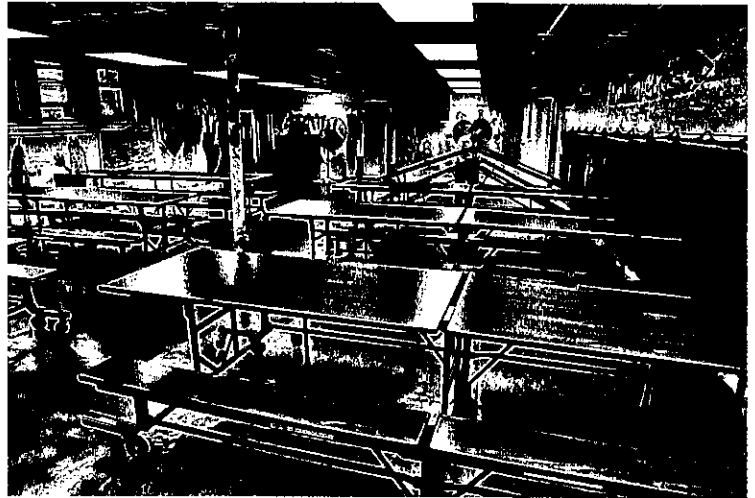
The wing of the building constructed in 2005 holds a state-of-the-art lunch room that features a spacious area for students to line up for their food. There are only three seatings a day.



Cleveland Street School, Orange, NJ.



The gymnasium is a small room in the basement. It's also the cafeteria and all-purpose room for the entire student population.



Students line up in the basement hallway to get their lunch. There are four lunch seatings per day. This area routinely floods in bad weather and also serves as the only cold storage and prep area for the lunchroom staff.



Washington School, West Orange, NJ.



The school's charming original details are cherished, modernized and preserved.



Cleveland Street School, Orange, NJ.



The only stairway leading to the busy lunch serving hall has just one hand rail.

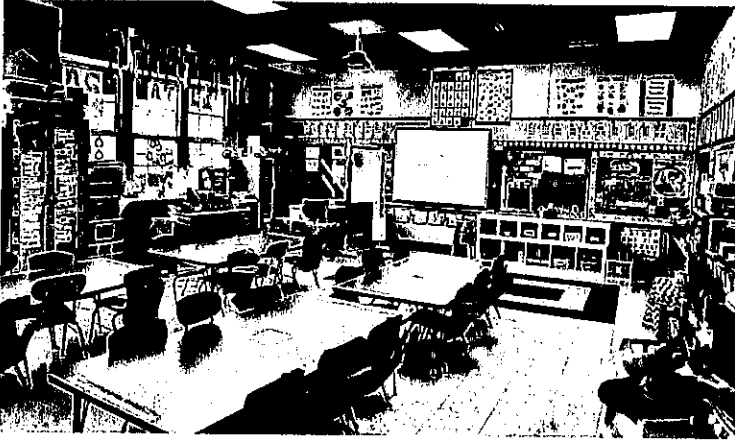


The dish room is in a small closet and is plagued by a leaking ceiling. The only oven is housed in an even smaller closet.



The cafeteria/gymnasium is poorly ventilated and excessively warm.

Washington School, West Orange, NJ.



Classrooms are safe and in beautiful condition.



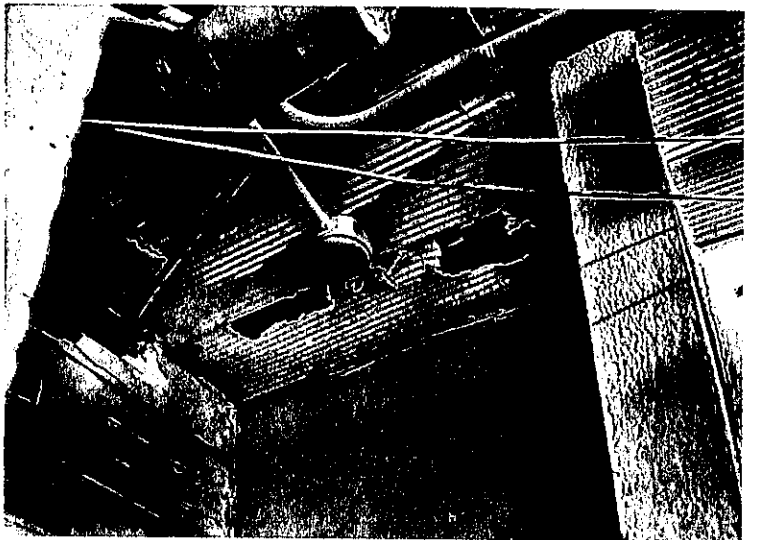
Cleveland Street School, Orange, NJ.



