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PUBLIC HEARING

before

SENATE EDUCATION COMMITTEE AND ASSEMBLY EDUCATION COMMITTEE

on

SENATE BILLS 2355, 2356 and ASSEMBLY BILLS 2926, 2927

(Establishment and governance of State-operated school districts)

September 25, 1986
Bergen County Community College
Paramus, New Jersey

MEMBERS OF COMMITTEES PRESENT:

Senate Education Committee

Senator Matthew Feldman, Chairman
Senator Wayne Dumont, Jr.
Senator John H. Ewing

Assembly Education Committee

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

ALSO PRESENT:

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

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

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





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

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

September 3, 1986

REVISED
 NOTICE OF PUBLIC HEARINGS

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

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

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

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

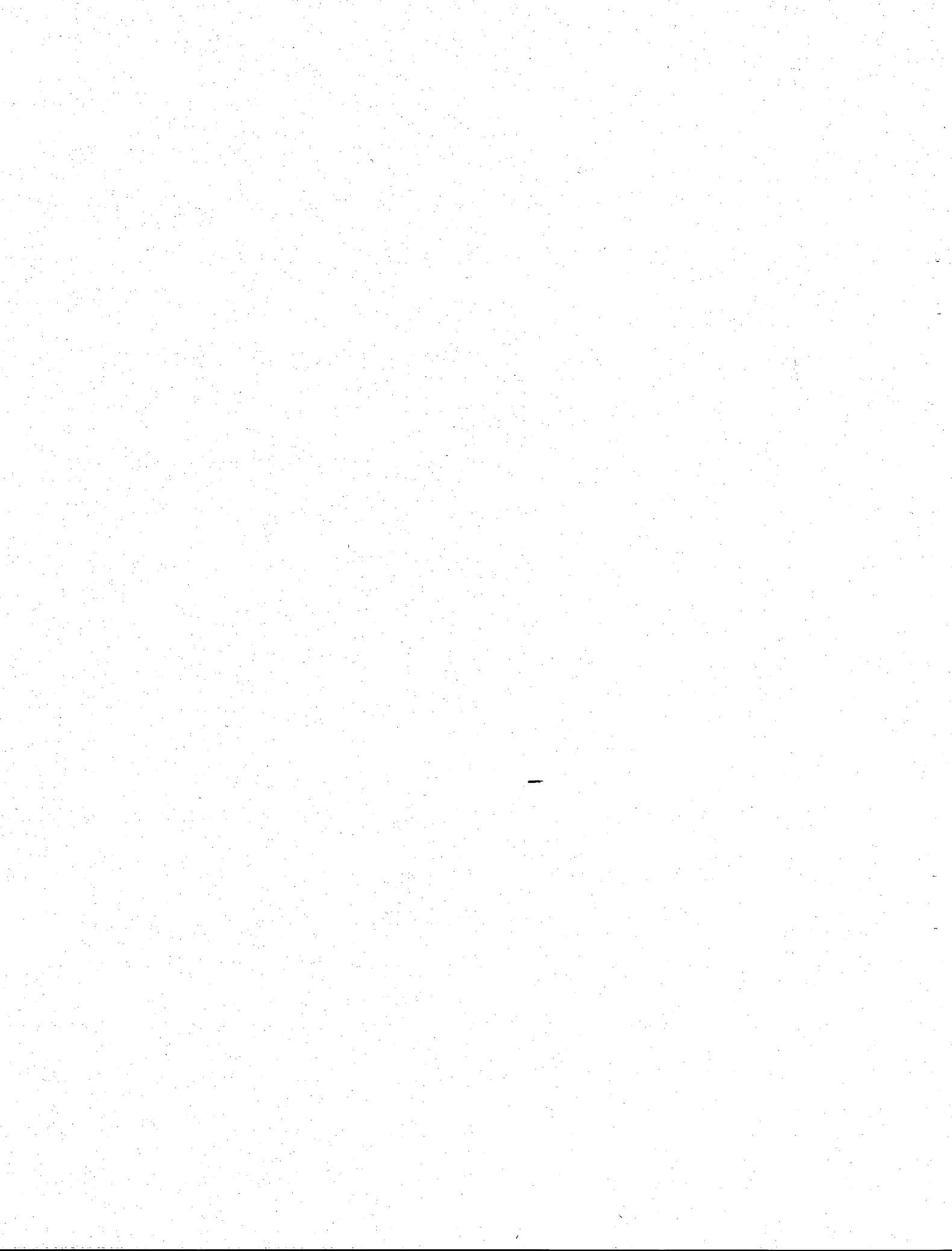
Tuesday, October 14 at 1:30 p.m. in the Council Chambers, City Hall, 280 Grove Street, Jersey City.

