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**PUBLIC HEARING**

before

**SENATE EDUCATION COMMITTEE AND ASSEMBLY EDUCATION COMMITTEE**

on

**SENATE BILLS 2355, 2356 and ASSEMBLY BILLS 2926, 2927**

**(Establishment and governance of State-operated school districts)**

October 7, 1986  
Rutgers University  
Camden, New Jersey

**MEMBERS OF COMMITTEES PRESENT:**

**Senate Education Committee**

Senator Daniel J. Dalton, Vice Chairman  
Senator John H. Ewing

**Assembly Education Committee**

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

**ALSO PRESENT:**

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


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

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



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

  
New Jersey State Legislature  
SENATE EDUCATION COMMITTEE  
ASSEMBLY EDUCATION COMMITTEE  
STATE HOUSE ANNEX, CN-068  
TRENTON, NEW JERSEY 08625  
TELEPHONE: (609) 984-6843

JOSEPH A. PALAIA  
Chairman  
FRANK J. GARGIULO  
Vice-Chairman  
JOHN C. BENNETT  
MILDRED BARRY GARVIN  
GERARD S. NAPLES

September 3, 1986

REVISED  
NOTICE OF PUBLIC HEARINGS

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

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

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

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

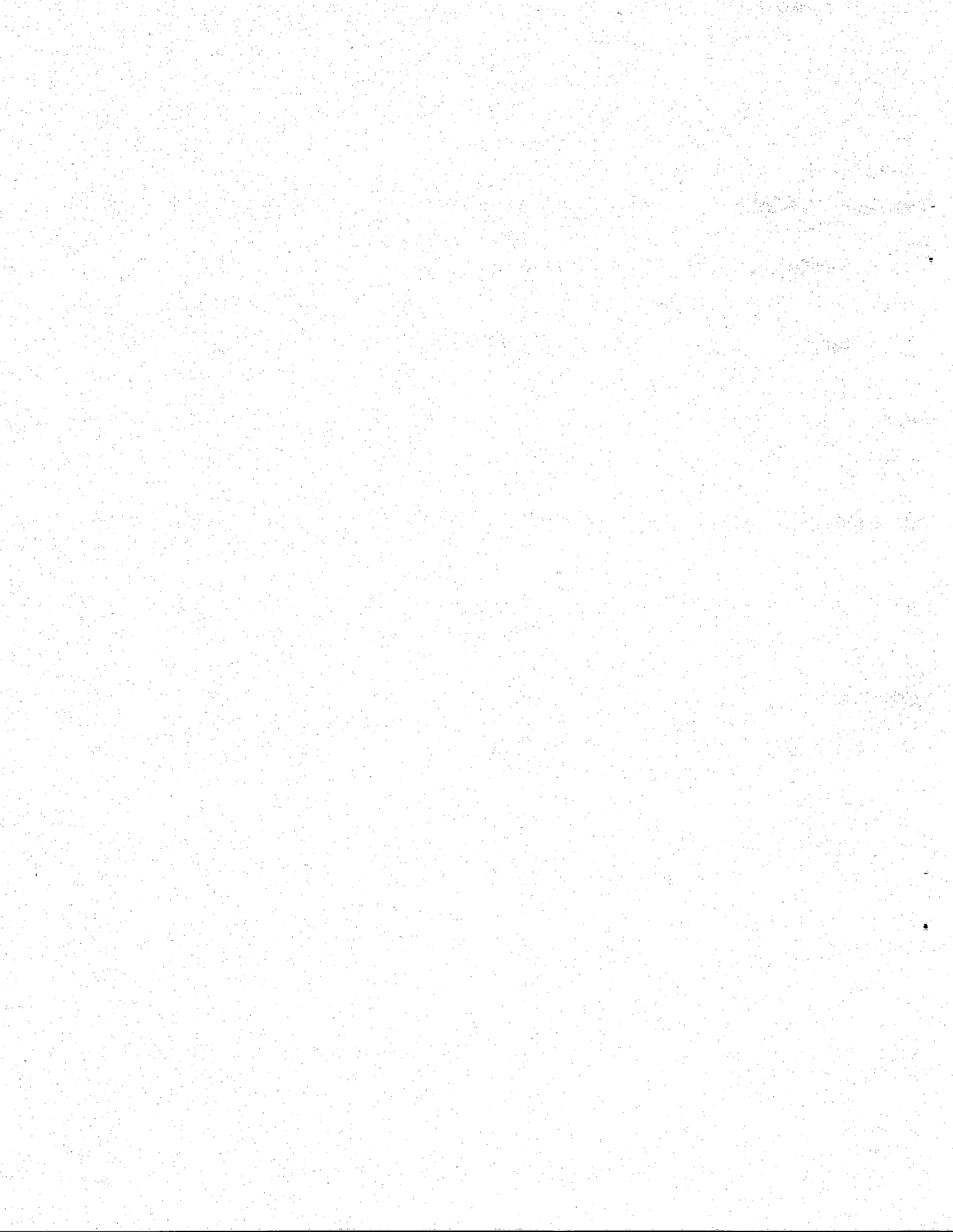
Tuesday, October 14 at 1:30 p.m. in the Council Chambers, City Hall, 280 Grove Street, Jersey City.

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

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

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

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



STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1986

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

Referred to Committee on Education

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

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

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

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

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

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

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

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

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

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

6 school district has failed to show sufficient progress toward the  
7 goals, guidelines, objectives and standards, including the State  
8 goal and any local interim goal concerning pupil proficiency in  
9 basic communications and computational skills, established in and  
10 pursuant to this act, [he] the commissioner shall advise the local  
11 board of education of such determination, and shall direct that [a  
12 remedial] *an improvement plan* be prepared and submitted to  
13 [him] the commissioner for approval. *The improvement plan shall*  
14 *be based upon the school district's own internal review and assess-*  
15 *ment of those remedial activities necessary to correct those de-*  
16 *ficiencies noted in the evaluations and reports.* If the commissioner  
17 approves the plan, [he] the commissioner shall assure its imple-  
18 mentation in a timely and effective manner. If the commissioner  
19 finds that the [remedial] improvement plan [prepared by the  
20 local board of education] *based upon the internal review process*  
21 *is insufficient [he] or unsuccessful in correcting the deficiencies*  
22 *noted in the evaluation process, the commissioner shall designate*  
23 *the county superintendent to appoint a review team which shall,*  
24 *in conjunction with the Department of Education, examine the*  
25 *district's areas of deficiencies and prepare directives to be utilized*  
26 *by the district in the preparation of a corrective action plan to*  
27 *achieve certification. The entire cost of those activities associated*  
28 *with the review committee shall be assessed by the commissioner*  
29 *against the district and shall be deducted from the district's ap-*  
30 *portionment of State aid. If the commissioner finds, based upon*  
31 *the findings and directives of the review team and the Department*  
32 *of Education, that conditions within the district may preclude the*  
33 *successful implementation of the corrective action plan or that*  
34 *the district has failed to make reasonable progress in the imple-*  
35 *mentation of the corrective action plan to achieve certification, the*  
36 *commissioner shall direct that a comprehensive compliance inves-*  
37 *tigation be conducted by the Department of Education which in-*  
38 *vestigation shall result in a recommended administrative order.*  
39 *When the recommended administrative order is approved by the*  
40 *commissioner, the commissioner shall order the local board to*  
41 *show cause why the [corrective actions provided in] administra-*  
42 *tive order, subject to the provisions of section 15 of this act and*  
43 *section 1 of P. L. , c. (now pending before the Legislature*  
44 *as Senate Bill No. 2356 of 1986 or Assembly Bill No. 2927 of 1986),*  
45 *should not be [utilized] implemented. The plenary hearing upon*  
46 *said order to show cause shall be conducted in the manner pre-*  
47 *scribed by subdivision B of article 2 of chapter 6 of Title 18A of*

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

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

3 15. If, after a plenary hearing, the commissioner determines that  
 4 it is necessary to take corrective action *as provided in the recom-*  
 5 *mended administrative order, [he] the commissioner shall [have*  
 6 *the power to] order necessary budgetary changes within the*  
 7 *school district[, to order in-service training programs for teachers*  
 8 *and other school personnel,] or [both] such other measures as*  
 9 *he or she deems appropriate with the exception of the creation of*  
 10 *a State-operated school district. If [he] the commissioner deter-*  
 11 *mines that [such corrective actions are insufficient, he] the dis-*  
 12 *trict has failed to correct the deficiencies outlined in the adminis-*  
 13 *trative order, the commissioner shall [have the power to] recom-*  
 14 *mend to the State board that it [take appropriate action. The*  
 15 *State board, on determining that the school district is not pro-*  
 16 *viding a thorough and efficient education, notwithstanding any*  
 17 *other provision of law to the contrary, shall have the power to*  
 18 *issue an administrative order specifying a remedial plan to the*  
 19 *local board of education, which plan may include budgetary changes*  
 20 *or other measures the State board determines to be appropriate.]*  
 21 *issue an administrative order creating a State-operated school*  
 22 *district. Notwithstanding any other provision of law to the con-*  
 23 *trary and upon its determining that the school district is not pro-*  
 24 *viding a thorough and efficient system of education, the State*  
 25 *board may direct the removal of the district board of education*  
 26 *and the creation of a State-operated school district whose functions,*  
 27 *funding and authority are defined in P. L. . . . , c. . . . (now pend-*  
 28 *ing before the Legislature as Senate Bill No. 2356 of 1986 or*  
 29 *Assembly Bill No. 2927 of 1986). Nothing herein shall limit the*  
 30 *right of any party to appeal the commissioner's administrative*  
 31 *order to the State board or the State board's order to the Superior*  
 32 *Court.*

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

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

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

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#### STATEMENT

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

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

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#### EDUCATION—GENERAL

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

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STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1986

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

Referred to Committee on Education

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

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

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

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

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

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

**Matter printed in italics thus is new matter.**

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

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

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

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

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

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

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

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

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

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

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

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

3

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

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

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

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

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

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

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

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

1 7. (New section) There shall be established within a State-op-  
2 erated school district an internal audit team which shall monitor  
3 the business functions of the district and report its findings to the  
4 State district superintendent and the commissioner. The cost of  
5 providing this internal audit function shall be borne by the dis-  
6 trict.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 may, by administrative order pursuant to its authority under sec-  
5 tion 15 of P. L. 1975, c. 212 (C. 18A:7A-15) create a State-operated  
6 school district.

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

2 The schools of each school district, shall be conducted, by and  
3 under the supervision of a board of education, which shall be a  
4 body corporate and which shall be constituted and governed, as  
5 provided by this title, for a type I, type II or regional school dis-  
6 trict, as the case may be, but the State board pursuant to an ad-  
7 ministrative order issued by authority of section 15 of P. L. 1975,  
8 c. 212 (C. 18:A:7A-15) may create a State-operated school district  
9 which shall be conducted by a State district superintendent.

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

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#### STATEMENT

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

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

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

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#### EDUCATION — GENERAL

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

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**ASSEMBLY, No. 2926**  
**STATE OF NEW JERSEY**

INTRODUCED JUNE 30, 1986

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

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

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

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

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

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

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

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

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

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

3 14. The commissioner shall review the results of the evaluations  
4 conducted and reports submitted pursuant to sections 10 and 11 of  
5 this act. If the commissioner shall find that [a school or] a school  
6 district has failed to show sufficient progress toward the goals,  
7 guidelines, objectives and standards, including the State goal and  
8 any local interim goal concerning pupil proficiency in basic com-  
9 munications and computational skills, established in and pursuant  
10 to this act, [he] *the commissioner* shall advise the local board of  
11 education of such determination, and shall direct that [a remedial]  
12 *an improvement* plan be prepared and submitted to [him] *the*  
13 *commissioner* for approval. *The improvement plan shall be based*  
14 *upon the school district's own internal review and assessment of*  
14A *those remedial activities necessary to correct those deficiencies*  
15 *noted in the evaluations and reports.* If the commissioner approves  
16 the plan, [he] *the commissioner* shall assure its implementation  
17 in a timely and effective manner. If the commissioner finds that the  
18 [remedial] *improvement* plan [prepared by the local board of  
19 education] *based upon the internal review process is insufficient*,  
20 *he*] *or unsuccessful in correcting the deficiencies noted in the evalu-*  
21 *ation process, the commissioner shall designate the county super-*  
22 *intendent to appoint a review team which shall, in conjunction with*  
23 *the Department of Education, examine the district's areas of de-*  
24 *ficiencies and prepare directives to be utilized by the district in the*  
25 *preparation of a corrective action plan to achieve certification. The*  
26 *entire cost of those activities associated with the review committee*  
27 *shall be assessed by the commissioner against the district and shall*  
28 *be deducted from the district's apportionment of State aid. If the*  
29 *commissioner finds, based upon the findings and directives of the*  
30 *review team and the Department of Education, that conditions*  
31 *within the district may preclude the successful implementation of*  
32 *the corrective action plan or that the district has failed to make*  
33 *reasonable progress in the implementation of the corrective action*  
34 *plan to achieve certification, the commissioner shall direct that a*  
35 *comprehensive compliance investigation be conducted by the De-*  
36 *partment of Education which investigation shall result in a rec-*  
37 *ommended administrative order. When the recommended adminis-*  
38 *trative order is approved by the commissioner, the commissioner*  
39 *shall order the local board to show cause why the [corrective ac-*  
40 *tions provided in] administrative order, subject to the provisions*  
41 *of section 15 of this act and section 1 of P. L. , c. (now*  
42 *pending before the Legislature as Assembly Bill No. 2927 of 1986*  
43 *or Senate Bill No. 2356 of 1986), should not be [utilized] imple-*  
44 *mented. The plenary hearing upon said order to show cause shall*

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

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

3 15. If, after a plenary hearing, the commissioner determines  
 4 that it is necessary to take corrective action *as provided in the rec-*  
 5 *ommended administrative order, [he] the commissioner shall*  
 6 *[have the power to] order necessary budgetary changes within the*  
 7 *school district[, to order in-service training programs for teachers*  
 8 *and other school personnel,] or [both] such other measures as he*  
 9 *or she deems appropriate with the exception of the creation of a*  
 10 *State-operated school district. If [he] the commissioner deter-*  
 11 *mines that [such corrective actions are insufficient, he] the district*  
 12 *has failed to correct the deficiencies outlined in the administrative*  
 13 *order, the commissioner shall [have the power to] recommend to*  
 14 *the State board that it [take appropriate action. The State board,*  
 15 *on determining that the school district is not providing a thorough*  
 16 *and efficient education, notwithstanding any other provision of law*  
 17 *to the contrary, shall have the power to issue an administrative*  
 18 *order specifying a remedial plan to the local board of education,*  
 19 *which plan may include budgetary changes or other measures the*  
 20 *State board determines to be appropriate.] issue an administrative*  
 21 *order creating a State-operated school district. Notwithstanding*  
 22 *any other provision of law to the contrary and upon its determining*  
 23 *that the school district is not providing a thorough and efficient*  
 24 *system of education, the State board may direct the removal of*  
 25 *the district board of education and the creation of a State-operated*  
 26 *school district whose functions, funding and authority are defined*  
 27 *in P. L. , c. (now pending before the Legislature as Assem-*  
 28 *bly Bill No. 2927 of 1986 or Senate Bill No. 2356 of 1986). Nothing*  
 29 *herein shall limit the right of any party to appeal the commission-*  
 30 *er's administrative order to the State board or the State board's*  
 31 *order to the Superior Court.*

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

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

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

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#### STATEMENT

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

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

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#### EDUCATION — GENERAL

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

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STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1986

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

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

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

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

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

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

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

Matter printed in italics *thus* is new matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 created only as provided pursuant to section 15 of P. L. 1975, c. 212  
3 (C. 18A:7A-15).

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

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

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

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

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

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

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

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

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

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

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

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

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

2 School districts shall be classified as type I and type II school  
3 districts, [as provided in this chapter] *except that the State board*  
4 *may, by administrative order pursuant to its authority under sec-*  
5 *tion 15 of P. L. 1975, c. 212 (C. 18A:7A-15), create a State-operated*  
6 *school district.*

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

2 The schools of each school district shall be conducted, by and  
3 under the supervision of a board of education, which shall be a body  
4 corporate and which shall be constituted and governed, as provided  
5 by this title, for a type I, type II or regional school district, as the  
6 case may be, *but the State board pursuant to an administrative*  
7 *order issued by authority of section 15 of P. L. 1975, c. 212 (C.*  
8 *18A:7A-15) may create a State-operated school district which shall*  
9 *be conducted by a State district superintendent.*

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

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#### STATEMENT

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

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

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

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#### EDUCATION — GENERAL

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

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ASSEMBLYMAN JOSEPH A. PALAIA (Chairman): Please be seated so we may begin the hearing. We are expecting other members of the Legislature to be here. They should be arriving momentarily, but I would like to get started as soon as possible. We have a list of 28 speakers, and we would like to be able to get them all in today.

I would like to take this opportunity to welcome you to the joint hearing of the Senate and Assembly Education Committees on the proposal for State intervention in deficient school districts. This is the third of four hearings we are holding in various parts of the State. In all, the Committees will be hearing from over 150 witnesses. The testimony from our first two hearings has helped the Committees to understand the many complex issues raised by this legislation. We expect that your testimony today will further our understanding.

As you can see, we have many witnesses who wish to testify this afternoon. Before we begin, I would like to review the procedures for this hearing. Rule 140 of the General Assembly provides that each witness who is to appear at a public hearing shall file with the Committee, at least three days in advance of the hearing, a written statement of his proposed testimony. All presentations at such hearings shall be limited to a brief summary of the statement and responses to questions by the Committee, or its staff. The Chairman may, upon request, waive the requirement for advance filing of proposed testimony. We have waived the advance filing requirement, but the length of the oral presentations will be strictly limited to five minutes. If you have written testimony, it will be printed in full in the hearing transcript. If you do not have written testimony with you today, you may submit it to the Committee staff by October 14 for inclusion in the transcript.

I am going to go right to the speakers' list after I introduce the legislators who are here today. On my right is

Assemblywoman Mildred Barry Garvin, and to her immediate left is Assemblyman Frank Gargiulo. We have, as I said, other Senators and Assembly people who will be here.

I am just going to go down the list, and if some are not here, don't worry, because we will get back to those people. Is Dave Brandt, a member of the State Board of Education, here yet? (negative response) Sandy McCarroll is here, I know. Sandy, do you want to come up, please? Dr. Walter J. McCarroll, Assistant Commissioner, County and Regional Services, New Jersey Department of Education.

A S S T. C O M M. W A L T E R J. M C C A R R O L L:  
Good afternoon, and thank you very much, Assemblyman Palaia and ladies and gentlemen, for this opportunity to speak here this afternoon.

At previous hearings, representatives of the Department of Education, including the Commissioner, have explained in detail the plan that is being presented to the Legislature, characterized as New Jersey's plan to intervene in deficient school districts. So, I will not take additional time this afternoon to talk about the systematic monitoring process that ultimately leads to the takeover proposal.

I would, however, like to take this opportunity to very briefly review three specific issues that we think deserve more attention, and that have, at least in part, arisen as a result of the discussion regarding this proposal.

The first one is what is being characterized as a limited takeover. It has been suggested that the Department of Education has sufficient authority to effectively address seriously deficient school districts, and the question has been raised, why do you need this additional authority? Why not address the districts in which the current authority that you have will allow?

I would like to make four or five points that indicate the Department's position in regard to why this limited

takeover will simply not work. By limited takeover, most people mean that we would superimpose the Department of Education over local officials, over the local board of education and the administration. It raises questions such as: Who is really in charge? Where does the authority lie? The same people who failed to correct the deficiencies remain in the positions of authority and of power. The informal organization of that school district remains the same, with the same relationships, but there is confusion regarding the roles between those who are ostensibly in authority and those who are not.

There is a significant duplication of roles and effort. If State officials are in charge, what do the board and the administration do? Why are they there? There are also increased costs due to the duplication of personnel. And finally, we believe there would be a tendency, based upon the kind of analysis we have done, for local officials to wait out the State's limited intervention. The bottom line is that anything other than the authority that would give the State Department of Education control of the operation of that school district, is inefficient, confusing, and costly. Our review of the past attempts at limited takeovers indicates that they simply will not work.

The second issue is, why not remove individual school board members if, in fact, they are guilty of not addressing the problems of the school district, or of some other infractions? The answer to that, quite simply, is that the board of education is an entity. Individual board members have no authority, except that which is granted to them by the full board. Serious deficiencies in a school district-- A failure to provide a thorough and efficient system of education is the responsibility of the board of education as an entity, not of individuals on that board of education. I think it might best be said by simply indicating that the buck stops at the board level. The board of education is accountable.

Finally, the issue of how ineffective teachers will be addressed by the plan to intervene in deficient school districts. We have described in some detail to the Committee at previous hearings the vigorous assessment of building principals that is an integral component of the plan. We believe firmly that if principals are assessed properly, as they will be under the State plan, if they are given one year during which time they can shape up or be replaced, and if, in fact, the supervision and evaluation of teachers is a priority of building principals -- which it is -- then we believe that ineffective teachers will be identified, and then an effective supervisory process can be applied, initially to provide them with assistance, and secondly--

MR. THOMAS (speaking from audience): You're disturbing us. We are trying to hear the man at the podium, and you're talking. You should have done that before. (addressed to Senator Dalton and Assemblyman Palaia)

ASSEMBLYMAN PALAIA: Excuse me. Excuse me, sir. If you have any questions, if you would just direct them through the chair--

MR. THOMAS: No, sir, don't give me no discourtesy. Don't be discourteous to this man here. If you want to talk about this -- you two -- then you should have met before. Now, go ahead. You can finish.

ASSEMBLYMAN PALAIA: Excuse me. The hearing will be run from up here, not from down there.

MR. THOMAS: It is not run from up there.

ASSEMBLYMAN PALAIA: Would you just please show us a little courtesy too?

MR. THOMAS: Ask him to show us some courtesy.

ASSEMBLYMAN PALAIA: Senator Dalton just came in, and he wanted to catch up to where we were. He asked the question of where we are right now.

Excuse me, Sandy, would you continue, please?

ASST. COMM. MCCARROLL: Yes, I will. As I was indicating, we believe that through an effective assessment of building principals, we can identify teachers who are not performing properly and address their deficiencies. Initially, there will be attempts made to improve the performance of staff. Failing that, options such as the withholding of increments or, ultimately, the filing of tenure charges will be exercised by the Department. We believe that in that case we can hold both the building principals and classroom teachers accountable for their activities.

Finally, let me say that I think one of the ways to characterize our proposal to the State Legislature is that it is unfinished business, and we are asking the Legislature to help us, in fact, write the final chapter of T & E. In 1975, Chapter 212 was first adopted by the Legislature. Since then, beginning in 1977, and continuing in 1983, '84, '85, and '86, districts have been monitored. We have adopted Level II and Level III monitoring procedures. We are in the process of implementing Level III procedures in several districts throughout the State. We anticipate the need for a final step that will bring closure and write the final chapter to the T & E law in New Jersey, and we ask you for your assistance in this regard.

I will be more than willing to answer any questions, Assemblyman, if that is appropriate.

ASSEMBLYMAN PALAIA: Thank you, Dr. McCarroll. Before we get into questions, may I introduce Senator Dan Dalton, who is the Vice Chairman of the Senate Education Committee? Also, I would like to introduce Senator Walter Rand, who is from this district. Senator, we thank you for the courtesy of the use of the facilities. Sandy, before we get into-- Walt, would you like to just--

S E N A T O R W A L T E R R A N D (speaking from audience): I can speak right from here. First of all, I would

like to welcome you to Rutgers Camden Campus. I'm sure, although many of you have been here before, it is a far cry from what you have seen. We are very interested in your deliberations, and we will be very anxious to hear what conclusions you come to.

In response to Mr. Thomas, legislators always talk. That is an indication of a nasty habit.

MR. THOMAS: Senator--

SENATOR RAND: Sit down, Mr. Thomas. I listened to you when you spoke; now you listen to me when I speak.

MR. THOMAS: Don't try me.

SENATOR RAND: Just listen for a minute.

MR. THOMAS: You know better.

SENATOR RAND: So, ladies and gentlemen, we hope you will be witness to a lot of testimony, and we are delighted that you have chosen to come down to Camden to listen. Thank you very much.

ASSEMBLYMAN PALAIA: Thank you, Senator. Well said, as usual. Do we have any questions for Dr. McCarroll from the panel? Mrs. Garvin -- Assemblywoman Mildred Garvin?

ASSEMBLYWOMAN GARVIN: Dr. McCarroll, I just have one question for clarification, mostly for the people who are here. In dealing with the assessment of principals, I think it is only fair that you should share with them our plan for in-service training of the middle managers.

ASST. COMM. MCCARROLL: The State's Assessment Plan, which will be directed at the principals of the buildings in these districts that are taken over, will be conducted and implemented by a special assessment unit, people who are trained, people who have expertise in working with middle management. Part of their responsibility, in addition to evaluation and supervision of middle management staff, will be clearly to direct them and to provide them with whatever proper training opportunities are needed, in order for them to improve their performances as building principals.

ASSEMBLYWOMAN GARVIN: Thank you.

ASST. COMM. McCARROLL: You're welcome.

ASSEMBLYMAN PALAIA: Thank you, Mildred. Anybody else? Dan?

SENATOR DALTON: Assistant Commissioner, if I may ask you some technical questions relative to the legislation, what is the entity, or who is the person who monitors the State-appointed superintendent?

ASST. COMM. McCARROLL: The State district superintendent technically reports directly to the Commissioner. Since my office is responsible for implementing the monitoring system statewide, the operation, the control, the day-to-day supervision, and communication with that position will be through my office.