An in-use classroom is right next to a utility sink area that often smells.



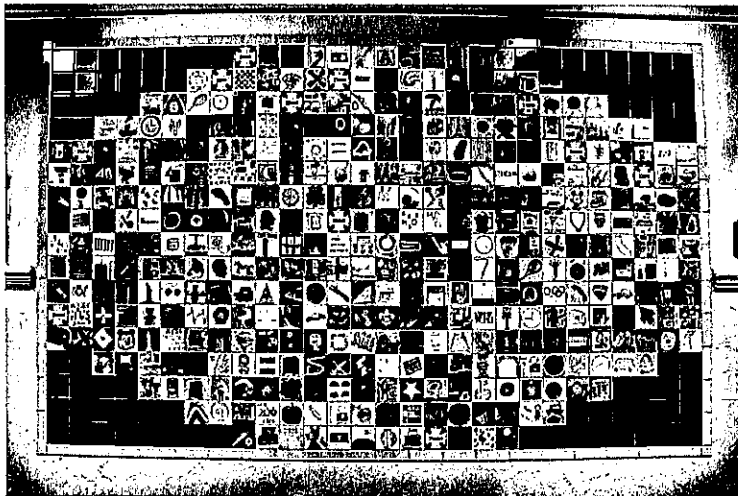
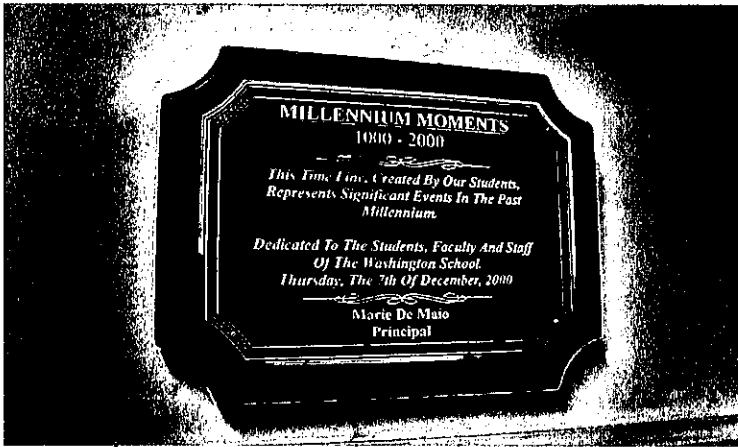
Classrooms are plagued with the effects of the school's deteriorating condition. Children's coats hang just below a problem area in the ceiling.