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

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

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

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



STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1986

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

Referred to Committee on Education

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

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

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

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

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

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

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

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

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

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

Matter printed in italics thus is new matter.

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

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

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

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

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

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

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

STATEMENT

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

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

EDUCATION—GENERAL

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

STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1986

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

Referred to Committee on Education

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

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

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

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

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

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

Matter printed in italics thus is new matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATEMENT

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

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

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

EDUCATION — GENERAL

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

ASSEMBLY, No. 2926

STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1986

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

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

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

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

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

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

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

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

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

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

Matter printed in italics thus is new matter.

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

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

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

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

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

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

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

STATEMENT

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

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

EDUCATION — GENERAL

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

STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1986

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

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

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

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

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

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

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

Matter printed in italics *thus* is new matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATEMENT

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

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

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

EDUCATION — GENERAL

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

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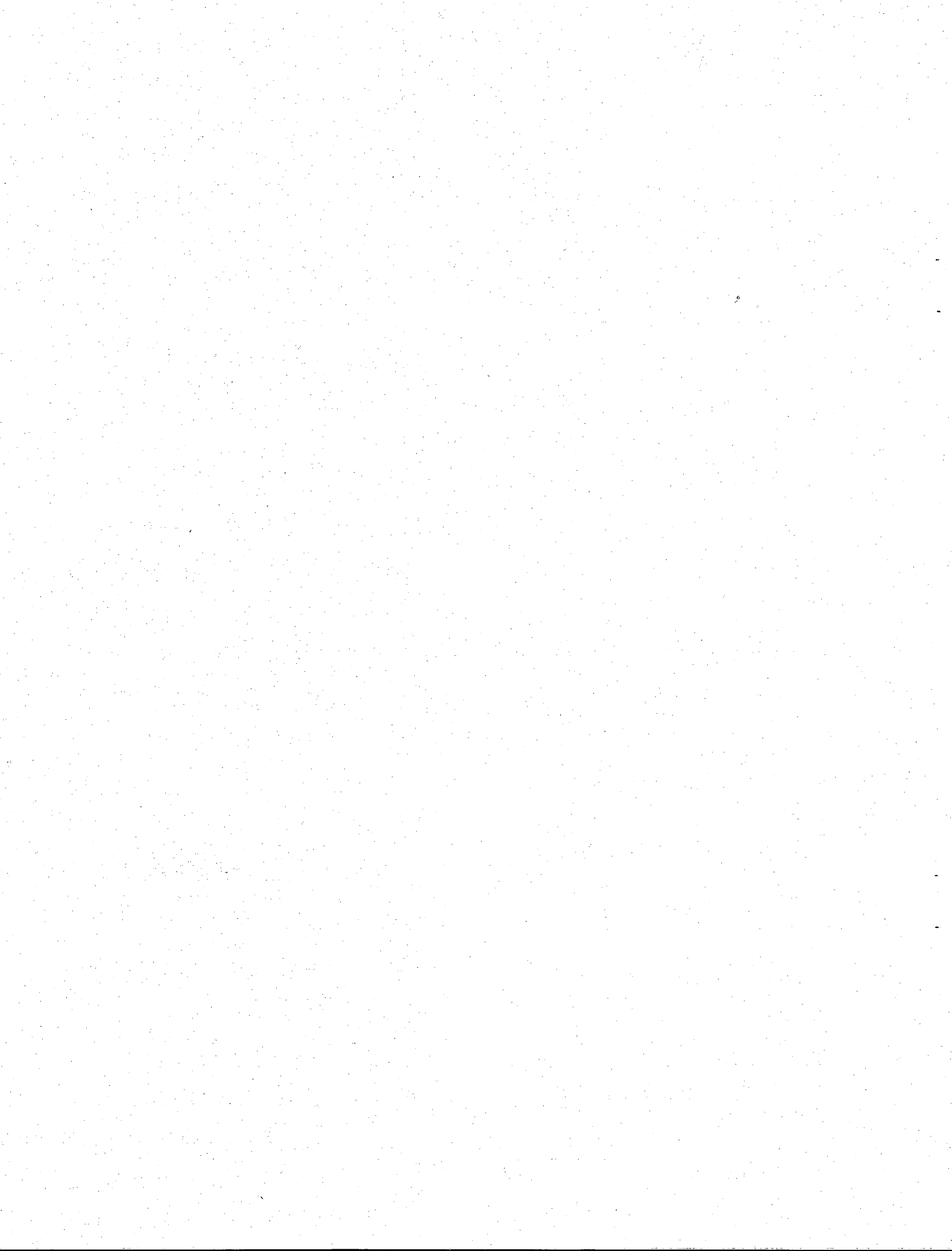
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SENATOR MATTHEW FELDMAN (Chairman, Senate Education Committee): I am pleased to open the second of our public hearings on the legislation concerning the establishment of State-operated school districts. I want to welcome everyone who is here and introduce to you my colleagues on the Senate and Assembly Education Committees: I am Senator Matthew Feldman, and joining me on my Committee is Senator John Ewing. Assemblyman Joseph Palaia, Chairman of the Assembly Education Committee, is with us, and joining him are members of his Committee, Assemblyman Frank Gargiulo and Assemblywoman Mildred Barry Garvin.