SENATOR DALTON: Okay, through your office then. One of the terms that is used in the legislation is "reasonable progress." Is that a subjective term, or are there standards that would be applied for the term reasonable progress?

ASST. COMM. McCARROLL: Well, the term reasonable progress was included as a part of our description of the plan because we wanted to make sure that districts were given every opportunity to achieve, you know, the basic standards that the T & E code represents. It is an objective standard to this extent: For example, if we take a district that is in the Level II process, and it has had certain deficiencies identified and it is working toward improving them, if the county superintendent finds, in his interim reporting to the Department, that it is making progress but that the time lines of the plan are coming to a conclusion, as long as it is making progress toward that standard, we extend those Level II time lines to some degree to accommodate that progress.

If it is obvious to us that the district is not making progress, that is when the Level III system would be initiated. In Level III itself, once the review of the

district is completed, the Department officials sit down with the district and identify interim standards that the district should achieve on a year-to-year basis, as it works towards certification. As long as it meets those interim standards-- For example, if a district is 15, 20, 25 points below meeting the minimum standard for the H.S.P.T., which would be 75% of the students, we might put in place -- as we did in Asbury Park -- a three-year plan that would provide interim standards of growth of 6% to 8% per year. At the end of the year, we would sit down with the district and review whether or not it had met that interim standard. So, those would be the reasonable progress bench marks that would be put in place.

It is an objective standard, but it is one that will vary from district to district, depending upon where they are, the nature of their deficiency, and using the best professional judgment of people we have in the Department, as well as people in the district.

SENATOR DALTON: So, that time standard will vary -- the time as well?

ASST. COMM. McCARROLL: It could very well vary, yes.

SENATOR DALTON: The cost of intervention -- okay? -- who pays for that cost?

ASST. COMM. McCARROLL: The proposed legislation requires that the district pay for costs that are attendant to the investigations. For example, the regular Level III review is conducted by Department staff, and there really are no costs which are passed on to the district. If it is deemed necessary, because of conditions that exist within that district that preclude it from achieving certification, to initiate a comprehensive compliance review, which means we would be bringing in an outside audit firm trained in looking at large, complex organizations, then the legislation provides that that cost is paid by the district.

SENATOR DALTON: Okay. Is there any attention paid, or is there any attempt made to assist the urban districts at all -- the more urban districts? If, in fact, an intervention plan is contemplated and implemented, the cost then to the urban districts would be a concern, I know, of many people throughout the State.

ASST. COMM. McCARROLL: I think that cost is a very important issue.

SENATOR DALTON: Sure.

ASST. COMM. McCARROLL: There have been some suggestions that perhaps the State should assume and bear the costs attendant to the intervention, and I think that has to be considered in the legislative process. I think that once the State gets into a school district and we begin to look at some of the conditions that exist, if changes in program have to be made, if there are costs that are attendant to improving conditions in that district -- keep in mind that on one hand we have Abbott vs. Burke, which is coming down the judicial track, and we've got Matty Feldman's Commission working down the legislative track -- at some point in time there is going to be some resolution, at least in part, of fiscal conditions throughout New Jersey, not only in the urban areas.

I think the money issue is one that is going to have to be looked at very carefully.

SENATOR DALTON: Okay. In other words, you're saying you have no set position on that at this point.

ASST. COMM. McCARROLL: No. What we have been saying consistently -- and we do believe it -- is that money is not the only issue. When you look at urban districts, sometimes it is a mistake to think of all the urban districts in the same way. Some of the urban districts have more money available than others -- considerably more money. So I think we have to look at the individual district that is in question, decide exactly what we are talking about in terms of funds and, if it

comes down to simply a matter of money, the Commissioner has gone on record before, saying that he will ask for those additional funds.

SENATOR DALTON: He would ask for them from the Legislature?

ASST. COMM. McCARROLL: Through the Legislature, as we did, for example, in East Orange. When we needed to come up with \$5 million, we came into the Legislature and asked for up-front aid over a 10-year period. We will have to look at what options are available to us at that point. Hopefully there will be some new information available through the Feldman Commission, through Abbott vs. Burke. Then the Commissioner can make a decision as to how to approach that.

SENATOR DALTON: I would like to get into the role of the advisory board. What do you see as the role of that 15-member advisory board -- its fundamental role?

ASST. COMM. McCARROLL: I think that the advisory board is absolutely critical. I think if you look at some of those characteristics that distinguish districts that are providing good education, one of them is the fact that the community is involved in its school district. Keep in mind that one of the things we are saying about this initiative is, effective local control does not exist in these districts, and that ultimately we are trying to restore effective local control.

The advisory committee is an attempt to involve the community directly. They will communicate the needs of the community. They will advise the State staff, beginning with the district superintendent. He will seek their counsel on issues such as budget, program, and other programs that the community thinks are important. So, we see the advisory committee as being a very, very important component of this process.

SENATOR DALTON: I guess what I am trying to get at, Assistant Commissioner, is the day-to-day operation of the district. For instance, how will contracts be-- Who will negotiate contracts for a district?

ASST. COMM. MCCARROLL: The legislation we have submitted provides that the district remains a corporate entity, even though the State is operating it. The State district superintendent will have the authority to act as the governing agent. He or she will be able to represent -- or will be representatives in negotiating contracts, entering into contracts for the school district.

SENATOR DALTON: How about if a district wanted to hire a new teacher, for instance? Who would do the hiring?

ASST. COMM. MCCARROLL: The governance authority for appointments would also rest with the State district superintendent.

SENATOR DALTON: Thank you very much, Mr. Chairman.

ASSEMBLYMAN PALAIA: Let me just follow up on what the Senator was saying, Doctor. In other words, the 15-member community advisory council would not have anything to say about the teacher who is being hired within that district. It would rest solely -- as it went through the process, of course, of the administrator looking and reviewing and interviewing-- That 15-member panel would have nothing to say about the actual teacher?

ASST. COMM. MCCARROLL: It would not have the ultimate authority of either hiring or not hiring that individual. That would rest with the State district superintendent. A role in terms of selection of personnel, advising, establishing district procedures on the hiring, termination, evaluation of staff-- They would play a major role in that regard, in an advisory capacity. The law does not provide them, at the moment, with authority to deal with these issues.

SENATOR DALTON: Mr. Chairman?

ASSEMBLYMAN PALAIA: Yes, go ahead, Senator.

SENATOR DALTON: Just one follow-up. Would those determinations be made subject to the Open Public Meetings Act?

ASST. COMM. MCCARROLL: The law does not provide one way or the other for that. Our sense is that any of those actions that would normally be taken and required in public, must also be taken in public by the State district superintendent. With the exception of one or two incidents that we mentioned in the law, the same rules and regulations that apply to any school district would apply to the State-operated school district -- operating in sunshine, and the whole works.

SENATOR DALTON: Thank you very much.

ASSEMBLYMAN PALAIA: Would anyone else care to question the Assistant Commissioner? (no response) Thank you, Dr. McCarroll.

ASST. COMM. MCCARROLL: Thank you.

ASSEMBLYMAN PALAIA: May we go back up to the top of the list, please, to David Brandt, a member of the State Board of Education? David?

S. D A V I D B R A N D T: Thank you. Mr. Chairman, I had the pleasure of walking over with Jack Ewing, so he will give me an excuse note for being tardy.

I might pick up on Senator Dalton's question about the term "reasonable progress" and an objective standard. As you know, under the legislation, the Board on which I serve has a critical role in the intervention process because ultimately we have to approve the recommendation of the Commissioner to take over a district, or to intervene. I would hope that that standard would remain flexible because the school districts of this State and the problems they have vary as much as the personalities of the persons in this room. You cannot characterize urban districts and say they are all the same, just as you can't characterize suburban districts and say that

they are all the same, just as the problems that we as individuals have in life vary from individual to individual.

The standard, I think, in my judgment, is objective enough that it would stand the test of due process, but flexible enough to allow us to customize the nature of the intervention to fit the problem. The problems are not all the same; the solutions will not all be the same.

The State Board, I think to a man and a woman, supports this legislation. I will begin by telling you where I am going to end in my remarks. I think you have to support the legislation, unless you can propose a better alternative, because the only other alternative on the table is to do nothing, and it is not the time to do nothing.

We have had as the number one priority, by every formal action of the State Board of Education, for as long as I can remember, the improvement of the quality of urban education in our State. That has to be the most critical priority for us. Why do we need public education to be improved for the benefit of my children, who go to a wealthy, suburban school district? That is not where our problems are. You could abolish the State Board of Education and you could disband these Committee meetings, and my kids would do fine. We are here because we know -- every one of you know, and I know -- that the reason we have a State role in public education is that public education is the great equalizer. It's got to be the process by which the least advantaged in our society are given a fair opportunity to compete with my kids. That is why we cannot accept the alternative of doing nothing because we have been unable, up to now, to provide an equal quality of education in this State for all kids.

This is a real effort to do that; to make a real effort to put the State's name on the line, the State's credibility on the line, and say, "The education of our kids, as the Constitution says, is a State responsibility." If it

fails at the local level, then the State will accept that responsibility. You can read the Constitution from the beginning to the end, and I have never found the two buzz words in there that say "local control" of education. That is not in our Constitution. Our Constitution says that public education is the State's responsibility, and this legislation is in furtherance of that constitutional mandate. As the Commissioner has said repeatedly in public, "When we have, in essence, educational bankruptcy, we need an educational receivership." That is what this legislation does.

The protection that this legislation affords to protect the public against willy-nilly, bureaucratic arbitrariness, is that it has interposed a public body -- the body on which I serve and have served for 10 years, the State Board of Education -- as a representative group of the public, serving without compensation for extended terms, approved by the Senate, people drawn from all parts of the State, as required by law, who will oversee the fact that we will not have takeovers for the sake of takeovers, or takeovers for the sake of punitiveness against any one district, without adequate reason.

I am satisfied in my own mind that this legislation will not be abused. My biggest concern is whether or not, frankly, there is enough manpower and womanpower available to implement the legislation effectively. As long as I serve on the Board, I think we will go very cautiously. And I am sure the Commissioner will move cautiously to learn from intervention, and that it will be used not to say, "Well, it is time for us to grab a bunch of school districts and put them under the State's wing," but rather to move cautiously and to try to have measureable standards for improvement in those districts, and get them to the point where we have--

We have an urban district in our State -- you are familiar with it -- where we had four superintendents in two

years. Now, I don't know how you could run anything on that kind of basis. It's tough. I mean, the military survives in war under those conditions when people get killed, but this is a different situation. You have to have some stability.

So, the legislation does provide a five-year period as a minimum, and then the State Board steps back in and makes a decision on when and how to get out. I think it is well-thought-out, and we ask you to support it.

I would be glad to answer any questions.

ASSEMBLYMAN PALAIA: Are there any questions from the panel? Yes, Mrs. Garvin.

ASSEMBLYWOMAN GARVIN: Thank you. David, I would just like to point out-- When you speak of the district that had four superintendents, we are remiss if we do not add to that the cost of buy-out that has existed in certain school districts as they changed superintendents. So, we not only had a disruption in the superintendency role, but we had an erosion of the use of tax moneys because of the buy-out factor. I think to say four superintendents in a given year without adding that factor, is not telling the full picture.

MR. BRANDT: Mildred, as you and I both know here, it is easier not to do anything in this field, because you know that as long as the State does not intervene in a school district, then the Commissioner's phone doesn't ring with every individual problem in that district, and the Governor's phone doesn't ring with every individual problem. Once the State intervenes, then the line of complaint shifts, and I think the Commissioner is courageous to recognize that the level of complexity of the Commissioner's job increases by intervention.

This is not the easy way out. This is the hard way out, but it is the effective way out.

ASSEMBLYMAN PALAIA: Anybody else? (no response)  
Thank you, Mr. Brandt. Our next presenter will be Reverend Appel. May I suggest that you speak right into that mike?

R E V E R E N D   S A M   A P P E L: I will. I'll also talk loud. My name is Reverend Sam Appel, and I appreciate the opportunity of being able to share some of my thoughts, which are in support of the State plan to intervene.

I am a Presbyterian clergyman. I lived in Camden for about 25 years, and I recently moved to the famous community of Mount Laurel. However, my work is still in Camden. This is where I spend a major part of my life and my energies. My three children went to the Camden schools. All three of them graduated from Woodrow Wilson High School.

I am often called a maverick and a prickly person by the people in Camden, and am told that I am constantly critical and all of that business. I am including in my testimony -- I will not go over it; you can read it -- the contributions and the activities that the Camden Metropolitan Ministry has made to improve the quality of education in Camden for well over 20 years. You can read about that, and I will not say any more.

There are three things I want to say about this legislation. I believe it is humane; I believe that it is necessary; and, I believe that if it is passed, it will never have to be implemented.

Let me begin with, it is humane legislation. For God's sake, for the first time it is on the side of children -- our students. I agree with the Commissioner. I have heard no one complain about the legislation from the standpoint of our students -- our children. It is, particularly in Camden, and I speak only from that -- it is the only thing I know -- relative to at risk students. Camden has had a dropout rate of over 50% for years. They will deny it; they will argue it, and all the rest of it, but the figures show that that is the way it is. They explain it differently. But, using their numbers, it is well over 50%.

Absenteeism in the system has been a problem. It has been improving in the last few years, but it is still a problem and shows up in the Level III monitoring report.

Advocates for Education-- We are the only ones who do much research about what is happening and report to the people about it. Teachers and administrators read our newsletter because that is where they find out the information. Take the old matter of absenteeism of students. For '76 to '77, '77, '78, the school year '78-'79, one can see a continual increase in student absenteeism in the two high schools and the five middle schools. For example, at Camden High, average daily attendance goes from 74%, to 73% the next year, and 67% the following year. In the fall of 1979, every day, 2460 students were out of school -- every day -- from the two high schools and the five middle schools. That is social dynamite. That is disaster, not only from an educational point of view, but from any other point of view. The State will pick up the costs of drugs, of break-ins, of prisons, and all the rest of it growing out of that phenomenon.

Teacher absenteeism, at the same time, ran at about 7%. Every teacher was out 13 days on average. Think of the monetary costs of that; think of the educational costs when a teacher is absent and a substitute must come in.

So, it is humane legislation. It is on the side of children.

Next, it is on the side of teachers and administrators. There are fine teachers and administrators in the Camden school system. One activist teacher said to me just the other day, "I hope the State takes over." Why? Because they are ready to go to work with the kind of administration that is geared to education, geared to creativity, geared to treating them like professionals, which most of them are. They would like to go to work under that kind of an administration. So, it is on the side of many teachers and administrators.

Just an aside here, I wish they could testify, but it would be vocationally precarious, to say nothing of dangerous, if they were here testifying in favor of this kind of legislation. That again is a shame, and it is a crime.

It is also on the side of taxpayers -- city and State taxpayers. Almost 90% of this present budget of \$86 million in Camden, comes from the State. It should be that way; in fact, I hope it becomes more after Abbott and Burke is argued out.

But, accountability is difficult for those of us who do not live in Camden, but who help to pay for it. We should, and many of us are happy to. Where is the accountability? The legislators and the State Board of Education must provide that kind of accountability. What are you doing with our dollars in terms of educational academic excellence?

I think it is necessary legislation. We need extraordinary intervention because they are extraordinary deficiencies we are trying to address. I think the experience in Trenton -- if I understand it, and I have talked to Dr. Catrambone, who was the Commissioner's Superintendent there-- It was not successful because it was just the replacing of the superintendent. He still has to work with the same administration, the same Board of Education. They are part of the problem. But this kind of intervention removes people who are the cause of much of the problem, so it is needful -- that kind of extraordinary intervention.

It is the State's legal and moral responsibility. The statutes clearly say that. You all know that, so you must provide thorough and efficient education, and it can be done through this kind of intervention. It will end political influence and interference and control of the conduct of the public schools. For anyone in Camden to deny that politics has no role to play, is naive, and just plain old lying.

I went to the mayor -- the former mayor -- and I said, "You need an independent person on that board. You need somebody strong enough, hard-working enough, who will call people to accountability." He said, "Yeah, Reverend, who's that?" I said, "Me." Mr. Errichetti said, "You would be a little hard to sell," but he elected me. The vote is a weak

tool in this city. It is hard to go against the political machine. They know how to take care of getting the vote out. I ran again in 1976 without his support. I didn't want it; I didn't feel good having it. When I ran for the Board of Education, I was working for two independent candidates as I ran, and one of them won. That is unusual in Camden.

Mayor Bruner (phonetic spelling), who was the mayor when it went from a mayor-appointed Board to an elected Board, said, "Fine. You elect them; I'll still appoint them." And that is absolutely right. That kind of political influence and control is bad for education. It is like trying to mix oil and water; oil being the politics of it, and water being the educational part of it. And you know who is on top. It is always the politics.

The recent appointment of the superintendent-- I have written about that. I feel strongly that that was a political decision, and a damned poor one.

ASSEMBLYMAN PALAIA: Excuse me. Stay with the bills, because I don't want to get into the local politics of Camden.

REVEREND APPEL: Oh, but I think--

ASSEMBLYMAN PALAIA: Although I understand the political part of it, sir, I really believe you are getting into an area that is taking us away from what this legislation really does.

REVEREND APPEL: As I understand the bills, one of the reasons for having this kind of extraordinary intervention is to stop the kind of political things that impede educational excellence.

ASSEMBLYMAN PALAIA: That is correct.

REVEREND APPEL: That is why I brought it up. It is timely legislation. This school board, along with all the districts in New Jersey, has had 10 years to get its act together and, if it can't get its act together, then I think we need to be intervened and the State needs to take over.

Finally, if this passes -- and I hope it does -- I don't think it will ever need to be used. What we hear now in Camden on the streets from teachers and administrators is, they are working their tails off, and isn't that great? Most of them are well capable of doing it, but they have to be held accountable for it. I understand that the new superintendent has seven objectives and he is going to evaluate himself. The principals have been told they better get their objectives up, and they are going to be evaluated. Everybody is working like crazy. So, that is the good news about this whole important matter.

Finally, just let me raise some concerns and make some comments. I have heard people say that this is institutional racism. Now that a majority of those people leading the school district here are black -- and I have worked hard to see that day come -- that does not mean they are not accountable. I think it is racist to think, "Well, as whites we are superior. Granted, we could run it right, but with the blacks, we will have to give them time. After all, they are children." That is racism.

Somebody said that if the State took over, it would probably be the same. "Who are you to know better?" I have more confidence, quite frankly, in the educational leadership in the State Department of Education. I know that it can be different, and that education can take place here in Camden.

There are due process concerns. I am sure you are all aware of them. I think they must be answered so that people's rights are taken care of.

One last suggestion: I hope you have some evening hearings, so that more parents and some teachers and administrators can come out to testify. It is difficult for them to do it at this time of the day.

Thank you very much.

ASSEMBLYMAN PALAIA: Thank you, Reverend. Assemblyman Naples has a question.

ASSEMBLYMAN NAPLES: Reverend Appel, I just want to point one thing out. I was a very good friend of Tony Catrambone, and a colleague of his -- "colleague" of sorts -- when he was in Trenton. I was a principal at the time. While there are some things that could have been done more quickly, I will say this: If it were not for Tony Catrambone and the rest of the monitoring team, one of whom is going to speak very shortly, there would have been more problems in Trenton than there already were.

True -- true -- a little more could have been done. I don't know whether the problem was statutory or what, but Dr. Catrambone and his team accomplished a great deal in Trenton. I don't want to go into the specifics of my school in particular, but they saved my school.

REVEREND APPEL: I talked to Dr. Catrambone when he was in Trenton. He was our superintendent, you know, years ago, way back in the early '60s.

ASSEMBLYMAN NAPLES: Yeah, I remember.

REVEREND APPEL: We appreciated him very much.

ASSEMBLYMAN PALAIA: Thank you, Reverend.

REVEREND APPEL: You're welcome.

ASSEMBLYMAN PALAIA: Our next presenter will be Mr. James Callahan, from Parlin. May I still remind everybody that we are trying to stay under that five-minute restraint, if at all possible? I know it is difficult, but we ask you to please try to adhere to it. Mr. Callahan?

JAMES CALLAHAN: Thank you, Mr. Chairman. I thank you for the opportunity to appear before you today. I am not here with any axes to grind. I am not here to find fault with any particular county. I am here because I am concerned about the education of the children in New Jersey.

I am not going to take too much of your time because I know you have a tremendous roster of people here to want to speak. I look upon this-- The reason I support the position

of the State plan and the superintendent of schools is because I see, in my position as a business manager for a local union, as the head of the JATC, as an original member of CETA when it was formed-- We put a program together 10 years ago. We have done such a good job in our area that the JTPA picked it up, and the council picked it up. So, I have a little knowledge, a little background, on what I am talking about.

I don't think, politically, that I want to talk about anybody, Republican, Democrat, or anybody else. Our problem here, and the thing we should face, and the thing that we should address is the education of the children in the State of New Jersey. Now, not too long ago -- I think it was yesterday or the day before -- there was a release by all the superintendents of schools through their Acting Director, Mr. Jim Moran. They support the Commissioner's position; they support the position of the Assembly and the Senate of the State of New Jersey.

I received, just yesterday, a position paper from the New Jersey Teachers Association, and 90-some percent of all the plans presented by the Assembly and the Commissioner were approved. The question in doubt by the teachers' committee was, in case of litigation as far as a teacher being fired-- The only one to address that, would be the courts of the State of New Jersey. I don't see how or why anyone could object to the position taken by the members of this Committee and the Assembly and the Senate and the Commissioner, because the bottom line is one thing, the all important thing, as far as I am concerned: Better education, better opportunities for all the children in the State of New Jersey.

Thank you very much for this opportunity.

ASSEMBLYMAN PALAIA: Thank you, Mr. Callahan. We appreciate it. Anybody have any questions? (no response) Thank you, sir. Hold on. Senator Ewing?

SENATOR EWING: I would just like to say that I appreciate your coming down, you being a union leader, because I think we have to get across to the public, and to those people who might be opposing the legislation -- not that there might not have to be certain minor changes made in it -- that, really, basically, it is for the child. You can see it from a labor point of view. Without these young people being educated, they are not going to be able to do jobs.

So, thank you very much for bringing the union's attitude to it.

MR. CALLAHAN: I would just like to add one point in here. I am also a member of the Neat Committee. Our local union has the authority over the whole State of New Jersey. It is an outside (indiscernible) training program. I get sickened when I get back from the State of New Jersey Testing Bureau, a 39 percentile, a 29 percentile, a 19 percentile. It is disgusting; it is disgraceful.

ASSEMBLYMAN PALAIA: Thank you, sir.

MR. CALLAHAN: You're welcome.

ASSEMBLYMAN PALAIA: Our next presenter will be Dr. Robert Boose, New Jersey School Boards Association. Did I pronounce that correctly, sir?

D R. R O B E R T E U G E N E B O O S E: That is correct. Thank you, Mr. Chairman and members of the Committee. Just a little bit of personal background: I feel I am in a unique position to comment on the issues, since my experience gives me a perspective from several points of view.

I was the Mercer County Superintendent of Schools during the Trenton intervention, and was involved in those activities on a daily and almost hourly basis. I more recently served as Commissioner of Education in the State of Maine, and am currently the Deputy Executive Director of the New Jersey School Boards Association. I hope I bring to my testimony the experience of the intervener, the statewide perspective of a

commissioner, and the concerns and caring of the local board of education member.

I would like to make it clear at the outset that no one is questioning the motives or integrity of the Commissioner when we propose changes in his plan. I would hope that it is possible to believe that changes will improve this legislation, without having our motives or integrity impugned with the statement that only those supporting the plan in its entirety are for kids.

I know you ladies and gentlemen appreciate that everyone testifying at these hearings is as sincere and honest in their remarks as are the State's people. We all care about kids. And the New Jersey School Boards Association strongly believes that its recommended amendments will enhance the ability of the State to help districts improve their direct educational services to kids.

The reason for the Trenton intervention was to ensure that a corrective action plan that was developed by the State was implemented. That was the same as the Level III Administrative Order that is suggested under the proposed current monitoring system.

Chapter 212 had never been tested before in the courts when the Trenton intervention occurred. The State did, therefore, have problems initially with the Board cooperating and administrators paying attention to our orders. This ended, however, after the Supreme Court ruled that the State had the power to impose a monitor general on the district who would use, in concert with the county superintendent, the extensive powers of the State to see that the district was governed as the State thought best. I created what was called a "monitoring team," along with my assistant county superintendent.

With the powers of the State to act confirmed by the Supreme Court, the Board and the administrators began

cooperating. Administrators particularly were pleased to be able to function without political strains on them. It is important to understand the powers that the court gave the State. I have attached a copy of that Supreme Court decision of June 17, 1981 for your information.

To briefly outline the power that was affirmed, we had the power to: Hire an independent auditor; transfer moneys among various budget line items; order additional money to be raised by local taxes; have the final say in all expenditures in the district; require in-service training for board members; review all district staffing needs to see that appropriate and certified staff were hired; eliminate all board committees and order the board to work as a committee of the whole; and, implement thorough and efficient programs for special education. As an aside to our comment there, before we went in, there were 331 kids who were backlogged, who were not classified in special education, and that was attended to. Regarding compensatory and bilingual education, a basic skills plan was implemented in the district. We also had the power to formulate comprehensive plans for needed school facilities and to formulate plans for needed staff.

The court stated: "The administrative measures" -- which were the heart of this litigation -- "were extraordinary, but the problems that they sought to address were equally extraordinary." This is the same language that the Commissioner uses now to explain why he needs his proposed legislation. Yet, his current powers, as affirmed by the court, permit the exercise of his authority as noted above.

