

PUBLIC HEARING

before

ASSEMBLY EDUCATION COMMITTEE

on

Graduation Standards  
(S-1154)

Held:  
February 28, 1979  
Assembly Chamber  
State House  
Trenton, New Jersey

**New Jersey State Library**

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Daniel F. Newman (Chairman)  
Assemblyman Harold Martin  
Assemblywoman Mildred B. Garvin  
Assemblyman Walter Rand  
Assemblyman H. James Saxton

ALSO:

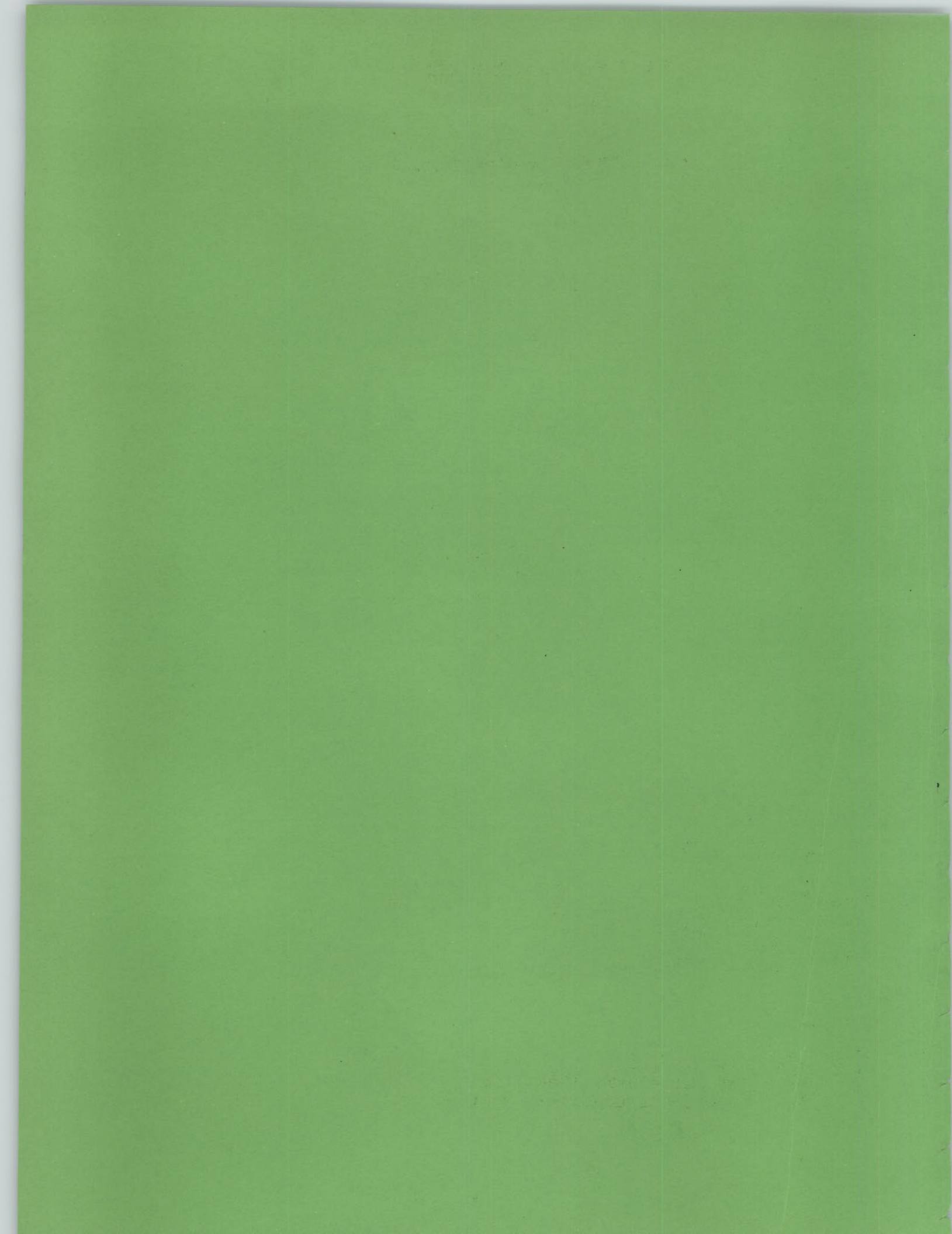
John White, Research Associate  
Office of Legislative Services  
Aide, Assembly Education Committee

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## SENATE, No. 1154

[OFFICIAL COPY REPRINT]

with Assembly committee amendments adopted June 28, 1979

# STATE OF NEW JERSEY

INTRODUCED MAY 11, 1978

By Senators FELDMAN, SCARDINO, FRIEDLAND, EWING,  
PERSKIE and DODD

Referred to Committee on Education

AN ACT providing for high school graduation standards 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. By July 1, \***[1979]**\* \*1980\* the \***[State Department]**\* \*Com-  
2 missioner\* of Education \*with the approval of the State Board of  
3 Education\* shall establish a program of standards for graduation  
3A from secondary school. Such a program shall include, but not be  
3B limited to:

4 a. The development of a Statewide assessment test in \***[com-  
5 munication]**\* \*reading, writing\* and computational skills to be  
6 administered to all secondary school pupils as provided herein;

7 b. Clear and explicit Statewide levels of proficiency in \***[com-  
8 munication]**\* \*reading, writing\* and computational skills to be  
9 demonstrated as a minimum requirement for high school gradua-  
9A tion;

10 c. Guidelines for the development of graduation standards by  
11 local boards of education;

12 d. Guidelines for remediation procedures for pupils who fail to  
13 meet graduation standards; and

14 e. \***[Special provisions]**\* \*Guidelines\* for graduation standards  
15 for those pupils classified pursuant to chapter 46 of Title 18A of  
16 the New Jersey Statutes.

1 2. By July 1, \***[1980]**\* \*1981\*, pursuant to guidelines established  
2 by the \***[State Department]**\* \*Commissioner\* of Education, each  
3 board of education shall establish standards for graduation from

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

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4 its secondary schools. Said standards shall be appropriate to local  
5 goals and objectives and shall include, but need not be limited to:

6 a. Satisfactory performance on the Statewide assessment test  
7 as provided for in section 1 of this act;

8 b. Demonstration of proficiencies in those subject areas and  
9 skills identified by the board as necessary for graduation *\*\*other*  
9A *than those assessed by the Statewide assessment tests\*\**.

10 **\*\*[Each local board of education shall submit to the]****\*** **[State**  
11 **Department]****\*** *\*\*The\*\** *\*Commissioner\** of Education **\*\*[for ap-**  
12 **proval by that department]****\*** *\*\*shall monitor local\*\** plans for the  
13 assessment of proficiencies required for graduation including  
14 techniques and instruments to be used to determine pupil pro-  
15 ficiency\*; *required programs designed to provide the opportunity*  
15A *for pupils to progress toward the mastery of proficiencies required*  
15B *for graduation;*\* and remediation programs for pupils who fail to  
15C meet graduation proficiency standards *\*\*in order to assure com-*  
15D *pliance with the requirement of this act\*\**.

16 The Commissioner of Education shall, upon request of the local  
17 board, provide such technical assistance as may be necessary to  
18 aid a district in the planning, implementation and evaluation of  
19 graduation standards.

1 **\*[3. Based upon the standard and proficiencies prescribed**  
2 **herein and with the approval of the Commissioner of Education,**  
3 **each board of education shall provide for the awarding of differ-**  
4 **entiated certificates and diplomas to correspond with the varying**  
5 **achievement levels or competencies of its secondary school pupils**  
6 **which shall at a minimum include:**

7 a. A certificate of completion for those students who do not meet  
8 the State and local graduation standards, and who satisfactorily  
9 complete all other requirements for graduation;

10 b. A general diploma for those pupils who meet the State and  
11 local graduation standards; and

12 c. An honors diploma for students whose performance in all  
13 areas of their high school curriculum is determined by the local  
14 board to be outstanding.]\*

1 *\*3. For any student who does not meet the State and district*  
2 *examination standards for graduation by the end of tenth grade,*  
3 *the local board of education \*\*when appropriate\*\* shall provide*  
3A *additional remedial instruction specifically directed toward mas-*  
4 *tery of those proficiencies identified as necessary for the awarding*  
5 *of a diploma which may include but need not be limited to an ex-*  
6 *tended school year, extended school day, or additional school years.*

8 *Any twelfth grade student who does not meet said requirements*  
 9 *but who has met all the credit, curriculum and attendance require-*  
 9A *ments shall be eligible for a comprehensive assessment of said*  
 10 *proficiencies utilizing techniques and instruments other than*  
 11 *standardized tests, which techniques and instruments shall have*  
 12 *been approved by the Commissioner of Education as fulfilling State*  
 13 *and local graduation requirements.*

1 4. *All students who meet State and local graduation require-*  
 2 *ments shall receive a \*\*[diploma endorsed by the Commissioner of*  
 3 *Education]\*\* \*\*State endorsed diploma\*\* ; provided, however, that*  
 4 *the Commissioner of Education shall approve any State endorsed*  
 5 *diploma which utilizes the comprehensive assessment techniques as*  
 6 *provided in section 3 of this act.*

7 *Local districts may \*\*not\*\* provide a \*\*high school\*\* diploma to*  
 8 *students not meeting these standards \*\*[, provided that no such*  
 9 *local diploma may be awarded until the district has fulfilled all*  
 10 *developmental, programmatic and remedial procedures as required*  
 10A *herein.]\*\* \*\*Any out-of-school youth or adult age 18 or over who*  
 10B *has otherwise met the district graduation requirements but has*  
 10C *failed to earn a State endorsed diploma may take a basic skills test*  
 10D *which has been developed and administered under the auspices of*  
 10E *the Commissioner of Education. Upon passing this test, a State*  
 10F *endorsed diploma will be granted.\*\**

11 *Each board of education shall provide, in a format approved by*  
 12 *the Commissioner of Education, a performance transcript for each*  
 13 *student leaving secondary school.\**

1 **\*[4.]** *\*5.\* Upon adoption by the local board of education, each*  
 2 *board of education shall provide each high school pupil and the*  
 3 *parents or legal guardians of such pupil with a copy of said board's*  
 4 *policy on graduation, including a clear statement of the profi-*  
 5 *ciencies required for graduation \*\*[, the certificates and diplomas*  
 6 *available,]\*\* and those programs available to assist in attaining*  
 7 *those levels of proficiency.*

1 **\*[5.]** *\*6.\* In the school year which begins in September*  
 2 *\*[1980]\* \*1981\*, and annually thereafter, the State graduation*  
 3 *proficiency test shall be administered to all ninth grade pupils and*  
 4 *to all other high school pupils who have previously failed to*  
 5 *demonstrate mastery of State graduation proficiency standards*  
 6 *on said test. The mastery of proficiencies required to fulfill local*  
 7 *graduation standards shall be determined as appropriate under*  
 8 *local board of education assessment plans.*

1 **\*\*7.** *The local chief school administrators shall report annually to*  
 2 *their local boards of education and to the Commissioner of Educa-*

tion the number of students who completed the twelfth grade course requirements and were denied a diploma and the number of students who received State endorsed diplomas;

a. By successfully completing the Statewide assessment tests and local requirements;

b. By using the comprehensive assessment techniques and meeting local requirements, and were not classified pursuant to chapter 46 of Title 18A of the New Jersey Statutes; and

c. By using the comprehensive assessment techniques, meeting local requirements, and were classified pursuant to chapter 46 of Title 18A of the New Jersey Statutes.

This report to the commissioner shall be included as a portion of the district annual report required under section 11 of P. L. 1975, c. 212 (C. 18A:7A-11).

8. The Commissioner of Education shall also develop rules and regulations for and may issue State endorsed diplomas to those students who have successfully completed a State approved adult high school program.\*\*

\*[6.]\* \*\*[\*7.]\* \*\*9.\*\* The Commissioner of Education shall monitor the results of the implementation of graduation requirements as provided herein, and shall from time to time, but at least once every 5 years review and evaluate State and local programs, and shall report the results of said review and evaluation to the Governor and the Legislature together with such recommendations for changes as may be appropriate to achieve the purposes of this 7A act.

\*[7.]\* \*\*[\*8.]\* \*\*10.\*\* The graduation standards provided for in this act shall not apply to pupils who shall be scheduled to graduate from secondary school prior to the end of the \*[\*1983-84]\* \*1984-85\* school year.

\*[8.]\* \*\*[\*9.]\* \*\*11.\*\* This act shall take effect immediately for the purposes of the planning and development of graduation standards; however, no board of education shall be required to implement the program required herein prior to the school year which begins in September \*[\*1980]\* \*1981\*.



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ASSEMBLYMAN DANIEL F. NEWMAN (Chairman): I call the meeting to order. This is an Assembly Education Committee hearing on Senate Bill 1154. Seated to my left is the Committee Vice Chairman, Harold Martin, to my right is Assemblyman Walter Rand from Camden County. Other members of our Committee are either tied up at appropriations downstairs, or at other functions, so the Committee members will be changing. I just wanted everyone to know that. There are several members who serve both on the Appropriations Committee as well as this Committee, so they are going to be alternating back and forth today. There will be at least two or three of us here at all times.

The first witness is the sponsor of the bill, Senator Feldman from Bergen County.

M A T T H E W F E L D M A N: Thank you, Mr. Chairman. I want to thank you and the Committee for giving me this opportunity to speak to you on the graduation standards bill, S-1154.

I think we would all agree that our educational system today is facing a number of serious problems. I have never suggested that this bill offers a magic remedy for all of them. However, I do believe that in the critical area of pupil performance, S-1154 is an essential component of any effort at education reform.

I have been asked many times why I sponsored this legislation. It originated with a conversation at a private party where a business acquaintance was complaining about the lack of preparation of high school graduates applying for jobs at his firm. Frankly, the more closely I examined the problem, the more appalling it appeared.

It is evident that a significant number of students graduating from our high schools cannot read, write, or compute with any degree of proficiency. Even while we consider this legislation, the evidence mounts. We are all aware of the results of the basic skills testing program conducted at our public colleges which revealed that over one-third of our incoming freshmen lack minimal proficiencies in basic skills.

The Chairman of the State Board of Higher Education called these results deplorable. And I am forced to agree, we cannot allow this to continue.

If I may suggest a suitable text for your discussion today and in the future of this bill, it would be, and I quote, "A student who receives a high school diploma should be expected to have attained a level of maturity, knowledge, and ability which enables him or her to function as a self-sufficient, productive adult. It seems appropriate, therefore, that students be required to demonstrate those qualities before receiving a diploma, and that educators be required to provide skills that they must demonstrate."

This is the premise behind S-1154. And, I may add parenthetically, this quote is not from another State, or from a Newsweek article or other media publication, it is from the "Report of the New Jersey State Committee on High School Graduation Requirements," submitted on December 27, 1977. It is a report that all of us should review with some care. I must say, in all fairness, that this report does not recommend a State test for graduation. It does recommend local graduation - and promotion - standards under State guidelines - standards far more comprehensive and rigorous than those before you in S-1154.

This difference is, on my part, deliberate. I believe it is our constitutional obligation to provide some statewide performance standards. But

these must be minimums.

First, I do not think that it is appropriate for the Legislature to dictate curriculum - nor is it our task to administer the system of education in New Jersey. We are not educators; we are not trained in academic administration. In fact, this bill is before you only because those who are trained in these areas have failed to act. An administrative solution would be welcome. It would have been welcomed years ago. In its absence, the problem is so vital and immediate, legislative action is imperative.

Secondly, State intervention in our local school system should be restrained. The parents, the teachers, and the school board members are best equipped to understand and to address the needs and aspirations of their own communities. In critical areas, statewide minimums are legitimate and, indeed, necessary. Interference beyond this minimal level would violate the very principles on which our system of public education is based.

What, then, precisely, is provided for in S-1154.

1. The Commissioner must establish a program of high school graduation standards.
2. Included in this program is a statewide assessment test in reading, writing and computational skills to be first administered to 9th grade students in 1981.
3. The Commissioner will set "clear and explicit statewide levels of proficiency in the basic skills."
4. Local standards conforming to local goals and objectives must be set.
5. Programs must be provided to help pupils reach state and local proficiencies.
6. Remedial programs must be provided for those who do not meet these proficiencies.
7. Students who meet local and state proficiencies would receive a state endorsed local diploma. Those who do not could receive, may receive, a local diploma.
8. Students who meet all requirements but fail the test could be given an alternative evaluation - which means a non-standard test.

S-1154 represents a combination of State and local standards, early testing, and intensive remedial efforts. It is based upon our needs and our experience in New Jersey. I believe it is a strong program, without being unduly rigid. Perhaps this flexibility has raised several questions which I would like to address briefly.

The first is the question of two levels of standards - local and State. I raise this because of the many times over the last months that people have asked me - "Do you mean you can pass the State test and not get a State diploma?" The answer is, "Yes, absolutely."

Which is exactly the way it is today. Let me again refer you to the high school graduation requirements report. The Committee surveyed New Jersey

high schools concerning their requirements. 65% of the high schools responded. Let me summarize the results:

32.6% require no Science

20.1% require no Math

25% require more than two years of social studies

6.5% now have proficiency requirements for graduation and some districts require art, music, community experience - or other subjects for graduation. In other words, two students can go to high school in two neighboring districts, take the same courses, get the same grades, and one may not get a diploma.

We are not changing that. I would not presume to change that. A uniform statewide curriculum is inconsistent with the history and tradition of public education in New Jersey. Under current law, local districts, with State Board of Education approval, develop programs consistent with local goals, needs and objectives. All S-1154 does is underpin that system by establishing a uniform minimum standard in basic skills. It does not replace local standards. It supplements them.

I might add that if we were to define a high school education as the passing of a single test in basic skills, that would not be reform. It would be regression which I for one could never accept.

I have tried to avoid reference to other states in this testimony. This bill is not a copy of another State's bill - it is designed to be consistent with our traditions. But it might be helpful to look across the river for a moment. New York has regents testing, and now basic skills testing. The Board of Regents sets minimums, including curriculum. And an individual can pass the basic skills and not get a diploma. In fact, he or she could pass the Regents exams with honors and not get a diploma - if local requirements are not met. We in New Jersey are not unique in our commitment to local control.

There is one final issue I want to address, one which has created a good deal of controversy. That is the question of the local diploma. When I first introduced this bill, it provided that a student who did not meet graduation requirements would receive no diploma - just a certificate of completion. After review by the Senate Education Committee, this was changed to allow local districts to award diplomas without State endorsement. It was assumed that this would be the exception, not the rule. The purpose is to prevent an individual from being permanently excluded from further education - to keep opportunity open to that child.

Multiple diplomas should not seem so terrible. Again, looking across the river, you can receive a local diploma, a locally issued New York State diploma, a local diploma with a Regents endorsement, and a local diploma with a Regents endorsement with honors. And they are thinking of adding other kinds of diplomas. We are not New York, but compassion would seem to dictate that we keep this option. Or, it may be the judgement of this Committee that we return to the original concept.

Whatever the decision, please remember that the important thing, the critical thing, is not what we call the diploma, but what it means. We cannot continue to award meaningless diplomas.

We cannot continue to delude ourselves and our children. They are not the ones who are failing; we are failing them. I know that this Committee will give this bill a thorough and careful review.

I hope that, whatever the results of your deliberations, there is one thing on which we can all agree - we must provide for quality education, educational improvement and accountability. We must assure the young people of this State that the opportunities that a good education affords will be available to them. I believe S-1154 will help make that possible. Thank you very much for listening.

ASSEMBLYMAN NEWMAN: The gentleman that has joined us at this point is James Saxton. Are there any questions of Senator Feldman? Assemblyman Rand.

ASSEMBLYMAN RAND: Senator, if I understand your bill correctly, according to what you have outlined, we are going to have three diplomas, a diploma that meets local standards, all the requirements, including the State's, and a diploma that meets minimum standards set by the State, and a diploma of occupancy; is that correct?

SENATOR FELDMAN: No, no. There are two diplomas. One is a State approved diploma, providing that student meets local standards. If local standards are not met the student does not receive a State endorsed diploma. And then if the school district, in its own opinion and evaluation feels that that student is deserving of a local diploma, although the student failed to pass the minimum standards, that high school may, may, give a local diploma to that student, a local diploma that has no State endorsement. Originally, I had only one diploma which was state endorsed, and if you did not meet the standards of your local school districts, you would not receive the State approved diploma. I then had another certificate, a certificate of completion. So there are two, a certificate of completion, which is not a diploma, and the one diploma which was rigid, and that diploma had to be State approved providing it met local standards.

ASSEMBLYMAN RAND: I have one more question. I am going to return to my favorite subject. I know I can't ask you for a concrete figure, but what is the program going to cost the State for all the ninth grade testing and tenth grade testing and remedial programs?

SENATOR FELDMAN: It would be difficult to determine the actual costs of S-1154, because there would be no impact until fiscal 1983, and we could only guess the number of pupils who will fail, how low or high that number will be, as to scores, and the type and intensity of remediation that will be required to bring these students up to level. However, a number of standards should moderate the costs. There are State and Federal funds available for remediation. We don't know if new monies will be necessary. The first class to be tested is now in the sixth grade. They will be given the minimum basic skills test this year, and those who do poorly will receive remediation now. Therefore, they will have received three years of special basic skills instruction before they take the high school graduation test.

Lastly, if, after this remediation, a significant number of students in any district fail, then we should face the fact that the problem is with the basic curriculum of our school system. We get Title One money, and that is a good question, but if it does, I can't see it because of these other factors. But, if it means the saving of a young person's future, that remediation must be given to him. There is nothing that has more priority, as far as I am concerned, than giving young people the tools to meet a life that can be kind or a life that can be cruel. Also, let's stop the hoax and the fraud of giving a diploma that is meaningless where the student feels this is my passport to life, when it may only mean a passport

into failure and a dismal career ahead of that young person.

ASSEMBLYMAN MARTIN: Senator, under the bill, there would be two different types of diplomas, correct?

SENATOR FELDMAN: Yes.

ASSEMBLYMAN MARTIN: How is the average person, who is unfamiliar with the program, going to make a determination as to whether the diploma is one or the other?

SENATOR FELDMAN: Who are we talking about, the employer?

ASSEMBLYMAN MARTIN: We are talking about any individual looking at a diploma.

SENATOR FELDMAN: There is a State seal. It is a State approved diploma.

ASSEMBLYMAN MARTIN: Yes, and if the individual looking at the diploma isn't aware of the intent of the bill or of the rationale for the two diplomas, what is it going to mean, then, if he or she sees that diploma and doesn't see a State seal?

SENATOR FELDMAN: Who are we talking about? Nobody carries their diploma around in their pocket for show and tell. When one fills out an employment form, if one cannot fill out an employment form, or cannot read an employment form to know how to fill out that questionnaire, then the employer or the agency knows that something is wrong, as they have told me in the beginning. This has all been triggered by a businessman in the State who employs and wants to gainfully employ hundreds of people. If they can't fill out an employment form, then he knows something is wrong. He doesn't have to ask. He could ask, and they might answer in the affirmative, and he would then reply as he did to me, "Something is rotten in the State of New Jersey when a high school graduate cannot read, write or compute with any degree of proficiency."

ASSEMBLYMAN MARTIN: I am still at a loss. I understand the recipient of the diploma doesn't walk around with his diploma in his pocket, which I would grant you is probably the case. So, if he merely says to an employer, yes, I have a diploma, how is the individual employer to know the significance?

SENATOR FELDMAN: Employment forms today say, "Are you a high school graduate, yes or no." These forms can be changed. This is not a closed hearing. We are not meeting in a closet. If this bill passes, and there is a State endorsed diploma, on that application it will state, "Have you a State endorsed diploma?" Or, if you feel in your wisdom that you would like to amend the bill back to the original one diploma. Then there is just the need to ask if they have a high school diploma.