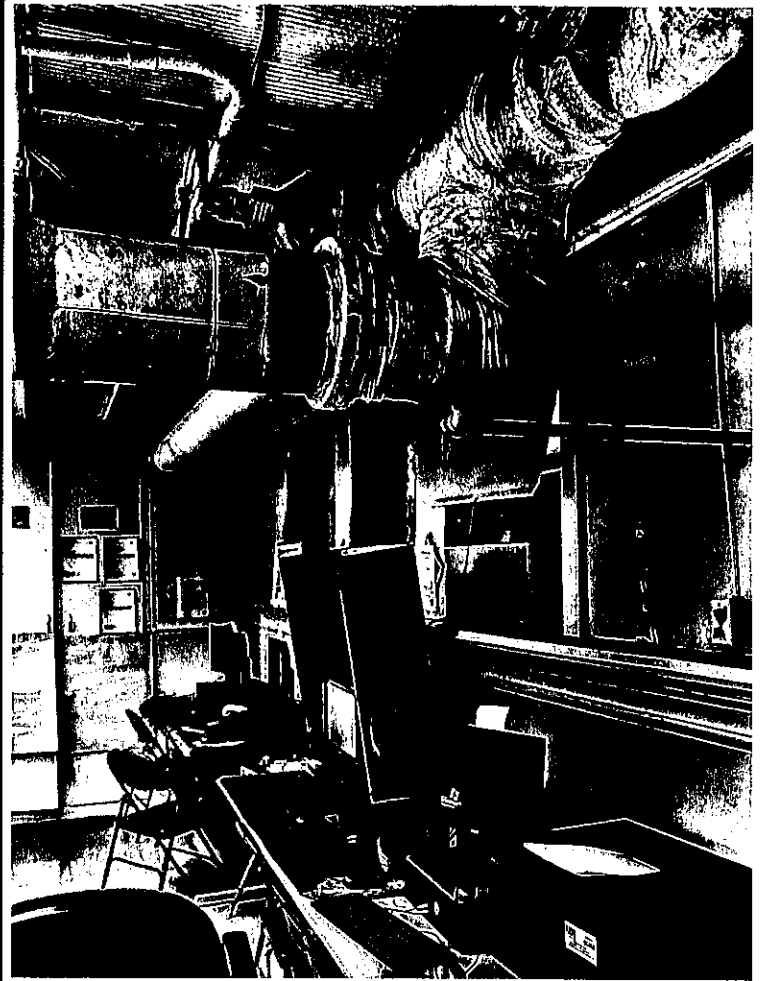
Washington School, West Orange, NJ.



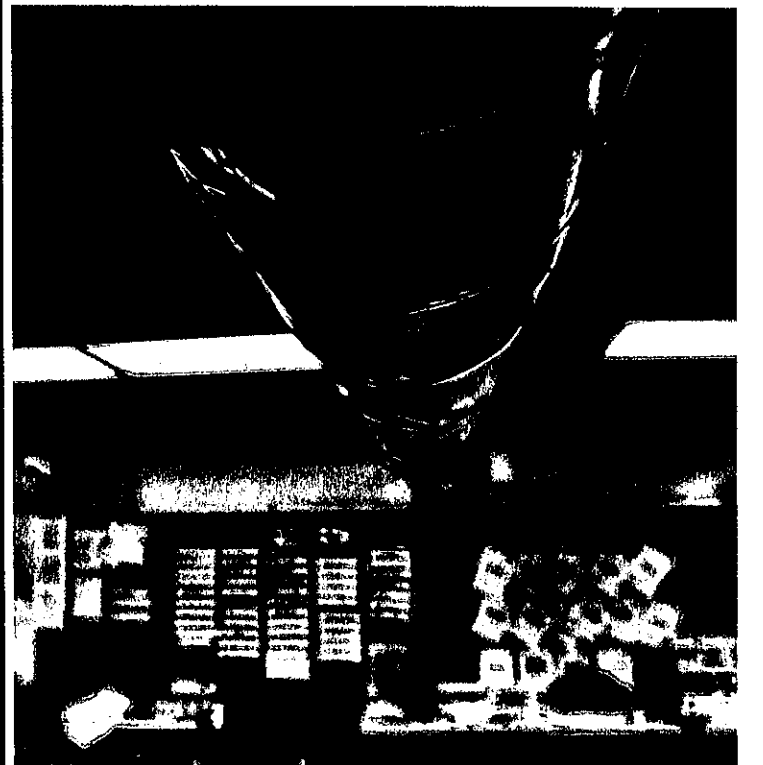
School improvements include modernizing existing details. A school-wide millennium project installed a tile mural on the wall. Every student contributed a tile to this permanent installation.