The court said: "The educational system of the City of Trenton is in an abysmal state, due almost entirely to the mismanagement and incompetence of the members of the local board of education." Again, the possibility of such a situation is the basis of the present Commissioner's wanting his plan adopted exactly as proposed. Yet, his current powers

allow the State to come into a district and instruct the board to take those actions that are deemed necessary to effect a thorough and efficient education.

To remedy the abysmal situation found in Trenton, the court reiterated that Chapter 212 -- which was passed in 1975 -- gave the State Board the power, and I quote, "Include whatever measures the State Board deems appropriate to remedy educational deficiencies within the school district."

Hear that! "Whatever measures..." And the court added emphasis, as you will see in the attached decision. We would look a long time before we found a broader statement, or one giving the State more powers than "whatever measures were deemed appropriate." We might even surmise that within this power is an implied authority to remove those who are an impediment to the delivery of the remedies the State thinks necessary for the improvement of the district.

With all of the tremendous powers that the court gave the State, they also recognized the importance of the entity of a local board of education. I quote: "The powers exercised by the Commissioner and the State Board are available and appropriate only in rare cases and, even in those instances, must be invoked with a full appreciation that public education under our governmental system is primarily a local responsibility."

They go on to say that conditions in the district certainly justify the appointment of a monitor general. However, the court continues, "We assume that the need for intervention will recede with the evaporation of the necessitous conditions. In this respect, the local school board retains a full measure of its ability to control its own destiny. The sooner it creates an atmosphere and takes concrete steps toward educational remediation and progress, the quicker it will be able to achieve a normal measure of local autonomy."

We believe, as the court did, that any new legislation should ensure that the entity of the board remain in place, so that when the State leaves, the local board will have the experience to continue operating effectively.

I have attached a copy of our memo. A lot has been talked about in terms of the Trenton intervention: what happened, who had the power, who didn't have the power. Attached to that is the first memo that the monitor general, Dr. Catrambone, delivered to the district, and if you could just take a second to take a look at that-- It is dated April 20, 1980 -- Monitor General Agenda Directive #1. There was discussion that said, "Gee, there was a lot of cat fighting, things going on while the State was in there." Well, the monitor general's powers really were not tested until a year later, but we did do, in that interim -- and you can see on Pages 2, 3, and 4-- For example, where it came to the program, we directed them to vote yes. We told them, "You have to vote yes here," and in the areas where we wanted a no vote, we told them, "You must vote no."

One of the problems in the intervention was that there were personnel decisions being made that did not go through the normal affirmative action hiring process. There were certain statements made that were racial in tone, and certain people who got jobs were told, "You got it because you were close to certain factions." Well, that is one of the reasons we forced the no vote, to make people establish the point that if you are voting for a person because he or she is competent, or because of other reasons, we want that reason known.

So, were we hampered? I think not in terms of being able to accomplish our mission with respect to carrying out the corrective action plan.

During the time we were there, over \$18 million worth of construction took place. We built two elementary schools -- not we individually, but we as a monitoring team working

hand-in-hand with the local board, as well as the administrators there. As I said, two elementary schools, and renovations to the junior high school.

During that time, I might point out too, the New Jersey School Boards Association was the only association, to my knowledge, that provided any on-site help to us. They conducted in-service training programs with the board, and they also had a team of board members from urban school districts who worked very closely with us.

Yes, more could have been done in Trenton. It is very easy to look back on Sunday and see what could have been done with respect to whether we should have run, or passed, or maybe played hard ball a little bit sooner, but I think we can learn from that experience. We can support the notion that the State does have the power, and should have the power, for the benefit of kids, to see that the monitor general, or the State-directed superintendent -- whoever it may be -- I might point out that Dr. Catrambone was not there on a day-to-day basis. He was there on a part-time basis. He was not there Monday through Friday. This piece of legislation does suggest that the State-directed superintendent would be there on a full-time basis, and we think that is an important issue.

The team was only there for two and a half years. This legislation is talking about five years, and we think that is a reasonable length of time. The monitor general and the county superintendent should have -- and the State district superintendent certainly would -- use the full powers affirmed by the Supreme Court. I think in his own testimony, Dr. Catrambone said that had he had a chance to do it over again, he would have been much harder, much sooner. But, I think -- and I commend him for his efforts -- he tried to work with the people there.

We also continue to state the obvious. When we are looking at a school system -- administrators, board, and

building principals -- I think the missing link, in terms of accountability, is the instructional process and, therefore, teachers. I think that needs to be looked at very closely.

We have heard talk about intervention laws in other states. Our researchers suggested, after talking directly with spokesmen in other states -- South Carolina, Kentucky, and Virginia -- that none of these permit the wholesale removal or abolition of board members or boards. All of them have reaffirmed the principle that a local entity should exist, even when the state intervention is required. In South Carolina, individual board members can be removed from office for cause, after notice for an opportunity to be heard by the county board of education. In Kentucky, board members can be removed for misconduct or willful neglect of duty, after a full hearing. Both of these states' statutes existed prior to their oversight legislation. And in both states, the oversight or intervention legislation left these processes in place.

West Virginia has passed no intervention type legislation, but does have a general statute in place for removal of public officials for misconduct, malfeasance in office, and incompetence.

In summary, we hear that only a handful of boards in a handful of districts will be involved. I think we need to look at whether it is one, whether it is 20, or whether it is 100. Is it the only plan? We cannot, at this point, accept the statement made as late as last week: "There is only one plan that will work, and that is the plan we are proposing." That was said by a Department representative. Also, "If it can't be this, then it can't be anything. That is the way it has to be." Nothing and no one in this world is perfect, and we hope that these hearings and other discussions will allow some modifications to take place which will make this plan even more meaningful.

In closing, we have been asked whether we represent our members in our position on this issue. Our Board of Directors voted approval of our position two and a half weeks ago today. Since that time, eight of our county associations have met, and have adopted resolutions supporting that position. Those counties are: Bergen, Burlington, Camden, Middlesex, Monmouth, Morris, Ocean, and Passaic.

Our members represent not only their communities, but they represent the children in those communities. They support our position because they believe sincerely that the changes we are recommending in this legislation are best for the children in their charge.

Today, riding down to the hearing I was reading the newspaper and there was a quote from our Governor, who was speaking before the American Council on Education out in San Francisco. He urged that participants at that conference turn away from bureaucratic decision making. We hope that this Legislature sees that these bills, as they are finally passed, support that position.

We are happy that David Brandt said this legislation should be supported unless there is a better alternative. We believe we have a better alternative. Thank you very much.

ASSEMBLYMAN PALAIA: Thank you, Doctor. Are there any questions?

SENATOR DALTON: Yes.

ASSEMBLYMAN PALAIA: Senator Dalton?

SENATOR DALTON: Dr. Boose, what role-- How would you craft the role of the school board, if it were to be retained within this legislation?

DR. BOOSE: Well, I think if you are going to be on the road to reconstruction, you have to look at what makes a good school system. Every good school system has good teachers, has good administrators, and has a good board. I think you recraft the role just like the Department is saying.

You look-- You are going to monitor the actions very heavily. The two words in the law which I think are very key are "unwilling and unable." If there is a board member who is unwilling to do what he or she is supposed to do to carry out that measure -- and that can be documented very easily in terms of the actions they take-- We would say that if one, or two, or three, or five are bad, they should be removed, but then the process that is used to replace them be enacted. If they are appointed, then five new appointments would take place. If they are elected, there would be an election.

In the long run, when the State is ready to retrograde, or leave the district, you will have left in place a well-oiled, very positive working board, as well as a positive administration and a positive group of teachers.

SENATOR DALTON: See, what I am trying to get at is, if, in fact, the State comes in and takes over a district -- okay? -- what is the role then of the elected -- if it is elected -- school board member?

DR. BOOSE: I understand your question. I think the role is that somebody in place-- I will share some of my personal experiences. We would go to the Trenton Board, even though we knew, and they knew, that however we told them to vote was how it was going to be. An interesting thing happened. Sometimes they came up with a better idea before we imposed our order. So we had a chance to have our idea bounced off a group of members who represented the community, because the community selected them to represent it on the school board.

I see them working not in an advisory capacity, carrying out all the functions that a board would, but knowing full well that the State would have the ultimate authority. In other words, the State-directed superintendent would say, "I am going to implement X, Y, and Z, and here is why I am going to do it." It would be an opportunity for them to question him, in terms of a public forum, because I think all those

mechanisms have to take place to represent the community. Even though they may have a dissenting opinion, that still would be overridden. It wouldn't even have to be voted. It would just say, you know, "We don't agree with your decision on this," but he would know, or she would know, that they could carry out that mandate as a State-directed superintendent.

SENATOR DALTON: Do you see them working with the advisory board, or being part of the advisory board, or as a separate entity?

DR. BOOSE: The problem with the advisory board, Senator, is that it is selected by one bureaucrat. It is not selected by the community. The community ought to be able to select the people who it feels-- Then, if they selected, and in the State's wisdom some of those selections were not positive for kids, then go back and select again. We see that in our own local elections, etc., where candidates maybe haven't panned out to the satisfaction of the community. We haven't done away with the entire board of freeholders, the entire Senate, or the entire Assembly. We go back and reelect people, but we don't do away with the process, or the entity.

ASSEMBLYMAN PALAIA: Are there any other questions? We'll go to the Senator.

SENATOR EWING: Dr. Boose, you said that the number of people you represent, supposedly, on this vote-- How many board members are there in Morris County?

DR. BOOSE: I don't know precisely how many board members there are. We are close to 5000 statewide.

SENATOR EWING: Because, you know, I am very dubious of your statement that you are representing the majority of the board members. I just cannot believe that any individual in New Jersey who serves on a board of education would not want to see the problems that exist in certain districts hopefully straightened out before there is a takeover.

I attended an association meeting in Morris County the other night. They had all of 30 people there. Now, I hope the counties that you said you got the vote from, urging you to oppose this legislation, had a better representation than that, because I think your organization is very weak as far as people coming out to attend the meetings. It doesn't mean very much.

DR. BOOSE: I wasn't there. Ted Reid was there, the Director. It was a legislative training session; it wasn't designed to deal specifically with intervention. It was a workshop on legislation. They are having a meeting this Thursday night.

The other thing I think it is important to know is, we are not opposing. We are suggesting amendments. We agree with the concept. I think we have a right to use the county organizations. I mean, they are taking our position paper and discussing it. They are having open forums. Members of the Department are there, and I and other members of the staff are there, to discuss this thing out loud. So, that is the process we want for all our positions, whether we have 30 or whether we have 300. They represent that county.

ASSEMBLYMAN PALAIA: Doctor, may I just make a suggestion maybe to the next county meeting you go to, because I notice my county, Monmouth, is mentioned here? I know I never was invited to one of their meetings to give the opinion or the viewpoints of the sponsor of the bill, who happens to be me. Now, I think they are going to get a one-sided view of what the legislation is. I think, by the same token, they certainly should have somebody from that county, or somebody from the State to come in and speak to the group as a whole. Then let them make up their minds. I think it is a little biased, slightly biased, if you are going to have the State Board of Education come in and say, "This is our position. Now, how do you feel about it?" About asking me. I'll go to all 21 counties if I have to. I have gone all over the State

already. I would be more than happy to give our viewpoint, as we are the legislators who are introducing this piece of legislation. I would like to tell them how we feel about it.

I am sort of miffed that Monmouth County alone did not invite me, their own local son -- their favorite son -- well, their local son anyway, to be there. You know, I just feel-- Next time, Doctor, if you could go back and just say, "Why don't you invite a legislator?" It doesn't have to be me, any legislator.

DR. BOOSE: Sure. Look, I feel compelled to respond to you, since you are miffed. I apologize that you may feel miffed, but I should tell you that everywhere we go, there is a representative of the State there. We have not stopped anybody who had any other opinions. I say again, you make it appear as though we are opposing. We are trying to make it better. I think we have a couple of ideas which we think need to be looked at. We are constantly barraged with the fact that it has to be one way. I think that may be something we will have to look at, as to why you were not--

ASSEMBLYMAN PALAIA: May I just address that point. It is a good point because you said during your speech that someone from the State Department said it is one way, and one way only. I don't think you know you are dealing with legislators here. We listen to the State Department. That's fine. But that is where it ends. I think you will find the individuals, not just sitting here, but the 120 members, have their own minds. They will make up their own minds when the bottom line goes down, when they have read the transcripts and heard what everybody had to say. They will make up their own minds. If changes are needed, they will be made.

One of the questions I have, though, about your testimony and about the School Boards Association, is, your viewpoint changes the very basic concept, I think, of what this legislation is trying to do. I think you are making

suggestions, but those suggestions really take away the heart of what the bills are trying to do. That is my opinion, but I'm sure you will find a diversification up here.

Anyway, that is just my point of view. We had a question up here. Who was it?

ASSEMBLYMAN NAPLES: First, I want to say that Doc Villane might take exception with you.

ASSEMBLYMAN PALAIA: Assemblyman Villane is my running mate and colleague in Monmouth County.

ASSEMBLYMAN NAPLES: Bob, I just want to first underscore what you said about the effects of the monitoring team in Mercer County. Here is the other gentleman I referred to who would speak subsequently to the criticism I made, in all good faith, Reverend Appel, who did a lot.

Let me ask you this question, and before that, preface it with the statement that everybody in this State -- anybody in his right mind or her right mind -- wants to arrive at the same destination at which the Commissioner wishes to arrive. We just take different routes. Along that route might come a detour called an amendment here and there, but ultimately I think we have to arrive there.

Let me ask you a question about the role of the board of education, Bob. I would like to piggyback on what Senator Dalton said. However a board member is selected -- be he selected by the county superintendent, elected, appointed by the mayor of the municipality -- from a de facto standpoint, if ultimately the State auditor general or monitor general or a State-appointed superintendent has the power to tell that board how to vote, from a de facto standpoint, would they not, by any other name, be an advisory body?

DR. BOOSE: I think the advisory notion-- What we are saying in the long term is-- If the district were an elected district, let's say, you are hoping to pull out of there within seven years. It is actually seven years. What you want to

have there is certainly the continuity of the last seven years, and those people ought to go through the same dynamics that a board, if it were not taken over, was going through, even though you know that the powers of the State would be to control it. I think you want people who want to run for office-- It ought to be part of their own learning process. You want to have people who are going to continue that process, not when the State leaves say, "Well, I don't want to be a board member any more now that the State has left."

ASSEMBLYMAN NAPLES: I mean, while the State is here, couldn't he ultimately, be he a State-appointed superintendent, a monitor general, an auditor general, or what have you, say to a board member, "You are going to be told how to vote"? In a lot of instances, in Trenton mostly, you were correct -- you and Dr. Catrambone -- but if ultimately that is the case, are they not a de facto advisory board, at that time?

DR. BOOSE: In some instances, they would be de facto if they went the other way.

ASSEMBLYMAN NAPLES: Okay.

DR. BOOSE: But I think what the State would want to do -- whoever was there-- Certainly, if those people support that superintendent as an entity called a board, that sends a very positive message to the community that the people are working in harmony, that things are working well. To meet with an advisory board, maybe once a month, maybe under the sunshine law, maybe to discuss curriculum, maybe to discuss why 14 principals got transferred, etc., to me, is not the day-to-day dynamic that we want to see in a good school system.

ASSEMBLYMAN NAPLES: Okay. Thank you, Bob.

ASSEMBLYMAN PALAIA: Thank you, Doctor. Excellent testimony. We appreciate it. I know it went long, but I think it was very interesting.

DR. BOOSE: I appreciate that.

ASSEMBLYMAN PALAIA: That's okay. Our next speaker will be Clara Dasher, President, New Jersey State A. Philip Randolph Institute.

C L A R A D A S H E R: Thank you. I usually don't have to use a microphone, but I will concede. I am Clara Dasher, President of the New Jersey State A. Philip Randolph Institute. I would like to give you a little background first, so that you will understand why my organization feels that it should be involved in this issue and why opposed, particularly from one point of view. I think the previous speaker very adequately countered some of the points that some of my other organizations are now making. I want to indicate that I am labor, and there are many labor organizations that are opposed to the legislation.

The A. Philip Randolph Institute is a black trade union affiliate of the AFL-CIO. The organization is national in scope, with chapters from California to Massachusetts. In New Jersey, there are 10 chapters, which include: Passaic, Hudson, Essex, Union, Middlesex, Mercer, Atlantic/Cape May, Gloucester, Camden, and Burlington.

Since 1965, it has been a vital force within the black community. From its founding, the Institute has shaped programs and policies in close accord with the values of the late A. Philip Randolph, America's foremost black labor leader. Briefly stated, these values include: A commitment to political, economic, and social democracy; a commitment to work within the labor movement; a commitment to racial integration; and, a commitment to democracy and free trade unionism abroad.

The Institute firmly believes that the movement for black equality must have an all-encompassing focus: It must embrace the totality of black experience in America. Therefore, the Institute involves itself in issues relating to the workplace and black involvement in the political process.

Economic justice and social democracy for black Americans depends, in large measure, upon the ballot box. Since 1968, the Institute has conducted highly successful voter education -- and I emphasize education -- voter registration, and get-out-the-vote programs in virtually every large city with a sizable minority population.

Voter registration drives are organized and directed by local trade unionists who live and work in targeted communities. Working as volunteers in cooperation with local labor unions, Randolph Institute members help build important alliances with civic, religious, civil rights, and youth groups to increase the political impact of the black community.

The legislation proposed by Commissioner Cooperman makes no attempt to constitutionally justify the disenfranchisement of thousands of minority voters in districts which are prime candidates for takeover. In fact, that issue and the question of due process have been somewhat ignored.

As the person who goes out and does that day-to-day ongoing voter registration and voter education, we have the conversations with the grass roots. We are the ones who argue with them as to the value of voting. We have the question constantly thrown at us, "Why should I vote? What good does my vote do? It has no impact whatsoever." And I have to convince them that every vote counts. This legislation addresses abrogating that vote. How do I answer that?

Afro-Americans have historically pursued educational excellence in this country. Our great leaders, such as Mary McLeod Bethune, George Washington Carver, Morris Brown, Asa Philip Randolph, and many others attest to our commitment, as a people, to the education of our youth. Why, then, would we be adverse to improving our educational systems, if that were the only issue at stake? We are not here to turn education back. We are here to see it go forward.

This legislation is unnecessary, as the previous speaker stated. As Chairperson of the Board of Trustees at Essex County College, I, personally, am familiar with the extent of the State Board's powers and the Commissioner's and the Chancellor's powers, any time at all. The Chancellor has the power to come into any institution and arbitrarily make decisions which, nine times out of ten, most boards tend to go along with because they understand that it is in the best interest of the institution.

What, then, is the true motivation for such extreme recommendations that would lead to the nullification of the democratic vote?

Perhaps the State, derelict in its legal responsibility to fully implement the T & E funding formula, has unwittingly spread the seeds of racism and polarization, and I say that because the perception is, in the black community, that the rich get more and better.

APRI's constituency of black trade unionists has emerged as a source of important community leaders. Institute activists serve as State legislators -- Wayne Bryant, number one -- on local school boards -- I am an example -- and on city councils and other governmental commissions and boards. We believe that Governor Thomas Kean is sincere in his support for the school reform movement. APRI also commends the Governor when he speaks of the "politics of inclusion." However, this legislation would appear to compromise the spirit and intent of his words.

We call upon all -- Governor Kean, the Commissioner, and the Legislature -- to withdraw these bills from consideration.

ASSEMBLYMAN PALAIA: Thank you, Ms. Dasher. Does anyone have questions? Senator Dumont and then Mrs. Garvin.

SENATOR EWING: Senator Dumont?

ASSEMBLYMAN PALAIA: Excuse me, Senator Ewing.

SENATOR EWING: I'm much younger. Ms. Dasher, can you truly sit there and say that the parents of the children in these neglected districts -- and they truly are neglected districts because -- whatever the cause that brought it about -- are not out there crying for a decent education for their children so they can get ahead in life, because they realize--

MS. DASHER: That is not what I said.

SENATOR EWING: Will you let me finish, please, Ms. Dasher? The parents realize that without an education, without being able to read and write, their children are not going to be able to get jobs to fulfill what their desires are in life. I cannot believe that the parents of these children are not just desperately trying to see what can be done to improve education and get around the politics of it and the shenanigans that go on with these various boards. I just cannot believe you.

MS. DASHER: You're absolutely right. They are crying for a good education. We are alongside of them doing that. But, at the same time, they want it done democratically. They also believe that they have a right to have some input into the educating of their children, which is why they have elected to have elected board members, because that is the closest strata to the grass roots out there. As State legislators, as national legislators, you are very far removed from the grass roots.

These people at the board of ed level are on the front line. So, I do not think they want to see that role abrogated, not from them. They do want input. They do want to see improvement, and that is what we are all about.

ASSEMBLYMAN PALAIA: Thank you. Mrs. Garvin?

ASSEMBLYWOMAN GARVIN: Thank you, Mr. Chairman. Clara, I thank you for coming to testify. Since we have already disagreed on this issue, and remain friends, I have a problem with two of the things that were presented here.

Rather than making, perhaps, some recommendations for some level of amendments or changes-- I think your organization has a wealth of well-educated, labor-educated minority persons, and I would have hoped that instead of asking us to withdraw the bills, that there would have been input into the bills, for fear that those of us who have this role might miss some of the issues. For that I am sorry, because I know the caliber of people in your organization. I would have hoped that the wealth of that experience would have come here before my colleagues, rather than asking us to withdraw the bills.

As you know, I am cosponsoring one of the bills. I am committed to it, and that is from the experiences that exist in many of the urban communities. It is our children who can't get jobs because they can't pass the tests, to either Prudential or Mutual Benefit. They are our kids. Therefore, I would hope we will input into processes that are going to help those same young people succeed in the learning process.

I would say, Mr. Chairman, and I don't want to take up too much time -- I apologize-- But I really would like to ask a favor of you, Ms. Dasher. Because of the wealth of experience in your organization, I would truly ask that you take the bills and review them, with the thought of what has been left out in the process. I think the Commissioner may have the power, but he doesn't have a plan. What these bills do, is say, "Here is a plan." I would really appreciate it. I would hope my colleagues would allow me the privilege to ask you to come back to us, in some form, after reviewing the bills and the process, where maybe there are omissions that could help our children.

Thank you, Mr. Chairman.

ASSEMBLYMAN PALAIA: Thank you, Mrs. Garvin.

MS. DASHER: Should I answer that?

ASSEMBLYMAN PALAIA: Yes, sure, Ms. Dasher.

MS. DASHER: First, thank you, Mildred, for the invitation. I will take you up on it. But I would like to give the rationale as to why we are advocating not putting this legislation forth at all. I think most of our rationale has just been verbalized by Dr. Boose, in that there is legislation already on the books which has, probably, all the facets and the components of what you are trying to do with this legislation.

The reason we objected and felt that the easiest way to handle the situation would be to forget this legislation and start all over again was, number one, my organization has to look out for disenfranchisement. All right? That is basically what we are all about. Once we can get people registered and into that ballot box, then I have the responsibility of educating those voters as to what issues are and what is possibly the most prioritized item for that particular community. That is my organization's priority.

We would be willing to work with anyone on any kind of plan, any kind of legislation which did not -- did not -- disenfranchise the voter.

So, I appreciate your invitation. Yes?

ASSEMBLYMAN NAPLES: Clara, that was a very fine presentation. I just want to say that in Trenton, the Ministerial Alliance said-- One member said much of what you said; most members lean toward the bills.

I just want to say this: The question of race, while not in the bills -- okay? -- lurks beneath. A lot of people are thinking about it, and it is a question that must be addressed if we are going to keep faith and confidence in education in this State. I agree with you.

MS. DASHER: I totally agree. Thank you.

SENATOR DALTON: Mr. Chairman?

ASSEMBLYMAN PALAIA: Senator Dalton.

SENATOR DALTON: Ms. Dasher, the disenfranchisement you talked about within the context of the bills before us, a role for the elected school board members, a sumneral (sic)-- Would that address some of the concerns you are talking about?

MS. DASHER: It very definitely would; it very definitely would, because the community would still feel that they had some say in the educating of their children if their representatives were there.

ASSEMBLYMAN PALAIA: Thank you, Ms. Dasher. That was very interesting. Our next speaker will be Mr. Alfred J. Cade, Vice President of Caesar's Casino.

A L F R E D J. C A D E: Thank you, Mr. Chairman. I am Alfred J. Cade, Senior Vice President at Caesar's Atlantic City. I also serve as Chairman of the Board of Directors of the Greater Atlantic City Chamber of Commerce. I am a member of the State Job Training Coordinating Council, and also serve on the Atlantic/Cape May County Private Industry Council.

Before this life, sir, I spent 26 years as an officer in the United States Army. I tell you that simply to suggest to you that for the entire period of my adult life, I have been dependent upon my performance on the quality of the young men and women coming out of public school systems.

As you know, the greatest asset in the military establishment is not the sophisticated weapons systems we have, but the quality of our men and women who serve in our armed services. My son is now an officer in the United States Army, and is experiencing very much the same things that I experienced for some 26 years, an almost total dependency upon the quality of the young men and women who are the products of our school systems.

I did not come here to suggest to you how important this issue is. You know that, or you would not be on this legislative Joint Committee. I came to commend you and the Governor of this State for making education a priority in this

State. In the business community in which I serve, we understand the importance of the quality of our labor market. In Atlantic City, the casino in which I work employs some 3600 full-time employees. There are 11 such casinos open now, employing directly some 40,000 full-time employees, with two more casinos scheduled to open within the next year to a year and a half.

