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PUBLIC MEETING

before

SENATE JUDICIARY COMMITTEE

Nomination Interview of Saul Cooperman to be the  
Commissioner of Education for the term prescribed by law

June 11, 1987  
Room 424  
State House Annex  
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Edward T. O'Connor, Chairman  
Senator Raymond J. Zane, Vice Chairman  
Senator Gabriel M. Ambrosio  
Senator John A. Lynch  
Senator Carmen A. Orechio  
Senator John F. Russo  
Senator Richard Van Wagner  
Senator Donald T. DiFrancesco  
Senator John H. Dorsey  
Senator William L. Gormley  
Senator Lee B. Laskin

ALSO PRESENT:

John J. Tumulty  
Office of Legislative Services  
Aide, Senate Judiciary Committee

New Jersey State Library  
\* \* \* \* \*

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



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EDWARD T. O'CONNOR  
Chairman  
RAYMOND J. ZANE  
Vice-Chairman



New Jersey State Legislature

SENATE JUDICIARY COMMITTEE

STATE HOUSE ANNEX, CN-068  
TRENTON, NEW JERSEY 08625  
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GABRIEL M. AMBROSIO

MEMORANDUM

TO: Senate Judiciary Committee  
FROM: Senator Edward T. O'Connor  
DATE: May 26, 1987  
RE: Committee Meeting June 11, 1987

The Senate Judiciary Committee will meet on Thursday, June 11, 1987 at 2:00 PM in Room 424, State House Annex, Trenton. The following nomination will be interviewed.

TO BE THE COMMISSIONER OF EDUCATION:

Saul Cooperman of Rocky Hill, to succeed himself, for the term prescribed by law.

The following nominations will be considered.

TO BE AN ADMINISTRATIVE LAW JUDGE:

John Richard Futey of Wrightstown, for the term prescribed by law.

TO BE A MEMBER OF THE FISH AND GAME COUNCIL:

William Schultz, Jr. of Mount Holly, to replace James Craft, for the term prescribed by law.

TO BE A MEMBER OF THE BOARD OF RECREATION EXAMINERS:

Cynthia A. Sullivan of North Brunswick, to succeed herself, for the term prescribed by law.

TO BE A MEMBER OF THE CONTINUING CARE ADVISORY COUNCIL:

Wendall A. Smith of Holmdel, for the term prescribed by law.

TO BE A MEMBER OF THE NEW JERSEY VETERANS SERVICES COUNCIL:

Margaret M. Malone of Trenton, to succeed herself, for the term prescribed by law.

TO BE A MEMBER OF THE CUMBERLAND COUNTY BOARD OF TAXATION:

M. Jay Einstein of Vineland, to succeed himself, for the term prescribed by law.

OTHER NOMINATIONS MAY BE ADDED.

In addition to the nominations listed above, the following bills will be considered.

- |                    |   |
|--------------------|---|
| SCR-47<br>Graves   | Proposes an amendment to the Constitution denying release or bail to persons who pose a danger to the safety of others. |
| S-1263<br>Graves   | Establishes the standards and conditions for bail.  |
| ACR-72<br>Kern     | Proposes an amendment to the Constitution to provide that release on bail may be denied under certain circumstances.    |
| A-2113<br>Hardwick | Designated the "Bail Act of 1986", establishes standards for fixing bail.   |

WARD T. O'CONNOR  
Chairman

RAYMOND J. ZANE  
Vice-Chairman

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LEE B. LASKIN



## New Jersey State Legislature

### SENATE JUDICIARY COMMITTEE

STATE HOUSE ANNEX, CN-068  
TRENTON, NEW JERSEY 08625  
TELEPHONE: (609) 292-5528

#### M E M O R A N D U M

TO: Senate Judiciary Committee

FROM: Senator Edward T. O'Connor

DATE: May 26, 1987

RE: Supplemental Agenda  
Committee Meeting June 11, 1987

The Senate Judiciary Committee will meet on Thursday, June 11, 1987 at 2:00 PM in Room 424, State House Annex, Trenton. In addition to the previously announced nominations, the following will also be considered.

#### TO BE MEMBERS OF THE WATER SUPPLY ADVISORY COUNCIL:

David Cohen of Holmdel, to succeed himself, for the term prescribed by law.

Dr. Eugene Golub of Freehold, for the term prescribed by law.

#### TO BE A MEMBER OF THE GLOUCESTER COUNTY BOARD OF TAXATION:

Rudolph Marcucci of Gibbstown, to succeed himself, for the term prescribed by law.

#### TO BE MEMBERS OF THE STATE BOARD OF PHYSICAL THERAPISTS:

Thomas K. Charles of Blairstown, to succeed himself, for the term prescribed by law.

Denise H. Shannon of Absecon Highlands, to replace Hugh Main, for the term prescribed by law.

Helen S. Kinley of Clark, to succeed herself, the term prescribed by law.

TO BE MEMBERS OF THE HEARING AID DISPENSERS EXAMINING COMMITTEE:

Kathleen Orr Valenta of Wyckoff, to replace William Jones, for the term prescribed by law.

Dr. Mary Blome of Cresskill, for the term prescribed by law.

TO BE A MEMBER OF THE HEALTH CARE ADMINISTRATION BOARD:

Allison Alkire of Bergenfield, to replace Charlotte Simon, resigned, for the term prescribed by law.

TO BE A MEMBER OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS:

Louis A. Raimondi of Ridgewood, to replace Sol Seid, for the term prescribed by law.

TO BE A MEMBER OF THE SOUTH JERSEY TRANSIT ADVISORY COMMITTEE:

Richard T. Crean of Audubon, for the term prescribed by law.

TO BE A MEMBER OF THE NEW JERSEY VETERANS SERVICES COUNCIL:

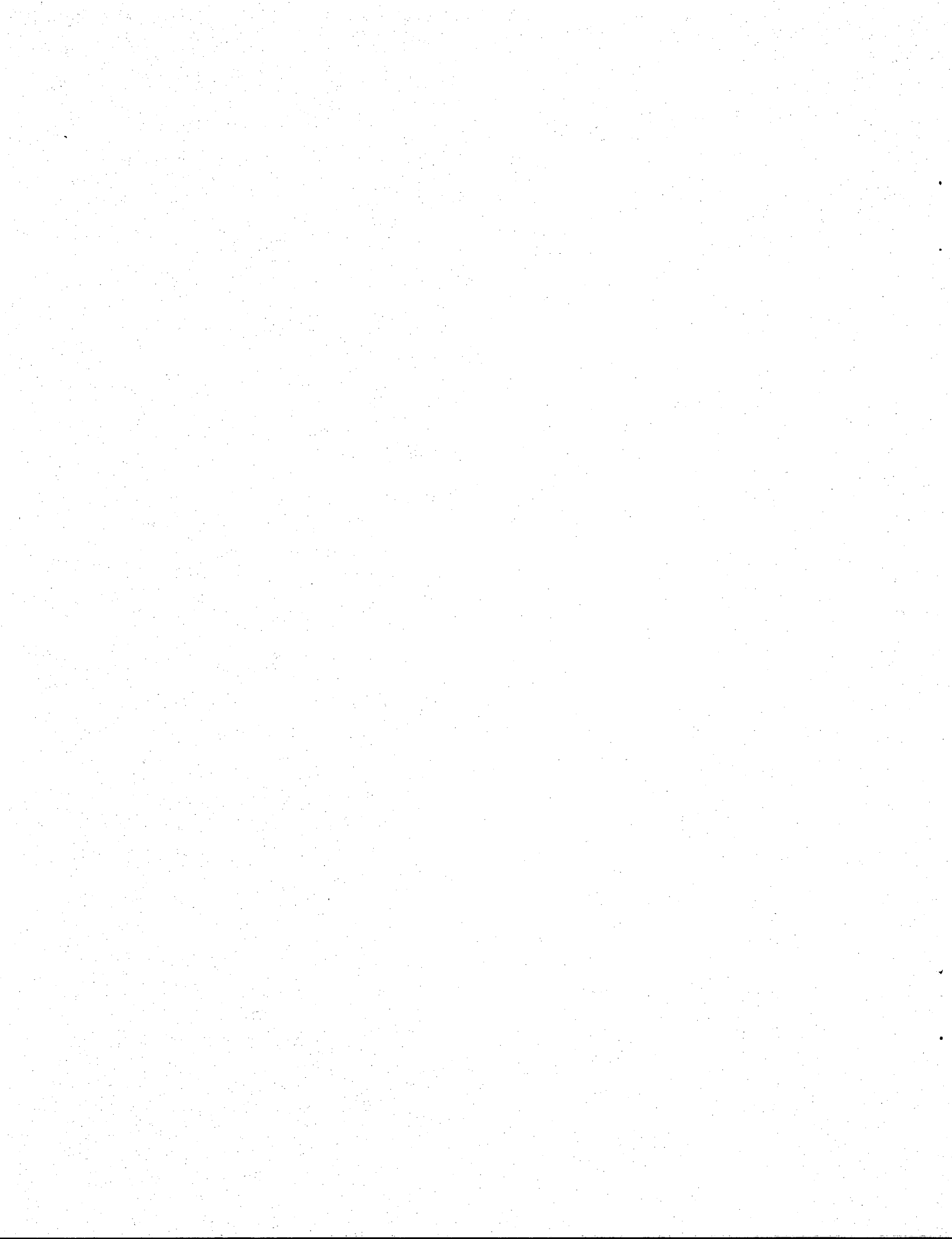
Robert E. Wallace of Milton, to succeed himself, for the term prescribed by law.

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SENATOR EDWARD T. O'CONNOR (Chairman): All right, the meeting is now going to come to order. Will you take your seats, please? We have, in addition to the continuing question of the nomination of Commissioner Cooperman, a number of nominations that do not require an interview. With respect to those, may we have a motion at this point? (At this point, roll is taken for the other nominations on the Committee's agenda)

We'll begin, before we have Commissioner Cooperman return to the table for questioning, we have Mary DeCillis, from the New Jersey Coalition of Concerned Parents, who's asked to address the Committee. Is she with us? (positive response) Okay.