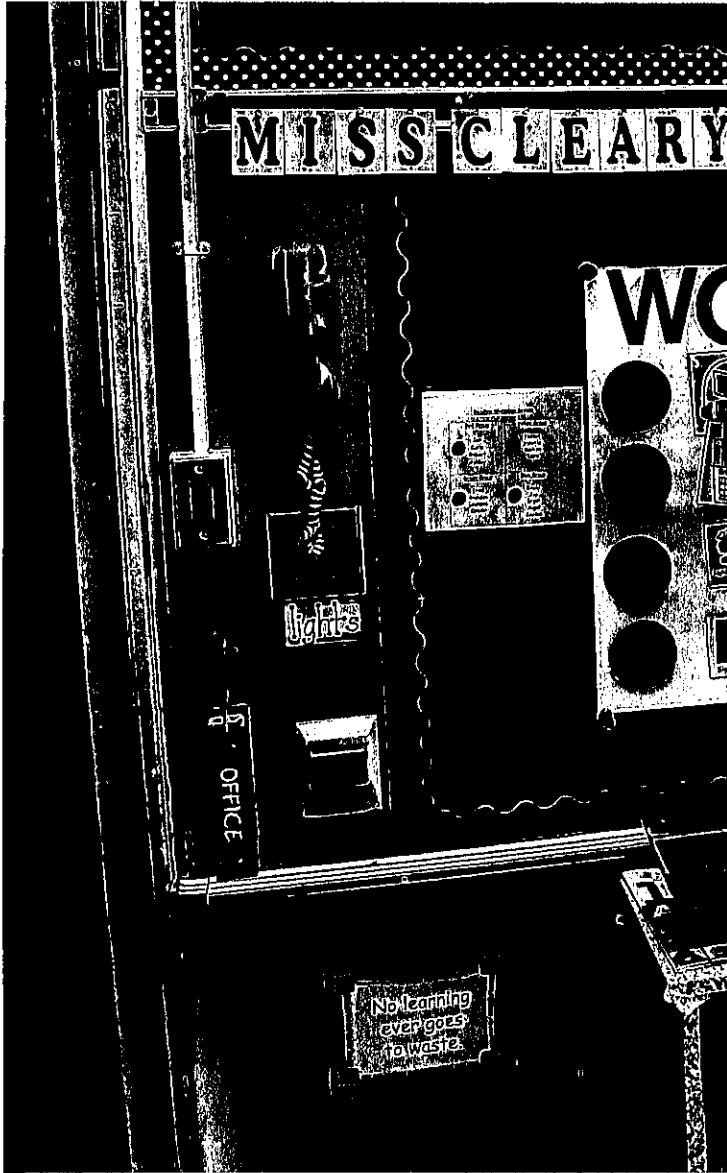
Cleveland Street School, Orange, NJ.



An in-use classroom.



Washington School, West Orange, NJ.



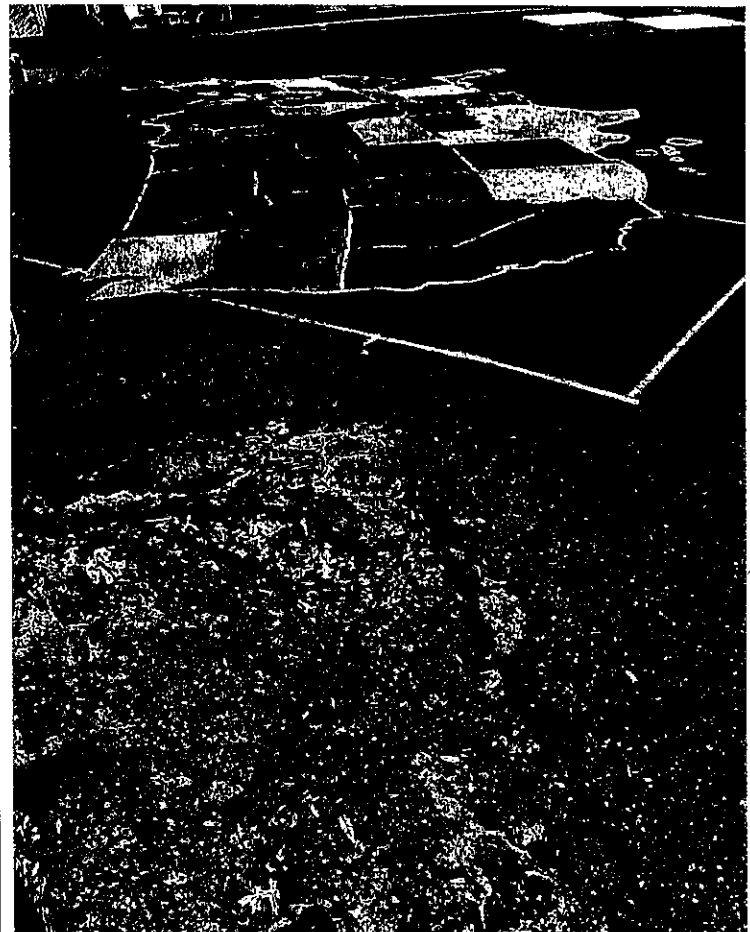
Well-equipped classrooms feature smart boards and working thermostats.