ASSEMBLYMAN MARTIN: In other words, you are willing to have this bill changed to one diploma?

SENATOR FELDMAN: I made the amendment for the local districts to award if they want to. If they feel it is the responsible thing to do, they can have a local diploma. I have no strenuous objections to an amendment for one diploma, a rigid diploma. It would bring the bill back to its original concept. I changed it because I am flexible. I have listened to testimony of people who have come before us in the Senate, parents, and members of the minority communities in the State, and they questioned the stigma that would be attached to a young person.

On the other hand, I addressed a Fairleigh Dickinson student body the other day, and the most "strident" - and I use the word in quotes - of those



students were for the one diploma, not for the two diplomas. They wanted that diploma to be even more meaningful.

ASSEMBLYMAN MARTIN: What about the argument that minimums become maximums?

SENATOR FELDMAN: Again, it goes back to the local school districts. This is the important part. The beauty of the bill is that you just don't graduate with minimum standards. You have to meet these minimum standards, but you have to conform to the standards set forth by the local school districts. That is the beautiful part of the bill. You just can't get by with minimum standards.

ASSEMBLYMAN MARTIN: That is precisely what I am getting at. Isn't it conceivable, and perhaps even likely, that the local school districts in many instances would take the easy way out and set minimums that are really of no consequence.

SENATOR FELDMAN: I don't think a local school district would set minimums that have no consequences.

ASSEMBLYMAN MARTIN: In your testimony you pretty much indicated figures, if I may interrupt you for a moment, that were rather startling and shocking, and that many school districts have lax requirements in terms of subject matter, mathematics, history, English, whatever. Isn't that indicative of the kind of thing that would probably occur if you had minimum standards?

SENATOR FELDMAN: It is more than school districts setting low standards. I think many of them do not. People are graduating and just easing through. Maybe the accountability isn't what it should be. I don't mean accountability only of the educators, but also of the parents, and students. I am not pointing a finger of blame at any segment of the educational community. All of us have to share the responsibility. When I say "all" I mean parents, students, educators, administrators, legislators. We all have to really share this responsibility.

You know, we can lament and try to find loopholes in any piece of legislation, but something has to be done. We know we have a cancer that could become more terminal every year. The SAT scores are declining. One-third of incoming college freshmen cannot really pass a basic skills college freshman test.

Now, are we living in a fantasy world, in a Walter Mitty world? Do people feel that watching a TV tube or watching a calculator is going to bring them into this world. Nothing has been done up to now. I say we have to stop our lamentations. We all talk about it with our families and our friends, but nobody wants to do anything about it in New Jersey. Some things should be done by regulation. We only do things because the system didn't do it. This should have been done years ago.

ASSEMBLYMAN MARTIN: Is there any evidence in other states? You mentioned New York where they have the Regents tests. Is there any indication there or elsewhere that the SAT scores, or test scores, have improved substantially as a result of the minimum standards?

SENATOR FELDMAN: Yes. There has been an improvement, even in the State of Florida. I was against the Florida bill. The Florida testing is done in the eleventh grade. They hit them with the test, and then they have their remediation, and they take it again in the twelfth grade, and they graduate them. Florida has modified its bill, and more students have passed now, the second time around, than passed the first time around, so there is an improvement in the State of Florida. There is improvement in Colorado. New Jersey is America in microcosm. This is

not peculiar to our State. But some states have already started to move in this direction of remediation and help and New Jersey has not. There has been improvement, yes. To me, the percentage in Florida has been significant. This just came in the other day. But, like the old biblical story of Sodom and Gomorrah, if you remember your biblical history, Abraham was debating with God about destroying that city, and he said there are righteous people, if there are ten or five or fifty, don't destroy it. That was the dialogue that was going on, and whether we look upon it as allegory, or legend, or fact, it is a great lesson.

If this bill can save the careers, and literally the lives of high school students, whether there are one hundred or two hundred or fifty the first year, I don't care. We are doing our job as legislators. Eventually, I know there is going to be a ripple effect. I don't even know how many students will fail when this test is given the first time around. We have basic skills now. We will be getting T & E. This is a continuation of our T & E program. Let's see what happens with the first results before we give accolades or condemnations. Let's see what happens.

ASSEMBLYMAN SAXTON: Senator, on page two, your paragraph three spells out that for any student who does not meet the State or district examination standards for graduation in tenth grade, the local board of education shall provide additional remedial instruction, which may include an extended school year, extended school day, or additional school years. Now, that seems obvious that that is going to cost someone some money. As Assemblyman Rand pointed out, do we have any idea what that would be, number one, and, number two, how would we handle that within the structure of the CAPS?

SENATOR FELDMAN: Well, I personally believe that there should be some modification to the CAP program, which is not relevant to this discussion this morning. I have another bill, and if Saint Jude is kind to me and that bill passes the Senate, then I will be in here on this modification bill. But, I am not that optimistic.

However, what we are putting in there is that the remediation has to be intensified in the tenth grade. Then, we know, hey, we have a danger sign. If they fail in the ninth grade and if they fail in the tenth grade, we have to intensify - which can be after school hours, additional school days. We have to remedy the situation by intensifying the basic skills or minimum standards. The cost, as I told Assemblyman Rand, I don't know. I don't know a thing about it. I recited reasons why I don't think the cost will be too excessive, or whether there will be any cost at all, because we are giving basic skills testing in the ninth and eleventh grade. We may do away with the eleventh grade basic skills testing, or use that for remediation. The money is already there. The money has been allocated for the ninth grade, so we are doing it now.

ASSEMBLYMAN SAXTON: If we accept the premise that there will be additional costs, then doesn't it follow that we would have to do something in terms of modifying CAPS in order to accommodate those new programs?

SENATOR FELDMAN: I believe with Title One monies, and federal monies, and compensatory education monies, we can ride this out. And, if it does mean spending additional monies to give a young person a chance at life, I would be for it. I would say we in the Legislature can cut out a lot of other programs and give this priority.

ASSEMBLYMAN SAXTON: I have one other question. It is generally felt, and I think it can be held that it is pretty much fact, that there are some school

districts who tend to graduate high school seniors with rather high credentials, as opposed to other school districts who presently graduate high school seniors with rather low credentials. Can you see this bill in any way creating a two-tier system of education in terms of possibly the identification which might be gained by certain school districts who tend to graduate a large number of students with a local district rather than a State endorsed district?

ASSEMBLYMAN FELDMAN: I would say that the vast majority of high school graduates, if this bill is implemented into law, would receive a State approved diploma. You know, in the hearing that we had in the Senate, I never like to generalize, but something came out which maybe bears repeating this morning, one of the witnesses stated that at a high school graduation ceremony where the graduates were bedecked in all the best of academia, cap and gown, diplomas given out, a handshake was given, one of the young persons that received the diploma could not read it. That person's younger sister of nine years old read that diploma to her graduating brother. Now, to me this is a hoax and a fraud. I think this is the important thing. At least we know, I want that diploma- whether it be from my town of Teaneck, or Newark or Ridgewood, or whatever the town, 'Toms River, Camden, whatever - to mean that that young person can read, write and compute with some proficiency, whether that school district is in my town or is in Assemblyman Rand's town or in your community.

ASSEMBLYMAN RAND: Senator, I am beginning to like your bill more and more, and there are some reasons why I like it. Maybe I will feed you some input as to where we can get some money. I like the fact that you designate those people who have not even reached the ability to use computational skills, even though they are getting a diploma. I would hope that through the implementation of this, that certainly our higher schools of education will continually complain that they have to review and place these children in a remedial reading class, when they reach the first year of higher education, and by the time that this bill begins to take effect, maybe we will have designated those students who received this diploma that they certainly have met the minimum standards, and they certainly can compete with all other students. And, those who have not, at least you have not shut the door on them. by giving them a diploma without a State seal, and they can be given remedial work and can at least go on to further education. So, maybe these higher schools of education who continually come before us and say that we are not giving them enough money for remedial programs for freshmen in the schools, maybe the time will come when we don't have to give them these amounts of money. Thank you.

ASSEMBLYMAN NEWMAN: I have one brief question. Do you see, under this bill, the possibility that the local standards will exceed the State standards, and if that is so, in that community, at least, would the State diploma not be as important as the local diploma?

SENATOR FELDMAN: No. The State is the minimum. The local, always, generally speaking, will have to exceed the State. You cannot get the State seal unless you pass the local school district requirements.

ASSEMBLYMAN NEWMAN: You keep speaking to a State seal. That is administrative, anyway. It could be red, white and blue, or whatever.

SENATOR FELDMAN: Yes. I did not emphasize that there are students that freeze when they take a test. They know their work. I mean, we know people perhaps in our own families who really are fine students, but when it comes to taking a test, somehow, whether it is SAT's, or whatever it is, they will freeze.

Well, if the teacher so desires, and feels that young person has it but somehow the stress and the tension knowing that it is minimum standards, and all of a sudden the mind goes blank, that young person can take a non-standardized test, if the educator believes that that person is eligible. But, the non-standardized test must have the approval of the Department of Education.

ASSEMBLYMAN NEWMAN: Thank you very much, Senator. I am going to now call the Commissioner of Education, Dr. Burke.

F R E D G. B U R K E: Thank you. I brought Mr. Mathis and Mr. Mills with me in case you have some questions which are beyond my limited ninth grade competencies.

Mr. Chairman, over six months ago, I presented my views on statewide proficiency requirements for high school graduation to the Senate Committee on Education. At that time, I indicated my strong support for the enactment of this legislation because I felt that it would increase the motivation of students and teachers, and would help restore public confidence in our schools - something which I think is vitally necessary. I still believe that this is true and therefore I have come here today to urge you to act positively on this bill.

In my testimony before the Senate, I recommended a number of improvements to the bill that were primarily related to the provision of student transcripts and remediation, and I am very pleased that most of these changes have since been made, and have been incorporated in the version of the bill that you have. However, the bill that you have before you still permits two types of diplomas, and I was here on time to hear you discussing this. One diploma is endorsed by the State when all requirements, including the proficiency standards, are met and one provided by a local district when all requirements except the proficiency standards are met. I continue to feel that there ought to be a single diploma and that we should not attempt to delude students and the public by offering them a second best diploma, or whatever one wants to call it.

The provision for alternative assessment procedures, and alternative testing procedures, if you wish, I think, offers specific protection for that exceptional youngster who simply can't tolerate, for some reasons, pressure of a test or where a student is above average in every respect, save one, and cannot pass the test after repeated attempts. We have built in, in our proposal, an alternative assessment procedure which could handle that rare, exceptional case. These alternative procedures, though, have to be very carefully designed and monitored, lest they also become a device for avoiding the implications of the standards. It is for this reason that I recommend that each district report publicly and to the Commissioner the number of students granted diplomas using alternate procedures.

Remember that we are talking about minimums, about basic skills that are essential to employment, to maintaining a household, to raising a family. Every student, except some who are classified, can with proper instruction and with parental support meet such standards. It is not our object to deny students, but to motivate them to acquire skills essential to life.

It might be argued that the bill places a burden on students and not on the professionals who serve those students. This is unlikely to be the case. Local boards of education, parents, and taxpayers will be interested in the results of such tests, and will demand improvement in the educational program if the results are inadequate. I am firmly convinced that one of the most powerful weapons we have

in attempting to improve the quality of education is opening the educational process up so that the results are available to parents and to the public, with them in turn bringing in their views and concerns. Any possible burden on students is relieved by the early administration of the test in the ninth grade, and by the required provision of remediation, which are included in the legislation. The Department of Education will be interested in these results as it implements the evaluation procedures required by Public Law 212 - obviously, the relationship between minimal standards testing which begins in the third grade for us and continues up through the ninth.

Remediation will be required, but the existing state funds for compensatory education should serve this purpose. We are now in the process of conducting a total review of our compensatory programs in order to more sharply focus our efforts. Indeed, these proposed graduation requirements should lead to improvements in our remedial programs due to better student motivation and to student and parental pressure on the schools.

I am aware that there will be difficulties: Standards will not be easy to determine. Test security may become a problem and could increase the costs of our assessment program. Submission of local plans and procedures for graduation standards may lead to more paperwork. The initial impact of these standards will fall most heavily on our urban schools. Nevertheless, I am convinced that in the long run, students will benefit from this measure and that the schools will benefit. I also feel that our existing program of adult high schools, which would be able to grant state endorsed diplomas, coupled with the opportunity for out-of-school students to come back and take the tests, will help prevent individuals from paying an unreasonable price as a consequence of our efforts to improve public education. We have closely studied the problems and the promises of similar programs in other states and cities. The program represented in this bill and these recommended changes should result in increased performance while protecting the rights of children.

I also ask that the section calling for special guidelines for classified students be deleted in order to conform with federal guidelines. In these cases, the student will be given a comprehensive assessment based on the individual educational plan which is required of those students. This plan would indicate whether the State tests are indeed appropriate for that classified youngster. And, by doing this, it would be consistent with the federal guidelines.

I will provide to you suggested wording for the changes that I have commented on briefly, as well as some other minor technical changes we think would be useful. We have costed this bill on the assumption that we would utilize existing State compensatory, Title One, and local funds to meet the remediation needs of the children who failed to pass the tests on the first opportunity. We anticipate that the State costs for development of program guidelines and program administration will increase up to a figure of \$687,000 annually by Fiscal Year '85 when the program reaches full effect.

We have also costed the bill on the basis of the current language in the bill calling for additional remediation which might include the provision of extended school days, an extended school year, and/or additional years of schooling. Though it is difficult to estimate these costs, we project that the figure could reach as high as \$10,500,000 annually by fiscal year '85.

I think, however, that with the changes we have recommended and judicious use of existing State compensatory funds, coupled with federal and local funds, we can implement the bill at the \$687,000, Fiscal Year '85, level I mentioned before.

I must point out, however, that the \$687,000 figure reflects reallocations within allocations within local school districts. The cost of additional remediation will vary as a function of local ability to economize within existing resources, the effectiveness of the district in conducting successful remediation programs, and their latitude within district budget categories. Some of these additional costs may be reflected back to the State in the form of increased equalization aid. I do not think, however, that these costs will approach the \$10,500,000 figure - if one assumed an additional state input of that much compensatory dollars for the number of children that would be identified as not passing these tests requiring remediation in the language of this legislation as it now exists.

Districts can comply with this legislation by reorganizing their existing programs. In addition, we are tightening our monitoring and evaluation programs in compensatory education and these expenses can also be constrained by our budget review process.

I recommend that you release this bill with the improvements that I have noted. I am now available to discuss aspects of the bill with you. I am prepared, with my staff, to answer any questions that you or your colleagues may have.

ASSEMBLYMAN NEWMAN: Thank you, Commissioner. It is my understanding in the first consideration of this bill, you would use the minimum basic skills test now; is that so?

COMMISSIONER BURKE: That is correct.

ASSEMBLYMAN NEWMAN: I don't know if the ultimate goal of the Department as the bill calls for your approval of the guidelines along with the State Board of Education, whether they would be increased to any degree. Would you care to comment on that at this time? Would they ever get tougher than the minimum basic skills tests are currently?

COMMISSIONER BURKE: Well, at the ninth grade level?

ASSEMBLYMAN NEWMAN: Yes.

COMMISSIONER BURKE: I think that is conceivable. I think that built into the State Board regulations, and I think built into the regulations here, would be, if not annual, bi-annual review. The whole language of literacy, or functional literacy, or minimum skills, is a point of view, as you know. If we can demonstrate through our programs that we are raising the level of the basic skills in our schools, then I see no reason why we shouldn't constantly try to raise our sights as well.

ASSEMBLYMAN NEWMAN: I raise that question, so you will know where I am coming from. We are going to hear from Chancellor Hollander later. It is my understanding that the test used by the Department of Higher Ed. for admission to college - and you heard the sponsor indicate the results of those tests, and you know the publicity the education in New Jersey received when those tests were administered last year, and we will get another barrage of it next September, I am sure - is geared to an eleventh grade level. My concern is, then, if this bill is geared to the tenth grade level or ninth grade level, that testing means we have not dealt with that problem, that is, the ability to go into

a college entrance exam, or whatever test they use, and take that test. Are we not going to have the same kind of results in spite of this bill, at least in that one area of discussion?

COMMISSIONER BURKE: High school was never designed to prepare everybody to go to college. It was designed to prepare people to function as an employee, as a father or mother in a family, to function as a good citizen, and it is only recently, of course, that we have opened the doors to our colleges and universities to literally anybody who wants to go there.

I am not pretending at all that a youngster who satisfies whatever the standards the State Board comes up with - and we are now thinking in terms of the ninth grade reading, computation and writing - ought to be a prime candidate for our colleges and universities. I do think that the question of what we do in testing in and around the eleventh grade has to be coordinated very closely with the colleges and universities. The Chancellor and I have talked about this. We have, for example, an eleventh grade test, which, in our calculations, is only slightly easier than the test which was administered to the in-going college students in New Jersey schools.

We have set up with the Chancellor a basic skills combined group to try to work on that articulation, and coordination of what happens to the youngsters. We also think it is conceivable that a test at the ninth grade level can be used to demonstrate excellence and possibly could be tied in, in the long run, with the higher education provision of support for youngsters going to our public schools. I worry sometimes about our concentration on the minimum, basic survival. The function of education should be more noble than concerning ourselves solely with what basically, minimally it takes to survive. That is not the good life or the life that we envision for our young people.

ASSEMBLYMAN NEWMAN: We now have the minimum basic skills tests in place, and we are testing in the third, sixth, ninth and eleventh grade levels, which is statewide. And we are testing locally in the off years, as I understand it, and correct me if I am wrong.

COMMISSIONER BURKE: That's right.

ASSEMBLYMAN NEWMAN: For the purposes of qualifying youngsters for compensatory education. I want to relate that to this. If we test now in the ninth grade - and these figures have been requested by this Committee - do we see any decrease in the numbers of students in the programs? In other words, it seems to me if education working, when we wind up with youngsters in the ninth grade who fail the basic skills test, and then we test them again in the tenth grade, or the eleventh grade, do we see any significant numbers in drops which would indicate to me as a layman that remediation is working.

And now I relate that to this bill. If that is not so, the student drop off is not there, if that is not so, and I mean by names, as well as numbers, what guarantee do we have that remediation would work just because we have a bill that says it is going to work?

COMMISSIONER BURKE: That is the critical question.

ASSEMBLYMAN NEWMAN: That is why I asked it.

COMMISSIONER BURKE: We have some preliminary evidence that is very encouraging to us. I think by June or July we should be able to--- It is quite satisfactory to us, but we don't feel it warrants yet laying it out to you. But, we are making some progress on this. Some of the more recent research and literature



suggests that you can remediate if there is proper motivation given in the eighth, ninth, and eleventh grade levels, whereas many researchers used to think you could do this in third grade and fifth grade. Motivation tends to be a factor here. We feel that if it is quite clear that satisfactory performance on the three basic skills is going to be required in order to get a high school diploma, we think that would increase the motivation of the parents, and of the teachers as well.

Now, in terms of cost of remediation, if it works, in a sense, our drop-out rate should fall off. There are other factors which might make it increase, because people will say, I am never going to cut this exam, anyway. But, if we assume the motivation is there, then we may have larger numbers, because more youngsters are staying in school, but we should be able to demonstrate that.

ASSEMBLYMAN NEWMAN: That is why we need names, and not numbers. I agree with you completely. We don't want to get tied up in the numbers game. That is why--- When you send out and say, how many youngsters are in this program, I think you need more than just numbers. I think you need to know who it is you are speaking about, particularly, until they either sink or swim.

One other question, the bill deals with students and the results of their proficiency, and it deals with nothing else. It doesn't penalize the parents, and it doesn't penalize you as the Commissioner, and it doesn't penalize us as legislators, but most important of all, in my judgement, it doesn't penalize the educators at all, or the school board members at all. It just deals with students, and that is the part of the bill, quite frankly, that troubles my heart, that everyone else who has failed along this, to whatever degree they have failed, are excused, and only the student has to take the test, much like the old student progress argument.

My question is, in your evaluation coming forth of every school district and report cards, for want of a better word, that you are going to give the school districts, would you be taking into consideration in the granting of that report card the percentages of youngsters that would fall under the guidance or the purview of this program? And, at what point would you think a cut-off point would make a school district ineligible? For instance, would it be 10% of your ninth grade class, or twelfth grade class, or whatever, 15%, 25%, and what are your options under present legislation now to highlight that problem and deal with that problem and you would, of course, not be dealing with the students, but the Board and the staff?

COMMISSIONER BURKE: Assemblyman, you are posing the questions that are cutting edge, and about six months down the pike. We will be classifying all school districts in 1980 as approved, unapproved, or approved with condition. One of the elements which will determine whether a school is unapproved or approved is how well it does on the minimum standards testing. Now as of this point in time, we have not written into it the high school graduation aspect of minimal competencies, but it is an integral part of the same thing.

When a school is classified as unapproved, then a basic skills improvement plan will have to be initiated, and the Commissioner and the State Board will demand such a plan, and will have to approve it. If it is not approved, they will, in the last analysis, have to prepare it. And the State Board, at the Commissioner's recommendation under T & E, the last paragraph of T & E, which is the bottom line, says, "Can, if necessary, do what is necessary to set the budget in order to provide that that plan takes place." I think there is plenty of authority there. The T & E

process is now doing what it was supposed to do. It is identifying those districts which are weak, weak in a variety of ways. And we are in the process of completing now a school improvement capability within the Department.

In short, what we are saying is, much of the work in the Department for the past three years has been putting T & E in place, putting a structure in place, building a structure and so on. We have done that. There are some areas which can use some improvement, and the State Board will come to you with some suggestions on that when they come forward with their fifth year report. We now see that once the system is working, the areas of weakness are identified, and now the responsibility is to develop a school improvement thrust. That is, what do you do when you find them. I think the authority is there, and certainly nobody has any magic once you find out that you have a sick school, or a sick school system. We think we can make improvements. We think we are beginning to make some improvement.

ASSEMBLYMAN NEWMAN: So, this would just be another factor in establishing the five-year report.

COMMISSIONER BURKE: That's right.

ASSEMBLYMAN SAXTON: I would like to follow up something that you brought up, Mr. Chairman, and something that the Commissioner has touched on a couple of times. One of the most important factors in educating children is to somehow get them motivated to want to do it, motivate them to want to read or whatever it is you are trying to teach them. I think several times you mentioned that motivational factor. At one point you said, if we assume that we are creating an additional motivational factor here, then it should do something to help upgrade the level of education that we can expect as a result of our efforts.

I think my question is, can we make that assumption? Is there evidence to back up the assumption that we are in fact with this bill providing some type of a motivational tool? And, on the other side of the coin, is there any evidence to suggest that maybe this would act in the other way in many, many instances, as for example with a young ninth grader who takes the test for the first time and fails it and he goes home, and his Mom says, "Gee, Johnny, you didn't do very well on your exam. You have to do better." And he takes it again in ninth grade, and he goes home again, and his Mom says again, "Gee, Johnny, you didn't do very well. You have to do better." At what point does that kid become frustrated and say, the heck with it. I can't do it. Is that a danger that we are facing?

COMMISSIONER BURKE: I think it is. If we take any aspect of education isolation, those types of analyses can be brought forward. In fact, there is a danger, pushing your thoughts further, of the child dropping out simply because--- Let's face it, a school system which is concerned about its record and how many of its youngsters pass the graduation requirements might not be as eager to keep that youngster in school. He adds a statistic on the wrong side of the ledger, so to speak. Those are things we are going to have to work with and monitor very carefully.