It is important for us to note that the quality of the labor pool, the work force, reaches some point at which it becomes rather thin. The Private Industry Council in Atlantic/Cape May is working diligently with the casino industry and the other aspects of the business community to try to improve upon the "shortfalls" that we experience, i.e., certain targeted populations of our people, where the school systems from which they came didn't quite make it.

I neglected to tell you that in addition to all of these other things, I am a parent. My wife and I have five children who are all the products of public school systems around the country. I do not recall whether those public school systems they attended were elected school boards or appointed school boards. I do know that some of them were quality, some of them were not. But, in every instance, I was impressed by how quickly our children went through those systems. Looking back -- and our youngest is now 22 -- we are impressed with how fast they went through those systems. As I reflect upon this legislation which is before you, and I listen to the debates, I am hoping that you will act with great speed to get this legislation through, so that we don't forget how long the youngsters must be exposed to deficient school systems.

I believe the legislation adequately addresses the considerations of time lines for local school boards to "get their acts together." I think there is considerable respect given to an appropriate amount of time to provide for local school boards to get the assistance they need, if they choose

to do so. But, when I hear people talk about seven years, and 10 years, I have to remind you -- and I remind myself -- that is a long time to subject our children to deficient systems.

So, why did I come here at all? I came here because you would have no way of knowing how my colleagues in the business community, or myself, feel about this issue unless I did come and, for the record, tell you how much I support this proposed legislation, and how much I implore you to move on and hurry up and get this legislation passed and implemented, so that we can stop debating, stop delaying, and stop exposing our children to deficient systems in the State of New Jersey.

I believe that what you are doing, or what this legislation is, is consistent with the path that this Administration and this legislation has set for itself, to bring New Jersey to the forefront in terms of the quality of its public school system.

I thank you for your time. I thank you for your attention. I am not an expert in education, I am a businessman, but I would be willing to answer whatever questions you might have, sir.

ASSEMBLYMAN PALAIA: Thank you, Mr. Cade. Anyone on the panel have any questions? (no response) Very well done. We appreciate your coming, sir. Thank you. Our next speaker will be Ms. Rodinia Gillian, Vice President of Governmental Relations, Bally's Park Place Casino. Is Ms. Gillian here? (no response) Then we will move right along. Ms. Hannah Dixon, Atlantic City Board of Education. Ms. Dixon, welcome.

H A N N A H D I X O N: Good afternoon, ladies and gentlemen. My name is Hannah Dixon. I am from the great city of the south, Atlantic City. I would like to tell you a little bit about my background. I have been a Federal aviation employee for 19 years, and I have been on the Atlantic City School Board for a total of six years. I was appointed by our infamous mayor who is now in Texas. I served that term out,

and in the interim Atlantic City changed from an appointed Board to an elected Board. I ran for election last April and won, of course, so I have been both ways. So, I feel that I understand how boards operate under both positions.

I am also a member of the New Jersey Supreme Court District 1 Ethics Committee, and I sit on the Business Advisory Committee at Atlantic Community College.

I am here today because I felt it was necessary for me to come as a Board member to say that I do, in some sense, agree with Dr. Boose, as far as keeping the board intact. But then I have other feelings about that, because I feel also that if the local board is not doing the job, then there should be something that is going to be able to be put in place that is going to get the job done.

I have no difficulty with the fact of the State coming in and trying to do that job. I have no problem with that because I feel that as a local School Board member, and as someone who is interested in the education of our children -- as I am sure you are, too -- I would have felt that I had done as much as I possibly could as a Board member, and I would see nothing wrong with someone else coming in if they thought they could do the job better.

Also, I would like to say, as far as public education is concerned, we face a lot of difficulties, and I don't personally think the State, the Federal government, or anyone else, is going to make those things go away. I think that any intervention by anybody will achieve only maybe a new look at an old problem. I see this as some sort of safety net, if you will, for those districts that cannot function efficiently. Happily, in Atlantic City, we do not have that problem, yet. I have to qualify that statement. We do not have that problem. But I do think that if you have some school districts where you have a very, very bad problem getting the job done, that there should be such a thing to be able to assist the local entity.

I sat here and listened to the testimony pro and con on this piece of legislation. I just can't get a sense of what the fear is. I don't know whether it is a fear of the State coming in and, you know, dissolving home rule. I don't know what the fear is, but I think that everyone in this room is after the same thing; that is, a proper education for the children in the State of New Jersey. So, I don't see where it is such a bad idea for us to have a safety net, if you will.

Thank you very much.

ASSEMBLYMAN PALAIA: Thank you. Any questions? (no response) Thank you very much for your testimony. Our next speaker will be Mr. Robert Linsner, President, Greater Atlantic City Chamber of Commerce. Is Mr. Linsner here? (no response) We will go on down the list to Mr. Edward McDonnell, Principal of the William E. Tatem School in Collingswood.

E D W A R D T. M C D O N N E L L: Thank you, Mr. Chairman. My name is Edward McDonnell. I am the Principal of the William E. Tatem Elementary School in Collingswood. I came here today because I thought the perspective of a school principal might be valuable in your deliberations.

I would like to thank the Committee for the opportunity to discuss the legislation because, as a school principal, I have a great respect for and a profound vested interest in the autonomy of school administrators and school districts. My instinct is to regard with suspicion any substantive intervention by an outside agency into the operation of a school district.

It is from that perspective that I have examined with great care the provisions of this legislation. Having made that examination, I wish to convey to you today my strong support for this legislation.

While the notion of a State takeover of my, or any other school district, is distasteful to me, a great deal more distasteful is the prospect of the ongoing denial of quality

education to a group of children simply because they live in a community which cannot, or will not, put its educational house in order.

A child receives but one opportunity to proceed through the public school system. If he or she receives an inferior education, he cannot go back to kindergarten at age 18 and start all over again. The damage is done. The damage is done to that individual, whose opportunity for financial and personal success has been devastated; the damage is done to the community which has been denied the benefits of a productive, contributing member; and, the damage is done to every taxpayer in the State who will have to compensate for the taxes that an uneducated individual will not be able to pay, and who may one day have to support that individual with public assistance or in a State prison.

The Constitution of the State of New Jersey requires -- not recommends -- that every child be provided the opportunity for a thorough and efficient education. When children are consistently denied their constitutional rights, the Governor, through his Commissioner of Education, must restore those rights. This legislation merely provides the mechanism for restoring those rights.

I believe it is critical that educators and the general public understand that the ultimate provision of this legislation -- the actual takeover of a school district by the Department of Education -- can be activated only after an exhaustive list of less drastic remedial measures has been applied over a period of years in an ongoing effort to bring a school district into compliance with the most reasonable performance criteria. The truth is, under the Commissioner's proposal, a school district, to be subject to a State takeover, would have to be so educationally, financially, or politically bankrupt and so thoroughly unable or unwilling to make even modest improvements as to render its continued operation unconscionable.

I respect the concern expressed by President Giordano of the New Jersey Education Association when he says, "The Association also objects to denying tenure and other due process rights to school employees and disrupting the labor/management relationship." Philosophically, I object to that too; just as I object philosophically to the takeover of my school or school district by another agency. However, it remains true that the denial of constitutional guarantees can never be justified on the basis of reluctance to interfere with "the labor/management relationship." Further, the Commissioner's proposal is, in itself, the most elaborate due process procedure I have ever encountered. Indeed, if I have any objection at all to his proposal, it is that the due process provisions are so extraordinarily elaborate as to allow a noncomplying district to avoid final accountability literally for years.

The fact is, for the monitoring and school district certification process to have any meaning at all, there needs to be some sanctions associated with failure to comply. Neither the Legislature, the Governor, nor the Commissioner are permitted to allow any of New Jersey's citizens to be denied the opportunity for a thorough and efficient education. Columnist Robert Braun put the issue into that perspective when he wrote: "When everything else fails, some agency must say, as Education Commissioner Saul Cooperman said, 'Enough is enough.'"

I believe this legislation says, "Enough is enough," but it is careful to say it only after every conceivable effort has been made to help the school district resolve its own problems in its own way.

I urge your support for these bills, and I thank you for the opportunity to express my views.

ASSEMBLYMAN PALAIA: Thank you, sir. Well said. Does anyone have any questions? (no response) Thank you very

much. Our next speaker will be Ms. Lori Smith. Is Ms. Smith in attendance? (no response) Let's go on to Dadisi Sanyika. (Mr. Sanyika not present) Jackie Preston, member of the Atlantic City School Board? (Ms. Preston not present) Then we will go to Mr. Ron Bolandi, an educator.

R O N A L D E. B O L A N D I: Thank you, Mr. Chairman and members of the Committee, for allowing me to speak today. This is the first time I have done this, so unfortunately I will have to read my statement. I am used to talking without reading, but I will read this so I can get all of my points across.

My name is Ronald E. Bolandi, Assistant Superintendent, Middlesex Board of Education. I am speaking to you today not as a representative of the Middlesex Board of Education, but as an educator, parent, and taxpayer of the State of New Jersey. I am a product of a city school system, one which faces -- or eventually faces -- being taken over by the State if, in fact, you support Dr. Cooperman's plan. I have seen the political shenanigans that happen in a city school system. It is common knowledge that the majority of things that happen in a city school system are politically oriented. It is also common knowledge that in most city school systems many of the employees are political appointments. Finances of the school systems that follow this pattern are shaky at best, with many financial irregularities.

I could spend two hours explaining things that happened in the system that I am from -- and I find them appalling -- from the point of view of an educator, a taxpayer, and a parent. These systems have been told for years to clean up their acts, and they still refuse. My question to you is, how long are we going to allow these systems to hurt the most important product that we have -- the children of the State of New Jersey?

Many people will be against this plan; many people will be for this plan. I think one of the key things that the Committee should be looking at is, why are people for and why are people against the plan? The majority of the groups against this plan have a vested interest in their opposition. Obviously, if the State takes over a school district, their jobs may be in jeopardy. I very rarely hear people who are against the plan talk about alternatives to try to clean up the problems we have in this State with certain school systems.

I also very rarely hear people talk about how they could help children. I think one of the things we lose sight of in this State, is that the most important product we have is our children and those are the people who are being affected by having poor boards of education, poor administration, poor teaching, and poor quality of instructional materials.

As I elaborated before, in many systems this is due to the fact that we have a political machine running the school system, and in turn the only thing they care about is how many votes they can get, as opposed to what they can do for children. I think it is time now to take a political stand, a bipartisan stand, to clean up the school districts that cannot pass monitoring. Everybody makes mistakes in education along the way. All of us will continue to make those mistakes. What I find interesting is that this is not what causes students not to learn, or buildings and systems to deteriorate. Those things happen because there are truly inept people running those particular school systems.

I think with Dr. Cooperman's plan you will see a change. Believe me, as an educator I full well realize that the State Department of Education does not have the ability to take a school district over alone. I also fully recognize that the State Department of Education should not be running a school district out of Trenton.

ASSEMBLYMAN NAPLES: Would you repeat that, please? I didn't get it.

MR. BOLANDI: The State Department of Education should not be running a school district out of Trenton. Again, I do not want to bore you for hours and hours with what I have seen. Remember in the beginning, I said I was a product of a school district that has the potential to be taken over. All I can say to you in closing is, please think about the children of the State of New Jersey. Don't think about the political ramifications. It's time now we decide to clean up these school districts to help our children. Don't let it go beyond this year because if you do, it will never rise again, and these systems will produce children who are inferior in educational quality to other children throughout the State.

With the statute of thorough and efficient education, it's very sad that the children where I work can be better prepared than the children of the district which I came from, because teaching is teaching, wherever it is, in a city or in the system where I work. It's time people stopped blaming socioeconomic problems on the quality of the product that they produce, and it's time we started to fully understand that good teaching can take place anywhere, given the right environment and leadership.

Thank you for allowing me to speak today.

ASSEMBLYMAN PALAIA: Very nice, Ron. Are there any questions?

ASSEMBLYMAN NAPLES: Mr. Chairman?

ASSEMBLYMAN PALAIA: Yes, Mr. Naples.

ASSEMBLYMAN NAPLES: I just want to say what a nice presentation Mr. Bolandi made. In fact, all of the presentations have been very, very sincere. I just want to reiterate that all of us are like members of a football team wanting to score, someone is down on the ground, someone wants to put the ball in the air, but we all want the same thing.

Let me just say something to you. You mentioned politics. There are politics within and politics without.

There's politics and there's politics. You could have politics within a school system, and it could be just as pernicious as politics from without, governmental politics. You could have a man with a certificate just engaging in job justification, and on paper making it look like he is a sincere educator. We have to do away with this, too.

You are a professional educator, and I use that word for a reason. A lot has to be done. There is a certain amount of intellectual dishonesty in education which has ruined many of our institutions. This has to be addressed. I don't think we can blame everything on politics from without. We've got to look inside, too.

MR. BOLANDI: I agree. I didn't mean to say that. I think, being a product of a city system, you have to understand -- I'm sure you do understand -- that a lot of it does come from without. Then, of course, within happens when people are appointed into a system. I think it is equally the same.

ASSEMBLYMAN NAPLES: Both ways; both ways. Let me just add this. During a recent hearing before a city council -- I won't mention which one -- in Mercer County, some of the councilmen asked some great questions, and all the "professionals" could say was, "You're interfering in education." I looked at the testimony, and they had asked some damned good questions. So, they were able to shirk some of their obligations. We have to look at educational politics, as well as political politics.

MR. BOLANDI: I agree.

ASSEMBLYMAN PALAIA: Thank you, Ron.

MR. BOLANDI: Thank you.

ASSEMBLYMAN NAPLES: Thank you.

ASSEMBLYMAN PALAIA: Our next speaker will be Ms. Katherine McEachern, President, Pleasantville Education Association, local affiliate of the New Jersey Education Association.

KATHERINE MCEACHERN: Good afternoon. I would like to thank you for this opportunity to express my opinion on this extremely important legislation, which could have far-reaching impact on my school district.

I am not here to argue whether or not the State has the right or duty to intervene in schools. I am here to say that my school district in Pleasantville is at, or approaching, monitoring Level III. We are getting past II; we are mighty close to III. It has failed monitoring because our children have not passed the minimum basic skills test in grades three and six. Although there were only a few who did not pass, they still did not pass.

We also failed monitoring because of inadequate facilities, the same facilities that passed monitoring just a couple of years ago. The State changed its facilities' requirements in the interim, and our facilities no longer qualify.

I would like to talk about changes that are needed in Pleasantville's schools. They are changes I don't see in the State's takeover plan. They are changes that must take place in our schools if the children we teach and work with each day are to succeed:

1. The people of Pleasantville have the lowest per capita income in Atlantic County and the highest tax rate. In spite of that, our school budget has passed for each of the last three years. Our community needs much more financial support, but it cannot provide more.

If the State were to intervene in Pleasantville, it would have to provide funds for improved facilities, textbooks, supplies, equipment, remedial education, compensatory education, music, special education, art, physical education, and the list goes on. Intervention will fail if the State does not provide funding.

2. Teachers in Pleasantville are not consulted about our classroom or curricular needs -- no matter what exists on paper.

If the State intervenes in Pleasantville, it needs to ask the teachers -- the school staff -- what changes need to be made. And, the State needs to listen and act on our answers. Otherwise, intervention will fail.

3. Our current central administration is made up of seven people. They should not have their positions abolished. They must be helped to provide leadership in the district. Favoritism on one hand, and vendettas on the other, must no longer be the operating principle of our district's administration.

If the State intervenes, it must provide administrators who will lead our district -- permanently -- and help our existing administrators provide educational leadership, our school staff, and our students' needs. Pleasantville is a community; our schools are community schools. No one will support people sent in to tell us what to do who are not willing to stay and become a permanent part of the Pleasantville school community.

Without commitment, intervention will fail.

4. Pleasantville's schools have great difficulty attracting and keeping competent support staff. We need better custodial services and secretarial services, and we desperately need classroom aides. But the salaries of these jobs are so low that the district cannot attract good employees or keep the ones they have. One dedicated classroom aide with 20 years of dedicated service to our schools, makes only \$11,000 a year. That is not even a living wage for a new employee, let alone an experienced one. If the State intervenes, it must be prepared to provide adequate support services -- all of those things that make the classroom teacher's job possible. Otherwise, intervention will fail.

The State's proposal contains very strong language -- too strong when it speaks of depriving any school employee of basic due process rights. But it is silent in other critical areas -- some of which I mentioned today. These bills need many changes, and I urge the legislators to listen well to NJEA and the others willing to provide expert help in fashioning an intervention plan that will actually do what the State intends -- help the children in our public schools.

ASSEMBLYMAN PALAIA: Thank you.

MS. McEACHERN: Thank you very much.

ASSEMBLYMAN PALAIA: You're welcome. Are there any questions? (no response) Thank you again, Ms. McEachern.

ASSEMBLYMAN NAPLES: Ms. McEachern, I just want to say that I have read your testimony. This morning I had a conversation with my Assistant Superintendent on two or three of the points you made. As a building principal, I can say that you made a lot of sense.

MS. McEACHERN: Thank you very much.

ASSEMBLYMAN PALAIA: Mr. Paul Ricci?

P A U L R I C C I: Thank you, Mr. Chairman. I appreciate the opportunity to share with you my thoughts and concerns regarding education in our State.

My name is Paul Ricci. I served 10 years as a member of the Vineland Board of Education; I am a past President of the New Jersey School Boards Association; and, I am a former member and past President of the New Jersey State Board of Education. In total, I have devoted 22 years to public education in New Jersey.

In my business life, I have the following associations: My family owns and operates a retail business in five New Jersey counties and two Pennsylvania counties, employing 125 people. I serve as Chairman of the Board of Trustees of the Newcomb Foundation, which, associated with the Newcomb Medical Center, employs more than 800 people. I am

also Chairman of the Board of a \$950 million New Jersey savings and loan employing more than 400 people in nine New Jersey counties, from Somerset south. We cover a good part of the State, and we have a cross section of the students of the State as employees.

So, I meet with you today as a product of New Jersey public schools; the parent of New Jersey public school-educated children; a citizen who gave 22 years of effort to our State's educational systems; and, as an employer of more than 1300 people in New Jersey.

As an employer, I can assure you that we have serious problems with our students who are entering the work force, so serious that at our bank, we have created our own school, a school which teaches young people the basics of the real world, the skills needed to begin a career and have an opportunity to follow that career path to any level they establish as a goal.

The reason we must run our own school and the reason many young people are unemployable, is at the very core of the issue under discussion today. Too many students are being denied the simple basics of education in New Jersey.

More than 10 years ago, the T & E law was passed guaranteeing every student the opportunity for a thorough and efficient education. As of today, there are districts in New Jersey where no such opportunity exists for a variety of reasons, including many which you have heard before, and I will repeat some of them: Ineffective or politically motivated administrators, and unconcerned boards of education, or boards of education that are more concerned about patronage and politics than the education of their children. There are many more reasons; those are only a few.

Most of these problem districts cannot, or will not, ever change, and so, the vicious destruction of young minds continues.

I think education in New Jersey has made great progress, in most districts, since the advent of T & E. Now, though, it is time to attack the hard-core areas that have refused, time and again, all offers of State assistance, and have been unwilling or unable to bring about change, regardless of the terrible cost to the children and their parents.

Having worked with Commissioner Cooperman and his staff -- and almost all of the present board members -- I am confident that they will implement this legislation carefully, and with only one goal in mind -- our children.

Therefore, I am here today as a concerned parent, a former board member, and an employer to plead with you to continue to be the educational leaders you have been in the past. Your record stands as proof that you are proponents of quality education; now you must utilize your insight and take the initiative necessary to ensure that our children receive the education they deserve.

You must ignore the pleas of the special interest groups and speak forcefully for the children who have no special interest groups to speak for them.

During my years in education, I have developed a good rapport with past Joint Education Committees, and I have looked to you as leaders of education in New Jersey. Therefore, I am confident, based on your obvious commitment to education, that you will support this legislation for the sake of the children.

I am sure you agree that we must give these children who have no hope and no future a fair chance at a decent life. By adopting this legislation, you will be giving them that chance.

Thank you.

ASSEMBLYMAN PALAIA: Thank you, sir. Anyone have any questions?

ASSEMBLYMAN NAPLES: Yes. Paul, real fast, let me just say this. Some of these special interest groups are just

as concerned with education as the Commissioner, or I, or anybody else. The second thing I want to ask, and I should have asked it of Dave Brandt, or even Bob Boose because he alluded to it-- You were President of the State Board when Tony Catrambone was monitor general in Trenton. I never bothered to ask this question, but did his decisions have to be approved by the State Board, or could he act independently? It never occurred to me.

MR. RICCI: Yes.

ASSEMBLYMAN NAPLES: Every one had to be approved by the State Board?

MR. RICCI: Oh, I'm sorry. His decisions, each decision?

ASSEMBLYMAN NAPLES: His decisions to overrule a board of education. Could Tony have acted-- Could Dr. Catrambone have acted independently of the State Board? It's important.

MR. RICCI: Once he had the authority. He had to be given the authority by the Commissioner and the State Board.

ASSEMBLYMAN NAPLES: And then he could have made individual decisions without the State Board?

MR. RICCI: Yes, yes.

ASSEMBLYMAN NAPLES: Thank you. Thanks a lot, Paul.

ASSEMBLYMAN PALAIA: Thank you, Gerry. Thank you, sir.

ASSEMBLYWOMAN GARVIN: Oh, I just wanted--

ASSEMBLYMAN PALAIA: Oh, I'm sorry. Mrs. Garvin?

ASSEMBLYWOMAN GARVIN: I just couldn't let Paul leave without saying it's good to see him. We go back some 30 years. I'm glad you could testify, Paul.

MR. RICCI: Thank you. My pleasure.

ASSEMBLYMAN PALAIA: Thank you. Mr. Rick Engler, New Jersey Industrial Union Council of AFL-CIO? (no response) Mr. Roy Jones, Camden Citizen Coalition? Mr. Jones? Before Mr. Jones starts, I just want to thank all the previous speakers for staying within their allotted time. It has been a great

help to us, and we have moved along quite rapidly, as you can see. Mr. Jones, you're on.

R O Y L. J O N E S: I hope I can stay within the allotted time.

ASSEMBLYMAN PALAIA: Thank you, sir.

MR. JONES: My name is Roy Jones. I am Chairman of the Camden Citizens Coalition. I guess the first thing I want to say is, I represent a number of grass roots groups in the City of Camden, and we support this type of legislation. It is long overdue. It should have been done years ago, and we applaud the State's effort to bring this to fruition.

One thing though, we would like to see this legislation expanded in some respects. So, rather than get into my background, I am just going to talk about some of the recommendations we would like you to consider.

Now, the first recommendation deals with the State supporting the immediate establishment of a community-based commission that would monitor what goes on at the local level, as well as what goes on in terms of enforcement at the State level, because we see this as a problem that goes directly to the State's lack of enforcement, and at the local level, the lack of implementation. The only other resource-- The only parties that can ensure that this thing works, are the people in the community. No matter what kind of legislation you have, unless parents and people are encouraged to get involved in the system, it will not change, because you don't have the manpower. There are people in this city willing to volunteer to help make this system work.

I get excited about this because when a child is illiterate, goes through a school system and comes out illiterate, that child is, in effect, a lost situation. The child might as well be buried in a grave, because that child will not survive, or he or she will survive in the sense of preying on you and me and all of our families. He will turn to

drugs. When these children do not see a viable alternative to professional advancement, they will turn to crime. That is what you are seeing in cities like Camden, Newark, and throughout this nation.

There is a direct relationship between illiteracy and crime and prostitution and all of those other social ills. Until we deal with this issue of a complete education for all children, you are going to see more crime; you are going to see more prostitution; you are going to see more drugs; and, you are going to see segregated housing. So, I think it is important that a community-based commission be established to check on you, as well as to check on the school system.

The second thing is, in Camden, effectively it is a segregated school system. Until you encourage county-wide desegregation, this legislation is not going to work that well either. I think it is important that everybody in the State of New Jersey share in the responsibility of providing thorough and efficient education. I think that one way to do that is to ask and encourage other municipalities to share in the burden of what is going on in the City of Camden.

The third thing is tenure. I support abolishing tenure. The reason is, when a person gets tenure, he or she tends to lay back, and tends to assume too much. They are not as excited as they were when they were freshmen or sophomores. I think abolishing tenure is something that needs to be looked at. On the other hand, I think you have to raise the starting salaries for teachers in this State. Eighteen thousand dollars is not competitive. You can go to college in New Jersey and go to the casinos because the salary is more competitive. We are educating people's minds. We are building minds, and the casinos pay more than the educational system in this State pays.

I think that \$23,000 would be a good incentive. I think you would then get bright people rushing into the school system to work for that kind of money. Until we face that, we

are still going to get, kind of, you know, lackluster teachers, who have nowhere else to go but into education. That is not all teachers. I'm saying, yeah, there are people in education who are there because they can't go anywhere else. That is a fact.

The fourth thing is, school board meetings. If you want to encourage public participation, require that school board meetings be held in neighborhood centers or in churches. Now, in Camden, if you are handicapped, or you are a senior citizen, you have to climb up 14 rows of stairs, get on an elevator, go to the fifth floor, and then get down this hallway somehow, and then into the board meeting, which lasts three hours. At the end of the second hour, the public can speak, and it's 11 o'clock.

So I think if you want public participation, encourage, through this legislation, that school board meetings be held at the neighborhood level, not in city halls.

The fifth thing is, something needs to be done about encouraging this dual relationship between holding a political office and also holding a top administrative position in education. For instance, in the City of Camden, the President of the City Council was also, at one point, the Superintendent of Schools. I asked the board, "How can he serve two masters?" With all of the deficiencies in Camden, how could he adequately serve the students in this community as President of the City Council and also as Superintendent of Schools? To me, it is a conflict of interest. It should never have happened. ~~Something should be done about that in the future.~~

The sixth thing is, whenever you have a school system and there are deficiencies, those administrators should not be granted pay raises. What has been happening in Camden is, you keep getting a deficient school system, and every year the top administrators keep getting pay raises. It's like we're paying for incompetence. We are getting nothing from that.

The other recommendation has to do with political influence and school board elections. I think one way to deal with that would be to disqualify candidates that are supported by either local political machines or parties, or politicians. I think we need to face that. If you want a nonpartisan election, let's make it that way.

The eighth recommendation has to do with the State assuming the financial responsibility for these deficient systems. I think it would be damaging to require that poor, low-income people in this city take the burden for what the State has allowed to occur over the last years. I think you need to take the responsibility, or all of us need to take the responsibility. Don't shift that burden to poor people in this city who have been left out of the political system and discouraged from participation in the system. I think we need to all share in that responsibility and spread that kind of a burden around, at least for a trial period.

Now, those are my recommendations. I want you to consider those recommendations. I just want to talk briefly about why those recommendations are important. The heart of those recommendations deals with the issue of segregation in the Camden school system. I believe it is important to understand why education is important. The Chancellor of Higher Education said that education means power; it means economic well-being; it is essential for survival. Yet, there has been an erosion in the gains blacks have made in education in New Jersey.

Now, 32 years after the hard fought battle of Brown vs. the Board of Education, we have segregation in school districts in the State of New Jersey. I think this legislation should look at how to implement desegregation in the State of New Jersey. All of the research that deals with desegregation says, if a student comes out of a desegregated school system, that student will get a better job, will live in better

housing, and will have a better opportunity for social, political, and vocational advancement. I'm saying that when you allow students to stay in a segregated system, what you are effectively doing is cutting off their future. I think you should look very hard at how to desegregate in the State of New Jersey. There is a relationship between segregation and joblessness, segregation and poor housing, segregation and crime, and segregation and all of these other social ills. There is a relationship. If you are illiterate, your only choice is sub-level survival. I'm hoping that this legislation will look at how to meaningfully desegregate the Camden school system, or any school system in the State of New Jersey.

I wanted to go into some of the other issues, but some of those issues are political. So, I will just stop at this point and say-- I just want to respond to two comments. One of the comments was that you should allow school boards to stay in place, even though there is a deficient system. I'm saying, when you work in the corporate world, if you don't produce, they fire you. They don't allow you a second or third opportunity to keep bringing in poor returns or revenue. Why should we allow a deficient school board to continue operating? Education is an industry, and until we think of education like that, we are going to have kids coming out of these school systems who will stick you up or cut your throat, because they see no other way out of this situation.

The other thing has to do with this issue of racism. Now, I'll call a spade a spade, whether you're white or black, and I'm saying to those black leaders who have said to you, "Well, listen, we are concerned about disenfranchisement"-- I'll tell you, I am concerned about the fact that just having a black face does not mean anything. If you are black, you are there to produce. You are not there to just be black. So, what is the point of having a black elected official, or a black school board, when the results will be the same if the

Klan was sitting on that board? I'm saying, that is what happened in Camden. The Klan could be sitting on this school board, and you would see the same results. That is a hard fact, but that is true reality. It doesn't matter than we have black elected officials. Skip all of that junk. What is important-- The important thing is that we educate our kids. If a black elected official or school board member does not do that, they should be booted out. They shouldn't be given a second chance.

We are not even talking about a second chance. There are school board members who have been on the school board 14 years. Why should they be given another chance to screw up these kids for another second, let alone another year? You know, don't give them a second chance, because it is not a second chance. It's a fifteenth chance, it's a tenth chance, it's a twelfth chance. It is not a second chance.

Those are my comments.

ASSEMBLYMAN PALAIA: Rather powerful, I might say. Are there any questions from the members of the panel? Mrs. Garvin first.

ASSEMBLYWOMAN GARVIN: First I want to admire your strength of coming before us with such an honest testimony. I really appreciate that honesty. I really do. Try to keep it because that is rare these days. I appreciated your comments. Thank you.

ASSEMBLYMAN NAPLES: I just wanted to say, I leaned over and whispered to Mildred, "This guy's got a lot of guts." Whether I agree or disagree with what you said, I feel that you're saying, in effect, the same thing we are saying. You want quality education. But, it took a lot of courage to say many of the things you said, in the very sincere manner in which you said them.

ASSEMBLYMAN PALAIA: Thank you, Mr. Jones. We appreciate it. Our next speaker will be Rosemary Jackson.

R O S E M A R Y J A C K S O N: I thank you for allowing me to come forward at a moment's notice. I wish I had known about the hearing before, but unfortunately some of us did not hear about it in Camden.

My name is Rosemary Jackson. I am the Director of the Urban Women's Program of Volunteers of America. I am also the national President of the National Congress of Neighborhood Women. Let me say, too, that I am also a special ed teacher, a teacher of the handicapped and a teacher in early childhood. While I have taught in the public school systems here, I have also taught in private school systems.

I am not a product of a public school system. I say that gladly now, but when my parents were trying to tell me the worthiness of private school, I insisted that I needed to be in public school. When I got older and saw some of the devastation that was occurring in the public school system, I was so grateful to my mother.

I would like to say this: Over the years I worked with a lot of young children, especially females, who have come through the system very destroyed. Because of my interest and concern, I became involved with them, aside from being a teacher, but even after school, providing them with services and sex education, and working with Planned Parenthood, to bring all kinds of other services into the classroom because our own system did not provide some of the things they needed to know.

I would also like to say that in working with young females, I found that the parents who had come through these systems lacked a lot. Then I had to backtrack and I began to do community parent groups to answer so many needed things. When I speak to my parents I ask them how many of them designed the schools their children attend. How many designed the classroom structure? How many designed the curriculum? How many had input into who was teaching their children? Almost, I

would say 99% of them, would say they had no kind of input into any of those areas.

What I am saying, aside from this, is that women do not have a stronghold in the decision-making process of what goes on in their community neighborhood schools. While we have a lot of female teachers, we do not have them at the decision making levels. They, first and foremost, are the first parents in the home, but they are also the first whose decisions are neglected because they do not have that input.

I would like to see more female parents on school boards. I would also like to see women administrators, especially in districts where we have primarily female single-headed households and a lot of young female children. I believe their input is very necessary.

I would also like to say that desegregation in this area is a joke. It is almost 20 years too late for Camden to even think of a desegregation plan. I don't where it was sitting up until this past two years. Who are we desegregating? Light-skinned blacks from dark-skinned blacks. Light-skinned Hispanics from dark-skinned Hispanics. Because that is all that is left. That has to be a real joke, trying now to implement this desegregation plan. I understand that they had to do it, but I don't understand that powerlessness, where we had to do it. No one has explained to me how this came off of a paper five years late.

In order to make some differences in our system, in order to get people to change, we must have options and alternatives, underscored by support systems. We do need them in our school systems. Every day I see young girls who-- As I worked in the correctional system, I saw the same kids that I was teaching in public school. I could follow them from the fourth grade. I had them in the Camden school system. When I went to the Juvenile Resource Center for Delinquent Girls, they were there. When I went to Alpha House, which is a residential

correctional program for females, they were there. When I went to the directorship of Alternatives for Women Now, they were there. I could trace them from the time I met them in the system all the way through. All the negative systems that existed-- This is where I would see the same young people. That is not to say it is totally the educational system, but it is a large part of it.

The other thing is, I am so glad you are coming in to do this. I do not ever want to see a school district have a superintendent for 30 years. I did not go through the system, but those who were in office were here when I remember being a little kid and heard their names. I have heard my brothers and sisters mention the school superintendent's name. I have heard their children and their children's children mention the same superintendent's name. His name has been in the paper for 30 years. It couldn't help but be stagnant. It's a wonder we got this far. I was hoping that something would happen. Sorry it was that, but I was almost glad if that is what it took.

The top administrators of our school system are the same people who were here when I was five and six, and I am now 38, so you know that is too long. Nothing could grow from that but stagnation.

Thank you.

ASSEMBLYMAN PALAIA: Thank you, ma'am. May we have Mr. Dennis O'Shea, please. Mr. O'Shea is the Division Manager of AT&T of Basking Ridge.

D E N N I S P. O ' S H E A: Thank you, Mr. Chairman and members of the Committee. I appreciate the opportunity to make a brief statement this afternoon.

I am Dennis O'Shea, a former member of the Edison Township Board of Education. I served my district for 14 years, nine of which I served as Board President. As indicated, I am employed by AT&T.

I am here today to support the State's plan to intervene in deficient school districts. Having served in a school district, it would be my hope that intervention should never become necessary. Under the requirements of Chapter 212, T & E, a school district should have more than ample time to improve the overall performance to more-than-acceptable levels and acceptable standards. Additionally, during the three levels of the monitoring process, plus the proposed comprehensive compliance investigation, a district, again, has more than ample time to meet established standards.

The State intervention program, if and when necessary, should provide sufficient latitude to permit the State district superintendent to administer a district unencumbered by existing statutes and/or contracts. All levels of personnel should be subject to assessment and removal, as deemed appropriate, including the board, superintendent, principals, administrators, and teaching personnel.

I recognize that the present proposal provides for immediate removal of the board, superintendent, and other central office positions; however, an effective efficiency assessment of a district may require removal of other personnel. The primary focus of the State-appointed superintendent and advisory committee should be the immediate improvement of the education of children -- nothing less should be acceptable.

The provision of due process for those persons impacted by this dramatic a situation may still be accorded, and I believe it is provided for in the legislation. However, the urgency of a situation -- this type of situation requiring intervention -- requires removal of the bureaucratic processes to return the due right of education to kids. I think that is what it is all about.

The involvement of the community prior to and during a State intervention is critical and appears to be addressed in

the legislation. I would urge you not to encumber a prospective State district superintendent. From a business perspective, a bankrupt corporation -- and someone mentioned them earlier -- offers little to its employees, little to its officers, and very little to its stockholders. I would hope that a school district on the brink of bankruptcy would have the ability to eliminate the officers, board of directors, managers, and other responsible personnel, but the responsibility to protect and nurture to health its principal clients -- the children.

I thank you for your efforts in this regard.

ASSEMBLYMAN PALAIA: Thank you, Mr. O'Shea. Our next speaker will be Mr. Charles Boyle, Superintendent of Schools of Edison Township.

CHARLES A. BOYLE: Thank you, Mr. Chairman. The hour grows late. I was a little worried about the second speaker ago when she talked about 30 years. I am starting my nineteenth year as Superintendent of Schools. (laughter)

ASSEMBLYMAN NAPLES: You save stationery that way, you know.

MR. BOYLE: I am Charles Boyle, Superintendent of Schools in Edison Township, and past President of the New Jersey Association of School Administrators. My district is a large suburban district comprised of 10,250 students, of which approximately 20% are foreign-born and 30% from single-parent families.

I am here today to support the State's plan to intervene in deficient school districts. I am not here to discuss whether or not the Commissioner of Education already has that authority. That issue should be decided by the Attorney General or the courts. Nor am I here to protect the self-serving role of boards of education, chief school administrators, principals, and teachers. My major concern is the education of our young people in the State of New Jersey.

I have a vivid memory, as I am sure some of you on the Committee have as I look at the make-up of the Committee, of the summer of 1975 when our schools, specifically summer schools, were closed because of lack of funding of Chapter 212. That is when I first understood that we were a "State" school system. Fortunately for all concerned, the Legislature passed the State Income Tax law, which provided the major funding for Chapter 212, and our summer schools reopened.

The T & E process has provided the impetus for improving education in all school districts throughout the State. This process is truly a measurement of accountability.

After a decade of T & E, including many refinements of the monitoring and approval process, districts have had ample time to take the proper steps toward certification. The Level I, II, and III review, and, in addition, the comprehensive compliance investigation, should provide the necessary safeguards prior to intervention. The majority of school districts, both urban and suburban, have taken steps to comply, and have, as a result, received certification. Indeed, it is my view, after reviewing the pending legislation, that very few, if any, school districts will be subject to intervention by the State.

However, in those relatively few districts where little or no compliance is evident, we must seek justice, that students are entitled to an education based on the high standards established by the State. We must not allow local boards of education, administrators, or even teaching staff members to interfere with the basic right of students to receive the best possible education.

Thank you.

ASSEMBLYMAN PALAIA: Thank you, Mr. Boyle. Are there any questions from the panel? (no response) Thank you, sir.

Substituting for Tom DiAmbolla of the New Jersey Association of School Business Officials, is Mr. Ed Meglis.

E D W A R D M E G L I S, J R.: Thank you, Mr. Chairman. Ladies and gentlemen, I appreciate the opportunity of appearing before you this afternoon. My name is Ed Meglis, Executive Director of the New Jersey Association of School Business Officials.

It has been a long afternoon, so I am not going to get into my educational background. Basically, I am just going to address the specific pieces of legislation that are before you, for your study.

First of all, let me start off by stating that our Association agrees with and supports the State's right to intervene in any district that fails to provide a thorough and efficient education for its students, since we strongly believe that every child is entitled to the best education possible, as stipulated under Chapter 212 and monitored by the State through its monitoring process, which currently contains 51 elements. I believe that is going to change to 43 after the first of the year.

Unfortunately, not every district will pass these elements at Level I or Level II, and will fall into Level III as a candidate for both compliance intervention and/or total State takeover. Although a very small minority of districts will fall into the latter category, I think we must all be held accountable for a district's failure to properly educate its students. This includes the State Department of Education, which should be concentrating its efforts on developing plans to assist districts which have failed the monitoring process in either Levels I or II, and enable them to correct their deficiencies before entering Level III, namely, compliance intervention. It would behoove the Department early on to utilize its manpower, expertise, and fiscal resources, and never permit a district to be subjected to State takeover.

Of course, we realize that even a concerted effort by the Department may fall short of rescuing a district from

falling into an educational abyss which has no escape. If this should occur, what are the options? The State believes that compliance intervention is the only solution. Intervention may, in fact, be the only answer. However, we believe the State already possesses the right to intervene in troubled school districts through the autonomous powers granted to the Commissioner and previously utilized in the districts of East Orange, Newark, and Trenton.

These powers, plus the State's right to audit any school district on a random basis -- and I believe Senator Ewing has another bill proposed, S-356, that would give him further rights to do so -- seems to cover the fiscal, managerial, and programmatic areas that have been identified as the basis for compliance intervention. For example -- and you heard this earlier in previous testimony -- the monitor general in the City of Trenton had unilateral powers that permitted him to make decisions solely as an individual and dictate those determinations to the board and the central office staff.

I would like to address three specific issues of compliance intervention: Removal of board and central office staff, seniority and bumping rights, and the budgetary process.

Removal of the Board and Central Office Staff: The State may argue, and possibly with some degree of accuracy, that when a district has fallen under a monitor general, there are still board members and central office administrators who are inefficient, inept, or unconcerned about the educational process.

If there is veracity in the latter statement, then of course we believe something should be done. Board members who do not have education as their number one priority, who may have circumvented the law, and whose voting record has proven detrimental to the district, should be removed. This action does not mean the entire board should suffer from the actions of a few, and competent board members should be allowed to

retain their seat on the respective board of education. Vacant seats on the board can be filled at the discretion of the county superintendent of schools, the SDS, or the Commissioner of Education. It seems highly unreasonable to unilaterally abolish an entire board of education, when from our experience the majority of all board members make a conscientious and honest effort to educate the students under their charge.

The same could be said for central office staff. In this instance, the proposed law seems hypocritical, since it would arbitrarily and capriciously eliminate top central office administrators from their positions, while allowing a 12-month review process for middle management, i.e., principals, before a recommendation for termination is made. If middle managers are given 12 months, we believe that all central office personnel should fall under the same time parameters.

We would also be remiss if our discussion of the termination process failed to question why all instructional and non-instructional supervisory personnel and their respective staffs would be summarily dismissed once a district fell under State governance. We reiterate our strong concern that these individuals be afforded a minimal 12-month evaluation period and pose the following questions for your consideration:

How does the State propose to maintain continuity within a district if all of the aforementioned individuals are summarily dismissed?

Does the State believe it can attract qualified individuals to fill these specific vacancies?

In conjunction with the removal process, the proposed legislation allows for a hearing before the Commissioner, should a middle manager be terminated. In this hearing, it is the responsibility of the individual to prove to the Commissioner as to why he or she should be allowed to remain in their respective position. This guilt before innocence theory

is totally contrary to our judicial system, and we believe it is incumbent upon the State Department of Education, at the very outset, to carefully document any discrepancies with the management team, right from Level I and up to and including State intervention. Furthermore, we encourage the State, should it intervene in any district, to evaluate all employees, afford them due process, and dismiss any individuals found wanting in their respective positions. By treating everyone equally, the State may prevent a rash of legal entanglements that could reduce this entire concept to a mere exercise in futility.

On seniority and bumping rights, very briefly we would like to point out what we consider to be a flaw within the respective piece of legislation; that is, someone who is removed from a position who has been found wanting in that position, i.e., let's say a central office administrator, could, in fact, bump a principal, who, in turn, could bump a teacher from that respective position. We would again pose the question: If an individual is found wanting and is removed from a position, should he or she have the right to move to another position within that district?

On the budget process, we concur with the New Jersey School Boards Association in supporting the authority of the SDS to develop the local district budget. However, we find some irony in the State's position, since it seems to grant unilateral powers to its appointed representative, while making all other districts work under a burdensome budgetary and electoral process. If the SDS can develop a workable budget and certify taxes to the county board of taxation without going to the citizenry, perhaps this mechanism should be made available to all districts within our State. We urge the State Department of Education to be uniform and consistent in the budget cycle process, and thereby eliminate or minimize the dual standards as currently proposed.

In conclusion, we commend the State Department for having concerns about districts which are not educating their students according to the provisions of the T & E law, Chapter 212, and sense their feeling of frustration with districts which have made little or no attempt to correct their deficiencies.

We concur basically with the tenets and provisions of the bills. We would hope that the State would look at -- and the Legislature would look at -- possible amendments. As previously stated in my testimony, we are offering our support and services to basically help those individuals, or basically help the legislators, in making some of those amendments. I think we all have the same goal in mind -- quality education for all students.

Thank you for your time and attention.

ASSEMBLYMAN PALAIA: Thank you, Ed. Any questions?

SENATOR EWING: Ed, I would just like to say that I have written a letter to, I guess, seven or eight organizations such as yours, asking them to send me, in amendment form, their recommendations for the legislation.

MR. MEGLIS: Senator Ewing, yes, we have received it, and we plan to respond.

SENATOR EWING: The other thing is, you said all instructional and non-instructional supervisory personnel -- about their being removed. I believe you will find it is only those who have district-wide authority, or duty, who would be removed.

MR. MEGLIS: Okay.

SENATOR EWING: It is just those with district-wide duties. In other words, some of these places have 14 assistant superintendents, and things of that nature. Now, if they have somebody else working with them who has district-wide authority, then that person would go also.

MR. MEGLIS: All right. I think maybe we need more clarity because if we are talking about, for example, let's say directors of curriculum, if we are talking about transportation coordinators--

SENATOR EWING: Do you mean for the whole district?

MR. MEGLIS: Yes.

SENATOR EWING: Well then, yes.

MR. MEGLIS: Okay. We're still saying that those people-- That is the way we understood it, Senator. We would hope that they would still be afforded an evaluation and due process procedure.

ASSEMBLYMAN PALAIA: Thank you, Ed.

ASSEMBLYMAN NAPLES: I just want to point out-- I had not planned to comment on this, but on a table of organization in a lot of school districts, a lot of coordinators, or directors, or what have you, are the same level as principals are. Even though they are central office personnel, they are staff personnel, not responsible for every function in the district the way assistant superintendents could be, so you make a good point. They are the equivalent of principal -- a lot of so-called "central office" people.

MR. MEGLIS: Thank you very much.

ASSEMBLYMAN PALAIA: Thank you, Ed. Sara Davis, President, Camden Education Association. Thank you for being so patient and waiting out the entire afternoon, Ms. Davis.

S A R A T. D A V I S: The waiting has really caused a lot of butterflies and a lot of frustration.

Good afternoon to the panel and the Chairperson. My name is Sara Davis. I am President of the Camden Education Association, which represents almost 2000 school employees working in the Camden City School District. I would like to thank the Joint Committee for the opportunity to speak before you today.

We in Camden are of two minds concerning State intervention. On the one hand, we understand that the State already has intervention rights and broad powers confirmed by the State Supreme Court of the State of New Jersey. On the other hand, we do not see any value in the State taking over our school district and providing nothing more than a change of the people in management to give us orders. Let me explain what I mean:

Camden's schools are now in Level III of the State's monitoring process. According to the last monitoring report, we were deficient in three key areas: 1) facilities, 2) curricula, and 3) student attendance.

We see that the one primary factor for our being in this predicament is not having enough local financial resources to provide the kind of schools that our children need. And the State has not provided enough funding to pick up the slack left by insufficient local resources. Therefore, the money needed to dramatically improve either facilities or programs is not here.

We believe that another factor for our being in this predicament is poor planning on the part of central administration and past boards of education.

CEA has many questions about the job being done, but we cannot conduct the kind of investigation needed to determine which individuals are not doing their jobs effectively. Only the State's monitoring and investigative process can make that determination.

But, you would be disregarding that process if you passed the legislative proposals that are before you. The proposals you have before you would disregard the results of any investigative process, and simply abolish all central administrative positions and boards of education.

We don't want to see good people held up to the kind of public ridicule that would come with job abolishment. We

would not want to see those who are doing a good job cast in the same light as those who are incompetent. Also, we don't want incompetent people to be given "bumping rights," allowing them to keep jobs in this district and possibly moving into the classroom with our children. Our children are already experiencing the impact of their incompetency, and we surely don't need them in the classroom.

The State should use its monitoring and investigative results to document tenure charges against those people who must be removed so that they can no longer work in the district as educators. Using tenure statutes protects the due process rights of administrators and, indirectly, all school employees.

Considering the school board, ours has a few members who are relatively new. They have not yet had the opportunity to straighten out the problems in the educational system they found when they took office. At least this present board should not be held responsible for all of the problems our system has developed through the years. However, they should certainly be held responsible and accountable for the decisions they are now making.

We believe that the State must find a better, more consistent means of holding school boards accountable for the educational and financial decisions they make.

The State Department of Education should not be allowed to abolish our school district -- meaning our school board of education. That exposes our school employees to contractual risks that they should not have to face.

If, through the monitoring and investigative process, the State determines and proves that a school board member, or several school board members should be removed, we would understand. The politics of a given situation might make that necessary.

I would like to remind the legislators that Camden is a city fighting to stay alive. We are fighting to rebuild our

community. Much of our new community must be built on the foundation of our schools. Intervention would risk destroying the hard work of the citizenry to bring Camden back to life.

Let's consider one other group of school employees which bears the weight of all of this -- the teachers. The teachers of Camden are experienced, hard-working, dedicated, and, at the moment, very frustrated individuals. We have committed our careers to teaching in one of the most difficult situations imaginable. The effects of Camden's decline, impact most clearly and most destructively on the children we teach. The effects of chronic poverty compound the problems that our children face.

Yet, the response we get is limited to State testing and State monitoring. We acknowledge that our children have not attained the scores mandated by the State, as we would have liked them to, and the district has failed in the monitoring process. But, what is the result of this? Is it help? No. The result is pressure. Pressure is put on teachers to teach the tests. Pressure comes from central administration to make the children pass. We cannot do that. And think of how this pressure to pass gets translated to our students.

I remind you once again of the three areas where we failed the monitoring process:

Facilities: We do not have enough classrooms, and those we do have are substandard. Many of them are overcrowded. Class size averages 30 students and, in some cases, as many as 38 students.

Curriculum: We teach what the administration requires us to teach. We teach with the textbooks and teaching supplies they give us, of which we do not have enough. Even if we had the best curricula possible, too many teachers have too few supplies. And, too many students have to share textbooks.

Student Attendance: The fastest way to paralyze Camden's school system would be to have all the students on

roll come to school on the same day. There would simply be no room for them.

Teaching: Teaching to a test or to an appropriate curriculum cannot be effective under the circumstances and conditions we are trying to teach under. Yet, I see nothing in the proposed statutes to deal with, let alone resolve, these problems.

We need too many changes and improvements in Camden's schools to list here. I would be here for hours talking about what needs to be done. If the State is to intervene, it must come prepared to make these changes. The State has the power to make these changes right now, but we are not convinced that the State has a plan.

You see, we do not need anyone to tell us how bad we are; we do need help in making our schools better. I have seen the State do nothing more than punitive evaluations of our schools. It has not come forward with the dramatic help we need. It has not brought us the help required by our State Constitution.

The Camden Education Association urges the Committee to seriously consider the recommendations made earlier by our parent organization, the NJEA. We believe those recommendations would go far to resolve our difficulties with the proposals you have before you.

In closing, let me say that if an intervention plan is to be passed by the Legislature, please make sure it requires the State to help, not just condemn or punish. Because if that doesn't happen, you will only be further punishing those who are already victims of decades of neglect. Those victims are our children.

ASSEMBLYMAN PALAIA: Thank you, Ms. Davis. Any questions? (no response) Thank you. May I have Ms. Riggs, Camden Board of Education?

**J E R R O T H I A R I G G S:** Good afternoon, ladies and gentlemen. I have come today not only as a member of the Camden City Board, but as a member and a citizen of the City of Camden.

I have read your proposal; I have read many answers to it, and I would like you to take a look at not only the children in the City of Camden, but also the adult population, which is responsible for the children, and the board, which is responsible to the State. In many instances, our children are literally migrants by the right of mobility. They come to Camden not because it is the choice of the adults of their families, but because Camden, as a city, offers a place to exist, with hope to live.

Let us take a look at our schools in the three areas that we, as a school district, failed. One is the curriculum. If you look at the 17,800 children who are in remedial classes, then we probably need to look at some of the conditions that exist. Though it is not in your hands to correct all of the social ills, certainly it is in your hands to consider the powers you now have. Those powers are, where districts are in need monetarily-- I'm sure you realize that if we receive 50% of the tax levy, then certainly \$10 million, or less, is very little. The State provides 46% of our budget. That should tell you that we still do not have sufficient to provide for our young people.

Let us look at the poverty level -- and I'm sure you have heard this before -- of the adults in the City of Camden. We live in a city where about 20% are not on, do not use, or are not a part of some type of assistance, yet 42% of our city is made up of citizens 18 years old or under.

In your proposal, you address facilities. With our current building program, we may relieve some of the overcrowding our teachers face, but we cannot build fast enough nor can we prevent the impacting of neighborhoods which takes

place in any given city, particularly one that is in poverty and has very few ratables.

Let us take a look at the families who must utilize these facilities. In many instances, they are part of a system that has not yielded what is known in our society as success. Therefore, the burden rests, in many instances, on the front line, and that is the teacher.

Given that the board of education is responsible for the administration of a school district-- I see in your proposal, though one may want to say it is far away-- I would ask you to take a look at any kind of legislation -- any kind -- regardless of how far away it seems, that would rob any citizen of his or her right to vote, whether it be for the mayor who will appoint the board, or whether it be for elected school board members -- any legislation that would permit you, without charge of a specific wrongdoing, or wrongdoings, by board members, and permitting those board members, by the virtue of proving their guilt -- proving their innocence, or you proving their guilt, that they be removed-- I believe that any legislation that you can write, and by the very virtue of the legislators who will agree to it-- They are in office by vote, and once a given people has their vote, or voting rights taken away from them by the stroke of a pen, and the powers placed into one, it says that there is a group of people who no longer has any control over their lives or the lives of their children.

I would wonder what the Constitution means to that group of people because the bottom line of the action is because the almighty dollar bill is not there. We cannot hire some of the better teachers. They will apply, but as soon as another district offers more money, they are off and gone. We have some dedicated teachers, who through the years have proven that they can produce successful students. I ask you to consider that children enter our school district wave after

wave. They may not have come from affluent or better school districts, as one would want. They carry the stigma of being in a poor urban district. You know, and I know, expectations are not the same as in affluent districts.

But, my chief concern is that by the pen, a group of people can have their rights, whether they always carry them out or not-- I will not sit here and try to impress you with the ills of our society, but given the facilities, as well as the demands from parents who have not chosen to be, or by their life style do not have the knowledge of how to be an integral part of their school system-- By the stroke of a pen, for legislators to take away a privilege that has been fought for with death and imprisonment, to me, would be a travesty of justice, a precedent that once you set it, I am not too sure that there are not other organizations within these United States that might well seize upon it and, if it is to their advantage, there will be others whose only sin, as one might say, is that they are part of a group of people who cannot control by the virtue of the dollar bill.

I would ask that with the present powers you already have, that you utilize those powers, as well as where it is a monetary need, rather than an educational need, that you not only use your powers, but also monitor in such a way that there is aid, rather than destruction. I would question whether once the move has been made in any district, regardless of whether it is Camden or whether the district is too poor to fight back, that tarring everyone with the same brush-- I would like to echo Ms. Davis' words. What board member will you find who is responsible for the neglect that has been going on for years? If it is political, where are the charges that one may at least deny and prove their innocence?

We say we are concerned about the children. Once the adults who are responsible for the children have been rendered -- by the stroke of the pen and legislation -- totally helpless

to defend even themselves of the accusations that may well be made, what is to be the future of those children? Poverty destroys enough without laws being made to destroy the individuals who have not had the given right to defend a charge.

I would ask you to consider that the legislation that entitles you to remove a school board, to remove and break contracts of administrators, to demote and thereby place in the same school district, if the appeal is won, someone who is totally disgruntled and/or has not proven effective-- I see nowhere where you say they cannot be rehired.

I would ask you to rethink the legislation that may set a tone, not only in the State of New Jersey, but may well set a tone throughout these United States, whereby the same children who one professes to help can easily be categorized and adults removed, and thereby controlled by any kind of tyrannical organization that may wish to control masses that cannot defend themselves.

Thank you.

ASSEMBLYMAN PALAIA: Thank you, ma'am. Our next speaker--

SENATOR EWING: Joe, I have a question. What is the lady's name?

ASSEMBLYMAN PALAIA: This is Ms. Riggs.

SENATOR EWING: Ms. Riggs, you stated that Camden gets 46% of its aid from the State.

MS. RIGGS: I'm sorry. I should have said 76%.

SENATOR EWING: A gentleman earlier said 90%, so--

MS. RIGGS: It is not 90%; it's 76%.

SENATOR EWING: All right, fine. I didn't want people to think it was only 46%.

MS. RIGGS: It's 76%. That was my error.

ASSEMBLYMAN PALAIA: Seventy-six percent is correct.

SENATOR EWING: Thank you.

ASSEMBLYMAN PALAIA: Our last speaker will be Mr. Warren Sykes, of the Basic Skills Improvement Board in Camden. Mr. Sykes?

WARREN SYKES: Good afternoon. My name is Warren Sykes. I am parliamentarian for the Basic Skills Improvement Board, Parent Advisory Council, VSIP.

New Jersey State legislators, Department of Education representatives, and fellow citizens: In directing a parental community and educationally active citizens' response to the proposed Department of Education intervention plan for the Camden City School District, it first requires an initial discussion of past actions. These actions should be assessed as to whether they led to beneficial and demonstrated increases educationally to the students of Camden City and other urban areas, or did these actions lead to denial and reductions in educational opportunities for poor persons?

Initially, the assessment mechanism which is used to determine the educational level of district students, the satisfactory curriculum and program development administrative planning, school attendance, desegregation, etc. in the Camden City schools needs to be understood, clarified, and documented, and this related to the findings of incompetency of those staff persons from the Department of Education who are heading the assessment or monitoring system.

As a long-time participant in the numerous aspects of the Camden City educational system, I have, in the past, questioned the validity of not only the mechanisms and monitoring goals used to determine the results, but I have also questioned the monitoring personnel and the ability or background which would enable them to detect causes of, and solutions to, the deficiencies in an urban school setting:

Have these monitors/investigators demonstrated a qualified background in the actual daily implementation of urban educational systems?

Have they been employed, or are they currently employed or involved in any decision making and planning environment for any urban school educational system?

Is there an available format to follow regarding any objective monitor's questions, and are answers and replies fully understood as to the environment they are assessing?

Is it rationalized with an understanding of the many urban cities' problems and circumstances?

Are comments by a minority of those teachers and administrators who are questioned used as sufficient evidence and reasons to request staff adjustments, staff removal, transfers, or program modification?

Is the Department of Education monitoring process open to the scrutiny of concerned parents and citizens who request actual participation in the monitoring process, or is the process limited to only those assessors and their own determinations?

Are Department of Education monitors and their findings, prior to result presentation, checked with the citizens of the district, with the board of education administration staff, to offer the opportunity to validate or challenge these statements or assertions?

These key questions are important to the entire issue, as they address the process personnel who determine the monitor's findings and results. They additionally open for discussion an opportunity for the State Department of Education to make statements, formulate objectives for the urban schools, and also assert the need, based on monitoring, for the intervention of any district found in need of their positive rating.

In addressing these primary concerns, it should be determined, along with the monitoring process and its validity, whether the Department of Education has shown a clear and demonstrated concern for the urban cities' education. Have

they done all they could do to offer the urban administrators, teachers, and youth the opportunities which, by law, would offer positive educational growth? Have the actions of the Department of Education, in the last 11 years, shown objective, cooperative, and consistent attitudes and actions in their dealings with the urban cities, their school populations, and their administration?

Well, should we only look at the Department of Education-presented numbers, percentages, and findings? One might think so. However, let's discuss, and not forget, that currently, at the New Jersey Supreme Court level, there is a pending court case titled Abbott vs. Burke. This is a challenge to the Department of Education and its handling and disbursement of educational opportunities and financing to urban school districts. It primarily addresses the imbalance in school financing in all New Jersey's urban cities.

In 1981, the Educational Law Center filed a constitutional challenge. It alleged that the most far-reaching and basic concerns facing an urban district's education was school financing, as determined by the Department of Education. The challenge presented documentation to show that those affluent areas of the State had, and are currently receiving Department of Education funding at a higher rate per student, per teacher, per system than the urban areas, even though clear evidence of school systems' failures or reduced educational achievements was occurring in the urban areas.

This would have ordinarily, at any assessment level, dictated a higher financing of the areas where the need had been demonstrated. However, the financing that the Department of Education could show, indicated that those communities which had already demonstrated proficient education and a high level of income were receiving financing in excess of the systems which could not demonstrate higher education. The need had not been met, and the reduced standard of economic viability in those communities was disregarded.

This lack of financing and/or delivery of quality concern for the urban districts has led to reductions or elimination of needed and monitoring systems--documented facilities construction. It resulted in lower salaries to teachers in the urban districts, and reduced the number of teachers in those same urban districts.

Additionally, even though the monitoring program specifically noted the lack of quality classrooms, the overcrowding, the large percentage of students per teacher, and recognized that these areas would result in a struggle to provide the programs and course offerings, the funding directed to the urban schools was again reduced.

For background, in 1984, Camden had an unmet \$56 million capital needs request. This request was for construction of new facilities, rehabilitation of old facilities, and purchase of equipment, vehicles, and materials. One would think that after prior monitoring results that showed and documented the need Camden City had, and should have received, the required assistance in remedying these monitoring concerns should be met. However, the Department of Education's routine application of their unconstitutional formulas which determined the level of financing Camden would receive totaled a \$4.2 million amount, which was not even 10% of the demonstrated and monitored-recognized need.

Instead of assistance and objectivity, the Department of Education placed restrictions on the then available State funds to Camden City. This was rationalized by the Department of Education by them saying that the monitoring report showed that classrooms were overcrowded, there were inferior school facilities and curriculum, and that there were needs to be addressed. It stated the district had not met four of the ten monitoring areas, which were: planning, student attendance, facilities, and achievement in State-mandated basic skills.

It is not hard to understand why the district appeared in this manner. The route of these results had its beginning in the lack of constitutional financing and program assistance to the urban schools by the Department of Education. We can see, through an analysis of the court case, that a very close look at the Department of Education prior to submitting the current urban district, its educational leadership, school administration, board of education, to the prospect of direction from, and future planning by, the same Department of Education system that, in the past, had reduced the level of quality education through a misuse of constitutionally mandated objectives.

Since 1975, when the Supreme Court agreed, in the Robinson vs. Cahill court decision, that there had been an imbalance in the financing of school districts throughout New Jersey, the Department of Education has had a clear legal and judicial power. It has had the decision making capacity to effectively increase the quality level of education to the State's poor, undereducated, and property poor populations. All of the tools or laws were available for them to do so. Instead, a wide disparity continued between the property rich communities and property poor communities. Urban school districts could not build new facilities or rehabilitate old ones. Economic increases, such as costs for supplies, materials, and equipment related to a lessening of available educational opportunities in the urban school funding because it has been restricted or reduced.

Essential educational tools which would have offered much to the urban districts and to the cities were not available, such as computers, instructional materials, shop equipment, trade equipment, advanced teaching aids, and recreational items. These were all unavailable and/or delayed due to the urban school districts' inability to finance these needed educational components.

As the urban city taxes climbed and city budgets edged toward borderline deficits, the Department of Education continued to award more financing to Princeton, New Jersey than to Camden, more money to Paramus Borough than to Jersey City. It was no wonder that educational assessments of the urban districts showed these problems and concerns, which the monitoring report and its findings present. It is hard to understand the Department of Education, since it now indicates that the reasons urban districts have failed to adequately show educational prowess and achievement are now the responsibility of the urban cities' boards of education, administrators, educators, parents, and additionally, the students.

The Department of Education, through its lack of educational initiative or follow-up and its lack of dedicated use of the financing tool as amended in 1975 has resulted in showing exactly what it has created -- urban districts that are educationally behind their suburban counterparts.

The Department of Education has shown a lack of character and quality intent. In not taking stronger positions for the urban cities' educational systems, they have relaxed the responsibility of stewardship in the educational process which, when used correctly, with quality intent and objectives could have made a difference in the State of New Jersey. It has reduced the available educational opportunities that would have resulted in an increase in the urban cities' trade persons, teachers, chemists, architects, planners, lawyers, and doctors. There could have been actions to demonstrate commitment to the urban administrators, and to the teachers who are faced with daily hardships and conditions that so many so-called educators could not survive in. Instead, they left town. They ran away, all the while stating the situation was too difficult, the task too hard. This, in itself, has reduced the urban district's ability to increase its educational growth.

With no commitment, no quality intent, and with poor educational objectives toward the urban districts, the lack of monitoring results on a positive level had to be the result. There are justifiable reasons for any citizen who would read this court case -- Abbott vs. Burke -- to question the Department of Education and its leadership and their actions. All legislators, educators, parents, and citizens need to be aware, and should research this pending court case and support it with all available political action, for as a law, it could be amended and directed to create positive changes for the urban cities and their populations. It could also be misused and abused unless the citizens are active and politically pressing in their demands for an equalization of educational financing to the urban districts which require it. Without citizen action, the misuse and misappropriation, and the lack of services and financing will continue.

I request a delay in any Department of Education action to interrupt, intervene, or harass any school district until the rendering of the Abbott vs. Burke decision is finalized by the Supreme Court. Based on past case documented actions and/or non-actions by the Department of Education which show a wide disparity, legislators and citizens should recognize that to allow a continuance of the existing attitudes would mean an immediate end to one of the most basic rights of a citizen -- the right to vote and elect their chosen representatives. A reduction of available sources of direction from educational motivation or stimulation, re: current school boards, current directors, current superintendents, a reduction of percentages of minority members in the school systems without any due process, would equal potential transfers, changed assignments and duties without formulated reasons for same, and this would all be planned, maintained, monitored, and reported by the same Department of Education which is currently under court assessment as to its legal actions not benefiting

distressed urban educational environments. This is unacceptable and violates my voting rights.

As legislators and citizen representatives, make sure that this proposed intervention by the State Department of Education is halted. As a citizen and as a parent, I stress the importance of your overall assessment of the Department of Education and its leadership prior to approving the proposed urban school districts' takeover. To do less will add to the potential disparity in educational opportunities to the poor, uneducated, undereducated, and urban cities' populations.

Thank you for your attention and follow-up to this testimony.

ASSEMBLYMAN PALAIA: Thank you, Mr. Sykes.

MR. SYKES: You're quite welcome.

ASSEMBLYMAN PALAIA: Yes, Senator.

SENATOR EWING: Mr. Sykes--

MR. SYKES: Yes, sir.

SENATOR EWING: --what are the figures you have for what money was given to Paramus and Princeton Borough, and what was given--

MR. SYKES: I don't have the figures here, but I will be glad to follow up.

SENATOR EWING: Well, you make a statement. The statement was made--

MR. SYKES: I am not here to argue with you, sir. The figures you can find in the Abbott vs. Burke case, if you want to look them up. You should have them yourself, if you are here doing oversight on the Department of Education.

SENATOR EWING: Never mind.

MR. SYKES: I'm stating a case. You have the figures already. You had to review them before you came here, hopefully.

ASSEMBLYMAN PALAIA: Mr. Sykes, just to follow up on what Senator Ewing said. Testimony which was given to us

previously stated that the district of Camden received a lot more money than Princeton, Paramus, and all of them. All we were doing was following up with a statement that was made at one of our prior hearings.

MR. SYKES: Well, I would say that any person who came here and said that had not read the Abbott vs. Burke case and was not being truthful.

ASSEMBLYMAN PALAIA: Okay. Thank you, Mr. Sykes.

MR. SYKES: Thank you very much.

ASSEMBLYMAN NAPLES: I think he was talking per capita, in all fairness to him.

MR. SYKES: No question.

ASSEMBLYMAN PALAIA: I want to thank all of you for your participation. We have lasted over three and a half hours.

ASSEMBLYMAN NAPLES: It was a good session.

ASSEMBLYMAN PALAIA: Our next hearing will be a week from today in Jersey City. We thank you all.

(HEARING CONCLUDED)

**APPENDIX**





3513 MERRIEL AVE • CAMDEN, N. J. 08105 • AREA CODE 609 966-8484  
TEAM MINISTERS: SAMUEL E. APPEL HELEN M. WALTERS, Your Food Shelf

PUBLIC HEARING

BEFORE

THE SENATE EDUCATION COMMITTEE

AND

THE ASSEMBLY EDUCATION COMMITTEE

OCTOBER 7, 1986

RUTGERS UNIVERSITY -- CAMDEN

# STATE INTERVENTION PLAN

PUBLIC HEARING - OCTOBER 7, 1986

## TESTIMONY OF THE REV. SAM APPEL

### Introduction

Members of the Senate & Assembly Education Committees -- I am glad for the opportunity to share some of my views on proposed legislation dealing with the Establishment and Governance of State-Operated School Districts.

As a Presbyterian clergy, I agree with and uphold the historical commitment of Presbyterians to the education of children through the public school system. The public school systems of Milwaukee, Wisconsin and Brooklyn, New York have been educationally good for me. I was motivated and inspired by my teachers and was taught to read, compute, write, and think for myself, and I was given a healthy dose of self-esteem in the whole educational process. My three children have attended Camden schools and graduated from Woodrow Wilson High School!

I am including with my testimony written evidence of over 20 years of activities and contributions that the Camden Metropolitan Ministry has made. Motivating prospective teachers toward urban schools; helping to get budgets passed; setting up tutorial services; helping to organize and support Citizens for Better Education and Advocates for Education; working with Commissioner Marberger so that hungry children would have their entitlement to a free or reduced price lunch; etc., etc., -- all these attempts and more were for the purpose of improving public school education in Camden.

Now, I would like to submit my testimony in favor of State Intervention under three headings: Humane Legislation; Necessary Legislation; and Legislation if Passed into Law will probably never have to be implemented!

### HUMANE LEGISLATION

It is on the side of children -- particularly at-risk children!

"Who are children at risk? They include a large proportion of young people from poor families of all races. They include minority and immigrant children who face discriminatory policies and practices, large numbers of girls and young women who miss out on educational opportunities routinely afforded males, and children with special needs who are unserved, underserved, or improperly categorized because of handicap or learning difficulties. Children at risk are capable of success in school and work. However, many miss out on those opportunities to their own and the nation's detriment." (from *Barriers to Excellence: Our Children At Risk--1985*)

- Dropouts -- 50% or better

2X

- Absenteeism -- refer to study done by Advocates for Education! (Attached)
- Test results -- HSPT

	Reading	Math	Writing
Camden	43.2	29.7	40.6
Woodrow Wilson	43.0	23.7	52.3
Cherry Hill-E	98.8	97.7	94.6
Cherry Hill-W	95.3	89.2	86.9

It is on the side of teachers & administrators!

Legislators should be encouraged as they consider the bills for State Intervention by the action of the New Jersey Association of School Administrators of August 6th of this year supporting the commissioner's plan to take control of certain districts if all local efforts to improve them fail. That is responsible control of public school education if "local control" continues to be irresponsible!

It is on the side of tax-payers -- city & state tax-payers!

This legislation under discussion guarantees accountability from school districts for providing "a thorough and efficient system of education."

The legislators of New Jersey must represent the interests of out-of-city tax-payers who are providing almost 90% of Camden's present \$86 million school budget!

## NECESSARY LEGISLATION

We need, I believe, extraordinary intervention because of extraordinary deficiencies! \*Trenton Experience!

It is the State's legal and moral responsibility to provide a system of thorough and efficient education!

It will end the political influence, interference, and control of the conduct of public school education.

- Conduct of School Board Elections--Electioneering; Street money; Dr. Webster's letter! (attached)
- Political cronyism in staffing--Purchasing Agent & the Asst. Superintendent for Recreation & Community Services
- Recent appointment of the Superintendent!
- \* Job Advertisement attached!

Timely legislation -- districts have been given 10 years to get their act together!

PROPOSED LEGISLATION--IF PASSED WILL PROBABLY NEVER HAVE TO BE IMPLEMENTED!

The good news about this whole important matter!

**CONCLUSION**

I have heard some concerns raised in opposition to the State Intervention Plan that I would like to comment on:

- Institutional Racism
- State Takeover--Just as bad as what exists
- Due process concerns

Suggestions--(1) Hold some evening hearings so that parents can participate!  
(2) Ask for written comments from teachers and administrators!

**ATTACHMENTS:**

- \*CMM'S INVOLVEMENTS RE: PUBLIC SCHOOL EDUCATION
- \*STUDENT AND TEACHER ABSENTEEISM
- \*DR. WEBSTER'S LETTER ENDORSING A REPUBLICAN
- \*BOARD OF EDUCATION'S BROCHURE SEEKING A NEW SUPERINTENDENT
- \*ADVOCATES FOR EDUCATION' NEWSLETTERS -- AUGUST & SEPTEMBER, '86

SOME OF THE CNY'S EFFORTS TOWARD IMPROVING EDUCATION IN CAMDEN

- 1964-1977 Regular attendance at the meetings of the Board of Education.
- 1965-1967 Motivation of prospective teachers toward urban schools. Trips to Glassboro and Rider Colleges. Hosted classes from Rutgers and Glassboro at the Point.
- 1965-1967 Arranged "Teas For Teachers" at The Point. New teachers in North Camden schools met with representatives of social agencies serving North Camden families with children in their classes.
- 1966 Responded to Superintendent's request to arouse support for the school budget which had failed to pass in February. Organized the religious community. Budget passed second time.
- 1966 Fourth Presbyterian Church contributes \$250 to the Board of Education in lieu of taxes.
- 1965-1968 Instrumental in the organization and support of CACTUS (Camden County Tutorial Service) for high school youth in Camden.
- 1966-1968 Instrumental in the organization and supervision of the 3rd through 6th grade tutorial service at the H.B. Wilson School directed by Mrs. Joan Cohen and sponsored by Trinity Church.
- 1967-1968 Similarly with the 4th through 6th grade tutorial service at the Cooper's Poynt School, directed by Rev. David McDowell and sponsored by the Haddonfield Presbyterian Church.
- 1967-1968 Instrumental in the organization and support of the Citizens for Better Education. Actively involved in attempts to reconcile the salary dispute through work in Camden and Trenton. Brought in Dr. Sol Gorden as consultant from Center for Urban Education. Proposed to the Board a plan for Community Participation in local schools to restore popular confidence in public education. Requested report on reading levels in Camden schools.
- 1968 Vigorous support of the Save Our Schools campaign for quality education and a Board of Education free from political influence. Sam Appel a candidate, Dick Whitham the campaign manager for the slate.
- 1969-1970 Began monitoring and exposing the school lunch program and the Title I Program through Citizens for Better Education.

Requested of Commissioner Marburger a comprehensive assessment of the Camden City Public Schools.

Appel became a member of the Title I Adv. Committee - goals, accountability, increase community participation and make recommendations.

Satellite feeding program begins in Camden. Free lunches jump from 31 to 12,500.

1971-1972 Active role in Camden Edu. Development Program (Whitham) and enabled other community persons to participate. Training in early childhood education for day care personnel.

Commissioner Marburger's decision on pupil performance data suit received. Negative Appeal submitted to Appellate Division State Superior Court and upheld on July 12, 1973.

1973-1976 Administrative Council goes on record approving Sam's candidacy for the Board of Education. Appel elected to Board of Education. His purposes for wanting to be on the Board were:

- to bring equal educational opportunities to all students
- to increase the quality of education
- to make educators accountable to all the citizens for their performance
- to share with the people full information about their schools--both the good, the not-so-good, and what is inferior
- to work long and hard
- to be available to any who have problems, concerns and suggestions

1976 Mr. Appel runs for the board of education to help meet the following challenges: (1) to help T & E get off the ground properly; (2) to help develop new, efficient administrative procedures; (3) to help implement vigorously and well the board's affirmative action policy and; (4) to help open up the entire decision-making process of the board to the public.

1976-1977 Joined with others in the formation of Advocates for Education. This organization has held educational meetings for community people in T & E with Dr. Joseph Corcoran; opportunities in higher education with Ruth Dixon; Antioch College with Dr. David Frisby; and Adult Literacy with Alan Saundals. The primary purpose of this organization is to advocate on behalf of taxpayers (city & state) in order to increase the quality of education in Camden City by seeking accountability from those responsible for providing such education.

3  
Helped community people understand the 1977-78 budget.

Mr. Appel runs again for the board of education hoping to restore decency to the conduct of public school education.

Honors - Mr. Appel

- Elected as chairperson of the Urban Boards Committee (18 urban districts) of the New Jersey School Boards Association.
- Chaired a clinic on Racism, Sexism and Classism in Curricular Materials at National School Boards Convention-Miami, Florida - 1975.
- Appointed by the Commissioner of Education and State Board to the Taskforce on Competency Indicators and Minimum Standards.
- Received an award from the Rutgers Academic Foundation Department for his untiring efforts and outstanding contribution to public education - 1975.

STUDENT ABSENTEEISM -- Students cannot learn in school unless they are in school! The following average daily attendance records were received from Dr. Smerin's office and reflect another serious trend -- the increase of student absences by year and by school. The figures are from the Middle Schools and our High Schools.

<u>SCHOOL</u>	<u>76-77 ADA</u>	<u>77-78 ADA</u>	<u>78-79 ADA</u>
Camden High	74.8%	73.6%	67.6%
Woodrow Wilson	77.1	75.6	69.8
East Camden			75.0
Hatch	85.0	83.1	75.2
Morgan	81.4	81.3	72.5
Pyne Poynt	81.9	80.1	70.1
Veterans	83.8	82.6	75.7

As of 11/30/79, here are the figures for the above schools and the number of average daily absences.

	<u>Enrollment</u>	<u>ADA</u>	<u># Absent</u>
Camden High	2278	67.6	739
Woodrow Wilson	1888	69.8	570
East Camden	989	75.0	247
Pyne Poynt	971	70.1	290
Veterans	577	75.7	145
Morgan	875	72.5	240
Hatch	945	75.2	234

AVERAGE DAILY ABSENCES 2,460

TEACHER ABSENTEEISM --- Teachers cannot teach in school unless they are in school! Teacher absenteeism is on the increase in Camden. From the school year 1975-76 through 1977-78, the teacher absence rate was 7% a year. In other words, this represents an absence record of 13 days per year per teacher or 1.3 days a month per teacher. Its economic impact is easily noticed in the high level of expenditures for substitute teachers. For example, in 1976-76 the substitute teacher cost for illness absence only was \$284,000. In addition, there was an indirect cost factor for salaries paid for which no services were received due to sick leave usage. This indirect salary loss was \$826,000 in 1975-76, again for illness absence only. The budgeted amount for teacher substitutes in the present budget (1979-80) is \$464,027. Add to that the increase of teacher absence and the indirect cost and we are probably talking about \$1,500,000 loss to the Camden school district.

What is the impact of teacher absenteeism on the educational process? Students and teachers who are seldom absent suffer untold damage from teachers who are chronically absent. Is teacher absenteeism a symptom of frustrated teachers? Is the frustration a result of poor management? What is being done about teacher absenteeism, frustration and poor management?



CAMDEN CITY  
REPUBLICAN COMMITTEE

1594 Collings Rd.  
Camden, N.J. 08104

Chairman  
Dr. Arnold Webster  
1st Vice Anne Strang  
2nd Vice James P. Olivo  
Treas. Emmet Marra

March  
15  
1984

Dear Fellow Republican:

Once again I ask for your support for one of our own. James Olivo is up for re-election to the Camden City Board of Education and we need Jimmy on the Board of Education.

James Olivo is running an independent campaign against 8 other Democrats, three of which have the Mayor's endorsement. We need the Republican representation on the Board of Education. Your vote really counts. Even though we are small in number, if each and every one of you come out on April 3rd and vote for James Olivo he can WIN. WE NEED YOUR VOTE!

Not only will Jimmy be our representative, but he also takes to the Board of Education an excellent sense of knowledge about Health, Safety and Cleanliness which is so very important to the learning environment for the City's children. Jimmy also has a strong background in union negotiation which is surely needed in today's educational involvement.

Please go out on April 3rd and vote because your vote will truly count and James Olivo needs your vote. He can also use your family and friends votes.

Thank you.

"NUMBER 4"

Sincerely,

Arnold W. Webster, Ph.D.  
City Chairman

AKW:emj

# Advocates of Education

**PURPOSE:** A citizens organization that exists solely to advocate on behalf of taxpayers (city and state) in order to increase the quality of education in Camden City primarily by demanding accountability from those responsible for providing such education

## report to the people

**CAMDEN ON THE MOVE - EDUCATION IN THE LEAD** -- This was the motto of our school system back in the early sixties. Under the leadership of Dr. Anthony Catrambone there was some legitimacy to that motto. However, raw machine politics took over in the appointment of Dr. Charles Smerin as superintendent and the public suffered through 15 years of a school administration that was defensive, secretive, incompetent, and academically unproductive. Most central administrators loved having "good ole Charlie" as the Superintendent for then they could blame their inadequacies on him. In 1980, Mayor Angelo Errichetti appointed a Mayors Education Task force of people who were committed to quality education:

Ms. Lucy Abbott  
Rev. Samuel Appel  
Hector Delgado  
Jose Delgado  
Ms. Christine Drew  
Ms. Gwendolyn Faison  
Ms. Deborah McCargo  
Julio Perez  
Dr. William Tucker

The mayor wrote this sentence to the then president of the Board of Education: "My travels around the City and my meetings with our citizens convinces me that there is a well-founded concern and worry over the quality of education in our public school system." This new concern on the part of the mayor was sadly interrupted by Abscam. The Board and the Administrators breathed a sigh of relief and returned to business as usual.

A few weeks ago, I received the following notice in the mail--



BOARD OF EDUCATION  
CAMDEN, NEW JERSEY 08101  
856-986-6148

### CAMDEN BOARD OF EDUCATION NOTICE OF MEETING

Please take notice that the Camden Board of Education has called a Special Meeting to be held on Tuesday, July 22, 1986, at 7:00 P.M. in the Board Office, Room 503, City Hall, Camden, New Jersey.

#### AGENDA

1. Update on Superintendent Search

Preston H. Gunning  
Acting Superintendent/Board Secretary  
July 10, 1986

Update on Superintendent Search, my foot! This is the infamous evening when the Board appointed Dr. Arnold W. Webster as the "new" Superintendent. The chairperson of the Search Committee, Ms. Stella Horton (an educator herself), offered the most cogent explanation of this appointment -- "...we are choosing to maintain a kind of status quo." A newcomer to the board said Webster fits the district's need for someone "who understands the (school) system; will be a team leader and will be a role model to the children." We needed someone who would change the system (including Dr. Webster's role in it); develop a new style of school governance; and exhibit a role model far different from the one Dr. Webster has already exhibited for the past 12 years.

Webster told the board and the audience that his immediate priorities are to improve the district's scores, attendance and facilities. Bravo, Dr. Webster. As a former board member and as an Assistant Superintendent, we have heard little from Dr. Webster concerning these priorities.

This planned and pre-arranged meeting may have pleased the small group of residents and friends of Webster. It was a downer not only for board members, Stella Horton and Jose Delgado, but for students, parents, teachers and a host of administrators. One long time activist teacher in Camden said it all -- "I hope the State takes over our system and soon." So do all advocates for education!

### A WORD TO THE WISE - INSUFFICIENT!

The Eagleton survey - "The New Jersey School Teacher: A View of the Profession" - is based on a random sample of 1,000 public school teachers with an oversampling done of four sub-groups of the teaching population: blacks, teachers with fewer than six years of teaching experience, teachers who work in rural school districts, and those teaching in middle or junior high schools. Here are some conclusions drawn from teachers' responses concerning school administrators:

"I truly feel that all administrators should go back into the classroom to refresh their outlook."

"There are too many people on boards of education that don't know anything about education policy and too many administrators who couldn't hack it as teachers. There are too many superintendents of schools who have their Ph.D's in business - not in education or philosophy...and too much political cronyism in staffing, especially in the higher echelons of administration."

(underlining added)

These thoughts should have been heeded by the Camden City Board of Education before they appointed Dr. Arnold W. Webster as the new superintendent. This appointment was unwise, irresponsible, and an insult to students, parents, and citizens of Camden and the entire state.

I communicated with the Board back in May of 1985 --

- Make sure that the search for a new superintendent is open, national and thorough.
- Hire a competent superintendent with an established record of achievement on issues which affect children at risk and evaluate him or her accordingly.
- The organizational structure of the school system in Camden should be unitary.
- Listen to parents, teachers, and citizens seriously and respectfully. Be prepared, however, to make the final choice without fear or favor. I hope we shall have superintendent who will be new to the Camden scene. We have many teachers and administrators who would love to work with a chief school administrator who demands excellence and accountability and who loves

students and the entire educational process. Familiarity can breed favoritism, mediocrity, clickishness, etc., etc. None of these foster a sound educational system.

A word to the wise was insufficient! The Board of Education took a year and a half searching for "an imaginative, resourceful, charismatic leader" and they appointed the recent president of City Council/Assistant Superintendent who is part of the problem. The record speaks for itself! The Board set down the following qualifications -- he or she must:

- Have successful track record in improving curriculum and academic performance of students. Use of innovative programs to meet the needs of a diverse, ethnic student population, i.e. disruptive students, limited English proficient students, and educationally disadvantaged students.

As a board member and as Assistant Superintendent, Dr. Webster's track record in these areas is skimpy indeed.

- Have a strong fiscal management experience and evidence of ability to develop and manage large operating and capital budgets.

As an Assistant Superintendent for Recreation and Community Services, Dr. Webster stretched a budget of a few hundred thousand to well over a million dollars. Imagine how \$86 million will be managed!

- Demonstrate ability to evaluate staff and instructional programs to insure that resources are being used most effectively and are responsive to the needs of the children.

No central administrator, with the exception of one, demonstrates real ability to evaluate staff or programs nor are they evaluated. That's why we needed a new superintendent.

- Demonstrate ability to analyze and evaluate the school system, i.e., identify problems, establish priorities, make recommendations, develop plans and implement procedures to achieve them.

Back in the summer of 1980, Dr. Webster was complaining about the misclassification of special needs' children. Who administered special education? Dr. Arnold W. Webster. To analyze and evaluate is one of the most important duties and why we needed a new superintendent.

- Possess the communications and human relations skills necessary to be effective in a multi-cultural, diverse, political community.

Dr. Webster has great ability being a politician and it was revealed most clearly by his dual roles - Assistant Superintendent and President of City Council. His appointment is "political cronyism in staffing" at its worst.

The chairperson of the Board's Search Committee, Ms. Stella Horton, remarked succinctly and accurately in selecting Webster -- "we are choosing to maintain a kind of status quo." And status quo is Latin for the mess we're in.

Apparently, a word to the wise was insufficient. Our only hope is that the State take over the conduct of public school education in Camden.

*Man's mind stretched to a new idea  
never goes back to its original  
dimensions.*

*Oliver Wendell Holmes*

# Advocates for Education

3513 Merriell Ave. Camden, N.J. 08105

July 28, 1986

Ms. Aletha Wright, President  
217 Stevens Street  
Camden, New Jersey 08103

Dear Aletha:

This is a sad time for Camden! The Board has taken well over a year looking for a Superintendent who would be an "imaginative, resourceful, charismatic leader." You contracted with the New Jersey School Boards Association to assist in developing qualifications and consulting you throughout the search process. The results -- poor beyond belief! The chairperson of the Board's Search Committee, Stella Horton, said it all -- "we are choosing to maintain a kind of status quo."

I can't believe you could set down the qualifications and then choose Dr. Arnold Webster. Think of these:

- Have successful track record in improving curriculum and academic performance of students. Use of innovative programs to meet the needs of a diverse, ethnic student population, i.e., disruptive students, limited English proficient students, and educationally disadvantaged students.

Let's be honest, Dr. Webster is part of the problem, not a part of the solution. I have known Dr. Webster ever since he became a board member. I have never heard him speak up loudly and clearly concerning the academic performance of students; or disruptive students; or limited English proficient students; and certainly not for those students who are educationally disadvantaged. He has been administratively in charge of special ed students and instead of giving those students and their teachers his fulltime professional attention, he became involved in city politics and was elected to City Council where he eventually became the president. Of course, the Board says nothing about this because you all are pretty involved politically yourselves.

- Have a strong fiscal management experience and evidence of ability to develop and manage large operating and capital budgets.

I know of no such strong fiscal management experience. If his administration of the recreation and community

(city & state) in order to increase the quality of education in Camden.

Purpose: A citizens organization that exists solely to advocate on behalf of taxpayers

those responsible for providing same. City, primarily by demanding accountability from

July 28, 1986

services budget of some years ago is any example of his management skills, the system is in for some real fiscal trouble.

- Demonstrate ability to evaluate staff and instructional programs to insure that resources are being used most effectively and are responsive to the needs of the children.

First of all, I doubt if Dr. Webster has ever had a comprehensive performance evaluation! What has he done to improve curriculum and academic performance of students over the past few years. People who are not evaluated well do not evaluate others well. Dr. Webster has been hiding behind Dr. Smerin for years. His future "success" will be nothing but a PR job foisted on the community and no doubt supported by the Board of Education

- Demonstrate ability to analyze and evaluate the school system, i.e., identify problems, establish priorities, make recommendations, develop plans and implement procedures to achieve them.

When has Dr. Webster ever demonstrated any ability in this area? When has he ever analyzed and evaluated the special education program -- identifying its problems, establishing priorities, making recommendations, and developing plans and implementing procedures to achieve them?

I hope the Camden citizens, especially its black citizens, will rise up and protest this appointment. It was the most political cronyism in staffing that the public has endured in a long time, and knowing Dr. Webster, political cronyism in staffing will continue under his "imaginative, resourceful, and charismatic leadership."

~~This sad affair holds one glimmer of hope -- a takeover of the Camden public schools by the state. This Board of Education and the top administrators should be removed and the State should send in personnel to provide our children a thorough and efficient education. I am sending the enclosed piece which I wrote for the Philadelphia Inquirer and the Courier-Post to Dr. Beineman, Dr. Cooperman and Governor Thomas Kean. Maybe this appointment of a Superintendent will lead them to take such action!~~

Shalom,

Samuel E. Appel

SA:js

Enclosure

cc: board members, Dr. Arnold Webster, Preston Gunning, Mayor Prinas  
Dr. Beineman

14X

# Advocates for Education

3513 Merriell Ave. Camden, N.J. 08105

July 29, 1986

Mayor Melvin R. Primas  
City Hall - 4th Floor  
Camden, N.J. 08101



Dear Randy:

If I were the mayor of Camden right now, I would fly the city's flags at half mast because of the recent appointment of Dr. Arnold Webster. Why? Because this school system has committed and will continue to commit intellectual genocide on the majority of its students.

I listened to your interview on national public radio last Sunday and was saddened to hear you say with some pleasure that the new superintendent was giving up the presidency of City Council to devote full time to his new position. This "professional educator" should have been giving full time to his job as Assistant Superintendent. If the Board had any guts, it would have insisted that he choose one role or the other. As mayor, you should have publicly encouraged the Board to take such a position.

At the beginning of the search process I predicted such an outcome. I'm beginning to believe that this administration and the public school administration (sorrowfully, they seem to be one and the same) think they can pretty much do as they damn please, i.e., all-in-the-family politics; political patronage and appointments; machine-backed candidates for Board of Education elections; etc. This kind of political machinations leads to mediocrity in public school education especially.

I support Governor Kean's strong new state policy on school takeover -- "We are telling our urban school districts that no longer will we turn our backs and tolerate mediocrity. We are no longer going to blame our children. We are going to fix the schools. If a district is failing to educate its children, it becomes bankrupt. It is our legal as well as moral obligation to place it into receivership until that district can get back on its feet."

I've been amazed that while you haven't had the guts to encourage strong, independent people to become candidates for the Board of Education, you have displayed real guts in participating in the appointment of Dr. Arnold W. Webster. I wish you had displayed more guts for the former because then this appoint-

Purpose: A citizens organization that exists solely to advocate on behalf of taxpayers

City, primarily by demanding accountability from those responsible for providing same.

(city & state) in order to increase the quality of education in Camden

July 29, 1986

ment would never have been made.

I trust that your part in this appointment will lead to the state taking over the conduct of public school education in Camden. At least, that will provide some redeeming feature to this sad affair.

Shalom,

Samuel E. Appel



SEA/jca

Enclosures

cc: Governor Thomas Kean  
 Dr. Saul Cooperman  
 Senator Walter Rand  
 Assemblyman Wayne Bryant  
 Assemblyman Joseph A. Palaia



**STATE TAKEOVER - COME AND GET US** -- Governor Kean spoke recently to the National Urban League Conference in San Francisco and he brought the audience to its feet with this declaration --

**"WE ARE TELLING OUR URBAN SCHOOL DISTRICTS THAT NO LONGER WILL WE TURN OUR BACKS AND TOLERATE MEDIOCRITY. WE ARE NO LONGER GOING TO BLAME OUR CHILDREN. WE ARE GOING TO FIX THE SCHOOLS."**

Thank God! There is another way of getting a new superintendent, a new Board of Education, and possibly some additional new administrators. It's called the new State Intervention Plan.

It begins with what is called Level III and that level is designed to oversee those districts that fail the first two monitoring phases. This intervention begins with a preliminary review that examines governance, management and fiscal operations in an effort to identify the causes of the deficiencies. State officials would then issue directives which the district must implement. Failure to pass Level III would result in state takeover with subsequent removal of the local board of education and appointment of a local advisory board by the state commissioner of education. *"They will be 15 outstanding individuals from community organizations and churches. They will be people who don't care about patronage appointments and they're not interested in kickbacks,"* says Commissioner Saul Cooperman. The state-appointed district superintendent will assess individual principals and recommend whether they should be retained.

On August 6, 1986, the New Jersey Association of School Administrators announced its support of the commissioner's plan to take control of certain districts if all local efforts to improve them fail.

Advocates hope this happens in Camden and soon.

# Advocates of Education

PURPOSE: A citizens organization that exists solely to advocate on behalf of taxpayers (city and state) in order to increase the quality of education in Camden City primarily by demanding accountability from those responsible for providing such education

## report to the people

SUPERINTENDENT APPOINTMENT -- I have received many positive comments from teachers and community people concerning my reaction to the appointment of Dr. Arnold W. Webster as Superintendent. I am well aware of how difficult (and vocationally dangerous) it is for people within the system to be openly critical of this appointment. Rather, teachers and administrators must swallow their feelings, roll their eyes, hold their tongues, and put on their most artificial smiles. I attempted to express what many of them would like to have expressed (and have and do express in private), and most certainly, what I thought and felt.

Two persons disagreed emphatically with me and put their views in writing. I am sharing both their letters and my responses to them. Because Camden is such a closed system, it is necessary to share openly with the public the views and feelings about educational issues. No issue was more important to our Board of Education and the citizenry of Camden than the search for and appointment of "an imaginative, resourceful, charismatic" Superintendent.



### BOARD OF EDUCATION

CAMDEN, NEW JERSEY 08101

JOSE E. DELGADO JR.  
803 NORTH 36TH STREET  
CAMDEN, NEW JERSEY 08103

BUSINESS TELEPHONE: 757-7253  
HOME TELEPHONE: 966-8344

August 5, 1986

Mr. Sam Appel  
3513 Merriel Avenue  
Camden, New Jersey 08105

Dear Sam:

I read with great interest the various letters you sent me concerning your personal opinion and speculations relative to the recent appointment of Dr. Arnold W. Webster as Superintendent of Schools.

18X

As one of two dissenting Board members, I share some of your concerns over the Board's final decision. But, I cannot understand how you thought your letter(s) would advance quality education in the City of Camden. I can understand how good it made you feel to write what you did, to get it off your chest. I, too, have often experienced intense anger over unsound educational decisions made in this district, as well as at the State level. In some cases, I dashed off a letter expressing that anger. But, upon reflection, they were not mailed because they could have been twisted and used against the district and the children.

I was deeply troubled by the almost vengeful tenor of your words. I am saddened by your indiscriminate lashing out at dedicated Board members without one shred of supportive evidence. Though, in some measure, I can sympathize with your confusion and irritation, we part company when you belie the collective integrity of the Board of Education. As someone who has served on many community boards, I can safely say that I am deeply proud of the current Board. Sometimes the majority can make a mistake, but, that is a far cry from being dishonest and/or politically controlled.

My emotional response to your allegations are similar to those I felt and expressed when your personal motivation has been questioned. Perhaps my personal philosophy of questioning a person's position on a given issue, not their motivation, is hard to understand in this town. Have we become so weak and insecure that disagreement can only be dealt with via personal affronts? I hope not, because the children will be ill served by such an attitude.

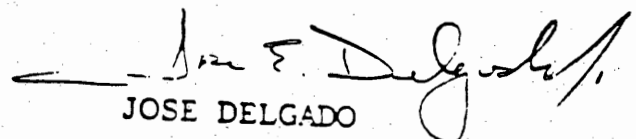
Your call for a unilateral State take-over of the district reflects an uncharacteristic unawareness of the local and state educational situation. I can't believe that you are oblivious to the political gamesmanship practiced at the State Department of Education. If you really want to witness politics and political ideology at play in education, you should attend a few public hearings and/or meetings of the State Board of Education. A prime example being recent decisions relative to LEP students.

I would support, in fact encourage, State intervention in specific areas of concern. Perhaps the State, having a different perspective, can suggest solutions we have overlooked. But, I see no real advantage in having your (our) adversaries in the "Abbott vs Burke" litigation taking over this district. Perhaps you think that individuals that defend the under funding of urban education will be sensitive to the very children they harm by that policy.

As always, Sam, despite our past, present and future disagreement(s) on the issues, I respect and admire your dedication to the children of the City of Camden.

Thank you.

Sincerely,

  
JOSE DELGADO

JD/dlp

pc: Dr. Arnold W. Webster, Superintendent  
President and Members, Camden Board of Education  
Mr. Preston H. Gunning, Deputy Superintendent/Board Secretary  
Honorable Melvin R. Primas, Mayor City of Camden  
Honorable Wayne Bryant, State Assembly  
Honorable Walter Rand, State Senate 19X



3513 MERRILL AVE • CAMDEN, N. J. 08105 • AREA CODE 609 966-8454  
TEAM MINISTERS SAMUEL E APPEL HELEN M. WALTERS Your Food Shelf

September 9, 1986

Mr. Jose Delgado, Jr.  
503 N. 36th Street  
Camden, New Jersey 08105

Dear Jose:

Thanks for your letter of August 5th re: the recent appointment of Dr. Webster as Superintendent. I have had supportive comments from many teachers and Camden residents concerning my views presented in the last issue of Advocates for Education--Report to the People. However, it is always interesting and thought-provoking to receive reactions from those who disagree. You and I have disagreed before and will again in the future I am sure. I suspect that we have both grown by airing our disagreements to each other. I know I have.

I want to respond to some of your remarks as briefly as possible.

1. I'll begin at the very end of your letter --"....I respect and admire your dedication to the children of the City of Camden." My anger, sadness and disappointment at the appointment of Dr. Webster was because of that dedication. I submit that you voted against his appointment for exactly the same reason. We have no disagreement here!

2. I have learned to own my feelings and anger is one of them. It can certainly be expressed irrationally or rationally. I took great pains to do the latter. I also recognize my solidarity with a host of at-risk students, with teachers and administrators, and with many citizens of Camden (and hopefully, with two board members), and so, I attempted to express their anger and frustration at this double PP appointment as well (and I don't mean double pianissimo). It was a poor appointment for the reasons I stated and for many more that you could add. And it was a political appointment and they are usually made for reasons that have little to do with competency or community improvement. Political appointments have almost nothing to do with quality education.

3. I am sorry you found the tenor of my words vengeful and thought I lashed out indiscriminately. In this vital appointment of a superintendent, I find this Board of Education neither dedicated or good. The board failed the students, parents, citizens, and teachers and administrators in this decision. If you think that is vengeful and lashing out indiscriminately, so be it. Remember, you voted against this appointment! Were you being vengeful? I for one do not think so!

20X

4. Yes, I will work untiringly for State Intervention in the conduct of public school education in Camden. I share that hope with many within the system and without.

5. I received the enclosed "form letter" last week and was amazed and troubled. I served on no such "community committee" and the little input I contributed was totally ignored. I am sure Aletha was unaware that I was getting such a letter. You will note her signature was stamped on my letter. Jose, I would like a full report on the entire search process--how many person-hours were consumed in this endeavor? Who were the people who served on the "community committee" and what role did they play? How much money did NJSBA receive for their consultative work? And what was the total amount spent in the entire search process? All of this is public information and I would like to share it with the public.

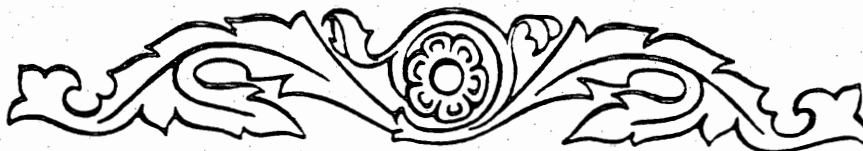
6. Lastly, I felt your letter was a man to man exchange. However, the cc's indicate to me that you are attempting to restore your relationship with your colleagues (or is it with the political movers and shakers) because of your vote. I trust this is not the case!

se, I respect and admire your dedication to the children of the City Camden. Keep on keeping on.

Shalom,

  
Sam Appel

:lk  
: Dr. Arnold Webster  
Board of Education members  
Preston H. Gunning  
Mayor Melvin R. Primas  
Assemblyman Wayne Bryant  
Senator Walter Rand





# BOARD OF EDUCATION

CAMDEN, NEW JERSEY 08101

ALETHA WRIGHT

317 STEVENS COURT

CAMDEN, NEW JERSEY 08103

BUSINESS TELEPHONE: 841-0881

HOME TELEPHONE: 383-4046

September 2, 1986

Rev. Samuel Appel  
3513 Merriell Avenue  
Camden, New Jersey 08105

Dear Rev. Appel:

On behalf of the Camden City Board of Education, I would like to personally thank you for serving on our community committee during the selection of the Superintendent of Schools. The Board appreciated your cooperation and assistance. Your observations and comments were given serious consideration during the selection process.

Each candidate was impressed with the questions posed by members of the committee. Your personal contribution to this very important process was indeed appreciated. May you continue to advocate for quality education and our children.

We look forward to working with Dr. Webster to improve our educational system, and trust that you will join us in this effort.

Yours for our children,

*Aletha R. Wright*

Aletha R. Wright  
President

ARW/va

pc: Board Members  
Dr. Arnold W. Webster  
Mr. Preston H. Gunning

# Camden school chief: Don't criticize Webster too soon

I was appalled at the Rev. Sam Appel's vicious attack on Dr. Arnold Webster, our new superintendent of the Camden School District. It's one thing to offer positive and constructive criticism and quite another to attack someone with a vendetta.

This attack seemed so out of character for the Rev. Appels, especially after all of the years that the late Dr. Smerin held the superintendency and the Rev. Appels was quite tolerant of his shortcomings.

Therefore, I question his motives and sincerity. He did not wait a month after Dr. Webster was sworn in before he began to blame all of the ills of the Camden school system on Dr. Webster.

Dr. Webster inherited a system that needed a new direction and he needs the cooperation of the entire community along with all employees of the district. The stakes are too high — the future of our children — for any of us to hurl criticism where none is due.

The Rev. Appels attributed certain failures to Dr. Webster. I would like to remind the Rev. Appels that Dr. Smerin was the superintendent for a decade and Dr. Webster was limited in what he could do.

I know that Dr. Webster will accept advice of a positive nature. I also have had firsthand experience with Dr. Webster and he has shown himself to be someone who can accept criticism gra-

ciously. The Rev. Appels should accept the fact that his choice for superintendent, whoever that might be, is not superintendent and be gracious enough to work to make our district one we all can be proud of.

Many citizens of Camden are still voicing satisfaction in having a superintendent who lives in the city and has made significant contributions to the school system, starting as a classroom teacher. Dr. Webster has the ability to turn our system around and with our cooperation he will make a difference for good.

GEORGE WILLIS  
Camden

# Advocates for Education

3513 Merriell Ave. Camden, N.J. 08105

September 12, 1986

Mr. George Willis  
1459 Bradley Avenue  
Camden, NJ 08103

Dear George:

Read your letter in the Courier re: the appointment of Dr. Webster as Superintendent. We'll have to agree to disagree on this one. However, here are a few reactions to your letter.

1-I offered and have offered for the past 25 years plenty of positive and constructive criticisms. I have also worked hard to see some of them implemented. Before you use the terms "vicious" and "a vendetta", respond to the content of my criticisms. My "A Word to the Wise -- Insufficient" includes very positive suggestions (ignored) and educational criticisms of our former Assistant Superintendent/President of City Council/Chairman of the Camden City Republican Committee.

2-Dr. Webster is not new on the public school scene here in Camden. How would you rate his performance as a professional educator and assistant superintendent? What creative and effective educational ideas, programs, or commitments has he authored? It is pure, unadulterated bull--- that Dr. Webster "inherited a system" and was "limited by Dr. Smerin in what he could do." Dr. Webster was about as effective as Dr. Smerin and that was inadequate and unproductive. He has been a central administrator in Camden for the past 12 years and so is part of the problem.

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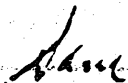
3-"Rev. Appel (not Appels) was quite tolerant of his (Dr. Smerin's) shortcomings." George, you don't know what you are talking about! I have been pointedly and publicly critical of Dr. Smerin's educational incompetence, defensiveness, and secrecy throughout his too long tenure. In the past 10 years, what has the Board of Education, the NAACP, the black churches, etc. done to demand accountability from Dr. Smerin and all administrators? Advocates for Education, I believe, is the only group that has been reporting to the people about the state of public school education in Camden and demanding accountability of all administrators. We'll try to keep on keeping on!

4-George, I had no person in mind for Superintendent. Here was my positive suggestions to the Board when they began their search in the spring of 1985 -- "Hire a competent superintendent with an established record of achievement on issues which affect children at risk and evaluate him or her accordingly. I hope we

shall have a superintendent who will be new to the Camden scene. We have many teachers and administrators who would love to work with a chief school administrator who demands excellence and accountability and who loves students and the entire educational process. Familiarity can breed favoritism, mediocrity, and clickishness, etc., etc. None of these foster a sound educational system."

George, I have respected your independence and your "political sensitivity for many years. That is why you have never been elected to City Council. We share some similarity in this regard. The appointment of Dr. Webster was political cronyism in staffing at its worst. Apparently, you believe differently. I would love to receive from you the "significant contributions" to the school system made by Dr. Webster.

Shalom,



Sam Appel

SA:sea  
Enclosures  
cc: Dr. Arnold W. Webster

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NEW JERSEY'S PLAN TO INTERVENE IN DEFICIENT SCHOOL DISTRICTS--A few weeks ago I received the following letter from the Commissioner of Education, Saul Cooperman...



STATE OF NEW JERSEY  
DEPARTMENT OF EDUCATION  
CA 300  
TRENTON, NJ 08625-0300

August 27, 1986

OFFICE OF THE COMMISSIONER

The Reverend Sam Appel  
Camden Metropolitan Ministry  
3513 Merriell Avenue  
Camden, NJ 08105

Dear Reverend Appel:

In June, Governor Kean and I held a joint press conference to announce New Jersey's Plan to Intervene in Deficient School Districts. Since that time my staff and I have received both written and verbal comments from individuals across the state who have expressed support for this initiative. I sincerely appreciate that support and the many comments and suggestions which we have received from interested citizens.

In the past, the state has intervened, on a limited basis, in a few school districts with severe fiscal or management irregularities. The proposed Intervention Plan, however, represents the establishment of a consistent and uniform strategy for correcting complex deficiencies at the local level. The plan is an extension of the Department of Education's comprehensive monitoring process, and is being proposed only for those extreme cases in which a district proves continuously unwilling or unable to provide students with the education to which they are entitled.

Legislative enactment of this intervention initiative is critical if we are going to ensure that students in all New Jersey school districts receive educational opportunities guaranteed by law. Because of the importance of accurately communicating the process involved in the proposed State Intervention Plan, I am calling upon individual's such as yourself who have expressed support for educational improvements in New Jersey to be a part of a state intervention citizen network.

I have arranged a meeting for this citizen network from 2:00 p.m. to 4:00 p.m. on Monday, September 8, in the state board room of the Department of Education. At that time, I would like to discuss the plan further, answer any questions you may have,

and explain how individuals across the state may assist in enacting this initiative. Please contact the Office of Legislative Services at (609) 292-6038 to indicate if you will or will not be able to attend.

I appreciate your support and your interest in the education of New Jersey's youth.

Sincerely,



Saul Cooperman  
Commissioner

SC/JO/pe:1/4007b

On Wednesday evening, September 24th, Advocates for Education will sponsor a meeting dealing with this plan to intervene.

TIME: 7:30 PM

PLACE: WESTMINSTER PRESBYTERIAN CHURCH

SPEAKER: Valarie French

Special Assistant to the Commissioner

SOME TEST RESULTS.....

NEW JERSEY  
NINTH GRADE PROFICIENCY TEST  
Results by South Jersey High Schools; Exam taken in April 1986

	READING		MATH		WRITING	
	Zpass.	avg. score	Zpass.	avg. score	Zpass.	avg. score
<b>BURLINGTON COUNTY</b>						
Bordentown Reg.	88.0	86.3	67.2	69.2	67.2	80.7
Burlington City	84.6	84.4	73.6	71.6	70.2	80.6
Burlingty Cty. Vo.	64.6	78.3	34.0	54.4	46.9	76.8
Burlington Twn.	86.2	85.2	68.5	68.8	79.2	82.9
Cherokee	91.3	89.1	87.2	79.6	80.0	92.3
Cinnaminson	96.7	90.2	90.2	79.0	96.3	87.8
Delran	97.4	89.9	95.4	81.2	82.9	83.4
Florence Twn.	90.9	87.5	71.7	70.4	87.9	85.2
J.F. Kennedy	87.6	94.6	69.3	68.0	83.9	82.6
J.K. Ossi	67.2	77.8	35.1	54.9	51.1	76.0
Lenape	94.7	89.4	89.3	78.4	87.8	84.5
Maple Shade	84.2	84.4	69.9	70.7	77.6	81.8
Moorestown	97.3	92.1	92.2	83.2	93.6	87.1
N. Burlington	91.6	88.2	86.2	76.8	87.3	84.7
Palmyra	92.0	88.2	88.0	76.2	83.2	83.1
Pemberton	79.1	83.6	65.8	67.0	68.9	80.2
Rancocas Val.	89.0	88.7	68.6	69.6	84.0	83.3
Riverside	79.6	84.4	73.1	69.4	76.3	82.0
Shawnee	96.0	89.4	84.2	74.4	89.2	84.1
Willingboro	87.6	85.2	69.9	68.4	73.0	80.6

26X

CAMDEN COUNTY

udubon	91.3	86.5	87.4	76.0	79.5	82.1
Camden High	43.2	71.5	29.7	52.0	40.6	74.4
Cherry Hill E.	98.8	92.8	97.7	86.6	94.6	87.5
Cherry Hill W.	95.3	89.7	89.2	80.0	86.9	85.4
Collingswood Jr.	86.8	85.7	93.2	78.9	77.9	82.3
Eastern	90.9	88.1	81.2	75.5	81.5	83.7
Gedgewood Jr.	88.3	86.9	81.2	74.9	84.9	82.9
Gedgewood Sr.	92.9	87.6	81.2	73.4	82.4	81.5
Houcouster City	86.8	85.5	63.2	67.6	83.3	83.4
Houcouster Twn.	89.5	78.2	38.3	57.5	50.9	76.7
Madon Heights	83.9	85.7	73.8	72.8	74.5	81.4
Madon Township	98.8	91.5	90.1	78.8	92.5	85.1
Madonfield	97.5	91.9	94.9	81.8	96.2	89.1
Highland	89.5	87.0	80.9	75.6	74.9	81.2
Madlyn	88.9	85.6	64.4	78.2	68.9	79.2
Overbrook	85.0	85.2	73.8	72.2	72.5	80.5
Pennsauken High	86.6	85.9	67.1	68.5	63.1	78.7
Pennsauken Voc.	57.2	74.0	29.4	54.5	44.4	75.5
Terling	87.2	86.4	83.3	76.0	91.2	84.5
Triton	90.6	86.8	83.4	75.2	79.1	81.8
Woodrow Wilson	43.0	70.2	23.7	50.3	52.3	75.9

September 1986

Sam Appel

ADVOCATES FOR EDUCATION  
 3513 Merriel Avenue  
 Camden, New Jersey 08105

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## SUBCHAPTER 5. REVIEW AND APPROVAL OF PROPOSED BUDGET

### Authority

N.J.S.A. 18A:4-15 et seq. as supplemented and amended by  
N.J.S.A. 18A:7A-1 et seq.

### Source and Effective Date

R.1976 d.3, effective January 7, 1976.  
See: 7 N.J.R. 543(a), 8 N.J.R. 58(a).

### Executive Order 66(1978) Expiration Date

Pursuant to the requirements and criteria of Executive Order 66(1978), this subchapter expires on January 1, 1987, as established by readoption, R.1984 d.282, effective June 18, 1984. See: 16 N.J.R. 597(a), 16 N.J.R. 1719(a).

### Historical Note

Original provisions of this subchapter were filed and became effective on December 10, 1971 as R.1971 d.220. See: 4 N.J.R. 2(c). An order repealing these provisions was filed and became effective September 6, 1974, as R.1974 d.246. See: 6 N.J.R. 390(b).

### 6:8-5.1 Review by county superintendent

(a) Each district board of education shall submit to the county superintendent of schools, on or before January 15, a copy of its proposed budget for the next school year. The county superintendent of schools shall review each item of appropriation within the current expense and capital outlay budgets and shall determine the adequacy of such budgets with regard to the annual reports and long and short range objectives. The following information shall be submitted with the proposed budget:

1. Number of teaching staff members, as defined in these rules and all other employees for the current year and requested budget year; and
2. A line item budget report or other authorized budget format.

(b) The county superintendent of schools shall review and approve the proposed budget prior to its advertisement. If changes in the proposed budget are recommended by the county superintendent after review, pursuant to law and regulation, the county superintendent shall consult with the chief school administrator and district board of education.

State of New Jersey  
DEPARTMENT OF EDUCATION  
OFFICE OF MONITOR GENERAL  
Trenton School District  
100 North Clinton Avenue  
Trenton, New Jersey 08600

ANTHONY R. CATRAMBONE, Ed.D.  
Monitor General

FRED C. LUMPKIN  
Commissioner

ROBERT G. BONGART  
Assistant Monitor General

MEMORANDUM

TO: Mr. Peter Contardo, President  
Members of Board of Education

FROM: Anthony R. Catrambone, Ed.D.  
Monitor General

DATE: April 21, 1980

SUBJECT: Monitor General Agenda Directive #1

Pursuant to the Order of the New Jersey State Board of Education, dated November 8, 1979, In The Matter Of The Board Of Education Of The City Of Trenton, we call to your attention the fact that the Monitoring Team is acting as the designated agent of the Commissioner and State Board of Education and has been empowered with full authority to implement all aspects and to take all actions necessary to ensure the full implementation of the State's Corrective Action Plan.

The Monitoring Team has recently asked that the Board agenda be submitted to them seven days prior to each Board meeting. No changes to that agenda are to be made, except in emergency circumstances. This procedure is necessary in order for the Board, as well as the Monitoring Team, to fully review the agenda and adequately prepare for the Board meeting. This procedure will give the Board and Administration advance notification and sufficient opportunity to recommend adjustments or modifications to any items prior to formal action.

The Monitoring Team, in consultation with the Administration, has carefully reviewed the agenda for the Board meeting of April 24, 1980 and is providing you with specific instructions which are attached to this directive. These instructions are focused on certain agenda items that will impact on the operational and/or fiscal integrity of this district in order to provide a thorough and efficient system of education.

*New Jersey Is An Equal Opportunity Employer*

Board members should present viable alternatives, if they deem it necessary, at the Board meeting of April 24, 1980. In any event, alternatives must be submitted to the Monitoring Team prior to the close of the Board meeting of April 28, 1980 for their review and determination of applicability.

Unless the Board and/or Administration provides alternatives acceptable to the Monitoring Team, these agenda items are to be implemented by the Administration as instructed by the Monitoring Team.

\* \* \*

Instructions  
For  
Regular Meeting of Trenton Board of Education  
April 24, 1980 - 8:00 P.M.

Section V - Secretary's Report

- Items 1, 2, 3 - No Comment.
- Item 4 - Please find enclosed statement (A).
- Items 5, 6, 7, 8 - No Comment.

Section VI - Communication - No Comment.

Section VII - Superintendent's Report - Exhibit I

I.\* Administration

Item 1 - Elementary Enrollment Projections and Staffing Pattern (1980-81)

- a) class projections with a teacher/pupil ratio of 1/30 with combination classes - Monitoring Team Directs A Yes Vote.

Items 2, 3 - No Comment.

Item 4 - Computer Study - Ad Hoc Committee - No Comment.

\*We have followed the headings of the agenda as presented, even though they are not in standard format.

## 2. Program

Item A - No Comment.

Item B -

Item C -

Item D -

Item E -

Item F -

Item G -

Item H -

Item I -

Monitoring Team Directs A Yes Vote.

Item J - No Comment.

Item K - Monitoring Team Directs A Yes Vote

if \$12,704 (approximate) funding can be identified  
for this project and meets the Monitoring Team  
requirements for 1979-80 budget. Otherwise, the  
vote should be No.

Items L, M, N, O, P, Q, R - No Comment.

## 3. Personnel

### Instructional

Items A, B, C, D, E, F, G, H, I, J, K, L - No Comment.

Item M - Contract Issuance-School Nurse - Monitoring  
Team Directs A Yes Vote.

Item N - No Comment.

Item O - Creation of New Positions - Monitoring Team  
Directs A Yes Vote if the funding (?) can be  
identified for these positions and meets the  
Monitoring Team requirements for 1979-80 budget.  
Otherwise, the vote should be No.

Item P - Job Descriptions - Monitoring Team Directs A Yes Vote.

Item Q - Job Descriptions - Monitoring Team Directs A Yes Vote.

Items R, S - No Comment.

Item T - Termination - Monitoring Team Directs A Yes Vote.

Items U, V, W, X, Y - No Comment.

Item Z - Positions To Be Abolished - Monitoring Team  
Directs A Yes Vote.

Item AA - Creation of New Position - Monitoring Team  
Directs A Yes Vote.

### Classified Personnel

Items A, B, C, D - No Comment.

Item E - Appointments - Monitoring Team Directs A Yes Vote.

IV. Business/Buildings and Grounds

Item 1 - New Mott School - No Comment.

Item 2 - Decisions Regarding City Council's 1980-81 Budget  
Cut -

Question of Appeal - No Comment.

Budget Adjustments (Attachment A) - Monitoring  
Team Directs A Yes Vote.

Items 3, 4, 5, 6, 7 - No Comment.

ARC:RGB:edt

CC: Mr. Thomas Mitchell ✓

IN THE MATTER OF THE BOARD  
OF EDUCATION OF THE CITY OF  
TRENTON, MERCER COUNTY.

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Argued May 4, 1981 -- Decided June 17, 1981

On certification to the Superior Court,  
Appellate Division, whose opinion is  
reported at 176 N.J. Super. 553 (1980).

Bruce M. Schragger argued the cause for  
appellant Board of Education of the City  
of Trenton (Schrasser, Schragger & Lavine,  
attorneys; Kristina P. Hadinger, on the  
the brief).

Mary Ann Burgess, Deputy Attorney General,  
argued the cause for respondent New Jersey  
State Board of Education (James R. Zazzali,  
Attorney General of New Jersey, attorney).

Fredrica Hochman argued the cause for  
intervenor Puerto Rican Congress and  
Association of Puerto Rican Organizations.

PER CURIAM

The Appellate Division sustained on appeal an order of the  
Commissioner of Education and the State Board of Education  
appointing and assigning "a monitor general" to act as "a general  
supervisor of all activities" undertaken by the Board of

Education of the City of Trenton. As explained by the Appellate Division in a comprehensive opinion by Judge Matthews, published at 176 N.J. Super. 553, the order providing for this action encompassed a "corrective action plan" that required the employment of a "monitor general," who is to report directly to the Commissioner with respect to the total operation of the school district for the 1979-1980 and 1980-1981 school years. It also enabled the Commissioner to engage the services of an independent auditor, to order the transfer of moneys in the budget and to increase fiscal resources through the county board of taxation. Further elements of the corrective action plan called for in-service training programs, implementation of the school board's affirmative action plan, initiation of "a thorough and efficient program" of special, compensatory and bilingual education, and the formulation of comprehensive plans for needed school facilities and personal staffing. Id. at 559-560. The corrective action plan, as pointed out by the court below, contained many other provisions relating to the operations of the board, the submission of periodic progress reports and procedures to be followed with respect to actions upon personnel recommendations. Id. at 560. The Commissioner also directed the assumption of costs, in the amount of \$85,000 per year, for the monitor general and support staff. Id. The Commissioner's order was approved by the State Department of Education.

We affirm the judgment of the Appellate Division upholding the administrative action of the Commissioner of Education and Department of Education substantially for the reasons presented in the opinion of Judge Matthews. As clearly recognized by the appellate court, the administrative measures at the heart of this litigation were extraordinary but the problems that they sought to address and redress were equally extraordinary. We are satisfied that the powers exercised by the Commissioner and State Board were invoked in highly unusual, virtually unprecedented circumstances. The comprehensiveness of the Commissioner's remedial plan is not indifferent or insensitive to the fundamental understanding that public education be a primary responsibility for local government. Rather, the action of the Commissioner was required by irrefutable exigency. It was established in the record of this case, without substantial contradiction, that "the educational system of the City of Trenton is in an abysmal state, due almost entirely to the mismanagement and incompetence of the members of the local board of education." Id. at 559.

The Appellate Division found requisite authority in the Commissioner of Education for the imposition of the corrective plan under N.J.S.A. 18A:7A-14 and 15 and ruled that these statutes, part of the Public School Education Act of 1975, N.J.S.A. 18A:7A-1 et seq., contain adequate substantive and procedural

safeguards for the proper exercise of power by the administrative agencies committed to its implementation -- the State Commissioner of Education and the State Board of Education. Id. at 561-562. As we observed in Robinson v. Cahill (Robinson V), 69 N.J. 449, 461, "[t]he imposition of this duty [to provide for the maintenance and support of a thorough and efficient system of free public schools] carries with it such power as may be needed to fulfill the obligation." It was appropriately emphasized by the lower court, 176 N.J. Super. at 562, that the delegation of power under N.J.S.A. 19A:7A-15 is broad. In instances where the local board of education has failed to provide a thorough and efficient public education, the statute conveys the authority "to issue an administrative order specifying a remedial plan to the local board of education, which plan may include budgetary changes or other measures the State board determines to be appropriate" (emphasis added).

With respect to the particular challenge that the State Board had no statutory authority to direct the Commissioner "to assign a monitor general to full time service within the district as a general supervisor of all activities conducted by the district," we are satisfied that this power may be reasonably implied in the Public School Education Act of 1975. The source of this power does not repose in any single statutory provision.

Rather, it emanates from the entire statutory fabric of the 1975 Act in which many statutory components form an interlocking whole, serving to create powers unique in their breadth and strength. In dealing with the power to designate a monitor general, the appellate court referred not only to N.J.S.A. 18A:4-10, it also gathered support from other statutory provisions, e.g., N.J.S.A. 18A:7A-22(d), and -23. It emphasized, again, the provisions of N.J.S.A. 18A:7A-15, pointing out that the State Board has the power to issue a remedial plan that "may include whatever measures the State board deems appropriate to remedy educational deficiencies within the school district." Id. at 564. Those measures would, in our view, encompass the right to designate agents to effectuate the constitutional mandate for a thorough and efficient education. The sweep of the remedial powers of the State Commissioner of Education and State Board of Education has recently been confirmed by this Court. In the Matter of the Application of the Board of Education of Upper Freehold Regional School District, N.J. (1981) (slip op. at 12-16).

At oral argument it was contended that school board elections, which have served to change the composition of the board subsequent to the decision of the Appellate Division, obviate the need for corrective administrative action by the State Board and

the Commissioner. It was urged that the new board should be given the opportunity to put the local school district in educationally good order and that it is no longer necessary to have a "monitor general" in order to assure compliance with the remedial plan of the Commissioner to achieve a thorough and efficient education.

As we earlier indicated, the powers exercised by the Commissioner and State Board are available and appropriate only in rare cases and, even in those instances, must be invoked with a full appreciation that public education under our governmental system is primarily a local responsibility. Nevertheless, the relief now sought by appellants, essentially a countermand of the administrative order for the designation of the monitor general, has no foundation or support in the record. No proofs were tendered as to conditions within the school district and, in particular, whether any of the egregious deficiencies which gave rise to the Commissioner's order have been removed, corrected or mitigated. We do not find on the basis of the record before us, in which grave educational deficits have been graphically portrayed without refutation, any present justification for disturbing the action of the Commissioner and the State Board. That action, as we view it, sprang from necessity. We assume that it will recede with the evaporation of the necessitous con-

ditions. In this respect, the local school board retains a full measure of ability to control its own destiny. The sooner it creates an atmosphere and takes concrete steps toward educational remediation and progress, the quicker it will be able to achieve a normal measure of local autonomy. Its plaint for relief from the administrative order should therefore be placed before the Commissioner and the State Board of Education.

Affirmed.

Chief Justice Wilentz and Justices Sullivan, Pashman, Clifford, Schreiber and Handler join in this opinion.

Justice Pollock did not participate.



# Leavenhouse

644 STATE STREET

CAMDEN, NEW JERSEY 08102

TELEPHONE (609) 966-4596

Public Hearing October 7, 1986

Rutgers University

Re: Establishment and Governance of State-Operated School Districts

I have three concerns regarding the public school system in Camden city. First, it is obvious to anyone who spends time in the city, attends school board meetings, watches a school board election in April, reads the newspaper, that the school board is politically manipulated in Camden. This sounds almost naive-- because everyone knows that the school board is politically controlled-- but I want it on record. The political noose around the necks of the school board and others within the administration of the schools is strangling the productivity and life of our children and some of our teachers and principals. For this reason, I want a state-operated school district in Camden.

Second, I served on the study team committee for the bi-lingual program two years ago. I had to fight my way onto the committee. I wrote letters, made phone calls and attended meetings practically begging to be able to help. The treatment of myself and others, who were outside the system received, was a vivid example of some of the effects of the political noose-- that of mistrust and fear.

Thirdly, after many years of <sup>test</sup> reading the below-level results of our children, I wonder how many children really are tested in the schools. I see tens of children walking the streets each day -- not just in neighborhoods, but even down town Camden. I'm not saying round them up and make sure that they are in school-- but do something in the schools that will motivate them to be there. Something innovative and creative ~~xxx~~ is needed if it's to offer any competition to activities and drug \$ on the street corners.

Lastly, for the same students who become the US #1 basketball champs, we say that they can't learn to read or do math because they didn't have breakfast, or come from broken homes, or live in urban neighborhoods. Yet we never make excuses for them when it comes to discipline, hard work, motivation to get onto a basketball court.

It saddens me that there aren't more parents outraged at the tragedy of our school system and the injustice being done to our children. I want some system -- some group of people who will meet the challenge of decent education in Camden, if it's the state of NJ then so be it-- because it hasn't been our school administration in Camden.

40X

Cathy Sugden  
*Cathy Sugden*