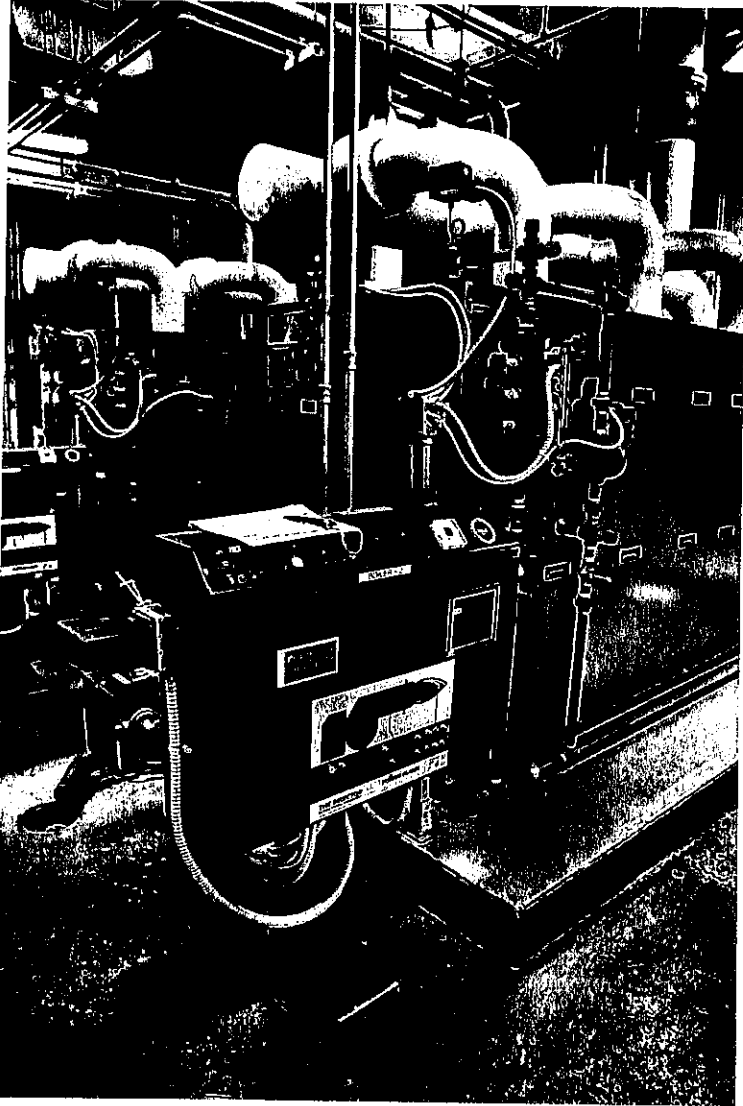
Cleveland Street School, Orange, NJ.



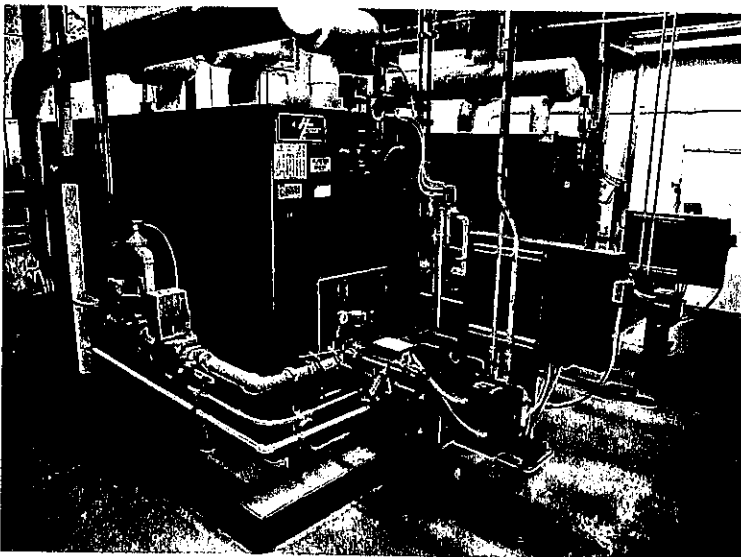
The steps to the main entrance are crumbling.
The outdoor play area regularly floods.