If, on the other hand, youngsters believe that their high school diploma they have in their hands is taken seriously, and will be taken seriously in terms of further education, whether it be technical or higher, and it will be taken seriously by employers --- One of the constant things we hear is that employers are not terribly impressed by a high school diploma, because to them it is a rather meaningless piece of paper. It doesn't mean that the youngster can compute enough to work in a lumber mill, or he can read well enough to read an invoice to do certain kinds of work.

If it becomes evident that the acquisition of this diploma does infer those skills and the youngster knows it and the parent knows it --- Take the same parent, the parent will say, "What difference does it make if the diploma is a meaningless thing anyway." So, I think it can have a positive impact. But I think that generally some of the other thrusts of the Department and the State Board are on, that is, improving the degree and the amount of parental involvement in the schools, getting more parents to concern themselves with the building level, and getting themselves involved in it. We are learning more about the whole question of motivation, including motivation of students by teachers.

All these things are going to have to be worked together. There are no promises of miracles, but some of the kinds of things that are beginning to occur and this thrust towards community education, re-involving the community in the schools--- We are doing this in New Brunswick now, for example, and elsewhere. With this type of motivation, and the tightening of standards, that should hopefully increase the public's respect for education, which in itself is a problem. In my view, there is a relationship between the willingness of the public to support education financially, and their assessment of education. If we can improve the quality of education demonstrably, so people can sense that, I think public education will be on a stronger footing.

ASSEMBLYMAN RAND: Commissioner, I liked some of the comments that you made before about the noble aspirations of education certain to go higher, and so forth. But, I am concerned about one thing you said about which I am most apprehensive and very disturbed - alternate procedures. It appears to me that we are dealing with minimums, not medians, not maximums. And I see something before me, which must destroy those minimums immediately. You give the local school boards an alternate procedure which they can waive, and all I can see is the word "waive." I appreciate the mesmerization of taking examinations and freezing and so forth, but we are only talking about minimums. Before I would vote to release the bill, I would have to be so assured in my mind about these alternate procedures, which I am certainly not now, that to waive minimum standards - and I say minimum and emphasize it - in any way, I think Senator Feldman will be back here a year later after his bill is passed, and after it is implemented, I believe he will be back here a year later saying the same thing all over again. Would you care to comment on that?

COMMISSIONER BURKE: That is an element that we agonized over ourselves. Philosophically, when we are looking at this whole question, we are trying to find a way to improve the quality of education and to set standards for kids graduating from high school, all of them. And we are trying to use an instrumental procedure for all of our youngsters, but the problem is there are exceptional youngsters. There are some youngsters who are bright and intelligent, for some particular reason. God made us all a little bit different. They have a difficulty, and if you are an educator, or if you are human in any sense of the term, in doing this, in preparing this legislation, somehow you have to find a way that you simply don't ignore those individual youngsters, because you are affecting their very lives.

For example, if there is a youngster who can pass the reading, and can pass the math test, but has some problems with the new writing test, almost passes it, and we find out that it has something to do with the possibility of hand control or something of that sort. That youngster's, it seems to me, life would be terribly affected if we just categorically said, you will always be

classified as a person who doesn't hold a high school diploma. So, we have tried to come up with what we think can be controlled, alternative means. The reason that we put in there that these have to be reported publicly by name who they are, not only to the public in public session, but to me, will give us some controls. I don't know whether Bill would like to add to that or not.

W I L L I A M M A T H I S: I have just recently reviewed New York's provisions and regulations for alternative assessment procedures which is in their proposed rules and regulations, and they are tight. They do not allow the safety valve, the necessary safety valve to become a flood gate. Primarily, we would be dealing with children who are retarded, emotionally disturbed, and handicapped. In addition to the reporting to the public, the Commissioner is recommending that the present paragraph four of the bill states that "Any time one of these State endorsed diplomas is granted using these comprehensive assessment techniques, the ultimate procedures, each individual case must be approved by the Commissioner."

ASSEMBLYMAN RAND: I thank you for your answer. I still have a lot to go over.

COMMISSIONER BURKE: I can understand that.

ASSEMBLYMAN RAND: That is the section that disturbs me very, very much. Not the retarded children, but I am talking about--- It appears to me that it opens up a flood gate of a lot of problems that we are going to have.

I have one more question, Mr. Chairman. Commissioner, I do appreciate the testing, but I don't appreciate over-testing. I would hope in the development of these computational skills on testing we would attempt to start to replace, rather than put in additional testing methods. I think you can over-test kids, just as well as you can under-test.

COMMISSIONER BURKE: I also think so. One of the reasons we would propose utilizing existing minimum basic skills tests was so that we didn't add another test. There was some discussion at one point that we might need a test just for high school graduation requirements. Now, what I propose to you is that existing testing mechanism that we now have.

We have all looked to the future when the state of the art would be such that a set number of local tests, for example, could be so linked together that you could use one or the other and computerize them, so to speak. That is a goal that we still have.

ASSEMBLYMAN RAND: Thank you very much, Commissioner.

ASSEMBLYMAN NEWMAN: Mr. Martin.

ASSEMBLYMAN MARTIN: Commissioner, I don't know whether you were here before when the sponsor of this bill was testifying, but I asked him a question, and I would like to ask it of you too. What experience elsewhere with respect to this approach has this produced in the way of evidence to substantiate the need for following this approach to minimum standards?

COMMISSIONER BURKE: The only state which has gone into this in the degree which we would do it is Florida. There have been some cities, Denver, for example, and others. The cities are smaller scale units of that, and have had some pretty good results. It is a smaller unit, a more homogenous population and so on.

We have studied the Florida experience very well, and think that we can learn from it.

ASSEMBLYMAN MARTIN: How long has that been in operation?

COMMISSIONER BURKE: This is the third year.

ASSEMBLYMAN MARTIN: Could any of the results there be attributable to the influx of northern students and their population, student population, students who perhaps are a cut above average?

MR. MATHIS: I don't think so. Florida is a rather impoverished state, regardless of the image that we have of it. They have a large number of minority students and so forth. They are showing good positive results as a result of their minimum standards graduation requirements program. We have learned not only how the thing can work, but we have learned that we should not put a test in the eleventh grade, which is what they did. And, as a consequence, there is not an adequate amount of time for remediation. We have also learned a lot about the intensity of the remediation that is necessary to start us off with some of these problems.

ASSEMBLYMAN MARTIN: Is it also perhaps a possibility and even perhaps a probability that the conclusion that has been drawn from the statistics might very well be attributable to starting a lower base. It is obvious that if you increase \$100,000 by \$1,000 that represents a 1% increase. I should put it the other way - if you had \$10,000 and you had a 10% increase, and if you had \$1 million, and added \$100,000, it would be 1%.

COMMISSIONER BURKE: The data that we are beginning to get together, as I indicated before, really isn't shaped yet. I raised that same question. Were we really showing significant gains only at the bottom of the pile, so to speak, which would in a sense be the same thing that you are talking about, and we transposed it to Florida. That has not been the case. Actually, the remediation bills, and stuff I look at--Improvements are made almost across the board. There is very little difference in the degree of improvement at the upper levels.

MR. MATHIS: It has been across the board. We have had a historical grade success in the early grades, and the middle grades are just beginning to show some changes. We are still in a very preliminary state in terms of our data analysis.

ASSEMBLYMAN MARTIN: There are a couple more questions I would like to ask. I think you indicated in your remarks that you have very broad powers under Chapter 212, and I think that perhaps I have heard it said that under Title 18A, as well, you have very broad powers. Are they broad enough to do what is suggested in this bill without the bill, without S-1154.

In other words, what I am saying is, can you do what S-1154 wants to do without S-1154?

COMMISSIONER BURKE: I would have to study that more carefully. The State Board, through rules and regulations, does have enormous power in education. I don't think that as Commissioner I would have the power individually to do this, but whether the State Board would have it under rules and regulations is something I would have to ask an attorney to look at.

ASSEMBLYMAN MARTIN: The reason I ask you that is, it has been said many times in our committee meetings that the Department frowns on being mandated by the Legislature. Certainly in our contacts as legislators in the field of education on the local level, they resent mandates. Here we are mandating again, and my basic question is, if what I premised before with respect to the powers of your office, and the office of the Commissioners on the State Board, whether it is really necessary for this Legislature to tell the Education Department and the State Board of Education that they must do this.

COMMISSIONER BURKE: I think educational policy is shared. It is shared with the administration that helps formulate it, and it is shared with the Legislature which promulgates it, and it is shared with the State Board which has some policy authority, and rules and regulations authority, and I think that there is no sort of equal way in which you divide up which authority falls into which category. But, I would think that with something of the magnitude of the high school graduation requirements or minimum basic skills, these are major fundamental policies which affect not only education, but they affect the economy and they have fiscal implications. They are of a major proportion. I find no difficulty with the representatives of the people who are elected by the people taking a hand in this area.

I think that the State Board's view, and mine too, by the way, is that in areas of curriculum, or in areas of relatively less of a scale of educational significance, these are areas where the State Board does have the authority and must apply more time and thought to this area.

ASSEMBLYMAN MARTIN: The very reason I raised that is because I am very much concerned that the question of where the Legislature shall stop telling the educational establishment, the educators, what they must do in the field of education. It was said only a little while ago here by the sponsor of the bill, I believe, that the only reason the Legislature ought to step in here is because those who are charged with the responsibility in the field of education have failed to do what the sponsor thinks they ought to do. And, my question basically is, is this an area that this Legislature ought to get involved in, particularly in view of his charge that the educational establishment has failed to do this?

COMMISSIONER BURKE: I would have to differ slightly with the Senator. The State Board had this high on its agenda, and was working on it. I would have to agree with you that certainly the pace that was being set was not very fast. There was a fair amount of difference on the State Board - legitimate differences of opinion - as to whether there ought to be state standards or local standards, and a consensus has not yet been achieved on the State Board. I think the Senator felt that the issue was critical as other states have demonstrated by moving in this area, and in the absence of State Board action, took initiative and in many ways, many of the results are the same. Senator Feldman and his Committee met with the State Board, for example. The State Board took its thoughts and ideas, which had not called us to do a consensus, but they made those available to the Senator. We had worked with the State Board, and we made those findings available to Senator Feldman's staff, so in effect, what emerges, really, is something which is not far different from what might have otherwise been done.

ASSEMBLYMAN MARTIN: I take it you have no objections to the Legislature mandating this program.

COMMISSIONER BURKE: This particular legislation, no.

ASSEMBLYMAN MARTIN: In other words, you tackle my question on a case by case basis.

COMMISSIONER BURKE: Yes, I would. I could give you some generalizations, but I think you know what they are. They have to do with the magnitude of the subject and the implications it has beyond education.

ASSEMBLYMAN MARTIN: And particularly in the area of cost, raising the funds. In speaking of the cost, that will be my last question, Mr. Chairman. The \$10 million figure that you estimated - I understand how difficult it is to estimate

these figures - but did that take into account, was that figure predicated on an extended school day or an extended school year or perhaps both, and perhaps some other factors?

COMMISSIONER BURKE: I might make just one quick response, and then ask Rich to elaborate for you. You are right. We don't know, for example, by 1985 what it is that various school systems would do to remediate. We are learning a great deal and we are in the process of changing some of our own thinking. But if we could come up with a fair estimate of the number of youngsters who would fail the ninth grade test in reading, writing and computation, and we could project that across the years, we could do that on the basis of how they did on our existing testing system, we would have a rough number then of numbers of students, which is what we had to begin to work with. We made some assumptions that to provide additional remediation in addition to what is now being provided to that youngster, if that youngster falls within the compensatory education category, it would be approximately what it would cost now, \$186 per student. This is why we say that is a conservative figure and it is probably high. This is a very hard thing to get at.

This is why the suggestions we have made, which we think would change the legislation, would attempt to reorganize existing compensatory formula dollars, and therefore make such significant changes.

ASSEMBLYMAN MARTIN: If we went to an extended school year, what would you do in terms of keeping school buildings open? Would you keep them open for students beyond those who fall within the province of this bill, or would you keep them open for all students?

COMMISSIONER BURKE: I think this would be the prerogative of the local school system. Some might look at this as an opportunity to move in to a full school year. There have been some experiments, as you know, not terribly successful. But, now there might be a greater impetus to do that.

ASSEMBLYMAN MARTIN: If we did that, aren't we talking about much more than \$10 million?

COMMISSIONER BURKE: That would be a local decision. You would be talking more about \$10 million if it came back in terms of State aid. The implications are that this would be a local decision to be raised by a local board, to be budgeted by a local board.

ASSEMBLYMAN MARTIN: But we are talking about substantially greater sums?

COMMISSIONER BURKE: Well, if the entire State were to move to a full school year, we would have some change, but I don't see that in the legislation, nor do I see it in any indicators that I have. I think that the State compensatory education dollars, which are now generated by those same youngsters, could be used in a way to provide specific types of remediation dealing with them to get through that ninth grade exam. There are schools which already now provide an opportunity for youngsters to come back if they fail, and they will continue to do that.

ASSEMBLYMAN MARTIN: Has any plan been set up, or has any thought been given as to how you would implement an extended school year program for the children who could not pass these ninth and eleventh grade tests?

COMMISSIONER BURKE: We had a study which we did two years ago on the extended school year generally, which we could provide as a basis for technical assistance to schools who wanted to move in that direction. I am sure we could bring this out and work with school districts. But, have we developed a specific



technical assistance plan for schools who would want to use the extended school year to remediate the youngsters who failed the high school graduation requirements, and the answer is, we have not.

ASSEMBLYMAN MARTIN: Thank you, Commissioner.

ASSEMBLYMAN NEWMAN: Thank you very much, Commissioner. Edithe Fulton, Treasurer of the New Jersey Education Association.

EDITH E FULTON: Good morning, may I extend regrets from Frank Totten who is not going to be with you this morning. What I would like to do is not read you his statement, but just go through it and highlight some of the things he would like me to point out to you. I would hope at a later time you would take the opportunity to look at it more thoroughly.

Some time ago Frank appeared before the Senate Education Committee, and also testified on this same concern. I am not going to repeat - nor is he - that entire testimony, but would just like to highlight a few things.

The reason for our interest in this bill, of course, is our concern for students learning, and I would like to share with the Committee some of the observations that we see as the real needs of students, and suggestions on how working together with you as Legislators and parents, and us as the educational community, can benefit the children of our public schools.

S-1154, as originally proposed, we felt, was a bill that was described in the problem, but not solving it. We reviewed the bill as one, at that time, that was penalizing children rather than helping them. For, to determine whether a child would get a diploma by his or her performance on the single statewide test, indeed, is educationally unsound. We were pleased to see that S-1154 was amended in some respect, and of course that the sponsor, Senator Feldman, whom I believe is a child advocate, was amenable to some of the suggestions that were put forth by some of the organizations, including NJEA.

We have some serious concerns about the bill. We believe that the amended version is far more meaningful for children than the original bill, but we still are concerned that it did not go far enough. Primarily, one of the questions we raised is funding for S-1154. If diploma standards are to be established, then required adequate and meaningful remediation must be provided to the students who have difficulty reaching those standards. I do know remediation costs money. Local boards, already strapped by the CAP situation would even be placed in further lack of resources, because of the CAP provisions.

Mention has been made of coordinating some of the remediation program with the current compensatory education programs. We have raised many questions about the compensatory ed. program as it is currently being founded and as it is currently operating. We believe that present comp. funding cannot do the job that is described in this bill. We are concerned with how students are identified as needing compensatory education, and although the administrative code provides for that statewide testing, it is not the only instrument to be used in evaluating students for comp. ed. The truth of the matter is, in many cases, that is exactly what happens.

We also find children who do not need remediation have failed the statewide test. Children who need remediation somehow miraculously through, perhaps, the guessing method, have passed the test, and therefore we have an abundance of children whose needs are not being met in either case.

Local school boards have, across the board, sometimes reclassified programs. In Ocean County, as Dan might know, or maybe not know, I know of a particular district

that took all their supplemental teachers and eliminated the category, and they are now compensatory education teachers, corresponded by the State. If there are not enough funds to provide for remediation, do they provide the necessary teaching staff to do it?

Student absenteeism during the administration of the minimum basic skills test also was a major factor in determining a number of students needing remediation and the money needed to fund that program. You might be skipping down a bit to the local districts and their requirements for present high school graduation. We have a great discrepancy and disparity in what local boards are requiring. We know that 92.6% of the local districts require four years of English, and some are lacking the math requirements; 73% require one year less of mathematics. Some high schools have no mathematics courses at all.

No assessment procedure should assess the knowledge or skills that are not being taught to the students. Just a side note on the results of the MBS. Originally when I was teaching fourth grade and giving the test, in evaluating the test we had a relevancy and non-relevancy factor, was it taught in the district, was it not taught in the district. Yet, when the tests were scored and the results came out, the relevancy factor was completely ignored. The tests were scored on basic merit, that you had indeed presented all the ingredients of the tests that were given to the children.

We urge the Committee to guarantee adequate funding for S-1154. We offer the following amendments to S-1154, and we hope that perhaps you would take an interest in these. We feel there should be some language to guarantee that no pupil is denied a diploma based solely on his or her performance on the statewide assessment test. We believe there should be some comprehensive evaluation of the student. And, I know there was some concern expressed about waiving minimum standards. I don't believe that is what we have in mind. But, a child who freezes on a test should be given some other method, some other comprehensive evaluation to show that he or she can or cannot meet minimum standards, and not just a single test.

We believe that the differentiated diploma, the dual diploma proposal can be interpreted as racism, may possibly be a violation of civil and human rights, and we don't feel the local boards need any more confusion.

Remediation programs should be required for those students who are evaluated as needing them. Stronger language is needed to make sure this happens.

The elements of a comprehensive evaluation should be conducted in each school year as part of an ongoing process and reviewed at the end and the beginning of each school year. S-1154 requires that the local board of education provide remedial instruction for those students who do not need the state and district examination, and this should take place at the end of tenth grade. We feel it would be very significant and very important to perhaps move that standard back, so that it takes place at the end of ninth grade. The earlier deficiencies are caught, the better for the child.

Many teachers have reported that they have been under pressure by administration to make changes in their assessment of students. Indeed, there have been cases where changes in student grades have been made by administrators over the teachers' objections. We think language of some sort should be in there, so that this type of situation positively cannot happen.

NJEA supports the concept expressed in S-1154 that says that the local board shall provide additional remedial instructions specifically directed toward

mastering of those proficiencies identified as necessary, with the awarding of a diploma, which may include, but need not be limited to, an extended school year, or an extended school day, or additional school year. You indeed have discussed this in the last half hour or so.

Extended school years, and extended school days, we feel, certainly would impact on the terms and conditions of employment of teachers, and we feel it can be a major impact. We would recommend strongly that language be inserted to restrict existing collective bargaining laws, and that that language should be added to, say, perhaps that it should provide additional teaching assignments provided, and shall be subject to negotiations with a majority representative of the unit, including the teachers in question.

NJEA believes that the current curriculum requirements mandated by the State for graduation should be augmented. We have too many disparities, I think, in what local boards are requiring. We certainly think that computations, citizenship, science, physical education should be offered consistent with the recommendations of the New Jersey Committee on High School Graduation Requirements. As I indicated earlier in the testimony, children should be assessed only on the curriculum which has been provided to them. To do so, I think, is totally unfair.

In order to guarantee maximum student participation in educational offerings, it should be necessary for schools to carefully review how student absenteeism can be reduced, how the amount of parental interaction and responsibility in such areas of concern can be increased. We also would see a need for schools in the area of child services, for child study teams to determine that the exceptional children have a fair shake in the whole process.

If I may, Mr. Chairman, in addition to the remarks I have more or less gone over briefly with you, I would just like to share with you some information about what is happening nationally with regard to minimum competency testing for high school graduation as reported by the Education Daily. Chris Stiffle, who is a member of the Education Commission of the States, a testing expert, has monitored State and local competency trends for over a year and found that the minimum competency testing for high school graduation seems to be on its way out, and offers this evidence. Constitutionality of statewide competency tests are being challenged in both Florida and North Carolina. Students are making allegations of the questions that test them on skills are skills that they have never learned. It is expected that the courts in reviewing these cases will ask the school districts for detailed plans and instructional materials and day-to-day summaries of what was taught. In those states which have not enacted testing for diplomas are watching these cases very carefully and proceeding with caution. We would hope New Jersey would be one of those states. We know Pennsylvania, Texas, Minnesota, Indiana, and Washington are several states that are.

It is interesting to note what is happening in New York City, as you also alluded to in some aspects before, as reported by the New York Times, 7,000 seniors in the city schools have not passed the minimum competency test in reading and mathematics. The Chancellor of New York schools appealed to the Board of Regents to suspend the new policy, saying that it is undermining the very educational process that it seeks to support. Of course, the Puerto Rico Legal Defense and Educational Fund has filed complaints with the City and with the Federal Office for Civil Rights, saying that the tests have a disparate impact on Hispanic students.

We believe New Jersey should proceed with caution. We are beginning to see the repercussions in other states, and we should not be in such a hurry that

we cannot learn from mistakes that are happening around our nation, and those implications are many on the lives of the children in our New Jersey schools. Thank you.

ASSEMBLYMAN NEWMAN: Are there any questions from members of the Committee? If not, I have two quick ones. In your testimony on page six, you referred to the legislation implementing the recommendations of the New Jersey State Committee on Public Schools. I am familiar with that bill. That would require mandating course curriculum. Do I detect a reversal in your position on mandating NJEA's position in mandating course offerings in New Jersey?

MS. FULTON: For our teachers?

ASSEMBLYMAN NEWMAN: You suggest that we pass Barbara Mc Connell's bill. Knowing something about what Barbara Mc Connell's bill is, I raise the question, do I detect the reversal of the NJEA's position about the legislature mandating curriculum.

MS. FULTON: I don't believe, Dan, that it is an actual reversal. But, I think if the Legislature is bent on passing legislation such as S-1154, and Barbara Mc Connell's bill, A-1577, certainly will get serious consideration, I think it is only right that we try to include what we think would be in the best interest of the students of New Jersey. Mandates are not our favorite, but we ---

ASSEMBLYMAN NEWMAN: That is why I was surprised to find that in there. I am going to frame it and put it upstairs in our Committee room.

MS. FULTON: Well, with the momentum going on, we would like to see a bill that we can live with. We certainly are not changing our position on asking for mandates in any area. We would like to suggest those things that we think would be beneficial to the students.

ASSEMBLYMAN NEWMAN: Thank you very much. I am going to call one more witness before lunch. K. Kiki Konstantinos, Lenape Regional Superintendent of Schools on behalf of the New Jersey Association of School Administrators.

K. K I K I K O N S T A N T I N O S: The New Jersey Association of School Administrators would like to share our views on minimum high school graduation requirement standards.

As school administrators and advocates for our children, we agree that New Jersey students deserve, and their parents expect, an education which will enable a student to achieve at least a minimum level of competence to function in our society.

Most of our recent efforts, during the past two years, with the implementation of T & E and compensatory education, have been geared towards assisting students to accelerate achievement in the basic communication and computation skills.

We know that students who graduate without certain basic skills face debilitating obstacles in their future and continue to affect an erosion of credibility and support for public education. Therefore, we support efforts to insure high school students achieve a minimal level of competency before they can graduate.

NJASA believes student achievement on a state minimum skills test should be one of many factors in determining whether a student graduates. Testing is indicative of a certain level of achievement, and test results can be quite useful in assessing certain proficiencies. We think such a test might also give students an incentive to take school more seriously. And, in this vein, we also think the district should be required to provide its graduation policies and standards to each student and parent.

However, we believe performance on one statewide testing instrument cannot and should not be the all, and end all, of determining whether or not a student will graduate from high school.