M A R Y D e C I L L I S: I'd like to thank you, first of all, for allowing me this opportunity to speak on behalf of the Coalition of Concerned Parents of New Jersey. I am their education advisor. In the interest of time, I will make it short, sweet, direct. And I'll be available at any time for further questions.

The Coalition of Concerned Parents have serious reservations concerning reappointment of Mr. Cooperman. Although parents throughout the State were assured at many levels that they would be guaranteed a place in the educational process under T & E, it has been clearly demonstrated in the past that actions have proven contrary. Some examples which I would like to cite to verify the aforementioned are:

On family life education: When a public hearing was held on the continuation of this program, forums were held in three different locations at the same time, thus denying the rights of all those in attendance to witness all sides of the issues being presented. Transcripts were not available to State Board members until the day before the final vote was taken, making it impossible for those board members to evaluate the material in an intelligent and fair manner. The final

public meeting was held in a very small room where people who wished to participate in the process were barred by a State Trooper. Despite the overwhelming majority of previous testimonies presented to oppose the programs as they existed, it was passed. We strongly question the legality of the whole procedure.

On State takeover of school districts: With the removal of elected board members, parental influence will be further diminished, because there will be no one accountable, other than an appointed or tenure-protected individual. The question of negating a vote by an appointed official seems to be not only unconstitutional but alien to the democratic process we are all governed by in our country.

Are these the values we want promoted in our schools? I think not. Are we sending a strong message promoting more voter apathy? I'm afraid that we are. The State Department of Education, through the county superintendent, has the responsibility of approving curriculum and to ascertain if school districts are complying with the goals and objectives as mandated by law.

Why then, is the county office approving funds for those districts who are in violation of the law? Surely the few school districts who are targeted for takeover did not reach a crisis point in a short period of time. Nor is it a surprise to anyone who is involved in the educational community that funds are being misappropriated.

On a walk-in clinic pilot program: We wrote to the Commissioner expressing our concerns that this program was in direct opposition as clearly stated in section 439:b 2345 of the Hatch Regulation. We felt that knowingly violating Federal law could endanger Federal funds which are so vital to the operation of our school district. The Commissioner ruled that the Hatch regulation which we specifically referred to was only concerned with public employees and their participation in

political activities. This, of course, is in total error. And I have it here, if anybody wants to see it.

SENATOR O'CONNOR: Ma'am, excuse me, one second.

SENATOR ZANE: Ma'am, would you review that point again?

MS. DeCILLIS: I'll just leave it with you.

SENATOR ZANE: No, would you review that point again that you were making?

MS. DeCILLIS: Pardon?

SENATOR ZANE: Would you review that point again that you were just making about the Hatch Act?

MS. DeCILLIS: The Hatch Act-- The walk-in clinic that was put in in Moorestown, N.J. -- and I have the--

SENATOR ZANE: Walk-in clinic for what?

MS. DeCILLIS: It's a walk-in psychological clinic for teenagers. And we wrote that we were concerned that it violated the Hatch Regulation concerning psychological probings of children.

SENATOR ZANE: How, ma'am?

MS. DeCILLIS: The Hatch Regulation specifically says mental--

SENATOR LASKIN: You don't mean the Hatch Act, you mean Orin Hatch, the Senator.

MS. DeCILLIS: Right, Federal government.

SENATOR LASKIN: I think that's where the confusion is.

MS. DeCILLIS: The Orin Hatch -- which I have here. And specifically, what I referred to.

SENATOR ZANE: I think there's a possibility, then, of a misunderstanding. I mean, the Hatch Act generally involves people that are on some sort of Federal payroll being involved in a political process.

MS. DeCILLIS: But the specific section, that I am referring to, which I referred also to the Commissioner.

SENATOR ZANE: But, I think if someone said that someone was referring to the Hatch Act, especially--

MS. DeCILLIS: No. I specifically cited the section and part, and I also enclosed--

SENATOR ZANE: The section and part of what, ma'am?

MS. DeCILLIS: Of the Hatch Regulation which I referred to. It's right here.

SENATOR LASKIN: You mean Senator Hatch, don't you? You don't mean the Hatch Act as we know it, prohibiting political activity?

MS. DeCILLIS: No, no. This is the Orin Hatch amendment at the Federal level. It is the Public Law 95561.

We think that a Commissioner of Education should be familiar with the law, or verify the legality of a program before it is proposed and or implemented. Incidentally, this program was conducted without parental notification or consent. If there is a problem or concern with the progress of a student, we feel the child would be better served if parents and schools worked harmoniously in all endeavors.

And my last point, on the school-based health clinics: With the advent of this program on the horizon, how will Mr. Cooperman conduct himself, and what directives will be issued to his staff on this most sensitive and controversial issue? Will we again witness a disinformation campaign as in other issues, as was in family life education? We think we will. We are not confident that parents will be informed and/or advised in a clear and concise manner as to what activities will be conducted in these clinics. Our experience has been that the State Department of Education fails to inform parents of their rights and how they may exercise them. Our hope is that if this Committee of elected officials decides to reappoint Mr. Cooperman, they will consider the facts presented and act upon them in a judicious manner.

Thank you, gentlemen.

SENATOR O'CONNOR: Are there any questions by the Committee?

SENATOR ZANE: Yes.

SENATOR O'CONNOR: Senator Zane?

SENATOR ZANE: Ma'am, could you explain something about this Moorestown clinic? Is it M-O-- Is it Moorestown?

MS. DeCILLIS: Moores-- M-O-O-R-E-S-- The township.

SENATOR ZANE: Okay. In Burlington County.

MS. DeCILLIS: I have the program here.

SENATOR ZANE: What, basically -- without-- I don't want you to review that and read it back to me, but what basically was the program?

MS. DeCILLIS: The purpose of it was to take students, utilizing the child study team to sit down and, basically, hold rap sessions with children. And in that process, they were asking questions concerning family, problems in the family, and probing into a lot of private matters. I had something like 50 to 60 calls when this was implemented and parents were very concerned that the probings into the private lives of the family and the family's business -- financial, sexual, whatever -- without their notification or consent or their being there. And they wanted to be part of the process if there was a problem with their child. Any information that was sought was frauded. They -- parents -- were not allowed to even ask the administration any questions. We also felt that it was burdensome to the child's study team, who have an enormous amount of work to do with what they have. And most school districts do not have enough personnel to staff that child study team.

SENATOR ZANE: I don't want to belabor the point, but doesn't a child study team usually get into those kinds of things anyway?

MS. DeCILLIS: No. Child study teams usually are assigned to the children with special needs, or your special ed kids. I prefer children with special needs.

SENATOR ZANE: And these are just any kid that wants to come in and talk? Is that what it was?



MS. DeCILLIS: Yeah. But, they're-- You know, my understanding was there were no records taken, or whatever. But, our concern was that parents weren't notified. - Parents were not allowed to participate in the process.

SENATOR ZANE: Your concern, then, isn't that in any way it has jeopardized the student's education, your concern is as I understand it that parents were not involved?

MS. DeCILLIS: That's right. I feel that if there is a problem with a child, then the school and the parent should work together to solve the problem. Schools can advise parents as to if there is outside help that is needed, or whatever advice that they feel is appropriate for the child so that the learning process can take place.

SENATOR ZANE: May I ask you one other question?

MS. DeCILLIS: Sure.

SENATOR ZANE: What direct involvement does the Commissioner have in that, to your knowledge -- that program?

MS. DeCILLIS: I only wrote to him concerning my concerns with the overburdening of the child's study team, and the violation of the Hatch Regulation.

SENATOR ZANE: So the fact that there was such a group that met, it wasn't at his direction, or wasn't a plan of his as such. Is that correct?

MS. DeCILLIS: Well, it's under his watch. His Department developed it. The State Department of Education developed it, so it was under his watch.

SENATOR ZANE: Was it at the Moorestown High School?

MS. DeCILLIS: It's Moorestown Township public schools. It-- Yeah.

SENATOR ZANE: Okay. Thank you.

MS. DeCILLIS: I might add it was a voluntary thing on the students' part, but-- We're not objecting to the program per se; we're objecting to the implementation and how it's done without parental involvement. Okay? Thank you.

SENATOR O'CONNOR: Just a second. Did any of the other Committee members have any questions of the witness? (negative response) Okay. Before I ask Commissioner Cooperman to return to the table, is there anyone else here who has not signed a slip who would like to address the Committee on the nomination? (no response) Okay. Commissioner, if you would then, would you take your seat again? I will say that I know that individual Senators may come, and at such time as they do, I'll try to accommodate them. So, Commissioner, I may have to ask you to go back to the other seat.

COMMISSIONER SAUL COOPERMAN: Sure.

SENATOR O'CONNOR: Commissioner, I would like to go back to the question of intervention, and ask some more questions there. And I will tell you this, that I voted in favor of the State takeover legislation on Monday of this week. And I have in my mind now some concern as to whether what I did was the right thing, and I'm certain that a whole lot of us have questions about the whole issue. I'd like to go back to that, if I may, and ask you a few questions.

I know that on June 5th of this year, the Department of Education notified the superintendent and the board secretary of the Jersey City Board of Education of a Comprehensive Compliance Investigation which was to begin. And, this action was taken in Jersey City's case without the city having been presented with any corrective action plan. They were simply notified of the comprehensive compliance investigation which was to begin. The letter advising them of that was one that was sent by Assistant Commissioner Walter McCarroll. I'm concerned that-- Well, there are several issues that this brings to mind, and I'd like to get into those, and maybe you can address some of these for me.