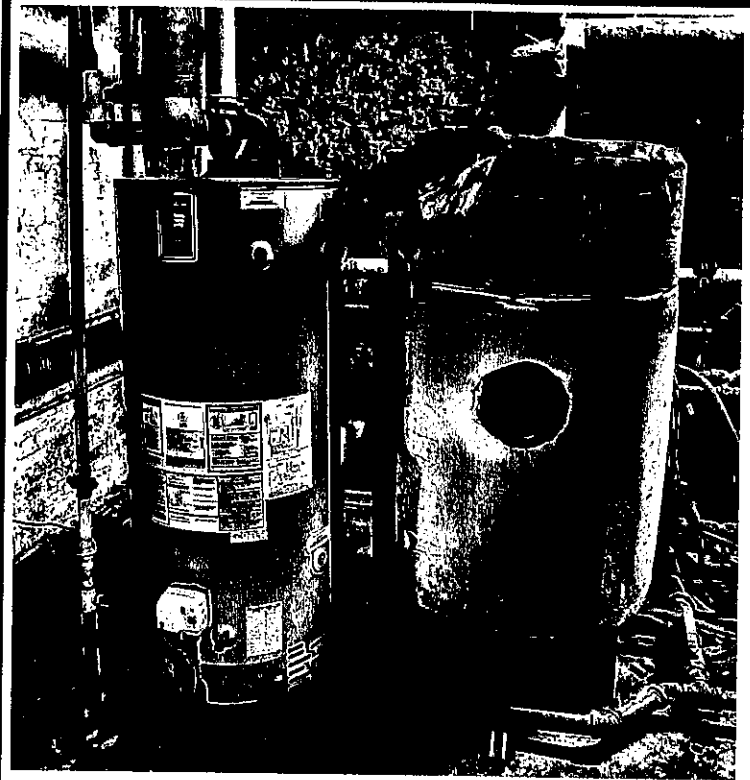
Washington School, West Orange, NJ.



The boiler at Washington School was upgraded last year.



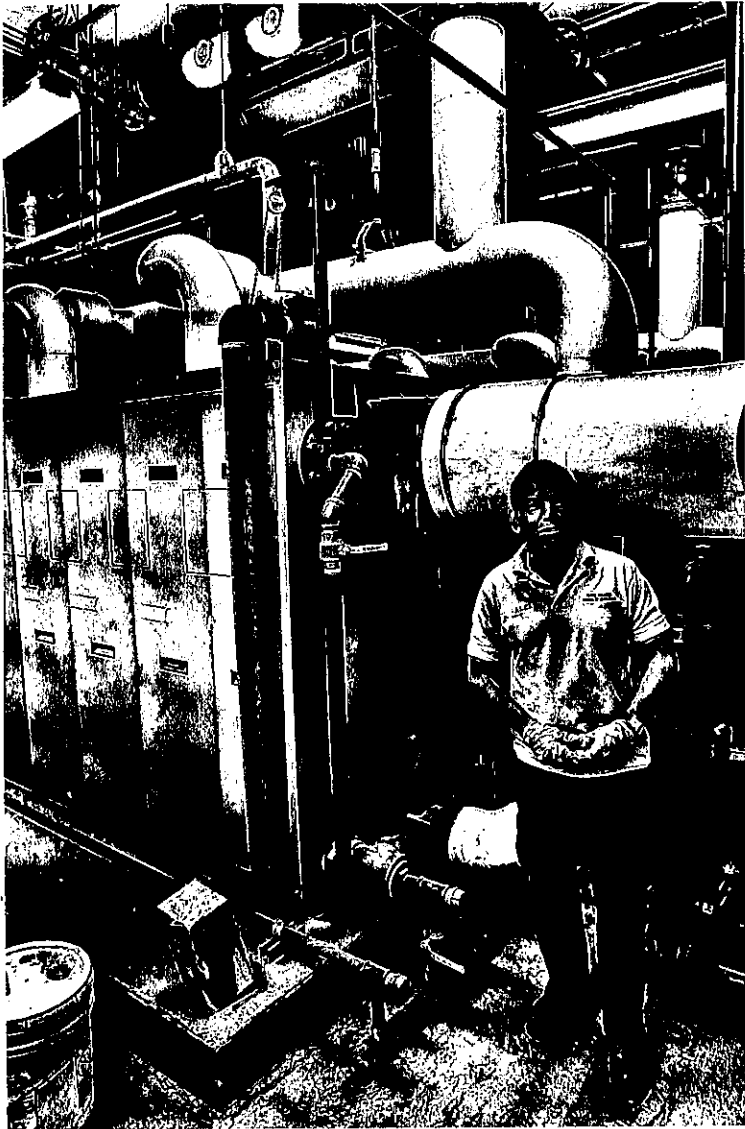
Cleveland Street School, Orange, NJ.