NJASA indicated to the Senate Education Committee that test results on one state test are not a perfect indicator of achievement, and we called for a comprehensive assessment of achievement for those students who could not pass the statewide test.

We indicated local districts should be able to consider a student's grade point average, class, rank, attendance, deportment, and performance on local assessment instruments to determine whether a student has demonstrated the acquisition of required minimal proficiencies for graduation. Therefore, we support the Senate's decision to include a section on Comprehensive Assessment of Pupils who do not pass the test. We suggest, however, that the language in Section 3, paragraph 2, lines 9a, be changed from "shall be eligible for a comprehensive assessment" to "shall receive a comprehensive assessment" to ensure that students actually receive the comprehensive assessment.

While we support the inclusion of student proficiency on a minimum basic skills test as one of the criteria local districts should use in determining high school graduation requirements, we still prefer local districts being able to set final standards for determining who receives a diploma.

We believe the local community, based upon the use of the instruments and other factors, is in the best position to determine whether a student possesses the necessary minimum basic skills. We believe locally determined standards, with state oversight as to their adequacy, would be more meaningful as they would assess what the student has learned, vis-a-vis local T & E goals and objectives.

The disturbing aspect of state mandated minimum proficiency requirements is the assumption that local districts are unwilling or unable to establish adequate minimum basic skills standards. We do not agree with this assumption. We believe local districts should be given the first opportunity and primary responsibility to develop minimum basic skills standards.

We believe the state's role should be limited to developing a minimum basic skills test, setting the suggested minimum proficiency levels on the test, monitoring the use of such test data, support for attendance, and discipline procedures, and monitoring the adequacy of the local criteria for graduation.

NJASA does not support the granting of two different types of diplomas. We believe this will unnecessarily differentiate, stigmatize, categorize and label students. It would be much better to have the basic skills and proficiency levels placed on the student's transcript and permanent record. This ensures a ready availability of such information, but does not unnecessarily stigmatize a student through a display certificate. We know many students who were under-achievers in high school who later matured, entered colleges and/or the work force, and succeeded. We should place the burden on employers to ask for transcripts containing basic skills proficiency and attendance data, rather than labelling students for a lifetime by awarding them less than a full diploma.

NJASA also agrees wholeheartedly that testing for the purpose of determining proficiency should be accomplished early in a student's career, thus providing multiple opportunities to remediate and to pass these tests. To this end, the ninth grade is the latest the basic assessment instruments should be given.

We caution this Committee that the Legislature must commit itself

financially to remediating deficiencies in the basic skills if it expects a system in New Jersey where almost every student will be able to demonstrate competence in the basic skills.

This program of testing and remediation will be expensive to implement. If a financial commitment supporting these programs is not present, local districts will be seriously handicapped in their efforts to achieve the goals of S-1154.

The New Jersey Association of School Administrators thanks you for considering our views on this most important matter and stands ready to work with the legislature in developing workable and effective high school graduation standards.

Mr. Chairman, I would like to make a small personal statement, other than my Association's position. I feel that legislative mandates may provide some effective results. However, unless the educational systems can exert proper control, through their own authority, these mandates will go for naught, because you can't teach or remediate students who do not come to school, or students who misbehave, and are disruptive when they do come to school. I find that basically our problem is not dropouts as it was in the fifties; it is more the school drop-in, the youngster who comes occasionally, and when he does come, creates problems. You can't be responsible for teaching children who are not there. I would think that the legislature should pass statutes which enable courts to interpret statutes in such a way that they would support the authority of the school when it comes to attendance and discipline. Thank you, sir.

ASSEMBLYMAN NEWMAN: Thank you. I don't want you to think that out of all the people in the State of New Jersey you have to have the answer to this question, but the previous witness, and now you, have talked about the cost. We fund education in New Jersey from a state level, some almost one billion and a half dollars. In 1975, it was \$650 million, and next year it is going to be one billion, four hundred million, or perhaps a bit more. With the local effort, educational costs in New Jersey are four billion dollars. And, probably - and I am not going to get into the argument of whether we are first or second - we spend more money in educating per student in New Jersey than probably anybody in the United States, except occasionally one state or another.

Why must this bill be funded? Why can't the people in New Jersey expect that the educational process, for the kinds of money they invest in it, needs to be specially funded to deliver the product that we started out to do, and we were empowered to do in the first instance? Why should failure be further rewarded by the taxpayers of New Jersey? I ask you that because you are an administrator, and I will ask the next witness too, because she represents the school boards. But, why should we be expected to put up more money to reward failure?

MR. KONSTANTINOS: I believe the language in the bill indicates that there should be some extra effort exerted in terms of extended school days, extended school year, extended effort for a small number of students or a large number, whatever the case may be, that needs special remediation. Remediation of that type, oftentimes, is effective on a one-to-one basis, or a very small group to a teacher basis. I can only speak from my own personal experience. My teacher/pupil ratio - one teacher to twenty students - effects a certain economical delivery of that system. If that is reduced to one teacher for fifteen students on an average, it is going to cost more money. Now, the money doesn't always necessarily have to come from an outside source. It could be a re-allocation of current funds, which then means some other things would have to go by the wayside, which then means your public becomes very critical of you

in the sense that you are taking away a program that they like to accomplish another program that is mandated.

ASSEMBLYMAN NEWMAN: Okay, I accept your answer to that. I just wanted to point out page two of your testimony, because previous witnesses have commented that one disturbing aspect of the program is the local boards having a right to do this. I might just point out, as you know, they already have that right, and had we had this kind of reaction by local boards of education over the years, we wouldn't be sitting here this morning. The sponsor himself alluded to the fact that most of what he is trying to do in this bill, not all of it, could have been acquired through the administrative process, and certainly is within the prerogative of the local board of education right now.

MR. KONSTANTINOS: I agree with you. We do have that province, and I think if you would look at each of the school systems in the State, you would find that a very vast majority are accomplishing the goal of minimum basic skills of their high school graduates. There is always going to be that 5%, 7%, or 10% of the students who don't attend school and don't have the intellectual ability to do this, who have other kinds of psychological problems that will affect them so they can't accomplish the basic skills, and they are the ones who are tainted, when they go out for a job, with the idea that they are functional illiterates, or they can't read, and they are the horror stories that the employers and the private citizens make of the educational system, yet, they comprise a very small number of people. It would seem to me that there ought to be some information given to the public on this.

Secondly, any employer that hires a youngster without checking his transcript deserves whatever type youngster they get, vis-a-vis the attendance, deportment, reliability, consistency of that child. Colleges don't do it. If they want to accept a youngster to school, they look at the transcripts; they find out what that child has done throughout his high school career. That doesn't happen with employers. They hire people who walk in without any background or knowledge of it, and then they say, the educational system has failed.

Thirdly, I feel that all education and all the systems in the State take a wrap because we deal with averages. When you have large concentrations of students in particular areas representing a relatively small number of school districts who have problems with achieving the minimum basic skills levels, whatever they are, and whoever places them there, that large number of students spread across the State increases the average across the State. You will probably find 90% of the schools, and 95% of the students in those schools will meet whatever minimum basic skills device you will put forth.

ASSEMBLYMAN NEWMAN: Any questions?

ASSEMBLYMAN SAXTON: When Commissioner Burke was here we asked him a question about other states that may be involved in this type of testing program, and he said there was Florida and there were also some cities who were involved, and it is difficult to draw a comparison, because when you have a test tset up on a municipal level, or on a school district level, it is a different type of thing and you alluded to the same thing when you talked about having each school system develop its own minimum standard testing procedure, which might be subject to the approval of the Commissioner. Would you think that would be a more meaningful system, having the State develop a statewide test? Are there some advantages in pursuing that?

MR. KONSTANTINOS: I think it is already there. The only reason I support this personally is it is a vehicle by which we can establish some credibility to the



public that we are doing a job. Right now, they take those few cases, the small percentage of cases, and claim that all youngsters have this problem. If this were in place, I think you would begin to find that that minimum basic functional skill or life skills, whatever you want to call it, is far exceeded by the requirements for the determination of a diploma from individual high schools is far exceeded, because we are talking about a ninth grade level of functioning. And, many youngsters are way above that. My concern would be, if a youngster passes this in the ninth grade, to say, well, I can earn the State diploma, now I will quit school because I have reached this minimum level. That is the danger of setting minimum levels. People come down to them, instead of going up to what we consider a max. That would be one of our big problems.

ASSEMBLYMAN SAXTON: Would you say that if minimum standards were established on a district by district basis would you see higher standards than those we might establish on a statewide test generally?

MR. KONSTANTINOS: I think they would be higher standards. However, you have the danger of people accommodating their own desires through a testing device to make themselves look better in some instances. That is the problem that we face. If you are spending this kind of money, I think you have to prove that certain things are happening at least on a minimum level. It is unfortunate, but that is the name of the game.

ASSEMBLYWOMAN GARVIN: I have one question. When you referred to those developing the test, who are you referring to developing the tests? In other words, if the test would be improper and fallacious or something, what did you mean by that statement? In other words, the test would not be real if it were developed on a local basis? Is that what you mean?

MR. KONSTANTINOS: Well, it would be real, but if each local district established that minimum, per se, the minimum in my district might be somewhat higher or lower than the minimum in a neighboring district, and it would depend on each board in each community to say what a minimum basic skill would be to graduate as they do now. And, we are doing this now. A lot of youngsters have great educations; however, we are still being humbled by the fact that there is an inequity here, and people are not receiving the kind of education they should be for the money that is being spent. So, I think you almost need a floor set by the consultation of local districts, educators, and the State, which says, this is a minimum. Even at that, you are going to have youngsters who won't pass it, because of the innate inequities that the Lord has devised in passing out intelligence, and other kinds of factors. You are going to even have a problem with that, but it will be a smaller number.

At least it will prove to the State and the public that youngsters with a high school diploma have achieved at a floor or minimum level. I wouldn't accept it. For instance, in our school, we put in a very severe attendance pulse. We found that by cutting the senior attendance, absentee rate, by two-thirds, and the rest of the students by one-half, that a greater number of youngsters make the honor roll, and we have more youngsters graduate, and less failing to graduate, and all these benefits accrue. In our basic skills, I think we had about 3% who didn't make the cutoff of the State in the whole district; that is 5300 high school kids. Bringing the youngsters to school and having them there so that teachers can teach is an important and effective way to accomplish this. And, I am not fearful of any minimum basic skills test the State might put out, because I know my youngsters, based on the tests they are taking now, will be passing those minimum basic skills in the tenth and eleventh grade level with no problem. That is not going to happen some other places. The finger is going

to be pointing at them. So, if the finger is pointed at them, and they have to devise that minimum, would they or could they not devise it so it was lower so that more of their kids would pass, and then they would present a picture that all our youngsters are meeting this too.

ASSEMBLYWOMAN GARVIN: Thank you. Mr. Chairman, I just have one statement to make. I think it always bothers me when an educator uses the term innately. I want to take issue with that term. I think there are learning levels and there are deficiencies, but I think in the field of education one should be cautious with saying people are innately this or that.

MR. KONSTANTINOS: I didn't refer to any people, Mrs. Garvin. I taught biology, and I think I know what the word innately means. There is a point to what you are saying. I am not coloring or painting a picture of any great number of people, but I know that we have classified students in my district - my own nephew, for instance, has the Down's syndrome. That is a mongoloid. He innately will not be able to pass this test at any time in his life. And, I feel for him, okay. But that is what I am saying. I am suggesting that.

ASSEMBLYMAN NEWMAN: Okay, thank you very much. Linda Albert, New Jersey School Boards Association.

L I N D A     A L B E R T: Good morning. I am Linda Albert, President of the New Jersey School Boards Association, representing the 611 school boards in the state. I want to thank you for giving me the opportunity to represent those school districts here this morning.

I speak this morning on behalf of the school board members throughout the state in support of S-1154. However, we do seek an amendment that would eliminate the dual diploma.

Last October, the New Jersey School Boards Association's Delegate Assembly voted overwhelmingly to endorse the report of our association's committee which studied high school graduation requirements, and we would be happy to make a copy of that report available to the Committee if you do not already have that. The Committee recommended the following things:

1. Uniform, statewide standards in reading, writing, and computation as a high school graduation requirement for all students. Individualized standards should be developed for students in special educational programs;
2. A state graduation exam to test these proficiencies, providing that alternative methods of assessment may be used for students who appear to have the skills, but repeatedly fail the exam; the state test would be a logical extension of the present minimum basic skills testing program;
3. Locally determined graduation - I repeat - locally determined graduation requirements and standards which include, but may exceed, the state requirements;
4. Remedial programs, beginning in the early grades, for all students who fail to meet state and local requirement; We believe that early remediation is essential and that we could not attempt this kind of bill without such remediation in the early grades.
5. Implementation of the graduation requirements sufficiently far in the future to permit ample opportunity to remediate students presently in the system; clearly, the bill does provide for that in that it would not be initiated until a period far in the future.
6. A single diploma for graduation, which is given only to students who meet all State and local requirements; a student who passes the graduation exam, but

fails to meet other requirements would receive a state certificate, but would not graduate and would not receive a diploma.

7. No state standards in other areas. The only areas where we would support state standards would be reading, writing, and computation - no additional state mandated courses.

8. Local, but not state, policies for pupil promotion from grade to grade.

As you can see, of those eight points, many of them include a very strong emphasis on local control and on local decision making, which the school district believes is appropriate under the T & E concept and individualized instruction.

The New Jersey School Boards Association supports S-1154 insofar as it accomplishes these ends. In only one respect do we differ. We recommend the bill be amended to eliminate the provision that permits a local diploma to be given to a student who fails to meet state and local standards. We strongly object. This provision undermines the whole thrust of the bill. It provides an "escape hatch," a way to graduate students without ever requiring them to demonstrate competency.

While recognizing that S-1154 is no panacea, the New Jersey School Boards Association believes that the imposition of statewide graduation standards will help local boards of education in their efforts to assure that all students are graduated with the basic skills necessary to function in today's complex society. The bill is wisely drawn with provision for early testing and an alternative method of assessment, remedial help, and a long phase-in period. We are pleased the State has limited its requirements to proficiencies in the basic skills and has not ventured into other areas which we believe are the purview of the local district.

S-1154 is a natural capstone to the system of state testing standards, which already exist - and to the remediation which already exists. In effect, the bill is a statement of belief - a belief in our young people and in our schools. Certainly public education in the State of New Jersey has been under very close scrutiny, and we need to re-emphasize our belief in the public schools from time to time. We believe that it is important also to call attention to the fact that we have faith in the ability of our students to learn. Students can learn and that includes urban and minority students, and the job of the schools is to see to it they do learn.

By raising the level of expectation, we will bring back into the mainstream many of those who are now passed over and out, much to their detriment.

Many arguments have been raised against statewide standards for graduation. The New Jersey School Boards Association believes it is important to address each of these concerns.

One of the major arguments is that urban and minority students will be the primary groups denied diplomas. State graduation standards would be unfair to them - so the argument goes.

This may be true in the short run, but the diplomas now granted are virtually worthless if the student does not have the skills necessary to function in our society. It is a cruel deception to give such a diploma and perpetuate the myth of the urban student's inability to learn. I wish to call the Committee's attention to the action taken by the Urban Boards' Committee of the New Jersey School Boards Association. They overwhelmingly support the bill with the single diploma provision, and these are the people who set the policy in the urban school districts throughout the State, and they believe it is in the best interests of our minority and urban students that we have such standards as provided by this bill.

Early identification and remediation, coupled with meaningful standards for graduation from high school, should give students the special assistance and the motivation necessary to graduate.

The present system, which has graduated students lacking basic skills, stigmatizes all urban students by creating a credibility gap for the urban diploma. The public, especially employers, cannot know whether the diploma was earned or the result of purely social promotion and graduation.

Students in bilingual programs may appear to be particularly hurt by an exit exam that requires proficiency in English. However, New Jersey's bilingual education program is designed to develop competency in both the native language and in English. It would be a grave disservice to students whose native language is not English and who have not developed at least minimum proficiencies in English to grant them a diploma when they cannot function in a society which requires the ability to read, write and speak English.

A second argument against State graduation standards is that they would penalize the student for the school's failure.

Let's talk about penalties for a moment. I know you are going to ask me some questions about that later. This can scarcely be described as a bill designed to penalize students. There are all kinds of safeguards built into the bill. There is a long lead-in period before a diploma will ever be withheld. The graduating class of 1985, some six years from now, will be the first to be affected. And those students, our present sixth graders, will have had six years of remedial help to bring them up to par.

Statewide testing in the third, sixth, ninth and eleventh grades will have identified those who are falling behind. Present law already requires special assistance to these students. S-1154 requires additional remediation for those who fail to pass the exit exam by the end of tenth grade. If the system operates as it should, and it is our responsibility to see to it that it does, then this intensive focus on the basic skills would have brought the results and these students would have gained the skills they so sorely needed. This is not a system designed to penalize. This is a system designed to help students.

If the system is imperfect, if remediation is ineffective, then remedies must be found and found quickly. It may be that the ultimate sanction at the end of the process, the possibility that students may not graduate, will provide the pressure to get the system working. We do know that it is a cruel hoax to pretend that students are learning if, in fact, they are not. The real penalty - a lifetime sentence - is ignorance. We must avoid this penalty at all costs.

Some have argued that state standards would be set too low; the minimum would become the maximum. State standards would probably be directly related to the present minimum basic skills test and the eleventh grade standard. Presumably this standard has been set at the level that is necessary to function in society. If it is too low, it could be adjusted upwards. As for the minimum becoming the maximum, that is not likely. Local boards would retain their responsibility to set district proficiency standards in reading, writing, and computation. Because the state's standards are minimal, many communities will demand higher local standards. This is a matter of local pride, aspiration, and tradition. Districts that now have high standards are not likely to change. District boards would also set other graduation requirements, and these will be as extensive and rigorous as the community demands.

It has also been said that student motivation would be diminished after passing the test. Students who passed the test in ninth or tenth grade would not take school

seriously after that.

That is unrealistic. The students would still have to pass their remaining courses and meet other district graduation requirements. Those who are going on to college would still be working to compete for scholarships and admission to the colleges of their choice.

Some argue that teachers will teach to the test. What is wrong with that when the test measures basic skills that a student needs? If testing encourages teachers to teach the essentials more effectively and encourages students to learn, then tests are a valuable part of the educational process.

It is important to remember that all S-1154 would test is the basic skills of reading, writing and arithmetic. This is not a full-blown regents system of tests in every subject area. To speak of "teaching to the test" as a major issue is to tilt at windmills. A basic skills test should not be used as an excuse to back away from the broad responsibilities of the classroom teacher, which on a high school level, encompass teaching more than the basic skills.

A more serious argument has been made that remedial programs are a form of tracking and can result in racial segregation.

To that I must reply that remedial programs are already a part of the present system of basic skills standards, testing, and remediation. Whatever problems we have will not be created by S-1154 since remedial programs are required under present law. Local school boards and the State Department of Education must work together to ensure that tracking and segregation do not take place.

And, finally, it has been charged that state graduation standards would increase the drop-out rate, especially among urban and minority students, thus depriving them of the benefits of schooling. Surely, if our urban board members believe this were possible, they would not have so strongly supported this.

For students attempting a high school program without basic skills, the benefits of schooling are minimal at the present. Standards might cause more students to "drop into" high school, rather than out. The experience in Denver, Colorado, was that the drop-out rate did not change significantly when graduation standards were initiated. It is also possible that a system with large numbers of non-graduating students, or drop-outs, might be forced into finding more innovative and effective ways to help these students.

In closing, let me say that if S-1154 becomes a reality, and its purpose is fulfilled, graduates of New Jersey's high schools will be able to hold their heads high. The diploma, which has shrunk in value as surely as the dollar, will once again be a symbol of learning. Our students deserve this satisfaction and sense of pride. Our communities demand it. It is our joint responsibility as public officials to see that this happens. Thank you.

ASSEMBLYMAN NEWMAN: Thank you. I don't have to ask you that question, because you may have started a trend here in New Jersey that just might get hold. In the way of a compliment in expressing myself as well, you managed to go through your whole testimony and talked about kids. Maybe you will start an epidemic or something. Assemblyman Saxton.

ASSEMBLYMAN SAXTON: No questions.

ASSEMBLYMAN NEWMAN: Mrs. Garvin.

ASSEMBLYWOMAN GARVIN: I have a question relating to the certificate on page two, item six, where you are recommending that if they fail to meet other requirements they will receive a state certificate.

MS. ALBERT: Yes, the certificate would simply say that the student had

passed the graduation exam required by the State. It would be a certificate of accomplishment of the standards or the examination. It would not be a diploma. Our delegates, our board of directors, our urban board members felt very strongly that there should be one diploma, and that diploma should only be awarded if the student did two things: pass the test, and meet local standards.

ASSEMBLYWOMAN GARVIN: I have lost confidence in the urban school boards association because I think to have a certificate as a part of the process is really going to affect urban districts. I say that because when we deal with urban school districts, I am of the opinion that we are still dealing with myths, and I guess I have seen it since I have been in Trenton more than anything else. I think the urban schools have produced and will continue to produce brilliant students, and they have brilliant students. Because of society, or even the process of, say, Title One districts, whereby your local boards of education are appointed by your chief executive. Many times these very board members lack the kind of commitment that I feel young people deserve, so I would not have confidence in a state certificate based on a board. If the urban boards have supported this, then I personally am disappointed, because I have problems with any certification in the educational process, only because I lack the confidence in how local boards - many local boards, not all of them - function.

To me, to have a certificated process, is no better than having a two diploma process, and I am really disappointed, but I think, knowing urban board members, as I do, I am not surprised, but I would like to say that your presentation was very good. I agree with Danny, we very seldom get things that deal with the issues, and you have dealt with the issues. But, that item six really disturbs me.

I have another question about the social promotion. In your experience and in your overview, do you still find that is a problem? Do you think local boards are still doing it as much as they were? Don't you see a reversal in social promotion? Hasn't there been a reversal in social promotion, say, in the last seven years?

MS. ALBERT: I can only speak about my own experience locally. I don't have any data that I can provide for you on a statewide basis now. Maybe that data is available, but I don't have it here with me at this moment.

My own experience in my local district is that there has been less social promotion. I believe there has been much more concern for seeing to it that their students reach a certain level of proficiency before they move from grade to grade.

I think, though, that it is still a concern in many places throughout this State.

ASSEMBLYWOMAN GARVIN: I think it is a concern, but I wanted the record to show that it was not as great a concern as it has been in the past.

ASSEMBLYMAN NEWMAN: Thank you, Ms. Albert.

MS. ALBERT: Could we just take one moment to have someone from our governmental relations department, Jeanne Reock, respond to the point that Assemblywoman Garvin made about the certificate. She has some information she would like to share with you on that.

ASSEMBLYMAN NEWMAN: Surely.

J E A N N E R E O C K: I would just like to clarify what is intended by that certificate. It would be given, not by the local board of education, but by the State Department of Education, and the idea arose when we thought of that student who did not meet the local requirements for graduation, but had passed the State test. And, the feeling was that he or she should have some recognition of that fact, even

though they were not graduating, and couldn't get a diploma, this is in no way akin to a certificate of attendance or a meaningless piece of paper given by a local board to kind of pretend that students are graduating. It simply says, "I have passed the State test,"and it would be given by the State. The local board would not have any discretion on that.

ASSEMBLYWOMAN GARVIN: Again, even with that explanation, I have problems with a certificate being awarded by another body. I would rather see, if there were a certificated process - and in its present form I do not support the bill - I would rather see that process dealt with on a local level rather than to delegate that to the State. You know, I really have problems with that, and I really have to review it, because, perhaps, as we push out young people in the educational process, if local districts push them out, then the State really will come in with a certificate to say, well, you have accomplished something. And, I am not sure--- I have to give this some thought.

MS. REOCK: That is very understandable.

ASSEMBLYMAN NEWMAN: Thank you very much. We will recess until one forty-five promptly.

(Whereupon a luncheon recess was taken.)





AFTERNOON SESSION:

ASSEMBLYMAN NEWMAN: Dr. Milton Schwebel.

D R. M I L T O N S C H W E B E L: My name is Milton Schwebel, Professor at the Graduate School of Applied and Professional Psychology at Rutgers, and before that, I was Dean of the Graduate School of Education at Rutgers for a period of ten years.

I will read my statement in the interest of time. The Senators who supported this bill undoubtedly place a high value on literacy in all its forms. I share that value with them. I want to make that clear beyond a shadow of doubt, and I want to stress my conviction that children are cheated of their birthright if they do not have the opportunity to master the reading, writing, speech and computational skills necessary to function in late twentieth-century society.

But, while I share that value with the Senators, I am not persuaded that their bill is capable of gaining the outcomes that presumably they intended, namely, raising the level of performance of the children. On the contrary, their bill will have the opposite effect. It will create the illusion of change. In my view, it will give the impression that the legislature has initiated a series of actions that in the end will produce the literacy we desire, whereas it will, I fear, validate the adage that the more things change, the more they stay the same. There will be the facade of change - at least we are doing something - which might satisfy concerned citizens and parents and lull them into silence, while five or ten years of possible real changes are lost. In my view, the most significant change will be the price that many children will pay. But more on that later.

If I believed that a bill of this type were in the interest of the children and of the state, I would support this particular version, for it has some fine features. First, the assessment of the 10th grade students will not begin until 1982-83, giving them about two years to feel the impact of the bill while in junior high school, though none during their elementary years. Second, the assessment procedure is very flexible and makes allowances for students who, for example, "freeze" in taking a crucial exam or whose disabilities handicap them in a written exam. Third, the Commissioner of Education is directed to prepare guidelines for remediation procedures thereby presumably providing valuable assistance to all districts. Finally, and most important, each board of education is to submit to the Commissioner "required programs designed to provide the opportunity for pupils to progress toward the mastery of proficiencies required for graduation."

Why do I refer to this clause as "most important"? Because it is the heart of the bill. Because it goes to the heart of the problem of literacy insofar as schools can have leverage over it. Because that clause - the development of programs that provide the opportunity for mastery of literacy proficiencies - should be the bill.

That, then, is the first of six reasons for opposing this bill, namely, that it is the wrong bill at this time. We need to use our energy and our resources to change our system of instruction not in setting standards for children. This bill is a case of the dog wagging the tail.

The second reason is that the children of the state are being held accountable for the inadequacies of us the adults. In the midst of the hysteria about basic skills we are hitting out in all directions, but in the end we do not decide to hold the State Board of Education accountable for the high proportion of children who fail to reach desired levels of literacy. We do not charge the Commissioner of

Education, the local boards of education, or the superintendents, principals or teachers with responsibility for outcomes. No, we choose instead to have the children bear the brunt of our failure to come up with effective ways of educating them; and that means the children who enter with the fewest advantages, those who are the least comfortable in school and possess the least hope that school will change their lives; the children whose parent - and many have but one - or parents are the least prepared in terms of time and skill to influence the policies of the schools; and so these children who very early have their self-esteem scarred will suffer a further blow as the capstone to their high school experience. They will, at least, if the legislation is passed and carried out as written. If not, that is, if the flexibility is so extreme that only in rare instances will a state-endorsed diploma be denied - in other words, if it will amount to no more than a going-through-the-motions of abiding by the bill - then valuable resources will have been wasted and valuable years lost in accomplishing what is needed, namely, major changes in programs of instruction.

So far as literacy is concerned, the university graduate school blames the college; the college, along with business and government, blames the elementary school; the upper elementary blames the primary; the primary blames the kindergarten, and all of them blame the parents. This bill, in effect, blames the children, and goes beyond by making them pay for it, while everyone else goes scot-free. The answer is not to find a scapegoat, but first and foremost to make the educational system of the state responsible for seeing to the development and statewide implementation of programs that work.

The third reason is that when a deficiency is known to exist, a testing program changes virtually nothing and turns our attention in the wrong direction. A few years ago when the former Chancellor of Higher Education proposed to introduce a literacy test for college freshmen, some of us objected, though not to the test per se. Our argument was that what was needed was a change in the status of written composition in post-secondary education. If students are infrequently called upon to write reports, and if quizzes and exams are short answer or multiple choice, they cannot possibly be expected to develop writing skill. Spend the money, we urged, on changing the practices in the colleges. That is my position about this bill. Spend the money in doing a statewide long-term effort to develop programs specially directed toward achieving the current definitions of functional literacy; our statewide assessment program will inform us when we are having success; when that happens, if people are still interested, then initiate a graduation standard such as in this bill. The proper time to introduce new quality-control standards is after - not before - new quality has been introduced into programs. General Motors does not employ 1981's quality control standards when it inspects 1979 models.

In that connection, let me add that no effective change to new modes of instruction can be accomplished without the very direct involvement of teachers. Teachers must have confidence in the new approaches and be eager to use them. Since that involvement takes time, and since the reading of written compositions takes time, we are hardly going to help our children by cutting school budgets and discharging teachers.

The fourth reason is that the hysteria in the nation about basic skills has prompted many well-intentioned acts of desperation instead of cool-headed decisions based on a critical examination of the facts. This country has never been faced with educating so large a portion of its population, nor, until several generations ago

has it set so high a level of literacy for the general population. We are still learning how to deal with these changes. At the same time, we have saddled the schools with very heavy burdens. We seem to have disregarded the principle that mastery in learning depends in part on time; that in general the more time given to a subject, the higher the achievement. Yet, in the fact of that, the schools have been called upon to use their classroom time to help cope with the serious social problems of crime, alcoholism, drug addiction, disease, violence, premarital pregnancy, family disruption and the like, as well as with health and dental care. The schools cannot be the dumping ground of the ills of society and at the same time be expected to function in the teaching of communication as we would like. Least of all should the children be held accountable for such changed circumstances in the schools.

The fifth reason is that the primary goal of our schools is, or ought to be, to serve children well, presumably in New Jersey through a thorough and efficient system of education. It is not to give status to high school diplomas. Of course, it is absurd to expect that diploma to reattain the status it had when only 7% of the population earned it and fewer than 1% finished college. The goal of our schools is not to assist personnel officers in selections. They can evaluate a person's skills in the 3 R's in a matter of moments. Rather, it is to help children make themselves literate and intelligent through the social transactions in the school.

The sixth reason is that so-called "get tough" policies are based on wrong assumptions insofar as most children are concerned. The problem is not that, like Tom Sawyer, they go off fishing instead of to school. It is, as I have tried to show, more complex than that and more related to our limitations than the children's.

For the reasons I have enumerated, if I bore the heavy responsibility of an Assemblyman or Assemblywoman, I would oppose this bill and propose one that was directed at the problem and could be expected to have more of a pay-off for the heavy investment of time and of the taxpayer's money.

ASSEMBLYMAN NEWMAN: Thank you.

ASSEMBLYWOMAN GARVIN: Thank you. I appreciate your testimony.

ASSEMBLYMAN NEWMAN: I would just raise one point. On page three, the kinds of things you see the school doing is in the social and medical fields and mental health and the other things we have dumped on the schools over a course of years in New Jersey. You are suggesting that that has finally caught up with us as relates to a matter of time available in the schools.

DR. SCHWEBEL: I think, among other factors, that is one that has caught up on us. It has caught up over the years, especially since World War II, and that is the period we have seen decline. I don't want to reduce it to that factor, of course, because there are many others involved.

May I make just one further statement? I want to point out that when I speak about a program, about a possible substitute for a bill of this kind, I don't want to be left with the notion that I am speaking of some ambiguous ways. There are new ways, effective ways, general approaches to instruction that have been tested and tried now in the United States over the last ten or twelve years, and tried abroad as well. I am speaking not about hitting out and finding some new way to teach fifteen children home economics or some new fad. I am speaking about some very basic approaches to changing instruction in our schools, and if I were involved in spending the monies that you are going to spend on this bill, I would spend it to mandate that the Commissioner of Education take the leadership with the

Board of Education in helping teachers and principals and school districts become familiar with this new mode, have workshops for them to be involved in utilizing them, and introducing them in the schools. These, I want to reiterate, are tried and tested in the cities of the United States, not in some fancy private schools, among other places, in the central schools in Chicago and they have been found effective at virtually all levels, and in teaching a variety of subjects, including reading.

ASSEMBLYMAN NEWMAN: Thank you very much, Doctor.

ASSEMBLYMAN MARTIN: I have just one question. Dr. Schwebel, in view of what you said here, could I infer, or would it be correct to say that the Legislature is not the place to make a determination of how the problem of educating children should rest. In other words, shouldn't it rest--- Putting it another way, shouldn't that responsibility rightfully rest with the Commissioner of Education and the State Board of Education, rather than this legislature?

DR. SCHWEBEL: I don't question the role of the State Legislature in carrying out the mandate of a thorough and efficient system of education, nor introducing any legislation or policies that will help us achieve that in the State I certainly do believe, of course, and I am sure you practice this too, that you seek advice from professionals in the field, including, of course, the Commissioner of Education and the State Board of Education.

I am not sure that I understand your question, Assemblyman.

ASSEMBLYMAN MARTIN: Well, just to make it clearer, we had the Commissioner testifying this morning. I don't know if you were here to hear his commentary---

DR. SCHWEBEL: I was not.

ASSEMBLYMAN MARTIN: Well, during the course of his presentation, he indicated Chapter 212 specifically, but I think there are other laws in Title 18 that give him very broad powers, and he indicated through Chapter 212 the Commissioner has very broad powers in providing for the thorough and efficient education. We have passed twelve. We have given them direction, and my question is, having done that, and if he does have the broad powers he has, is it really necessary for this legislature, or any legislature, to determine how that is going to be accomplished?

DR. SCHWEBEL: I know that Chapter 212 provides authority not only to evaluate the high school graduation requirements we have given high schools, but it also stresses the communications skills. Now, however, I would favor not a reactive, but a pro-active stance, but that the active stance be in connection with programs, rather than with evaluation.

ASSEMBLYMAN MARTIN: That is fine. I have no quarrel with that. But, is this legislature competent to make a determination as it is implied in what you said, now, to determine what programs are going to be carried out?

DR. SCHWEBEL: I believe the Legislature is certainly competent to determine that the priority now is the introduction of new modes of instruction to have the significant effect on our school system, rather than determining that we should introduce a new testing scheme, which, in a sense, is a kind of redundant scheme, because there is plenty of authority to evaluate.

ASSEMBLYMAN MARTIN: Except, if we accept your premise, the moment that what is required to provide for literacy, to provide for an education, rests with new programs rather than with testing. I accept that for a moment. I will ask you, is the legislature the proper forum, the proper body, to make a determination that new programs shall be instituted in the schools, or rather is that the province and the responsibility of the Commissioner and the State Board of Education?

DR. SCHWEBEL: I think it is the responsibility of those in the field, those in education, professional educators, including the Commissioner to make such decisions and recommendations.

ASSEMBLYMAN MARTIN: Thank you.

ASSEMBLYMAN NEWMAN: Thank you, Doctor. Our next witness is the Chancellor of Higher Education, Dr. Hollander.

T. EDWARD HOLLANDER: My name is Ted Hollander. I am the Chancellor with the Department of Higher Education. I am very pleased to be here and testify on a bill which I think will have significant impact on the quality of higher education in the State. Senator Feldman, Assemblyman Newman, and all of you, should be commended for your desire to improve the educational attainment of our young people.

There is no greater issue for this State than providing our young people with an education adequate to function in a complex society. Unemployment today is largely attributable to a growing number of young people who are overschooled and undereducated; too many of our young people simply cannot function effectively at the levels needed to fill available entry level jobs.

Basic skills deficiencies result from a variety of factors often beyond the control of educators, yet we in education must find ways to improve the education of our young people.

In my view, one important step is to set standards that are high enough to be meaningful and to expect and help our young people to achieve them.

S-1154 makes a start in that direction through the establishment of a standard for high school graduation. It has been demonstrated in other states that high school graduation standards are an effective, if only partial, solution to the basic skills problem.

However, while I am generally supportive of your effort, I must respectfully oppose the provision in the bill for the awarding of two types of high school diplomas. Having come to New Jersey from a State, New York, which implemented this same concept, I can assure you that it is fraught with major difficulties and contradictions.

We in New Jersey have committed ourselves to providing every child with a "thorough and efficient" education. We have applied major resources toward achieving this goal. Is it consistent, in light of our commitment to "T & E," to allow the schools to merely award worthless diplomas to students whom they fail to provide even a minimum education? It is my experience that the concept of two diplomas will not encourage school districts to improve basic skills instruction. To some extent they will be discouraged from doing so, because, ultimately, the penalty can be transferred to the students through a so-called local diploma. In effect, each local diploma we award will be a certificate which attests that we were unable to provide its holder with a thorough or an efficient education --- Indeed, the local diploma concept will indicate that we were unable to provide even a minimal education.

I am, however, even more concerned regarding the effect the provision will have on the accessibility of higher education to urban, disadvantaged, and handicapped students in the State. As you know, the greatest concentration of basic skills deficiencies is among urban students. It is likely, under the proposed plan that urban districts would be forced to award large numbers of local diplomas if they are permitted to do so. Not only will the urban and

educationally handicapped students who receive these diplomas be denied equal opportunity for higher education, but they will also be stigmatized with a "second-class" diploma -- a stigma which is, in fact, deserved by the education system, not by the students.

I believe that it is our obligation to define the minimum requirements for attainment of a legitimate high school diploma. We should expect, in the spirit of "T & E," that every student will be adequately prepared to meet those requirements since they are, indeed, minimal. Other states have adopted such an approach and have experienced success. In my testimony before the Senate Education Committee, I described the Duval County School System in Florida, which was one of the first to adopt high school graduation standards without the loophole of a substandard diploma. I was informed by the Director of the Duval Assessment Program that only 52% of the students passed the test when it was first administered several years ago. Last year 97% of the students passed.

It is possible, I believe, to develop a system of education which will provide nearly all students with minimum academic competencies, and we should neither expect nor accept anything less. However, it will take time to accomplish this goal. Our colleges and universities will continue to have a commitment to assist those in need of remediation. Nonetheless, I assure you of our intention to gradually disengage our institutions from major involvement in basic skills instruction. We have taken steps in recent months to plan such disengagement. As you know, I have over the past year pressed for more rigorous standards for certifying new teachers so that ten and twenty years from now we are not faced with the same problems which face us now. In addition, the Department of Higher Education has initiated several programs of articulation between high schools and colleges, including project step-up right here in Trenton. In this program, the faculty of Trenton State College is working closely with faculty of the Trenton Public Schools to improve the basic skills of college-bound, urban students. I anticipate that this effort will provide one model which can be applied in other areas of the State.

The Senate Education Committee has before it a bill to charge the Education Coordinating Council of the Boards of Education and Higher Education with the responsibility to develop joint schools and college efforts to strengthen education at all levels. Efforts to identify these are already underway.

In the meanwhile, we do have data which show that, while college-bound students are graduating from high school with basic skills deficiencies, and may continue to do so for several years, our colleges have been able to remediate their problems very effectively during the freshman year. A study conducted last year at Brookdale Community College revealed, among other findings, that those students who successfully completed the college's remedial reading and writing courses passed 70% of their courses in the freshman year. By the way, that is not good enough. Students who did not succeed in completing the remedial courses passed only 12% of their freshman courses.

A study completed at Stockton State College yielded analogous results. Two years ago, 350 freshmen entering Stockton demonstrated skill deficiencies. However, 84% of these students were successful in completing the remedial program, and these students were able to maintain a C+ average in the freshman year. 16% of the students did not pass the remedial program and were dismissed from the college.

The success of the educational opportunity fund program in New Jersey represents another example which underscores the need to provide disadvantaged

students with access to higher education. Our EOF program accommodates 11,000 to 12,000 students who can generally be categorized as economically and educationally disadvantaged. Yet, given the remedial and counseling services of the EOF Program, almost half of these students have been able to graduate and 10% have graduated with honors. These are students who came to the college with literally a zero chance of being successful.

I present these examples to dramatize the need to provide access to higher education even for those students whom our education system has not prepared adequately.

I stress these efforts to make additional points, first, students who are motivated properly can overcome skills deficiencies at relatively low costs and over relatively short periods of time. The successful efforts in this area by several of our colleges demonstrates what can be done if the need to do so is apparent and compelling. Secondly, there are large numbers of so-called skills deficient students who can be helped at a relatively small investment. If we were to block our students from the collegiate system where they can be helped effectively, we would be potentially burdening our society with still greater costs for unemployment and welfare.

Yet I believe that our colleges should give clear signals to the high school community about our expectations. I plan to ask the Basic Skills Council of the Board of Higher Education to convene a group of faculty and admissions staff from our colleges to discuss and explore the establishment of minimum requirements for high school study, English, history, mathematics, foreign language and science as prerequisites for admission to college, to be effective concurrently with the effective date of the high school graduation requirement.

Further, I would propose that the State's Board of Education adopt these requirements of all high school students.

Whatever we do, I hope that your Committee will avoid the temptation to be overly prescriptive.

The principle of local autonomy is important, but that relates to how the process of education should proceed, and not what it is students should know to qualify for graduation. A single statewide standard for high school graduation is likely to be defined at a relatively low level. Do not provide for local option for a still lower level.

Finally, please recognize that children learn at different rates and mature at different chronological ages. While holding all students to a required level of attainment for recognition for graduation, we must provide within our system individual variability. We must also provide for equivalences for drop-outs and poor performers who later in life are able to meet required standards and seek to continue their education.

While adhering to high standards, we should open doors to learning, not close them, especially if the open doors lead to demonstrably successful results at a relatively low cost.

I believe that efforts of this sort, combined with a firm set of minimum standards for high school graduation, will produce the results we seek. But I do not believe that we can afford a major retreat from the principles of "T & E" nor those of equal access to higher education. Therefore, I strongly urge that you delete that section of S-1154 which provides for the awarding of local diplomas.

Thank you for your generous attention.

ASSEMBLYMAN NEWMAN: Thank you, Chancellor. Assemblyman Rand.

ASSEMBLYMAN RAND: I would like to ask one question, Chancellor. You are afraid that we are going to give worthless diplomas. There were some people today who said they were given worthless diplomas.

And, I am just trying to correlate this. That is why we are here today, because some of us - at least Senator Feldman believes that we are - believe we are giving worthless diplomas.

I would like to ask you one more question. If this bill is passed, I would hope there would be a development of testing which might eliminate the duplication of testing both in the high school and the entrance in the college. It seems to me there certainly should be a rapport between the Department of Education and certainly your department where we can have one unit, and one test which would certainly assess skills.

CHANCELLOR HOLLANDER: I think that is possible. Our testing program was developed to determine which students should be given remedial program assignments, which is really a test to help the individual students. The overall results of the test, of course, leave some concern about the overall level of preparation. But, our test was for the purpose of helping our guidance people assign students to courses. If every high school graduate meets those skills of a high school graduation standard, then there would be no need to test for what students already have.

ASSEMBLYMAN RAND: Thank you.

ASSEMBLYMAN NEWMAN: Assemblyman Martin.

ASSEMBLYMAN MARTIN: Chancellor, you made mention of Duval County, I believe, down in Florida. I am not too knowledgeable about Duval County, but my question is this: This morning when the Commissioner of Education was testifying, he indicated, too, that in Florida there was some evidence that the type of approach that Senator Feldman is proposing with respect to testing has shown some results, positive results.

Do you have any real evidence besides the statement here that you contacted them --- I don't know how you contacted them, whether it was in writing or by phone - whether their statement that there has been improvement - I believe they moved up from 52% to 97% - and whether that can really be strictly attributable to a basic skills or minimum standards of testing?

CHANCELLOR HOLLANDER: I can't answer the question. I don't know. Florida has done several things recently. They have moved to a form of competency-based teacher certification, about five or six years ago. That may have had some impact. It may be the standard itself that may have had some impact. I have spoken to some parents of Florida children who tell me that they spend some period of time in school studying toward the test, which means in effect they review the material that is tested for. I don't think that is a bad idea, by the way, if the test is for grammar and they get instructed in grammar to pass the test, they learn grammar. But, I think there are some complaints that perhaps there is too much teaching to the test. But, overall, the results have come from this combination of factors, so I can't say as a professional what the specific reasons were for that improvement. I think we would have to get a lot more information from the Florida school system. I cite it because it is a good example.

ASSEMBLYMAN MARTIN: A convenience example. Is it also conceivable that perhaps an influx of the different quality of student from other areas in the country in the intervening period might have had some bearing on the results?



CHANCELLOR HOLLANDER: I can't speak for them. I don't know.

ASSEMBLYMAN MARTIN: I didn't think that you could. It was a fortuitous, or gratuitous statement, I should say; maybe both.

Just a few moments ago, I don't know if you heard Dr. Schwebel, he made a six-point attack on the bill. He opposes it. He says it is the wrong bill at this time, and basically what he was stating was that instead of testing, setting of minimum standards, what really ought to be done is to utilize new programs that are available that have been tried both in this country and abroad. My question to you is, does Dr. Schwebel make a valid point, or perhaps one that is overriding in terms of this bill?

CHANCELLOR HOLLANDER: Well, I was very careful in my testimony to talk to this as a partial solution to the problem. I think the establishment of a test and nothing more would be as hurtful as it is helpful. I think the purpose of the test is not to penalize students for not being successful, but to identify a measure which tells all of us in education how successful we are. I think the development of a high school graduation standard must also be accompanied by a whole series of changes within our system.

ASSEMBLYMAN MARTIN: Including new programs?

CHANCELLOR HOLLANDER: Well, I don't know which new programs he was referring to. I mean, I remember the more effective schools programs in New York City about twenty years ago and what great promise that held. The only promise it delivered was a more intensive, better staffing ratios, smaller classes, which didn't seem to do very much, and higher salaries and so forth. The students didn't seem to recognize the effectiveness of the more effective schools program. So, I think it is a question of what the program is, but the establishment of a standard has two, I think, salutary benefits. One, it defines expectation, so everybody knows what those expectations are. That is terribly important. Students know what is expected of them, and teachers know what level they are trying to prepare students for. Secondly, it tests how well we do along the way.

ASSEMBLYMAN MARTIN: Chancellor, don't we already know, from the test results that have been taken over the years, that performance is not what we want. Don't we already know that?

CHANCELLOR HOLLANDER: That is correct.

ASSEMBLYMAN MARTIN: Okay, we don't have to do additional testing to determine that. The question is, how do we deal with the problem, and I refer again to Dr. Schwebel's comments and what he basically is saying, we are looking in the wrong direction. What we are looking at is the problem and not the solutions. And, one of the points that he made was that perhaps what we ought to be doing is improving the communication skills, and he places some blame in his presentation here on the fact that we do not, particularly on the college level, require students to write an essay-type answer, that they are marking "x's" or marking a sheet for computer processing, rather than expressing themselves. And, my question is, what are we going to do about that? How does this bill address that problem?

CHANCELLOR HOLLANDER: This bill doesn't deal with the college level, but I can tell you that our Basic Skills Council - and the Director of that is sitting in the back - said at one point in our discussions that if we did nothing more than require term papers and essays on college courses, we would have a forward leap quality of writing on the part of our students, and we have been even talking about working with our faculties to define that requirement.

ASSEMBLYMAN MARTIN: Isn't that something that can be done right now with no legislation?

CHANCELLOR HOLLANDER: Let me suggest that there are several things we are all working on. First, in the training of teachers, in the certification of teachers, there is the Newman Commission - and we call it the Newman Commission because of Assemblyman Newman's leadership, and of course, if they come up with good recommendations, he can get the credit; if not, he will get the blame - and they are taking a look, from what I have seen of their deliberations from my participation on the licensing requirement for teachers, on the ways in which we can improve the quality of teacher training in our colleges, and on the question of in-service education, all of which in my judgement needs significant reform.

Secondly, our Department has spent two or three days in full day seminars with our senior staff looking at the basic skills issue of what we can do in terms of substantive program changes, or to help deal with the problem. When we complete our work, we will be meeting with the joint group from the Department of Education and we are going to try to lay out a short term and a long term strategy programatically to deal with the question. That is the second thing that can be done.

Third, I talked about requirements for entry into college, and the purpose of that would be to press our students in the high schools to take the courses which develop their reading and writing skills, rather than some of the others that are available in the curriculum and increase the commitment of high school resources to those kinds of courses.

The fourth thing we need to do is to have yardsticks along the way for our children to make sure they are learning at the levels they should be learning and to tell them what our expectations are of them to graduate from high school. I don't think we do a service to our students if we give them a piece of paper which simply measures attendance. I think if we tell our students that this is what we expect you to do when you graduate from high school, our students will rise to our expectations, and our teachers will help assure that that happens. But, in the absence of that standard, a lot of fluff gets into our curriculum.

ASSEMBLYMAN MARTIN: Chancellor, one of the reasons Dean Schwebel gave for opposing this bill, his sixth reason, was that it gets tough with the kids, and doesn't really address the problem. It is punishing the children, and not really dealing with the problem.

CHANCELLOR HOLLANDER: It would be punishing children if you establish that requirement next year. It would not be punishing our children, in my judgement, if that requirement said, number of years in the future, and at the same time we were able to measure student progress at intermediate points. I think it would be putting pressure on our young people, and it would also be putting pressure on our school systems, because our school boards would be clearly accountable to the public for the results of their high school system. That is where the pressure would be.

ASSEMBLYMAN MARTIN: You are assuming, I take it, that the school boards and the administrators will institute programs early on before the testing is done. Is that what you are saying?

CHANCELLOR HOLLANDER: I think our Department of Education would want to see that that would happen, and if they don't, or put another way, I think on an experimental basis it might be useful to begin giving those tests, even though you don't use them in the next several years. I think the public is going to say to their school boards that they select, or to the elected officials who select school

board members, something about resource allocation to the schools, and the performance of the schools if the schools don't provide the kinds of programs that will graduate students.

I fully agree with you, Assemblyman Martin, that simply setting a standard and testing people without any change anywhere else in the system isn't going to accomplish what it is you seek to accomplish. I don't think without that standard the other things will be effective.

ASSEMBLYMAN MARTIN: Don't we run a risk, Chancellor, of compounding frustrations that exist in our society by constantly publishing poor scores without, at the same time, doing something concrete about improving the quality of education and the ability of the students to measure up to the standards we set.

CHANCELLOR HOLLANDER: Yes. On the other hand, if you don't know what the question is, it is awfully hard to find the answer. For example, I would argue that until we gave our basic skills test which was not designed for that purpose, we ourselves didn't know the dimensions of the problem; we only suspected what they were. Now we understand the full potential of the problem.

ASSEMBLYMAN MARTIN: Just one further thing. I would like to make a comment, Mr. Chairman. I have a problem reconciling the differences of opinion on this bill between those who are in a position of responsibility to carry out educational policy in this State, and the testimony of a gentleman from Rutgers who apparently has very high credentials, having served as the Dean of the Graduate School of Education, who presented us a few moments ago with a very detailed set of criticisms of the bill, and who believes, as he stated here, that this bill is looking at the wrong end of the problem, in terms of proposing a solution or solutions. And, I am a little frustrated at this point in terms of how we as a State are going to meet the problem which concerns not only Senator Feldman, but I guess all of us, and all the citizens of the State. I am very fearful that what is being proposed here may very well - instead of helping to solve the problem - obfuscate and confuse and further frustrate the citizens of this State and perhaps cost an awful lot of money to do that rather than to solve the problem.

I wonder if you would care to comment on that.

CHANCELLOR HOLLANDER: Well, I think honest people can differ, but I am not sure the differences are that clearly defined. I think we all agree that there needs to be some intrinsic change in our systems. Where we perhaps disagree is whether this particular requirement will be helpful in five years or ten years from now when it is implemented.

I think it will be, because I think that dealing with the issue of the effectiveness of our educational system requires that we know and understand first what we expect; second, that our students, our young people and our teachers know and understand what we expect, and that we hold to a standard which says, if you don't reach those expectations, you don't get the recognition that you have reached those expectations. That is what this bill does. It is one small piece of a need to deal with a larger situation.

I have to say that I am much more supportive, having looked at what our colleges have been able to do in the area of remediation. Now, it is true that the students who come to us in higher education are self-selecting. They want to succeed, otherwise, they would not register for college. But, the ability of our colleges - or at least some of our colleges, and the evidence is hard - to bring those students up to grade level suggests that it is not a problem that can't be dealt with with

reasonable effort at the local district level. I think there needs to be, I guess, some public pressure for that effort to be made - to be very candid - for it to be done well. That means resources, and programs and questions being asked by school boards about childrens' performance. I think this bill helps get those questions defined. But, the very fundamental issue that the bill deals with is the question of whether one ought to recognize somebody has accomplished something when in fact they have not, or whether one should frustrate an individual by saying you have been successful, when that person has not been successful and does not understand why, when they get out into the real world, they are not able to function effectively. That is also very frustrating. So, yes, there is going to be a frustration at some point.

ASSEMBLYMAN MARTIN: Mr. Chairman, I would like to indulge you for one more moment. Isn't there another risk here of this testing. A student comes home - and this has happened personally with some of my children - and you ask them what sort of test they had today, and I am referring to this kind of a test, and they say it was a farce, a joke; it turns them off. Don't we run that risk too?

CHANCELLOR HOLLANDER: If every student were to say that, we would have a problem. Well, I guess students say that. You know, I heard that when we gave our basic skills test, that the students at one particular institution were joking about what an easy test it was, and when we got the scores, we found out that they may have thought it was easy, but it wasn't as easy as they thought it was. Sure, that is---

ASSEMBLYMAN MARTIN: I am talking about a real turnover.

CHANCELLOR HOLLANDER: If the question you are getting at is whether or not students who now perform well above our expectations will drop their performance down to that level--- I just don't think that is going to happen for a number of reasons. One, these students are highly motivated to go to a selective institution. They are going to be taking tests like the Scholastic Aptitude Test, which has some value, but which also has some weaknesses, and they will be taking Achievement Tests, and taking Challenge Examinations, CLEP, which will give them college credit for what they did in high school. There are all types of other tests available to such students, which will motivate them to perform at their peak. I mean these highly motivated young people do stretch and their scores reflect it.

This standard will increase the motivation for larger numbers of students. I think it will serve the same function for the preponderate majority of students, such as a student that wants to go to a very selective institution will have the motivation for performance.

I also think that with the right kind of environment and stimulation and understanding that people will care about what they do. Our young people will rise to our expectations. On the other hand, if we say it really doesn't matter, they are all going to get high school diplomas anyway; they all get "senioritis" or the "senioritis" spreads throughout the curriculum. "Senioritis" is a disease where students have already been admitted to college, and they stop working. You know, they feel it doesn't really matter any more. If we convey that impression - and I think we do now - the children will be as cynical as we are.

ASSEMBLYMAN MARTIN: Thank you very much.

ASSEMBLYMAN NEWMAN: Thank you, Dr. Hollander. Mr. Walter Chesner, and Dr. Glenn Grube, New Jersey Association of Secondary School Principals.

W A L T E R     W.     C H E S N E R:     Mr. Chairman, members of the Assembly Education Committee, I want to thank you very much for providing us with this opportunity to share our views with you on this issue.

Our association wishes to go on record as being opposed to Senate Bill 1154 in its present form. We are pleased that several positive changes have been made in the proposed legislation since it was first introduced, however, the bill as written still has some weaknesses which need to be corrected.

Our major objections are centered around the statewide assessment tests and statewide levels of proficiency in reading, writing and computational skills, and the idea of issuing different diplomas.

Our Association accepts the concept that the public has a right to expect the students to be able to demonstrate competence in basic skill areas as required by T & E, the Chapter 212 laws of 1975. We are convinced, however, that statewide assessment tests and levels of proficiency will not resolve the problems for students who are unable to retain information and thus cannot apply it at a satisfactory level in the world of work or in pursuit of higher education. These students might study hard for tests, but if they cannot retain the information for more than a few days, they will fail anyway and will give up entirely and drop out of school. We do not see statewide tests solving learning problems. If anything, we believe the problems will be magnified.

For other students, meeting the minimum standard will become the goal, we are afraid. In these cases, these students will be cheating themselves. Let's face it, highly motivated and average or better students do not need a minimum standards test. They will pass it. Students with poor motivation, poor attitudes towards school, and poor self image are the ones for whom the test would really be designed for the most part. Just as they do poorly on MBS tests administered by the State, so they will do poorly on another test, the assessment test for graduation requirements, and again they will face another failure.

We strongly believe that the evaluation procedures developed in the T & E law to provide for "continuous and comprehensive review of pupil progress toward district and school goals and program objectives" is the best approach to improving skill development and preparing students throughout their years in school. It seems to us that a minimal standards program in grades 9 through 12 may already be too late for many students whose basic skills are at a minimal level upon entrance to grade nine, whereas the T & E approach provides for continuous assessment, program adjustment and remediation for students failing to meet pupil minimum proficiency levels established by the district board of education.

If new legislation is necessary we recommend that it build upon what is already provided for in T & E. We believe that the bill should require that local boards of education adopt proficiency levels and standards for graduation which are consistent with local goals and objectives and the proven ability of their students as demonstrated by their performance on the MBS tests, and that the standards for each district be approved by the Commissioner of Education.

We also recommend that such legislation require that assessment tests in reading, writing, and computational skills be developed by the Commissioner of Education; and that they be made available to Boards of Education who may wish to use them for assessing student performance together with other locally designed or selected measuring instruments.

The other change that we recommend be made in S-1154 is that only one diploma be issued, and that it continue to be the local diploma which has served

the purpose well for so many years. However, we would recommend that the bill require that each diploma be accompanied by a copy of the students transcript of courses taken by exact title, and grades achieved together with an explanation of the grading system so that employers or school and college officials can make a judgement as to what should be legitimately expected from the applicant. We feel that issuance of different diplomas would automatically relegate students receiving the local diploma to the ranks of the unemployed. They are likely to be considered total failures and are not likely to be given a chance.

If these adjustments are made in S-1154, we feel that students stand to gain. We believe that the disadvantages of a statewide minimum standard are many, and that higher and more realistic aspiration will be set for students in their own schools and communities with local control over standards than with a statewide program.

Thank you for considering our recommendations. Dr. Glenn Grube, Principal of Bergenfield High School will give the practitioner's point of view on our testimony.

D R. G L E N N G R U B E: Assemblyman Martin a few minutes ago had said that he was confused about the difference in testimony, so perhaps the practitioner's viewpoint - this is my twentieth year in education, fourteenth year as an administrator, eleventh year as a high school principal. I represent really the "some" that were referred to this morning by the State Board of Education speaker, Linda Albert.

During the Senate hearings on Bill 1154, three members of the New Jersey Association of Secondary School Principals and Supervisors spoke directly against graduation tests which would stand as a single barrier to a student's graduation and receipt of a diploma. We also spoke against a proliferation of different kinds of diplomas and certificates that might be awarded upon completion of four years of high school. We commend the change in the legislation which eliminated the concept of multiple state diplomas and certificates. However, we must continue to speak against a competency examination which would be a sole barrier to a student's graduation.

The New York's Regents examination has not been successful in demanding quality education for all children. The Florida competency tests have been a farce. Oregon has had a disastrous affair with state testing for graduation, and Delaware wisely viewed what was happening in other states, and abandoned their state mandated program before it got aoff the ground.

The State Board of Education in New Jersey wisely eliminated, a number of years ago, the multiple type diploma in this State and followed up in the early seventies with an equalization of credits for all approved subjects based on timing class. In essence, they eliminated any stigma of minor changes or less than academic programs.

The New Jersey Association of Secondary School Principals and Supervisors, and all other educational associations and personnel in this State certainly agree that change has been needed. We have not assumed, however, that the overall quality of public education in New Jersey has been in a state of decline, but have assumed that the problem has been in a change in the demands of the schools from increasing rates of graduation to an emphasis upon raising the levels of achievement especially in the basic skills area.

Working toward the improvement of learning requires a far more subtle and complex strategy than merely implementing statewide high school graduation tests.

It means maintaining a close proximity between the classroom and the locusts of decision making between parents and policy makers. In some it means local control over curriculum and standards of achievement and it means a state strategy to protect, and enhances the ability of local communities to shape their own educational policies. Indeed, it is in the interest of state government to promote and support good management locally - for state government cannot efficiently and effectively manage the public schools. Schools are fragile institutions. They require commitment and dedication. Education remains far more an art than a science, and there is no single instructional prescription that can be shown to be best for all students.

When I spoke to the Senate Committee, I reminded Senator Feldman from Bergen County that he had accepted an invitation to visit the Bergenfield High School as part of a legislative day in the spring of 1977. Assemblyman Martin, on that very same day, you went up to northern valley, and one of the schools in that district. We set out to have them recognize that the Bergenfield staff was working very hard to create the finest possible environment for our students. We hoped that he would be able to grasp the flavor of the kind of atmosphere which we believe contributes to the maturing of our young people into solid community leaders. I quote from a letter sent to me by Senator Feldman, "clean, well-maintained, a decorum in the halls, a program meeting the needs of many students, happy faces on those I met. My image of Bergenfield High School was turned 180 degrees." May we suggest that the kinds of achievement, the meeting of the needs of all students, and the quality of graduates that you hope to legislate already exists in many fine schools in this State.

Transcripts of student work, not merely the diploma, give evidence of this achievement. Mr. Chesner, a few minutes ago, alluded to the fact that you can require or ask for a transcript if you want to find out what the student has achieved. The pressures of the State test will only serve to do what the caps have done, to legislate mediocrity, and a loss of quality for many of these fine schools.

In the record, February 2, 1979, Senator Feldman in an article on "Spare the CAPS" and I quote him, "What I cannot accept is that the only way to equalize school expenditures is to force all districts down. to reduce quality programs to make the average the ideal. If equalization involves restraint, it must also involve increased efforts to raise the quality of all districts. We must act to stop the erosion of quality programs in our public schools." That is what he had to say about caps. I believe that the competency exam, we can say the same thing about.

Important curricular and extra-curricular programs will be eliminated in order to finance teaching to the test, administrators will be overwhelmed with arguments as to who gets a state or local diploma, which will still have different meanings for each district. Inner city youth will definitely be turned off by the test requirement and drop-outs will more than likely increase. It will be difficult for administrators in quality schools to convince marginal students who passed the "ninth grade competency test" that there is much more to earning a diploma, more to becoming an educated person than merely passing the test.

Furthermore, good schools exist because teachers are accountable for quality instruction. It is the administrators, the principals, the directors and the department chairperson's job to be certain that a teacher is using the best possible classroom techniques. Is creating an environment conducive to learning, and is working hard toward insuring that every student has the opportunity and is

encouraged to learn to his or her fullest potential. A graduation test will only encourage poor or less than able teachers and administrators to strengthen their holds on classrooms and schools, because their success will be determined not by broad aspects of learning or happy faces or meeting needs, but by the testing results regardless of how these results were obtained, with little concern about the environment which produced these in-roads results, and with lessened ability of the administrator to challenge poor practices as the test results might support a belief that good teaching had occurred.

The more important factors in teaching are the personal and environmental in combination with pupil growth that is measured by a variety of factors. To allow one factor - that of testing - to become critical to evaluation, graduation, and the type of diploma received will defeat the whole process of quality education - that of working with and developing the many diversified potentials in every child.

Last month, on two separate occasions, we had visitors in our school in connection with the New Jersey Task Force of Violence and Vandalism. The coverage given us by CBS News, Channel 2, was very positive, but for me, a greater encouragement came from Task Force members who upon getting ready to leave in the afternoon after a full day with us stated, "You should be envious of your school. You seem to be doing a fine job for many students."

At Bergenfield, we are working hard and most of our non-classified students can easily meet the ninth grade competency level at graduation. The few who cannot have received excellent remediation through a fine compensatory education program instituted under the T & E process. Many of these students have developed special talents which will enable them to lead successful lives. They have all matured during their four years with us, and will be better citizens because of their attendance at Bergenfield High School. I am afraid that a competency test will become a maximum - not by the desire of the local school, but because financial assistance will be further channeled away from the model and achieving schools because they are doing a good job and need less help.

I thank you for listening to those of us who are providing quality educational experiences for our students. We strongly oppose the legislation of Senate Bill Number 1154, and recommend that it must remain the Commissioner's job to make recommendations to the State Board of Education regarding graduation requirements. The Adolescent Study Commission, the Graduation Requirements Committee of which I was a member, and the many review committees, have worked very hard to provide solid input upon which the State Board of Education can build. T & E can work in New Jersey. There are many models on which success can be patterned, but not under the dictates of mandated graduation testing which will only legislate mediocrity. You should not believe that you can legislate quality education. You can only foster it by supporting and encouraging the very best environment and teaching techniques that are available.

I urge you to seek models, rather than legislating a test. Thank you for considering our testimony and recommendations.

ASSEMBLYMAN NEWMAN: Thank you. Let me just say--- I can say an awful lot, but we don't have time for that. It is not a question of legislating. You say we can accomplish all these things. I love to hear this at these hearings, that we can accomplish all these things - you shouldn't legislate them because you can do them. Let me just say respectfully to you, you have had 125 years, and you have not done them yet.



DR. GRUBE: We are doing them.

ASSEMBLYMAN NEWMAN: You are doing them now?

DR. GRUBE: Yes, sir. We have been doing them.

ASSEMBLYMAN NEWMAN: Well, get your head out of the sand, because what you have described here is not what is going on in every school in New Jersey. It might be going on in your high school.

DR. GRUBE: Let's find those models and let's use them, because in many, many schools it is going on.

ASSEMBLYMAN NEWMAN: I know it is. We can't be damned about the other schools, either. It is not just a school. I can point to several schools that you have described, but I can point out a heck of a lot more where nothing is being done.

Now, getting back to you, Mr. Chesner, the kinds of pupils you described in your testimony that were not going to do anything, what do you propose we do with these kids? I don't have your prepared testimony in front of me, so I am going on my memory. You suggested that there are kids that are not doing very well. How do you propose to deal with that?

MR. CHESNER: I think that setting a standard for them is not going to help them learn any better.

ASSEMBLYMAN NEWMAN: What is?

MR. CHESNER: I think that remediation programs that are in operation, caring teachers trying to work with these young people, the programs that are in operation in some districts, where they have a complete cooperative program with the home, the school, and some of the community resources, trying to help young people improve their image, trying to help improve what happens when they come into the home, trying to provide study situations for them. It is all of those factors that try to help. But, some of those youngsters - I have worked with them as a former principal, I have worked with our teachers trying to provide remediation for the kids, and for some of those youngsters - are never going to be able to pass the test per se. Now, some of the youngsters were able verbally, by sitting down with their teachers, to respond to questions, and be able to achieve a level of proficiency that the paper and pencil tests never showed. So, you can do some things, but it is a long hard trial.

The programs at the college, I was going to comment, you have an enrollment policy which is a good policy, but with that enrollment policy, you are going to always have to provide, as I see it, remedial programs for the young people to come in to that particular level, because you never cut off a kid. Students reach plateaus, as I saw in working with our people in trying to provide remedial assistance to students. They may go along for a year or two, and maybe in reading they might make two months of progress, and then all of a sudden they spurt, and you might get six months out of the next year's efforts. I don't know that anybody knows the answer to why it happens, but it does happen.

ASSEMBLYMAN NEWMAN: The point I was making, this bill, as it is written, provides for those students you are speaking about. It provides the alternative means of getting the diplomas, in addition to the two diplomas. It provides that. It is in this bill.

The reason I am questioning you is, you talked so well about the youngsters that are doing well, and then you defend those who are not, and say they both should get the same. Is it fair to the youngster who is doing well to get a diploma, the same diploma, with the same meaning in our society, to be granted to the youngster that everybody including the superintendent knows didn't deserve it; how do you

justify that, particularly when those that get the diploma are of the greater numbers than those who get it and don't deserve it. How do you defend insulting the majority to satisfy what is hopefully a small minority of the student population? How do you justify that?

MR. CHESNER: I don't think that the kids in the high schools are insulted by the fact that they all get the same kind of diploma.

ASSEMBLYMAN NEWMAN: Did you ever ask them?

MR. CHESNER: Not recently, no.

ASSEMBLYMAN NEWMAN: Try it some time.

MR. CHESNER: Okay. But, in terms of the kids who are not able to progress, the transcript, we still feel, is a better answer than the diploma. The transcript points out the differences.

ASSEMBLYMAN NEWMAN: Let me ask you that question while you are on the subject. If I am an employer and I call the school district, and I ask for a transcript of a former school student, are you going to give it to me?

MR. CHESNER: If you get the student to give you a release, we will send it to you.

ASSEMBLYMAN NEWMAN: You will send it to me? Not to the student?

MR. CHESNER: If the student gives us the release to do so, we will do it, and if he doesn't give us the release, you don't hire him.

ASSEMBLYMAN NEWMAN: Thank you, gentlemen. The next witness is Ms. Bebe Sellers, Acting Superintendent of East Orange Schools. Is she here?

B E B E        S E L L E R S: Mr. Chairman, members of the Assembly Education Committee, I am Mrs. Bebe Sellers, Acting Superintendent of Schools in East Orange. Also, I am privileged to have two students with me, about which this bill is concerned, Miss Debbie Washington, and Mr. Tommy Pierce. This is my second attempt to testify before you on my concerns and the concerns of East Orange students in reference to Senate Bill 1154. My first attempt was aborted by snow; however, the 96 children who came with me were privileged to address their concerns to the Honorable Matthew Feldman.

It can be assumed that: Local control of educational programs has been an American tradition; it can also be assumed that, a state assessment as described on page one, Section one of this bill could become an evaluation program without any explicit intention of becoming so.

Permit me to define at this time the difference between assessment and evaluation. A. J. Buhl defines the basic function of an assessment as an instrument designed to describe what presently exists without passing judgement. On the other hand, an evaluation determines merit or worth and so requires a value system.

Senate Bill Number 1154 providing for high school graduation standards as described in Section One, lines a-d, appears to propose to supplant our current New Jersey Minimum Basic Skills Assessment with a New Jersey Minimum Basic Skills Graduation Evaluation. Section One, paragraph e, appears to be in opposition to the current trend of mainstreaming children protected by Chapter 46 of Title 18A of the New Jersey Statutes. In my opinion, this bill, as proposed, infers that our State is now ready to impose standards of merit, worth and even values on our students.

Assessments when properly utilized have three very good applications: The facilitation of school goal development; two, a description of student achievement and some explanation of positive or negative results; and, three, a determination of the competency level of a given student prior to making a decision such as promotion or graduation.

Performance standards vary as freely as do the educational philosophies from which they are born. The requirement of the inclusion at the district level of performance standards in state mandated T & E educational objectives appears to be meaningless or of little consequence with the mandate of graduation standards as proposed in this bill on page one, section two.

As I attend workshops and conferences on program assessment, I am constantly exposed to the concept that there must exist a great degree of congruence between what is assessed and that which is taught. Satisfactory performance on the statewide assessment test as provided for in Section 1b of this act would indeed imply, if not require, the school districts redesign their curricula to insure "teaching what is tested"-that is, if we are to keep current with the contemporary trends of program assessment, should this become the case, the state has then removed control of educational programming from the local school district. Perhaps the school curricula will reflect only those standards which are a part of the assessment program - keeping in mind that these tests measure the minimum basic skills.

Section three of the original bill has been radically modified to its present state. I am grateful for this consideration; however, I am still left with some concern. Section three, lines one through seven on page two of Senate Bill 1154 requires the local school district to provide remedial instruction, which could result in large expenditures at the local level. While we agree with the need for remedial programming, I am left with the concern of financial support for such services. I wish to ask at this time, will the sponsors of this bill support this law with additional legislation which will insure financial support to those areas where academic performance is unacceptable under current New Jersey Basic Skills Assessment Tests. I wish to refer you to Exhibit A attached hereto, which shows the districts where such support will be needed. Those districts are: Pleasantville, Englewood, Camden, East Orange, Essex Vocational, Irvington, Newark, Orange, Hoboken, Jersey City, Trenton, New Brunswick, Asbury Park, Lakewood, Passaic, Paterson, and Elizabeth.

I am totally confused by Section Three, lines eight through thirteen on page two. Are we indeed inviting students to simply leave our schools? Once again I refer you to Exhibit A and the Percent Minority Dropout, to identify not only the districts, but a specific group of people who will in all probability be most affected if financial support is not provided as previously mentioned.

On page three, section four, Senate Bill 1154 proposed two alternatives to receive diplomas: One, a diploma awarded to those who meet State and local graduation requirements; two, a diploma may be awarded to those not meeting state and local requirements but having been remediated, however, they may receive a diploma which will not have the endorsement of the State.

If the State of New Jersey fails to provide the financial support required for effective remediation, the students failing the state standards may - according to Section three, lines eight through eleven, page two - be eligible for assessment of proficiency at the local level, utilizing techniques other than the State assessment but techniques that have been approved by the Commissioner as fulfilling state and local graduation requirements, and then conceptually be eligible for the state approved diploma. It appears to me, then, that all students are eligible for the state approved diploma. He or she may or may not be remediated if local standards are passed according to other instruments approved by the Commissioner. A double standard, I dare say, perhaps designed for those districts outlined in Exhibit A which may not be able to support a remediation program to insure acceptable state assessment

performance. Please, we do believe that effectively implemented graduation requirements could provide a student with a meaningful diploma.

As an educator, especially in this international year of the child, I must formally protest the stamping of children in any manner that could terminate their academic progress at the average age of seventeen years. While the presenters through their modification of the original bill appear to be reaching out for a meaningful educational law, it is vital that no child in the State of New Jersey be left with a meaningless piece of paper and a shattered self-image with little hope of achieving the good life - as is every American's dream.

I respectfully ask you to explore the following considerations: How much of this bill will have a direct negative impact upon urban school districts? How much of this bill will have a direct negative impact on the state's minority students? Are we seeing birth of a new American tradition - the sanctioning and certifying of mediocrity?

I refer you to Exhibit A. As these data reflect, urban children are known to perform poorly on tests - and as indicated by these data, specifically the New Jersey Minimum Basic Skills Assessment. It is also a fact that with the exception of Toms River, large school districts have a very large minority population. These data included in Exhibit A are taken from the New Jersey Minimum Basic Skills Test given to eleventh graders in 1978 in the areas of reading and mathematics. The districts selected for this presentation are those in which the mean performance on either the reading or mathematics test falls below the sixty-five percentile. These districts are also described in terms of total district public school population, percent minority students, and percent minority dropouts. On behalf of urban children throughout the State of New Jersey, especially the minority children, I respectfully ask that you insist upon more clarity regarding the last three issues I have raised.

To assist in further deliberation of Senate Bill 1154, I refer you to Exhibit B, "Defining Minimum Competency Standards." Since 1976 the New York Board of Regents has been developing this concept; it is still under development as is shown in Exhibit C.

The students from East Orange wish to express their concerns through this statement and Exhibit D. Please consider the sentiments expressed by the youth of East Orange to Senator Feldman. I refer you to Exhibit D and the unidentified student who remarked ... "If remediation starts in the ninth grade, it seems to me you've already got the problem. The thing to do is start before the ninth grade ... That means the teachers will have to face a problem as it appears. It's wrong to penalize someone at the later stage."

We acknowledge the importance of this bill; we ask you to acknowledge the true impact it can have on the youth of New Jersey everywhere. Thank you.

ASSEMBLYMAN NEWMAN: Thank you.

ASSEMBLYWOMAN GARVIN: I would just like to say how proud I am. You have made a beautiful presentation. Members of the Committee, Mrs. Sellers represents my home district of East Orange, one of three.

ASSEMBLYMAN NEWMAN: Mr. Martin.

ASSEMBLYMAN MARTIN: The only question I have is, I presume you have communicated your opposition of this bill to the sponsor of the bill, to Senator Feldman; is that correct?

MS. SELLERS: We did discuss this with Senator Feldman when we came down before, the day that it snowed.

ASSEMBLYMAN MARTIN: Can you summarize his response to your opposition based upon your presentation?

MS. SELLERS: We did not give Senator Feldman the presentation.

ASSEMBLYMAN MARTIN: I see. Thank you.

ASSEMBLYMAN NEWMAN: Exhibit A, more than likely, as you point out, are the test scores. If we go to the Meisner Report versus the Minimum Basic Skills Test, statewide, we have a failure rate of about 23% to 25%. If you go to the Meisner Report, and we take the top 70 school districts in the state, 67, really, and include Morristown, Asbury Park, and one other, and you have done that here, we find out that we have a 45% failure rate.

We then turn around and we put back into that compensatory ed. program \$67 million. I know you are very familiar with compensatory ed. money in your community, as are all these cities, because I recognize how important that is. Are you suggesting to me, then, that the same amount of money would be required? In other words, you are testing on the third, sixth, ninth and eleventh grade levels. The cost of this program, for instance, if it were implemented in East Orange --- You are not suggesting to me that it is going to be worth \$67 million. I think what you are suggesting to me is that they are going to be the same students. The ones that fail the minimum basic skills test in ninth grade are going to be the same students who would fail this test, even if it were a different test, assuming that it were?

MS. SELLERS: No, sir, what I am implying, and perhaps I should have stated, is that I feel that urban districts are unique in character, and that they have characteristics of pupil populations that are unique only to urban areas, and that I am imploring that you look very, very carefully at a multiplicity of variables that may or may not have been considered before you enact legislation that could have an extremely detrimental and shattering effect upon the children who have no more control over those variables than you do.

ASSEMBLYMAN NEWMAN: I understand that. But, we are still talking about the cost of implementing the program. Whether this test was locally implemented and conceived, or state, matters not, the point is, the job ought to be done one way or another. You do have it within your authority right now, as does every other board of education in New Jersey, to do it. You don't need this legislation. We have been constantly reminded of that today. But, regardless of how it got done, it needs to be done, or needed to be done. I am just getting to your money part of the question. I want to try and separate those two.

The point is, correct me if you don't agree, or if I am wrong, the implementation of the comp. ed. money now, pumping that money into that district now for the very same reasons we are talking about --- Like the young lady you mentioned in your report, if the job isn't done now, and you have to give the test in the eleventh grade, you already have a problem. The fact of the matter is, however, we are giving those tests in the third grade and in the sixth grade, and the very first students to deal with this legislation are presently your sixth graders. Now, if you tested them in the third grade on statewide minimum basic skills, if you missed the third grade because of any reason, certainly you are tested in the fourth grade, because that was also required by law. That was your test, however, by the Department, and then you tested them in the fifth grade, with your test approved by the Department, and this year you will test them in the sixth grade with our minimum basic skills test statewide.

So, it seems to me that these youngsters we are talking about five years down the road, your district has already tested them five times. I am really hoping

that by the time we get to the ninth grade, these problems have to be eliminated, or we have all failed. It matters not where the money is coming from, who did it or didn't do it. The fact of the matter is, we are putting \$67 million out for the third year in a row for these comp. ed. youngsters, and all districts have comp. ed., not just the cities. Isn't it reasonable, then, to assume that the money might not really be as important as some of us want to make it sound right now, in view of the fact that we are on top of the problem, or supposed to be?

MS. SELLERS: I would like to answer your question with two thoughts. One of those thoughts is that you have brought about a problem that I alluded to and that is, I have no guarantee in an urban school district that the child I test in the third grade will be the same child I will test again in the ninth grade. That is one of my points. So, our concern is not as much with the testing process, but with the stamping of children with an inferior diploma type process.

The children of East Orange are not afraid of tests. They are not afraid of failing tests; they are not afraid of remediation. But, I as the Superintendent of Schools want to be reassured that there will not be some legislation passed that will require me to remove a child from my system by virtue of the fact that he may or may not have failed the tests, and in doing so, giving him a piece of paper, with which he can do absolutely nothing, so our greater concern is the diploma aspect of the bill, not the testing aspect.

Now, the second part is, if indeed our children must be subjected to the possibility of receiving an inferior diploma, then, I would raise the question of having the finances available to extend the school year to put in the tutorial programs, to put in the intensified teaching program that will be necessary to have the child who characteristically comes to me in the eleventh grade, leave the twelfth grade with an acceptable diploma. That is my concern.

ASSEMBLYMAN NEWMAN: Are you concerned that the state standards could be set too high or too low?

MS. SELLERS: I am concerned that because I represent an urban district, and the variables that usually affect the transiency of my clientele will inherently indicate failure by virtue of the fact that they will not have had the benefit of my complete testing or my complete comp. ed. program as it is presently mounted, or that you propose to mount as testing in this bill.

ASSEMBLYMAN NEWMAN: So, then, that would show up on the evaluation of your school district. There is a negative that you can see.

MS. SELLERS: But more primarily it would show up on the evaluation of the child.

ASSEMBLYMAN NEWMAN: Well, what do you propose to do with that child that you are speaking to that you didn't have all this time? What alternatives do we have, rather than just continuing doing what we are doing? What do you suggest? I think you are talking about a youngster that moves into your district in the tenth grade or eleventh grade, or even in ninth grade, or maybe the eighth grade, but you wouldn't get a chance to test them until the ninth grade. What do you propose we do with those youngsters, anything?

MS. SELLERS: Well, I would propose, or would suggest, that if you have established a constraint that may or may not affect this child's progress for the rest of his life, then we are obligated to give that child every possible opportunity to achieve the goal that we as adults have set for them. And, if in the instance we indeed must do that for a child because by virtue of his heritage, his socio-economic

background, his socio-economic condition, he comes to us at a late time in his educational career, then we must have something mounted to prevent his being shut off from educational possibility simply by virtue of his condition.

ASSEMBLYMAN NEWMAN: Mrs. Garvin, do you have anything further?

ASSEMBLYWOMAN GARVIN: I think, Dan, that you made a good point. I was hoping that you would get the point of what alternatives are there. We are talking about the mobility. It is not just the mobility from the sixth to the ninth grade. It is the mobility from September to October, and from October to January, and from January to February. I think that was a crucial question, because that is the kind of mobility that exists in an urban district. It is not from the sixth grade to the eighth grade. It is from one month to another. I think his question was, what, as an educator, do you see that we can do about this problem, since these young people are not responsible presently for their mobility? But, that very mobility is affecting his learning process. What would you, as an educator, perhaps, throw out on the table?

ASSEMBLYMAN NEWMAN: That is a tough question, by the way.

MS. SELLERS: Not really. I would see the value of the proposed testing program in this instance to help, as I have outlined three very good applications of assessment - the description of a child's achievement and some explanation as to why the child is achieving at that level, and a determination of his competency before we decide to promote him, or to graduate him at that point in time. But, you do realize that in urban districts, East Orange specifically, we are constantly growing in pupil enrollment, and we could conceivably--- My answer would be, let me keep him until I can get him to a point where he can function all right. But, realistically, that in itself would be self-defeating, because I would kill the district by retaining every child who needed to be retained, and unless some additional financial support was provided to give us extra schools, extra personnel, the extra programming that we require to get the child to the level of achievement that the proposed bill is intimating, then, I would be helpless.

ASSEMBLYMAN RAND: Mrs. Sellers, I also come from an urban school district, and know it very well. I am going to ask you a couple of questions which might not pertain to the bill, but the basic philosophy of teaching. I believe that once they get to the ninth grade, we have almost lost them. There is a remedial process, but you have almost lost them. I have emphasized the fact that I thought we ought to have some massive input on the basic skills. What do you do in your schools? I can appreciate the fact that you have transients. We have the same transients. We are no different than anybody else. We have the same turnover, the same non-stability as most urban areas.

MS. SELLERS: In the city of East Orange, we do have a yearly testing program that helps to assay a child's achievement level at a given point.

ASSEMBLYMAN RAND: Starting at what grade?

MS. SELLERS: In the first grade, and as the child progresses. In addition to our basal testing program that we administer every year at each grade level, we use publisher tests in reference to our reading and math series that help us further determine the level of competency and level of performance and individual needs that the child may require. Once these tests are given, and the performance levels are established, we put the child into a program that is designed to meet his beginning level need through the assistance of compensatory education. Based upon where the level is, we attempt to intensify the learning process with the

child in the areas of reading and mathematics specifically to bring him up to an acceptable performance level, or the normal level for his peer group.

ASSEMBLYMAN RAND: Now, let me ask you one more question in conjunction with that. Would an earlier enrollment for some of these children help?

MS. SELLERS: Help them?

ASSEMBLYMAN RAND: I mean, at least accelerate their understanding of the basic skills. I am thinking of some of the empty school rooms we have, and some of the empty classrooms that we now have, and the diminishing school populations in attempting to move some of these children into a quicker pace than they would normally be accepted.

MS. SELLERS: Are you speaking of earlier in terms of age?

ASSEMBLYMAN RAND: Yes, yes, yes.

MS. SELLERS: Well, sir, most psychologists whom I have studied do infer children learn at different rates, so I could not categorically state that by reaching a child at an earlier level would enhance his learning. He will learn only when he is ready to learn. However, I would prefer, if I had a preference, if I had an empty classroom, which I don't in East Orange - we can't even relate to that - but if we did, I think I would prefer perhaps to spread out the population, as we currently enroll it, and perhaps provide more intensified instruction to smaller groups of children, as opposed to younger groups of children.

ASSEMBLYMAN RAND: Thank you very much.

ASSEMBLYWOMAN GARVIN: You know, we just passed a bill at our last meeting that permits local boards, Bebe, to rent space in other districts where there are vacant schools. Besides Mrs. Sellers being here today, there are also three principals here. I have Mr. Daniels from my Columbian School, which is a middle school, and I have Mr. Penn from East Orange High School, Principal, and I have Mr. Pidgeon from Clifford Scott High School. This new bill permits local boards to rent buildings in other districts where they have a decrease in enrollment. I think that perhaps is something we should look at, because everyone here is talking about a decrease in enrollment, and we are looking for more space. We are trying to buy an office building.

I am just telling you, so when we come for the money, you are going to understand the problem.

ASSEMBLYMAN NEWMAN: Mrs. Sellers, I too come from a school district with no space. Our high school is still on split session, and it has been for five or six years now.

I have one more question. I am an old school board member, so I am not very bright. On your Exhibit A, in your last column, you have, "Dropout." What does that mean?

MS. SELLERS: That is percent minority dropout for that particular district.

ASSEMBLYMAN NEWMAN: Dropout of school?

MS. SELLERS: Dropout for that particular district.

ASSEMBLYMAN NEWMAN: Well, let's explain that, then. Let's take Pleasantville. You have 2978 students, and 69% of them did less than 65th percentile in reading; is that correct?

MS. SELLERS: No, they were chosen because of their math score. They scored at the 43.6% percentile in mathematics. That is why that one was chosen.

ASSEMBLYMAN NEWMAN: All right, but what is the 65.8%?

MS. SELLERS: That is the present minority dropout. In other words, Pleasantville has a 74.1% minority student factor of that 2,978 and of that 74.1%,



their minority dropouts are 65.8%.

ASSEMBLYMAN NEWMAN: Are you trying to tell me that from the beginning of the year to the end of the year, the 65% of that minority will not be there?

MS. SELLERS: I am trying to tell you, sir, that as a result of this report, which I have identified for you, the report states that 65.8% of the students who dropped out were minority students.

ASSEMBLYMAN NEWMAN: Of those that dropped out, that is very interesting. Thank you very much for your participation.

MS. SELLERS: Thank you very much.

ASSEMBLYMAN NEWMAN: Chuck Sutton.

C H U C K     S U T T O N: My name is Chuck Sutton. I am representing the African Liberation Support Committee, as well as the Concerned Citizens Coalition of Newark, and I am also a member of my P.T.A., which is the Roberto Clemente Elementary School P.T.A.

I will read to you from the text of a leaflet which we have done. Over 1732 educational workers are being laid off in Newark. Our educational budget is being cut. Rutgers University is laying off more than 60 professors. Is this quality education?

In some New Jersey schools, there are already as many as 40 students per classroom. There are no books, or not enough books to go around. Over half of the students who graduate cannot even read. Students, parents, and the community all across the country have risen up time and time again to demand an end to the cuts in education. We want our sons, our daughters, our brothers and sisters to have a decent education. But, how does our State legislature answer our cries? They give us the basic skills test, a test that will place the blame of the educational crisis on the students themselves. The name of this bill is deceiving. It will not offer any sort of basic skills, but will create an unjust system of two high school diplomas.

Those students who pass the so-called basic skills test will receive a diploma endorsed by the State. But, those who fail the exam will receive a worthless certificate of attendance. That is a slap in the face. After we have already gone through twelve years of education, this one test can determine our future. Is this what we call quality education?

Statistics gathered from the basic skills tests administered to college students are alarming. Over 43% of all college freshmen graduating from New Jersey High Schools fail the test. If almost half of the students who have academic grades high enough to go to college fail the test, what will happen to the average high school student when they take this test?

In North Carolina, a trial run shows what will happen. 54% of all high school students fail the test. 84% of the black students fail the test, and 87% of the families with incomes of \$5600 or less fail. This test is going to deny thousands of our youth a diploma if we permit the State Assembly to pass the bill. The majority of students who will receive the certificate, rather than the diploma, will be the poor, the working class, especially blacks and Hispanics.

I want to call your attention to a New York Times editorial printed this Sunday, and it stated, "Political implications of this test can be exemplified by the statistics from Florida as well - that 17% of the students fail the reading and writing, and 45% fail the math, compared to the white student population, 3% fail the reading, and 24% fail the math." And, I think 24% for white students is still

a very high figure. People have been relying on the statistics from Denver, and I wanted to point out that the Denver test is a bogus test, because it is even geared to, like, the sixth grade. So, it is like a paper statistic used to promote the test, rather than any valid statistics.

What will lie ahead for these students? They won't be able to get good paying jobs. Many will be forced into unemployment; students will be pushed to drop out, and those who graduate will not be assured of a diploma. Those that manage to make it to college will have to take the test again, the basic skills test in New Jersey, and before they go to the junior year of college, they are subjected to this test once again. The number of students being able to make it to the next stage of education will get lower, and lower, and correspondingly, the amount of money the State puts into schools will become less and less each year. New Jersey already has one of the highest unemployment rates in the nation. Plus, plans are on the way to create more industrial parks in New Jersey, to attract more business into the area. Now, they will be able to get our students with a certificate doing the same job as a student with a diploma, only this time they won't have to pay them as much.

Our youth are part of a package deal of cheap labor to attract new business. The basic skills bill will only serve the interest of J & J, Mattel Toys, Prudential, Art Metals and Mc Donalds, and all those industries who benefit by the high unemployment rate. It forces our youth to accept non-union and very low paying jobs. The attack on our standards of living comes in many forms. In Newark, over 1,000 teachers are being laid off. A similar crisis will face teachers all over the state. Substitute teachers are becoming a thing of the past, and since the Bocci decision has been passed, minority students in educational programs have been cut left and right. Our social services have been dramatically affected by massive cuts. And, still, the state through the test wants to shift more of the financial crisis on us.

It is coming in a way of a competency test. At a time when the quality of education is poor, this test is not in our interest. We are losing our schools, our social services. We are losing everything that means anything to us. And, rather than putting money into education, the state gives us the test. But, meanwhile Governor Byrne entices prospective corporations by advertising that certain state taxes have been reduced, to make it cheaper for them to get businesses into New Jersey.

In closing, based on the situation we have in Newark, where the educational system has been sharply attacked, we are losing 1732 workers through the layoffs orchestrated by Mayor Gibson, Carl Shariff; we have had so-called program modifications that are cutting art, music, recreation. They are cutting out the heart of education. And, what they are saying is, our educational system is going to be better now, because it is all going to be basic skills, and in reality in a school system that is already suffering from poor interest of students even wanting to go to classes, the latest cuts, coupled with the passing of a competency test is not only unjust, it is criminal. And, we guarantee you that the same response that we are giving to the cuts in Newark now, demonstrations, the closing of schools, if you pass this bill, you will see a response from the students in demanding a quality education. This test is worse than the Bocci decision. This test is an outright attack on blacks, Hispanics, and white working class youth, because it categorically will deny us a right to a quality education. It will categorically take away from us the opportunity

for many of our students to be able to even think of going twelve years, because students will be dropping out like flies, because they know that the test is not intended in their interest and it will push them out of the educational system. Thank you.

ASSEMBLYMAN NEWMAN: I have one question. What do you propose to do for these kids?

MR. SUTTON: I am not satisfied with the educational system at all.

ASSEMBLYMAN NEWMAN: Are the kids satisfied?

MR. SUTTON: I don't think the youth are satisfied at all. As a matter of fact, one of the demands of the educational system in Newark that we are proposing--- We were not satisfied with the educational system before, you know, and I don't understand how an Education Committee can even allow things that go down in Newark, at the same time? Can you answer that question?

How can you talk about the basic skills tests when all these cuts are coming in education, and when the educational budget is being cut? If you look at the newspapers, you will see that they are laying people off left and right. You are talking about compensatory education programs, and that is a joke.

Why would you give us a test in the face of all this? I mean it is, like, here we are carrying the burden of this poor educational system, and you go sit on us with a test; you penalize us.

ASSEMBLYMAN NEWMAN: Thank you very much. Art Thomas, New Jersey Association of Citizens for Education.

A R T T H O M A S: Good afternoon. We understood that other organizations were presenting technical analyses of the bill that had to deal with the deficiencies, so I have given you a summary statement of some considerations of New Jersey Association of Citizens for Education in opposition to the bill. At our founding convention last October Senator Feldman was in attendance and had a lively debate with our constituency about this bill, and we are glad to see that some of the amendments in the bill reflect that debate.

And, as we understand their support, continuing from Senator Feldman for the bill, we hope that there will be many more amendments to that bill if it isn't going to come up for a vote. But, in any case, our coalition, composed of citizens and parents from across the State, from north and south, opposed the bill primarily because we feel the Department of Education could not implement it. We are already suffering under the compensatory programming that is supposed to ensue from the minimum basic skills competency test. We are holding public hearings in several of our cities to see if we can document what we can sense in our parent meetings, and we are beginning to do that. And, that is, that program is in shambles.

We know also that the law stipulates that there should be maximum citizen involvement in the elements in the T & E process. And, we do feel the Department has failed to provide the leadership and guidelines to insure that that happens.

ASSEMBLYMAN NEWMAN: What has that got to do with this bill?

MR. THOMAS: This is a bill that would be implemented by the Department of Education. And, although it is not in the bill, the Department is charged with monitoring the evaluation of local districts and through a related organization, we have won a court victory against the Commissioner of Education and the State Board of Education for failure to implement key sections of the T & E bill. So, what we are saying is, here is another piece of very important, potentially important, legislation that would fall to the Department of Education to implement. At the present time, we don't see the leadership or direction coming from that Department

that would lend us any kind of confidence in a fair and just administration of this bill.