One of the problems that was mentioned with respect to Jersey City -- and I know it's not unique to Jersey City, but -- many districts encounter the phenomenon of what we'll call

revolving superintendents. Every year or so, and sometimes -- many times -- just before a superintendent is about to get tenure, the local board of education decides to change players and puts another superintendent in. And, this sometimes becomes a tradition and results in poor management, since continuity of a strong and effective leadership is lacking.

Can you suggest ways to address this problem?

COMMISSIONER COOPERMAN: I sure can. There's no secret to good schools. A variety of people throughout the past twenty or thirty years have stated what makes good schools. You set clear goals; you involve a community; you reduce these to programs of action; you make your budget tie in to the programs; you allow your teachers autonomy within the classroom to devise the methods to reach those goals; you assess your goals; the board should stay with the broad picture and not mess in with the day-to-day administration. It's simple how schools become good. And there are a lot of urban schools that are good in the United States and in this State. Where it gets messed up is when a board frequently will not allow the administration and teachers to follow clear and simple plans to make schools good, and either administration is unable or unwilling to do what they know should be done. You know, it's not a secret as to what makes good schools.

One other comment. I had a gentleman observe four school districts for eight straight board meetings from beginning to end, writing down every five minutes what the board was talking about. Jersey City was one. After all these meetings, he put together, giving the board the benefit of the doubt, if they were talking about children; their learning, their assessment on learning. They were talking about teachers and growth less than 2% of the time. They were talking about appointments, they were talking about who gets the contract, and they were fighting with each other. So, it's not a hard--

I could just, if you permit me one minute here. These aren't my goals I'm going to read, they're goals which are put out by Operation PUSH. And, they're not going to sound too strange. They're similar to the goals that we stated four years ago for all schools. "We connect the links between the home and the school; restore high expectations for academic achievement; reduce disruption, violence and vandalism; reverse the downward trend in the indicators of educational success; attendance; improvement on basic skills; improved attitudes' vocational education; recapture public confidence by reaching these goals." This is put out by Operation PUSH. They're not much different than the goals we had four years ago. If people would only focus on the goals, and stop fighting at the higher levels, schools would succeed.

SENATOR O'CONNOR: All right. Now, your answer was more related to just general management and administration of a school district in general terms. What about this particular problem though, with the revolving superintendents? What would you do if you were the chief school administrator in such a district? How would you address the problem of the revolving--

COMMISSIONER COOPERMAN: If I were chief school administrator?

SENATOR O'CONNOR: Right.

COMMISSIONER COOPERMAN: I don't know. I'd probably get fired. Because, as you stated, they've had I guess three superintendents in the past four years. How I'd try to do it, is I'd try and work with the board. If you were my board, I'd try and get some agreement as to what should be done. Are we going to raise basic skills? If I get agreement with you on that, then I'd like to know if you would allow me, within three or four years to work with the staff and administration to do that. And I would ask you to please not interfere in that program. Let us have our retreats, our staff development, let us work on the course of studies, let us put in an assessment program. Let us do those things.

But they never get the chance. Nothing grows and gets nurtured. I think the political winds tend to fire administrators, and remove administrators. And that's just not good.

SENATOR O'CONNOR: Well, in your tenure as Commissioner of Education, there have been three -- for example in Jersey City, my community, there have been three -- superintendents of schools. How have you attempted to address that problem as the Commissioner of Education?

COMMISSIONER COOPERMAN: That is a board decision. A board of education; that's local autonomy. They hire the superintendent. They set whatever goals they set, or absence of goals. I have no authority whatsoever in telling a local board whom they should hire, or whom they should retain.

SENATOR O'CONNOR: Okay. Before you mentioned the problem of board members getting involved in the day-to-day operations of the administration, and how that's not something that is within their proper domain. I think we all can agree that this is something that does happen. Board members are well-intentioned, but they, perhaps, get a little bit overzealous, and otherwise do place themselves in areas where they shouldn't be. What advice can you give local administrators who are faced with this problem of the board members getting involved?

COMMISSIONER COOPERMAN: I think the key is the time of interview, to try and get-- People are only as good as their words, and actions to back up their words. But I would ask an administrator to ask the board, "Just what do you want for your schools? Where are your goals? Let me see your policies. Do I have an autonomy to work? If you set the goals, do I have the authority and means to reach those goals? You set the ends; let me work on the means." I would say that to the administrator.



But if a board keeps violating, it would be as if you're my boss, and you tell me, Saul, you want sales increased by \$900 thousand each quarter. And you want me to act appropriately and decently. But then, stay out of my hair on a week-to-week basis. But if you're going to come in and every week tell me, don't do this, do that, you know, ultimately I have the responsibility and I'm accountable, but I'm not allowed to do my job.

So, you know, many boards work very very well. But when you find a district that's in serious trouble, usually the problems are at the top.

SENATOR O'CONNOR: Well, how as the Commissioner of Education, have you addressed this particular problem?

COMMISSIONER COOPERMAN: In Jersey City?

SENATOR O'CONNOR: Well, not just Jersey City, but I'm certain it's something that is not peculiar to Jersey City. I mean, there are board members that do involve themselves. Have you attempted to address that?

COMMISSIONER COOPERMAN: Absolutely. I've talked to board members again and again. I've gone to conferences. I wrote a speech one time, and I said, "what you must do as a board member." And I said here are five particular things that you should do to make your schools better. And I was very very specific in that.

So, I've talked with boards, I've met with boards, I've met with the School Boards Association. I think, if Ted Reid were here, or Bob Boose or Joe Zemitis (phonetic spelling), they would frankly admit that at times they had problems with certain boards of education.

SENATOR O'CONNOR: Commissioner, I am going to ask you to take your seat again. I'm going to have Senator Stockman address the Committee. But I have three other areas that I want to ask you about in that area of intervention. So we'll pick up again with that in a moment. Okay. Can I ask you to step aside?

COMMISSIONER COOPERMAN: Sure.

SENATOR GERALD R. STOCKMAN: Mr. Chairman, I appreciate the opportunity to speak just for a minute to the Committee, and I apologize frankly for not being at the last Committee hearing. But, I would ask that this Committee, before confirming Commissioner Cooperman to another five year term as the Commissioner of the Department of Education, question him closely on his record on dealing with the crisis in urban public education. And perhaps equally important, his failure, in my opinion, to bring to his senior staff black and other minority educators, and others with strong urban experience.

Over 50% of the public school children are dropping out of our system. Close to that amount are failing to pass the High School Proficiency Test. The staggering failure which is a trend in this area is contributing to one of the most severe long-term social problems in our State's history.

I'm not suggesting that Commissioner Cooperman bears responsibility for that fact. But I am suggesting to this Committee that a look at the record of urban public education in New Jersey in the last five years leads to the inescapable conclusion that he and perhaps we together are not meeting that challenge. And it is a crisis in my opinion. And it's an insidious crisis in that what is happening now, I think we will pay for for many years to come.

Thank you very much.

SENATOR O'CONNOR: Thank you Senator. We appreciate your comments.

Commissioner, I'd like to ask you now about the High School Proficiency Test, and the problem that arises now that the adoption of the High School Proficiency Test as a graduation requirement, and what it has done with respect to those school districts who need to revamp their entire curriculum in order to address the new standards? School

districts have been on notice of this requirement now for several years, and yet some of them have failed to adopt a new curricula to meet the more difficult standards. The question is, what would you do if you were the administrator -- the school administrator -- in such a district which needed to revamp its K through 8 curriculum and hadn't done it to meet this High School Proficiency Test challenge?

COMMISSIONER COOPERMAN: I think I'd, if I were a local administrator, come down to Trenton and find out really what the Department has done in the past five years. I'm tempted to respond to Gerry; I respect him. I don't agree with him. But, straight on your question, Senator, we set higher standards. We did that one month after I became Commissioner. I was tired of what I referred to as the tyranny of minimums. It was so easy to keep on with the MBS. I had a check in front of me in August of 1982 which would have authorized -- it was a power play, plain and simple, to sign the check. And if I signed that check to pay the company that developed the test, we'd be in the MBS still, because it would have authorized it for a couple more years.

We went to an HSPT, which raised standards. The next thing we had to do to this hypothetical or mythical superintendent was say, "if you can meet these standards, go ahead. You don't need any State Department if you've got the troops to do this. But if you don't, we will help you to achieve." First we'll raise the standard, then we'll back it up with lots of programs.

And so we did something called the skill-a-ray (phonetic spelling). We told people, like rungs on a ladder, what skills they needed to reach the top. We published it. Then we held training institutes; we've been holding them for three years. The feedback has been absolutely astounding in the positive sense. We've run seminars. We've worked with teachers in districts that have tough problems. In the

mathematics section, word problems are difficult. We've worked with faculties on that. They've come to us; we've gone to them.

Last year the results were better than we thought. This year I can say now, without giving any specifics, because the results aren't all in, the results on the HSPT are up in mathematics. They are up in reading. They are up in writing. And I think Senator Stockman would be surprised, they are up more in urban areas than they are up in suburban areas -- a greater increase.

In other words, Senator, the program is working. We took a maximum risk. Because the easy way out is to keep standards low and let everyone pass. But if we talk about equity, that each kid's got to have a shot in this State, and be able to get the jobs that are going to be difficult. Right now we're in a great position in New Jersey, but those manufacturing jobs are going to stabilize and go down. And kids are going to have to learn greater skills. And if we were still with MBS, we would pass on kids totally unprepared.

And I know you've probably checked with the military and manufacturing. They have said for years that the kids coming out of our schools are not prepared, and they have to retrain them. The guy from Xerox, David Kern, says that industry spends \$25 billion a year retraining kids that come out of schools. I don't think that's going to happen a lot in New Jersey anymore. And the HSPT is going to do it.

SENATOR O'CONNOR: All right, so your suggestion to the local administrator would be to get down to Trenton to the Department to see what you've been doing.

COMMISSIONER COOPERMAN: Or attend our seminars. Because it's all laid out. We will tell them what the skill-a-rays are. We will tell them how, if the teachers have problems, how to teach these skills. We have institutes; we have publications. And I would say to this superintendent, other administrators and other teachers have attended these for

the last three years. They have said they're uniformly excellent, and they're getting results. Why don't you give it a try?

SENATOR O'CONNOR: Thank you. Another aspect of curriculum implementation which exists in a large school district is that where assistant superintendents have responsibilities which either overlap or in some instances, conflict, the result being a lack of coordination of curriculum activities. Again, if you were the local chief school administrator, what would you do to bring about a coordination of the problem?

COMMISSIONER COOPERMAN: Again, it's not a difficult problem to straighten out. If I couldn't do it myself, I might call in a consultant. But I'd want to find out, first of all, who reports to whom about what? I'd like to find out where are the decision points, and where to fix responsibility? I'd like to know what gets measured, because what gets measured gets done.

So, I'd ask some questions. It wouldn't take me more than a couple of days to find out what are your goals, what are your objectives, what are your time lines? Who has to make what decisions to make sure things get done? It's a classic in some districts; the left hand doesn't know what the right hand is doing. Some school districts have supervisors of X, Y, and Z, then they superimpose on it kindergarten through sixth grade director of elementary ed. They build in their own conflict. They build in their own duplication.

That can be straightened out. And districts should. A good superintendent can straighten that out in months.

SENATOR O'CONNOR: What changes would you make to encourage input from local school level staff to develop educational plans for the district?

COMMISSIONER COOPERMAN: I'm sorry, sir?



SENATOR O'CONNOR: What changes would you make, as the chief school administrator, to encourage input from school level staff to develop educational plans for the district?

COMMISSIONER COOPERMAN: I-- Again, you're asking me if I was back in the superintendency?

SENATOR O'CONNOR: Yes.

COMMISSIONER COOPERMAN: Okay--

SENATOR O'CONNOR: Or not necessarily the superintendent, but the school administrator -- chief school administrator -- or superintendent.

COMMISSIONER COOPERMAN: Sure. Well, I would do a number of things. I'll just mention a couple. I would call in the business people and I would ask them how are they advancing their money? How are they investing their money? I would ask if they have a preventative maintenance program, and I'd like to look at their insurance program.

If it came down to curriculum, I'd meet with teachers. I'd have grade group meetings. I'd have groups that met from school to school. I'd have an instructional council. I'd want to know how the courses of study -- are they just written to meet a visiting group, or are they really used? Are the teachers allowed to set the objectives, the proficiencies, and the assessment? I'd like to know who's assessing what? It's not hard to do. All it takes is a lot of work and the ability to ask good questions.

SENATOR O'CONNOR: I'd like to just stay on this subject of Jersey City again, if I may. The June 5th letter that was sent to the Jersey City school district, indicating that a comprehensive compliance investigation was going to take place was signed by, as I said earlier, an assistant commissioner, and not yourself. Why wouldn't you have signed this letter, this being sort of an extraordinary action on the part of the Department?

COMMISSIONER COOPERMAN: McCarroll is one of the top three people that report to me. He is in charge of all of the county and regional offices. Kaplan, who is the Director of Compliance, reports to McCarroll. They shared that with me; they shared the report with me. I read the report. But since it was Sandy's area, he signed it. So it was-- We didn't see it as a matter of protocol that I would sign or he would sign.

SENATOR O'CONNOR: Who actually conducted the research and did the report which was attached to the letter?

COMMISSIONER COOPERMAN: The team headed by Greta Sheperd, who's the county superintendent of Mercer, and Rich Kaplan, who's the head of compliance. They had a team of people that investigated, got the information, and wrote the report.

SENATOR O'CONNOR: The comprehensive compliance investigation team that will be in Jersey City, could you please describe for us what the makeup of that team will be?

COMMISSIONER COOPERMAN: Yes, sir. We'll have a private financial and management audit done of the district. We will also have curriculum specialists, we will have people in the area of finance, we'll have people in the area of personnel, and we'll have people who have expertise in governance. We will have someone who will be a lawyer, we will have someone that was an IRS agent, and we'll have someone with police background that did investigatory work.

SENATOR O'CONNOR: Are these all people from your Department, or do we get--

COMMISSIONER COOPERMAN: All except the management and auditing firm, will be from the Department. Yes, sir.

SENATOR O'CONNOR: How long do you estimate the compliance investigation will take?

COMMISSIONER COOPERMAN: About four months.

SENATOR O'CONNOR: Okay. Will the report that results from the investigation be made public?

COMMISSIONER COOPERMAN: Yes, it will.

SENATOR O'CONNOR: And will the district be given an opportunity to take corrective action, or is the CCI merely a preliminary step to a State takeover?

COMMISSIONER COOPERMAN: We don't know. What it-- Wherever, kind of, the digging and the journey goes, that will then decide. This is the most serious thing we've done so far on the monitoring side. And what could happen at the end of it, is we'll say, well they've got very very serious problems. However, these serious problems can be attended to. We've already said that in Camden, Asbury Park, Penns Grove, Carneys Point, and Morris River. We've come in there, and we've said we don't need a CCI; there can be reasonable progress. At the end of the CCI, we may still feel that Jersey City can make reasonable progress. Or, on the other hand, we may say the evidence precludes them, in our opinion, from being able to manage their district. And then we'll, hopefully, we'll have the legislation set by that time -- I hope.

SENATOR O'CONNOR: On that same subject, the original version of the school intervention bill, A-2926, had a provision in it for an administrative order directing the corrective actions which must be taken by the district. This administrative order would direct actions that were short of a takeover, and the order would occur after a comprehensive compliance investigation was conducted. Based upon the Department's own testimony, this order would be the district's last opportunity to correct deficiencies. This provision, for an administrative order prior to the takeover, was not in the bill that we voted on on Monday, it having been deleted by the Assembly.

My first question is, why was the provision for an administrative order directing corrective action eliminated from the Assembly bill?

COMMISSIONER COOPERMAN: As I went over the State talking about the bill and responding to people's concerns about the bill, there were many people who said you really don't -- it's funny, but it was a twist I didn't expect -- mean what you say, and therefore, what you're doing is you're building in so much due process, nothing will ever happen. You're just going to keep digging and digging ad nauseam, and therefore this thing will go on and on. And after comprehensive compliance, if you have the facts which necessitates a takeover, why are you then going to give another year which will get another stay which will go more? Why don't you make your case in court? Why don't you argue before a neutral party that this district has forfeited its right in the administration to continue on? And that seemed to be most sensible. If someone has been monitored since 19-- -- the T & E law -- since '75, monitoring since '77, and here we are in '87, and we go through a CCI and it would take maybe another 12 to 18 months in the legal process if we have a law, and that almost takes us to the 1990s. They said, what are you building in another year for? Or more than a year? It made a lot of sense to us that if you have the facts, argue the facts. And that's what we're trying to do.

SENATOR O'CONNOR: But if the aim of the legislation is to use intervention only as a last resort, shouldn't the lesser remedy of a court ordered change be tried before you take over?

COMMISSIONER COOPERMAN: Senator, I really feel that if, since we've been in-- It's almost been five years, and in the first two and a half years, we didn't think about intervention. That was not on our mind. What was on our mind was help. Devise programs that help. And we have a rather comprehensive program in that regard; not just talk, but specific programs.

We saw that there were a number of districts -- very few-- Right now, we finished monitoring in the first round. Ninety six percent of the districts in this State were okay. Ninety six percent. And the way we've devised this is that if we do a Level II, and Level III, comprehensive compliance, that that's enough. If we have found out by that time that our help, their own self-reliance, they still can't get things right, then the State should act. That's enough time. And I really think it is enough time.

SENATOR O'CONNOR: Well, let me ask you a different way, then. Are you opposed to direct intervention in schools short of a complete takeover?

COMMISSIONER COOPERMAN: Oh, no. If there is-- And we've done that too. There have been, I don't want to say many, but there have been at least half a dozen school districts where we've intervened in the school district because there was a specific definable problem. There was a problem in special education, there was a problem in finances -- they had overspent their budget. So, the last thing in the world I would want to do is to say it's an all or nothing -- you take over the whole district or nothing. We've done partial interventions.

The question we were raising, sir, was if someone cannot get monitoring right after 10 years, and if after an exhaustive, deliberative plan. Other people have been saying to me, for God's sake, Cooperman, if you know something's wrong, why don't you go in and take over the district? I think that's just as wrong as an endless process which goes year after year after year. We're trying to figure out what respects the local district, gives them a fair shot, and yet ends with something that just doesn't go on and on and on.

SENATOR O'CONNOR: If there is-- Let's look down the road a little bit, and assume that the takeover bill is conditionally vetoed by the Governor and perhaps there is no



further action on it, and there is no takeover law, then. Will you order a takeover of the Jersey City school system without the legislation in place?

COMMISSIONER COOPERMAN: I would try to do everything within my power under the law that I could do. And that would have to be for the courts to decide. The reason why I very much would prefer a bill is because the Legislature passed T & E, and then said to the Commissioner, "You inspect. You've got the responsibility to inspect. That's what you're supposed to do. We're telling you, Commissioner, that you must monitor and you must inspect." And I just, after two and a half years, I said this inspection stuff just goes so far. It just keeps saying remedial plan, remedial plan, remedial plan. That goes on ad nauseam.

So, something may have to be done in a district. I'm not sure it's Jersey City, but if it is Jersey City, then some bold action would have to take place. I hope with a law.

SENATOR O'CONNOR: Well, whatever it is that you would anticipate by way of an order, is that based upon the provisions that are in the pending legislation, or is that based upon something that you think you can do under the existing law?

COMMISSIONER COOPERMAN: I think it would be much better with legislation for the reasons that I've just stated. I know under existing law what has been allowed, and that's a takeover with a monitor general keeping everything intact. That would be as if you have an organization that's not working well -- it's not working well -- at the top levels, but what you do is let the people who are not working well, all of them, completely stay there, but what you do is you superimpose one person on top. And that one person then has authority to veto what the board says, to authorize the checks, or whatnot.