The boiler room in Cleveland School has a new water heater but the old one is still there.

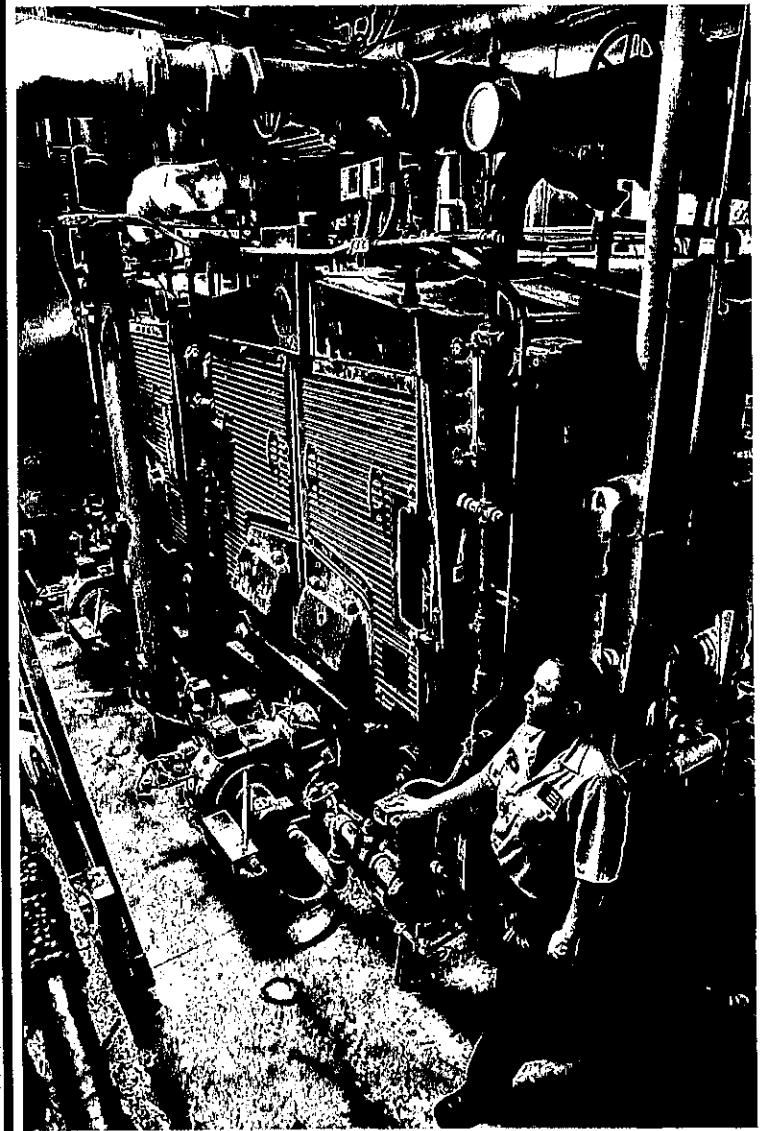


Washington School, West Orange, NJ.



Alex

Cleveland Street School, Orange, NJ.



Leticia

WHAT THEY BOTH SHARE...

is a dedicated, hardworking staff that will do whatever is within their power to keep the students healthy and safe. Isn't it time they both had the resources they need?



The photos of Cleveland School are free and available for use:
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For further inquiries please email:

