

PUBLIC HEARING

before

SENATE EDUCATION COMMITTEE AND ASSEMBLY EDUCATION COMMITTEE

on

SENATE BILLS 2355, 2356 AND ASSEMBLY BILLS 2926, 2927

(Establishment and governance of State-operated school districts)

September 16, 1986  
Room 424  
State House Annex  
Trenton, New Jersey

MEMBERS OF COMMITTEES PRESENT:

Senate Education Committee  
Senator Matthew Feldman, Chairman  
Senator Raymond Lesniak  
Senator Wayne Dumont, Jr.  
Senator John H. Ewing

Assembly Education Committee  
Assemblyman Joseph A. Palaia, Chairman  
Assemblyman John O. Bennett  
Assemblyman Gerard S. Naples  
Assemblywoman Mildred Barry Garvin

ALSO PRESENT:

Assemblyman Joseph V. Doria, Jr.  
District 31

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

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

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

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

New Jersey State Legislature  
 SENATE EDUCATION COMMITTEE  
 ASSEMBLY EDUCATION COMMITTEE  
 STATE HOUSE ANNEX, CN-068  
 TRENTON, NEW JERSEY 08625  
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*Vice-Chairman*  
 JOHN O. BENNETT  
 MILDRED BARRY GARVIN  
 GERARD S. NAPLES

September 3, 1986

REVISED  
 NOTICE OF PUBLIC HEARINGS

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

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

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

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

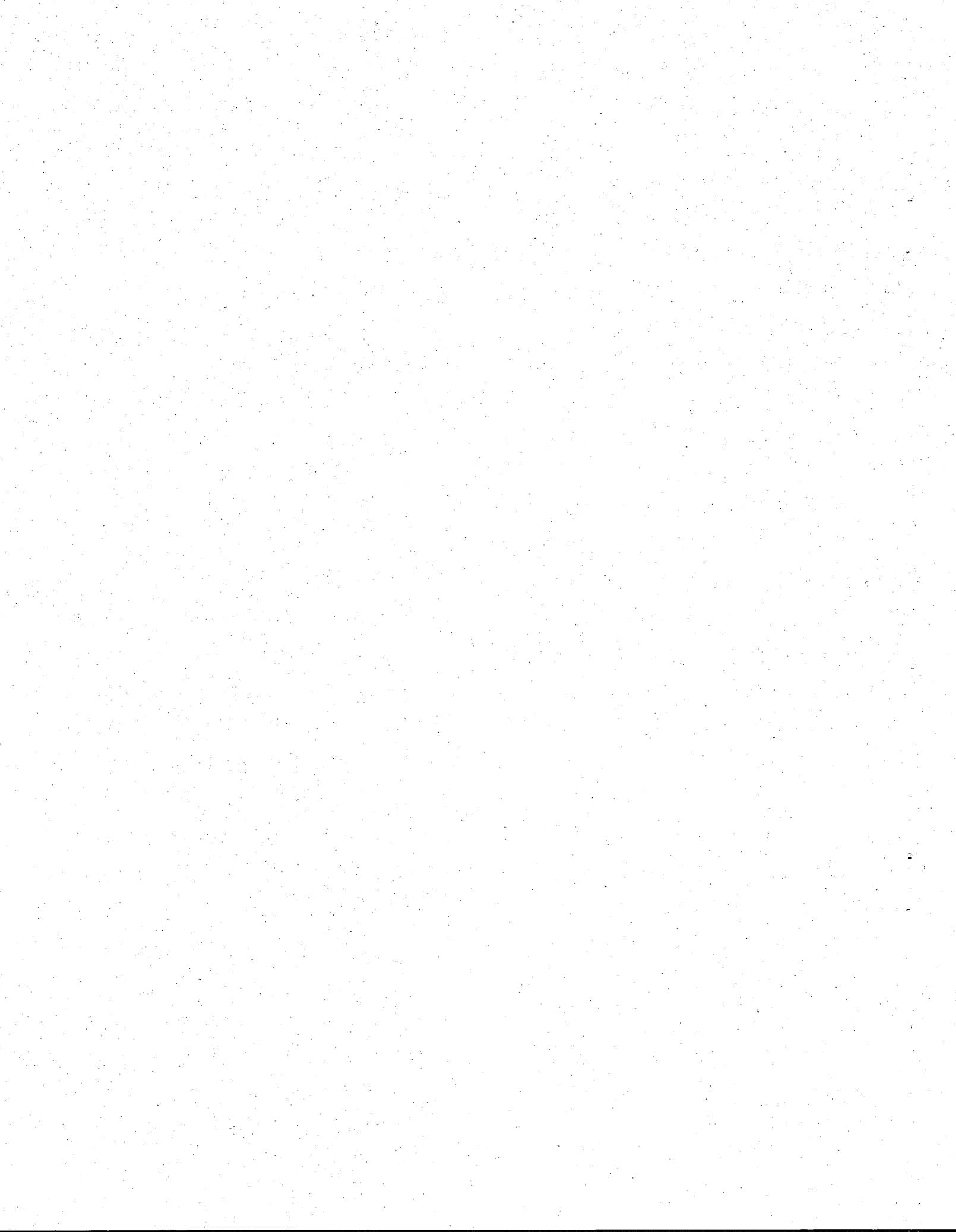
Tuesday, October 14 at 1:30 p.m. in the Council Chambers, City Hall, 280 Grove Street, Jersey City.

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

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

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

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



SENATE, No. 2355

STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1986

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

Referred to Committee on Education

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

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

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

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

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

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

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

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

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

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

Matter printed in italics *thus* is new matter.

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

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

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

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

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

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

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

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**STATEMENT**

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

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

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**EDUCATION—GENERAL**

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

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STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1986

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

Referred to Committee on Education

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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#### STATEMENT

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

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

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

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#### EDUCATION — GENERAL

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

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# ASSEMBLY, No. 2926

## STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1986

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

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

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

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

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

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

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

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

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

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

Matter printed in italics *thus* is new matter.

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

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

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

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

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

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

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

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#### STATEMENT

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

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

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#### EDUCATION — GENERAL

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

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STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1986

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

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

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

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

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

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

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

Matter printed in italics *thus* is new matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

---

#### STATEMENT

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

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

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

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#### EDUCATION — GENERAL

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

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## TABLE OF CONTENTS

	PAGE
Saul Cooperman, Commissioner New Jersey Board of Education	5
John T. Klagholz, President New Jersey State Board of Education	30
Ernest Gilbert Professional Racial Equality Support Services	35
Eugene C. Campbell Executive Superintendent of Schools Newark, New Jersey	42
Michael Ross, Ed.D., Superintendent South Orange-Maplewood School District	57
James H. Murphy, Superintendent Bayonne School District	63
Reverend Russell White, Bethel Baptist Church Founder and Director Eagle Flight Training School	66
Jean Murphy, Teacher East Orange, New Jersey	70
Glenn H. Tecker Glenn Tecker Consultants	72
Thomas Puryear East Orange	78
Carol Graves, President Local #481 Newark Teachers Union	86
Vincent Altieri Newark Teachers Union	94
Anthony R. Catrambone, Ed.D. Former Superintendent of Schools Monitor General of Trenton School District	102

**TABLE OF CONTENTS, (continued)**

	<b>PAGE</b>
Janice Harris Jackson, President New Jersey Association for Black Educators	118
William Dusenberry Former member of the Board of Education Jersey City, New Jersey	126
Robert Woodford, Vice President New Jersey Business and Industry Association	130
Crosby Copeland Jr., Ed.D. Superintendent of Schools Trenton School District	136
Senator Gerald R. Stockman District 15	144
James Fadule, Jr., Ed.D. Superintendent of Schools Nutley, New Jersey	150
Priscilla Hernandez-Petrosky, Teacher Jersey City, New Jersey	152
Marilyn Roman, Freeholder Hudson County	154
Yvonne Hatchett, Teacher Jersey City, New Jersey	161

**APPENDIX**

Newsletter and Information about Professional Racial Equality Support Services Submitted by Ernest Gilbert	1x
Newspaper Clippings and Information about the Eagle Flight Training School Submitted by Reverend Russell White	12x

TABLE OF CONTENTS, (continued)

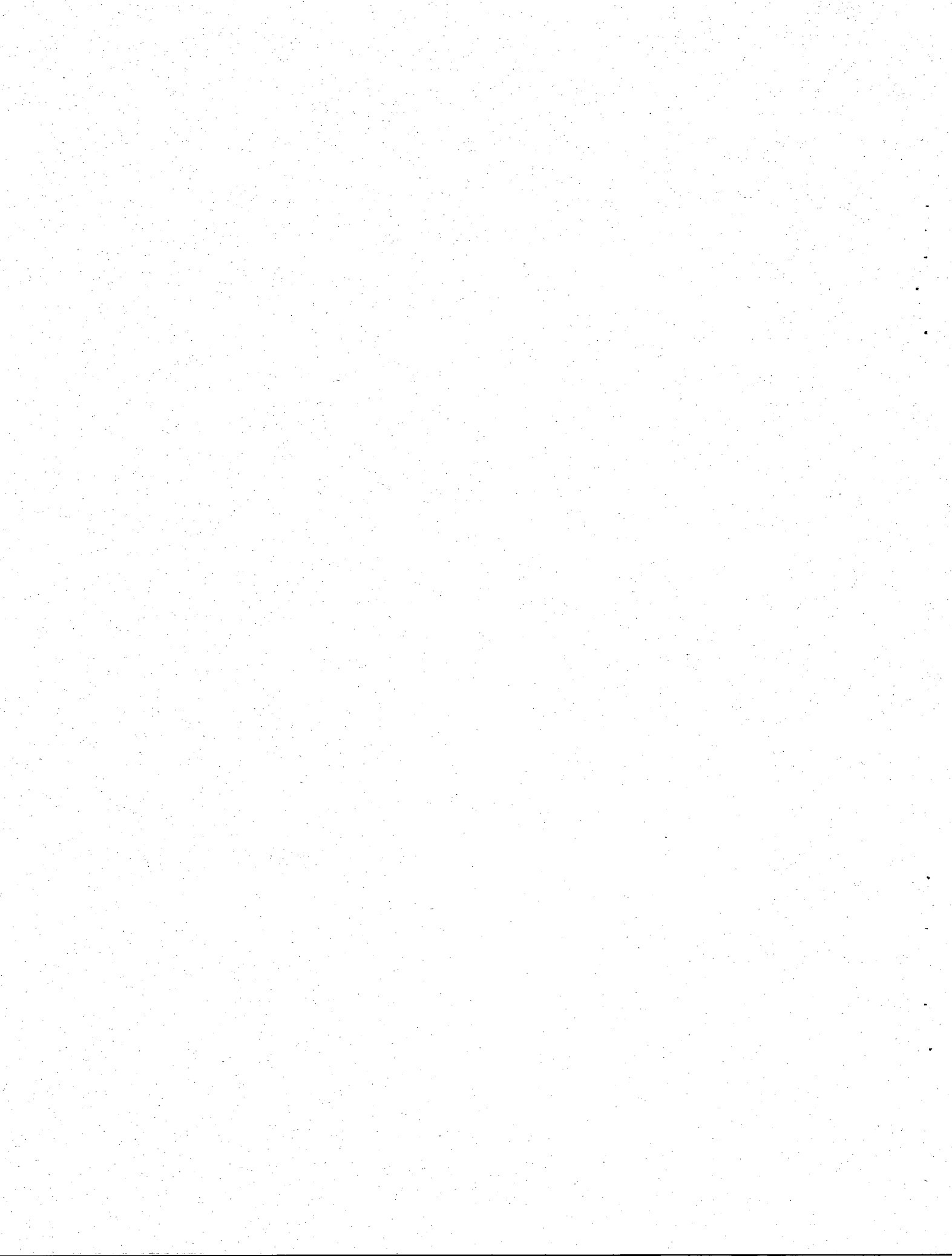
PAGE

Statement from Henry R. Przystup  
Principal of PS #41  
Jersey City, New Jersey

35x

\* \* \* \* \*

ig: 1- 23  
mjz: 24- 76  
pmp: 77-101  
ig: 102-123  
mjz: 124-165



**SENATOR MATTHEW FELDMAN** (Chairman of the Senate Education Committee): Good morning again to everyone here at this public hearing on the establishment and governance of State-operated school districts. To my right is seated Assemblyman Palaia, the sponsor of the Assembly bills, and to his right is Assemblywoman Mildred Barry Garvin. Assemblyman Palaia, as you know, is Chairman of the Assembly Education Committee. To my left -- and he gets shocked every time I tell everybody he's to my left, as he thinks politically -- is Senator Ewing, the sponsor of the Senate bills. To his right is Senator Ray Lesniak. I welcome all of you here.

This is not the first time the Education Committees of both houses have held joint hearings on matters of major concern to the education community. However, the question before us, the authority of the State to take over school districts which have failed to provide a thorough and efficient education for the children of the district, is certainly one of the most significant issues we have been called upon to address as legislators.

We all know that it is the responsibility of the Legislature to provide each child in this State with a thorough and efficient system of free public education. The State Constitution makes this clear. The courts have consistently reconfirmed that obligation, and in 1975, we in the Legislature enacted a new education law designed to define and to implement that requirement.

In many ways, these hearings grow directly out of that Public Education Act of 1975. We are now called upon to determine what must be done if, after 11 years, and despite the best efforts of the State, there are school districts in New Jersey which are still failing the children. The legislation which we are now considering, sponsored by Senator John Ewing, Assemblyman Joseph Palaia, and Frank Gargiulo, offers a comprehensive and carefully constructed response to that

question. I must commend them and Commissioner Cooperman for developing this proposal.

It is now incumbent upon us as legislators to study these proposals very carefully. Hopefully, these hearings will assist us in our deliberations, by providing an opportunity for input and advice from groups and individuals representing the entire community. We intend to listen carefully to what is said here and at the other three hearings which we have scheduled, so that your judgment can help form our decision.

The next hearing will be in Bergen County, and then there will be one in Hudson County, in Jersey City. The final meeting will be held in Camden. So we are going to cover the entire State.

What is even now clear, however, is that if our schools are failing, if even one school is failing, we have an absolute obligation to the people of this State to take whatever action is necessary to correct that situation. I can assure you that it's our intention to meet that obligation. And now, for a word of greeting, I'll call upon the Chairman of the Assembly Education Committee, my friend Joseph Palaia

**ASSEMBLYMAN JOSEPH PALAIA (Chairman of the Assembly Education Committee):** Thank you, Senator. Ladies and gentlemen, it's a pleasure to see you here today. As you know, the purpose of these hearings is very clear. The Senate and the Assembly Education Committees value the input of the public. You know, it's funny when you say it's a public hearing. That's just what it is. We want to hear from the public. We want to hear what you have to say about the entire packages that we have put together.

If State intervention is the appropriate remedy of the last resort of any school district in the State, that intervention should rest with a firm policy, established jointly -- and that's important -- jointly by the Legislative and Executive Branches of the government. These hearings are

part of that process by which we can consider the wisdom of such a policy, and build a consensus for a solution which will protect the educational rights of all our children.

The final form of these bills will be shaped over the coming month. These hearings will play an important role in determining what provisions the bills will contain when they are finally presented for a vote of the Senate and the General Assembly. So we ask you today, if you do testify -- and I'm sure the Senator will agree with me -- to be concise, to get to the point because we have a great many speakers. Almost 40 individuals have asked to speak today. We know the feeling is out there; the people want to be heard. We ask you please, do not be redundant. Thank you very much Senator.

SENATOR FELDMAN: Thank you Assemblyman Palaia. Now Senator Jack Ewing, the sponsor of the bills in the Senate.

SENATOR EWING: Thank you very much, Senator Feldman. I'm glad to be here today, and I'm delighted to have been able to sponsor this legislation in the Senate. It's certainly a great deal of credit to Commissioner Cooperman and his staff, who brought forward this whole plan, and who've put the time and effort into it. I cannot believe that there is a citizen in the State of New Jersey who would not be 100% behind it. Because, after all, I don't think that there's anyone who does not want to see a child educated.

Education is not for an individual's personal aggrandizement. It will probably come out during the testimony, but there is proof available of what's happening in some school districts. The money is not going to educate the child. Why should board members, an appointed board, have to give an undated letter of resignation that can be used at any time, in case they don't agree, to get off the board -- things of this nature.

The child is the most important, and yet we know that out there there are individuals who are putting themselves first. This is wrong. We want to see a ground swell out

there from the public, showing that they want this type of intervention to come about, after careful study, and certainly after the permission of the steps to be taken even through the court system, before the State does take over the school districts.

There are plenty of safety valves on this. The State is not going to be walking in and just taking over a district willy-nilly. And it is incredible that in this State -- because this is what we're interested in -- a number of children are getting out of high school, who cannot read or write. How any board member, or any administrator in the school system can really have a clear conscience realizing that because of things that they have done to personally gratify themselves, the money, etc., is not going to the child; and therefore, the sickness has grown.

We have to have the legislation to be able to step in and get the schools straightened out, so that the child can be given the full opportunity of a thorough and efficient education. I hope all of you that are here will be doing your part, because I can't believe there will be one individual, or any association or group, that will get out and say no, this is not the way we should go. We expect you to come out there and work with us to get this legislation through by getting the ground swell of people. Thank you.

SENATOR FELDMAN: Thank you, Senator Ewing. Senator Lesniak declines to speak at this time. He said he will ask questions, but Ray, if you can, make a comment.

SENATOR LESNIAK: Well, I have to comment following Senator Ewing's remarks, because, well, I think some school districts should have been taken over a long time ago. I wonder maybe why they haven't been. I have some grave reservations about the form of this, and I'm not willing to accept it wholeheartedly without amendments. Especially without hearing from the public at our next public hearings.

SENATOR FELDMAN: The purpose is to listen and to act. I asked Assemblywoman Mildred Barry Garvin if she wishes to comment or speak, and she replied "I'd suffer if I didn't." So with that, I'll recognize Assemblywoman Garvin.

ASSEMBLYWOMAN GARVIN: Thank you, Senator Feldman. As a member of the lower house, I think the first thing I'd like to do is to welcome you here. I'm one of the cosponsors of the bill in the Assembly. Since I believe legislation is not written in cement, there will be amendments to the bill. What we have seen, in our legislative roles, is a decline in the level of learning that's taken place, which our students need in order to be in the mainstream. So I look forward to your comments, so that when the Committee work really begins, we will have information from you.

And I would hope, Mr. Chairman, that everyone testifying has had an opportunity to read the bills. I say that because many times, when we have public hearings, people will come with their own agenda not relating to the issue. If you read the bill and give us testimony, you then truly input into the legislative process. Thank you, Mr. Chairman.

SENATOR FELDMAN: Thank you. Our first witness of the day will be the Commissioner of Education of the State of New Jersey, Dr. Saul Cooperman. Last time you were here, you were fighting for the budget.

COMMISSIONER SAUL COOPERMAN: More money, that's right. Thank you all for giving me this opportunity. Senator Feldman--

SENATOR FELDMAN: Is you mike on?

COMMISSIONER COOPERMAN: Yes. Senator, you mentioned that in 1975 legislation was passed which defined just what thorough and efficient meant. You also said that it's been 11 years. It has been. The State Department of Education was directed by the Legislature to inspect the districts. We call it monitoring; it's inspection. We've been at it since 1977.

In 1983, we revised the monitoring. The district could be certified, so to speak, for five years, rather than have them inspect it every year. The object of doing this was, one, the State to get off the districts' backs; second, to use our resources where the help was most needed in the districts having problems.

Over 90% of the districts will be certified by the end of our initial monitoring under the new revised code at the end of this calendar year -- over 90%. We're not talking about the 90%, we're talking about the 10%. Most districts don't need the State Department of Education. They do just fine on their own. They have talented people. They have good boards of education. They have excellent central administration, and they have fine teachers. They don't need our help.

We do have, for those districts who want our help, one of the most comprehensive programs in the United States of America. I will not bore you, because I think that every one of you know the programs we have. We have people on a daily basis from other States, wanting to know about our programs. I just say that because we stand ready -- and we have -- to assist districts if they want our help. Our program is comprehensive, and it's a quality program.

Yet, I asked last July, to Sandy McCarroll and members of our Department: "Sandy, what do we do if we go into Level III, and some districts, either because they can't -- they try hard but they can't -- or for some reasons they won't, get things right to reach this minimal level that we call T & E. What if they can't?"

What came out of that was our plan, which is before you now. We say, in Level III, that the district is having tremendous problems. We come in and investigate, and have findings and directives, but have enough confidence in that district. We will say to them: "We'll work with you, wherever you need our help, we'll be there. You know what our programs

are; you know the quality of our people. If you think our programs are good, if you think our people are good, deal yourself in. If you think you can do it by yourself, please do it. But we'll have confidence in you. As long as you make reasonable progress, you'll be okay."

However, we plan something new that we've never really done before. It's called Comprehensive Compliance Intervention. I can liken this to a complete exploratory operation of a human being. We plan to look in all the corners. We plan, simply, to carry everything, inside-out in the district. We want to go beyond that which is in the T & E, not to deal with symptoms, but to deal with causes.

I've talked with Assemblywoman Garvin. I know how she feels. She wants to make things better in urban areas. And yet, sometimes, there are some things that go on, not in urban areas, but in suburban areas as well that cause the kids not to learn. And so we want to look at not only the curriculum, not only the reading and writing and the math and the special education and the bilingual, but we want to look at how that district is governed. What about the finances of that district, and how are they managed? In short, we want to do a complete exploratory.

The result of this would be a Commissioner's Order, and if the district does not agree with the Commissioner's Order, they could challenge us. They could say we don't believe what you have said, and it would go to a third party. They would decide whether the Commissioner's Order should be implemented.

If after a year that district was not up to a T & E level, the Commissioner would recommend to the State Board that that district be under State control. The State Board could say: "No, Commissioner, you haven't proved your case." But if they said yes, the district could again say to us: "We want this reviewed by a third party. Just because you said so, or because the State Board said so, that's not good enough." And

again, we would have to prove our case; this extraordinary effort has to be taken.

Now, what does it mean? First, the entity of the school board should be removed. The school boards in the State have the power and authority -- the power and authority to hire, to bring people up on charges, to transfer, to promote, to raise the budget, to allocate the resources, to assess whether things are going wrong or right, to establish the policy, and to hold people accountable. The power of local boards is enormous. And in almost every case, they do a super job. But if they don't, after continual failure -- and we would have to prove this over and over again -- we think they should be removed.

Governor Kean said this is not an issue of local control or home rule; it's an issue of children. Those who have not ruled wisely must be removed. Some have said it's taxation without representation. Every district in this State gets money. And, in fact, some of the districts that are having most of the problems receive large amounts of money from the State. Therefore, every taxpayer has an interest in every district doing well.

Some have raised the situation: "You wouldn't punish a whole class, would you Saul -- you're a teacher -- if one or two children were wrong. Therefore, if one or two board members are wrong, single them out." There's a big difference with the example of a classroom and a child, and a corporate entity of great power called a board of education. We want to increase local communication.

I have had an individual in my Department go to four school districts and sit for eight meetings of four or more hours apiece, and write down, every five minutes, what went on in those districts. And I said, "Whenever the school board talks about children, write it down." Whether they talk about reading or writing, drugs or absenteeism, as long as kids are mentioned, write it down. Less than 2% of that

board's time -- any of the four boards' time -- was spent talking about children. Most of the conversation was about appointments and contracts. That's what they talked about.

We would have an advisory committee, that was representative of the community, that would listen to the community and meet with the State-appointed superintendent. We would seek to increase communications, not to stifle communications. We want to abolish the critical K-12 supervisory positions in the local district. We want, literally, to have control.

If we are given the responsibility in this extraordinary situation to make things better, if we have the responsibility, then we also want the authority. We don't want a hand tied behind our back. We're really not looking for this job.

But if we have to go in, then we want to have control of four critical areas, the finance areas: because that's where the skimming of money -- that's where the inappropriate money goes to. So we want control of the person who controls the money.

We want the person who controls personnel, because that's where the no-show jobs are, and where the left hand doesn't know what the right hand is doing. We want the curriculum, because books have to be there on time. There's no excuse for books not being there or pencils. If you have tens of millions of dollars and kids don't have pencils and paper, something is very, very wrong.

We want to make sure in districts where there is tremendous mobility of kids, that they use the same reading program in K-6. Seemingly simple, but sometimes it doesn't happen. And finally, the chief executive officer -- we want to be able to put him on our team.

We're not really pussyfooting around that. We're saying that if we have to take this responsibility, then we want to make sure that the people who are there have allegiance only to children -- allegiance only to children and no one

else. Their evaluation will be on merit. Their evaluation will not be on who they know.

As far as the principal, that's a critical position. I'm not going to belabor, in the sense of brevity, or talk about the principal assessment center. We would take a year; there would be clear evaluations, clear feedback to principals. Those principals who are doing the job, we would like to retain. Those who are not, we would not want on our team.

If the problems are so great that we would have to move into even one single district-- If we are to accept this responsibility, I ask you to give us the authority and not tie us down with amendments. I hope we don't have to intervene. If we do, we will have to prove ineptness on the part of the district. We will not be able to move in. I know there have been charges of czar power -- you just want power. Nothing can be further from the truth. The records should prove that. We went 22 months without a mandate. All of our initiatives are on one side. We don't initiate for more power and mandates. It's to challenge people, motivate people, and make them deal in to programs if they want.

But if one single district is inept -- and we can prove that -- please, amend and improve, of course. But to amend to tie down, then we'd rather no law at all and just do it with the authority which I have, which is up to a certain point.

In conclusion, I don't think we can look away. None of us can look away, because in three, four, or five years or more, there will be a commissioner -- whether it's myself or someone else -- who will be before a tribunal. Except then, you will be asking that commissioner: "Why didn't you have a plan? Why didn't you face it squarely? Why did you look away? Why didn't you do something?" We think we have a plan to do something. Thanks.

SENATOR FELDMAN: Thank you, Dr. Cooperman. In your concluding statement, you mentioned the fact that you do have authority. My question is what power do you have now? What authority do you have now under the Constitution, that you do not have in the proposed legislation?

COMMISSIONER COOPERMAN: I would have the power to do the compliance intervention. I thought about that. I thought about that really hard.

SENATOR FELDMAN: You haven't got that power now?

COMMISSIONER COOPERMAN: I have that power. So we could go into districts, we could investigate. The thing that we don't have -- and that will be tied up in courts for years -- is the power to remove the corporate entity called the board, and the power then, to do the assessment center, the abolition. In other words, the heart of our plan is the power that I don't have, and that would be tied up in court for years.

And so, by putting this plan in front of the Legislature and asking for the authority -- and to have the imprint of the Legislature -- would give me power that I don't have now. My concern, Senator, is that if we went into a district, and we said: "Here are some things that are wrong and we'll work with you in remedying this," I fear that some districts would say what they've said now: "Go away, we'll take care of it ourselves. We don't need you."

That is my fear. They would just turn away. Because, Senator, I've heard some people talk seemingly out of both sides of their mouths almost in mid-sentence. First it will be: "We don't need you. We can do very well by ourselves." That's okay, and that's true most of the time. But then, when the going gets very, very difficult, and the problems seem to abound, it's "Come on in, bring your people in, and you have the obligation to make this better."

So on one hand it's "stay out," and on the other hand it's "come on in." It's almost like the traffic cop with mixed

messages. We would like the authority to be able to have control of the critical positions in the school districts.

SENATOR FELDMAN: So the Constitution doesn't give you the omnipotent power, so to speak, to go in and do your thing?

COMMISSIONER COOPERMAN: That's right.

SENATOR FELDMAN: So there are things lacking in our Constitution then. The Constitution said that we have to insure that any school child in New Jersey receives a thorough and efficient education.

COMMISSIONER COOPERMAN: That's right

SENATOR FELDMAN: And I would think that really gives our Commissioner of Education the authority to walk in there and to do what he thinks is best for quality education in our State.

COMMISSIONER COOPERMAN: If you would say that in the law, then I would be happy.

SENATOR FELDMAN: The Constitution-- I am not an attorney, but the Constitution doesn't say. Is that what you're--

COMMISSIONER COOPERMAN: We feel neither the Constitution, nor the broad powers given to me under law say what we're asking for now. If we tried to do that, we would immediately be in court. Maybe another half of a generation would go by before it would be resolved.

SENATOR FELDMAN: I'd like to welcome Assemblyman Doria. Please come up here and have a seat. We have Assemblyman Gerry Naples here. We welcome both of you. And now our next question to be asked will be asked by the Chairman of the Assembly Education Committee, Joe Palaia.

ASSEMBLYMAN PALAIA: Dr. Cooperman, it's good seeing you again. We've discussed this bill many, many times privately, before we've even go to this stage of it. When we first started discussing it, I never thought we'd even get to this point, but we're here now, and it's great.

I can see this bill doing two things: One is accountability, making the schools accountable for the 70%, 80%, or 90% of the taxpayers' money we're spending there. I'm sure that you would agree with that. Would you also not agree that we're trying to use this bill as a deterrent to the school districts; using it, if you will, as a hammer over them saying we're coming in there if you're not doing your jobs? I know we've been having problems with schools saying: "We'll do it tomorrow, we'll do it tomorrow"-- and there's another six months. Is that not true, that we'd like to use this as a deterrent to any of the school districts?

COMMISSIONER COOPERMAN: Absolutely.

SENATOR FELDMAN: All right, let me ask you this: The 15-member panel, or board, or whatever we call it, from the community -- how much power, Dr. Cooperman, are they really going to have? Are they going to have any power at all? Are they just going to sit there and listen to what the monitor general has to say?

COMMISSIONER COOPERMAN: There's a difference between deciding -- having the power and the capacity to decide -- and the power to influence.

Clearly, the power to decide would rest with the State-appointed superintendent and his or her team. The power to influence, to be that link between community and the State-appointed superintendent, that's what would be the community's influence, but not the power to decide. That's a clear distinction. Boards of education, thoroughly constituted, in most areas do their jobs well and they have that power. We're saying, in these few districts that would have extraordinary problems and not be able to solve those extraordinary problems--

I just want to add one thing, because many people will say: "He doesn't realize the problems that surround so many schools." All schools have problems. They have poverty in

some of their communities, they have problems of bad role models, of mobility. They have problems of drugs. There are lots of problems in society that enter the schools.

But, many times the schools will make an excuse for mediocre performance, that the problems of society are so great, so don't expect much of us. That's a cop-out. That's excusing mediocre performance. I think we have to say in certain districts that if they've abdicated their responsibility, we must have the authority if we are to have the responsibility to make it better. Therefore the advisory committee advises; they do not have the power to act and decide.

ASSEMBLYMAN PALAIA: Thank you, Dr. Cooperman. One other question. We have had, in the past, problems in certain parts of the State -- one up in North Jersey -- dealing with a segment of the whole educational process. That was in the financial department of that particular school district.

Now, we went in -- we as a State went in -- but only in that small defined area. Now can we assume that if that is the case in a district, where we can pinpoint where the problem area is, we will then do just that segmented part and not do the whole?

COMMISSIONER COOPERMAN: Sure, if there is a specific, clearly defined area that's discrete. We've done that before. We've gone when there was a bilingual problem. It's very specific. The rest of the school district is working fine -- there's a special ed problem and whatever. Yes, we will.

The most recent one was in one school district. They had tremendous financial problems. There were a lot of positives in the district. We went in and helped them to help themselves, and we think that district, in a lot of ways, is on the right road right now.

ASSEMBLYMAN PALAIA: That was one of the questions in the theories a lot of people have. If one little thing is wrong, why are we going in and taking over the entire

educational program? If you see it's in a segmented area, that's what you'll do.

COMMISSIONER COOPERMAN: It's got to have problems all across-the-board. The compliance intervention would bring that out. And if it doesn't bring it out, then we have no desire to just go into a district.

ASSEMBLYMAN PALAIA: Thank you, Dr. Cooperman.

SENATOR FELDMAN: We say good morning to Senator Dumont, who has just arrived. Do we have any other questions from members of the-- Assemblyman Naples?

ASSEMBLYMAN NAPLES: Yes. Commissioner, you mentioned a moment ago the powers of the monitor general. I think, given the fact that we have only one precedent for a monitor general -- which was in Trenton -- there's been a great deal of debate as to which powers that monitor general has from a de jure, not a de facto standpoint. I ask you as Commissioner, can a monitor general, under the current statute procedure, dismantle a table of organization previously established by a board of education? He comes in-- Can he dismantle that table of organization, after he comes in, that table which had been established before he arrived on the scene?

COMMISSIONER COOPERMAN: We have a precedent. In fact, I know -- and I looked this over -- that Tony Catrambone will be testifying, and he was the monitor general of Trenton. He will talk about that. But, if someone comes in under what was previous, my opinion is that what you have is that very situation that caused the problem. You just put another layer on, and the very people who have caused the problem continue to erode, to snipe, and to make the problem even more critical. So it gives the semblance that you're really going to make progress. You can get a super person in that monitor general, but you're really not going to resolve the problems because people want their jobs, they want to stay in their jobs and will do anything to do that.

ASSEMBLYMAN NAPLES: Let me rephrase the question. Apparently, it's still unclear as to whether he can dismantle a table of organization established by a previous board under a current statute. Can he walk-- Let's take a hypothetical example here. We'll get right to the nitty-gritty.

You mentioned under personnel, no-show jobs; there are no-show jobs; and there are no-show jobs again. There are people who are more concerned with job justification than job doing, and that, to me, is an intellectually dishonest type of no-show job. Can he say to this person: "You're assigned here, where you're doing some good; you're assigned there; you're assigned there," under current statute? That would be an example of dismantling or reassigning a previous board of education.

COMMISSIONER COOPERMAN: We do that under law and under certification. Your principal couldn't reassign you, under law, to be something that you're not certified for. He can't reassign you to be a psychologist.

ASSEMBLYMAN NAPLES: Therefore, the answer is no.

COMMISSIONER COOPERMAN: Pardon?

ASSEMBLYMAN NAPLES: Therefore, the answer to both my questions would be no.

COMMISSIONER COOPERMAN: He can't dismantle; he can't fire; he can reassign. It's not a yes-no, Gerry. He can reassign under certification under the present law.

ASSEMBLYMAN NAPLES: Right. I'll mark it yes. But it's understood that it must be within the parameters of certification. That's a given. So, the answer to two would be no, to one would be yes. Thank you.

SENATOR FELDMAN: Gradually we're getting a full complement. Assemblyman Bennett just came in. Good morning. I will now recognize Senator Lesniak.

SENATOR LESNIAK: Thank you, Mr. Chairman. Commissioner, since I've been in the Legislature -- and it's been over nine years now -- it's been well-known that we've had

some very serious problems in some school districts throughout the State. Can you tell us why you and your predecessor have waited so long to seek this type of action, to do something about it?

COMMISSIONER COOPERMAN: I can only speak for myself. I became Commissioner in 1982. We saw that there were some deep problems. I am the first to admit that I thought the approach of challenging people -- trying to show that if there were problems, then here is how other people have solved those problems -- that people would respond to that type of leadership.

I think I was partially wrong. Some people respond to that. Some people do not admit problems when the problems appear to be glaring. Others admit problems where they are glaring, and honestly try and work on them. But sometimes, there is a superstructure around the people who are trying to do a good job -- so they can't. They get reassigned. They are not allowed to do their job. They are intimidated. Money is pulled out. All sorts of things happen.

So, in the beginning, I was not as aware, or as astute as I probably should have been. It took me almost a year-and-a-half to realize that some people would not respond, no matter what the plan was, no matter what the incentive was. I won't bore you, but we can supply for you many, many plans and approaches that we had, of seminars, conferences, pilot districts, publications, and so on, to get people to a: recognize a problem, and b: do something about it.

And it was only a year ago, after I had been Commissioner for almost three years, that I realized that contrary to what Anne Frank said -- "All people are really good at heart" -- some people, like Willie Sutton, see school districts primarily as money pots that maybe they can dip into to reallocate the money. And so, if I'm faulted, I am faulted. It took me a couple of years to realize this.

SENATOR LESNIAK: Your proposal here, sponsored by Senator Ewing, concentrates exclusively on the administration of the school system itself. Those of us who represent urban areas recognize -- and I'm sure that you recognize as well -- that there are particular needs that are associated with them because of socioeconomic problems. There are particular burdens on those urban areas because of the lack of property tax ratables, and the high property tax burden that's associated with the lack of ratables in those municipalities. Do you believe that these problems are going to be solved by purely administrative functions, and have you looked at, or considered, the additional needs of particular areas to supplement your administrative remedies?

COMMISSIONER COOPERMAN: It's a somewhat complicated answer. I'll try and be brief. I think that--

SENATOR LESNIAK: It's a complicated problem.

COMMISSIONER COOPERMAN: It is. I think first of all that when we say urban, there's quite a range. Camden and Paterson, the money they get is very different than Jersey City, Newark, Trenton, and New Brunswick. I can supply the information. If we take the total amount of money in the district and we divide it by the number of children, New Brunswick and Trenton and Newark and Jersey City receive more money than East Windsor, West Windsor, Hillsborough, Sparta, Hopewell, and I could go on and on.

I'm not saying right here that urban districts, with the problems they have -- even if they have more money than some suburban districts -- that that's enough. Sometimes it is not enough. So whether it's on Senator Feldman's Committee to study revenue and finance, or whatever it is, I think a district should have more money. I will fight for more money.

I've been accused by some of my suburban friends-- A couple won't talk to me anymore because most of our initiatives have what they see as an urban bias, or an urban

slant. That is deliberate and it's premeditated.

We said \$48 million more in comp-ed. I had a lot of respect for Senator Dumont for many, many years. He called and wanted to know why the transportation was less, and why there were cuts. My answer was: "If it has to be either/or, it's got to be money for the urban districts -- if it has to be either/or -- rather than the transportation for the suburban districts."

So, my first part of the answer is that all urban districts do not receive the same amount of money. A New Brunswick or a Jersey City receives far, far more money than a Paterson or a Camden. Second, I will argue on whatever issue it is for what I think is necessary. There have been certain very specific areas where we argued successfully for more money for urban districts.

I'll go back, in the final part of the answer. I don't think, when we're talking about the basic provisions of T & E, that we can just say: "The money problem is the whole problem."

SENATOR LESNIAK: My question was, is the administrative, because this solution is purely administrative-- Are the administrative remedies you proposed going to solve all the problems?

COMMISSIONER COOPERMAN: They will improve many of the problems. However, in Level II, if we find an area that is a problem, part of that remedial plan is that the district submits to a county superintendent-- If that remedial plan doesn't have money behind it -- and we think it should have money behind it -- we will ask for a reallocation of the resources. Or, we will press that district -- why they don't come up to their cap -- to put the money behind it. So, we're not going to tell a district how to allocate their resources initially. But once we get into Level II, and their remedial plan, we will not approve the plan unless we know where the resources are going.

What we would do if we were given the authority to come in under this plan-- If we saw that money was the answer in one area, we'd fight for the money; just like we would assume that people are fighting now. If money was not the answer, then we would get on with the business.

SENATOR LESNIAK: But aren't you compounding the problem in those instances where money may be the problem -- I'm certain that there are instances where that's part of the problem -- by requiring that the local school district pay for the administrative cost of the State's takeover?

COMMISSIONER COOPERMAN: Well again, I know this is going to be debated, but we feel the cost we're talking about here is the cost of the auditing company to come in. The outside auditing firm can do the management and financial audit. That is the only cost. Because if we're given the authority to do what we want to do, we will bring in our leadership and replace the leadership that's there now. So, it's not, as Assemblyman Naples said, putting a superstructure on and adding lots of money.

We would submit that if we had to go into a district -- if it had the problems to justify our going in -- we could save money due to what we feel would be inefficiencies in that district -- overload of administration and perhaps some jobs that perhaps we could prove were not necessary. So we think that there's not going to be added money, except for the outside auditing team to come in.

SENATOR LESNIAK: Therefore, you wouldn't object to an amendment to the legislation that would clarify your intention?

COMMISSIONER COOPERMAN: I would not.

SENATOR LESNIAK: This may be a little bit caustic Commissioner, but I have to ask it. You said there are jobs -- certain positions you want to make sure are filled by merit, not by "who you know." I think we're all in favor of that, but how are we certain? We may be certain that you're going to

fulfill that responsibility in your position, but this legislation is no sunset. Are we assured that every person in the Department of Education has not been -- or that there isn't anyone in the Department of Education -- who has not been helped along by who he or she knew, in terms of the political process?

COMMISSIONER COOPERMAN: I think I can state unequivocally, and I would ask the Republicans who are sitting here--

SENATOR LESNIAK: How about asking the Democrats?

COMMISSIONER COOPERMAN: --if there has been any appointment in the last three years based on their party affiliation or anything other than merit? If they know of that, and I'm not saying there hasn't been some pressure-- I would just state unequivocally, that no one has gotten a job in the State Department of Education in the last four years based on who he or she knew.

SENATOR LESNIAK: Okay. What if Commissioner-- This legislation has no sunset in it. What if Commissioner Cooperman resigns two years from now and gets a job with the Reagan Administration or something like that? How do we protect ourselves? Do we have to pass legislation, Commissioner, with regard to the office, not with regard to the person? We may have complete, full faith and trust in you, but how are we to be sure that in your successor we can have that same full faith and trust?

COMMISSIONER COOPERMAN: I think it's the same thing when anyone passes any law. The law is in the law itself -- the words, the spirit of the law. There's a process here. There's the law that you passed under T & E.

We have people that inspect. The check, the hook on us is that if our people inspect incorrectly, if the Commissioner's Order is incorrect, we get hauled into court, and we have to prove that the Commissioner's Order is correct. I would want the check, not only on myself and

whoever sits here, but on any of the people that I work with. If they go in and they're going to right things which are unfair to the district and not proper, there should be a check on them. So, I think the strength of the plan is the strength. The strength of the plan should not be any one individual.

SENATOR LESNIAK: Well is the-- I still have one last question, Mr. Chairman. The advisory board that you propose, I think is very important. That's a good proposal. However, isn't that advisory board-- Can't that somehow be considered a check on the State's powers? Ought not that advisory board be the link between the community and the State in this very unusual procedure that obliterates home rule? Ought not that advisory board be appointed by the community, rather than by the Commissioner, in order to fulfill the goals of that advisory board?

COMMISSIONER COOPERMAN: Well, one of the things that we found in the districts that have the most severe trouble is that debate is frequently cut off. Dissent is not allowed. A responsible difference of opinion is punished. We thought, in proposing this, maybe it could be improved.

But, the way we looked at it is that we would want anyone who was a community leader. He or she could be someone affiliated with a church, or a P.T.A., or someone in the school system. Just community leaders; people who, if they were chosen, people would say "Yes, that's a good choice. That person is free from any taint."

SENATOR LESNIAK: But shouldn't we allow some local input on that advisory board -- a local position where the local authorities, the local elected officials would have appointments on the advisory board -- to insure that there is a free and open debate of the issues?

COMMISSIONER COOPERMAN: We think that's one of the problems, really, that happened in some districts. The idea of the people in power appointing people, not on a meritocracy but because they had done a favor, or there had been a loyalty. That's what has run the district, at times, into the ground.

SENATOR LESNIAK: But are they 100% at fault? Then they ought to be in jail. Shouldn't they have some input in terms of people on -- I'm not saying the entire board. But don't you think it would be a good idea to have some local members appointed? These people are elected by the public. Don't you think that the public that elected them ought to have some representation on this advisory board? That's my last question.

COMMISSIONER COOPERMAN: One of the things you said, sir, was that it was going to obliterate home rule. We really don't see it that way. We see now that there has not been responsible home rule. We want to get in, try like heck to make it better, load the odds in the kids' favor, and then turn it back to responsible rule.

SENATOR LESNIAK: On the advisory board, don't you think it would be wise to have that elected public, those people who -- in the democratic process that is the foundation of this country -- went to the ballot box and elected officials, to have those people, as well as have some people sitting on that advisory board? Don't you think that would encourage debate, rather than have you appoint the entire board?

COMMISSIONER COOPERMAN: I think the district would be better served for five years whether I appointed, or whether the State Board of Education -- who I have tremendous respect for -- appointed. I would want it dispassionate; to make it as dispassionate as it could be, where no one stands to gain. That's what I want.

Who stands to gain? If no one stands to gain, if something worked out that way where a totally dispassionate board or group would choose the advisory committee, we'd sure be open to that. Our struggle in figuring it out was to say "Maybe there's someone. There's a minister who doesn't want to run for reelection and for five years would give his or her all to this thing, and would be respected by the community. They could turn to that person. That's the type of person we would want."

My fear would be if someone had an ulterior motive, if someone stood to gain by getting their person on. That's what I'm worried about. Because, if it's a district that has the type of problems that we have, we want to try to organize it so -- it sounds kind of naive -- that everything is directed to the benefit of the child.

SENATOR FELDMAN: Commissioner, you will have the opportunity-- We have not completed your questioning yet, but we have three other meetings. I am advising our Committee members that the Commissioner is not going to hit and run. If we prevail upon him, I know he will come to other hearings if we feel it is necessary. We have 40 witnesses today, and we would like to hear from the public, as well as from the Commissioner. Questions now were directed to the Commissioner.

Incidentally, Willie Sutton would be proud to know that you brought his name up here at the hearing. Was he the one who said, "I never met a bank I didn't like"? (laughter)

I will call upon Mildred Garvin, and then I will get to you, Assemblyman Naples.

ASSEMBLYMAN NAPLES: Well, I just wanted to correct one thing very quickly, Senator.

SENATOR FELDMAN: All right, quickly, quickly.

ASSEMBLYMAN NAPLES: Very quickly, you indicated, Commissioner, that I had said "layers and layers of bureaucracy." I didn't mean-- I hope you didn't think I meant that the State coming in and doing that would lead to layers and layers. I think there are layers and layers now, and the question ostensibly poses itself whether a monitor general now could currently do something about it. That is what I meant.

SENATOR FELDMAN: Assemblywoman Garvin?

ASSEMBLYWOMAN GARVIN: Thank you. Dr. Cooperman, being one of the cosponsors of this bill, I am concerned with minority -- black and Hispanic -- representation in the evaluation process and in the audit team process. I don't

know, but I have an idea, what schools are left that were not certified. One of the things I would like you to consider, so that we are talking about a fair system existing in this State, is that we have -- whether or not it is from black colleges -- you know, faculty and staff, wherever you can find those persons who have urban education experience, in case one of the schools which is pending -- or two or three of them -- are urban. I think that will make your process more acceptable as you go through it.

I put that on the table, and I ask you to consider it for inclusion because I think it is unfair to have a district which has a minority population -- with that minority population functioning in your processes -- but does not have minority people represented through your office. I am hoping you will work it out and will come back to us, as legislators, with that kind of inclusion because it is those children-- This whole plan is about those young people having a better climate in which to learn. I think as you go through the audit team and the evaluation team, I would like to request that maybe your office could make an amendment, or maybe Assemblyman Doria and I could make an amendment. But, I think that minority inclusion is very important in this process because I think the process is positive, but the few loopholes that do exist-- I would ask that you consider filling those loopholes.

My only other comment at this point has to do with the Federal government also contributing to our local and State school districts, and then you come and take over. This team will be examined or monitored by whom? In other words, who is going to monitor you?

COMMISSIONER COOPERMAN: Nothing would change from the Federal government. Any of their auditors who would come in would still conduct their audits, so we would be subject to any audit by the Federal government.

ASSEMBLYWOMAN GARVIN: Well, do they come in automatically, or do we have to request them to come in?

COMMISSIONER COOPERMAN: That depends on the program. Usually, where money flows, someone comes in with a check list.

ASSEMBLYWOMAN GARVIN: Okay. Well, I would hope-- My position is that I would really like to see this work, and I see that as a possible loophole. You know, some of my colleagues and I are really hung up sometimes with certain things, and I wish we could have even a statement dealing with evaluating the new team that is going to take over, because, see, I don't think it is fair that you select all the new team, or the new bit, and I don't see anyone out here left unless we, as legislators, do it. Maybe that's, you know, an idea.

SENATOR FELDMAN: Let's hear from the Commissioner in response.

COMMISSIONER COOPERMAN: Many of the things would depend on whether the children had achieved. One of the things I know you are very concerned with is the performance of some of our urban youngsters, and that would be quantifiable -- are the children improving? -- and there would be data on that. I understand what you're saying.

The other thing is, if we are evaluating ourselves there might be a bias to say, "Yes, we have done a good job," and then we would be doing the same thing we accuse others of doing.

Many of the things will be specifically quantifiable because it will be the law in T & E and it will say, "This has to occur." Either it has or it hasn't. Besides, people will be under a fine-tooth comb. I mean, many, many people advised me -- and you know it -- not to do this because once you do it, you are inheriting the most severe problems of a district, problems which have been there for years, and years, and years. So, we will be under-- But, we are doing this. We are willingly accepting the problems, and saying, "Your problems

are our problems, but now we have a chance to really do something about them because we have authority, real authority, day-by-day authority," not where someone goes on a trip, not where a dinner is taken and money is spent, rather than money going for books. It is the day-to-day grinded out authority. I think the evaluation will be constant, and if you would want to have an oversight committee to say, "Okay, here is what you said in the findings and directives. This is what is wrong, and after a year we want someone to go in and take a look to see what progress you've made." That would be okay.

ASSEMBLYWOMAN GARVIN: Well, could I ask you to get the staff prepared? Somehow there should be legislative oversight which would cut down on money and-- I just ask that your staff consider it.

COMMISSIONER COOPERMAN: Sure.

ASSEMBLYWOMAN GARVIN: Thank you.

COMMISSIONER COOPERMAN: We have some people taking notes, and we'll do it.

SENATOR FELDMAN: Assemblyman Doria?

ASSEMBLYMAN DORIA: Thank you very much, Senator Feldman and Assemblyman Palaia. I just want to thank both of you for allowing me to sit in even though I am not a member of the Committee, and for allowing me to ask questions of the Commissioner. I will be very brief.

I have come on as a cosponsor and second prime sponsor of the legislation. My concern follows Assemblywoman Garvin's concern. Number one, there must be a mechanism developed -- and I would like the Commissioner to work on the development -- for effective community input from parents and from community leaders, not necessarily political leaders, but community leaders who are recognized as such, into the process. I think the legitimacy of the entire process can be called into question if this advisory board is a group of puppets who are not representative of the community in which

they live, and the community in which the school district exists.

I think that is crucial to the entire process, so that is the first thing I would have to say.

Second is a question that relates to the responsibility of the Department. In a way, facetiously -- and I'll say this for Assemblyman Bennett here -- what would happen, Commissioner, if after five years of the Department in a district, the Department failed? Is that then a cause for the Department and the Commissioner to resign as a result of their failure in that district? This is both Assemblyman Bennett's and my question. I hate to take it away from Assemblyman Bennett.

COMMISSIONER COOPERMAN: I think a couple of things. The first--

ASSEMBLYMAN BENNETT: That was a logical question.

COMMISSIONER COOPERMAN: I agree that the people in the community should be represented -- we do not disagree on ends -- if you would agree with me that they should be absolutely -- as much as possible -- free of ulterior motive or free of seeing that the continuing system which got us here continues. If we agree on that, then it is just working out the means to see that that happens. I agree with you.

I think any commissioner gets evaluated every single day in every different way, and I think, yeah, realistically part of either myself or anyone else would be evaluated on this. It would be up to you whether you would change it from an appointment, to serve at the pleasure of the Governor. You know, if someone served at the pleasure of the Governor, it would be just a thing like this that would get someone kicked out.

ASSEMBLYMAN DORIA: I was facetious, but I think it emphasized my final question, and that is the responsibility of the Department at the monitoring levels -- the first and second

levels, and going into the third level. My concern is that the Department fully live up to its responsibilities to the district in making sure that the monitoring process is followed, number one; and number two, that the Department takes an active role in working with the district to prevent this final deterrent from taking place.

What I am afraid of happening-- Let me just say that in some instances the Department does not live up to its responsibility in the monitoring process, in the sense that it allows things to take place in districts that should never take place, whether they be physical, you know, through expenditures of money or lack thereof, or through curriculum. There has to be some kind of control there to make sure that the Department is living up to its responsibilities as much as the district is living up to those responsibilities.

COMMISSIONER COOPERMAN: Okay. I can answer that in two ways. The first thing is, when I became Commissioner I had some county superintendents say to me that in certain districts that had tremendous problems, they wouldn't point out all the problems in monitoring. They would point out one or two problems, because if they pointed out all the problems there would be bad press, everyone would know what the problems were, and they would feel so put down that it would be morale defeating, and so forth. I said point blank, and that was four years ago, "You call them the way you see them. If something is wrong, you state it. We will then try to help with everything we can. But you don't look away; you don't say what you saw you didn't see." That was first.

Second, we have been very, very careful with our monitors to protect against two types of monitors. I'll call them the polar types. One was the type monitor who went in there and said, "I'm a monitor. I've got a badge, and boy, we are going to give you a going over." That is one type we didn't want. The other type we didn't want was the, "Oh

shucks, gee whiz, I've got a rough job to do. I really don't want to make any trouble for you." We wanted the people to be firm and to be fair, so that when they walked out people would say, "It was a tough process, but it was a fair process, and they called the shots right."

I will sit here and say that the overwhelming feedback we have had to our monitors and the way they conduct themselves has been in that regard, that they have been fair. People have told us that district after district. Sometimes they have taken issue with us, but in almost every case, districts have said, "Your monitors have been fair." McCarroll can tell you about it, but what Sandy has done is-- He has actually had auditors go out, people go out, to make sure, county by county, that our monitors have been consistent from one part of the State to the other.

So, yes, I agree with you, if we don't call the shots fairly in Level I and Level II, we will get a distorted picture to go into Level III. I really think we thought about that one, and the record is pretty good.

ASSEMBLYMAN DORIA: Thank you. Thank you, Mr. Chairman.

SENATOR FELDMAN: Are there any further questions of Commissioner Cooperman? (no response) If not, we will call our second witness. Thank you very much, Commissioner. If the Committee wishes you to appear at another hearing, I know you will acquiesce.

COMMISSIONER COOPERMAN: Sure.

SENATOR FELDMAN: Thank you, Saul. Our next witness will be John T. Klagholz, President of the State Board of Education.

J O H N T. K L A G H O L Z: Good morning, Senator Feldman, Assemblyman Palaia, and ladies and gentlemen of the Senate and Assembly Education Committees. Thank you for allowing me to address you on this most critical issue -- State intervention in local school districts.

I come before you today as President of the New Jersey State Board of Education. I have had the privilege of serving on the State Board since 1982. During the last four and a half years, the State Board has grappled with many difficult issues. Each issue brought with it a level of controversy; each issue brought with it the hope of improvement in the educational opportunities afforded by our great State to over one million young people.

Each time we dealt with any issue or major initiative, the State Board of Education weighed the possibilities carefully, fully considering the impact on all members of the education community. We heard, on each issue, and understood, the concerns of teachers, of local school board members, of principals and supervisors, and anyone else who felt that they should advise the State Board of their concerns.

But, when it came time to vote, we always focused on the interest of one group above all -- the students. Each time we voted we asked ourselves, on any issue, "Is what we're doing in the best interest of students?"

The intervention issue is no different. Every State Board member shares your concern that we do what is best for students. And, in the process of seeking to decide what is best for students, we must make sure that local school board members, district staff, and the community itself are fairly treated in any State intervention plan. But, our primary concern has been, and will continue to be, what is best for students.

We believe that the bills which have been introduced will help us to achieve these goals. I strongly support this legislation because I firmly believe that it will enable the State Board of Education to do what the Constitution and the New Jersey Legislature has required that we do: Offer every child in this State an opportunity for a "thorough and efficient" system of education.

Although I come here today as the President of the State Board of Education, I really speak from several perspectives. I speak as a parent, a businessman, and a former president of a local board of education. My support for the proposed intervention plan grows out of my experience in all these roles.

As a parent, I have seen firsthand the way a good school system nurtures its students and prepares them for full citizenship. It saddens me and it angers me when I think of the parents who have not had the opportunity to be as fortunate as I have been. Too many parents must watch as their children's potential is wasted, not nurtured, by some few of our State's school districts.

I have never been one to pretend that every school system in our State is perfect, any more than I have ever been one to proclaim that every school, equally, prepares each child for that opportunity at success. Although many school systems do so, and on their own, and many others do so after some help from the State, some few of our State's school districts have not done what you and I know they must do -- properly educate their students. These bills will aid in the process of insuring that all children will have, at the very, very least, the chance to experience a proper educational opportunity.

As a businessman, I know that without basic educational opportunities, students cannot develop skills needed in the labor market. In a few districts, students aren't getting even this basic preparation. These young people -- their hopes and the hopes of their parents, and their entire State -- suffer as a result.

As a former local board member, I know the critical role that that body plays in any district. I served on the Central Regional Board of Education in Ocean County for almost eight years; I served as President of the Ocean County School Boards Association, and I was active in the New Jersey School

Boards Association. I know that the board can literally make or break a school district. I was fortunate, again, to have served on a board where we debated not only the need to revise the curriculum, but also on the price of a pint of milk. We were concerned only with what was best for our students. We felt the pride of having contributed to the recognition of successful students and to their increased potential for a productive life.

As President of the State Board, however, I know that a few school boards are not of the same caliber. For years, these boards haven't been able to solve their districts' serious problems, despite repeated changes and State assistance. These districts remain caught in a cycle of failure that dooms their students.

During these hearings, you will hear, if I may be so bold as to suggest, a series of arguments which beg you to consider the need to preserve the integrity -- the mere existence -- of an institution. You will hear arguments as to fair play, due process, home rule, no more mandates, and that the community is best suited to determine the needs of their children. These bills are not about home rule. Where home rule hasn't worked, the Legislature must do what home rule has not done, or will not allow to be done. These bills are not about mandates either. The State Board is sensitive to the beliefs and convictions of the Legislature as to fewer mandates from the State Department. We have sought to eliminate as many of these mandates as possible.

These arguments which you will hear, however, do not, in my opinion, address the very essence of these bills. These bills do not seek to protect and preserve an institution; they seek to protect and preserve the rights and opportunities of the children and young adults of our State.

What I am attempting to do here today, on my own behalf and on behalf of the State Board of Education, is to

argue for an alternative to ineffective school systems. We must preserve the interest and opportunity of the child, in spite of the institution.

What I have seen in my 12 years of educational involvement tells me that intervention is the alternative we need, if and when chronically deficient school districts are not giving children the most basic of educational opportunities. We must step in and recreate strong school districts so that the community and the students can make a fresh start. As soon as our work is done in the district, we will leave so that the local board can govern once again.

The New Jersey Legislature passed the T & E law more than a decade ago. The State Board has been working since then to make sure local districts comply with that law. Most have, but a few have not. We need your support so that we can complete this vital work.

Finally, it is my belief that the proposed legislation is very carefully crafted. The bills contain well-thought-out procedures so that local districts are fairly treated before and during intervention. And when I ask myself, "Do these bills serve the best interest of students?", the answer is an unqualified "yes."

I urge you to support this legislation. Thank you for allowing me to present my views.

SENATOR FELDMAN: Thank you, John. Are there any questions of Mr. Klagholz? (no response) Thank you very much for a concise report.

I will now call upon Mr. Sullivan of the Newark Board of Education -- Mr. Sullivan?

ASSEMBLYMAN PALAIA: While Mr. Sullivan is coming up, may I just say something?

SENATOR FELDMAN: Yes.

ASSEMBLYMAN PALAIA: While Mr. Sullivan is coming up, I just want to say that Assemblyman Frank Gargiulo is not here

today. He is a member of the Assembly Education Committee, and one of the sponsors of the two bills. He had an impacted wisdom tooth and is laid up today. He wanted me to convey to the panel where he is.

SENATOR FELDMAN: Tell him by a vote of eight to nothing, we wish him a full recovery.

ASSEMBLYMAN PALAIA: I thought it was five to three, but that's all right.

SENATOR FELDMAN: The Republicans aren't going to support him.

All right, Mr. Sullivan is not here, so we will go on to Mr. Ernest Gilbert, Professional Racial Equality Support Services. Is he here? (affirmative response)

ERNEST GILBERT: I basically am in support of the bills. I am in support of the bills because something must be done, and this is the closest thing that I have seen that will do it.

The last time I appeared before a committee of the Senate, I appeared to oppose the reappointment of Fred Burke because I did not believe he was the kind of Commissioner we needed. At that time, I indicated to the panel that a part of the problem arose from the Department of Education. The Department of Education had a system of certifying teachers in such a way that they could teach courses they had never had themselves.

I spent the better part of an hour talking to the panel on the reappointment of Mr. Burke, and I recognized that I, as a teacher at the time, had placed myself in jeopardy. And, within a month, I was on my way out of the school district as a teacher. Now I am still fighting that battle almost six or seven years later, and attorneys are more than a quarter of a million dollars richer, but the battle goes on.

At the present time, I am still operating under the name Professional Racial Equality Support Services, which

basically gives services to the community to help parents who cannot afford sophisticated psychologists, so-called professionals, who are not dedicated to the process of education. Basically, I am being supported by my children, who I am proud to say have had a good education, for I was removed from my tenured position without the statutory procedure being followed.

I would like to point out to you that one of the problems arises from the political aspect of education. I heard one of the gentlemen ask the Commissioner about having political leaders, or whatever, and utilizing the democratic process, and all of that other muck and gluck, but I would have him remember what he used to say when it was legal to say the Pledge of Allegiance to the flag: "I pledge allegiance to the flag of the United States of America, and to the republic for which it stands," not the democracy. Although I believe that democracy is a vital aspect of our process in America, it is one of the most corrupt systems that you would ever want to see.

Less than 10% of the people in my community have anything to say about who is elected to the Board of Education, and when they do elect someone, they elect someone who is dedicated to maintaining the status quo, who is dedicated to the dollar, who is dedicated to the political power that the teachers' union gives them, for only one time in the history of my community has anyone ever been elected who was not endorsed by the so-called union; that is, the union which works for the boards of education.

Our superintendent happens to be one who was not appointed primarily for his theory of education. He was appointed because it was viewed that he could whip the teachers' union in line at the time. But, he was smart enough to know that if he didn't get his tenure before the statutory three years, that they would oust him after he had done their dirty work.

I am here to tell you that if the legislative body does not do something about the chaos that exists in education because of what we have on paper that is absolutely incapable of being implemented-- We have all kinds of sophisticated laws. We have almost everything that you could ever conceive of on a conceptual level, but operationally it is not worth a nickel. Unless you give someone the power to go in and intervene to make board members who have repeatedly stated, "We cannot be impeached; we are protected by home rule; we do pretty much what we please," education, has a public function, is doomed.

I am so happy we have a President who has had the courage -- and I mean courage -- to actually come out and say something against education, because usually when someone says something against education, he or she is politically doomed because of the power of the people who are in education to have these so-called PAC organizations support people. I know you, as politicians-- As you sit here, I am talking to you because of your office, not because you are politicians. I am not talking to a group of elected officials. As far as I am concerned, you were never elected; you are just here for the purpose of this hearing. I know that when you get ready to make your decision, you are going to reflect upon whether or not you will be elected again. But, that is not my problem. My problem is to tell you that you must act. You must prevent those who are willing to come to you to let you know what time it is in education from being abused and victimized by their convictions, and you must help to uphold the Constitutions of the United States and the State of New Jersey, as you have sworn to uphold them, and meet your mandate to help to provide a thorough and efficient education for the children of New Jersey.

Thank you.

SENATOR FELDMAN: Thank you, Mr. Gilbert.

MR. GILBERT: I have a prepared statement that was given to the State Board of Education. I sort of deviated from what I had written, but it is still about the same thing.

SENATOR FELDMAN: Will you please give the statement to Dr. Schorr? We can then distribute it. We have a question from Senator Dumont for you, Mr. Gilbert.

SENATOR DUMONT: Mr. Gilbert, where do you live?

MR. GILBERT: I live in Willingboro, New Jersey -- Burlington County.

SENATOR DUMONT: Why do you say that only 10% of the people in your community participate in school elections?

MR. GILBERT: Why do I say that?

SENATOR DUMONT: Yes.

MR. GILBERT: Because that is the fact.

SENATOR DUMONT: Well, why don't you help to get more people in it? There is no more important election in the entire year than the school board election.

MR. GILBERT: I know that. I know that, and I am actively involved in trying to do that. But, the people in my community are beginning to feel that the situation is hopeless. They are beginning to feel that even though they are solicited for their votes, when they come to the Board, or to any other body in order to implement their ideas, they are hushed up. A case in point: On several occasions, parents have come to me as a committee for me to help them to get the Commissioner to hear and determine controversies and disputes pursuant to N.J.S.A. 18A, 6-9. But the Commissioner of Education, because I did not have people in the public school system, would not hear their complaints through me, even though I was a professional, and even though I met the requirements of the State Board rule as an interested party. So, this kind of thing has more or less turned people off.

SENATOR DUMONT: Then why don't you help to get new people to run for the Board of Education?

MR. GILBERT: I do that. I do help to elicit new people to run for the Board of Education, and some of the new people I helped to elicit ran for the Board of Education and won, for the first time in the history of the Township of Willingboro, but they have been abused ever since.

SENATOR DUMONT: They have been what?

MR. GILBERT: Abused. They are a part of the so-called minority, the so-called "less than the full majority of the Board" which actually swings the power. The so-called majority of the Board happens to consist of persons who represent the so-called Old Guard, many of whom are not really concerned about education per se, because they don't know anything about it. They didn't respect it enough to try to get that much of it themselves.

SENATOR DUMONT: Then you think the solution lies in the Department of Education taking over in a district like Willingboro?

MR. GILBERT: I did not say that the solution lies there; I said that the power to go in should exist. Usually, the solution to anything is very obvious, but people oftentimes miss it because they have a mental set, and it would take something to break that mental set.

I don't say that any one thing is a panacea, because to my mind there are problems right within the Commissioner's office in the State Department of Education and on the State Board. I happened to have presented a paper to the members of the State Board, and I noticed that there was one black gentleman on the Board. He happened to have had a Ph.D., but I didn't see that many whites who had a Ph.D. Just about everybody who is black in my community has at least a bachelor's degree, but the whites do not necessarily have a bachelor's degree. I made a study of the statistics of the Commissioner of Education's report on who is being hired by race in the State of New Jersey, and 49% of the school

districts of this State do not hire a single certified black person. Yet, we are supposed to be advanced in terms of affirmative action, and all of that other stuff. We are supposed to be color-blind because we are north of the Mason-Dixon line. However, when we have, in this so-called democratic process, people elected to boards of education, they are elected because others are willing to choose an unqualified white person over a qualified black person. They allow that unqualified white person to go to school while he or she is holding that position, and later on claim seniority rights, and then no one can get him or her out. You see, that is the name of the game. That is the practical aspect to all of this, which very few people have had a chance to dig into.

I happened to have come from industry, and my background involves troubleshooting. So, for the last 10 years, I have been troubleshooting education. I have written several papers on it. I brought a few copies of my publications for you to see, in which the Commissioner of Education ruled in favor of the State Department of Education when I sued the State Board of Examiners for its certification practices. He didn't even have the courtesy to hear the situation. He ruled summarily in favor of what they were doing because he said it allowed the local districts flexibility. Here you are enacting statutes which say that no teacher shall hold a position for which he or she is not certified, and yet he is saying that flexibility is more important than having well-qualified teachers for the public schools.

It is that kind of thing that you need input on. It is that kind of thing that you need to look at from a practical point of view, and the only way the Commissioner is going to really get a grasp on it is to be able to go in and unravel some of the lies that are being fed to him by the top administrator, who is more or less a puppet for the boards.

SENATOR FELDMAN: Assemblyman Naples?

ASSEMBLYMAN NAPLES: I am just going to make a very quick statement in the interest of brevity, not ask--

SENATOR FELDMAN: Hold it, Gerry. I'm sorry, are you finished, Senator Dumont?

SENATOR DUMONT: No. There is also a practical aspect of home rule, Mr. Gilbert. We provided it in the State's School Aid Act of 1975, which took effect July 1, 1976. Certain things had always been taken for granted by boards of education prior to that, not just boards of education, but by the people, mainly that boards would have the right to hire and fire. They would have the right to set the curriculum subject to a few guidelines that the State Legislature might lay down. And thirdly, that they would prepare the budget, regardless of where the money was to come from. Part of it comes from the State, but not the majority of it. Most of it comes from the local municipalities' property taxes.

Those are the practical aspects of home rule, and they should not be eliminated summarily.

MR. GILBERT: Sir, if I may respond to that.

SENATOR FELDMAN: Was that a question, Senator Dumont, or was it a statement?

SENATOR DUMONT: No, it was partially a statement.

SENATOR FELDMAN: I don't think it has to be answered. I think--

MR. GILBERT: May I just make a comment?

SENATOR FELDMAN: Yes, you may.

MR. GILBERT: It is the responsibility of the State to provide the education. If the State wouldn't give it to the Federal government, and maintains plenary powers with respect to the Federal government, why would it turn around and give it to a local community and say, "We will hold you responsible," without anyone being able to come in to see what you were doing?

SENATOR DUMONT: Because the State does not even provide half of the money.

SENATOR FELDMAN: I think the point was well made, and I thank you for coming.

MR. GILBERT: Thank you.

SENATOR FELDMAN: You're welcome. I would like to call Eugene Campbell as our next witness. Mr. Campbell is Executive Superintendent of Schools -- from where?

EUGENE C. CAMPBELL: From Newark, sir.

SENATOR FELDMAN: For other witnesses, will you please identify the area you are from? Go ahead, Mr. Campbell.

MR. CAMPBELL: My name is Eugene Campbell, Executive Superintendent of the Newark School District.

I would first like to thank you for this opportunity to appear before this august body. I have a position paper concerning the T & E code which was presented by me to the State Board of Education, representing the urban superintendents in the State of New Jersey.

The urban superintendents of New Jersey consider this issue of intervention to be one of the most important and sensitive issues confronting urban school districts and school districts throughout New Jersey. The complexities and ramifications are of such magnitude that it is very difficult to determine at what point to begin.

The proposed thorough and efficient legislation would authorize the State to take over districts that "have proven unwilling or unable to provide a thorough and efficient education in accordance with the guidelines set forth by the State."

For the record, we believe that there exists no urban district which is either unwilling or unable to provide a thorough and efficient education. However, because of massive problems faced by larger urban districts, the process of reaching the desired goal will require more time and assistance than is presently provided in the proposed State code.

At a recent meeting of educators, Dr. Saul Cooperman asked those assembled to discuss the issue of the State takeover, to see things through his eyes; in effect, to see the big picture. He asked, "What would you do if you were the Commissioner of Education and by law it was your responsibility to provide a thorough and efficient education for all children?" I submit that that is both a serious and enormous responsibility. I'm not sure that any of us could provide an easy answer to this question. However, the more we wrestled with this concern, the more we became convinced that a State takeover is not the answer.

We believe that in order to deal with the complexities involved in providing a thorough and efficient education, it is imperative that urban superintendents be able to see things through the eyes of the Commissioner. However, in order to resolve the educational problems that exist in our districts, it is equally imperative that the Commissioner and the State Board have the capacity and the wisdom to see the unique problems that face us through our eyes as well.

From the outset, we hope that this body will be willing to acknowledge that the problems confronting urban school districts, and in particular the large ones, are not only different, but more difficult. If you can accept this premise, then you have a good basis for understanding the problems related to providing a thorough and efficient education for urban students.

The urban superintendents believe that the current concept embodied in the monitoring process is a good one. We would agree that most of the standards established by the State can only help us to reach our ultimate objective, which is to provide a quality education for all of our children. The issue, then, is not what has to be done, but rather, how we can most effectively do it. It is our belief that this can best be accomplished through a collaborative effort, utilizing the resources of the State and local school districts.

In the past, the role of the State has been to review, approve, and evaluate the plans prepared by the local school districts for self-correction of identified deficiencies. Now more than ever, we believe it is incumbent upon the State, prior to any district advancing to Level II, to assume a direct role as active participants in development, implementation, and evaluation of local school districts' plans required to correct the known deficiencies. Clearly, the role of the State must be more than to review and approve plans. This would be a clear indication to the school districts involved, and to the general public, of the State's willingness to accept a part of the ownership and responsibility for the success or failure of the plan. Perhaps in this way, we would demonstrate in clear unambiguous language for all concerned that together we are interested in carrying out the motto of the Newark School District: "Together we will educate our children."

On several occasions, the Commissioner, Dr. Cooperman, has been quoted both in the news media and during personal appearances as indicating that despite the assistance provided by the State to some districts during the past five to ten years, very little progress has occurred.

In fact, this is one of his stated reasons for requesting that the State adopt the extraordinary legislation for State takeover. Obviously, we do not agree with the Commissioner regarding how progress is to be measured. Perhaps our differences may not be as much in fact as they are in perspective. It may be that the real issue lies in the position from which we observe the problem.

At this juncture, it might be useful to examine what has been characterized as the State's comprehensive assistance plan to local districts.

The State has, and continues to make available, the following: Publications; training workshops and seminars; resources and services of the Regional Curriculum Service

Units, the RSCUs, on a limited basis; interaction and articulation with the various county superintendents' offices; and, funding to support remedial efforts to improve H.S.P.T. test scores and the area of basic skills in 19 urban districts.

We acknowledge that all these initiatives have been positive. However, we believe more is needed, particularly in those districts which manifest the most severe problems. This help would take the form of increased funding and direct assistance of human resources when required. To better clarify where funding would be required, I offer this example: Currently, in my district, there are approximately 2000 students who are either expectant mothers or already mothers. This is a societal problem. However, the immediate resolution to the problem requires facilities and other resources necessary to address the concerns and needs of these students. This problem is of such magnitude that it will require the assistance of the State if we are to meet the needs of the children and address the goals of the State which are designed to provide the educational opportunities for our students guaranteed by law.

Additionally, our analysis of the monitoring process and possible State takeover shows that the State relies heavily on the district's ability to develop and execute a corrective self-help plan on its own. We contend that at some point we must come to grips with the reality that perhaps in our large urban districts we are not totally able to eliminate the myriad of problems that currently exist. We openly encourage the State's assistance in helping us to address some of the critical issues which, at present, seem to defy solution and which directly affect our ability to meet State standards. In short, we are saying that we agree with the State that we cannot afford the luxury of losing even a single student. It would appear from our review of the available documents provided by the State, that the State already has the answer,

or at least the knowledge to resolve some of our recalcitrant problems. If this is true, we ask, why does the State wait to save our children? Let me make it perfectly clear that the urban superintendents of New Jersey openly welcome and solicit the State's assistance in eliminating our deficiencies. Specifically, we are asking that immediately, if not sooner, the State use the powers with which it is already vested to provide the physical and monetary resources necessary to avert a State takeover in any of the urban districts which currently seem to have the potential of becoming State-adopted districts. Specifically, I am referring to Newark, Jersey City, Paterson, Trenton, Camden, Asbury Park, Penns Grove, Carneys Point, etc.

It would appear from the information which reaches our districts that the State is either unwilling or unable to recognize the positive changes which have occurred in all of the urban districts. This is most graphically shown when one takes time to review the progress made in basic skills in each of our districts.

Four years ago, most urban districts were unable to master the MBS test. Today, few, if any, urban districts would not meet the certification requirements as measured by the basic skills test.

Let me state that we do not take issue with the need to have a more rigorous test to measure academic achievement in the area of basic skills. However, we must not lose sight of the fact that initially, and for a number of years, the MBS test was a formidable challenge for urban students. With planning, guidance from the State, and hard work and commitment by students, teachers, staff, parents, and administrators, we virtually overcame this deficiency.

By changing the test used to measure basic skills, the State has presented urban districts with a challenge that is more formidable than the previous one.

Given the time and the necessary help and guidance from the State, we will prove once again that collectively we have the skills, ability, and talent to overcome our problems.

We have additional concerns regarding other aspects of the newly proposed code. A close look at the language in the code for a district that would become eligible for State adoption, indicates the possible summary dismissal of the board and the supervisory and administrative staff. We do not endorse this position, since we believe it is unfair to summarily dismiss the board or supervisory and administrative staff of any district without according them the rights inherent in the doctrine of due process. Clearly, we do not believe the end justifies the means.

An examination of the recent posture of the State regarding the evaluation of staff shows that it has consistently advocated a humanistic approach, with emphasis placed on growth and improvement. This has been accomplished through a process of guidance and assistance, rather than through the use of punitive measures. The proposed language in the code seems to contradict this philosophy, at least to the extent that it would be applied only to those few recalcitrant districts which have been deemed "unwilling or unable" to meet the criteria or standards established in the T & E code.

We cannot support any legislation that would deny the basic rights inherent in a system of due process. We endorse and support a process which would provide for the identification of deficiencies and establish provisions for a systematic process of correction through collaboration and assistance.

It appears to us that no matter how well-intentioned the State might be to provide a quality management structure, it should not be accomplished at the expense of eliminating the system of due process. Under the proposed legislation, the burden of proof falls either on the administrators whose

positions would be abolished, or those who would be removed from their positions. They would be required to prove their competency. This is contrary to the established practice of placing the burden of proof with the charging party. Despite the disclaimer by the State, we see this as a direct assault.

On the rights afforded by tenure: To further compound the issue, the proposed legislation provides for a 10-day appeal process. It is difficult to understand how, in such a short period of time, one could reasonably expect to receive an objective decision, especially when the appeal would be made to the person who appointed the individual to evaluate the personnel. Clearly, the time allowed and the objectivity required to make an impartial determination are lacking.

Therefore, we recommend that no personnel be removed from their positions unless they have been afforded all rights embodied in the doctrine of due process.

It is also apparent to the urban superintendents that one of the major components omitted in the proposed code is the provision for reasonable progress to be included as part of the criteria for remaining at Level II. The standard for granting additional time because of reasonable progress occurs in the present proposal only after the completion of Level III. We believe this to be an oversight. Our recommendations are as follows:

1. The Level II monitoring process shall be accomplished over a five-year period. Districts at Level II will be monitored and evaluated each year. Districts which demonstrate reasonable progress at the yearly evaluation will be continued at Level II;

2. The term "reasonable progress" be included in Level II and defined as are other terms within the code;

3. A standard for reasonable progress for each element and indicator be mutually agreed upon by the affected districts and the State;

4. Once reasonable progress for elements and indicators has been defined, districts meeting the standard shall be continued at Level II, and not be moved to Level III; and,

5. A district which has met the standard of reasonable progress in any year, but retrogresses the following year, be given an additional year to reach standard.

Another area in the proposed State-adopted school district which has been the source of discontent among the urban superintendents, is the apparent double standard which presently exists. The proposal makes no provision for accountability in a State-operated school district for standards by which the State district superintendent and his staff will be evaluated, by whom, and the specific time frame for improvement. A State-operated district must be responsible for ensuring the guarantees in the New Jersey Constitution for a T & E education for the children of New Jersey.

In the event that any district reaches a level where the need for State adoption is apparent, we ask, should not this new governing body be held accountable to at least the same standards as would have been imposed on a non-adopted district? We believe the answer is yes. Further, it would be patently unfair not to develop within this legislation the same safeguards for children under State receivership as is currently expected of the districts under review.

Additionally, we raised the question, if at the end of five years, a State-adopted district "fails" or is unable to make reasonable progress, will we then ask the Federal government to take over the local school district? We think not.

It is the position of the urban superintendents that even if all the proposed changes were enacted, and we were able to bring about improvements, we would still be opposed to a State-adopted district.

The framers of our Constitution must have been men of great vision. These visionaries had the capacity to look into the future and establish a governmental framework that retains the fundamental structure of the Federal Constitution; that is, the principle of checks and balances. The concept of a State-adopted district significantly alters this balance. We believe that the alteration of this constitutional principle is too high a price to pay, no matter how well-intended.

By adopting this legislation, the State, in a single action, will have disenfranchised in Newark 116,974 registered voters; in Jersey City, approximately 98,000 registered voters; in Trenton, approximately 42,000 registered voters; in Paterson, approximately 54,000 registered voters; in Camden, approximately 32,000 registered voters; in East Orange, approximately 31,000 registered voters; and, in Irvington, approximately 23,000 registered voters. This represents approximately 400,000 registered voters who would be disenfranchised by this legislation, as well as countless others in the remaining urban districts. The right to vote continues to remain as one of our most valued rights. This right should not be compromised at any cost, even if it comes in the guise of school improvement.

A State-adopted school district would enable one individual, under the mantle of the State, to be vested with the unprecedented right to mandate a budget and determine the moneys needed to operate a school system, without the involvement of the electorate or city officials. This appears to be taxation without representation, and will cause the loss of local autonomy and deprive the voters of their most fundamental right -- the right to vote.

The legislation of a State-adopted district calls for the establishment of an advisory board comprised of 15 advisers from the community. How will these individuals be selected? How will the plan ensure that this single advisory board would

truly represent the hopes and aspirations of the citizens of districts like Newark, Jersey City, Trenton, etc.? This approach would be unfair to the community and would violate a democratic principle well-established under local control.

The right to control one's destiny is a fundamental right, especially in a government operated as a democracy. We believe that if improvement is to occur, it will be with the support of the community. We strongly oppose any plan for a State takeover of any local district, especially one which would abolish the local voice in the operation and the process of seeking continuing school improvement.

In conclusion, we believe that the members of the State Board of Education and Dr. Cooperman would do well to remember their own words, which state: "There is no single solution or project that can solve or substantially alleviate the plight of urban education." Further, they remind us that, "School improvement cannot work without the direct and active participation and involvement of local community." Finally they make it very clear that, "School change is a long-term process and not an event."

Together we can, and we will, educate our children. I thank you for this opportunity to address you.

SENATOR FELDMAN: Thank you, Mr. Campbell. Are there any questions? Assemblyman Naples?

ASSEMBLYMAN NAPLES: Yes. Very quickly, were you on the scene in Newark when the -- not monitor general -- but the auditor general came on the scene and, if so, did you see any improvement?

MR. CAMPBELL: I apologize, I missed the first part of your question.

ASSEMBLYMAN NAPLES: Were you on the scene, were you in Newark, when the auditor general -- in Trenton we had a monitor general; it was termed differently -- came on the scene and, if you were, did you see any marked improvement as a result of the auditor general?

MR. CAMPBELL: With reference to your question and the question you asked earlier, I think, of the Commissioner about that particular item, yes, I was. I had the opportunity to work, to an extent, with Mr. Wechsler when he came in. I was responsible for in-servicing staff in the completion of a particular project, and there was marked improvement. Because of his involvement in Newark, organizational changes were made. Significant changes were made, and I daresay this: There was a great deal of improvement that took place. We presently have an auditor general in Newark and we communicate with him frequently. We have time to talk and discuss problems.

ASSEMBLYMAN NAPLES: And that entailed dismantling previous tables of organization?

MR. CAMPBELL: Yes, basically.

ASSEMBLYMAN NAPLES: Thank you.

SENATOR FELDMAN: Any further comments? Senator Ewing?

SENATOR EWING: Mr. Campbell, you talked about the auditor general up there?

MR. CAMPBELL: Yes.

SENATOR EWING: Who was the one previous to the gentleman who is there now? What was his name?

MR. CAMPBELL: Bernard Steinfeld is the acting auditor general. Prior to Mr. Steinfeld, it was Mr. Thomas Marshello.

SENATOR EWING: Yeah, Marshello, right.

MR. CAMPBELL: And after his tenure--

SENATOR EWING: No, that's-- In talking to him, he admitted that the auditor general really has no power whatsoever, that he can find glaring errors and the board can just disregard. So really, the auditor general position there, from what I gather, is somewhat of a sham, and nothing could be accomplished. The legislation I put in several years ago never did get passed, unfortunately, to give the auditor general the right to say the board could not do this or that.

You being the executive, is there another superintendent below you? I mean, how does the title executive superintendent— What is that?

MR. CAMPBELL: The executive superintendent title was created by a law passed by the Legislature -- 3166 -- that for any district that had a population of over 325,000 citizens, the school district would be under the control of an executive superintendent, who would serve without tenure. So, yes, there are assistant superintendents who serve under me, but we have limited control in the City of Newark. It is based upon that legislation of 3166, sir.

SENATOR EWING: Tell me, what is the status up there in Newark now of the substitute teachers? What does that run annually on the payroll?

MR. CAMPBELL: We spend approximately \$3 million a year on our substitute account, but I think we should also note that--

SENATOR EWING: It's way down. It's way down, isn't it?

MR. CAMPBELL: I beg your pardon?

SENATOR EWING: It's way down from what it was several years ago.

MR. CAMPBELL: I think we have made substantial improvement, and I think that is the crux of the matter about which I come before this body as it relates to this piece of legislation. There are districts, such as Newark, that are making significant progress. Perhaps you don't recall, Senator Ewing, when I was in a special program at Rutgers University, you addressed our group. At that particular time, I invited you into Newark and we spent a day there, you and I, along with the late Dr. Edward I. Pfeffer, who was then Deputy Superintendent of the Newark School District. We spent the day touring Newark schools, and I think we had a very interesting time together. I think that at some point there were some

revelations to you, Senator Ewing, as to what was taking place in the City of Newark. I daresay to you that we are hellbent on making some very positive improvement in the City.

I would say to you as you ask about the substitute account, there were several things mentioned today about large districts, and let's deal with the funding aspect in showing the difference. I believe the Commissioner of Education indicated that in Newark we receive a large sum of money from the State, and our per-pupil expenditures exceed those of some suburban districts. But I think that what were not mentioned to this body, were the amounts of money we spend in particular areas.

Let's take the area of security. We receive approximately \$800,000 from the State for security. We spend approximately \$4 million for security. No other school district in suburbia has to worry about these particular problems. These are societal problems we face in the urban school districts.

Also, we make a point that students in the urban areas are fed breakfast and they are fed lunch. That is an expense under operational expenses. That causes the so-called large amount per-pupil expenditure that other districts do not have to contend with. Or, you mentioned substitute teachers. These are particular problems that urban districts find very difficult, and I ask the State if it has answers to these particular societal problems, or the one I mentioned to you about teen-age pregnancy. That is not a problem that is created by the school district. That is a problem that involves society.

I say to you that if anyone has an answer to deal with these particular problems, they should come forward with it now.

SENATOR EWING: Oh no, I was just pointing it out because the substitute teachers had been a tremendous problem up there, and the work that New Jersey Bell did in working with

the school system helped to improve it. I think it's great that industries like New Jersey Bell are willing to step in and help. It was very dramatic in the reduction in the amount of money spent on substitute teachers, and I was just wondering if that had continued, and evidently it has.

The question has always bothered me-- As Executive Superintendent maybe you know or maybe you don't know, but are your board members still given cars and chauffeurs -- the school board members in Newark?

MR. CAMPBELL: No board of education that is now an elected school board--

SENATOR EWING: No, I don't care whether they are elected or appointed. Do they have cars and chauffeurs?

ASSEMBLYWOMAN GARVIN: No.

MR. CAMPBELL: A board member may have the opportunity, for board business, to have a driver take him or her to a particular destination, yes.

SENATOR EWING: Well, do they all have cars or not? Is there just one car for the whole board?

MR. CAMPBELL: No, there are approximately two or three cars in the motor pool which they are able to utilize if they have board business.

SENATOR EWING: Well, it's not a major factor up there any more.

MR. CAMPBELL: I don't think it is a major factor. We have approximately 85 facilities, and I would think that if they wanted to visit some school sites or go to particular meetings we have, that it would be more than appropriate that someone would give them a ride. I don't think it is a glaring problem.

SENATOR EWING: No. In the old days it used to be, though. Thank you.

SENATOR FELDMAN: If there are no further comments, we thank you very much for your testimony.

SENATOR DUMONT: Mr. Chairman?

SENATOR FELDMAN: Oh yes, sorry, Senator Dumont.

SENATOR DUMONT: Mr. Campbell, is it true or untrue that Newark receives 85% of its operating budget from the State Treasury?

MR. CAMPBELL: That is not true, sir.

SENATOR DUMONT: Well, how much do you receive?

MR. CAMPBELL: No board of education receives that. I heard it mentioned today about involvement of the community. I think you asked the question of the previous speaker, "Why don't you go out and get the community more involved?" Well, how many people participate in a school election? As one who ran for office, etc., I think you understand that there are certain elections where you may not get too many people involved. What we have attempted to do in the City of Newark -- and I have gone out each year since I have been Executive Superintendent -- is get maximum input from the community. We prepare information to go out to the district, especially as it relates to the budget. I say, "Here is an opportunity for citizens to have major input into determining what shall take place." In this particular document -- which I will be glad to leave with you -- it states categorically that we receive a breakdown on the dollar in very simplistic terms: 69 cents comes from the State; 20 cents comes from local; and, 11 cents comes from the Federal government. So, from this State we receive approximately 70 cents, or 70% of our budget.

SENATOR DUMONT: The 11 cents comes from what? The final portion of it -- what does the 11 cents come from?

MR. CAMPBELL: From the Federal government.

SENATOR DUMONT: Okay, thank you.

MR. CAMPBELL: I would also like to indicate to you, if I am not mistaken, Albuquerque, New Mexico -- that particular city -- receives 90% of its budget from the state.

SENATOR DUMONT: I don't think that is an answer, as

far as that goes. I want to know what Newark gets from the State of New Jersey. Thank you.

SENATOR EWING: What about foundation money? Don't you get foundation money, or is that so insignificant that it doesn't make any difference?

MR. CAMPBELL: We do receive some, but it is a very small amount.

SENATOR FELDMAN: Senator Dumont, does that answer your question, 70%?

SENATOR DUMONT: Yes, it does, thank you.

SENATOR FELDMAN: Thank you very much, Mr. Campbell. I will now call upon Michael Ross -- Dr. Ross -- from South Orange-Maplewood, formerly of Jersey City.

I suggest that if you came with prepared statements which you wish to distribute to the Joint Committee here, that you please give those statements to either Dr. Schorr or Dr. Rosen. We've got genuine doctors up here.

D R. M I C H A E L R O S S: Ladies and gentlemen, thank you for permitting me to speak today.

My name is Michael Ross. I am presently Superintendent of Schools in South Orange and Maplewood, New Jersey, a suburban district in Essex County of 5,000 pupils, with nine schools.

Prior to my coming to South Orange-Maplewood in 1984, I served for 10 years as Superintendent of Schools in Jersey City. Before that, I was Superintendent of Schools in Orange from the year 1969 until 1974. As a superintendent committed to the community as well as to the schools, I lived in Orange. My children began kindergarten at the Lincoln Avenue Elementary School there. When I became Superintendent in Jersey City, I moved there, and my children attended Public Schools 18 and 17. My son was just graduated from one of the public high schools there in June, 1986, and I still live in Jersey City.

I am speaking to you today as an ex-urban superintendent with some 17 years of experience in large and small cities, and also as a parent of children who attended the Orange and Jersey City public schools.

It is with a great deal of concern and some reluctance that I urge you to take the steps necessary to enact legislation which will permit the State to assume control of districts which have been unable to solve, by themselves, the problems of educating city children.

I would like to give six reasons why I believe this legislation is necessary: The first is that, even after 10 years of T & E legislation, the children are still not achieving as well as they should. They have made improvements. Gene Campbell has mentioned the increases in minimum basic skills. There will also be increases in the H.S.P.T. But, these increases are not keeping pace, in my mind, with the increases that are occurring in suburban areas. In addition to the test scores, which are always important, but which we can always change and modify, urban young people still have a very difficult time competing in the marketplace. They need the kind of help ultimately that they must have to compete in the marketplace.

The second reason is that the education of our children is a State responsibility; therefore, I believe that the State Legislature has an obligation to see to it that the laws are enacted to assure the education necessary for all children. This responsibility is delegated to the states by the Constitution, and our own State Constitution expands upon this by requiring a thorough and efficient education for all children.

It is obvious to me that previous legislation has not been adequate, and that improvements are required if children are to receive the education they need.

The third reason is that the State Legislature has an obligation to assure all the taxpayers that the money allocated under the T & E law is spent properly for the education of the children of the cities. In Jersey City, when I went there in 1974, we were spending a little bit more than the State average. In 1984, when I left, we were spending a little bit less than the State average, and that was with a massive infusion of State funding over those 10 years.

When \$100 million a year is sent to Jersey City -- and I suppose more than \$150 million is sent to Newark -- I believe the Legislature has no alternative but to make sure of financial accountability.

The fourth reason is that with the proposed legislation, I believe that city parents can actually have a more significant voice in the quality of the education their children receive than they have now. You may ask, how can parents have an effective voice if the board of education is to be abolished? The answer is, parents have never had much of a voice in boards of education in many city systems. In the large cities, too often the board has been the politicians' voice, not the people's voice. I have known many wonderful board members in Jersey City and in Orange, who could not prevail against the inevitable political pressure from city hall. School board decisions tend to have been made, or based, on three criteria: patronage, privilege, and power. That is not parent power, nor is it parent influence.

As unfortunate as it may be, parents will likely have a great deal more influence when educational decisions are not based upon local political expediency. I believe it is important that the parents of the children in the schools have the opportunity to be heard in terms of what their children should have, rather than in terms of the expediency which may be caused by municipal over-burdening, but is nevertheless there.

The fifth reason is that I believe if this proposed

legislation is passed, even with the present inadequate T & E law, more funds can, and will, be made available for in-service, for evaluation, for planning, and for staff and materials. I believe there are many opportunities for efficiency that are not being considered now which could take effect. For example, in Jersey City, an outside auditing agency did a study and indicated very clearly that in noneducational areas, a half a million dollars -- this is the first part of the study -- could be saved easily each year. That would provide for a lot of in-service, for a lot of evaluation and planning programs, and for a lot of staff opportunities to learn and train with each other.

The sixth reason is that the takeover of a school district, or even the possibility of a takeover by the State, will result in State officials becoming more aware of the needs of city children. Attention will, I believe, finally be focused upon the total problem, the interconnected causes of failure, the destructive benign neglect that has occurred, and the alienation and exploitation which have prevented city children from learning. No longer will the State be seen as a part of the problem. It will become part of the solution. This is a strange way of looking at it, I think, but the State, which has always had control and responsibility, will now be directly accountable for students' success, or its absence, in those districts which it feels it must finally take over. Another way of putting it is that finally the State feet will feel the heat.

Believe me, this is a courageous step for the State Department of Education to take. I think previous State Departments of Education have stayed away from this kind of a decision, or legislation, because they knew full well that getting into the problems was a lot more difficult than getting out. So I must commend the State for taking this step. I do believe that the possibility of such State takeovers will

result in a recognition by State officials of the true extent of the need for more resources to properly educate urban children.

I would like to take a moment to have us consider four questions which are often asked: First, don't you believe in local control? And second, isn't local control a more effective and democratic way to run a school system? The answers: historically, yes, but at one time local control was responsible for all the road and bridge building that went on in this State. That is not the case any more. The same is true with urban education in some cities. At the present time, urban areas in the larger cities just cannot, in some instances, handle -- even with well-intentioned board members and staff -- the problems they face because of municipal overburden, and because of pressures on city hall, which city hall then passes on to the board of education, and then on ultimately to the children.

I believe it is necessary for this control because in some instances -- and I think they would be rare instances -- the educational efforts are not working; most of the money for urban education comes from the State; we all -- everyone in the State -- have a stake in better education for every child in the State; and, with State support and awareness, the needs of city children will become an urgent priority.

The third question is, what makes you think education will be any better with a State takeover? This has been commented upon by other speakers today. Will they suddenly have a magic wand they can wave, and suddenly education will get better? Well, I think that education will get better in those districts which have not shown reasonable progress. The reasons why they will get better are: (a) The reputation of the State is going to be at stake, and they have more resources and power to effect change; (b) the State superintendent -- the term for the individual who will be coming in as a

superintendent -- will not have to spend his energy struggling with city hall, struggling with a board, being pressured by city hall or by other outside noneducational pressures; he will not have to deal or struggle with archaic tenure laws or indifferent officials; (c) because the efforts of the staff can then -- with the takeover -- be directed toward education, not what happens in so many instances, self defense; and (d), because staff will be picked and will be willing to come to the cities knowing they will have the opportunity to succeed, and will not be moved out quickly because of political or other changes.

Fourth, aren't you accusing urban superintendents -- of whom I was one for a long time -- of incompetence? No. I know that many urban superintendents are just as competent and certainly more dedicated and harder working than their suburban counterparts. Some perhaps may not be. It is mostly the environment which needs changing, not always the people. An urban superintendent in the past -- and as I said, I was one for many years -- could do just so much, could fight on just so many fronts.

Finally, as an urban superintendent for 17 years, I suppose I am part of the cause of this proposed legislation, but we all are, all of us, the citizens of New Jersey. This legislation should not be perceived as being aimed at me, an administrator, or at particular boards of education. It must be understood that it is one more step, an extraordinary, but not a radical step, toward equity for all children. This is one more step toward providing the same opportunities for all children which we would want for our very own.

Thank you, ladies and gentlemen.

ASSEMBLYMAN PALAIA: Thank you, Dr. Ross. Is there anyone on the panel who wishes to be heard? (negative response) Thank you, Dr. Ross.

Our next speaker will be Jim Murphy, Superintendent of the Bayonne School District.

J A M E S H. M U R P H Y: Senator Feldman, members of the Assembly and Senate Education Committees: I have been the Superintendent of Bayonne since 1978; in fact, I was born in Bayonne. I wish to thank you for the opportunity to voice my opinion concerning the proposed establishment and governance of State-operated school districts.

The legislation under consideration here today is drastic, bold, and necessary, in my opinion. It is designed to be an absolute last resort if a school district does not improve its operation over a period of several years. I hope the State will never have to use this legislation to gain compliance.

However, the last resort option of a takeover must be enacted to establish the concept that inaction or inability to act by local officials will not be tolerated indefinitely. The legislation will cause a substantial majority of the troubled school districts to redouble their efforts to meet the current requirements of law. The State Department of Education will be forced to demonstrate that it is providing maximum assistance to the troubled districts at every step of the monitoring process. Mayors, school board members, superintendents, and professional staff will realize that "business as usual" will result in drastic State action. All factions will have to work together to devise strategies for success. It will be in everyone's interest to cooperate. Divisiveness should diminish.

As an urban superintendent, I realize that this legislation will not solve many of the complex problems which plague our urban school districts. However, it will provide a comprehensive plan with reasonable timelines and adequate due process to assist the most troubled districts to achieve substantial progress.

I believe the State Department of Education will exercise every available option to avoid a State takeover of any school district. Why would the State want to run a school

district with evident massive problems? The legislation proposed will simply provide a management plan to implement if a school district is in paralysis. It will not address all of the complex problems in the identified district, but it will assure that new management, sound business practices, adherence to State law and regulations, and community participation have the opportunity to function and make a difference.

In the course of these hearings, you will listen to speakers who will counsel a more cautious approach to attaining the desired compliance. They will cite several perceived impediments or negative aspects of the legislation. I have considered these arguments and respectfully must disagree with colleagues who counsel compromise, consensus, and extended timelines. The issues of tenure, due process, and local control are serious concerns, but pale in importance when the alternative is the continuance of a poor education for the children.

After 10 years of State monitoring, a proposed new timetable stretching into 1989, and extensive technical assistance from the State, I believe it is fair to say that the time has run out, unless the identified school district has shown substantial progress toward becoming a certificated school district.

The strength of this legislation is that it is not based upon compromise or consensus. It provides a drastic last option if a school district is unable or unwilling to follow the law. I urge extreme caution during the legislative process to assure that the legislation is not diluted. Please remember that half measures and partial State takeovers have failed in the past. Give the State Department of Education the necessary authority.

Currently, all urban districts suffer from the statewide perception that fiscal mismanagement, political interference, and the ignoring of laws and regulations are a

way of life. It is very difficult to marshal additional resources from the Legislature, the Governor, and the taxpayer, when it is perceived that existing resources are being wasted or misused.

The legislation will not provide additional funding to solve acute and complex urban problems. However, some identified school district deficiencies do not require additional funding. Proper fiscal management, certificated and qualified personnel, compliance with State law and regulation, and aggressive and sound curriculum development are possible without new funding if the superintendent of schools, the board of education, and elected officials in a community work together.

If troubled school districts can straighten out their management and board policy problems, I believe the Legislature and taxpayer will be more willing to provide the additional funding legitimately and desperately needed for facilities and specialized programs for "high risk" students who dominate our urban cities.

I believe we must face the reality that a few districts might be unable to improve their operations without outside intervention. I have seen school superintendents become physically ill trying to effect positive change. School boards with constructive plans have been subverted by political decisions not in the best interest of children. The divisiveness can overwhelm the normal system of governance in communities.

In recent years, New Jersey has enacted a series of educational initiatives and reforms to improve the quality of education in every school district. A great deal of progress has been made. Now we must face squarely the problem of long-term noncompliance in a few school districts. The proposed legislation before you is a necessary instrument to enable the State to act decisively in the tragic event that

compliance to the law cannot be achieved in the normal manner.

Failure to act favorably on this legislation would send the wrong message to the educational community and the public. Inaction will undercut the reforms and higher standards in place. In the very small number of deficient school districts, it will be "paralysis as usual."

I urge you to support the legislation which will assist the State Department of Education in carrying out its responsibilities.

Thank you very much for hearing me today. I believe you have copies of my presentation.

SENATOR FELDMAN: Thank you very much, Jim. Are there any questions from the panel? (negative response) In not, we will call upon Reverend Russell White of Orange.

R E V E R E N D R U S S E L L W H I T E: Good morning.

SENATOR FELDMAN: Good morning.

REVEREND WHITE: My name is Reverend White, Pastor of the Bethel Baptist Church of Orange, New Jersey. I formerly worked with the East Orange school system and saw the negative end of education. One day when I found some young people outside cutting class, I asked those young people what they were going to do with their lives. I looked around and I saw that there were many, many areas that were deficient. So, today we wish to thank you for inviting us to participate in this discussion that is crucial to the children of the State of New Jersey, and specifically to the districts that are having difficulty achieving thorough and efficient education in regard to multi-faceted skilled persons in the urban districts.

There was a motion picture that came out not too long ago called, "The Good, the Bad, and the Ugly." I would like to start with the ugly and work toward the good. I also have an opportunity today to present to you an alternative whereby we can begin to reach those young people who are not college-bound students. We have been focusing on the college-bound student

so much, that we have forgotten about those other young people who are falling through the cracks. And I think we have something which can help in this area.

The Ugly: The urban centers support quite a few of the suburban communities. Moneys are bled out of those communities and nothing is put back in. Secondly, we have a situation where in one school you have one nurse for 1200 students. Students have all kinds of health problems, and dental problems. Then we have-- As I say to my young people, there are only three things in the street: the jail, the hospital, and the cemetery. I hear people complain about a 35% dropout rate. Fine. Where do those students go? A 35% dropout rate from a high school, and a 25% increase in the jails and the youth houses. We know where some of them are going. For those who are locked up for any length of time, that is \$20,000 per year, per copy.

Then we have the cemetery. I buried seven young people this year who died from crack alone. To work with those families is the most traumatic experience that a pastor can have. Drugs, prostitution -- teen-age prostitution -- the tracking of students, the stunting of their growth before they even get a chance to get started; car-ring thieves, murder, muggings, rape, lead poisoning -- leading to the problem with the EMR students; mental maiming, social maiming, economic maiming, and physical maiming.

Then we have the subtle advertising right on the pathway. As the young people go to school, "My favorite drink is Smirnoff," subtle, subliminal advertising all over the billboards right within eyesight and earshot of the students who are attempting to get a positive image, and also an education.

Then there is that in-between area between the ugly and the bad. That is the area of the administrators who are too far removed from the students and staff. Every

administrator should be required to teach in the classroom at least once per week. Sometimes we forget what it is like to be out in the trenches, to have to deal with some of the students. The students we have coming into the schools today are a whole lot different from the students I associated with when I was in Bloomfield High School, prior to graduation. Guidance counselors need to spend more time among the students, instead of being overloaded and chained to a desk every day. They must get out into the world of work to ascertain the availability of jobs and so forth. I think with the State coming into a school district to assist in the workload-- It is almost to the point where teachers almost need a secretary. They spend a great deal of time with administrative work and disciplining, and they don't have enough time to teach.

The Bad: The curse of our system, as a layman, as I look at it, is the system of tenure. It would be nice if we could just take our English and our math teachers, tenure them, and everyone else have their contracts signed from year to year, so that there would be accountability.

I said to a superintendent, a very, very prominent superintendent, a well-known superintendent-- He said, "How can I get a handle on the problems in the urban center?" And I said to him, "Superintendent, you go to work every day as though it is going to be your last. You have the courage to bite the bullet. You come down on those county superintendents. They, in turn, will come down on the local superintendents, who will come down on administrators, who, in turn, will come down on the principals, and the principals will come down on the teachers, and it will bleed right down into the classrooms. And if you are fired, at least they will know you had been there." It is going to take that kind of courage, that kind of stamina, that kind of intestinal, mental, and moral fortitude for a person to do the job effectively, in order to deal with the problems we have in the urban centers.

There are many people who do not deserve tenure and who are responsible for the defeat of our youth and the stunting of young minds. Social promotion -- one, three, and five. Many times we lose these youngsters by the third grade, and by the time they reach high school, they are completely lost. If we use the Bell Curve -- which I will ask Ms. Murphy about, who sits with me, and who is a very fine teacher; we have four master teachers in our program -- working with some of the same students who are lost from our local system-- Some of them are now flying 747 aircraft, or flying 727 aircraft, or are corporate pilots, and we did it with little or no money, and no budget. We called the State; we talked to the State; we talked to the local boards; we talked to the local city; and we have not been able to get the kind of funding and help we need in order to pick up the slack of those kids who are dropping out. People say they can't do anything with them. They come to us with Ds and Es. We go to work with them and they score an 1180 SAT, and we send them on to the Air Force Academy.

One individual, plus a staff of four people, can do it, and yet boards of education have accounts all over the place. Every county owns an airport; not one board of education owns an aircraft. We are a State surrounded with water, which is free. Yet, not one board has talked about skill and economic developmental prevention programing, utilizing the facilities we have at hand. Recycling surplus materials-- We could talk to Governor Kean, and say, "Look, let us have one of those patrol boats that the Coast Guard uses, one that is obsolete. Give it to a board of education, and put together a marine navigation program to prepare these young people to go to the Naval Academy or the Coast Guard, or the Merchant Marine. Let them become captains, then come back, and then go to Exxon, Texaco, etc." These are things that are very important.

Solutions to the program--

SENATOR FELDMAN: I hope with the solutions you discuss the matter before us.

REVEREND WHITE: Yes.

SENATOR FELDMAN: All right, go ahead, whether you are for or against, and the reasons why.

REVEREND WHITE: We are for it, and I think we have an alternative program to present to you today, such as skill and economic developmental programing. Many of these school systems have problems, not because of just an unconcern, not because of the lack of money, but I also think we need some imagination; we need to work with new ideas. I think we need to come into the community. I think if a person is incompetent-- It is the only institution I know of where you can be incompetent and be promoted for it -- the area of education.

I think, also, that we can do a better job, and that we can provide something for our young people who are being neglected.

Right now I would like to ask Ms. Murphy to address this question in regard to alternative education. Ms. Murphy?

SENATOR FELDMAN: Ms. Murphy, you understand that this is a hearing on particular bills, and naturally we want public input. So, would you address the merits or the demerits of the bills, and whether you feel there should be amendments to the bills? We want to hear from you on that particular subject.

I enjoyed this great sermon, that I did, but let's get on the bills.

J E A N M U R P H Y: He's terrific. Okay, thank you very much. I am a teacher, and I have been for 17 years, in East Orange. I have read the bill thoroughly, at this point, in various forms. My one concern is, yes, if a school district is in need, then someone needs to take over and deal with it.

I deal with the children. I deal with them every single day and, yes, they have problems. They have serious

problems that the district, for whatever reasons, is unable or unqualified or does not have the means to deal with, although they try.

My one concern from what I have heard so far, is the fact that although we are asking for special committees to come in to observe, people who are specialists in urban education, and we want parents to come in, we also need to have teachers come in who are part of the system already, and who are working with the children. The whole idea of this bill is to help the children who are in deficit, to build them so that they can function, no matter what. Whether it is something similar to what Reverend White is talking about or something else makes no difference, as long as it is another facet to open more doors to the children who are not succeeding and who are being lost.

Thank you, gentlemen.

SENATOR FELDMAN: Thank you very much. Any questions to Ms. Murphy or to Reverend White? (negative response) We thank you very much for coming in.

SENATOR DUMONT: Mr. Chairman?

SENATOR FELDMAN: Yes.

SENATOR DUMONT: Reverend White?

REVEREND WHITE: Yes, sir.

SENATOR DUMONT: I gather from one of the statements you made that a superintendent has to bear down on everyone and take his chances. Are you aware of the fact that New Jersey law -- that New Jersey is one of only about three states in the nation that provides tenure for superintendents and principals?

REVEREND WHITE: Yes, sir, I am aware of that.

SENATOR DUMONT: And also, there has been legislation in that several of us have introduced, as far back as 1978, to put them on--

REVEREND WHITE: That's right.

SENATOR DUMONT: (continuing) --long-term contracts, three years to five years, rather than grant them tenure.

REVEREND WHITE: Yes, and we come from a community where we, at one time, were paying five superintendents at one time.

SENATOR DUMONT: Thank you.

REVEREND WHITE: I won't mention the community.

SENATOR FELDMAN: Mr. Glenn Tecker?

G L E N N H. T E C K E R: Thank you, sir. I appreciate the opportunity to be with you and accept your invitation, and I particularly appreciate your staying into the lunch hour to, in fact, hear the views of citizens who have accepted your invitation to speak before the Joint Committee.

I promise you a perspective on this issue that is markedly different from the perspectives you have heard, and I promise to discuss with you both the consequences of the failure to enact this legislation, and some of the experiences we have had in other school districts in other states across the United States, which have faced precisely the same issue.

SENATOR FELDMAN: Excuse me. Mr. Tecker, are you a consultant to school districts, a consultant on education?

MR. TECKER: Yes, I am, and I will explain.

SENATOR FELDMAN: Oh, good; okay.

MR. TECKER: My name is Glenn Tecker. I am Chief Executive Officer of an international consulting practice headquartered in New Jersey. Our clients include organizations in the private, nonprofit, and public sectors in 48 states, Europe, Canada, Asia, and Central America. I have served as an adviser to the National School Boards Association, the Association of School Business Officials, Educational Testing Service, State education agencies, and hundreds of school districts across the nation, including the Chicago, Illinois, Erie, Pennsylvania, Raleigh, North Carolina, Trenton, New Jersey, and Shreveport, Louisiana schools. I share that information with you only so that you can decide whether or not to pay any attention at all to what I suggest to you today.

I am also the author of a text on School Staff Evaluation and Performance Incentives published by the National School Boards Association.

But that is not why I am here. I am here because I am a white, suburban New Jersey resident with no children in the public schools and a hard-earned income, who is firmly convinced that this legislation is essential because the consequences of a failure to enact it are intolerable.

One of my most recent clients is the New Jersey Assembly's Task Force on the Twenty-First Century. A few days ago, I joined Assemblymen Haytaian and Doyle and the other members at their initial meeting. My job was to advise them of the major strategic issues I saw confronting the State of New Jersey in the next 14 years -- the beginning of the 21st century. One of the top priorities I identified was the continuing impoverishment of our cities, both their residents and their municipal governments. I forecast that if the cycle of poverty was not broken within the next 10 years, our cities, then our cities' school systems, would be bankrupt; and subsequently our suburban and rural communities would face substantial fiscal and social burdens. I also noted that the only strategy that has ever successfully broken the cycle of poverty is education. That strategy cannot work when the responsible school systems continue to fail even after increased technical and financial assistance has been provided.

Passing percentages of 50% or lower on graduation tests in such districts, when most districts achieve passing percentages in the 80% and 90%, are unacceptable and not inevitable.

What research and experience has shown about effective schools is not happening in failing districts. People in entrenched power structures have insulated the system against change to protect their own status.

A failure to intervene on behalf of a future generation of adults who are currently public school students, will have disastrous impacts.

To the student in a failing school system, the consequences of a failure to enact this legislation will be condemnation to joblessness, welfare dependency, drug and alcohol abuse, poor health, crime, and child abuse.

To the community in which this student lives, the consequences of a failure to enact this legislation will be the fiscal and social burdens of unemployment, uncompetitive tax rates, and an illiterate labor pool that repels businesses, fear for personal safety, crumbling properties, and a disintegrating infrastructure of roads, sewers, and public buildings.

To the taxpayers in the surrounding communities, the consequences of a failure to enact this legislation will be 10 times the cost of providing a sound education. New Jersey's taxpayers can expect continued escalation in the costs of welfare programs that breed dependency, prisons that hold criminals, and public health care for the uneducated who have not cared for themselves or for their children. Middle- and upper-class residents can expect the loss of a sense of personal safety and an abrupt end to the advantages of a growing State economy fueled by the current attractiveness of our State's condition. Ladies and gentlemen, these are not exaggerations; they are reasonable projections of a future that is no more than eight years away, and I hesitate to have to remind you that under the procedures in this legislation, intervention is probably seven to ten years away.

There are four choices: First, to leave the current situation untouched. This alternative is clearly unacceptable for the reasons I have suggested. In fact, it is reasonable to assume that if the Legislature does not empower the Executive Branch to intervene now, the courts will later be forced to order a less desirable solution.

Second, to implement a voucher system. Students in such districts could then choose to go to school somewhere else. Unfortunately, the difficulties of transportation, proper choice by doped-up parents, and the impact on the successful programs of the receiving districts render this alternative less than satisfactory.

Third, to dissolve districts that fail to meet the State constitutional mandate to provide a thorough and efficient education. Perhaps a court order would divide failing districts into parcels and assign students, buildings, and a prorated proportion of the tax base to each nearby more effective district. Members of the two Committees, other places have experienced similar approaches for the purposes of achieving desegregation. These imposed solutions have required consolidation of urban and suburban districts, while I am referring to dissolving the urban district and reassigning facilities, students, and finances to surrounding districts. In either case, we know from experience that it takes a decade to return to normal after such solutions are imposed. And I suggest to you that it is really a potential solution for a court — with information from the experience of other places — to impose.

Fourth, to enact this legislation. Given the political, social, and fiscal consequences of the previous alternatives, in my judgment, a State takeover is a reasoned, positive, and conservative approach. Removing the politics and patronage of failing school bureaucracies removes the primary obstacles to making tough decisions and focusing resources and human talent on problems that can be solved. We know they can be solved because they are being solved in other places.

You and your colleagues will probably be faced with extraordinary political pressure from a variety of politicians desperately seeking to maintain the status quo for their own short-term gain at the expense of the future of our State's

social and economic health. Pleased to be left alone and given more money are the best arguments I have heard for this legislation all day.

Ladies and gentlemen, the heat may get very hot, but that heat is inconsequential compared to the heat that will occur when the consequences of a failure to enact this legislation ultimately create a series of lose-lose choices for New Jersey's elected officials and the citizens they represent.

When I met with the Assembly's Task Force on the Twenty-First Century, I observed that New Jersey's taxpayers have demonstrated a willingness to pay for programs that work, and an unwillingness to pay for programs that keep failing. Our State's citizens do invest in programs that empower others to become self-sufficient, but they do not support programs that create dependency.

Ladies and gentlemen, this legislation meets both tests. I urge you to resist political pressures to ignore, defeat, or dismember it. Instead, push for its enactment with all the influence you can muster. Strategically, there will be few decisions that ever confront you with more long-term significance to the welfare of the State you have agreed to serve.

Thank you for your time and for your attention.

SENATOR FELDMAN: Very moving testimony. Yes, Gerard Naples.

ASSEMBLYMAN NAPLES: Could we have copies, please?

ASSEMBLYMAN PALAIA: Your natural, great self, Glenn, as usual-- I have one question to ask of you, and you might have answered it already while I was back there taking a soda break with some of my colleagues. Do you think this legislation in any way, arbitrarily and capriciously -- I use those words for a reason -- abridges or abrogates due process?

MR. TECKER: No, sir. I do not. In fact, my primary concern is this legislation may, in fact, engender what I refer

to as "undue process" — that it simply takes too long. I would suggest, you need to remember that for each year in which intervention does not occur, there is a class of students who are left unassisted. That means if, in fact -- as I read the timetable -- it takes 7 to 10 years for an intervention to occur— That means that there will be 10 generations of students who will enter a labor force, enter a society, enter a higher education system totally unprepared, because we've failed to meet our promises to them.

ASSEMBLYMAN PALAIA: Thank you Glenn. Is there anyone else here? Assemblywoman Garvin.

ASSEMBLYWOMAN GARVIN: Mr. Tecker, I just wanted to clear one point. I'm glad you're not on this side of the table, because one of the things we are known for is the fact that legislation is introduced and it is amended. No legislation is written in cement. That is why we have the public hearings -- to hear from people. And I would hope that when the amendments are discussed by the Committee, that you will support those amendments enthusiastically, because we too care about the children.

MR. TECKER: Thank you, I appreciate that position, Assemblywoman Garvin. I might indicate my judgment that this legislation, as it is currently authored, is conceptually sound. It is possible to polish and it is possible to tinker depending upon whether you agree with the amendment -- in which case you are polishing -- or disagree with the amendment -- in which case you are tinkering. In either case, my judgment is, the basic thrust of the legislation is precisely what is needed at this point in time, if we are to avoid what I believe the ultimate consequence of the failure to enact the legislation will be.

ASSEMBLYMAN NAPLES: Will either legislator interfere depending upon the point of view?

MR. TECKER: Yeah. Someone once explained to me, what makes the difference between a position that is astute or not,

is whether the hearer of the position agrees with the content.

ASSEMBLYMAN NAPLES: You're exactly right.

ASSEMBLYMAN PALAIA: Thank you, Mr. Tecker. Anyone else? Our next speaker. By the way, we are going right through-- We are not stopping for any breaks of any kind. I only say that for those people who may want to get up and walk or do what you have to do, but we are going right through, because of the massive list of speakers we have today.

Next speaker is Mr. Thomas Puryear of East Orange.

Tom?

T H O M A S P U R Y E A R: Good afternoon Senators and Assemblypersons. Although I belong to statewide associations and organizations, my presence this morning before this joint Legislative body is as a parent-- A parent who is not only very concerned about the future of his children specifically, but the educational well-being of all children generally. A parent who has demonstrated a willingness to participate in the the educational activities of his community, and who recognized a role of a quality education in the social upliftment of communities.

If I'm fortunate, I will witness the advent of the 21st century, yet my three children shall live in the 21st century. The quality of their lives will be determined by the quality of the education they have been exposed to. The 21st century will be a technologically advanced society, with one-third of the population being non-white. If something is not done to correct the educational ills of our society, the pluralistic society some have dreamed of and died for, will not be achieved.

As most Americans, my wife and I hope that our offspring will scale to greater heights than we have obtained. As parents we recognize our responsibilities in their social development and have demonstrated a willingness to encourage,

nurture, and love our three children. If we parents perform our responsibilities, then the State must uphold its responsibility to provide our children with a thorough and efficient system of free public schooling.

Sprinkled throughout New Jersey are school districts which are not providing a thorough and efficient educational program. To date, the state has done little to remedy the problems of those school districts. It is my sincere hope that with the implementation of the State Intervention Plan, all children will be able to pursue the American dream, be they rich or poor, African-American or white.

Some brief history: Our State Constitution was readopted in 1947 and became effective in January of the following year. Those constitutional fathers decreed that the Legislature was responsible for providing all children between the ages of 5 and 18, a thorough and efficient system of free public schooling. In 1975, "The Public School Education Act" was proposed, adopted, and signed into law.

It is important to note that this act was established after our New Jersey Supreme Court upheld the constitutionality of "Robinson vs. Cahill," a court decision that demonstrated that the Legislature had the responsibility to adequately fund school districts, especially those districts whose financial limitations denied the residents of that community a thorough and efficient education. For those who might not remember, the Supreme Court, during that summer, ordered closed the entire State bureaucracy until an adequate funding was developed.

The Educational Act of 1975, especially 18A: 7A-7, empowered the Legislature to demand that local school districts develop an improvement plan whenever a district's achievement goals were below State standards. Secondly, 18A:7A-14, 15, and 16 provided the Legislature a method of mandating corrective actions, should a district's plan be ineffective.

Assemblyman Joseph Palaia, you have been reported as

indicating, and I quote: "There is some question whether the Commissioner can enforce the Educational Act of 1975 by moving in to control the school which fails to meet the requirements." Assemblyperson Frank Gargiulo, you too, have been quoted as doubting whether, and I quote: "The State Board has sufficient power to enforce the thorough and efficient education law of 1975." To both assemblypersons, although I'm not an attorney, I respectfully disagree with your perspectives. The State Department of Education used these statutes when it was informed of the financial irregularities with the community of East Orange.

Perhaps a short review of the events which occurred within East Orange would be helpful. Raymond Goode and myself forwarded to the Commissioner of Education documents and information which clearly showed that fiscal mismanagement was occurring within our school district. After a review of our information, followed by a full audit of our district's fiscal activities, the Commissioner discovered a multi-million dollar deficit. In order to assist our community, the Commissioner sought and secured a show cause order seeking immediate intervention within the fiscal and personnel activities of our school district. The Commissioner then appointed a fiscal monitor to oversee our school district.

What the Commissioner currently lacks in statutes is the ability to remove board of education members who have not acted in the best interest of their communities; that is, until they have been convicted of a crime. The above review of the statutes clearly illustrates that the Commissioner already has the legal powers to act. Too often, my problem is that the Commissioner chooses not to act. I remember very clearly when the Commissioner and Chancellor of Education paid a surprise visit to Central High School in Newark. Both individuals were appalled at what they witnessed, but the Commissioner chose not to directly assist the children of Central High School until these bills were presented.

I can express qualified support for these bills. As was mentioned earlier, I'm the parent of three school age children: 14, 11, and 6. The two oldest children attend parochial schools -- my wife is Presbyterian and I am of the Baptist faith. Throughout New Jersey, there are parents who have their children enrolled in nonpublic schools because they have little or no faith in the current educational opportunities which exists in too many of our urban schools. In order to illustrate for this joint body the reasons why struggling parents would and will make sacrifices in order to appropriately provide a quality education for their children is perhaps, clearly needed.

As a result of the Educational Act of 1975, a statewide measurement test was created. 1985 was the last year that ninth grade students would be required to pass the Minimum Basic Skills Test. In my hometown of East Orange, the 1985 MBS results were the following: In reading, 72% of the students passed out of 883 tested; in math, 69% of the students passed out of 886 being tested.

I must add that this district achievement performance was below State standards, and must be remediated in order for the East Orange schools to be certified by the State. All students entering the 9th grade for the first time this year are now required to be administered a new, more demanding statewide test. In June of this year, the initial H.S.P.T. results for my community were reported as the following: In reading, 51% of the students passed; in math, 23% of the students passed; and in writing, 43% of the students passed.

In essence, in East Orange our percentage of ninth grade students passing the now more difficult test decreased. The educational trauma is heightened, when you realize that the Commissioner of Education, because of such positive statewide achievement results, is contemplating mandating that school districts throughout our State be given an 11th grade

proficiency test, rather than the current 9th grade test. If the Commissioner of Education is successful, in East Orange larger numbers of students will not be achieving State standards.

Some school districts such as mine, do not give residents much to be optimistic about. At a recent East Orange Board of Education meeting, the superintendent of schools presented long-time goals, obtainable in the year 1989 of achievement levels that the State requested that we obtain in 1984, providing, of course, the student has attended our school system for three consecutive years. Perhaps, it might be understood now why some parents chose to struggle with private tuitions, rather than continue to place their children in our public schools.

Additional test data is even more revealing. From 1983 through 1986, the East Orange school district's third grade achievement, as measured by the California Achievement Test, revealed the following -- and this is in percent of students exceeding State described standards: In 1983, 78%; in 1984, 80%; in 1985, 76%; and the 1986 data will be presented this evening.

From 1983 through 1986, the school district for sixth grade as reported by the California Achievement Test revealed as far as the percentage is: 55% in 1983; 61% in 1984; and 58% in 1985.

Clearly this district data illustrates that the achievement rate within our East Orange community is declining. It is important to note that for the past two years, East Orange has been a participant in the Operational School Renewal program, a program designed to improve urban schools in four areas with the objectives obtainable in June of 1987. Those goals are the following: To improve student achievement performances to State standards in the areas of reading, math, and writing; to improve student attendance to

92%; to reduce youth unemployment through vocational education; and to reduce disruptive behavior within the schools by 40%.

It is my sincere hope that the OSR Program has a positive educational impact on the East Orange School District. The Department of Education has promised to release data on the three OSR sites within weeks. What the impact data will reveal is unknown to me. With only one year remaining and with the program not fully operable, at least in East Orange, I am not optimistic on lasting achievement performances for the East Orange school district.

My support for these bills is predicated upon the belief that too many school districts have not, cannot, and will not achieve their educational mission without State support, leadership, and direct intervention.

I choose to lend my support to the enactment of these proposed bills because I believe that without adoption, too many lives will be lost. For if the State of New Jersey does not aid in the education of the State, New Jersey will pay the cost in incarcerations, increased crime, and loss of societal productivity.

I lend my support of these proposed bills with the hope that an amendment be added and a suggestion considered. The amendment would be as follows: I propose that the activities and the specific functions of the 15 member community board be more clearly defined and expanded to give the local community input in the path of their community. I propose that, should 10 of the 15 member body choose to disagree with the State appointed superintendent of schools on a given educational issue, that the issue or question would be arbitrated by the State Board of Education.

The proposed amendment which I have offered, would be in the spirit of or as defined in the Educational Act of 1975, 18A: 7A-5, which calls for local input into the educational decisions and proposed directions of its educational community.

It is my sincere belief that the education revitalization of a given school district should be collaborative rather than dictatorial. My suggestions would be as follows: although "Robinson vs. Cahill" resolved the issue of responsibility, the issue of finance was not clearly defined. Presently, "Abbott vs. Burke" appears to have focused on this question. The Department of Education is opposing the litigants. If the financial gap between some of our cities is increasing rather than narrowing as was intended by "Robinson vs. Cahill," then the Legislature must recognize this grave concern.

The proposed legislation, perhaps more clearly defines the role of the State in public education. A task which includes the adequate and equal funding of public school districts, equal that is, in the ability of a given community to provide a thorough and efficient education. I, therefore, propose that should these bills be enacted, the State would allocate additional State funds to directly assist those cities, where the cities' abilities to provide the required and necessary funds are severely limited.

Perhaps, the following information will be a helpful illustration. The 1984 census report shows that in Essex County, where I reside, the per capita income for residents of East Orange, Irvington, Newark, and Orange was the following: \$8,029.00, \$8,900.00, \$5,890.00, and \$9,100.00, respectively. The county mean was \$10,200.00. The ability of these four cities to provide the required and needed funds for thorough and efficient education is hampered by the cities' ability to generate adequate funds without adequate resources.

My second concern exists because it is the Commissioner of Education's office who must implement the enacted legislation. The Commissioner admits to having little insight into the educational nuances that uniquely exist in urban communities. This concern of mine mushrooms because the

Commissioner does not have among his assistant commissioners any educators who have urban administrative or curriculum experience. It is only at the county level that the Commissioner has any educators who have expertise to provide his office with direct assistance; in Essex County, Dr. Elena Scambio and in Mercer County, Mrs. Greta Shepard. Of the two ladies, Mrs. Shepard is the only State bureaucrat who has had demonstrated leadership in remediating urban educational achievement.

Who then, would the Commissioner turn to for assistance to implement this bold attempt to accomplish what local school districts have not succeeded in for decades? It becomes a real concern for me.

The Commissioner will be appointing state superintendents in mostly urban cities. The Commissioner will be replacing primarily minority administrators and educators. If the Commissioner's employment of ranking minority bureaucrats is limited, what then do we have to anticipate, when the Commissioner appoints state superintendents? If the Commissioner is not sensitive to the communities he will be assisting, the plan will fail. If the Commissioner appoints white bureaucrats to administer to Hispanic and African-American students and communities, then the State will not achieve its goal and the youth of New Jersey will continue to lose.

Lastly, whenever intervention is mentioned, someone invariably mentions home rule, the concept that local communities should be able to administer their own educational system without State control. This privilege is given to our local communities by the State, and should be withdrawn whenever school districts become ineffective. It is not pleasing for me to know that some municipalities, which have been under minority control or influence, are producing less educational achievement since being under minority rule. Some

of the municipalities which might be a target of the proposed legislation have had the opportunity to provide for the youth of their specific communities quality education and chose to do less than their majority predecessors ever contemplated. Each year, our youths' educational dreams are deferred -- created dreams deferred, waiting to explode.

I thank you for the opportunity to speak before you this afternoon.

ASSEMBLYMAN PALAIA: Thank you, Tom. Is there anyone who cares to be heard? Thank you very much for your testimony. Our next speaker is Carol Graves from the Newark Teacher's Union. Carol?

C A R O L G R A V E S: My name is Carol Graves and I'm president of the Newark Teacher's Union, Local 481, the American Federation of Teachers, AFL-CIO. In addition to that, I am a resident, a lifelong resident, homeowner, and taxpayer in the city of Newark. I have passed out a packet of materials, which is deliberately concise, as will be my remarks. I also would like to thank the Committee members for giving us this graphic exercise in democracy by allowing us to come here and present our views to assist you in the legislative process.

I also would like to give a little bit more insight into the personality of the City of Newark, and I'm speaking about Newark because that's what I know. I don't know what goes on in other districts. Therefore, I must conclude that most people, other than what they read in the newspapers, or other than what someone tells them, probably knows as much as I do about their district as they do about Newark.

I'm emphasizing that for a reason. One of the things, in addition to having gone through the public with five brothers and sisters, seeing the second generation go through the Newark public schools, and also now, being part of a family that has a third generation in public schools, I can say as an authority to you the kinds of change which have occurred in the

district -- not only in the style of the leadership of the town, the color of the leadership of the town, or the quality, quote: "of the students in the town," but some very significant domestic, economic kinds of changes.

I also would like to express to the Committee as my job, I do represent the Newark Teacher's Union, but I wear a lot of other hats. I participate in a lot of other things which uphold the life of the community in which I live. Because in many instances, while not spoken here, there are sometimes articles or individuals who seem particularly perturbed by relationships in the district. For instance, I have known the superintendent since we were 14. I went to college with him. So, one could conclude that there is a reasonable feeling of friendship, though he is the superintendent. That should not create a problem for anyone. That holds the same for many of the Board of Education members of Newark.

I also want to preface my formal remarks by, not only thanking you as I did originally, but I want to raise a serious problem which I have with the Committee here. I hope there is sensitivity amount the members to acquiesce to a comment which I have to make.

There are four places where hearings will be held around the State. This is a very serious issue which is being discussed. It is one which is fraught with controversy which will escalate rather than de-escalate. It is also one that requires the participation of, certainly, many of the people that have the potential of being impacted by the passage of this legislation.

I call to your attention, whether it was an oversight -- I have to conclude this, since I cannot see in anyone's minds or heart -- that there is not one hearing scheduled for Essex County, let alone, Newark. I find that rather insulting. I also find it curiously strange.

There are at least three districts in Essex County, Newark included, that potentially would fall victim to this legislation. And not to afford the residents taxpayers of those communities access that is easy to come by, is an insult to the people who are in that community. I would hope that in your deliberations you would consider these remarks and rectify them in the spirit in which they have been given.

One other thing on that; the time itself; the timing of it, itself. One could hardly say that the populace at 10:00 or 1:30 in the afternoon, really has the wherewithal to come and make their voices heard.

The Newark Teachers Local 481 of the American Federation of Teachers, AFL-CIO, is vigorously opposed to Assembly Bills A-2926, A-2927, Senate Bills 2355, and 2356. We consider this legislation as presently drafted to be regressive, punitive, and redundant. It's regressive because the main argument of its proponents is that state rights takes precedence over home rules. That scares me. State rights to me is a cold word, which translate into separate but equal. Some people have pooh-poohed that notion. I take it seriously when you raise these issues in legislation.

A scam three years ago, Newark voters, through initiative and referendum -- by the way, through initiative referendum which the Administration -- which is one of the flagship legislative efforts of the Administration -- the present Administration-- The voters of Newark, through that same process, decided to have an elected board. That process was completed in April of this year. So in actuality, the elected board has not really had the opportunity to iron out the wrinkles to function as a team moving forward. But that's part of democracy. Dissent is part of democracy, let anyone not understand that. Dissent is a part of the democratic process and it's a price we pay for.

Though that board has not even been in place, we have legislation now before you, and we ask if there is a need for a State operated school district at this juncture, why wasn't it five years ago? This is a rhetorical question.

I also have one which raises this legislation -- and by the way, I do not consider this an educational piece of legislation. I have a colleague who will follow me and address himself to those remarks -- I consider it a political piece of legislation. That may seem like doublespeak, because legislation is politics, which we all know. But what I mean is the content and the intent is political and not educational, in my assessment.

One who is in the educational field knows that right now -- not at this particular moment, but in a few short weeks, certainly -- that Abbott vs. Burke, the suit challenging the formula funding, will be heard after, I must say, a rather interesting run-around in the courts and then bounced back to an administrative law judge. I don't know what the decision will be in that, but I do feel that there's a nexus between this legislation and that case, which is to be heard.

I consider this legislation to be punitive, because it appears to blame urban districts for failing to overcome socioeconomical problems created by neglectful and insensitive Federal, governmental policies.

Previously, Mr. Campbell alluded to a number of the problems, which the district such as Newark has, that are not prevalent in other districts. That was only the tip of the iceberg. There are many more. And at no time am I, nor, I think, any speaker will come up and say, "We are supportive of doing whatever is needed to upgrade the educational process." But you can't do it by violating due process rights. You cannot do it in the guise of upgrading education by nullifying rights of the voters. The Fifth Amendment, the Fourteenth Amendment, and the Nineteenth give me and other residents

certain rights. I think that what we need to do is reflect on the fact that we may be talking about two separate kinds of bills here that have been put in one pot, and that have caused many of us to be against the entire bill in its present form.

Assemblywoman Garvin made mentioned of the fact that obviously, what comes out is rarely what is going to be voted on. Being knowledgeable of the process, I certainly hope that is the case here.

I want to conclude by a few extemporaneous remarks because certain comments were made earlier. The cost: No, no more money is going come into the district. I don't how many times the trite saying, "throwing good money at the bad--" Someone made mention of Willie Sutton, which one would think if Willie Suttons are running around in some districts, then the attorney general, the prosecutor, and other law enforcers are there to deal with that problem.

One of the penalties we also pay in this society -- particularly people who are in public positions -- is that individuals can make rather outrageous statements without being sued for libel, because that's not really what it's suppose to be about. But the fact is that they make them and the truth in the statements is not necessarily consistent. But there's a cost to this and none of us are dopey enough to sit here and think that if these minds that are going to be on hand to come into the district, and I don't see them down here in Trenton, yet-- So, there's going have to be somebody that's going to be put on somebody's payroll.

If the money comes out of the district's payroll, who's going to take their spots and what kind of payment are they going to get, corn and pumpkins? I would think dollars, like everyone else would be paid. If a bureaucrat in Trenton vacates their seat to come and administer the districts of Newark, East Orange, Irvington, Camden, or Trenton, then somebody is going to fill the void which they made. That is a

fact, unless the State Department can run without these individuals. And if they can run without them, then maybe they can run without them now.

The second thing I want to point out to you, is that there will be a bigger bureaucracy. Let's talk about this advisory board. You're going to have problems with that concept if you don't already. Newark has 325,000 people, and you can splice that up into a variety of communities, civic, religious, and other kinds of organizations.

In addition to that, it's a diverse ethnic population, which is going to present a problem with the make-up of it. I believe it's 15. I don't know how you're going to come up with 15. I've heard some interesting responses, which sounds to me like we'll elect them. And that's what it might come back down to.

The other thing which I think has been mentioned is the accountability. If these answers are there, and if the district aren't doing so poorly, the remedies are in place. A question came about the auditor general that was in Newark. There was several. That comes out of Newark's budget.

The question was also by a gentleman who is no longer there; he is probably eating lunch, but he raised a question about the amount of money which comes in from out-of-district. Someone had a very polished statement -- a really professional document here, about facts and figures, the cost of taxpayers, and the impact on the suburbs. We know all that. We also know the amount of tax land taking up by Federal buildings and State buildings in cities like Newark.

We also know, by the way, representing 5000 people, 2000 of them reside in Newark. Most of them are homeowners and pay taxes. The rest of them reside in your communities and maybe in some of your communities. So, they pay taxes too. And they have a vested interest and a democratic right to be part of this decision making. Because, somehow it has boiled

down to, if you have a vested interest, then one can understand why you would oppose it.

Now, I want to submit to you, that if you really feel that there are some districts that are just so bad, and I've even heard some of my brothers come up here and talk about how great an idea it would be-- I just want to point out current history and past history.

We know about 1954 -- the separate but equal argument. We also know that when someone really wants to make a change and they talk about finances, they're talking about power and control. They're not talking about change. Changes we, who believe that it is possible-- And I believe that you believe it's possible to make a difference in the educational system. It cannot be done this way. It cannot be done the way it's done in bulldozing towns, like South Africa. It cannot be done by totalitarian rules.

What do you call it when you throw out elected representatives and appoint a czar? I know that all of you have not used that term -- I saw it somewhere -- but that's what it is. We are going to appoint a dictator -- a dictator. Hear what you are saying. Hear what's written in that law. We are talking about a dictator. We are not talking about educational improvement.

In closing, I just want to leave this with you, because this is serious business. Someone brought up vouchers -- some previous speaker. You know, the AFT is against vouchers. They have a position-- I have a position which isn't necessarily against vouchers, but if you say that Newark can spend its money on vouchers and the children can decide where they want to go, I think the parents will come running. They'll send them to Madison, Smoke Rise, some of those nice places that none of us really know anything about, let alone know people who live there. But you're not talking about that. You're not talking about giving a thorough, efficient,

and an equal education.

So, what I would like for you to do, and there will be future hearings which I intend to appear at, is to give serious thought to the arguments which I've raised -- the cost. There will be legal challenges. You know, you throw people out of jobs, and where did that derive from? Who said that they are at fault? You are elected people. Where does it stop? I may think, or somebody may think your municipality is running very wrong. Does the Legislature pass some bill and say, "Whoops! Let's wipe them out," because it's their fault? Once these things start, there is a tendency to continue until someone says "no more."

So, I would ask and encourage to deal with the issues which I've raised: the due process, the rights of voters, fundamental constitutional rights of voters, the advisory board, and in general, the spirit and intent of this legislation, the timing of it at the same time when Abbott vs. Burke is being argued.

I'd like to thank you and I'm available for any questions or for any other remarks.

ASSEMBLYMAN PALAIA: Thank you Carol. Anyone else? Just to clarify one thing for you with the assignment of the public hearing sites, Carol. That was done, really, geographically. We tried to get way up in Paramus, up in the northern part of the State. We did it down in the southern part, in Camden. We tried to come out here today, of course, in the central part. We chose only Hudson because we felt it was close enough to Essex. Now, if we chose Essex, you better believe Hudson County would have been on our case. What I mean is, we are sorry. We didn't do it, and you were right. You said, "I know you didn't do it intentionally." It really wasn't done that way or meant that way. We just felt we were trying to get a whole complex of where we were going to give the people a better opportunity to be heard.

MS. GRAVES: I appreciate that response, but I don't know if there is anything that prevents you from having a fifth hearing.

ASSEMBLYMAN PALAIA: There isn't; there isn't. I would say, and I know I could speak for Senator Feldman, who's the Chairman of the Senate Education Committee, that after our fourth one, if we still find there are many people who still want to be heard, that there is no reason why we wouldn't be going into your area. There isn't any at all.

MS. GRAVES: I thank you.

ASSEMBLYMAN PALAIA: Anyone else care to be heard? Thank you. Our next speaker is Vincent Altieri, from the Newark Teachers Union. Did I say that right, Vince?

V I N C E N T A L T I E R E: Yes. Thank you, Assemblyman Palaia for inviting me to speak to you and the Committee this afternoon. I would like to first say that having sat since this morning and listening to some of the prior speakers to some extent, as I suppose is inevitable, I have agreed with some of the remarks made and disagreed with others.

Let me say at the outset that I strongly support many of the remarks made by Dr. Campbell, the Executive Superintendent of Schools, particularly in those areas regarding this question of peoples' rights to vote, and the question of, if the legislation gives the State Department of Education or the Commissioner the right to unilaterally change a school budget, there is a question of taxation without representation.

I furthermore concur with the remarks that Ms. Graves just made. Let me say also this. Getting down to what I came initially to say: This is the third year, roughly, of a wave of educational reform that has swept the country, and to his credit, Governor Kean has appeared and participated in several of the various commissions and conferences that have taken place. To his credit, he has demonstrated, I think, beyond any

reasonable doubt, that he is sincerely interested in doing something of real lasting value to improve the quality of education that our students in this State receive. I certainly applaud him for that and don't question his motivation.

I also have been listening to Dr. Cooperman this morning. I applaud him as well because, I believe that he is sincerely interested in doing whatever we can do to solve those problems that exist in school systems. I, however, must take issue with him and others -- venomously in some cases -- as to whether or not this legislation and this direction is the way to go to accomplish that objective.

It seems that every time there is a big problem that is brought to political leaders such as yourselves, if it's big enough, people will say "Something has to be done. We want action. We want to see that we have strong leadership." In this case, it's the kids who are at stake. I don't think anyone in their right mind would say, "No, we can't do anything," or, "No, we don't have the answers," or, "We have to wait and study it more," or whatever. Everybody says, "Yes, we have to do something and now." Fine. What is it that we do?

I would like to agree with something that Dr. Cooperman said this morning. Although I am the Treasurer of the Newark Teachers Union and also the New Jersey State Federation of Teachers, I'm not here, as he said, to make excuses, to try and cover up, to say that something is black if it's white. We have to deal with certain, very difficult, realities.

For 12 years, I was a public school teacher in the City of Newark. I taught in several different schools, and had a firsthand, not only acquaintance with, but it was my life, if you will, with day-to-day problems of some schools -- and I deliberately do not say urban schools. There is a mistake in the assumption, apparently, on the part of some people. And at least when I listened to some of the conversation this morning,

there seemed to be a presumption that some of the problems that are discussed are urban in nature.

I submit to you that there is absolutely no reason why any of that is true or be that it must be true. If we look at, for example, the problem of drug addiction among students, you can find in affluent districts this problem proportionately in a higher level in some schools.

If you talk about the problems of student dropouts, the problems of low voter turnout, one of the justifications for this bill has been that supposedly, some school districts have fallen prey to political power groups and are manipulative. If you look at the voting record of almost every district in the State of New Jersey, you will find a certain level of participation. And I think we can all agree that this level is far below what it should be. That's true not only of board elections, but I think we can agree that it's also true of municipal, State, and Presidential elections.

Nevertheless, that is the system in the process. In democracy, as you know, there are certain risks that we have to live with. So, all I'm saying is the problems which were talked about as being in urban districts can be very easily found sometimes in suburban districts. I think that everyone here would be willing to admit that yes, it's possible to have political patronage in suburban districts, but maybe we don't hear about it. Yes, it's possible to have low parent involvement in some schools in suburban district, but maybe we don't hear about that.

Let's look at the other side of the coin. What about positive achievement? I said a minute ago that I was a teacher in Newark schools. I taught in at least two radically different schools. One was -- both were high schools -- what I suppose most people would characterize as average poor -- quote, "urban district." It had a lot of problems: poor attendance, high teacher absenteeism sometimes, discipline problems, violence in the school, you name it.

The other one was the opposite side of the coin. This year, that school scored 98% accomplishment of achievement for passing the H.S.P.T. score. Both of them operated under the same board of education, the same structure, and the same laws that we have today, and yet, were radically different. Why? I can't go into it this moment, but there are many reasons.

Unfortunately, when I read one discussion of this, as if to explain the way the "good school," if you will, it seemed like nobody in that school had qualified for the National Merit Scholarship Honorable Mention. I don't know if you all are aware, but I think to get the Scholarship under that, you have to have something like a 98% score on the exam, and to get honorable mention, you must get, approximately 96% or 97%.

I must admit -- and I think I still have it in my attic, if you want to check -- I failed by 1% personally, when I was back in high school. I think I got a 96% on that test, and I failed by 1 point to make the honorable mention. I supposed that means that I am a failure. I suppose that means, if the author of that article was correct, that probably, most of the people in this room, if they did not get honorable mention, are also failures. If that is the standard that we are holding kids up to, to judge, then I say something is wrong with the standards.

And that raises another question -- my basic question. The law itself, the legislation, I should say, that was proposed and is before you and is here for discussion today, does not seem to me to deal with the real hard-core questions. I would like to salute -- and unfortunately he's not here now -- Senator Lesniak, because I believe in some of his questioning of Dr. Cooperman, he began to scratch the surface to get to some of the real issues.

In all of the discussions, practically, that I've heard this morning, other than to recite the normal litany of problems that exist that we all know about and that we all want

to do something about it, the discussion of the specific legislation has centered on the topic of power. Whether you call it political power, patronage power, money power, or whatever, it's power; not learning. The legislation, as it is currently written, does not discuss many things which I think is more noticeable for. It does not even mention the word "child" or "children." It does not discuss, in any way whatsoever, the learning process. It does not discuss the structure of school systems and how they function and how they should be or should not be changed.

It does not discuss any of the bread and butter, day-to-day, nut and bolts issues that have to be addressed and resolved if this legislation goes through. And if someone says that the State will take over District Z, then what? What do they do? Nobody knows.

Now, I submit to you-- I submitted this question once before to someone else. They said, "Well you don't understand. Legislation is written in a very general and broad sense, and has to be a little bit vague because we need the flexibility to deal with various conditions as they arise." So, I understand that perfectly well.

I submit to you that in your further, as Assemblyman Palaia mentioned this morning-- Senator, I'm sorry-- As you mentioned this morning, that you might want to discuss this further with Dr. Cooperman, and furthermore, I would make a suggestion to this joint committee, that if you get the opportunity, talk to lower-level personnel, particularly on the county and local offices the State Department, ask those people, not in, you know, public forums or in the spotlight, but when you see them in your district, or whatever, "What are they going to do if they have to go into a district?"

I submit to you that 9 out of 10 will tell you, "I don't know." No one has told them yet. And they admit they don't know what they're going to do. Now, I must make a clear

distinction here. There are a lot of problems in not only urban districts, but suburban districts too. Some of them, as was mentioned this morning, may relate to money. We could always argue over that. Some of them may relate to organizational charts and management systems and whether or not the finances of the board of education are properly conducted. If anything, I'd submit to you that those are the easiest problems to deal with. But we're going to talk about problems of a high degree, let's say, of student absenteeism, teacher absenteeism, low turnout of parents, for example, in some school PTA meetings, or low motivation on some of their part. A lot of problems that haven't been discussed at all. Does anyone, at least who supports this legislation, or who is part of the authoring process of it-- Does anyone claim to have the answers? I submit to you that if they have, they haven't said anything about it publicly yet.

Now, of course, there is an assumption here. I think it was a very clear indication of what Dr. Cooperman said this morning, that if it's absolutely necessary as a final resort to take over a district, it's only because, they are convinced that at that point, that either you have, in my words, not his, "massive incompetence or massive dereliction of duty." I submit to you that that is probably the last thing that any of you or anyone else, would dare to say if there was an equally serious problem in any other governmental agency where such a drastic reform was being proposed.

But, in this case, we're dealing with the kids, and everyone -- I suppose understandably -- has an immediate reflex action. It's the kids. We can't let nothing happen right away. So, we go ahead and we invite John Wayne and the Marines to come in and take over.

Interestingly enough, and unfortunately, this thrust -- the thrust of this legislation -- has a certain intellectual foundation. And that foundation is very simple. It's the old

theory of you get the right person at the top and they do things tough enough, hard enough, beat-everybody-over-the-head enough, one way or another, to get the job done, and if you can't survive the heat in the kitchen, you get out.

Now, I submit to you that every conference, committee, commission, and every group of people who has studied the problems of education in this country today -- every one of them has said no, that is not the way. And it's not just education; take management. Some of you may be from business backgrounds. They talk about problems in various industries and factories. What do they suggest? Not that somebody becomes the new boss and goes ahead and scare everybody to death the first day out. They know that doesn't work.

Fear in the long run does not motivate anyone. So, I suggest to you that if you want to verify this, don't take my word for it. Go into any school system where there are massive problems. Tell some of the students who are on the verge of flunking out, "If you don't shape up, you're going to flunk out!" Let's see what that gets you. Fear doesn't work.

One of the committees Governor Kean, interestingly enough, served on was the Carnegie Commission, which some of you may be familiar with. Our international union this past summer, endorsed, to a large degree -- I won't say completely -- that report and the recommendation of it as at least the direction or foundation for really straightening out public education.

In that report, and what it's really all about, is reform. If it is to work, it must happen when everyone understands that they are all part of the same boat. They must understand that they all have positive to gain other than simply worrying about fear of losing their job. And they must be motivated in a positive sense, by changes in the structure. And I agree there must be structural changes. As an individual, I agree with that. They must agree that there must

be structural changes that occur that allow them to do what we assume they would want to be doing in the first place.

If you're going to assume that everybody in a school system that is not functioning doesn't want to do the job, fine. I can't respond to that argument, except to say it's dead wrong. There's no argument to counter that or a solution to that problem, except maybe, drop a bomb.

If you want to say no, most of the people in the district would like to do what they want to do best -- would like to do what they know they should be doing, and they really need a positive helping hand, if you will -- then reform and change has to come from the bottom up. Not the John Wayne approach from the top down. Those recommendations we have asked for, for example, assistance from our international, to bring back to the Committee, perhaps at a future meeting, recommendations in that line, which we feel will result in the ultimate success of those districts where success is not where it should be today.

As an officer of an organization which is charged with defending employee rights, maybe a bit of a presumption there of self-interest-- Are we going to stonewall things that, you know, threaten people's jobs? I will simply say this as an individual, there's going to be change. There's no question about that. Hopefully, it's going to be for the better. Hopefully, we won't be sitting here five, six, or eight years from now, considering some new legislation to replace this legislation after we found out it didn't work. And hopefully, whatever that change entails, if it entails risks, yes, we are willing to take those risks.

But we have to feel that there is real positive "good" to be accomplished. We cannot, unfortunately, do so with the current proposals in this legislation.

Thank you Assemblyman Palaia. That's all I have to say at this point.

ASSEMBLYMAN PALAIA: Thank you, Mr. Altieri. Does anyone -- Gerry, Mrs. Garvin -- have any questions for Mr. Altieri? (negative response) Senator Ewing or Senator Dumont, any questions? (negative response) Thank you, sir, for your comments. Just a reminder, before we call our next speaker, that we are running quite late on our list.

I would ask that if anybody wished to be taken off the list, to be put on for our next session, you may do so. You are welcome to speak at both, of course. But, at the rate we're going-- We've been averaging over 15 or 20 minutes per speaker. I would ask that you limit your remarks and get to the point as soon as you possibly can, so we can get other speakers on.

Our next speaker is Dr. Anthony Catrambone, retired superintendent of schools and monitor general of the Trenton school district. Doctor, nice to have you with us.

D R. A N T H O N Y R. C A T R A M B O N E: Ladies and gentlemen of the Legislature, I thank you and welcome the opportunity to come here and talk with you for a few minutes this morning -- this afternoon. I have taken your admonition, sir. Let me say that I would be in full support of the legislation. He did it most eloquently, but I think Glenn Tecker said pretty much the kind of thing that I would say to you at this point.

I think, though, that since I have had some experience with intervention, having served as the monitor general in the City of Trenton for a period of about 28 months, that might provide you with some insight into some of the terms that, I gather, some of the individuals are taking exception to -- terms like bankrupt. There was another one; it just went right by me. It'll come back to me.

I think that the Trenton school district, having been given ample opportunity to correct itself, fell by the wayside when it -- rather deliberately, I believe, based on what I found out later, and I went there -- took upon itself to ignore

the very plan that it had recommended of its own accord to the Commissioner of Education for correcting its weaknesses -- weaknesses which, in turn, have been found by members of the Department.

When we first went there, we went there with a show cause order, establishing a plan of our own. It was the Commissioner's plan. In that plan, we dealt directly with the very things that the Trenton school district had indicated that it would take care of. It did not take care of anything.

It failed to meet the needs of youngsters. It failed to meet them in terms of the needs of the special education -- the special classification child -- in terms of bilingual education, in terms of books and supplies, in terms of sending the money where it belonged -- to the schools, in terms of dealing with the selection of personnel. That board was guilty, had been guilty, had continued to be guilty when we first got there, of selecting individuals on the basis of nepotism, favoritism, and whatever else you want to call it. The recommendations of the superintendent of schools were cast aside.

It didn't take us very long to realize, in spite of the fact that when we first went in there, we went in very slowly-- We were trying to be careful. We wanted to cultivate the goodwill of those members of the Board of Education, a very divided board. It had been a divided board for some time. That division came along racial lines. That racial separation came from time to time. First, it was one side, then it was the other side. So they had, in their wisdom, gone ahead and done some things that were absolutely, almost indescribable.

A member of your panel sitting there is a member of that school system. I don't think that he can refute -- and I don't mean to challenge him -- I don't think that he can refute what I'm saying in terms of the relationships that prevailed

between and among board members, that had the effect of the relationship that existed between and among administrators, teachers and all other non-classified members of that school system.

I need not tell you I'm an educator. I'm an old educator. My job has always been based on the welfare of the kids -- the children. That was always cast aside because everybody was trying to survive. If I say nothing else about that operation, it was the fact that it was a matter of survival. Survival so often brings about, even in the most professional of professionals -- and there were many good ones there -- an element of failure.

And so we saw that. The things we did were: After one month, with a six-hour meeting, where everything the superintendent said was negated and everything that he tried to recommend was negated, where the board members were making recommendations that were negated-- After six hours of that we decided: "Hey, forget the soft stick and soft word."

We went ahead and proceeded to establish what we called monitor general directors. We made sure -- we made absolutely sure -- the things they were recommending in terms of expenditures were items that were within the budgetary provisions. We made sure that the screening of candidates who were selected to positions was done in an orderly and in an acceptable professional fashion.

Once having done that, we went ahead and took every item on the agenda that appeared before the board -- it took us several months to do this -- and said, "You will vote yes, or you will vote no." We demanded that when they voted on the superintendent's recommendations -- because they were all coming from him -- that they give their reasons for so stating. We had one board member spend one hour and 25 minutes arguing over a \$90 expenditure for audiovisual materials. That

convinced me that this wasn't the way I was going to go. So, after that, we didn't allow that kind of thing to go on.

Now what's the purpose of all that? The purpose is that there are individuals who operate within the framework of "the board of education," who really don't belong there. They've got their own agenda and it becomes very obvious, after a while, what their agenda is. They've got their own way of working and what's interesting to me-- There was at least one person on that board that fought us all the way, except when she needed help. Then we were a handy-Andy.

You probably all know -- and I'm not going to belabor the point -- that our concern, as I said earlier, was to make sure that we didn't step on toes; to make sure that we were doing those things that were right so that in the end, when they challenged us before both the Superior Court and the Supreme Court of the State, we came out -- meaning the Commissioner's office came out -- as having not only the right, but the responsibility. I think that's what's key here.

I heard some speakers here this morning talk about local control. Its bottom line is that -- they even said it themselves -- responsibility goes with it. If you're thinking in terms of local control that we will do it our way, that's an absolute myth. I also heard something-- That's the reason why I'm supporting this bill more than anything else, because I'm satisfied, from my own experience both as a superintendent of schools in the City of Camden and in the City of Vineland, where I had good boards, in both instances. I'm satisfied that given the opportunity, with the right people, a school district can survive.

I heard Senator Ewing say earlier "This is not going to be a willy-nilly bill," and some words to that effect. The only concern that I think anyone ought to have is the caliber of people that are put at the helm, or put in place to carry out the function of a thorough and efficient education for the

children of this State.

Now I can go on, and I recognize the fact that you're late. I also have a growling stomach myself. I would like, if you don't mind, Mr. Chairman, to just stop at this point and let you address me. The other term that I couldn't think of was the abdication. I heard that term expressed, to abdicate. Well, I submit to you that the Trenton board abdicated its responsibilities when it did not recognize that they were there primarily to serve the needs of the children of that community. Thank you.

ASSEMBLYMAN PALAIA: Dr. Catrambone, let me ask you-- When were you part of that Trenton scene? What year was that?

DR. CATRAMBONE: We went in in November of--

ASSEMBLYMAN NAPLES: 1979.

DR. CATRAMBONE: In March of 1982, I must say that when we left, we have had a committee of people representing 16 different organizations, including the banks, General Motors, New Jersey Bell, the Chamber of Commerce. We had those people come in, do an evaluation, and do a study that compared some 51 recommendations for the district to carry out.

We left when they had accomplished approximately 70% of those. There were five that were not touched at all, and they had to do with computerization. That's another story, and I will not belabor the point with you on that, except to spell out again that nepotism was involved there. There were two or three that were in process. Otherwise, everything seemed to be in order.

ASSEMBLYMAN PALAIA: A couple questions: 1. Did you feel you were successful during your tenure there? Did you feel you helped?

DR. CATRAMBONE: Yes, that's why left. We felt that we were moving.

ASSEMBLYMAN PALAIA: You felt that the school district was moving in a proper direction?

DR. CATRAMBONE: Yes sir.

ASSEMBLYMAN PALAIA: If you were to go back in today -- excuse me, doctor. If you were to back in today, is there anything that you would have changed? How would you-- In order to be more successful or as successful, what would you have done?

DR. CATRAMBONE: Based on what I learned, I would go in -- we would go in, because I wasn't alone-- We would go in and we would take charge immediately.

ASSEMBLYMAN PALAIA: When you say take charge, are you speaking as the bill addresses the problem?

DR. CATRAMBONE: Yes, sir.

ASSEMBLYMAN PALAIA: With the abolition of the board of education?

DR. CATRAMBONE: Well, I have a little concern with how well you can abolish the board of education, but in answer to your question is yes, sir. I would go in and put-- In our case, we would put the board of education aside. We let them do the things we wanted them to do.

ASSEMBLYMAN PALAIA: That's always been a point I could never figure out. How did you do that if they were still functional? Did they still have the power, doctor, to operate, to make decisions? Or did all their decisions-- When they sat as a board and they said "We vote five to nothing, whatever, to do a certain thing," did that have to go through you?

DR. CATRAMBONE: Yes sir.

ASSEMBLYMAN PALAIA: It had to go back to you?

DR. CATRAMBONE: Yes, sir. We sat with them.

ASSEMBLYMAN PALAIA: You sat with them? Well, let's say they didn't agree with you. What would happen? Would you overrule them and say "I'm sorry, this is the way it's going to be"?

DR. CATRAMBONE: In several instances, we did. In several cases, we felt that our position was no better than theirs, so let them have their way.

ASSEMBLYMAN PALAIA: So, it was a give-and-take type of thing, unless you felt that it was paramount to the operation of the school. Then, in that case, you would make the decision.

DR. CATRAMBONE: Yes, sir.

ASSEMBLYMAN PALAIA: You just said something about "I had others with me."

DR. CATRAMBONE: I had an assistant.

ASSEMBLYMAN PALAIA: Who did you bring along with you at that time?

DR. CATRAMBONE: I only worked three days a week, although, at one point, we worked every day because they suspended the superintendent of schools. Rather than take a chance with fostering racial problems in the district, we decided we'd better do it ourselves.

ASSEMBLYMAN PALAIA: And you went in five days a week?

DR. CATRAMBONE: We went in five days a week. Apart from that, we had an individual who was assigned out of the county office, who was my assistant -- the assistant monitor general -- and we had a secretary. That was our staff.

ASSEMBLYMAN PALAIA: That was the extent of what you did. Let me ask you another question. I didn't get a chance to ask Dr. Cooperman this morning. Don't you feel that if we were moving to any of the districts, whether it be urban, whatever, that the most important, the paramount individual, the monitor general, or whatever you want to call that individual, must be someone who's cognizant of the problems within that particular type of district.

DR. CATRAMBONE: Yes, sir.

ASSEMBLYMAN PALAIA: You can't take a suburban type of administrator and say "Hey, get into one of those districts there." They'd rip his shirt off in two seconds. He wouldn't know how to handle that type of situation. I think it's very important. You happened to be the correct person.

DR. CATRAMBONE: I think I was selected for that reason.

ASSEMBLYMAN PALAIA: Not in terms of physically doing that. The point, nevertheless being, that he can go in and not be aware of the problems people are facing, whether it be the pregnancies, whether it be drugs, whether it be something. He might not be aware-- They might not be aware. That's what I mean by ripping his shirt off the person, not knowing what the problems are within a district, not violently taking the shirt off the person. Mildred, you know me better than that.

DR. CATRAMBONE: There were problems in the district that were exactly those that I faced in the City of Camden: attendance problems on the part of both staff and children, problems of communications, particularly communication -- communication, that is -- with parents. There were any number of other problems: basic skills problems, Title I problems. All the things that we found them deficient in, I had experienced in one way or the other.

ASSEMBLYMAN PALAIA: That's what I meant. You had experience with them in Camden and Vineland, before you even got to Trenton.

DR. CATRAMBONE: Yes, more so in Camden.

ASSEMBLYMAN PALAIA: I think it's important for that individual to have that kind of experience before they get into those districts. It's not fair to those districts to put somebody in there who is not cognizant of what they are trying to do in those districts.

DR. CATRAMBONE: Oh, absolutely.

ASSEMBLYMAN PALAIA: I think that's very important. Okay, Gerry and then Mildred, did you want to say anything?

ASSEMBLYMAN NAPLES: I just want to say something. I could answer--

ASSEMBLYWOMAN GARVIN: You're going to support my amendment, I see.

ASSEMBLYMAN NAPLES: I can answer one of your questions too. I think Dr. Catrambone is too humble a man and too much a professional. On two occasions, at a school where I was principal -- and Mildred, you met both these people who eventually got the jobs -- the Board of Education superceded my recommendation for the people who came in number one in the screening -- outstanding individuals. Each time, the Board of Education put in their own people, and Dr. Catrambone had the courage to overrule them. So, it can be done. I favor taking the bull by the horns, and in many cases that would manifest itself in monitoring and State takeover. When you grab a bull by the tail you ultimately get gored. You have to face it one way or the other.

There's one thing which still troubled me and troubled many people here, and that is the question -- I mentioned this before and others have mentioned it -- of bridging or totally abrogating due process, not of the board of education but of professional educators. It's a question of home rule plus due process. Can you reconcile that?

DR. CATRAMBONE: I heard you use the expression earlier -- "dismantle." Are you talking about that?

ASSEMBLYMAN NAPLES: That, in addition to just walking in -- to come right to the point and saying, "Mr. Jones, Dr. Smith, Mr. So and So, you're out of your job," without tenure charges or what have you. Do you feel-- The legislation, as currently written, would provide that. That troubles me to a large extent, although I could name quite a few people to whom a fate like should befall certain people. Nevertheless, we live in a nation of laws, and an individual is innocent until proven guilty. How do you reconcile what would be considered the lack of due process in this legislation, with the need for State monitoring? I think that is the question.

DR. CATRAMBONE: I think the Senator hit on it this morning. At least I'm putting my confidence in the fact that

the Senator said it would not be willy-nilly. I do not-- In the first place, I do not see the need for going into a lot of distance. I see the need-- First of all, I don't think that the resources, in terms of wealth and manpower, are there for the State to undertake a mammoth project. I think that you go where you're needed the most. To answer your question, I don't think you go in and dismantle. You might go in and realign. You also used the expression earlier here -- one of you did, I think -- "humane." You have to be humane about it.

ASSEMBLYMAN NAPLES: You have to dismantle before you realign. You have to take it apart and then put it back together.

DR. CATRAMBONE: I'm saying that you realign in terms of the recognized capabilities of this individual versus that individual, in terms of the district. I heard someone complain about certification. I happen to have been a member of the State Board of Examiners. I do not know anywhere where the State Department of Education or the Commissioner of Education would tolerate -- for that matter the county superintendent of schools -- would tolerate the assignment of individuals, non-certified individuals, in jobs that require certification.

ASSEMBLYMAN PALAIA: Mrs. Garvin?

ASSEMBLYWOMAN GARVIN: I have a couple of questions, Doctor, and it has to do with when you came into Trenton. You didn't have opposition from the parents, am I correct? The parents supported you?

DR. CATRAMBONE: No, no.

ASSEMBLYWOMAN GARVIN: All right.

DR. CATRAMBONE: We went ahead to cultivate more of it. We made it our business to cultivate more of that -- the League of Women Voters, that sort of thing. We made it our business to do all that, although we did not encounter-- As a matter of fact, we were welcomed, except for the fact that they perceived us as replacing the superintendent. We didn't do that for a long time.

ASSEMBLYWOMAN GARVIN: But did you get more cooperation after you were there? What I'm saying is I am concerned with community participation, you know, in a takeover.

DR. CATRAMBONE: We had the support of the community.

ASSEMBLYWOMAN GARVIN: Did you have to build it or was it there?

DR. CATRAMBONE: Some of it was there. We had to build on it. We met with any number of people. I spent many hours at night, and during the day for that matter, with different-- I mentioned the ministirium. I met with the Chamber of Commerce, I met with the mayor, because I felt it was important that he understand what we were trying to do. I say I, either myself or whoever it was that was there with me.

ASSEMBLYWOMAN GARVIN: Okay, I have another question, Mr. Chairman, and then I'm going to stop. What about the racial problems, with your relationship? What is your background with urban school districts, where you were received in a minority situation?

DR. CATRAMBONE: The first night, I sensed some of that. The first night, when I sat with the board in that kind of a setting-- I sat with the board and I sat next to the superintendent. There were some people from the minority group who expressed a concern that there I was, sitting with him. It was fortunate that he and I had a good relationship, so he pooh-poohed it right away. We had no real problems in terms of the fact that I was a white versus black.

We had no real problems. We had them in terms of the selection of personnel from the other side. We actually overruled the Board who negated the superintendent's recommendation and appointed the fellow who had come out on top, who was the black man -- the principal of the school. I think that kind of set the tone for us.

ASSEMBLYWOMAN GARVIN: Okay, because one of the things that I heard about this plan, which I support, is that it's the plantation concept of whites taking over mostly black urban districts. I don't think a good administrator or teacher has color. I think we've just got to do something with our children. We had a person take over in East Orange, who is not in this office.

We had a problem. It's interesting, when he came to East Orange, we also got more community involvement, but because they were so suspicious of him. We started to have more parents take an interest in what was going on in the school system. From that, I dare say, he developed better relationships with the community than had existed before he came in. That can happen that way also. You know, he was a monitor general also, whatever you were.

ASSEMBLYMAN PALAIA: Gerry, one question?

ASSEMBLYMAN NAPLES: I have one more question. You thought I was done, Joe. The way I see it — and just tell me if you think I'm wrong. It comes down to two issues: One, I use the word dismantling, reassigning. You use the word dismantling, realigning, and then, if that doesn't work, ultimately getting rid of those people who are in the way. It is my opinion that if it comes to that, the monitor general should empower and institute tenure charges, with due process being the full cause and effect. The same would be the case if the board of education had had the guts and instituted tenure charges today.

That's the only area where I have problems with this legislation. I think monitoring is needed in a lot of the districts. I just feel that the monitor general should have the power, but the person who is brought up on charges by that monitor general — instead of the board of education — has the right to that due process. When this question is resolved, not until it is resolved, we're going to have problems. That's my opinion, do you agree?

DR. CATRAMBONE: I agree with that. I agree that due process -- diligence and due process -- should be part of it. Everything that we've ever learned as administrators -- school administrators -- is that you have to recognize the right of the other person. The right of the other person means that he or she has the right of appeal.

ASSEMBLYMAN NAPLES: Thank you, Doctor. Welcome back to Trenton.

ASSEMBLYMAN PALAIA: Could we go down to Senator Ewing and then to Senator Dumont?

SENATOR EWING: Thank you. Mildred, I might say it's unfortunate that your public up there were not more suspicious earlier. Maybe they would not have had the problems in your district that they do now. If they had taken more interest in it--

ASSEMBLYWOMAN GARVIN: I don't want this public to know, okay?

SENATOR EWING: But I'm just saying that--

ASSEMBLYWOMAN GARVIN: Carry on.

SENATOR EWING: I just wanted to make that remark.

ASSEMBLYWOMAN GARVIN: Would you just go to the next question?

SENATOR EWING: Also, as far as-- Assemblyman Naples, my understanding is that the only removals are going to be in the top echelon -- the top four or five individuals.

ASSEMBLYMAN NAPLES: Not necessarily, Jack.

SENATOR EWING: The principal and the curriculum--

ASSEMBLYWOMAN GARVIN: That's not what the bill says.

ASSEMBLYMAN PALAIA: No, it's not the principal. You're talking the school board, you're talking the superintendent, you're talking the business administrator, you're talking the financial individual, and you're talking the one dealing with personnel.

ASSEMBLYMAN NAPLES: However, due process should be a part of the process.

SENATOR EWING: But also my understanding is that those individuals, if they are that good in their job, can be rehired but with a different job title. In other words, they're not going to--

ASSEMBLYMAN NAPLES: That's what I meant by realignment, right.

SENATOR EWING: So it's not, automatically, they all get kicked out and can't be hired at all. They can actually be used, as I understand it, by the new--

ASSEMBLYMAN NAPLES: May I clarify that Jack? I said there was a two-tiered process here: One, the combination of dismantling -- I keep using it because there's no other word -- and realignment, that Dr. Catrambone used. The next tier -- ultimately, if that didn't work -- is getting rid of people, if we get rid of people regardless whether the person is a superintendent, the principal, what have you, vice principal, guidance counselor-- Due process should be a part of the mechanism by which that is accomplished. That was my position, that Dr. Catrambone agreed with. But there is a two-tiered process.

SENATOR EWING: Well unfortunately, though, the situation, if and when the State should go into a district, that's so serious -- and the child is of utmost importance in their education -- that maybe drastic steps do have to be taken.

ASSEMBLYMAN NAPLES: Oh yeah, it may be necessary, but the person is innocent until proven guilty. Jack, I think some people should be thrown out on their ears, but even they have a right to be heard.

ASSEMBLYMAN PALAIA: Could we direct our questions possibly to Dr. Catrambone here, so we could get on. We'll save ours for a private hearing.

SENATOR EWING: One other thing, doctor. When you moved in to Trenton, you had full authority?

DR. CATRAMBONE: Yes, sir.

SENATOR EWING: As the auditor general?

DR. CATRAMBONE: Yes, sir.

SENATOR EWING: Were you familiar with the case in Newark, when Mashello went up there?

DR. CATRAMBONE: The auditor general?

SENATOR EWING: Yes. He didn't have the authority then that you had?

DR. CATRAMBONE: I do not think so. I don't know. I was the monitor general.

SENATOR EWING: He was only the auditor general?

DR. CATRAMBONE: He was the auditor general.

SENATOR EWING: You could say that money could not be spent here, or be spent there? You had that authority?

DR. CATRAMBONE: Yes, we did.

SENATOR EWING: Which he did not have.

DR. CATRAMBONE: We didn't exercise it initially, but we did.

SENATOR EWING: You had it available to you. Well, that is the big difference then between your operation and the one that we had up in Newark.

ASSEMBLYWOMAN GARVIN: But, I think he did have monetary responsibility in approving the final budget that came here to Trenton. You know, he didn't have the responsibility.

SENATOR EWING: Well, in his own words to me, Tom told me that he would say certain things should be done, and they would just override him. They would pay no attention whatsoever. That was a very hopeless case, he said, that he had up in Newark.

DR. CATRAMBONE: In our case if they said that they wanted to do it their own way -- in spite of the fact that we said to do it another way -- we just overrode what they were

doing. We did that with the appointment of a director. The superintendent of schools was recommending one person, they came up with another. The fellow was from New England. He came down; he was there the next morning. We told him to take his train back because he was done. Although he sued, he didn't win.

SENATOR EWING: Do you know where Trenton stands now in the monitoring? Are they in Level II?

DR. CATRAMBONE: No I do not. I do not know where they are now.

SENATOR EWING: Thank you very much, Doctor.

ASSEMBLYMAN PALAIA: Senator Dumont?

SENATOR DUMONT: Doctor, you were assigned to Trenton during the administration of Fred Burke as Commissioner of Education, is that correct?

DR. CATRAMBONE: Yes, sir.

SENATOR DUMONT: Do you know when Marshello was assigned to Newark? Was it under Fred Burke or Fred Marburger — Carl Marburger, excuse me.

DR. CATRAMBONE: I think he was assigned under Dr. Burke. I think he was. Right before I went to Trenton, I was in New Brunswick. In New Brunswick, they asked for the help. We didn't go in on our own. They asked for it. I remember that he was already in -- meaning Mr. Marshello -- was already in the district for over a year.

SENATOR DUMONT: Do you recall whether Commissioner Burke had therefore gained knowledge from the alleged failure of Mr. Marshello in Newark to give you more power in Trenton, or was there any statutory change in the meantime that gave you more power?

DR. CATRAMBONE: No, no. I cannot relate-- I'm sorry Senator, but I cannot relate directly to the Newark situation. I can tell you that the corrective action plan that was developed by us came as a result of some hearings and some

reporting that was done back to the Commissioner, through the hearing examiner. It went back to the State Board of Education, and the State Board of Education approved the plan. I can't tell you what impact the Newark situation had on that decision.

SENATOR DUMONT: Do you remember when you were the monitor general in Trenton, what percentage of State financial assistance, in proportion to the entire operating budget, Trenton was receiving at that time?

DR. CATRAMBONE: It was typical of the urban districts like Camden and Trenton. I'd have to say that State and Federal aid in Trenton were in excess of 75%.

SENATOR DUMONT: Together?

DR. CATRAMBONE: Together.

SENATOR DUMONT: With the State aid being far more than the--

DR. CATRAMBONE: Much more.

SENATOR DUMONT: Thank you.

DR. CATRAMBONE: Thank you, Senator.

ASSEMBLYMAN PALAIA: Thank you, Dr. Catrambone. We appreciate your testimony. Our next speaker is Janice Harris Jackson, president of the New Jersey Association for Black Educators. Do you have any testimony that you would like to give to us?

JANICE HARRIS JACKSON: I just have a couple of copies right here.

ASSEMBLYMAN PALAIA: Good. Thank you, Mrs. Jackson.

MS. JACKSON: Good afternoon. As was said I'm Janice Harris Jackson, and I'm the president of the New Jersey Association of Black Educators. On behalf of the Executive Board of the New Jersey Association of Black Educators -- NJABE, as we are often called -- I would like to share several reactions to Assembly Bills 2926 and 2927, and to Senate Bills 2355 and 2356.

Governor Kean defined the target population for this legislation during his recent address before the Urban League delegation of San Fransisco. Our Governor claimed that State intervention was needed by -- and I quote -- "a handful of school districts in New Jersey, mostly urban schools with black majorities" -- end of quote. Therefore, the New Jersey Association of Black Educators has a unique interest in this legislation, and a profound responsibility to declare that it is premature, reactionary and even totalitarian in its approach to New Jersey's crisis in urban education.

For many reasons, NJABE considers the intervention to be premature. To cite but a few examples, the Abbott v. Burke litigation hasn't yet determined the equitableness of funding in our schools. The State Department of Education hasn't yet had time to share the successful models from its urban initiatives. There continues to be confusion in urban school districts about the existence of any procedure for removing disruptive or corrupt members from local boards of education.

NJABE considers the legislation to be reactionary because it provides the theoretical and heavy-handed approach to school governance situations which are at the mercy of those environmental problems plaguing our cities. An escalating crime rate, historical poverty, a disproportionate rate of employment, etc, are but a few of the problems that cannot be solved by urban superintendents and urban boards.

Finally, NJABE believes that the legislation gives the Commissioner of Education totalitarian authority. Perhaps some of the legislation's critics have been somewhat melodramatic in calling the Commissioner's proposed powers to be those of a czar. But, NJABE thinks that they certainly do recall those powers enjoyed by a feudal lord, his faithful vassal, and their fiefdom.

Although NJABE does vigorously oppose the intervention legislation, the organization is not politically naive enough to underestimate its chances of passage into law. The New Jersey Association of Black Educators therefore makes a special plea to the sponsors of Assembly Bills 2926 and 2927, and Senate Bills 2355 and 2356, to seriously consider the following amendment, which we believe will render the legislation less oppressive -- and again I quote our Governor -- "for those handful of school districts, mostly urban schools with black majorities." Very briefly, I will expound upon these a bit.

The advisory committee that's provided for: Let it be specifically empowered, and let it be appointed by the Commissioner and the State Legislators that represent the deficient school districts. Two, that the legislation place more checks and balances on the State Department of Education, in the form of physical disincentives.

Three, that the State-operated school districts have an opportunity to achieve State certification during the fourth year of the takeover, as well as an opportunity for a full transition back to home rule during the fifth year of the State takeover. Let me explain: The intervention legislation gives the Commissioner the authority to appoint a 15-member advisory committee, with no more authority than that of convening a monthly meeting with the Commissioner's State district superintendent.

NJABE is certain that any Commissioner of Education, who is as astute a tactician as Dr. Cooperman, will make certain that his superintendent and his advisory committee get along very well. It is an efficient plan indeed, but one lacking integrity.

NJABE proposes that the establishment of a 15 member advisory committee be the first response to the State Board of Education's administrative order to create a State-operated school district. NJABE recommends that the advisory committee

have three of its members appointed by the Commissioner, and the remaining 12 appointed by the State legislators representing the school district.

Further, NJABE recommends that the advisory committee become an annually appointed body of trustees, empowered to join the Commissioner and the State Board of Education in selecting the State district superintendent, become empowered to approve the State district superintendent's selection of his or her assistants, and become responsible for annual evaluative reports on the districts progress, both to the State Board of Education as well to the Assembly and Senate Education Committee.

NJABE has an assiduous belief that no group of children, regardless of race, creed or socioeconomic status, can be successfully educated without the viable involvement of those parents, educators, businesspeople and theologians who have earned the trust of a community. NJABE is well aware that some will criticize this proposed amendment as one politicizing the intervention procedure.

In our great State, a Commissioner of Education serves five-year terms at the pleasure of a Governor who could only serve two four-year terms. You, the members of our august Legislature, serve with the consent of a citizenry which may choose to reelect you time and time again, over a period of many, many years. NJABE trusts that you will approach the establishment of such an advisory committee knowing that you will have to be accountable for the effectiveness of your appointees.

Preceding the State takeover, the legislation allows the Commissioner to designate the county superintendent to appoint a review team, which will attempt to prepare a corrective action plan to achieve State certification. The legislation described the review team underwritten by the district in jeopardy. NJABE recommends that the cost of the review team be incurred by the State Department of Education.

NJABE cannot discern any financial disincentives for the Department in this legislation. In many ways the legislation appears to punish the victim. We feel that this financial burden is an example of one that is easily reassigned.

The Executive Board of NJABE collectively shuddered while reading carefully the legislation's plan to extend the effects of the intervention well beyond what is popularly known as the five-year takeover, even when State-operated districts are ready to receive certification within that period of time. We understand this legislation imposes upon a district which has been successful in gaining State certification during the intervention, of one more year, a sixth year of services of its State district superintendent for transitional activity.

Further, we understand that such a district will have a local board of education, or perhaps what is called a district board of education, appointed by the Commissioner and the State Board of Education for a term of three, four and five years. The legislation baffles us with the use of this language -- I quote -- "That local control be reestablished." In fact, the administrative impact of the State takeover will be felt for no less than six years, and the fiduciary impact of the State takeover will linger for ten years.

Ladies and gentlemen, for urban districts with black majorities, this legislation reeks of Third World colonialism and, as has been said, plantation politics. We recommend that the State-operated districts be allowed to pursue State certification during the fourth year of the State takeover. We urge the Legislature to make the fifth year one of complete transition for districts that have been successful in receiving State certification.

NJABE recommends that during the fifth year, the district's voters be allowed to decide upon the Type I or Type II board of education, and that the board of their choice be reinstated by the end of the fifth year. Further, NJABE

recommends that the State district superintendent complete all of his or her transitional activities during the fifth year.

Unless this dangerous part of the legislation is amended, a child entering school as his or her district fails Level III of the monitoring process, may never have the experience of being educated in the very sacred tradition of home rule. The State will have attempted to educate this child within an environment that totally or partially disenfranchises his or her parents.

In conclusion, the New Jersey Association of Black Educators urges the Legislature to fully appreciate the cataclysmic results of these bills. The very need for them indicates that we have collectively failed to provide our beloved New Jersey with leadership in urban education. In 1982, you may recall, black New Jerseyans were briefly tantalized by the prospect of a black Commissioner of Education, who had considerable urban expertise. But, like TV's Mission Impossible tape, he self-destructed politically. Black New Jerseyans have not forgotten this dream deferred.

NJABE has reminded Commissioner Cooperman that his Department's leadership is often perceived as being white male, suburban to rural expertise. Dr. Cooperman has been forthright, if not courageous, in answering those concerns. NJABE urges the Senate, in its "advise and consent" capacity, to view as a high priority the effective and innovative leadership of our State's urban districts when you are called upon to confirm any Commissioner of Education in New Jersey.

Again, on behalf of the Executive Board of the New Jersey Association of Black Educators, I thank you for this opportunity to share our concerns regarding New Jersey's controversial plan to intervene in deficient school districts. Please, carefully consider our earnest suggestions. I suppose the children in Newark and East Orange, where I grew up, will

grow to adulthood amidst a new patriotic slogan, something like "toward a thorough and efficient education." But let us join our resources to make certain that our children also share another patriotic reminiscence, the one that I recall, the one that you recall, the one that promised liberty and justice for all. I thank you.

ASSEMBLYMAN PALAIA: Thank you. Questions?

ASSEMBLYMAN NAPLES: Very quickly, you have heard a lot about due process, probably a belly full of it, if only from me. If it could be guaranteed that due process would be forthcoming for anybody, regardless of race, color, creed, or what have you -- and you also mentioned the amount of time -- and if the amount of time could be cut down, would you then still be opposed to the legislation?

MS. JACKSON: The most important amendment is the one that first establishes the community advisory board with certain control.

ASSEMBLYMAN NAPLES: Okay, right.

MS. JACKSON: Then, no, I would not be personally -- and I have not had a chance to clear this with my Executive Board -- but I certainly would not be opposed to legislation if all else failed. I mentioned that there have been no successful models shared from these urban initiatives that I heard so much about a couple of years ago.

My point is, have we really tried everything? We have waited 11 years. Why not 18 months more, if it is educational rather than political? And, I remind you, in five years we know we will have a different Governor. We will probably have a different Commissioner, who knows? I mean, you are the stable pieces in this, and that is why I am making this very special appeal to you.

I think New Jersey is trying to enjoy leadership in education, and I am very proud to be an educator in New Jersey. But I think that this legislation-- The hearings will

be concluded by the middle of October. Will it be law by February? I mean, I don't understand the rush.

ASSEMBLYMAN NAPLES: It's hard. It's a long process, believe me. It was a nice presentation, thank you very much.

ASSEMBLYMAN PALAIA: Mrs. Garvin?

ASSEMBLYWOMAN GARVIN: Janice, I just want to compliment you for a fine presentation.

MS. JACKSON: May I tell about our special relationship?

ASSEMBLYWOMAN GARVIN: Oh yeah, you can tell them.

ASSEMBLYMAN NAPLES: You don't have one with me and I said it was beautiful, too.

ASSEMBLYWOMAN GARVIN: You can tell them.

MS. JACKSON: You were my Girl Scout Troop Leader in East Orange. I'm getting too old to tell that story, Mildred.

ASSEMBLYMAN NAPLES: No wonder she always bosses me around.

ASSEMBLYMAN PALAIA: Anything else, Mildred?

ASSEMBLYWOMAN GARVIN: No, that's all.

ASSEMBLYMAN PALAIA: Senators Dumont and Ewing, any questions?

SENATOR DUMONT: No, but I would just compliment you, too, on your outstanding presentation.

MS. JACKSON: Thank you.

ASSEMBLYMAN PALAIA: Senator Ewing, any comment?

SENATOR EWING: No, thank you.

ASSEMBLYMAN PALAIA: I, too, would like to comment, and say that it was very well done and well presented. We appreciate it. Thank you.

MS. JACKSON: Thank you. You'll see us again.

ASSEMBLYMAN PALAIA: Thank you very much, Janice.

MS. JACKSON: Thank you for the opportunity.

ASSEMBLYMAN PALAIA: Our next speaker will be Donald Shelton from Trenton. Is Donald here? (negative response)

William Dusenberry, former Board of Education member for the Jersey City Public Schools.

W I L L I A M D U S E N B E R R Y: Senators, Assemblymen, respected members of the Legislature, and distinguished guests: My name is William Dusenberry. I am a lifelong resident of Jersey City. I was educated in the Jersey City public schools, and I have a daughter in the sixth grade in a public school in Jersey City presently. I am also a professor of sociology at Jersey City State College.

As a former trustee of the Jersey City Board of Education, I come to you with firsthand experience. Jersey City's public schools are dying, dying at the very hands of those who have been entrusted with keeping them vital, healthy institutions of learning; dying because of the greedy and self-centered politicians who control uncaring, high-level school administrators and school board officials; dying because caring, concerned educators have been left without an avenue to pursue their praiseworthy concerns. Powerless to be a legitimate threat to the politicians, our most dedicated, competent, and caring educators have, in effect, been censored.

I realize my message may be difficult for some of you to visualize, unless you have lived in the cities of our State where political bossism has become a way of life. It is difficult to imagine why the taxpaying citizens of Jersey City accept deplorable conditions in their schools, conditions which have manifested themselves through the H.S.P.T. Jersey City is ranked last in the State.

Please consider this: Freedom is more than a state of being. It is a state of consciousness that encourages questioning minds, self-reliance, and overall independence that are not found in communities oppressed by decades of political bossism. These ideals of freedom, being too threatening to the political bosses, are discouraged by those who wish to stay in power. Those citizens who reach this level of consciousness

find it easier to send their children to private schools or simply leave our city, than to fight city hall.

Subsequently, the political hacks thrive in our city and have extended their greed to include control over what has been called "the city's largest payroll," the last spoil of political patronage, our public schools.

Our problems are admittedly internal. There are those who would propose said problems can be alleviated in-house. However, when the house contains widespread corruption, the house may be incapable of healing itself. Those in the home who would be first to cry "home rule," do so because they fear exposure. They know poor management and political interference have resulted in "sweetheart contracts" and personnel decisions which have enhanced the careers of uncaring, incompetent political cronies at the expense of proven capable educators.

Viable schools and effective educational policies have not been their primary concern, and have only recently received superficial attention because they fear State intervention will hold them accountable. I have spoken with many of our teachers. They, too, have a message, a message they dare not declare openly. Their message is one of frustration and desperation. They have read the reports that have maligned their profession and performance. They have been told by their superintendent that they are to blame for our students' poor performance. However, the teachers are not responsible for corruption and mismanagement. Given the opportunity, our teachers will rise to their task. They welcome intervention because they know it is in the best interest of the children.

It is not likely you will hear this message from the leaders of the teachers' union. Union leaders have become an integral part of the power structure. Union leaders prefer to maintain the status quo in order to protect their undue influence in the central office decision-making process, especially in personnel matters.

New Jersey's Constitution is clear. Public education has, from the beginning, been the responsibility of State government. Your responsibility is constitutional. You have a moral obligation to our children.

Let me briefly address an issue which has received much attention with the proposal of State intervention -- home rule. Because of differences found in our State's numerous districts, home rule was instituted in order to reflect each community's educational concerns. This flexibility was designed to meet local priorities. The State's responsibility to guarantee thorough and efficient education was not removed, but incorporated into individual districts' education process. Unfortunately, the independent aspect of home rule has been used by some local school districts to screen unwanted influence. Home rule is not, and never should be allowed, to be used as a barrier preventing the State Department of Education from meeting its constitutional responsibility.

The State's mandated responsibility is to safeguard statewide thorough and efficient education. When a district has demonstrated it is not providing thorough and efficient education, the State must intercede on behalf of the children. To allow inefficient education to continue is inexcusable. For too many years, too many commissioners have turned away from urban educational problems. As a result, local autonomy has been abused by local politicians. With each passing year, the abuse has reached closer toward the very core of the learning process, the classrooms. Our schools have suffered, our teachers have suffered, and our children have been compelled to enter society unprepared. They cannot successfully compete with their suburban counterparts.

We have failed our children. We have not met our constitutional and moral obligations. We have not provided a thorough and efficient education for all of our children. We have shirked our responsibilities and have allowed our urban

schools to become ineffective. It is time we faced that fact and do something about it.

Inside this room exists a unique opportunity. Commissioner Cooperman wants to correct this problem. The legislation before you will address long-needed reforms. This legislation does not propose to intervene in an arbitrary manner. Districts will only be considered for possible intervention when they have demonstrated an inability to meet their mandated obligations. This legislation is not a threat to local priorities. It is an opportunity to help provide a thorough and efficient education to all New Jersey's children, including those who live in the urban areas of our State.

On behalf of the tens of thousands of educationally deprived students in our cities, I implore you to pass this desperately needed legislation.

Thank you very much. If you have any questions, I will be happy to answer them.

ASSEMBLYMAN NAPLES: Joe?

ASSEMBLYMAN PALAIA: Yes.

ASSEMBLYMAN NAPLES: I agree with much of what you said, but there is one thing I have to correct. You seemed to be a little melodramatic. You talked about the urban machine, city hall, and what have you. I taught in a suburban school system, and I went with one of the administrators' daughters. Many times I sat at a dinner table, not participating, but listening to planning for a local school board election. I have seen things happen in rural districts I represent. If corruption and wheeling and dealing occur, it is not endemic to the urban soul. It can happen anywhere. I don't think that we in the urban areas should be typecast that way. Your exclusion of mentioning that with respect to suburbia troubled me somewhat.

MR. DUSENBERRY: Well, the problems, as I perceive them -- the educational problems -- are urban in this State. If you look at the--

ASSEMBLYMAN NAPLES: That is not necessarily so.

MR. DUSENBERRY: Well, in general it is so.

ASSEMBLYMAN NAPLES: Very, very many of the problems in your suburban areas do not make the same print as would be the case in your urban areas, for the simple reason that your big-city newspapers -- okay? -- are more on the scene. There are plenty of problems in the suburban districts, and I will let you talk to four or five superintendents I know.

So, let's not make this strictly an urban bill.

MR. DUSENBERRY: I agree with you.

ASSEMBLYMAN PALAIA: Thank you, Bill. Does anyone wish to be heard? Senator Dumont?

SENATOR DUMONT: I, too, believe there are problems in every school district in the State, and they have to be recognized; they have to be attended to. I don't always think a State agency is by any means the best way to attend to them. I happen to believe strongly in home rule. That is why I have some problems involved in this legislation at the moment. They may get cleared up, but then again they may not.

MR. DUSENBERRY: Well, Senator, if I could see any alternative to the present road, which it looks like hopefully we might take, I would be glad to consider it, at least in my own mind. But I have examined several other alternatives, and I-- It was with a great deal of reluctance that I decided this is the only available avenue that I know can address the needs we have in the cities, at least in Jersey City.

ASSEMBLYMAN PALAIA: Would anyone else care to be heard? (negative response) Thank you, Bill. Mr. Robert Woodford, Vice President, New Jersey Business and Industry Association. Hi, Bob.

ROBERT WOODFORD: Hi. Mr. Chairman, members of the Joint Committee, thank you very much for the opportunity to appear. The position of the New Jersey Business and Industry Association on this legislation has been developed by its

distinguished Committee on Education, ably chaired by Mr. Fred Meissner of New Jersey Bell.

The maintenance of a thorough and efficient system of free public schools is a legislative responsibility. Although the Legislature has delegated substantial powers and responsibilities to local school districts, it is clearly the State's obligation to ensure that major inadequacies in a school system, which deny children a sufficient educational opportunity, are identified and addressed effectively. Whether school system failure has resulted from poor coordination and management, entrenched and ineffective practices, political interference, inadequate resources, or any combination of causes, no system of State oversight would be sufficient which failed to provide mechanisms and powers sufficient to bring failing school systems up to State standards.

We are all acutely aware that thousands of students in New Jersey's public schools are likely to leave school unprepared to pursue rewarding careers and to be economically self-sufficient. They will lack the necessary skills to contribute to or benefit from today's advanced technologies. They will be neither equipped nor motivated to understand the public issues which citizens need to comprehend to make sound decisions as voters.

Thousands of students will fail to meet high school graduation standards. Many thousands more will fail to complete high school. The economic, social, and political costs to them, and to us, are immense.

Ultimately, the State must have mechanisms in place to govern directly a school district which continues to fail despite continuing State efforts to guide, assist, and reform. Although we believe the addition of Level III monitoring will provide the impetus for progress within most affected districts, there may be some so out of control and so submerged in problems that State administration will be the only

responsible means of fulfilling the Legislature's constitutional responsibility.

We are hopeful, I might add, that the mere existence of intervention powers will make the necessity of their use unlikely.

We support the legislation before you. For the Legislature to do less than provide an additional monitoring level and a stand-by mechanism for State operation of failing school districts would be an acceptance of continuing failure.

Without in any way qualifying our support for this legislation, we would like to suggest certain ways in which it and other State educational policies could be strengthened.

First, the success of Level III monitoring will depend substantially on the extent to which school districts have the financial resources necessary to address staff, program, and other deficiencies. At present, New Jersey's school aid formulas leave school districts entirely dependent on their own property tax base to fund increased expenditures. Applying aid formulas to the current year budget rather than the preceding year school district budget is essential to assist districts in implementing State recommendations and directives.

Second, when the State assumes the governance of a district, it will be important to ensure the odds of a successful transition back to self-management. Supplanting the local school board, therefore supplanting the voting public, runs the clear risk of eroding essential public interest, involvement, and support. We note that revisions to the T & E code proposed for State Board of Education consideration currently would strengthen requirements for community, business, and industry involvement. Adoption of this broadened T & E requirement, and its stringent application to a State-managed district, will be an essential transition element. Whatever the previous failures of the district, full involvement of professional staff and community will be

paramount in the reform and revitalization process. There must be mechanisms to involve parents, students, the community, and teachers in an advisory and planning role.

Third, the extraordinary budgeting authority vested in a State-appointed superintendent should not be exercised without significant community input in the development of the school district budget. We suggest that the local advisory committee be provided a clear and expanded role working with the superintendent in the preparation of the school district budget. The monthly meeting of the advisory committee with the State district superintendent -- and it is spelled out as once a month -- should be increased to "not less than monthly," to accommodate a more extensive role for the committee.

And finally, when the State assumes management of a local district, a third-party evaluation and oversight, whether under State Board or legislative auspices, would be useful to continue the monitoring process and to ensure that the State's own management is addressing the district's educational problems successfully.

I reiterate that we firmly support the enactment of explicit procedures and powers for direct State government of failing districts through enactment of this legislation. Our suggestions are intended only to strengthen those procedures and to ensure their success.

Thank you very much.

ASSEMBLYMAN PALAIA: Thank you, Bob. Are there any questions for Mr. Woodford? Senator Dumont?

SENATOR DUMONT: Just one, Mr. Chairman. Bob, you talk about the financial resources under your first point. I agree with that. I think we all recognize that in New Jersey, between the combination of property taxes, upon which there is too much of a burden, and State aid, of which there is not enough, in my humble opinion, we are expending the second largest amount of money per student of any state in the

nation. Only New York is a little higher. Once in a while Alaska creeps in there, but that is a state where you can't compare the cost of living or the standards of living with any other state because they are entirely different.

So, it would seem to me that we are providing a great deal of money per pupil, as compared to other states. Do you agree with that or not?

MR. WOODFORD: I think we are supplying substantial resources. The real question is, in a property-poor district, one that does not have the ratable base of an average district, or a wealthy district, behind each pupil, can the same decisions be made to improve programs, improve textbooks, or add necessary staff, when the knowledge is there that the entire increase in expenditure falls on the property tax base, with the exception of any Federal aid that might come?

The State program triggers in one year later, based upon the preceding year's budget. I think that is the problem, not just the magnitude of expenditure, but the formula itself in its failure to reflect the current year efforts of the district to meet its own needs. That, by the way, Senator, is not-- I don't think we're talking an immense increase in resources. The figures we have been given involve about \$105 million if all of the State aid formulas were converted; \$105 million per year, if all of the State aid formulas, including minimum aid, were converted to reflect current year budget.

SENATOR DUMONT: I would agree with that, that we ought to do it that way. I think we also ought to get the State aid up to 50% of the total cost; not any higher than that, but 50%. These are the years when we have reasonably good surpluses, when we ought to be moving in that direction -- which we don't seem to be -- instead of leaving it at 42%.

Let me ask you another question. Going back approximately 10 years, was the New Jersey Business and Industry Association supporting the enactment of the income tax

in New Jersey -- in 1976 -- out of which we get well over a half a billion dollars a year for State aid to school districts?

MR. WOODFORD: The Association took a general position on the income tax in about 1971, when the so-called Cahill Commission -- the State Tax Policy Commission -- was indicating certain conditions under which we would support an income tax, basically that it provide resources in lieu of property tax for various functions. On the specific program in 1976, we were silent. We were silent because our own membership was giving mixed signals, some entirely in opposition to an income tax in principle, others favoring it. Our primary focus was on reforming the structure of taxes affecting business. But, I might add, we did not pose an obstacle, which could have been the case. But, no, we were not in the forefront, certainly, pressing for the solution that was adopted in terms of income tax.

SENATOR DUMONT: We were all getting mixed signals. As a matter of fact, I was getting about 90% of my own constituency opposed to what I did, which was vote for it. I think we have to recognize that all of it is dedicated to property tax relief by constitutional amendment. It was passed that same year -- 1976.

MR. WOODFORD: Clearly so.

SENATOR DUMONT: Thank you.

ASSEMBLYMAN PALAIA: Thank you, Senator, and thank you, Bob.

ASSEMBLYWOMAN GARVIN: Mr. Chairman?

ASSEMBLYMAN PALAIA: Oh, I'm sorry, Mildred. Bob, would you please wait?

ASSEMBLYWOMAN GARVIN: You were on that committee, that task force? Is that what the first paragraph says?

MR. WOODFORD: I serve as a staff member of the Education Committee of the Association, developing educational policy for our members.

ASSEMBLYWOMAN GARVIN: Okay. So, basically, you will be recommending some amendments?

MR. WOODFORD: No, no, we are not actually recommending-- Well, I'm sorry, we have recommended one amendment in substance, and that is that the role of the advisory committee be broadened and that the provision that now says, "We will meet once monthly," be made, "Not less than monthly," because we feel it is essential that there be a substantial public role. As a matter of fact, we stayed out of specific recommendations that would affect the governance of the district under the State superintendent. But, we feel very strongly that it is important that under State auspices, or under local governance, that there be school level advisory groups, parents, students, business, and other community people, and that there be programs to involve staff in planning and addressing the needs of the district. These things, I think, are based on school effectiveness studies and advanced thinking in the educational field. It stands to reason that an effort within the district -- whether it be State or local -- that tries to address the problems, will try to involve those people who are important to their solution, and that includes everyone.

ASSEMBLYWOMAN GARVIN: Thank you.

MR. WOODFORD: You're welcome.

ASSEMBLYMAN PALAIA: Thank you, Bob. Our next speaker will be Dr. Crosby Copeland, Jr., Superintendent of Schools of the Trenton School District. After Dr. Copeland will be Senator Stockman.

D R. C R O S B Y C O P E L A N D, J R.: Mr. Chairman, members of the Joint Education Committee of the Assembly and Senate, good afternoon. I am Crosby Copeland, Jr., Superintendent of the Trenton Public Schools. I come to this hearing today with the very best interest of our young people at heart. I am not here to criticize the Governor or the

Commissioner for their efforts to improve the educational opportunities for the children in the State of New Jersey. Indeed, without the financial support we receive from the State Department of Education, we in Trenton would be hard-pressed to provide many of the services our boys and girls so desperately need. Rather, I am here to make you, the members of the Assembly and Senate, aware of the impact of this particular intervention plan on our urban districts in general, and the Trenton public schools in particular.

Ernest L. Boyer, who is President of the Carnegie Foundation for the Advancement of Teaching, in a speech before the National Press Club earlier this month, made the following comments, which I believe are appropriate: "By the year 2000, America will be a nation in which one of every three pupils in the public schools will be nonwhite. What is coming toward the educational system is a group of children who will be poor and more ethnically and linguistically diverse. Unless we deepen our commitment, the crisis in urban education will increase. An aging white population will reduce support, and the gap will widen between the haves and the have-nots in education. What we could be left with in our major cities is a kind of educational Third World."

He continues that excellence is not manufactured in Washington. It does not get mandated by State law enforcement persons or legislatures, or appropriated by city councils. In New Jersey, excellence has been mandated. The equity of a mandate is that which I call to question.

The certification process and plan to intervene in deficient school districts claim to be equitable. Indeed, the State Department would have us believe that all districts in this State are alike. This is not the case. There are approximately six million purses in New Jersey. With \$1.2 million children enrolled in its public schools, 27% of its students are minorities. There are 611 school districts in our

State, 56 of which are considered urban. These 56 urban districts, which comprise 9% of the total number of districts, represent 40% of the children in the New Jersey public schools. It is the urban districts, sizable in proportion, but minority, not only in number, but in racial and ethnic composition, that are targeted for takeover.

We in Trenton find ourselves caught up in a set of codes, rules, and regulations that are sometimes contradictory and not always in the best interest of our children. We find ourselves in a certification process, which by its very design and despite our best efforts, may never find us certified in the Trenton school district.

Allow me to pause for a moment and share with you something of our students. They are 19% Hispanic, 12% white, and 69% black. In reading achievement last spring, our children scored above the national average in grades kindergarten through six; in mathematics, from grades K through nine. Overall, from kindergarten to twelfth grade, our students exceeded the achievement of virtually every major urban center in this country. In New Jersey, however, better than average is not good enough to be certified.

The certification process requires that every school in the district must meet or exceed minimal levels of proficiency in grades three, six, and nine. We have worked hard in Trenton. We have made progress. In this past school year, only one of our elementary schools out of 18 was unable to meet any of the established levels. Over half met them all. The district average far exceeded the State's requirement; however, Trenton fails to gain certification unless all 26 schools and all of our grades pass the test. The greater number of schools, the more difficult the task, and it is the urban districts which contain the most schools.

The morale of our children, their parents, and our staff suffers. The message we receive in Trenton public

schools from the State Department is a clear one. Those of us who work in urban districts are not very good at our jobs. When members of my generation graduated from college with degrees in education, we chose to teach in the cities, and our certificates for teaching, and later our administrative certificates, were obtained through the State Department of Education's procedures and regulations. The rules we followed were identical to those of other graduates who opted for educational careers in the suburbs or in rural settings.

Do not find yourselves taking the position that we are unable to do our jobs as well as our suburban counterparts. Were there to be trades, I am confident in saying that the urban superintendents, the principals, and the teachers would adjust to and find success in the suburbs far easier than suburban educators would find success in some of our cities. But the intervention plan, and all of its attendant publicity, would have us portrayed as a major contributing factor to our children's failure to achieve. It is just not that simple.

A brief examination of issues relating to school finance shows this clearly. Since the inception of the T & E law, nearly every major school finance study has pointed out that the law has failed to do that which it was intended to do -- close the spending gap between high-wealth and low-wealth districts. Closing the spending gap was, and is, critical to meeting the State constitutional mandate of providing a thorough and efficient system of education. This, unfortunately, has not happened. Nearly all major school finance studies have concluded that the expenditure gap has widened under T & E and, given these conclusions, children in our low-wealth urban districts are being denied a thorough and efficient system of education and equal educational opportunities.

In addition to the very troubling findings of these studies in terms of whether New Jersey is meeting its

constitutional mandate to provide equal educational opportunity to all of its children, I would say that I am most troubled with the fact that no one has enumerated these inequities. I wish the Administration would place the same priority on resolving Abbott vs. Burke as it has placed on pushing the State intervention bill through the Legislature. This new school finance constitutional challenge was filed over five years ago, and five years represents more than one-third of our children's education in the public schools. I understand that the case will finally begin later this month in the Administrative Courts. Given the time lag between hearings, appeals, and granting relief, it may well be that two-thirds of our urban children's academic careers will have been spent in a system wherein they were denied equal educational opportunity and a thorough and efficient education.

We cannot afford to allow these urban children to fall through the cracks. Our children are the victims of insufficient and inequitable funding. I am not suggesting that more money for urban districts would be a panacea, but consider the following: Many of our classes range as high as 35 to 37 students. Many of our facilities are old and costly to repair. While we have many excellent teachers and administrators in Trenton, we cannot compete with the affluent communities in terms of salaries and conditions of employment for staff. The average district can, and does, spend more for textbooks and instructional materials than Trenton and other urban districts.

Since I assumed the superintendency four years ago, I have requested annually that the Board of Education budget to cap, or request a cap waiver to budget beyond the cap limitations. My budget requests were designed to cut class sizes, improve instruction, provide more effective and safe facilities, and address other priorities in pursuit of academic excellence in Trenton. As you know, the city has faced a

recurring financial crisis, and all of my budget requests have been cut dramatically. The recurring issue the city is faced with is money for education, or money for police and fire fighters.

Trenton has had, and continues to have, one of the highest tax rates in the nation, about \$14.40 per hundred of assessed value, and because of our public safety needs, education is always cut. This concern was expressed by the courts. It has been more than 10 years since the T & E law was passed and, unfortunately, we have a State aid formula that penalizes urban and other districts that are unable to budget to cap, by limiting the amount of budget increase in the subsequent years. The Governor and the Commissioner have used the phrase, "Educational bankruptcy" to refer to urban districts that should be taken over by the State. Of greater concern to me as an educator and citizen of this great State, is the concept of moral bankruptcy, and I suggest to you that those State leaders who have used a ploy to stall the resolution of Abbott vs. Burke, and who have further obfuscated the provision of equal educational opportunity and delivery of a thorough and efficient education for all children through the State intervention smoke screen, are morally bankrupt and devoid of the compassion we as Americans have always demonstrated for our fellow citizens.

It is critical to note that the Governor and the Commissioner are increasing standards and calling for additional math and science course requirements. With the limited resources available to urban districts, we cannot compete effectively for a quality staff with our suburban counterparts. While the alternate route to certification and the \$18,500 programs have received a lot of publicity, a math or science teacher with 10 years' experience makes \$22,500 per year in Trenton, and I understand that only one math teacher was attracted to an urban district under the alternate route

program.

We all strive for academic excellence, and we as urban educators are only asking the State to help us achieve this goal. Instead of help and an honest effort to resolve the financial crisis facing urban districts and communities, the Administration's response is takeover. Now, you may say to me that Commissioner Cooperman has an urban initiative program to help urban districts and that Trenton has received special State funding under the Operation School Renewal Program: "Hasn't this helped you, Copeland?" Well, yes, it has helped, but it represents a drop in the bucket in terms of what this district needs and the amount of money the district would have received under a more equitable State funding formula. In fact, the amount of money Trenton received under the Operation School Renewal Program in over three years is less than the amount cut out of my budget request by the Board of School Estimate and City Council.

When I talk about the needs of our urban children, I am reminded of a song that we sometimes sing in our church. "Whatsoever you do to the least of my people, that you do unto me." Remember, what we are doing to our urban children is not a black and white issue, or a minority/majority issue, but rather a wealth versus poverty issue. As a society, we need to redouble our efforts to teach these children, rather than look to take over their schools. Failure to provide the needed funding to urban districts now will surely cost more in the long run by placing an extra burden on society in terms of welfare, unemployment, adult training programs, drug rehabilitation, and the prison system. Parents only send the best children they have to our schools, and we are dedicated to those children by choice. Continue to supply us with the support we need to succeed for the Trenton public school district. Takeover is not the answer.

Thank you for your attention.

ASSEMBLYMAN PALAIA: Thank you, Dr. Copeland. Does anyone else care to make a comment or ask a question? Senator Dumont?

SENATOR DUMONT: Doctor, what is the percentage of State aid to Trenton at the present time out of your total operating budget?

DR. COPELAND: The percentage of State aid is approximately 76%, Senator Dumont.

SENATOR DUMONT: Seventy-six percent of the whole budget?

DR. COPELAND: Yes.

SENATOR DUMONT: How much do you get in the way of Federal aid? What percentage is that?

DR. COPELAND: I would say about 2%.

SENATOR DUMONT: Therefore, you are raising about 22% out of the property tax.

DR. COPELAND: That is correct, or near that.

SENATOR DUMONT: And you said that \$14.40 a hundred-- When was the last time that Trenton had a reevaluation?

ASSEMBLYMAN NAPLES: 1967.

DR. COPELAND: Mr. Naples is a former Councilman. He probably has more knowledge than I.

SENATOR DUMONT: Almost 20 years ago. I take it from your comments that you have an appointed Board of Education.

DR. COPELAND: That is correct. Recently, legislation was changed to an appointed board. Prior to 1985, we had an elected board.

SENATOR DUMONT: Before 1985?

DR. COPELAND: Yes.

SENATOR DUMONT: Was there a referendum in Trenton?

DR. COPELAND: Yes. The Mayor and the members of the City Council placed a referendum on the November ballot, and the citizens chose to have an appointed Board.

SENATOR DUMONT: Well, how much do you want the aid

increased? How much State aid do you think you ought to get, if it is already 76% of your budget?

DR. COPELAND: I am not penalizing, or I am not criticizing the State for the amount of money we are receiving. We are concerned about the amount of money the city is providing for education. If we were to get more money from the city, then the State proportion would naturally increase.

SENATOR DUMONT: When you had an elected Board, and when your budget was being voted upon, did you make out better or worse than you are making out now under the appointed Board with the Board of School Estimate?

DR. COPELAND: I think our budget was only approved by the citizens one time in, I guess, about seven years. Prior to the elected Board we had an appointed Board. It is very difficult for me to comment on that because I was not superintendent at that particular time, and I did not, you know, follow the amount of money that was appropriated by the city and by the State. Since I became superintendent, I have more of an interest in how much money we are receiving from the city, and also what we are receiving from the State.

ASSEMBLYMAN NAPLES: I think it was twice in 14 years, if my memory serves me correctly, that the voters passed it, Wayne.

SENATOR DUMONT: Thank you very much. Your presentation was very good.

DR. COPELAND: Thank you, Senator.

ASSEMBLYMAN PALAIA: Does anyone else care to comment? (negative response) Thank you, Dr. Copeland.

DR. COPELAND: Thank you.

ASSEMBLYMAN PALAIA: Senator Stockman, will you come up, please?

SENATOR GERALD R. STOCKMAN: Thank you very much. Mr. Chairman, distinguished members of the Education Committees of the Senate and Assembly, and especially

my colleague and running mate, Assemblyman Naples: It is a pleasure for me, and I appreciate the opportunity to appear to share with you some opinions and ideas I have about the proposed school takeover legislation.

Parenthetically, I must say it is coincidental that I follow Dr. Crosby Copeland. We were close to being classmates, I guess a year apart, traveling through the Trenton public school system a lot of years ago. I represent the City of Trenton, of course, in the Legislature, and I have lived in the City of Trenton all my life. My family and my parents have lived in the city as well, so Trenton is a special place for me and I listened with interest to Dr. Copeland's comments.

I think my position in my statement on this proposed legislation differs slightly from Dr. Copeland's, but I want to embrace and reiterate, and I can understand, the fervor of his plea to this body concerning Abbott vs. Burke. I have expressed in the past, and I repeat today, my disappointment with this Administration's failure to positively respond to Abbott vs. Burke. This intervention plan before you today is not the answer to the very serious issues raised in that case. Nevertheless, something must be done. Too many of our children are not receiving the thorough and efficient public education guaranteed to them by the Constitution of the State of New Jersey.

This plan may be the least worst solution, the least worst solution. The ideal intervention plan would, of course, be so threatening to all parties that every effort would be made to avoid it. Like a nuclear deterrent, it would be most effective if never used. I do not feel that this plan meets this test in its current form.

Before I could support any such legislation, certain broad issues must be faced. They include the following:

First, a central issue is the continuation of local and democratic control over public schools. Is direct

bureaucratic control over the schools essential to State intervention? Is it necessary to ensure improved results? I do not believe so. Why not have the Commissioner appoint a new board to replace the old one and work with that board to appoint a superintendent and make the changes in staff required? The legislation not only eliminates the board, but it provides only weak mechanisms for public involvement. The bills do not even require the State superintendent to meet existing requirements for reporting to the public. Should he not have to develop an improvement plan and report on it to the public? Given the importance of democratic control of schools, shouldn't the Commissioner be required to prove he has exhausted all other remedies before he violates this principle?

Second, The major premise of the legislation is that if a district fails to meet State standards during the first three levels of State monitoring, the primary reason for failure must be poor or weak leadership and management. Thus, the State is justified in its removal of the board and central office staff. But there may be other reasons for failure to meet the standards -- lack of resources, provisions of union contracts negotiated by earlier administrations, lack of community support for the tax increases needed to improve their facilities, a large number of incompetent and semi-literate teachers hired through careless personnel practices or patronage during earlier administrations, etc. In these circumstances, how will new managers make any difference unless they have extraordinary powers -- powers that could be used by the Commissioner to help the existing local leadership solve their problems without intervention.

Third, if the State takes over a district with 100 central office personnel, where will they get the people to take on these positions? There is no pool of highly qualified people ready to step into such stressful jobs. Certainly, there is no such pool of minority candidates. If they hire

back the people they fired, will they not be subject to suits from the others? And, by the time they actually fill the positions and get functional control of the district, they may have lost another school year. The practical aspects of the plan and its costs require closer examination.

Fourth, the legislation affects everyone -- board, administration, principals -- except those who have the most impact on students, the teachers. This means that every one except the teachers has an incentive to cooperate during Level III in order to avoid intervention. But any serious effort to improve student performance on the H.S.P.T. and other tests requires changes in instruction and teacher behavior. As the legislation is drafted, teachers could resist reform and then watch while the would-be reformers lost their jobs and were replaced by State appointees. Should all teachers in such a district be required to take the national teachers' examination within a reasonable time period and pass it to keep their jobs, or their certification? Should they be subjected to special assessments like the principals? I believe that some consequences to the teachers in such a district must be part of the plan. Only then will all parties have an incentive to do whatever is required to avoid State intervention.

Fifth, the criteria for takeover must be examined. Is the current monitoring process really thorough enough to support such drastic actions? Is it comprehensive enough? Certainly the testing program and other data available to the State do not cover all of the State educational goals. Due to the emphasis placed on basic skills test scores, low achieving districts -- urban and rural -- have reduced or eliminated science, social studies, and art instruction to the point where their curricula no longer resemble those envisioned in the State goals.

Sixth, the absolute State standards in the basic skills -- 75% of the students passing the H.S.P.T. -- may be a

desirable goal, but they are an unreasonable standard for judging district efficiency and effectiveness. It would be more reasonable to evaluate the districts on their progress toward this goal and, given the high rate of student mobility in urban districts, to evaluate them on the number of their students who eventually pass the H.S.P.T., not just the results on the first testing in the ninth grade.

Finally, the Commissioner wants broad, almost total, discretion to determine where he decides to intervene. If a district makes "reasonable progress" during Level III, no State intervention will occur. Who defines reasonable progress and how will it be defined? If the criteria are ambiguous, the entire process could be subject to political interference and manipulation.

The only real alternative I see to a strong intervention plan which deals effectively with the aforementioned issues, is to give parents in such districts vouchers and let them take their children elsewhere. But that is not practical. Perhaps this proposal can be made practical. For our children's sakes, I hope so.

Thank you very much.

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

ASSEMBLYMAN NAPLES: Gerry, I just want to say that one point you hit right on the nose. I wrote it down verbatim: "Is the current monitoring process comprehensive enough?" I handed out to every member of the Committee a sheaf of research I have had Legislative Services do, and that is one of the toughest questions facing us. By the way, Cathy has a copy for you to read. But aside from that, another issue which we have talked about -- I guess, let's see, since 10 o'clock, five and a half hours now -- is that of due process. You seem to have problems with this, and we discussed this over supper one night. If due process could be guaranteed in this legislation, would you think twice about your position?

SENATOR STOCKMAN: Well, Assemblyman, the problem I have with the due process phrase is, it's very, very broad. I would have to ask, are you referring to due process for the youngsters in the system, the teacher who teaches--

ASSEMBLYMAN NAPLES: No, tenured people for certified personnel, Gerry. Excuse me.

SENATOR STOCKMAN: Tenured people for certified personnel?

ASSEMBLYMAN NAPLES: Right.

SENATOR STOCKMAN: I am concerned about the youngsters in the school system.

ASSEMBLYMAN NAPLES: Well, so am I.

SENATOR STOCKMAN: How we deal with these other questions, I mean, I don't know. I tried to make clear that one thing that troubles me is, we seem to be putting a stake in this non-intervention -- a high stake in a certain sense -- for board members, for superintendents, for administration, but I think the teachers have to somehow have a stake in that as well. How you deal, when the intervention comes, with the rights of people in place is important, don't misunderstand me, but I'm sure their rights will be well-protected through their bargaining organizations and through the court system. It may be expensive, and that is an issue that goes to this question of the finances, which I think is a serious question.

One of the basic problems and disagreements I have had with the Commissioner of Education -- and we have talked about it over the last three to four years-- I congratulate him for increasing the salary of teachers. I congratulate him for the alternate route to certification. But, I have very, very serious differences with his notion-- It seems to me, whatever his statements, that his actions seem to reflect the suggestion that there is really not a problem of resources in these poorer districts. It is more a matter of just, "Get your act together."

ASSEMBLYMAN NAPLES: I agree with that.

SENATOR STOCKMAN: I think the court -- and I know that is distasteful, especially to legislators, and to some people who seem restless about the notion of an activist court -- is going to feel compelled, if it is going to uphold its sworn duty to the Constitution, to find, sooner or later, and it is coming much sooner, that, in fact, we have not provided adequate resources in these districts. Dr. Copeland touched on this. Money isn't the only answer. One of the reasons I said I may disagree, at least somewhat, with the Superintendent, who is a longtime friend of mine -- and I am sensitive and recognize he has a tremendously tough job-- I do think there is evidence that there are problems in some of these districts in terms of the performance of the participants in the system other than the children. Therefore I say, reluctantly, we may have to have some form of intervention. But I think this proposal has to be tightened up, and I think it has to deal with this issue of resources, the issue of the teachers' role in the whole process, and the other things that I tried to touch on in my statement.

ASSEMBLYMAN PALAIA: Anybody else? (negative response) All right, thank you, Senator Stockman.

SENATOR STOCKMAN: Thank you.

ASSEMBLYMAN PALAIA: Our next speaker-- By the way, may I have a show of hands of those in the room who are still on the list to speak, so I know who is still here? One, two, three, four -- okay, thank you. How about Dr. Mark Raivetz?

FROM AUDIENCE: He left.

ASSEMBLYMAN PALAIA: He left? Okay. How about Dr. James Fadule? Did I say that correctly, Jim?

D R. J A M E S F A D U L E J R.: Yes. Mr. Chairman, Committee members: I have considered this question long and hard, and after debating just what approach I would take in this presentation, I simply decided to make it brief, concise,

hopefully to the point. But don't measure my commitment or concern by the length of my statement, please.

I am testifying today as a proponent of legislation which would allow the State of New Jersey to intervene in school districts in certain rare and special circumstances. I make this statement as an educator and as a concerned citizen of the State of New Jersey.

Having studied the three different levels of monitoring very carefully, I am convinced that they are fair and reasonable. The essence of the monitoring process is to help districts remediate their deficiencies, and it is obvious to me that the State makes every effort to support the districts to that end.

The question of State intervention is a careful and considered one which emerges only when a district has demonstrated very clearly that it cannot remediate its deficiencies. In such a rare situation, the children are helpless, and I believe it is the State's obligation and responsibility to intervene on their behalf.

As legislators, you will hear much about loss of school board power, job insecurity, local control, etc., but it is my hope that you place the education of children as your top priority and support the intervention legislation.

I would be happy to entertain any questions.

ASSEMBLYMAN PALAIA: Thank you, Dr. Fadule. Does anyone have any questions? (negative response) Thank you, Doctor, for your preciseness. We really appreciate it.

DR. FADULE: Okay, thank you.

ASSEMBLYMAN PALAIA: Is Hattie Kinman here from Newark? (no response) Valerie Quinones? (no response) Joyce Carter? (no response) Alma Evans? (no response) Moses Wilson? (no response) Naeem Sied? (no response) Rashad Muhammad? (no response) Darryl Black? (no response) Reverend Jackson? (no response) Geanne Murphy, East Orange?

(no response) Priscilla Petrosky? (affirmative response)  
Priscilla, thank you for your patience and for staying the whole day.

**P R I S C I L L A H E R N A N D E Z - P E T R O S K Y:** My name is Priscilla Hernandez-Petrosky. I am a Puerto Rican educator presently employed by the Jersey City Board of Education. I believe strongly in public education. As a parent of three school-age children, I am concerned about the future of the children who attend school in a deficient school district. I was compelled to speak before this Committee in support of this legislation on behalf of these children, who are condemned by a system which has failed in its educational mission.

My statement is very brief. It is how I feel. The State of New Jersey speaks about thorough and efficient education, compensatory education, and effective schools. Many programs are designed to provide quality education, but our children fail. Why? Because there are factors such as mismanagement, poor governance, or political interference plaguing our schools, especially in urban districts.

In an affluent community, in suburban districts, we find that the community and the parents are involved in overseeing that these factors which may plague our schools do not interfere with providing children the educational opportunities guaranteed under the Constitution.

But, what happens in urban school districts? We find that these districts fail to provide our children with an environment that will promote educational success.

Although urban school districts should not be stereotyped according to race, social class, nationality, or occupation, certain characteristics are held in common often enough to provide a clear picture.

There are low aspirational and educational levels and little upward mobility. There is frequent regression to

antisocial behavior. The home tends to lack adequate educational stimulus. There is a poor self-concept feeling of worthlessness, and even rejection.

All of these characteristics allow for a district to ignore its responsibility in educating the children by providing educational programs that stimulate a desire to learn, achieve, and aspire.

These districts continue to ignore their responsibility to educate our children and allow for educational failure. The manifestation is quite clear. Low scores, poor achievement on tests of basic skills, high student dropout rates, poor attendance, lack of a comprehensive curriculum/instruction model, poor facilities, total disregard for the professional staff resulting in apathy and low morale, poor classroom/employment practices, and budget crises, are just a few of the consequences.

The State Department of Education does not have time -- at least I believe -- to intervene in a school district nor does it choose to operate a school district that is doing its job.

But, what happens when a district continuously fails to meet the standards necessary to educate our children? The community and the parents' attitudes, though basically in favor of education-- They lack the skills necessary to exert their rights to ensure that these deficiencies are corrected.

There is educational bankruptcy indeed. This is an educational state of emergency. A State takeover is not an extreme response to such a crisis. Just as the courts have the right to intervene and remove a child from his or her home when there is abuse and neglect, the State should have the right to intervene when our children's education is abused and neglected.

I urge this Committee to support this legislation. I would like to thank you for your attention.

ASSEMBLYMAN PALAIA: Thank you, Mrs. Petrosky. That

was very well-said. We appreciate your forthrightness in getting right to the point. Are there any questions? (negative response) Thank you very much, Priscilla.

Our next speaker will be Marilyn Roman, Freeholder from Hudson County.

**F R E E H O L D E R M A R I L Y N R O M A N:** Good afternoon. I have listened since this morning, and I have heard a great deal about percentages and committees and the amount of money that has been spent and could be spent in the State, and I have been interested in all of it. Also, I am very interested in what you are trying to do, or what you contemplate doing here. I very much support this legislation.

I have come before you as a person who has her feet firmly planted in two worlds. I am the Hudson County Freeholder in the Second District and, as such, I have an obligation, I think, to come before you to speak on behalf of the people in my district. There are many poverty pockets in the district which I represent. I also represent people who live in two large housing complexes who are poor and who attend school in the Jersey City school system. There are almost 1500 of these children.

I have also spent my time as the elementary supervisor in the Jersey City school district, and I am probably one of only a handful of people who have had the opportunity to spend time in classrooms in every school in the district of Jersey City.

So, I have some personal things I have learned that I would like to share with you. I know you may be wondering why, if I have such important information to give, I have not shared it with my superiors, who have the power to effect change in the district. The truth is, I have tried, but I have had no success to speak of. And I have been unsuccessful for a very simple reason. There is, within our district, a lack of commitment on the part of many of those who administer at the

highest levels. And, even sadder, there is also a general lack of educational knowledge and administrative ability on the part of many of those selfsame administrators.

I am of the firm opinion that among the highest echelon, less may be known about children and education than is known by their subordinates and, also, that these administrators are guided first and foremost toward maintaining themselves in their positions, to the extent that they keep silent when they should be speaking out on behalf of the 31,000 students who attend our schools.

Those of us who have spoken on behalf of children previously, who do so today, and who will continue to do so, will show great courage because as a result of our actions here and elsewhere, we will most likely be retaliated against. But speak we must, because children are our business and we cannot surrender our ideas and ideals to those who have none.

Added to our many problems is the fact that absolute power is now in the hands of the Jersey City Educational Association, to the extent that the former Association Vice President is now the Assistant Superintendent of Personnel in our district. As a result, more than 30 school administrators were shifted throughout the district just a few days before the start of this school year. There was an utter disregard for the money, administrative training, and teacher hours that were already expended in those schools on effective school programs that have now been very effectively and very completely disrupted by the moves made by the administration.

Teachers were also shifted about the district so that accommodations could be made for administration friends to what could be considered easier assignments, and this at the expense of children.

A Superior Court ruling was used and abused to illegally take people out of their positions who were, in fact, not part of the ruling, and to keep vacant, positions that could

be filled, until the test list had expired.

All of this when we should have been considering programs that would have helped children. And all of this, also, from a group of people who publicly announce their great concern for children and their vehement protestations about budget cuts. The State must investigate how our money is spent and on what and whom it is spent. What our administrators have not learned is that it is not always a matter of how much money one has to spend, but to what use some people put it.

Despite those opening remarks, I have not come today to talk to you about personnel. I have prefaced my remarks, however, with such a discussion because it is important for you to understand the lack of educational climate in Jersey City, and because I wish to provide you with information that will open before you the complete picture of what is happening in a district like Jersey City, and why we cannot succeed without State intervention.

It is, I am afraid, because leadership is so preoccupied with its own existence that children are just an afterthought, if they are thought about at all. There are many who would agree that the Jersey City school district exists solely as an employment agency for political patronage.

In such an environment, there is no commitment to youth. For example, we have grave problems in our Early Childhood Education Program which could be rectified if we committed our efforts, our personnel, and our finances to such a project. However, only a half-hearted attempt has been made to create three -- out of 60 -- multi-sensory, all-day kindergarten classes in the district. Unfortunately, there is such a lack of commitment to children at the beginning of their school careers, that no board funds were allocated for classroom supplies. Our Technology for Children Program, which is separately funded from the board, was able to expend approximately \$700 for the entire project, but anyone who

understands what is needed to assure success in such a program, knows that \$700 would not completely equip one classroom.

Some of the administration now in the highest echelons of our district reorganized our reading program in several schools, over the objection of those of us who knew better. Children were advanced as much as three to five levels from June of one year to September of the same year, and that is only over one summer. This was in schools where there was the greatest need. So, children are now operating at a frustration level.

I sat in on classes many times last year where this situation existed. There were two reading groups in a class, both operating far above the children's success level. The end result was that the group working with the teacher had to be coached through every sentence, while the independent group could not complete any of their workbook assignments because they could not read well enough to comprehend any of the sentences on the page. Needless to say, the teacher was at wits end, but her appeal to administration fell upon deaf ears, as did mine, and neither of us was allowed to alter the program in any way.

Our basic skills program also needs to be completely reorganized, and in the case of urban districts in general, experimentation needs to take place to gain optimum results.

At the present time, we have one elementary supervisor for 28 schools and approximately 950 teachers, this at a time when the Commissioner of Education and generally educators all across this country agree that supervision is the most important consideration to be made in education.

We had begun to start a program of staff development within the district. I have attended at least three workshops at the New Jersey Academy for the Advancement of Teaching and Management, and believe our teachers could profit from such instruction. But, although we have begun to work with

administrators, a staff development project of such magnitude requires a long-term commitment where we will have to expend our finances for substitutes and training, and the Jersey City Board of Education, and its chief administrators, are not committed to the project. In fact, little is known about this program and there is little care to learn because they do not believe in such a program enough to stand up and fight for it.

Today time does not permit me to go into the numerous other ways in which we need to expend our efforts to improve our district, but as a professional educator, I believe that I must take every opportunity to work toward making Jersey City -- the district where I received all of my kindergarten through twelfth grade education -- a place where children are educated to think and speak creatively and independently.

I believe that those who come into the district for Level III monitoring -- and they are there now -- need to take a close look at more than what is on paper. Many things look good on paper, but in actuality there is no change for the better.

I have spoken to large numbers of teachers throughout the district. They believe, as I do, that under the present set of circumstances we will not improve. Test scores may go up after the State pumps nearly \$3 million into the district for H.S.P.T. instruction, but while this may guarantee higher test scores, it will not guarantee that our children will have been educated to take their rightful place in our society.

The district has nothing to lose in such a takeover. One of the reasons cited against such a takeover is that such a plan is contrary to the home rule concept. However, when a district is run in the way in which ours is, we need to temporarily forfeit home rule in favor of a commitment toward school improvement.

I want to ask you very sincerely-- I have been an educator for 20 years; it has been my life. I want to ask you to listen to everything that people have to say in the four days that you will be traveling throughout the State of New Jersey. Get their input to change what has to be changed to make the plan work, because the people of our district are depending upon you -- our non-readers, our poor readers, our functionally illiterate, and even our teachers and our citizens. This district will not, and cannot, succeed without your help. Please do not deprive our children of an opportunity to set the standards, and to reach the standards of their peers elsewhere in the State of New Jersey. Everything depends upon you.

I thank you very much.

ASSEMBLYMAN PALAIA: Thank you, Marilyn. That was very well said. Does anyone have any questions?

SENATOR EWING: No. I just think it is tremendous that you came down and made a real, honest-to-God report for the sake of the children.

MS. ROMAN: We have to do something for them.

SENATOR EWING: We have to, right. No question.

MS. ROMAN: I look into classrooms. We have non-readers. They cannot read, and they are there every day. What we do is, we make foolish management judgments. We put in programs and we never monitor them. We don't care about what happens to them. We are more interested in who gets the next job, and it has to stop. As the supervisor, I don't care what happens to me. What has to happen is that 31,000 children will have an opportunity to succeed. As legislators, and I am one also, you know we have programs for teen-age pregnancy -- which we have heard about here -- but we have a family life program that is not properly monitored because they put the person in charge of that program back into a classroom. We have no one monitoring the program. So, dollars go elsewhere that should

be expended first in the schools for preventive programs, before we have to go out and find solutions to much more difficult programs.

SENATOR EWING: Well, hopefully, the investigations that are going on now regarding the financial shenanigans in Jersey City will help.

MS. ROMAN: I certainly do hope so.

SENATOR EWING: Well, I hope those reports come out shortly. They have been working on them for some time. Several different government agencies are making investigations up there. I just hope they will start making their reports.

ASSEMBLYMAN PALAIA: Senator Dumont?

SENATOR DUMONT: Do you have an elected or an appointed Board of Education in Jersey City?

MS. ROMAN: We have an appointed Board of Education.

SENATOR DUMONT: Have you ever had an elected one?

MS. ROMAN: We have never had an elected one. I have some mixed feelings about both of those, for one reason. I know that an elected board, in most instances, might be the better way to go. But by even the way in which elections are run in Jersey City, I would have to say that political hacks would get into those jobs, too. You know, I think about that, as well as looking at the other side of the coin. I would just hope-- On the Freeholders Board, we work with the vo-tech school. They send people to us to be trustees for the vo-tech school, and many of them I will not vote for, and speak out openly against. Some of them I have approved because I think they will do a good job. What I say to the politicians in the district is, "I know you are not going to send us your enemies, but, God Almighty, send us the best of your friends," because what we need are people who are absolutely going to be the best, and who are capable of being the best. What we get are the chief ticket-sellers and the Democratic or Republican or

whoever-is-in-power person who is running the party. That is what we get in Jersey City, and it has to change. It has to change.

SENATOR EWING: Maybe they are the best they can find.

MS. ROMAN: I think if you look around a little bit you can find better. We had some experience with our Improvement Authority in which we refused to put people on, and we found excellent people eventually through our going out and looking for them. So maybe that is what we have to do.

ASSEMBLYMAN PALAIA: Does anyone else wish to comment?

SENATOR DUMONT: You have a nine-member Board of Freeholders?

MS. ROMAN: Yes, we do.

SENATOR DUMONT: Are you all elected by districts?

MS. ROMAN: We are elected by districts.

SENATOR DUMONT: Thank you.

MS. ROMAN: You're welcome.

ASSEMBLYMAN PALAIA: Anyone else? (negative response) Thank you, Marilyn; very informative. We appreciate your comments and your sincerity.

MS. ROMAN: Thank you.

ASSEMBLYMAN PALAIA: Aaron Schulman? Is Aaron here? (no response) Yvonne Hatchett? (affirmative response)

Y V O N N E H A T C H E T T: Good afternoon. My name is Yvonne Hatchett. I am a lifelong resident of Jersey City, and I am also a teacher in the Jersey City school system.

I would just like to speak for a few minutes in support of the plan sponsored by the Senate and Assembly Education Committees to intervene in deficient school districts. I would also like to commend you. You've heard testimony from other people from Jersey City and, I don't know, it might seem a little difficult to sort of believe that things like this, or conditions like this, could actually exist. But they do exist, and as Marilyn said, we came down here today

because we feel that the situation is so serious that something must be done. Maybe this intervention plan is not the best plan in the world, but at least it is something, and conditions in Jersey City really warrant that some action be taken.

Public education in New Jersey is a State responsibility, as expressed by the State Constitution, which guarantees New Jersey's children a thorough and efficient educational opportunity. The Constitution does not guarantee this thorough and efficient educational opportunity to only suburban and some urban children whose districts are committed to providing an excellent quality thorough and efficient educational opportunity for their children.

I would like to ask the question: What about the children living and attending schools in our urban cities? What plans or laws are there to guarantee them a quality thorough and efficient educational opportunity, or even due process, as I have heard mentioned so often today that should be afforded to some administrators in deficient school districts? I agree that there should be some method of due process, but I would like to know who is giving-- Are they giving these children the same due process for a good quality education that they would expect someone to give to them?

I see this plan developed by our Commissioner of Education, and once voted on by you, our elected officials, as a guarantee that children living and attending schools in our urban cities will receive the necessary and mandated thorough and efficient educational opportunity to succeed in today's society.

The situation in most urban schools is critical. The report of a recent study funded by the Charles Stewart Mott Foundation, titled "The Educationally Disadvantaged: A National Crisis," indicates that insufficient support has been given to the education of the poor, and warns that this neglect poses a threat not only to these children's lives, but to the nation's

future. The report cites a rapidly increasing number of young Americans reaching working age without having obtained functional literacy and skills. As a result, the report forecasts skyrocketing unemployment, poverty, dependence on welfare, epidemic crime, and increasingly violent political conflicts.

Economists are warning us that without significantly improving the education of the poor, the problems will continue to grow and undermine our economic and social health. Their message is, unless serious action is taken to increase the educational opportunities for these children, the economy will be in more serious jeopardy. This will have a tremendous effect on the whole society. The consequences will be a two-tier society: a minority of the affluent surrounded by a growing majority of the poor and disenfranchised. No matter where one chooses to live, attend school, or work, they will be affected by what happens in our urban schools.

I came here today to speak for the urban children in Jersey City, and for the children who must, because of economic and other reasons, attend public schools in our urban cities, where districts have repeatedly failed to correct longstanding deficiencies as cited during the Level I or Level II monitoring processes. The mismanagement, poor governance, or political interference that may be plaguing these deficient school districts are typically manifested in low test scores on tests of basic skills, high student dropout rates, and generally deficient educational programs.

Since the public schools in our urban cities are the communities' sole source of free education, something must be done to correct the decay of educational services for children attending schools under these conditions. Some of you might find it difficult to believe that conditions like these actually exist. I'm sure that by the end of your hearings you will hear many other statements and statistics that will seem

hard to believe. Try to imagine how you would feel if your children or grandchildren had to attend schools under these same types of conditions, the conditions that Mr. Dusenberry spoke of, the conditions that Mrs. Petrosky spoke of, and the conditions that Freeholder Marilyn Roman just spoke of.

Ladies and gentlemen, you have the opportunity and the responsibility to give these urban children a chance to become productive citizens in our society, by voting yes for the bills sponsored by both the Senate and Assembly Education Committees which will guarantee for these children the same thorough and efficient educational opportunity given to your children, your grandchildren, and thousands of other children living in the State of New Jersey.

In conclusion, I believe, and hope you do also, that any school district in New Jersey that fails to demonstrate reasonable progress in correcting deficiencies in instructional and/or management areas to such a degree that it is determined that a thorough and efficient system of education is not being provided for its students, should know that the State of New Jersey has a law, passed by the New Jersey Senate and Assembly, that will allow the State Department of Education to assume control of the operations of that district, as mandated by the State Constitution, to ultimately ensure that all students are provided with a thorough and efficient system of education.

Thank you for allowing me to speak for the children of Jersey City.

ASSEMBLYMAN PALAIA: Thank you, Yvonne; very well said. Would anyone care to comment? (negative response)  
Thank you very much.

MS. HATCHETT: Thank you.

ASSEMBLYWOMAN GARVIN: Good presentation.

ASSEMBLYMAN PALAIA: Yes, it was. I have on the list a Dr. Tyehimba. Is he here? (no response) Did we have the presentation of-- Who was it who asked to have his remarks

read into the record? Henry Przystup? (affirmative response)  
We will have his statement included in the transcript. He was  
Number 14 on the first page of the witness list.  
(indiscernible comment from aide) Oh, you called him earlier,  
but he said he couldn't be here.

ASSEMBLYWOMAN GARVIN: Oh, from Jersey City?

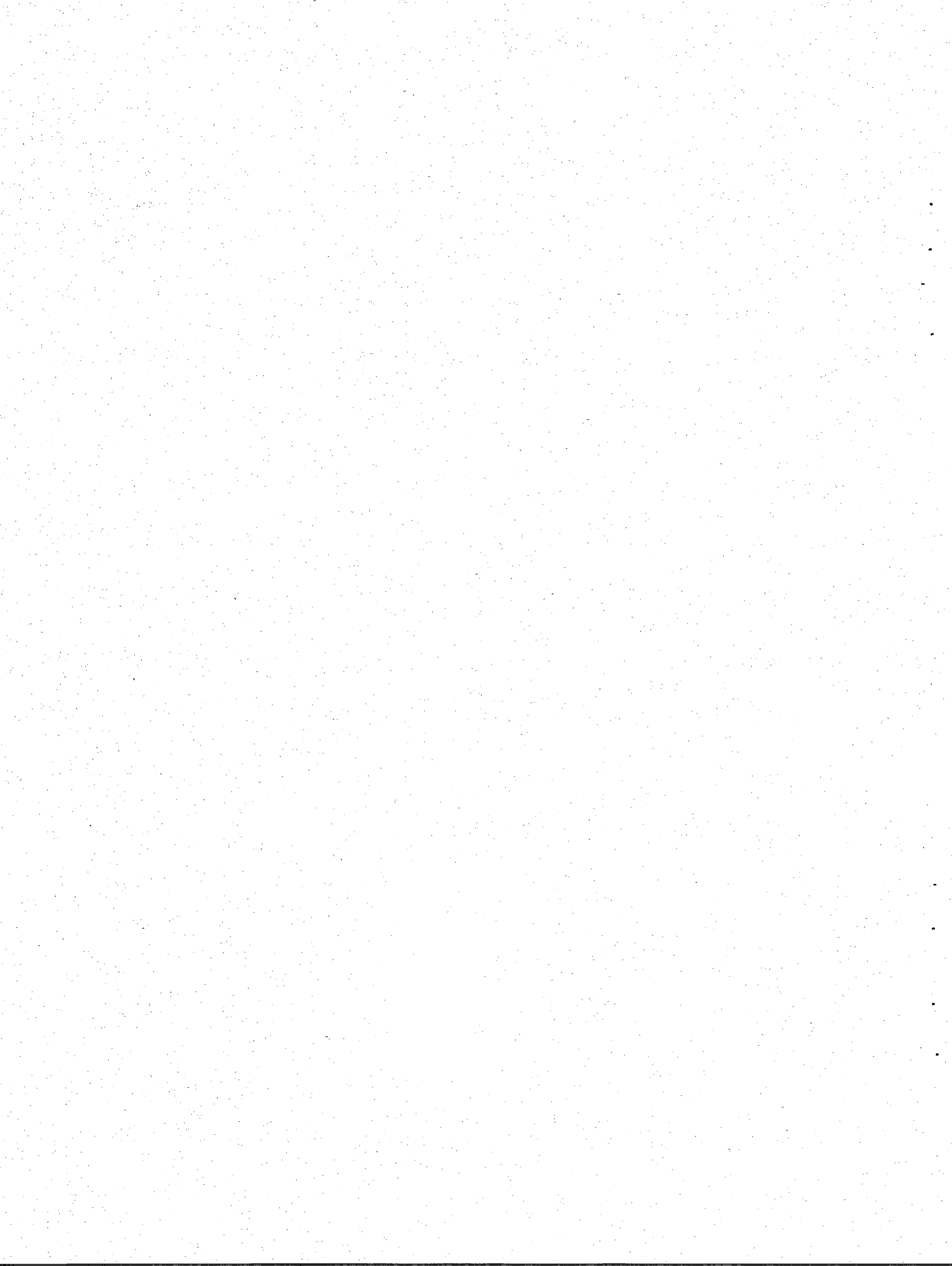
ASSEMBLYMAN PALAIA: Yes.

SENATOR EWING: Do we have copies of his statement for  
everybody?

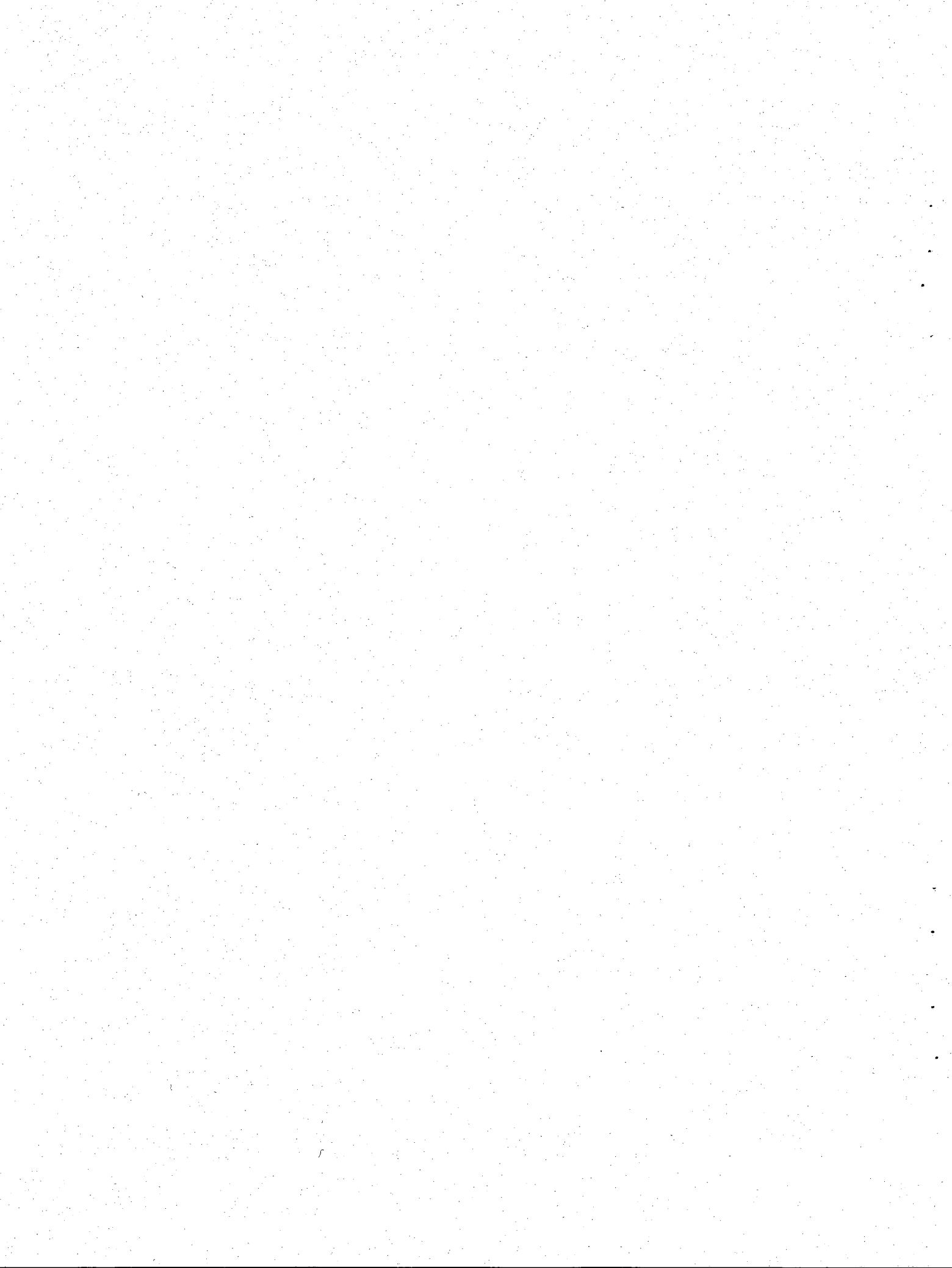
ASSEMBLYMAN PALAIA: Yes, we do. I would think that  
we have had a rather long and extensive day of testimony. We  
still have three more hearings to go, and I can't wait to see  
what is going to happen at them if this is any indication.  
But, I think the comments have been well-taken. We have heard  
a varied-- We have heard reports on all aspects of what we are  
trying to do here, and that is what we wanted.

I want to thank you for your patience in staying here  
for almost the entire day. I call this hearing adjourned.

(HEARING CONCLUDED)



**APPENDIX**





"Thorough and efficient?", "NO!"

### THE COST OF ADMINISTRATIVE FLEXIBILITY

Having started my professional career, originally, as a Chemist and Process Engineer, I decided to become a teacher in 1973. In 1976, I discovered that I had been issued what the Regulations and Standards for Certification describes as a "Comprehensive Science" certificate for political reasons. As a teacher of chemistry, a specific subject, the law required that I be the holder of a Specific Subject Science certificate. Although I was qualified to obtain the specific subject certificate, those responsible for teacher certification refused to issue one to me.

I appealed to the then Commissioner of Education, Fred G. Burke, without the assistance of the New Jersey Education Association (NJEA). One of NJEA's attorney told me that NJEA could not become involved because too many teachers would be affected by a decision favorable to me.

Burke failed to uphold the law, which was not disputed, for reasons given in the following decision. As a result of the unpublished rule discussed, the State of New Jersey is saturated with science teachers, who are inappropriately certified. Many are not qualified.

The Deputy Attorney General, Mark Schorr, who served as Attorney on the Brief, for the Department of Education, joined a law firm which represents NJEA shortly after this decision.

Administrative flexibility, which should not be a consideration in teacher certification, has taken the place of thorough and efficient. A ministerial agency is suppose to carry out its duties in accord with statutes and the administrative code. It does not have the authority to make rules which are discordant with established legislation.

Black teachers are discriminated against under this rule in that school administrators require different standards for them than their "white counterparts" when making assignments and rifting.

As federal government agencies seek reasons for the decline in minority scientists and engineers, they should consider the intentional games state agencies play which impede the progress of "minority students".

Ernest E. Gilbert,

Petitioner.

New Jersey State Board of Examiners,  
Bureau of Teacher Education and Academic Credentials,  
Division of Field Services, New Jersey Department of Education,

Respondents.

#### COMMISSIONER OF EDUCATION

#### DECISION

For the Petitioner, Ernest E. Gilbert, Pro Se

For the Respondents, William F. Hyland, Attorney General of New Jersey  
(Mark Schorr, Esq., Deputy Attorney General)

Petitioner, a teacher of science in the Willingboro Public Schools since January 1973, alleges that the issuance to him by respondents of a comprehensive Teacher of Science certificate in 1973 was not only contrary to his request to be issued a physical science teacher's certificate, but also contrary to the requirements of *N.J.S.A.* 18A:6-38 and *N.J.A.C.* 6:11-6.3(a). He seeks an order of the Commissioner of Education directing that the certificate be rescinded and that a specific subject field certificate to teach only physical science be issued in compliance with his requests which have been denied by respondents.

Respondents maintain that petitioner, in accordance with existing policies and law, has appropriately been issued the broadest certificate for which he is qualified.

The matter is before the Commissioner on a Motion for Summary Judgment by respondents. Briefs were filed, and exhibits and affidavits were received in evidence. The factual context of the dispute is as follows:

*N.J.A.C.* 6:11-6.3(a) provides, *inter alia*, that the following specific subject field endorsements may be listed on teaching certificates for persons who have completed twenty-four semester hour credits of appropriate academic preparation: biological science, earth science, physical science. *N.J.A.C.* 6:11-6.3(b) provides, *inter alia*, that thirty semester hour credits are required for the issuance of a comprehensive subject field endorsement in science.

Petitioner, who was initially employed to teach chemistry and advanced chemistry, is now assigned to teach courses in life science, chemistry and advanced chemistry. Life science is a unit of biological science. Chemistry is a branch of physical science.

Respondents assert in their Brief that when petitioner applied for a teaching certificate in 1973 he was issued the broadest certification for which he was qualified in accordance with the policy of the Bureau of Teacher Education and Academic Credentials. This position is enunciated in the affidavit of its Director, as follows:

"...I have reviewed the Bureau's file on petitioner Ernest E. Gilbert. Through the Bureau, Mr. Gilbert was issued a Teacher of Science-Comprehensive endorsement in July 1973.

"...It is the Bureau's policy to grant to applicants for certification the broadest certificate for which they qualify..."

"...The aforementioned policy affords school districts the greatest flexibility in assignment of teachers and their work assignments..."  
(Affidavit of Fred A. Price)

Respondents argue that, while a teacher's preference for academic assignment should not be ignored, it is not controlling over the numerous factors which local school districts must consider in scheduling the assignment of teachers in an advantageous and economical manner. It is further argued that petitioner has failed to show that discrimination resulted from the Bureau's application of the aforementioned policy. Accordingly, respondents assert that petitioner has failed in his burden of detailing in his Petition how he believes he suffered discrimination by act(s) of respondents. *Rankin v. Sowszki*, 119 *N.J. Super.* 393, 399-400 (*App. Div.* 1972); *in re Messillo*, 25 *N.J.* 590, 599 (1958).

Respondents argue that petitioner's claims that the issuance of the Teacher of Science certificate may have adverse effect upon his seniority, tenure and/or workload is inapplicable since such considerations result from his service in the district which employs him rather than from the issuance of a teaching certificate.

Respondents, arguing that no material fact is unknown which requires a plenary hearing, move for Summary Judgment on grounds that petitioner has failed to state a claim on which relief can be granted. Respondents also raise, *inter alia*, as separate defenses the equitable doctrine of laches and the argument that they are powerless to grant the relief sought by petitioner.

Petitioner argues, conversely that respondents fail to recognize the distinction between a specific subject and a comprehensive subject. Petitioner maintains that a pupil in a comprehensive science course such as general science is not required to have a "hands-on" laboratory experience as opposed to the requirements of a specific science such as chemistry. It is argued that a total of twenty-four credits in physical science is required by State Board of Education rules to teach a subject such as chemistry and that twenty-four additional credits are required in the biological studies to teach in that sector of the sciences. Thus, petitioner concludes that one who has had only a total of thirty credits as required under *N.J.A.C.* 6:11-6.3(b) may not properly be allowed to teach both chemistry (a physical science) and life science (a biological science).

Petitioner argues that such procedure, if sanctioned, is unreasonable, arbitrary and would lower teacher education standards. It is further argued that a teacher who, like himself, applies for and pays for a certificate should be issued only that certificate for which he applies and is eligible. (Brief in Opposition, at p. 2)

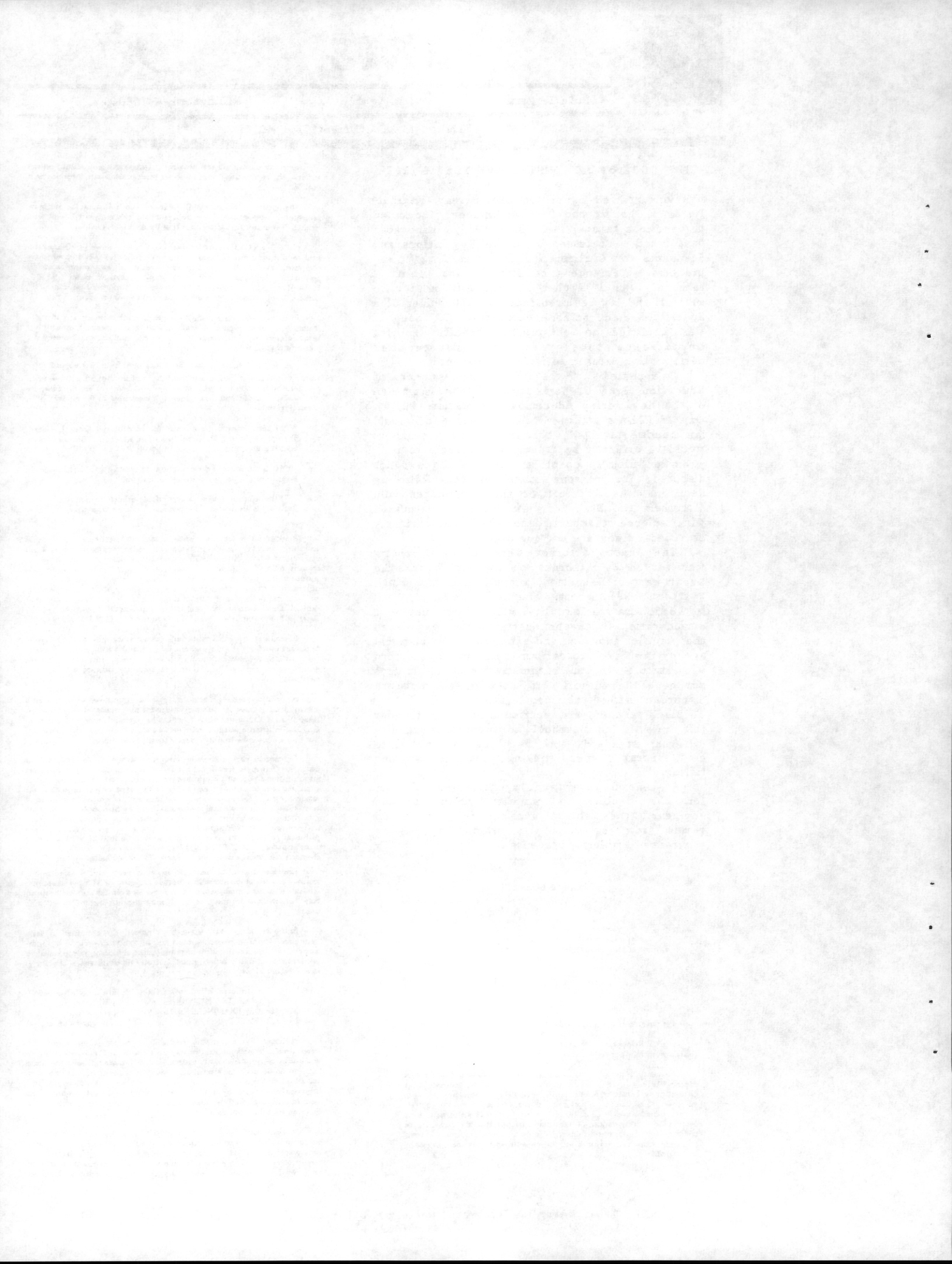
Petitioner asserts that, although he himself has completed at least twenty-four credits in physical sciences and another twenty-four in biological sciences, the issuance of a comprehensive science certificate, as contrasted to two separate and clearly defined specific subject field certificates, is demeaning. In this regard he states:

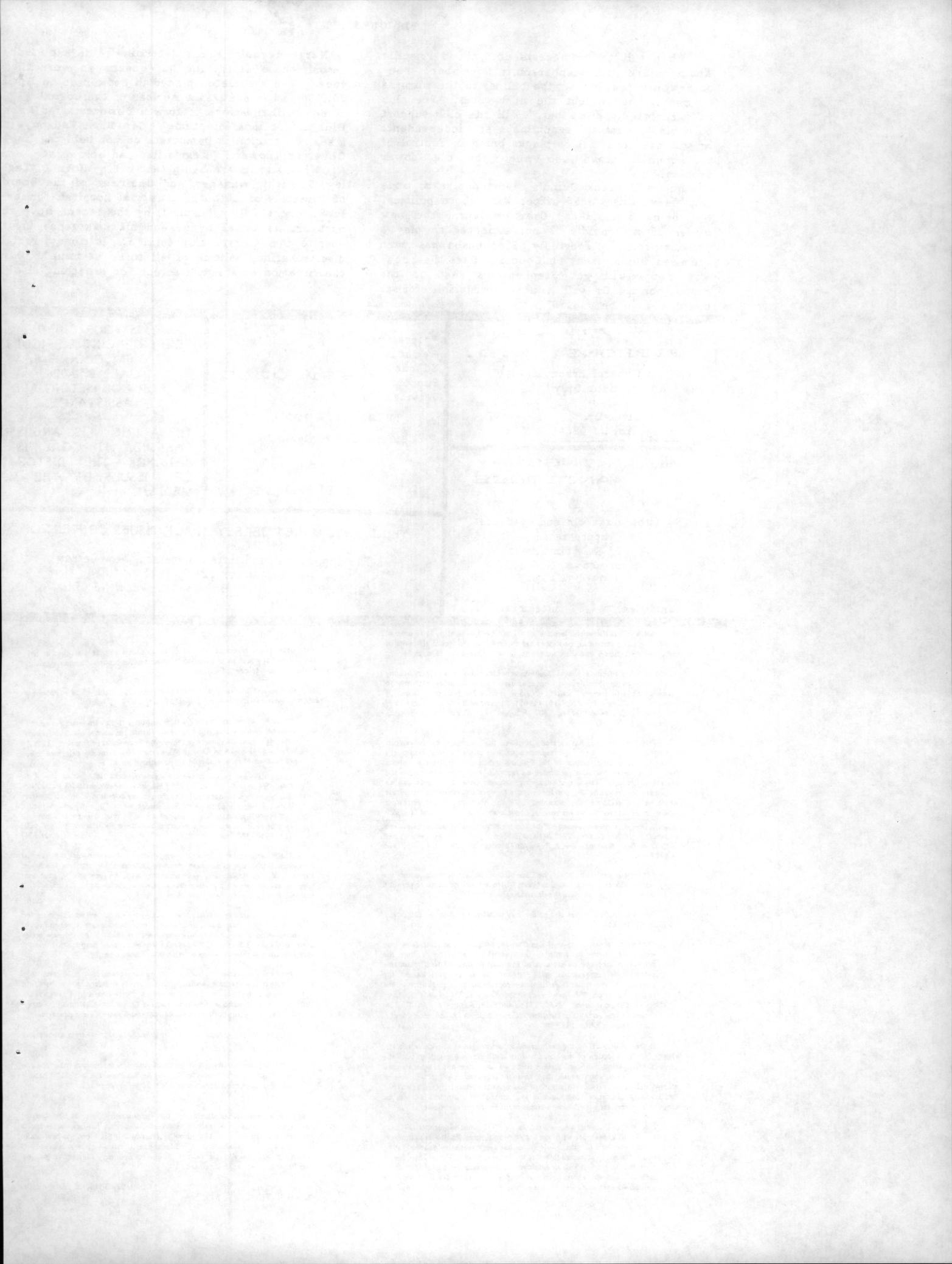
"...[T]he attainment of the BIOLOGICAL SCIENCE ENDORSEMENT is an option OF THE PETITIONER and not a privilege of the STATE BOARD OF EXAMINERS through an arbitrary interpretation of [N.J.A.C.]..."  
(Brief in Opposition, at p. 4)

Petitioner also argues that his seniority rights are in jeopardy by respondents' interpretation since he is, pursuant to *N.J.A.C.* 6:3-1.10(b), placed in the same category as all other persons with the Teacher of Science certificate but who do not have the specialization which he possesses to teach chemistry and advanced chemistry. Thus, he argues that in the event of a reduction in force he could be replaced by a teacher with greater seniority but without the specialization and skills required to teach those specialized subjects in a thorough and efficient manner.

Petitioner asserts also that the very flexibility afforded by respondents to his administrators has encouraged them to assign him to three subjects requiring daily preparations so arduous that no teacher should be expected to carry such responsibility in a thorough and efficient manner. Petitioner maintains that such assignments, abetted by respondents, are contrary to the concept of teacher

- | x -







What will the democrats do about Priscilla Anderson and Paul Stephenson in November? They both won a position on the ballot, to the surprise of many. She brought the most votes. The club had reportedly dump her. Will the club support both blacks against republicans and independents or will the potential of blacks being in control of the council prove too much for the power brokers?

How will Frank Quinn's reported plan to move to leave this area affect Willingboro politics? Not being a resident, Craig Welburn, the new owner of McDonald's, is not expected to play a political role. Reportedly, Stephenson has been promised Quinn's seat on Council. Does that mean Roy Paige will get Stephenson's seat on the school board Or will a more corruptible former board member be chosen?

Marge Reynolds seems determine to defeat Stephenson, whose ethics she has questioned more than once. Was a skeleton placed in her closet on April 28, 1980 when she was a member of the board?

How will the move to form a Democrats for Kean Club affect local elections? Can Dave Vaughn win a seat on council if Democrats do not hold the line? Governor Thomas H. Kean's line can help a lot.

What signals are being sent out by John D. Tegley, Township manager, and Chairman of the Board of Directors of Zurburg Memorial Hospital (formerly Rancocas Valley Hospital) by the recent move to oust Dr. Nathaniel Evans and his Emergency Staff despite their outstanding service? Is money, racial discrimination, politics or all three at issue? Can the situation be a smoke screen for something else?

Wayne L. GIBBONS, M.D.  
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accountability and the public interest. (Brief in Opposition, at p. 5) in support of the foregoing assertions, petitioner has entered into the record affidavits of certain fellow teachers who share similar opinions. (Exhibits A-1 through 5)

Petitioner concludes that the Commissioner should order a plenary hearing to establish all of the relevant facts, pursuant to his statutory authority to examine the efficiency of schools. *N.J.S.A. 18A:4-24; Booker v. Board of Education of Plainfield, 45 N.J. 161 (1965); Shepard v. Board of Education of the City of Englewood et al., 207 F.Supp. 341 (D.N.J. 1962) Brief in Opposition, at pp. 5-7)*

The Commissioner has carefully reviewed the pleadings, Briefs, exhibits and relevant law as relate to the respective positions of the litigants. Petitioner's prayer for relief for rescission of his Teacher of Science certificate is without merit. This determination is predicated on recognition that he now teaches and has taught in prior years life science which requires either a biological science certificate for which he has not applied or a comprehensive science certificate which he now seeks to have rescinded. To grant rescission of that certificate would, in effect, render his teaching of life science to pupils an *ultra vires* act.

Such action is further estopped by the equitable doctrine of laches. In *Auciello v. Stauffer, 58 N.J. Super. 522, 529 (App. Div. 1959)*, the following was quoted with favor from *Bookman v. R.J. Reynolds Tobacco Co., 138 N.J. Eq. 312, 406 (Ch. 1946)*:

""It is the rule that the defense of laches depends upon the circumstances of each particular case. Where it would be unfair to permit a stale claim to be asserted, the doctrine applies.""

Similarly, Justice Heber said in the case of *Marjon v. Altman, 120 N.J.L. 16 (Sup. Ct. 1938)*:

""While laches, in its legal signification, ordinarily connotes delay that works detriment to another, the public interest requires that the protection accorded by statutes of this class be invoked with reasonable promptitude. Inexcusable delay operates as an estoppel against the assertion of the right. It justifies the conclusion of acquiescence in the challenged action. "" *Taylor v. Bayonne, 57 N.J.L. 376; Glon v. Board of Police Commissioners, 72 Id. 131; Drill v. Bowden, 4 N.J.Mis.R. 326; Oliver v. New Jersey State Highway Commission, 9 Id. 186; McMichael v. South Amboy, 14 Id. 183.*"" (120 N.J.L. at 18)

Herein petitioner, having been issued a comprehensive science certificate, taught, at the direction of the board and its administrators, pupils in both the physical science and biological science fields. In turn, these pupils were assigned grades and credits upon which they have the right to rely for purposes of employment and entrance to advanced educational opportunities. Their credit and standing in relation to graduation and issuance of a diploma will not be clouded by rescission of petitioner's comprehensive science certificate.

Nor did petitioner, who waited from 1973 until November 1976 to formally file his appeal, act with reasonable promptitude. Petitioner's employer who has allowed him to gain tenure status has every reason to believe that he may legally teach any science subject at the secondary school level. Petitioner is well aware that in his first year of employment the Board made such assignment of classes as those for which he is now responsible. Yet, as a free agent, he willingly carried that schedule. Petitioner may not now, by the relief which he

seeks, deprive the Board of the flexibility to utilize him as a teacher in any subject area for which he is qualified by reason of his academic preparation and certification as a teacher of science.

As was said in *Board of Education of the City of Plainfield v. Plainfield Education Association, 144 N.J. Super. 521 (App. Div. 1976)*:

""It is elementary that a grant of authority to an administrative agency is to be liberally construed so as to enable the agency to discharge its statutory responsibilities. In *re Pronunciation of Rules of Practice, 132 N.J. Super. 45, 48-49 (App. Div. 1974)*. In short, the authority delegated to an administrative agency should be construed so as to permit the fullest accomplishment of the legislative intent. *Commara v. Essex City, Pura Comm'n, 26 N.J. 404, 411 (1958)*. Moreover, when construing a statutory enactment it is fundamental that the general intention of the act controls the interpretation of its parts. *Hackensack Water Co. v. Ruta, 3 N.J. 139, 147 (1949)*. All statutory provisions are to be related and effect given to each if such be reasonably possible. *Jamouneau v. Harner, 16 N.J. 500, 513 (1954).*"" (at 524)

The Commissioner finds as appropriate and reasonable the rule of respondents that the most comprehensive certificate for which a teacher is eligible shall be issued. The Commissioner does not perceive as petitioner suggests any demeaning aspect to that ~~rule~~ as compared to the issuance of multiple specific subject field certificates.

The Commissioner is aware that teaching staff members who are members of the New Jersey State Board of Examiners provide adequate representation in the formulation of proposed certification rules for adoption by the New Jersey State Board of Education. *N.J.S.A. 18A:6-34 et seq.* Respondents' rule is reasonable and within the scope of its original jurisdiction.

Petitioner expresses preference that he have fewer courses to teach than the three he is now teaching. Although his preference is deserving of respect, it is not universal among teachers, many of whom prefer a variety of assignments. Nor does the Commissioner find that teaching such a combination of courses is contrary to the constitutional concept of a thorough and efficient education.

Respondents rely, appropriately, on *Mesiello, supra*, wherein it was stated that:

""[W]ithin the legislative grants of authority the various tribunals may mould their own procedures so long as they operate fairly."" *Laba v. Board of Education of Newark, supra, 23 N.J. at page 382.*"" (25 N.J. at 601)

The Commissioner determines that respondents' rule, as controverted herein, on the issuance of teaching certificates is not only fair, reasonable and in the best interests of the public school systems of this State but has been fairly applied to petitioner who is qualified for the certificate which he was issued and now holds. Accordingly, respondents' Motion for Summary Judgment is granted. The Petition of Appeal is dismissed.

August 9, 1977

COMMISSIONER OF EDUCATION

The present system for providing public education in this district might be characterized, using the elements at issue, as follows:

1.0 PLANNING

A Board of Education has existed for years, as the primary decision making unit, consisting of persons whose only mandated qualifications, by statute, are:

- a) the ability to read
- b) a minimum number of years of residency

With regards to the election of board members, the rub is that although "whites" who can hardly read and have less than a high school education have been elected, re-elected, or appointed. Their political power springs from a commitment to perpetuate past pattern of "discrimination", maintaining the status quo with respect to contractors for services who exploit the system and abuse of power derived from statutes against anyone who objects.

"Blacks" with comparable education are never elected and "blacks" candidates with college degrees have to sellout their race and values system to obtain the support needed to be elected or appointed, unless elected by some political freak.

A superintendent was appointed as a non-voting member of the board, who represented that he had the education and experience required by the State for certification and the additional qualifications imposed by

the board.

He was appointed, primarily, because of his perceived ability to keep the various employee groups in line and not for the uniqueness of his theory of education. He managed to have the board grant him early tenure so that he would not be ousted, if became politically expedient, to ouster him, after doing the board's dirty work, which precipitated the only strike in the history of the township in 1977. However, with tenure he has been able to survive despite the many problems of the district, through using the employee and other groups to keep members on the board sufficient to cast the "five votes" necessary to put down any opposition to what is taking place.

A board solicitor is hired, who may be the highest paid person in the district, because he works to indemnify the members of the board and central staff against charges of fraud, incompetence, corruption, etc. under the watchful eye of a county superintendent, who plays whatever game is necessary to survive and the quasi judicial supervision of the Commissioner of Education, who never forgets that he is politically appointed and must keep the community waters "untroubled" no matter which party helped to place the appointing Governor in office.

## 2.0 SCHOOL/COMMUNITY RELATIONS

The members of the community are made to feel as if they are part of the system until they attempt to intervene in "controversies and

disputes" pursuant to the rules of the State Board regulating hearings by the Commissioner. In such instances, intervention is denied by the Commissioner of Education unless the intervenor has children enrolled in school" or political influence that might cause the Commissioner problems.

The principle used is that the intervenor's concern does not appear to be "primary".

### 3.0 COMPREHENSIVE CURRICULUM / INSTRUCTION

A curriculum is adopted, annually, to meet, at least, the minimum requirements of the state. Rules of the State Board of Education on "Teacher Certification" were manipulated with the help of the State Board of Examiners in such a way as to permit maximum "flexibility" as opposed to assuring that "well qualified teacher and/or teaching staff members" are hired to implement the curriculum. This provided time for unqualified "whites" that were hired to qualify and be protected by "tenure" and "seniority" while qualified blacks continuously denied "an equal employment opportunity".

The curriculum is adopted as a group of independent subjects as opposed to interdisciplinary subject-matter units. If the latter is adopted, unexpectedly, on a conceptual basis, it is implemented as the former, operationally.

### 4.0 STUDENT ATTENDANCE

Students have been enrolled at the various levels of achievement, but most likely by age. The attendance rate is to be kept to a maximum, conceptually; yet, the most popular method of discipline is "suspension". A "point system" for "grading" was introduced which enabled a student to work the first three of the four quarters of the year, be absent the fourth quarter, and come back to be promoted and/or to graduate. This system was changed but not the personnel who thought that such a system had merit.

Emphasis has been placed on helping a select few", predominately "white", meet acceptable college standards if not reach their potential to demonstrate that the system can work. The remainder, mostly "black" are accommodated vis a vis special programs, keeping them out of the way of the "elite".

## 5.0 FACILITIES

Facilities are provided with a view to assure compliance with health and safety laws. Yet, the county superintendent issues permits to utilize substandard facilities, year after year.

The solicitor defends, when necessary, against challenges by parents concerned about the hazards to which their children are exposed.

## 6.0 PROFESSIONAL STAFF

Members of the professional central and school staffs have been re-appointed, annually. Whether or not a given teaching staff member was certified in his/her respective area was a matter of which standard was used, "the desire for flexibility" or "academic credentials". The latter is required by state statute.

Staff members are appointed, not, solely, on the basis of the qualifications of the applicants but to make certain that the image of the school district reflects the "racist society" of which it is a part. However, Willingboro is not one of 49% of the school districts in New Jersey that does not hire a single "black" certificated person.

Yet, substitutes are employed in ways to circumvent the law, i.e. making them take 1 day off every twenty days.

Professionals with tenure, who point out problems, or are otherwise out of step with the masses, are ousted under the guise of tenure proceeding. Even when the charges are not certified as required by law, "removal" is ordered by the Commissioner or "his designee" despite a hearing record laden with irregularities and constitutional rights deprivation of the teaching staff member. This kind of decision is sustained by a so-called "legal committee" of this State board that is best characterized as blind.

#### 7.0 MANDATED PROGRAMS

"SKILLS DEVELOPMENT" is treated as an independent developmental process instead of the foundation upon which all other courses are based.

Too frequently unprepared teachers are assigned to teach skills courses because there is no other place to put them.

#### 8.0 ACHIEVEMENT IN STATE MANDATED BASIC SKILLS

Students are expected to perform at a given level of proficiency but are being taught, frequently, by teachers who are not prepared academically, to teach the courses to which they are assigned, because administrators cannot find any place to schedule them while implementing a system of preferential treatment of those whose political power is manifested by the members of the board they help put into office.

#### 9.0 EQUAL EDUCATIONAL OPPORTUNITY / AFFIRMATIVE ACTION

On the state level, Equal Educational Opportunity and Affirmative Action are activities which function to meet the requirements for annual funding, primarily, but fail to do that which is necessary to resolve the problems created by "apartheid" American style.

On the local level, the Superintendent, until a month ago, was the Affirmative Action Offices. Charges of racial discrimination by members of staff were take as a personal confrontation and were counter-acted with trumped-up tenure charges by the employing board and

administrative staff.

## 10.0 FINANCIAL

A budget is adopted and submitted to the community for approval. Once approved, expenditures are "rubber stamped" by board members, who rely on the information given by professionals. The so-called professionals provide only what they want laypersons on the board to know. Most are unable to perform the fundamental calculations necessary to detect the inadequacies of what they are given and do not have the background to wonder whether or not to be suspicious.

Money is high on the priority list of staff members. Too high a percentage of the staff members have one year of experience 15 or more times as opposed to 15 or more years of experience and have not returned to school since graduating. Schemes are designed to make certain that the money is available, at least, for the next contract year/s, if not there for programs.

How funds are manipulated "in" and "out" of the free and unappropriated balance" is a disgrace.

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The system goes into operation each year with a view to fulfilling the state's mandate of a "thorough and efficient education" for every child.

When the system fails, no one is surprised. The number of those, who are able to place their children in private or parochial schools or use "alternate methods" of educating their children, increases.

The cycle is repeated year after year by operation of the re-election or appointment of persons whose most sought-after qualification is dedication to the perpetuation of past patterns of control and discrimination and the removal of anyone who opposes what is taking place by any means possible, be it legal or illegal. These so-called elected public servants are supported by Political Action Coalitions formed by staff members, with influence that reaches all the way to the Governor's office. These elected persons, though otherwise deficient, know how the political game is played and where to find the money to perpetuate their desire for political power.

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Although, it has been admitted that, some of these conditions changed with a change in the composition of the board of education, the group that was in control of the board, that enabled these conditions to exist, is once again in control. Most of whom have spouses working for the district, and they are helping their spouse to laugh at the unhappy taxpayers, "all the way to the bank".

Clearly, when such a system erodes to the point that it does not

August 20, 1986

produce a quality produce, intervention is necessary then, if not before. The intervention must be of sufficient duration to break a deeply rooted pattern that is stabilized by "tenure" and "seniority" laws, behind which, those who inappropriately thrive on the system, survive.

However, intervention will be no better than the dedication of the intervenors, the duration of the intervention period, and the measurability of the effectiveness of changes. If the new cycles are going to be replicas of the present, then, as Shakespeare put it, "... better to bear the ills we have, than fly to those we know not of". However, something has to be done.

We support the proposal, for its potential. That it will work has yet to be shown. Before the Commissioner's proposal is implemented, if approved have him put the State Department of Education in order.

Respectfully submitted



Ernest E. Gilbert - Director

EAGLE FLIGHT

POST #290

RULES AND REGULATIONS

1. COME FULLY DRESS<sup>SP</sup> TO ALL MEETINGS.  
(NO DRESSING AT THE CHURCH)
2. MEETING WILL BEGIN AT 7:00 P.M. SHARP.
3. NO EATING WILL BE ALLOWED DURING THE MEETINGS.
4. BRING GROUND SCHOOL EQUIPMENT TO ALL MEETINGS.
  - A. NOTEBOOK
  - B. PEN AND PENCIL
  - C. TEXTBOOK
5. YOU WILL BE REQUIRED TO KNOW THE EXPLORERS CODE.
6. NO TALKING DURING LECTURES (GROUND SCHOOL) OR IN RANKS.
7. WHEN YOU ARE GIVEN AN ORDER YOU WILL BE REQUIRED TO CARRY IT OUT FULLY)
8. IF YOU HAVE ANY COMPLAINTS WE SHALL DISCUSS IT AFTER THE MEETING, WITH COMMANDER WHITE AND THE OFFICERS.

THANK YOU FOR YOUR COOPERATION.

*Mark Adams*  
PRESIDENT

YVONNA BRUCE  
RECORDING SECRETARY

AN ADDRESS BY  
HENRY R. PRZYSTUP, ED.D.

BEFORE THE N.J. SENATE AND ASSEMBLY EDUCATION COMMITTEE HEARING ON A-2926 & A-2927

September 16, 1986

Members of the Committee..... Thank you for allowing me to express some of my thoughts concerning the need for New Jersey State Intervention into their public schools.

Whatever the outcome of this legislation, the middle class, teachers and principals within the cities, will need to raise their consciousness and show some leadership in order to remedy the very serious educational problems contained in the older cities, in particular, Jersey City. The state department of education, on the other hand, must intervene on behalf of city children if they find flagrant abuses of state policies and regulations. But, the state department cannot be effective if they are not given a clear mandate by the new law to act decisively and judiciously.

Little over a hundred years ago, the Legislature in ratifying Article VIII of the State Constitution, justifiably expanded its influence to upgrade the schools in rural New Jersey. Today, the Legislature is being asked to do the same thing. Only this time, the poor and disenfranchised students who need upgrading are found in the cities.

I think it has been known for a long time by most reflective urban dwellers that their leaders have been financially irresponsible and insensitive to the needs of public school children. I also believe that the private/parochial schools proliferated after the Second World War in the cities, in part, due to the poor planning and management imposed upon city schools by their political leaders. Irresponsibility and insensitivity coupled with the increased numbers of poor and working classes found in the cities are disproportionate to the small number of educated people who know the importance of school management. Unfortunately, what is shared by the few educated people in the cities and almost all suburbia is certainly not shared by the social groups who control and ruin the city schools.

For the past twenty years I have been brainwashed to believe that the cities were underfinanced because of the poverty found there. I also believed that the state department of education was insensitive to the cities because of their aloofness, elitism and predisposition to assist suburban children. After being a teacher, principal, supervisor, assistant superintendent and superintendent of schools, I have observed the state nudging the cities to better manage their affairs while they too experienced the frustrations of political interference. However, I am convinced of two things. First, the city schools, by and large, are not managed properly and secondly, the public schools cannot be helped unless the state intervenes. It should come as no surprise to anyone that the public is demanding the State Legislature to do something. Even the poor and working class in the cities are seeming to say: Enough is Enough!

Like so many others, I believe the Jersey City schools and many other schools in the same situation, are mismanaged and the leadership therein allowed to make poor decisions, develop poor policies, and be accountable only to a few political hacks whose interests are patronage, ignorance and greed. Those who would oppose this view have three arguments. First, they would claim that the city schools are underfinanced and secondly, they would trivialize management skills with impunity when addressing their constituency. Thirdly, and most importantly, they would claim that their "home rule" is being violated. As you know, home rule allows individual districts to determine appropriate instruction and to implement

educational programs set down by the state's policies and guidelines. Home rule has been allowed to develop in New Jersey both historically and culturally. On the positive side, home rule allows for sufficient flexibility so that school districts may meet specific educational needs unique to each community. On the negative side, home rule helps to perpetuate a status quo that fosters continued educational failure and corruption at the expense of children.

I am quite certain that most teachers and principals in the cities readily accept the current leadership in public education as not being an abstraction of modern politics. Teachers and principals have been literally overwhelmed with Mayors Hague, Kenny and Whelan of Jersey City, Addonizio of Newark, Musto of Union City, and Erichetti of Camden (all political bosses and all convicted of crimes). The historical decisions and events of these political bosses and other corrupt politicians found in the poor areas of the state are chronicled in a clear and unobtrusive manner and there can be no doubt as to their authenticity and effects on public education.

It is quite clear to me that educators and citizens of Jersey City have become resigned to accept the celebration of tokenism; one man rule in the teachers union; the trivialization of management skills; and the one man rule in city hall. There is a general correspondence between the society of Jersey City as a whole and the way schools are run. In other words, these conditions are allowed to continue because of an atmosphere of acceptability and resignation by the masses.

Let me explain what I mean by tokenism. Tokenism means to have an ethnic minority placed in an important and authoritative position but, in essence, the token has no power or control. Tokens can be placed on a political ticket or they can be placed in some government institution. By design, therefore, tokens are given no power or authority over the constituency they lead. The token is usually a person with less credentials and expertise than a person with an acceptable performance of academic excellence, exemplary job performance and continuous work ethic. Those who are capable of creating a token claim egalitarian motives when the appointment is made. The critics within the same minority group are limited in their criticism because the power elites claim that the critics are jealous and envious of the appointment. To add further derision, the majority of the ethnic groups who are usually not educated, do not understand that they are being manipulated by the power elites. Given these circumstances, the token readily accepts the role because of the great prestige attached to the token's status by the greater society. Hence, the term token is used to describe someone who is inferior, uncaring, and can be easily manipulated by those in actual power and control.

The present Jersey City superintendent of schools does not enjoy the role and status associated with the typical affluent suburban superintendent. The Jersey City president of the teachers union controls much of the hiring and firing of teachers and finally, this is made possible because of the sanctioning and control by the mayor vis a vis his appointed board members. Are there tokens in the board of education, the teachers union and city hall? Of course. Is there a general correspondence between what the society accepts and legitimizes in the running of their schools? Of course.

It appears that the incumbent administration of the teachers union may reflect, in part, the greater environment of Jersey City which seems to cradle and embrace political bossism. Furthermore, there is evidence that the union leadership has an advantage in controlling the internal communication of its organization, its monopolization of political skills, its continuous and large permanently organized political machine, and finally, an acceptance by its members of the legitimization of stratification between the incumbent administration and its rank and file members.

If we were to examine why one man rule is possible in a large urban teachers union, one would need to examine some of the attitudinal and behavioral characteristics of the over 2,000 teacher members. Based on my 1983 doctoral dissertation on teacher participation in their union within

Jersey City, I am reasonably certain that their attitudes have not changed.

Jersey City teachers perceive they have little influence within their union and they have negative impressions of their leaders. Most teachers do not want to become union directors and within the small group who are interested, a slight number of males are more interested in directorships than females. The membership clearly indicated that being friendly with a politician at City Hall would be the best way of obtaining a promotion, whereas the directors felt very strongly about being friendly with the union president.

It is clear that union directors have a greater political knowledge of their union organization than the general membership and the benefits derived from this knowledge are related to job promotional opportunities, transfers, and awareness of choice in jobs and schools. It is also clear that the president of the union has an even greater political knowledge than his directors due to his association with the assistant superintendent of schools in charge of personnel and past mayors of Jersey City.

Tokenism and one man control in the teachers union and one man control in city hall are inextricably interrelated in Jersey City. It is also one man (literal) control because women have virtually no say in the government of Jersey City.

How is all this possible? Unfortunately, many poor and uneducated people accept centralized power and view it as legitimate and reasonable. Those who do not accept it become alienated and isolated and they either leave the city or choose to do nothing. The ones who try to change things are too few in number and therefore serve as no threat to the behaviors of those with power. On the other hand, many working class people believe that politics and the board of education are synonymous and therefore they perceive politics as a stepping stone to wealth, prestige and status. The working class are also less tolerant to democratic norms and seem to have a propensity to accept authoritarianism in their homes, schools, churches and other social institutions. They also have a tendency to embrace political bossism. In the suburbs, as a contrast, no mayor or council member would dare mix their political activities (at least not openly) with the social and educational interactions of their board of education.

In Jersey City, a highly centralized and authoritarian board of education is a very efficient design when it comes to doling out patronage and awarding contracts to vendors acceptable to city hall. These practices continue to thrive and are made possible because the greater society accepts it as the nature and order of things. It is a cultural norm. To make things worse, even the educational leaders have rationalized their resignation of these practices. However, the newest educational leaders have gone a step further by accepting and legitimizing a new attitude of "we" against "them." That is, we won the last election with the present mayor and therefore, it is only natural that we share in the spoils system. But who are these educational leaders who think this way? They are the medical doctors, accountants, merchants, lawyers, principals, religious leaders and a few teachers who are the current hierarchical leaders within the city administration and the board of education.

Not only does a highly centralized board of education contribute to tokenism, it is controlled by only a few and metamorphoses into an authoritarian state. It helps dull the senses and promote apathy. It also kills the career of many able educational leaders who wish to leave Jersey City but are labelled and stigmatized as poor educational leaders because of the lack of accountability and poor quality of the Jersey City schools. It must be made abundantly clear that most educators in Jersey City understand the sins and abuses of their organizational make-up, but they choose to do nothing. Yet, it is difficult for most people in New Jersey to imagine the absurdity of the complacency and acceptance of outside political hacks dictating educational policy. Then again, most people cannot imagine that we are victims of horrendous circumstances. Why is this so? The everyday citizen cannot comprehend nor internalize the political, situational and contextual climate of Jersey City unless they have lived in the Camden's, Newark's or Paterson's. The everyday citizen is going to have to trust me when I say that whenever you have great numbers of uneducated and poor people, political hacks thrive and because of ignorance and poverty, the people show a tendency to tolerate the injustices committed against them.

There is a tendency by Jersey City politicians and many of its citizens to believe that managing the government and in particular the public schools is a trivial skill. This fundamental cultural trait is a crucial false assumption that must be recognized if the public schools are to function properly. It must be recognized that where managerial skills are rare, you will usually find greater poverty, even in the midst of rich natural resources, as is the case of Jersey City. Conversely, with greater affluence and virtually no natural resources, the suburban school systems not only function properly, they thrive and are perceived to have quality schools.

Japan, the European Jews, and the Chinese minorities are classic examples in history of how people have lifted themselves up from destitute and hostile political conditions, only to rise rapidly to prosperity again. In none of these cases did these people believe that their successes were based somehow on an egalitarian notion that managerial ability and entrepreneurial innovation are unnecessary and trivial.

There are several myths that should be dispelled. First, if we continue to look at our children in the cities from an egalitarian perspective (i.e. everyone should get the same education at the same time in all the schools) our school system grinds to a halt because the notion is utopian. No where in recorded history has any society managed to educate their children in the same way, the same time, or in all the same schools. In Jersey City, the present superintendent has just recommended that we democratize a competitive academic bowl on egalitarian principles. He wants to eliminate the only high school we have called Academic H.S. on the grounds of budgetary constraints and egalitarianism. Finally, he wants to reinstitute a personnel practices committee by appointing many community members, union members, central supervisors and only one principal to select future principals. This is done with the notion of: we must be egalitarian. Egalitarianism has contributed to widespread lowered test scores in all forms of standardized testing; fewer kids being accepted to prestigious universities;

fewer kids graduating from high school; a disproportionate number of kids attending school regularly; fewer kids obtaining skilled jobs and finally, these egalitarian kids not being schooled on how to compete and survive in society because the greater society outside of Jersey City does not believe in egalitarianism. Greater society competes and they know they will survive if they are more educated than the next person. Egalitarianism is an ideal just like democracy. We strive for the ideal and in practical terms, we cannot tell all the people that they are equal. Therefore, we must tell our kids that if they are industrious, self-reliant, independent, score higher on tests, obtain better grades than the average, and maintain their physical and emotional health, they will probably succeed in living a better life than the other student who does not do these things.

There is a common and crude impression that only teachers, because of their social interaction with children, are responsible for a good educational system. Similarly, there is an impression that because custodians are physically present in the building, schools will be clean. Finally, there are several educational supervisors who believe that if teachers and custodians come to school on time and leave on time everyday, the schools will improve without writing curriculums, school improvement designs or managing by objectives. Somehow we allow educational supervisors to think as if they were foremen in factories and somehow we allow teachers and custodians to be blamed for poor schooling and more importantly, we somehow allow the collective working class to believe that they are the only ones who are useful or utilitarian. While at the same time, the working class, and usually the politician, perceive managers as the privileged class that do nothing and are basically useless.

The Jersey City Board of Education and the Superintendent of Schools allows principals to be undermined because they are not allowed to hire or fire their own teachers. Teachers are hired, fired and transferred by one man and he is the Assistant Superintendent of Schools in charge of personnel. The former assistant superintendent of schools in charge of personnel for many years and the present one have a close relationship with the president of the teachers union who has been president for twenty years. Could anyone imagine in this day and age that one man hires all the teachers, custodians, clerks, etc., in a 5,000 person organization with a budget of 160 million dollars? Ask any teacher in Jersey City who has more power, the principal or the president of the teachers union? Ask any principal, who has more power, the superintendent of schools or the assistant superintendent of schools in charge of personnel? Finally, it is prohibited by organizational design for both teachers and principals to share in the governance of the schools because of the persistent oligarchical tendencies of the board of education. Stated another way, Jersey City has a history of one gang taking over for another gang. People have been regimented into believing that a representative democracy has something to do with allegiance to the gang of a street corner rather than to the greater society. If what I just described sounds like a banana republic, it is.

Given the banana republic status I have just conferred on Jersey City, I now would like to discuss what must be done in Jersey City and in other cities with similar problems. However, before I offer my solution, I must emphasize that I believe it is important for the New Jersey state department of education to intervene in Jersey City in an aggressive and

vigorous manner. But, no matter how much they intervene, and no matter how long they stay, their involvement will be meaningless if the leaders and parents of our society do not place values on educating our youth.

Prior to offering some solutions, it is important that I share with the reader the central tendency of personnel practices in Jersey City which I believe gives an accurate picture of "what is" the situation in the second largest city in New Jersey. On January 26, 1982, the Hudson County Grand Jury made a Presentment to Superior Court Judge Thomas S. O'Brien. A Presentment is a legal scolding just short of an indictment.

The Grand Jury condemns the widespread and bold-faced injection of political considerations into the selection and assignment of instructional personnel. The (Jersey City) Board of Education should serve as an autonomous body whose sole interest is to procure the best possible education for the City's children. It should not function as an arm of any political administration. Therefore, the Grand Jury particularly condemns the practice of punishing individuals for the exercise of their political rights. Such a practice is abhorrent to the natural functioning of a Democratic society and violates the Constitution of the United States.

They further state:

The Grand Jury recommends that the Board of Education base its hiring practices upon sound principles of personnel management which are recognized in the educational field. The Grand Jury recommends that the Board of Education should autonomously provide its services setting forth appropriate policy considerations and overseeing the work of the educational professionals. The Grand Jury recommends that the Board of Education specifically steer clear of political considerations in the assignment of its employees. It should not act as a conduit of political patronage or retribution.

Given the unique contextual climate of Jersey City and other cities like it, the burden of raising the consciousness of the masses falls upon the teachers and principals. Therefore, teachers and principals will need to communicate and socially interact with one another on a regular basis. They will need to let the entire society know who they are, what they are, and what they stand for. They can no longer expect superintendents and central office administrators to speak on behalf of them and the children of the city. I do not expect everyone to agree with them on all issues but what teachers and principals say should be strongly linked to seeking truth and understanding in a democracy. They must communicate with the citizens by letting them know who gets what, when and how. Not to know who gets what,

when and how prevents us from being accountable to our citizenry. Let me give a few examples of what educators can communicate to the public. It's possible for teachers and principals not to approve of some educational leaders just like lawyers who do not approve of some judges that are selected by governors or the President of the United States. Maybe the public should know right away that some contractors or vendors have done shoddy work on school roofs, or have installed inferior doors, or provide terrible service contracts on equipment. Maybe the public should know that some people hired have prison records, or, are too emotionally unbalanced to work with children. The point I make is that a teacher or a principal cannot speak out by themselves for fear of reprisal from central administration who are influenced, by and large, by city hall. A professional society of educators is possible and can serve as a mediator between the forces of corruption and what is good for children.

As soon as we can decide the who's and what's, we can begin to communicate our ideas of "what must be done." The what must be done communication is the beginning process of raising the consciousness of the people in the cities. Unfortunately, teacher's unions and principals unions are too entrenched with their own interests of guaranteeing the continuance of their organization and the interests of securing control of their organization by their leaders. Granted teachers and principals use their unions to increase their income and improve their working conditions, however, and despite these concerns, there seems to be a sense of normlessness and alienation brought upon educators by the society and school system itself. I suspect we are experiencing a state of anomie. Anomie refers to a loss of direction that is felt in a society when social control of individual behavior has become ineffective. If teachers and principals lose their sense of purpose, and I believe they have, a state of anomie is possible. Because of the profound social changes and disorders affecting education throughout the nation, educators, like everyone else, become confused and unable to cope. They either leave education, take an early retirement, or become completely passive to their situation. To make matters worse, the only newspaper in Jersey City and Hudson County, The Jersey Journal, has reported extensively on public education and has not been able to precipitate massive reforms in public education. In any other place in New Jersey (probably with the exception of other cities like Newark, Camden or Paterson), this paper would have helped to reform public education and provide direction for social change.

Let me examine what must be done in the Jersey City Board of Education and other cities like it, by using a ladder as a metaphor. Think of our process as a tall ladder, a very tall ladder indeed, that has to be constructed by those attempting to climb it. At the end of the ladder is a democracy. A democracy consistent of what is generally practiced in most boards of education in New Jersey. A democracy with all its failings and heartaches, but not more than or less than most boards of education in New Jersey. The rung of each ladder can be understood symbolically as sequential levels of popular awareness by teachers and principals of what must be done. The rungs in this ladder are not in place when we begin to construct it. If this process is to be a democratic building project, the rungs have to be built and placed by a cross section of educators, or other professionals

among us; their function must be understood and they must be set in place by teachers, principals and supervisors because these are the people who use each rung in their work. Essentially, we must attempt to raise the consciousness of our colleagues. Educators, again, are no different than anyone else, we must raise our consciousness of "what is to be done" one step at a time. The ladder must be raised, step by step, very patiently, very logically and very understandably. We cannot construct what we cannot imagine. We must know "what is" before we can ultimately do "what must be done."

Our mission can fail if we bring everyone to rung twenty or if many of the teachers and principals are on only rung three. Bold leaps forward are almost always fatal. Why? Public education, and public education unions, have been known to be resistant to change over the years. Therefore, in a democracy, we must be patient, we must be logical, we must be understandable.

I realize our task is difficult but I feel compelled to let everyone know that unjust social conditions have existed in Jersey City and other cities for a long time. However, many of the ethical educators have been aware of this victimization of passivity accompanied by a human conditioning to poverty and ignorance. The political leaders also know that teachers and principals can be intimidated with lawyers and bureaucratic rules and regulations. They know that a centralized board of education inspires authoritarianism and thus creates a cultural norm making mass democratic experiences difficult for us to imagine.

Nevertheless, we know the future looks bleak for the cities. We know there is no intellectual curiosity to political bossism and corruption. New Jersey Commissioner of Education Saul Cooperman knows this, Lou Acocella, the Hudson County Superintendent of Schools knows this, and even the nuns, priests, rabbis, and ministers of Jersey City know that public education in the cities uses one man rule, tokenism and a highly centralized board of education who trivializes managerial skills in order to perpetuate the greed of those few gang-like leaders, the ignorance of the masses and the benign oppression of poor families sending poor kids to poor schools.

The only way then that public education can improve in the cities will be by teachers and principals for the first time communicating and organizing into one voice. They must then learn how educational bureaucracies are structured while internalizing the fiscal responsibilities of all the participants in government. In this way, weakness and strengths of a school system can be made discernible to all. Finally, we must be willing to at least agree as to what are the basic tenets of good management on the teacher's part as well as the principal's. This, however, would be unnecessary if we had a mayor with the same interest in public education as our governor. The mayor need only appoint well intentioned and somewhat educated and independent board members who sought quality education and were dedicated to the ideals of truth, understanding, morality and ethics. It's as simple as that!

On a final note, there are many teachers and principals in the cities who happen to be very dedicated and good at what they do. Unfortunately,

the greater society of New Jersey believes that urban educators are less capable than their suburban counterparts, as if urban educators enjoy the same support from parents and board members in the suburbs. Nevertheless, the perception of urban educational inferiority will persist and probably increase soon after the state department of education and the legislature begin to pour money into the cities for remedial purposes associated with the High School Proficiency Test. Then again, that's another issue.

I realize the concept of home rule is strong in New Jersey, however, if the home contains political corruption and poor management, money will not help to remediate or educate our children. Therefore, the problem in the cities cannot be addressed until the state department of education and the legislature address the problem of urban political corruption, tokenism, the egalitarian myth, management trivialization, and finally, poverty and ignorance which makes all these things possible.

Just think what urban teachers and principals could do in an environment where the greater society values education and in turn, allows the educator to make educational decisions. Despite the tremendous handicap urban educators have and despite their frustrations of not having the greater society understand their important mediating role, they are the bulwark of our democracy. With a little charismatic leadership and some vision, reforms can be accomplished rapidly and urban kids will be able to compete and have a better chance in life. However, we will need to minimize the greed, the extent of ignorance and the degree of insanity held by those few leaders who maintain control in the cities.