I really think, if we're going to make progress, if there is a district like this, then we've got to do the things

that I mentioned before when you said, "How would you set the policy? How would you set the goals? How would you involve the administration? How would you cut down on administration and bring people together in a governance sense? How would you involve the teaching staff?" You're not going to be able to do that with a district that might have taken 10 or 20 years to get itself in the potential mess that it's in.

SENATOR O'CONNOR: Is that-- Is the use of a monitor general something that you have considered with respect to Jersey City's situation, for example?

COMMISSIONER COOPERMAN: I considered it two and a half years ago, when I went through not only the law, but to look what had happened in other cities since T & E. We examined, we think, just about everything. And that's why we came up with what we came up with. Not that we want to do this. My fondest hope would be to concentrate on our incentives; to concentrate on our programs which have been showing such promise. To stay with that, not stay with the cop's hat. I'd rather talk about many other things than this. This is something I do reluctantly. But if I feel I didn't write that plan, if I didn't submit it to you, then I'd be derelict as Commissioner. I would have to say, let a district go, let them keep going, and say, sooner or later they're going to solve their problems. And what if they don't?

SENATOR O'CONNOR: Excuse me for a moment. Are there other questions from the Committee? Senator Zane, and then Senator Van Wagner.

SENATOR VAN WAGNER: Are we staying on this one subject, and then-- I have other areas.

SENATOR O'CONNOR: No, it's on anything, Senator.

SENATOR VAN WAGNER: On anything? Oh.

SENATOR O'CONNOR: We'll take Senator Zane, and then Senator Van Wagner.

SENATOR ZANE: Commissioner, about five years ago, you espoused the philosophy of government that suggested that the State educational bureaucracy was too heavily involved in detailed monitoring of local school districts. And your first year in office, as I understand it, you proposed a drastic streamlining of the fair and efficient monitoring process. And, I'm wondering what happened between the end of that first year, when you recommended that, and now finding you as the chief proponent of the very strong school intervention legislation, which seems to be contrary to the original philosophy you espoused?

COMMISSIONER COOPERMAN: No, sir, the original philosophy is still the one I believe in. But, to roll through my actions, monitoring was a constant thing. It was every year. It was on 355 indicators. And what I did at the end of my first year/beginning of the second, was bring together a committee of people from all over the State that had knowledge about this. And we worked for several months. The result was 51. We took 355 items to 51. We trained our monitors. We wanted them to be consistent and fair, and we said, "Now we're going to begin a round of monitoring."

The whole idea was that if someone passed monitoring, to leave them alone for five years. To then push the programs that we had that would make a difference in kids' lives, that's what we tried to do. That's what I still believe. And, as I said, 96% of the districts in this State are alone for five years. They've been fully certified. That's over 560 out of the 597 districts have been fully certified for five years. That's what I want to do.

So, that hasn't changed one iota. What happened after two and a half years, is we had done these partial interventions that I was discussing with Senator O'Connor. We had gone in, and maybe a little of my naivete wore off, because I saw that in some districts, the money wasn't going where the

money should go. I found that transportation contracts were not going-- Money was not going to kids. Textbooks were not being renewed every five or six years. And slowly but surely the evidence mounted. And I said, I've got to have a plan. I've got to have something which is orderly, which is consistent, and which is pretty darn relentless, to see that ultimately kids get what they're supposed to get.

And so, on the one hand, I truly believe and I wouldn't change the streamlining of monitoring, fewer people, five years, and 560 out of 597 fully certified in this State. But I think for the few districts that are not getting it right, help if you can. But we can't, on a day-by-day basis -- and I think everyone realizes this; whether it's Jersey City, or whether it's Penns Grove, or Carneys Point -- if we intruded in that district, then people would throw up their hands and say, "Local control. Who are you to come in? We know how to run our district."

So, if we're going to have monitoring; if the State has an obligation to follow the bucks -- and sometimes it's 70, 80 or 90% of what the school district gets -- then I think there's no inconsistency whatsoever. Five years, if you pass monitoring. Not every year and not consistent. But that those who don't pass, to put the screws on. And that's what we're trying to do.

SENATOR ZANE: Commissioner, some people from my end of the State have asked me to probe you somewhat on your position regarding vocational education in the State. I believe some of them have spoken with you directly, or at least they indicated that they did. What is your position on that?

COMMISSIONER COOPERMAN: I believe in vocational education. I believe that every child in vocational education must meet the same basic academic requirements under law. It goes without saying, but some people have pushed me to make different requirements which are lower. Every business, and

anyone I think worth their salt on a national level, says people that are going to be trained and retrained and retrained. The basic fundamental skill is the ability to read, to write, do mathematics, think, infer, deduce. So, the first thing is, every child -- vocationally educated children as well -- must know how to read, write, and do mathematics.

The second thing is, our vocational programs must be market sensitive. We have some of our vocational programs that place about 25 - 30% of the students that they train. Others place 80 - 85%. I think 80 - 85% is a hell of a good record. I think 20% is not a good record.

If we're spending the money in vocational education -- and part of my responsibility is to watch where that money is spent -- then I want to make sure that if we train someone for something, most of the kids get a job in that area or related area, if they don't go into the military or onto college. I might say that at the next month's board meeting, the State Board will probably kick off a 12 to 18 month study of vocational education in this State. The charge to the Committee if the State Board approves it, is no question of whether there's going to be vocational education, but it's how can we best deliver vocational education services. And the heart of it will be that our vocational schools, be they full-time, shared-time, comprehensive, or what they call LADS, that the kids learn to read and write and do math, and that the schools be sensitive to the market, so that we train kids where there are jobs.

SENATOR ZANE: Commissioner, there are those in vocational education that are suggesting that -- and they, I think, in part, view your position on that as being inflexible -- and they are saying that the real goals and objectives of the vocational education are somewhat frustrated by that. And that those courses, etc. designed to help develop a training for a skill, there are fewer courses that students are going to

be able to take, because of some of the other requirements that you are looking for. How do you respond to that?

COMMISSIONER COOPERMAN: That's not quite so. I know they have been saying this. And this comes out of one of the four service deliverers. This comes out of shared-time only, because the shared-time feel that if a child has flunked the HSPT in ninth grade, they must take remedial courses in tenth grade, then when they come to the shared-time facility, they've got to take remedial courses and might not have enough time for the vocational courses. First, they will have enough time. We have met with any vocational school that wants to meet with us, and we've shown them how they have enough time. And this is not an inflexibility. I think I would be absolutely wrong if I would say that's okay, let's let a kid in who cannot read and cannot write and cannot do mathematics, because we've got to do the first things first. I think some of the shared-time are afraid, because the number of kids are coming down. And they see the market is coming down. The competition for the child now is not only the military or the world of work, but it's the community college, the college, they're all feeling this. So, they're hustling for kids. So, too, are the vocational schools.

The comprehensive high school wants to keep the child in the comprehensive high school. They're marketing their services, Senator. They literally are. They're saying, "Stay at a comprehensive high school. We have a program here, and then go out and let industry give you the apprenticeship. Whereas, the shared-time is saying, "Go to the high school up until your tenth year, then come to us." So, part of the problem is, they feel that the numbers won't be there, because the number of kids has been down too.

We're not being inflexible. I truly believe we're doing absolutely the right thing by making sure a child has a comprehensive education. That is not incompatible with vocational education, and we've said it, and we have worked with the shared-time to make sure that they can coexist.

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SENATOR ZANE: Commissioner, if you had the way, if you had a child or student that just did not have the aptitude or did not want to apply himself to what we'll traditionally call the academics, but did want to and clearly demonstrated some skills that could be developed in a trade, and the outcome of demanding the additional academics would possibly result in him not attending a vocational school, and possibly dropping out of school, what would your feelings be then? Because I understand that -- I'm told, anyhow, by people that are in vocational education -- that that's, in part, what is happening today.

COMMISSIONER COOPERMAN: I wish they were here, so I could see exactly who they were, because I might have had some conversations with them. I think that's being slanted. I think it really is.

SENATOR ZANE: Well, let's assume for the moment it's not slanted; let's assume for the moment it's perfectly accurate. I would wonder what your feelings are on that?

COMMISSIONER COOPERMAN: I would want a child, first and foremost, to have the basic skills. They must have the basic skills. In saying, in some way softening it, buffering it, and saying, "Well, that's okay, we can substitute something, but let's give that child a technical skill." I think a technical skill without basic skills, and a reasonably well-rounded person -- that is just absolutely wrong. I think we've got to do everything we can. They're not mutually exclusive.

SENATOR ZANE: But, Commissioner, isn't that then forcing -- and I'm not saying that you're wrong with this, I'm questioning you on it -- isn't that then forcing the standards that you believe in on everyone when it might not be suited to someone's aptitude? And we may end up losing children that otherwise could end up being productive in society in a trade, or a skill that they develop.

COMMISSIONER COOPERMAN: They must have the basic skills. See, that's where we're close, but we're not together on it. That if we say someone may be productive without the basic skills, then I think we're kind of throwing craps. Because we're saying, let's teach a skill in lieu of the basic skills. The world is changing so darn fast, and we don't know what the jobs are going to be in '95.

SENATOR ZANE: Commissioner, isn't what you just outlined, isn't that what in part happens in parts of Europe, and very successfully? Where they identify people with the academic type of a background, the academic aptitude, and they're distinguished from the individual with the trade or skill type background, and they then are given the opportunity to develop in those areas of demonstrated aptitude. Isn't that, in part, what they do in Europe?

COMMISSIONER COOPERMAN: Some of them are not given the opportunity, they're forced. They are what they call the 11 plus or 13 plus. When a kid is a certain age, if they don't do so well academically, they are literally forced into another track. We don't believe that in America.

The second thing is, many of the countries are coming more toward what we're doing. If you give a child, not say you go the academic track or the vocational track, you can do both. Kids go to vocational school and go to college.

SENATOR ZANE: I'm sure that there are many that do. I also feel reasonably confident that there are some that would have no interest at all in the academics. And, I'm a little bit surprised that you're-- Let's say this. The prior reports that I got about your view, you're confirming onto me. That you are rigid there. I'm not saying you're wrong; you're the expert in education, not I. But I'm finding that you are rigid and fixed, and even to the point where I suggested that we may end up losing a student, you still insist that it's more important that he get these basic academic skills, if you will,

that that's more important than even running the risk of losing him. That surprises me.

COMMISSIONER COOPERMAN: Sir, you may feel rigid is not a word people like to be called. It has a negative connotation. Flexible is a nicer word than rigid. If you see me as rigid, then I'm rigid. I just think it's absolutely necessary that every child have the basic skills. They must have basic skills. It's not incompatible. Our job in the elementary schools is to teach basic skills.

What we've done, Senator, is gone too many years in not giving kids basic skills, and that's why we've gotten in this quandary. And so then we say the child doesn't have the basic skills, and so let's push this down a little bit here, and let's, because we're in a quandary, they don't have that, so let's give them the technical skills because the child may drop out.

If we want to talk about dropout, there's a lot of reasons why kids drop out. Many come from the home and neighborhood. But a child absolutely must-- That's what schools are for. Schools are to teach kids things, and one of the primary things are basic skills. We must do that; if we don't do that we fail in our mission. We've got to do more, and we can do more.

We'll have vocational education, and it'll be darn good vocational education in this State. And I just can't buy the argument that if a child is not doing well on his basic skills, he might drop out if he can't have-- That's the argument that vocational education -- we should pay them money for vocational education, because it may prevent kids from dropping out. The evidence that I have -- national studies -- is that's just not so. That's just not so.

SENATOR ZANE: I think we've handled that one sufficiently. Commissioner, let me ask you something that concerns me. When you were before the Committee before, I

asked you whether or not you felt that you had, in essence, the authority for school takeover that you were looking for, if in fact you had that under existing law? And your response was that you felt that you did not have the authority to do that. And yet, some of the language of the original T & E legislation, I think, suggests that you do have that, and I'd like you to respond to this if you would? The existing law, as I understand it says that the State Board on determining that the school district is not providing a thorough and efficient education... and then it goes on to say, "...shall have the power to issue an administrative order specifying a remedial plan for the local board of education, which plan may include budgetary changes or other measures that the State Board determines to be appropriate." And don't you feel that under those "other measures" that the State Board has over all of the other boards would also include the authority that you are seeking?

COMMISSIONER COOPERMAN: No, sir.

SENATOR ZANE: Well, what do you think other measures might mean?

COMMISSIONER COOPERMAN: Well, we tried to probe that as we were researching it, writing it in prose and then into draft legislation. And, it does not mean -- this is what we feel we know -- it may not mean removing the board of education, which sits there now, and reappointing the board of education as we define it, accept it, and feel comfortable with it.

It does not mean that we can remove the top four administrators, allow the other district-wide administrators six months, and then assess their competence. It does not allow us what we would seek with the principals--

SENATOR ZANE: Excuse me. You're saying it doesn't allow you. Where do you have language that says you can't do that?

COMMISSIONER COOPERMAN: The question is, it doesn't say we can, and therefore, we would have to interpret an existing law, whether or other measures would allow that. And, we are reasonably sure that that would be very very difficult.

And so, since the Legislature wrote T & E, and said that there must be a system of thorough and efficient, the Legislature stated what monitoring is, that the Commissioner is supposed to monitor. I'm going out from my point of view, trying to do my job in a conscientious manner, and saying, give me the authority so that if there is just one district in this State that ever has to be taken over -- I hope it's not while I'm Commissioner, but if there is -- I've got to have the authority to take the administration and perhaps replace them with other administrators.

SENATOR ZANE: Commissioner, is that an Attorney General's opinion? Or--

COMMISSIONER COOPERMAN: Pardon?

SENATOR ZANE: Is that an Attorney General's opinion, the essence of what we talked about about what "other measures" really means, or is that your own interpretation?

COMMISSIONER COOPERMAN: It's my interpretation of conversations months and--

SENATOR ZANE: Have you ever asked for an opinion from the Attorney General on that?

COMMISSIONER COOPERMAN: Formal opinion?

SENATOR ZANE: Yes.

COMMISSIONER COOPERMAN: I've not asked for a formal opinion. But we've discussed at great length just what my authority is and what my authority might not be.

SENATOR ZANE: So, you've never asked for a formal opinion as to whether or not you already have that existing authority?

COMMISSIONER COOPERMAN: That is correct.

SENATOR ZANE: You and your staff have concluded that you do not.

COMMISSIONER COOPERMAN: That is correct.

SENATOR ZANE: Don't you think that you should have asked for an Attorney General's opinion?

COMMISSIONER COOPERMAN: Well, we've talked to them at great lengths, and we didn't think it was necessary for a formal opinion. And, we thought it was the best thing to do -- absolutely the best thing -- so we wouldn't get tied-up in courts for years. Even if the Attorney General said, "Well, I think such and such," if we went in to try in 2, 3, 10 years from now take over a district, the district says, wait a second, we're not going to stand for that. And then we're in the court for maybe three or four years, trying to decide on every single issue and every tangent of every issue. It seemed that it would be much more reasonable to debate it in the Legislature, which we're doing now. We think it's the proper forum.

SENATOR ZANE: Commissioner, I was here when T & E was passed, and so were some of the others. And I think that practically every one of us that were here at that time felt that this language -- and I can remember discussing it with Senator Wiley at the time-- I think the majority of us felt that this language gave you all of that power that you are presently seeking.

COMMISSIONER COOPERMAN: I'd appreciate it, if you would, sir, confirm that in legislation.

SENATOR ZANE: No, I'm a little bit surprised that you haven't sought an Attorney General's opinion. I really am. I'm a little surprised about that.

COMMISSIONER COOPERMAN: Okay.

SENATOR ZANE: I'm not saying that you're wrong on not going-- I'm just surprised about that.

Commissioner, I'd like to ask you another, if I might -- or, two other questions, basically. Each year, when we have funding, it seems to always miss its objectives, and the formula is ultimately led to some litigation, and it appears still that the tax base is the property tax, which I think results in the more affluent school districts being able to do more than the less affluent school districts. And I guess this leads us to further problems in education. Do you have any suggestions or recommendations to the Legislature for addressing the apparent inequities that exist in the funding formula and funding in general?

COMMISSIONER COOPERMAN: Yes, sir. I've suggested for several years, of the current funding -- or so-called forward funding. I believe that would, within the context of the current funding formula, that that is something that should be considered. And we will submit this, and we will argue this before the SLRP Commission.

SENATOR ZANE: What is the suggestion that you have put forward?

COMMISSIONER COOPERMAN: Forward funding.

SENATOR ZANE: Pardon?

COMMISSIONER COOPERMAN: Forward funding. Current funding, so that--

SENATOR ZANE: Yeah. But do you suggest any changes to the formula for funding? Have any recommendations that you would make?

COMMISSIONER COOPERMAN: I think there are some small things which we will be suggesting through the SLRP Committee, very detailed, but we--

SENATOR ZANE: Are you-- I'm sorry.

COMMISSIONER COOPERMAN: I think that the present formula is a very workable formula. I think as people get on and really start looking at the options, the foundation programs, State real estate tax, this present formula, when



they look back at the history of this formula, when they look back at what other states have done, and when they see the pro and con of different things, they'll see that perhaps this formula is not such a bad formula if adjustments are made to the formula. So, yes, I think changes can be made and adjustments made.

SENATOR ZANE: Are you basically satisfied with property tax being the primary base?

COMMISSIONER COOPERMAN: Primary? Yes.

SENATOR ZANE: You are?

COMMISSIONER COOPERMAN: Primary.

SENATOR ZANE: Therefore, you would not be recommending to the Legislature that the base tax as such be altered. The source is satisfactory to you. Is that correct?

COMMISSIONER COOPERMAN: There might be-- You said primary, and I said yes. There might be other sources, when the SLRP Committee adds up, and I think they're going about it in the right way, what's the total amount you need, and then what do you need to get? May have to look at the sales tax, may have to look at the income tax. Of course.

SENATOR ZANE: There are those who have suggested that a fair way of coming up with it would be through the income tax, as opposed to using the property tax and increasing it. What are your thoughts on that?

COMMISSIONER COOPERMAN: It's a definite possibility. I just--

SENATOR ZANE: But what are your thoughts? We know it's a possibility. What are your thoughts?

COMMISSIONER COOPERMAN: I'd have to see what the total revenues are. As an individual, as a citizen of this State, I think if I saw that what the Legislature was going to do, and they said they have to raise more money, and they've got to raise money for A, B, C, and I agree with A, B, and C, I'd have no problem with raising the income tax at the top.

SENATOR ZANE: Just to-- I'd like to go to a local issue, if everybody will bear with me for one second. The Penns Grove/Carneys Point school district, what is the present progress that's being made there, if you happen to know off-hand?

COMMISSIONER COOPERMAN: I don't know present progress right off hand, Senator. I know that they've had problems. That's why they're in Level III; serious problems. I know the problems tended to be at the top. You know, left hand right hand. A lot of the things that Senator O'Connor was asking, and hopefully, they'll get it in shape.

SENATOR ZANE: Do you have any idea how much longer they will be in this process?

COMMISSIONER COOPERMAN: No, sir.

SENATOR ZANE: None at all? Not even a handle on it?

COMMISSIONER COOPERMAN: I could get the information for you, sure, but just under testimony, I really don't know whether it will be a month, six months.

SENATOR ZANE: What are you hopefully looking to change in that school district? What are the objectives that put them in Level III, that you want to correct and modify?

COMMISSIONER COOPERMAN: I don't have the whole report, again, right before me. I know that they had some problems in governance, they had problems in management, problems in curriculum, and I believe they had problems in their basic skills scores.

So, they had a multitude of problems. It just wasn't a singular problem. But I think we feel that they can solve their problems.

SENATOR ZANE: Thank you very much.

COMMISSIONER COOPERMAN: Yes, sir.

SENATOR O'CONNOR: Senator Van Wagner?

SENATOR VAN WAGNER: Commissioner, I'm going to explore a range of areas. I will attempt to stay within each topic, so that I don't tend to jump around. I'm not going to

further ask you any questions on the takeover legislation, other than to say to you that it's my own feeling, very personally, that Senator Zane's points relevant to the T & E law, that which is in the Constitution, and that opinion which might have been gained from the Attorney General perhaps would have simplified the matter in that we might have been able to deal with legislation that amended the T & E law to clarify certain sections of that law. However, I'm not going to beat that to death any more. That's going to be in the hands of the Governor, at this point, and then we'll take it from there. Because, we might be discussing something all together differently anyway.

I'd like to direct my questions to the HSPT Test, which replaced the old MBS -- Minimum Basic Skills Test -- implemented I understand in April of 1986, after several years of practice, etc. This test, it is my understanding, is first given to ninth graders, and then given each year after, until the students either pass or finish their senior year. If they have not passed the exam -- and correct me if I'm wrong in this at any point -- they have not passed the exam at the time of the graduation they cannot receive a diploma.

COMMISSIONER COOPERMAN: Well, there's just one thing. Some kids might have a problem in taking tests. And therefore, there has to be something to see if the child has overwhelming evidence that they can -- or they do have, I should say, the skills. So they call it a Special Review Assessment. This is an 11th hour analysis where the school district, if they feel--

SENATOR VAN WAGNER: You're talking about the SRA.

COMMISSIONER COOPERMAN: Yeah, the SRA. So that's the only thing. And they are otherwise--

SENATOR VAN WAGNER: Which is also used as a preassessment tool.

COMMISSIONER COOPERMAN: No.

SENATOR VAN WAGNER: In some areas?

COMMISSIONER COOPERMAN: No, it's-- Well, they might, but the SRA, in lieu of passing the test, is only used in the senior year, so that the child does have a shot at the diploma.

SENATOR VAN WAGNER: Well, I'm just going back in memory a little bit, and I recall SRAs being used for a wide range of purposes in schools, including to make determinations on who would qualify for compensatory education, and who falls below the standard, or norm, and things of that nature. I believe the SRA has been pretty widely used over the years for a variety of purposes. I'm not questioning the instrumentality or ability of the test, I just make the point that--

So, in other words, the student is ultimately given an SRA test if he hasn't passed the HSPT test. He is then--

COMMISSIONER COOPERMAN: Yeah. They're given an assessment at the end of the twelfth year. If the district feels they can make the case, then they say, "Okay, you've passed it on the SRA." The child is then denied the diploma, if they don't either pass the SRA or the HSPT.

SENATOR VAN WAGNER: Okay. So, in other words, if I just capsulize it, the HSPT is a test that's given as the primary test for 9 through grade 12.

COMMISSIONER COOPERMAN: Correct.

SENATOR VAN WAGNER: And all things not being equal, assuming the student is not a good test-taker, then they are given the opportunity to take the SRA.

COMMISSIONER COOPERMAN: That's correct.

SENATOR VAN WAGNER: Okay. Let us assume, since they are not good test-takers, that they do not pass the SRA. Are they then denied the diploma?

COMMISSIONER COOPERMAN: Yes, they are.

SENATOR VAN WAGNER: They are. Would that diploma be denied to them even though they may have met all other course requirements toward advancement?

COMMISSIONER COOPERMAN: Yes.

SENATOR VAN WAGNER: What do you do with those students?

COMMISSIONER COOPERMAN: Well, we have several remedies, and have had them for years. One is the GED. Frankly there were--

SENATOR VAN WAGNER: In other words, they get the opportunity to gain their diploma after four years of successfully completing, including the minimum basic skill courses, although they have not passed either one of these tests, the opportunity to enter the high school GED program.

COMMISSIONER COOPERMAN: Yeah. Or an adult school after high school, or stay in high school for another year.

Now, under the MBS -- and I don't the exact figures, but -- there were fewer than 200 children out of 100 thousand under MBS that did not get their diploma. And again, it is the law that one must pass a basic skills test at the ninth grade. So then, your question of what happens to a child who--

SENATOR VAN WAGNER: I'm concerned about those 200 students.

COMMISSIONER COOPERMAN: Yeah. They'd have the opportunity in an adult school. They'd have an opportunity in a GED.

SENATOR VAN WAGNER: Have you done any tracking at this point? I suppose it's too early now.

COMMISSIONER COOPERMAN: It's not that we haven't. I can't let myself off the hook that we don't -- we have not followed the 200 students -- or 250 students -- to see whether they have, indeed, gone to GED or adult. No, we have not tracked them. And we do know, because they would have flunked last year.

SENATOR VAN WAGNER: Oh, you would-- I thought, perhaps, you might not have that statistic.

COMMISSIONER COOPERMAN: No.

SENATOR VAN WAGNER: I wasn't intending to let you off the hook. I was just--

COMMISSIONER COOPERMAN: Yeah. I didn't want to get off it.

SENATOR VAN WAGNER: Well, I didn't want to also ask you something that might not be available, you know.

Do they receive any kind of certificate of attendance, or substandard diploma, or anything of that nature?

COMMISSIONER COOPERMAN: No.

SENATOR VAN WAGNER: So, in other words, that student -- are they advised when they finish their fourth year of high school that, although you successfully completed all the course requirements during this year, that since you failed each year the -- or did not meet minimum requirements for -- HSPT, or in lieu of that in your twelfth year did not pass the SRA, here's your alternatives. This is what you can do.

COMMISSIONER COOPERMAN: I would-- I can't say what every school does. I think without knowing each principal and guidance counselor -- would both know that -- it's kind of impossible. We send out letters; we let the schools know; and we feel very clearly the schools let the kids know. There's a very heightened sense of what the requirements are. And, again, one of the reasons for this, was because kids would pass all the courses, but there was a diminished rigor. There was a diminished academic rigor for years and years. Kids were simply passed on. That's one of the reason why this country has not fared as well as most of the other countries of the western civilization, and Chinese and the Japanese, and Taiwanese.

SENATOR VAN WAGNER: In other words, it's your view, then, over the past years, and I assume this motivated you when you took this position, that over the years previous to this, that we in America in general failed our students by passing them on a social basis?

COMMISSIONER COOPERMAN: I think that's very true. I think we absolutely--

SENATOR VAN WAGNER: And we fell behind the rest of the world in that fashion, then, in the educational process?

COMMISSIONER COOPERMAN: In many of our schools, I think that is a fact. I think that we diminished the rigor. I think we moved students on. We told them they were capable, and they weren't. It's not just because I had talked with military people and industrial people; this came out in almost every report from 1983 to 1984. We actually said it, Senator, in 1982, and then it was confirmed that we didn't have any link points, we didn't have standards in some areas.

This is not to say that we don't have some outstanding schools, and didn't 20 years ago in this State. But, throughout the United States, yes I'm saying that. And I'm saying that sometimes the course content was diluted, and students were passed on. Some teachers did this under a very caring thing, and administrators too. It was under, "We're meeting the kids' needs." But in meeting the kids' needs, we diminished and diminished, and therefore, there was quite a problem. And I think that the tone of the country right now, of setting standards which are reasonable, that's the greater sense of equity. Equity -- when we talk about excellence and equity, and we say part of equity is resources and access, it sure is. You've got to have the resources, and you've got to have the access.

But, boy, you better also have, that when a diploma is given, the diploma means something. It has some sort of integrity. Otherwise, the whole system -- we pass kids on to the college, they diminish the rigor. We saw that with the NTE exams for teachers in some of our colleges. They had B and B+ averages, and couldn't pass an NTE exam that was not set at a too rigorous level.



SENATOR VAN WAGNER: But yet, at the same time, I note that you did acknowledge that there are people who do not test well.

COMMISSIONER COOPERMAN: Yes, sir.

SENATOR VAN WAGNER: I guess what I would look for, Commissioner, would be some type of commitment, some type of statement that, for those -- even though they may only be 200 students -- for those students who may, for one reason or another, not pass the HSPT test over their four years, or pass the SRA test in their twelfth year, that there be some type of guideline at least handed down, that would indicate that they should be in any way possible encouraged to attend high school GED courses, or adult courses. My concern is that, as much as I think everyone -- and it's very popular, I think your position on education is widely received and hailed throughout. Rarely have I seen a Commissioner of Education come before a Judiciary Committee with practically unanimous support from every sector of the educational community. And, I have to assume that's because there has been overall satisfaction with the kind of stewardship that you've brought to the Commissioner's office. But I also become concerned, if you will -- so that I can share a little bit of my own philosophy with you, all right. And I don't at all question the fact that it certainly is more beneficial to a student to be held to a higher standard and make them reach a little bit, and not to move them along and perhaps delude them into thinking that they've completed a course of study when they really haven't. And I don't think anyone would argue with you on that basis.

But, I've also become concerned because I know that there are students in our schools today who have a difficult time, as Senator Zane pursued on the questions relating to vocational education, who have a difficult time not only in taking tests, but adjusting to certain types of traditional academic atmosphere. Schools themselves faced by other kinds

of difficulties, and teachers who in many cases have voluminous amounts of administrative detail to deal with, sometimes can't create every type of alternative atmosphere that they would like to. Many times they don't have the money to do that. But, still in all, we do have these students, however few they may be, who go out, who perhaps at some point may have a sense of failure, and who I think if we tracked them, and found that they weren't appropriately followed-up on, we might very much find them in another system of our society which we don't relish finding them in, and that's the criminal justice system.