Secondly, from our parental involvement, from our citizen participation in our districts, as exemplified by our test scores on the present statewide testing program, education's system itself is in shambles. When you read that in Newark, East Orange, Paterson, Jersey City, Camden, the number of children who are able to perform above the state standards in reading at sixth grade and ninth grade you are talking about 30% to 35% of the students able to do this. If you talk about the number of students who were able to perform above 65%, which is the state standard in computational skills, once again, you are talking 25%, 30%, 35% of the students.

Now, supposedly those scores trigger compensatory programming. But, if you have that significantly large number of people failing to achieve these kinds of standards, we are not talking about compensatory programming, we are talking about the need to overhaul that system.

ASSEMBLYMAN NEWMAN: We are aware of those things.

MR. THOMAS: All right, so the direction of this bill is to put exit requirements on a student who is expected to go through a system that is in shambles, and that is an unfair penalty toward the children.

So, those are the key provisions we feel should be taken into account in any kind of weighing of the merits of a requirement for high school graduation.

Thank you, sir.

ASSEMBLYMAN NEWMAN: Thank you, any questions?

ASSEMBLYMAN RAND: Yes, you might want to include me on your mailing list. I was left out, but I do have constituents down in the fifth district.

MR. THOMAS: Okay, I will be glad to do that. I am sorry for that.

ASSEMBLYMAN NEWMAN: Thank you very much, Mr. Thomas. Jerothia Riggs.  
(No response.)

Robert Woodford, New Jersey Business and Industry Association.

ROBERT WOODFORD: Thank you. I will be very brief. I don't have a written statement. The position I will be presenting is that of our Committee on Education of the New Jersey Business and Industry Association that has been discussing this problem for a number of years, and has been very much involved in the past in the development of the State minimum skills standards, which we think have been of great importance in the T & E scheme.

We favor the concept of this bill. We don't favor all of its provisions, but we do think it is necessary to have a high school graduation standard primarily before the identification of the problem - the kind of identification that the minimum basic skills standards have been providing us with, but identification of a problem on a broader scale. That is the high school's obligation of preparation in which we have been able to sweep the problem under the rug with the social promotion, the automatic degree if one attends an adequate period of high school years.

We have seen the problem from the standpoint of employers and not seeking a record that we can hang our hat on, but we are seeking students who come out of school capable of holding jobs, with the work habits and necessary skills to learn on the job, to work with instructions, to succeed economically in their own lives. There is a growing problem - a growing awareness of the problem I should say - in this state that our labor force is not all it has been assumed to be. We are now finding from businesses particularly in the urban areas that they cannot get the

kind of employees that they are seeking. Now, that is a major problem in New Jersey's economy. Obviously, providing jobs in urban areas is essential economically to New Jersey. It is the area of greatest failure where the unemployment rates, particularly among minorities, are exceptionally high, and the answer really lies in equipping those who are educated in those areas to be self-supporting, to be successful in their economic lives and their adult lives generally. This has not been done. It is not an easy problem. We don't suggest that the high school graduation standard is a panacea or that there will not be transitional problems, or that this in itself is a major solution to the educational program problems. What it does is set a target.

In our view, what the State should do is take the minimum basic skills standards and testing system and integrate it with a high school graduation standard. We should not be prescribing all of the elements of the high school graduation requirements. We should permit the local district to set their own standards, but superimpose the State minimum basic skills standard.

Our position, incidentally, is extremely close to that of the New Jersey School Boards Association, and in reading their statement, I think we would go along with everything in that statement except the separate state certificate. We do not believe that this bill or that proposal - setting a separate local or state certificate - is a good idea. There should be one high school state standard, and we should not open the door to the superficial degree again in any way.

On the matter of the cost of the program, there undoubtedly will be certain administrative costs that have been mentioned. There would be remediation costs, but in essence, we have a law on the books today in the minimum basic skills testing program, the T & E law itself which requires remediation. This is the same remediation, and we have in the colleges today a very costly program of remediation in all of the private and public schools in New Jersey. There is some testing to determine whether the entering freshman has the necessary skill levels to deal with college level work. A substantial number do not have that skill level. We are spending their time, their tuition, and the state's subsidy of college education which is substantial - for remediation at the college level which ought to be accomplished a good deal sooner.

So, in talking costs, these should not be viewed in isolation, because we are in essence eliminating certain costs in the period of time, which we now incur, and the largest of which are the costs of failure in the system when we find, on our unemployment roles, on our welfare roles, and in our institutions, persons who should have been provided with a better educational opportunity and could have stood on their own feet, had they been provided with that opportunity.

Ultimately, the answer has to lie in something beyond a high school graduation standard. We recognize this, and this is only a piece of the needed approach to the problem of education. We have to be sure that teachers and students are attending school. We have to be sure that the classroom atmosphere is conducive to or at least permits learning. We have to be sure that those who are instructing themselves have the basic skills sufficiently to teach them, and that is not always the case. We have to be certain that the educational system is sufficiently flexible to identify a student's needs, and in the case of the mobile school population identify them when that student enters the school, and the identification of needs, and the prescription of the program has to go on as that student enters school and it has to go on constantly. This is not a substitute, and we don't support it as a substitute. But, the school that fails, given this standard, will be under additional

pressure from parents, from students, and I am sure from this legislature, and from those of us who represent organizations who are interested in hiring those graduates to improve the product, to improve the system. It would be unfair to simply impose a standard on a student without making the other effort in Newark and other districts to get at the very serious deficiencies that exist, and these are not basically financial deficiencies, as I understand them, but some serious program deficiencies in certain of the school programs, in certain of the portions of that school district. Essentially, that is our position, to support the concept of a single degree requirement, a single degree in which the state superimposes the minimum basic skills standard upon the degree requirements of the local district, and does not attempt to substitute for the entirety of the local districts' graduation standard. We would rely on the T & E and monitoring process for the qualitative improvement of the balance of that school program.

Thank you.

ASSEMBLYMAN NEWMAN: Thank you. I appreciate business being represented here today. Thank you very much. Ronald Frye.

R O N A L D F R Y E: My name is Ronal Frye. I am Administrative Assistant to Alonzo Cottrelles, Executive Superintendent of Schools in Newark, testifying for Carl Sharif, President of the Newark Board of Education.

My Superintendent would think that I was somewhat remiss if I did not correct some statements that were made here earlier with respect to layoffs. There are not 1732 people being laid off in Newark. Instead, that total is 1103. And, there are not 1,000 teachers being laid off. That total of 1,103 includes 260 teachers. Another correction, art and music is not being eliminated from the elementary schools; instead art and music is to be provided by the classroom teacher with the help of a resource teacher.

I have a prepared statement from our Board President. As I address this Assembly on the issue of minimum standards, I want to make it clear that the Newark Board of Education is in no way against the betterment of education for its children. In addition, the Newark Board of Education stands ready to support improved quality of education for its neighbors as well. We are in agreement with the wisdom of the authors of this proposed legislation which seeks to restore meaning to the prior certificate commonly referred to as the high school diploma. The granting of a high school diploma by the local board of education assumes that such recipients are capable of meeting the social and political responsibilities that continue to sustain our chosen form of government.

We do not agree, however, that state endorsed diplomas indicating a student's ability to do simple computation and read directions from a map is sufficient to label some pupils more fit than others. In the urban districts across this state, as well as urban districts across the country, the determination of educational minimums far above the present performance levels will adversely affect the chances of minority children to lead full and productive lives. I have already alluded to the difficulty in determining a student's ability based on his or her performance on the minimum basic skills test. Such use of these tests were not intended in the first place. The value of these tests is in their utility for assisting in the identification of skill areas that require further instructional support. To ultimately penalize students for poor performance on tests that are invalid for determining communication and computation abilities is a serious abuse of state power.

Moreover, recent examples of minimum standards testing show that black and other minority children do not perform well on such tests. Perhaps the most compelling example of majority student bias and the test contents is the result of Dade County Florida's minimum standards testing program implemented last year, in which 77% of all minority students tested failed to achieve pre-set minimums.

Let me reaffirm our position. The Newark Board of Education is quite favorably disposed to equality of educational opportunity for all children and in all states. The so-called thorough and efficient law proposed to provide such equal chances, I need not belabor the point that T & E did no such thing. There are still many districts in the state that provide two or three times more equality of educational opportunity than poorer districts. Our research shows that because of the large numbers of pupils who will require compensatory services if this legislation is passed, the school district of Newark will need funds far in excess of our current spending level in order to make up for skill deficiencies inferred from minimum standards tests. Analysis of our more recent minimum basic skills testing program indicates that up to 60% of our current sixth graders will not be eligible for bona fide diplomas. Remediation will be costly.

We note, however, that the current proposed legislation authorizes no funds for the design, staffing and implementation of programs that bring identified students up to minimum performance levels. While we support this Assembly's concern with improving the quality of education offered to New Jersey's more than one million pupils, we ask that this same Assembly consider the economic impact of its proposed legislation, as well as future hardships on children affected by its wise decisions.

ASSEMBLYMAN NEWMAN: I think that they are opposed to the bill, aren't they? I am really not that sure from the way the statement read.

MR. FRYE: Yes, they are.

ASSEMBLYMAN NEWMAN: Thank you, Mr. Frye. That concludes our hearing for today. Thank you all for coming.

(HEARING CONCLUDED)





# NJTA

NEW JERSEY TAXPAYERS ASSOCIATION INC. • 104 NORTH BROAD STREET • TRENTON, N.J. 08608 • TELEPHONE: AREA CODE 609-394-3116

February 7, 1979

Honorable Daniel F. Newman, Chairman, Assembly Committee on Education

Harold Martin, Vice Chairman  
Mildred Barry Garvin  
Walter Rand  
Gerald Stockman  
Marie H. Muhler  
H. James Saxton

Re. Senate No. 1154 OCR, requiring a test  
for high school graduation

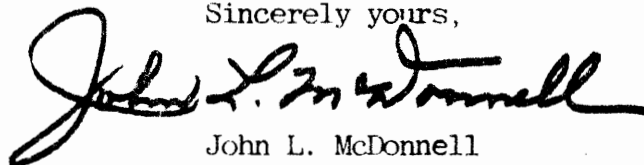
Honorable Members of the Assembly Education Committee:

The New Jersey Taxpayers Association, through its Committee on Education and Executive Committee, has considered Senate No. 1154 OCR, which would require a test for high school graduation. The bill was evaluated against established Association policy on graduation requirements which favors a "State prescribed test for high school graduation contingent on development of the overall T&E system with periodic tests and remedial programs".

NJTA supports the concept of Senate No. 1154 OCR; however, the Association is concerned that high school testing may develop independent of existing state-wide basic skills tests. As a means of keeping costs of testing at a minimum and aiding the phasing in of the new testing program with the least amount of difficulty and minimum of paperwork, NJTA suggests there should be close coordination of the testing schedule of the new program with the current testing schedule.

We hope you share our concern in this regard and will so provide if the bill is cleared by the Committee.

Sincerely yours,



John L. McDonnell  
President

r



Statement for presentation at a public hearing on February 28, 1979 before the Assembly Education Committee on S-1154 by Frank K. Totten, president of the New Jersey Education Association.

I am Frank Totten, president of the New Jersey Education Association, an organization which represents over 100,000 teachers, college faculty, and other school and college employees directly concerned with providing to every student in New Jersey the highest quality education, the most qualified teachers, and the best learning environment. With me is Edie Fulton, NJEA secretary-treasurer.

On June 20, 1978 I appeared before the Senate Education Committee at a public hearing to discuss NJEA's views on S-1154. Although I will not repeat that testimony, I would like to elaborate on just a couple of points made at that time.

Mr. Chairman, the concern that the schools of New Jersey provide all their students maximum opportunities to develop proficiency in basic academic skills and other skills needed in everyday life is one which is shared by teachers throughout our state. Our concern for student learning is the reason for NJEA's interest in S-1154. On behalf of teachers I would like to share with the Committee our observations of the real needs of students and our suggestions for working together with you as legislators and parents for the continuing benefit of our public school students.

S-1154, as originally proposed, was a bill which NJEA felt was describing a problem, but not solving it. We viewed the bill as one which was penalizing children, not helping them. To determine whether a child would get a diploma by his/her performance on a single statewide test is, indeed, educationally unsound.

There is no way to relate test scores to students' success in adult roles. Additionally, there are those children who do not test well. My point is that it would be totally unfair to a child to identify him/her as a failure based on a single test.

NJEA was pleased to see that S-1154 was amended in the Senate Education Committee to provide some appropriate protection to students. The sponsor of S-1154, who is to be commended for his advocacy of quality education, was amenable to some of the suggestions put forward by organizations, including NJEA, which had serious concerns about S-1154. Less emphasis on a single test, required remediation, less differentiation in diplomas, and the addition of a transcript of high school experiences were changes made in S-1154 and all supported by NJEA.

While NJEA believes that the amended version of S-1154 is far more meaningful for children than the original bill, it still has concerns with the proposed legislation. Let me detail those concerns and where possible recommend specific amendatory language to S-1154.

Primarily, NJEA raises the question of funding for S-1154. If diploma standards are to be established, then required, adequate, meaningful remediation must be provided to students who have difficulty reaching those standards. Remediation costs money. Without proper funding from the state for this state mandate, the bill is worthless. Local boards will be limited in what they can provide due to lack of resources and/or stringent "cap" provisions.

Mention has been made of coordinating the remediation program in S-1154 with the current compensatory education program. NJEA raises questions regarding that recommendation because we believe that the current compensatory education efforts cannot do the job.

Many problems have arisen in the operation and funding of the compensatory education program in New Jersey. How students are identified as needing compensatory education has produced some problems. Although the Administrative

Code provides that the statewide test is not to be the only instrument in evaluating students for compensatory education, the truth of the matter is that in many cases it is. Children who do not need remediation have "failed" the statewide test -- children who do need it have "passed" the test. Those districts that need the comprehensive evaluation the most can least afford to supply comprehensive methods, e.g., child study teams, to evaluate.

Another concern of NJEA is that the current compensatory education law and regulation provide no maintenance of effort requirement. Local boards have "reclassified" programs to qualify for state funds. Local boards are not encouraged to build remediation programs through local efforts because they are stymied by budget caps.

In addition, student absenteeism during the administration of the Minimum Basic Skills Test is a major factor when determining the number of students needing remediation and the money needed to fund that remediation. In November 1978 the Office of Educational Assessment, Division of Operations, Research and Evaluation, N.J. Department of Education released data on student absenteeism during the administration of the Minimum Basic Skills Test. The data showed that many of our urban districts had high rates of absenteeism, e.g., for the grade eleven test: Camden City (22%); Orange (31%); Trenton (26%); Passaic City (27%); and Long Branch City (20%). How many of these students were later tested? How many would have required compensatory education so as to generate a need for more compensatory education funding?

There is another problem we see in the compensatory education program. The Minimum Basic Skills Test assesses children on communication and computational skills. You will be interested in knowing that while 96.2% of the local districts require four years of English, mathematics requirements are lacking. About 73% of local districts require one year or less of mathematics. Twenty percent of our high schools require no mathematics course. No assessment procedure should

assess knowledge or skills unless the opportunity to acquire such is part of the district's education plan to provide appropriate curricula.

NJEA urges this committee to guarantee adequate funding for S-1154. To pass S-1154 without it will be a hoax on the public and a severe punishment on children.

NJEA offers the following amendments to S-1154. We feel that these would strengthen the bill and if accepted by this committee, along with a guarantee of adequate funding, will produce a bill which will have the support of NJEA.

-- Insertion of language to guarantee that no pupil is denied a diploma based solely on his/her performance of the statewide assessment test is needed. Additional language to provide that a comprehensive evaluation is given to those students who do not pass the statewide assessment test will reinforce protection for the student and truly lead to the opportunity for improved learning for that child.

-- The introduction of differentiated diplomas gives NJEA concern. Our goal must be to have as many children as possible receive that diploma and we must do that by providing the best education. The dual-diploma proposal can be interpreted as "racism" and may be a possible violation of basic civil and human rights. Besides, local boards do not need any more confusion. One diploma is necessary for those students passing the state and local standards.

-- Remediation programs should be required for those students who are evaluated as needing same. Stronger language is needed in S-1154 to do so.

-- The elements of a comprehensive evaluation should be conducted each school year as part of an ongoing process and reviewed at the end and beginning of each school year. S-1154 requires that local boards of education provide remedial instruction for those students who do not meet the state and district examination standards for graduation at the end of the tenth grade. Recognizing that the bill concentrates on the secondary level, we recommend that S-1154 be amended to provide remedial help to those students who do not meet standards at the end

of at least the ninth grade. The earlier deficiencies are caught, the better for the child.

-- Many teachers have reported that they have been under pressure by administrators to make changes in their assessment of students. Indeed, there have been cases where changes in student grades have been made by administrators over the teachers' objections. These situations often stem from parent pressure. Obviously, such action does not provide the student with the opportunity to learn that which is expected of him/her. What it also does is lower the standards established by teachers in their classrooms.

Language should be included in S-1154 so that this type of situation does not exist. Student assessment by teachers should not be arbitrarily changed by administrators or others in authority.

-- NJEA supports the concepts expressed in S-1154 which states that, "...the local board of education shall provide additional remedial instruction specifically directed toward mastery of those proficiencies identified as necessary for the awarding of a diploma which may include but need not be limited to an extended school year, extended school day, or additional school years." However, we feel that the impact on terms and conditions of employment of teachers can be major. We recommend strongly that language be inserted to respect existing collective bargaining laws. The following language should be added to that section: "...provided that such additional assignments shall be subject to negotiations with the majority representative of the unit including the teachers in question..."

I have outlined for you NJEA's recommendation on amending S-1154. I would also like to take this opportunity to make further recommendations to your committee. Mr. Chairman, while these recommendations are such that they may not be appropriate to place into S-1154, they are what we believe sincere means to help accomplish what the sponsor of S-1154 had in mind -- improved learning.

- The NJEA believes that current curricular requirements mandated by the state for graduation should be augmented. Courses in basic skills of communications,

computation, citizenship, science and physical education should be offered consistent with the recommendations of the N.J. State Committee on High School Graduation Requirements. Assemblywoman Barbara McConnell's bill A-1577 which has NJEA's general support addresses this issue. A-1577 should be considered soon as it will supplement S-1154 appropriately. We firmly believe that there should be guarantees that the local districts will provide additional course offerings to meet not only the state goals for education, but those set by a local school district in order to provide a comprehensive educational program for all students in keeping with the mandate of Chapter 212. The NJEA would not want to see students deprived of courses, programs, and services that currently mark a comprehensive program nor denied the addition of such courses, programs, and services to improve curriculum offerings within a high school. State-mandated curricular requirements should be prescribed and so stated as "minimum requirements."

- A closely articulated K-12 grade curriculum should be given continuing attention to proficiencies cited. Greater respect for the individual student, however, should be expressed in terms of student progress toward proficiency levels and curricular offerings. As I indicated to you earlier in this testimony, children should be assessed only on that curriculum which has been provided for them. To do otherwise is totally unfair.

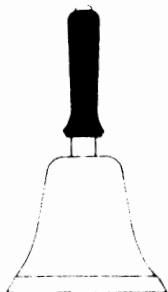
- In order to guarantee maximum student participation in education offerings, it should be necessary for schools to carefully review (1) how student absenteeism can be reduced and (2) how the amount of parental interaction and responsibility in such areas of concern can be increased.

- Local boards of education shall provide the services of child study team personnel at the ratio of one team for every 1,500 pupils to insure back-up services for students in need as well as providing the services of a speech therapist and making available, if necessary, medical examinations.

Mr. Chairman, thank you for the opportunity to discuss with you S-1154

as amended. NJEA recognizes that there is a strong desire on the part of the Administration and legislators to require high school diploma requirements. NJEA has long supported high school diploma standards. Our concern is that we enact the right bill for children.





SCHOOLWATCH, 104 NORTH BROAD STREET, TRENTON, NEW JERSEY 08608 (609) 396 3222

2/28/79

## POSITION ON S-1154

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Schoolwatch supports the concept of statewide high school graduation standards, primarily because they will aid disadvantaged and non-achieving students more than the current system does, and because they will force change in that system.

Graduation standards are a viable alternative to the failure of the current system to educate many students, particularly poor and minority students. Although it may appear that such students are worse off if they are denied a diploma, their plight will prompt remedial action because:

1. Their failures will be made public, by necessity, rather than covered up;
2. Their response and their parents' response to this failure will be angry and demanding. They will no longer be able to placidly accept the status quo as they did when they knew they would graduate anyway;
3. Their demand for accountability and remediation will force the schools to help them, to treat them individually and to provide special services, which the schools are not now doing; and

4. The provision of services -- on demand, rather than voluntarily -- will soon result in fewer students failing the test and not meeting graduation standards.

Schoolwatch cannot support S-1154 as it is written because it does not require enough in its intention to ameliorate the failure problem. There is no provision, for example, for resources to be used in planning and operating remedial programs for high school students with grade school competencies. It does not allow time for a trial period in which to implement and study such remedial programs. It does not stipulate what type of statewide assessment test is to be administered: will it be a basic skills test, a minimum competency test for a certain grade level, or a test which measures high school level competencies in reading, writing and math?

There is also no guarantee that the imposition of standards and a test criterion will result in an improved school program for high school students. Minimum basic skills testing is already in place for elementary and secondary school students, and there is no indication that the discouraging results of those tests have prompted serious or improved remediation efforts.

Schoolwatch does support the provisions of S-1154 which call for statewide standards, a statewide test, and remedial programs for students who fail the test in the 9th, 10th, and 11th grades. We also support the procedure whereby students are first tested in the ninth grade and given three subsequent opportunities to take the test.

Schoolwatch recommends the following revisions in S-1154:

1. A provision for resources to be allocated to school districts for remedial programs if more than a certain percentage of students fail the test;
2. A provision which requires the State Department of Education to give technical assistance to any district which requests it for the development of remedial programs (The bill now only requires the state's assistance in development of graduation standards.); and
3. A provision for a two-year study period, starting in September, 1981, during which all aspects of the bill will be implemented on a trial basis. This would postpone the first year in which students can be denied a diploma to 1986-87, and would affect students who are now in the fifth grade or lower. At the same time, students now in junior and senior high schools will benefit from the programs without suffering the imposed and undeserved consequences.

**NEW JERSEY**

**ACE**

**ASSOCIATION OF CITIZENS FOR EDUCATION**

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969 McCarter Highway  
Newark, NJ 07102

STATEMENT IN OPPOSITION TO S1154 - by Arthur C. Thomas, President

The Department of Education could not implement this bill, if enacted.

Other important laws and standards have been mishandled by the Department, e.g., the minimum basic skills assessment and remediation program; citizen participation in the thorough and efficient process; and, monitoring and evaluation of local districts.

This bill fails to judge accurately the shambles of present student proficiencies and failure of the Department to provide the leadership for educational quality in teaching and learning.

Statistically, the public education system is presently failing our children. This bill makes "exit requirements" of the students but fails to deal with other participants in the system who share the larger responsibility for the system's failures.

The bill calls for compensatory studies for those who might be expected to fail the "exit" test; however, the "system" of education itself is in need of remediation.

The burden of this bill would fall most heavily on the students and children of our urban districts at a time when the leadership of the Department of Education maintains in effect that urban children cannot achieve and perform as well as children from suburban districts.

The Department of Education has not provided the leadership so that many suburban districts have no adequate programs for remediation.

This bill provides no standards or resourcing for just enactment of its intentions. Without adequate leadership, the Department of Education would implement this bill to the detriment of our children.