So, I would look, at least, if I could make the recommendation, for some type of follow through, dealing with these students who do not, in fact, meet muster on the HSPT -- I'm sorry, I have a hard time saying that -- and the SRA. And, to the extent that they either attempt to fulfill their obligation through adult evening courses or high school GED.

You've mentioned the possibility of an 11-year test to replace the HSPT as the graduation standard. What are your plans in this area? How would you do that?

COMMISSIONER COOPERMAN: The first thing I'll do is make a note, because I think it's most reasonable, and I didn't do it and I will do it. That's the follow-up of kids who stick it out, want to get the diploma, and can't for whatever reason, to make sure that we are offering them every option and to see if we can possibly track a year or two out to see if any of those options are taken. That we will do. That we will do.

SENATOR VAN WAGNER: Yeah, I think it's important. You know, I just have a concern about that. I know it's a very small minority of students, perhaps, but I imagine it would vary from district to district. It's certainly in the urban district.

COMMISSIONER COOPERMAN: The second thing, with the eleventh grade test. Where we are now is we've asked major educational associations to tell us what they think. I think

we've got most of them in, although I haven't seen them. People I work with will collect them. Sometime in the fall, I'll be meeting with them, and they will share with me the best research they can, the best research the organizations have, and make a recommendation.

I imagine between November and January -- I think that's our timetable -- is to then publicly say, "Look, here's the information we have, here's the data we have, this is the way we think we should go." The key, which is so hard to get it just right, raising standards for standards sake is ludicrous. You could raise the bar high, no one goes over the bar, then what have you done? You've just flunked kids, you've destroyed, you've made teachers work to an impossible standard. You put the bar too low, people walk over the bar, and they get hit with a brick wall when they come out of school.

So, you have to say, what is right? What is right for standards? And then once you have standards, it's not only my obligation, but the schools'. And that comes from the board right through to the teachers and administrators. What are those programs which enable children to reach reasonable standards? Is the eleventh grade or a tenth grade test a reasonable standard? I don't know right now, Senator. I really don't know.

We're probing it, because many people outside of education have said, "So fine, Cooperman, there's a ninth grade test, which is a rigorous ninth grad test. Big deal. Big deal. You're giving a graduation diploma on ninth grade standards. Rigorous ninth grade standards, but still ninth grade." And so, we're going to see, what can we do? What should we do? What does research say? What do organizations say? Try and put a lot of common sense into that, and do what's right. And that will-- I'll be making a recommendation on that probably around December.

SENATOR VAN WAGNER: You spell out a very interesting philosophical point, and just having said what you said, in that the so-called objective measurement of the student's ability is not necessarily the be all and end all of how well that student may or may not do in the afterworld, if you will. I happen to work in the securities industry, where math, as you know, and computer skills have become extremely important. And, it may interest you to know that many high school students enter that industry, obviously because it offers great opportunities, and also because the industry other than the high-ranking investment bankers that you sometimes read about that have to have Harvard MBAs to get in the front door, it is an industry that offers to a student with a basic high school diploma an opportunity to go very far, without necessarily having a college degree. Although everyone today is obviously encouraged to do that.

But, what always concerns me about this very objective measurement with students, is that as you acknowledged, you continually have to be adjusting and drawing these fine lines about what's too high and what's too low, what's in the middle, what makes up the total student? You know, as much as we like to move away from Summerhill and John Dewey and everybody else, there is a certain modicum -- a certain modicum -- of truth in the educational process that says sometimes you can bring a student along without necessarily giving him an objective test and marking his answers down and saying you failed. See, it's a harsh word in society, particularly for students -- "you failed." And there are, in fact, students who we have in our schools, who give everything they have with their teachers to pass a course, and then find out that maybe that measurement was set too high for their skills. Or maybe they did not have the kind of mental or emotional makeup to do well on that test.

So, you know, I don't envy anybody who has to draw an objective measurement and say, "well, it's right here." So I

can see why those outside sources come and say to you, well show us your next move. I'm concerned about that; I have to acknowledge that. I am very much in favor of being sure that students have the basic skills. I think that I agree with you, I think it is wrong to allow a student to move along. I think it does a disservice to the student, and even more so to the teacher, who works very hard with other students, and keeps holding them to a measurement. And if those students see that everybody isn't held to that same measurement, they do become upset.

But, by the same token, it's very hard in the educational process to set rigid objective standards and say everybody's going to meet these. I'm sure that in New York, where the Regents Exams are given, that there are many students who come out and pass the Regents Exams and probably really weren't very good students. They just happened to be very good test-takers.

Just an observation.

COMMISSIONER COOPERMAN: One of the things in trying to make public policy, and do what's right, and not hurt people, is very very difficult. We know, for example -- and one of the things that concerns me -- I won't go into what we're doing about it unless you'd like -- but mothers' education has a high correlation with success of students in school. A very high correlation.

SENATOR VAN WAGNER: Mothers?

COMMISSIONER COOPERMAN: Mothers' education. Much higher correlation than fathers. And, if mother is 16, if there is no father in the home, if there's welfare dependency, the child is not to term, and there is no reading to that child. then the school must take up problems which it gets from the home. I'm not saying cop-out for the school. But it means that in some of our schools -- frequently the urban schools, but not totally -- the kids come into school without the

problem solving skills, without the verbal skills, that the nurturing parents have read and cuddled, and done all this stuff. So that the school must immediately work all the harder. Otherwise -- and I know you know, because of your background -- that the best predictor of success in grade 3 is what did they do in grade 2? Because if I hit .259, the best predictor of what I'm going to hit next year is what I hit last year. And it's--

SENATOR VAN WAGNER: It's crazy.

COMMISSIONER COOPERMAN: So what we've got to do is we've got to leverage our help, we've got to leverage our programs, and resources of certain types where the people need it the most. It's pretty darn obvious.

SENATOR VAN WAGNER: In terms of -- again, pursuing the test now, since it is in place, and you are going to make some changes which you have already talked about -- is there a possibility you'll move then this HSPT test back to the eighth grade?

COMMISSIONER COOPERMAN: I don't think back to the eighth grade, because, again the law says there will be a high school graduation test.

SENATOR VAN WAGNER: Do you think we have to do something in order to be sure that there's a coordinated approach, K through 8, in terms of preparing the student -- as you said, you know, students come from varying backgrounds when they enter school in the kindergarten, and a large part of kindergarten really is a socialization process, although more and more we're teaching skills even before they get to kindergarten -- but, as they move through the elementary grades -- and I've been privileged to be in the elementary schools in my own district, and what I see going on there is marvelous, really-- But again, you know how kids are, I mean, the specter of the test and the possibility that perhaps there are different methodologies used for encouraging students to learn

-- is there any kind of plan or program to assist teachers in preparing from K through 8 for the students as they enter high school and face this annual HSPT test?

COMMISSIONER COOPERMAN: Yes there is. -- In fact, we've been running institutes from first grade -- I forget exactly where the break is, but I think it's -- first grade to fourth grade, fifth grade to seventh grade, eighth and ninth. We call them HSPT institutes. And one of the things I mentioned earlier, that we have the Skill-a-rays; we have booklets that we've worked with teachers. We don't put out a booklet until we have groups of teachers sign-off on those booklets, that is this practical stuff? Does this stuff answer the questions which are in your classroom? We feel that we've gotten not only great feedback, but our stuff really works.

And we have had people -- I don't mean to brag about it, but we have had people -- from all over this country come in to find out what our materials are, and how they work, and why they work. So, yes we are. It's fundamental that if kids are going to fail at ninth grade, we know they have problems at fourth, fifth, sixth grade. Now, part of that is the comp-ed program, and that's why last year, I asked and I thank you a lot, for \$48 million -- it's a big number -- because of the comp-ed. Because we can predict kids who are going to have trouble on the HSPT in second, third, and fourth grade.

SENATOR VAN WAGNER: I'm glad you mentioned that. How come, or I should say, when or did you recommend to the Governor that the comp-ed factor be reduced from .18 to .11?

COMMISSIONER COOPERMAN: I didn't recommend the comp-ed factor be reduced.

SENATOR VAN WAGNER: Perhaps I'm wrong.

COMMISSIONER COOPERMAN: Yeah. What we did is, it came out that money got cut. Last year was the crossover from MBS to HSPT. We had to predict the number of kids who would fail. We predicted 243,000 would fail; 238,000 failed. In



other words, it wasn't a bad prediction, we were within 2%. But, we needed 5 million less dollars. So, we took off \$5 million -- from 158 to 153. The Governor's office cut 5% across-the-board, so we came down 148 million.

SENATOR VAN WAGNER: Commissioner, I have to tell you that it always seems that when I get into my questioning that everybody gets annoyed with me, because I take too long. And, I have a series of questions that I wanted to pursue with you in many areas. But I have a message here that says, "shut-up." (laughter) No, seriously, I'd like to pursue further questions, but I think the Chairman is giving me a signal, so I will keep quiet at this point. Thank you.

COMMISSIONER COOPERMAN: Sure.

SENATOR O'CONNOR: Senator Van Wagner, I would never ask you to shut-up.

SENATOR ORECHIO: That's known as gag rule. That doesn't apply to the Committee. (laughter)

SENATOR O'CONNOR: Commissioner, I have good news for you and bad. We are going to have to carry this nomination, and that's the bad news. The good news is we'll take it up again on Monday. And, we are approaching a light at the end of the tunnel. I think that Senators Ambrosio and Orechio do have questions for you. I'm not certain whether the Senate President or the Majority Leader do, but we are coming to the end of the line with respect to the areas that have concerned us.

So, we will take your nomination up again as the first order of business on Monday. We will adjourn, and we will resume Monday as promptly to ten o'clock as possible.

COMMISSIONER COOPERMAN: Thank you.

SENATOR O'CONNOR: Thank you.

(MEETING CONCLUDED)