I have really been impressed by the public response to these hearings. I think that response illustrates clearly the deep commitment and concern that we all share for our public school system and the quality of education in New Jersey. The testimony at our first hearing in Trenton was thorough, informed, and, from our perspective, extremely helpful as we consider this most difficult issue. I look forward to hearing your concerns and your advice today, so that your judgment can assist and inform our own.

Before we begin, I want to state once again that it is our intention to listen and to learn from your experiences. However, as I indicated at the first of our hearings, we cannot permit our schools to fail, not only because of constitutional obligations, but because our children are our future, and at the very least we owe every one of them in every school in the State an education of quality.

I also want to welcome the young people in the audience. We have the pleasure of having with us this morning a political science class from West Side High School in Newark. They are counseled by Assemblywoman Mildred Barry Garvin. I believe this is the first time in my history of public hearings that we have students representing a high school in our State with us.

I would just like to tell my colleagues on the Joint Committee, as well as the witnesses, that we have 25 witnesses today. Please confine yourselves to 10 minutes of testimony at the maximum, because we have heard many of the same remarks, and there is no sense in having redundancy. You represent organizations; you must be here. I realize that. Make your pitch, make your presentation, but let's keep it within 10 minutes so others won't have to sit here from 10:30 until 5:30 hoping they will be next. So, let's try to stay within those guidelines.

I would like to call first, Chancellor Hollander, Department of Higher Education.

C H A N C E L L O R T. E D W A R D H O L L A N D E R:
Members of the Senate and Assembly Education Committees and colleagues: Several years ago, I visited one of New Jersey's high schools. I was shocked by what I saw and what I did not see. The building was in disrepair, graffiti was everywhere, electric wires were exposed, ceilings were down in places, and one section of the boys' locker room was pitch black because the light bulbs had been removed. The silence was eerie. Something was amiss, and at first I could not identify what it was. It was nothing I saw, but then it hit me. It was what I did not see. There were no children.

The school was virtually deserted. We went from classroom to classroom. There were one or two children in each class; occasionally four or five. In most classes, the students were separately engaged from the teachers. Each did their own work. In one classroom, one student helped the teacher unpack his books; a second student read on his own. When asked where his class was, the teacher said the students were in the library. No one was in the library.

There was one exception. In one class, the teacher was involved in animated discussion with the students. There was electricity and excitement in that classroom. Teaching was

going on, and learning was going on. There were 15 students engaged in the business of education.

At the end of classes, I stood outside the building as the final bell rang. The staff left first, followed by the few students in attendance that day. The last person to leave the building was the teacher I noted actively teaching. He carried a shopping bag loaded with papers in one hand, and a tattered, overfilled briefcase in the other. I approached him on the street. He taught English, and his class was discussing a Shakespearean play. In reply to my questions, he told me he was carrying home students' papers to read over the weekend.

As he left I thought, "There goes one of the unrecognized heroes of our generation. We owe that teacher the right to teach in a school district that is functional, adequately financed, and governed properly. We owe the students in that school the same opportunity to learn as the children in our more successful districts.

There is a footnote to my story because that incident occurred in 1983, and I wanted to see if there was any evidence of change. I did not revisit the school, but I asked to see the New Jersey College Basic Skills Placement Test scores of the graduates of that high school who went on to a New Jersey college. Ladies and gentlemen, 100% of the graduates of that high school failed the basic skills test in reading and writing. Eighty-nine percent of the students failed the basic skills test in eighth grade arithmetic. Ninety-seven percent lacked proficiency in first year algebra.

As a result, I asked for the scores of students from all of our A and B school districts in the State. These are schools with students who fall into the lowest socioeconomic categories. There are 66 such high schools in the State. For 32 of those schools, more than half of their graduates who enrolled in our colleges failed the basic skills test in reading and writing. More than half of the graduates failed

the test in eighth grade arithmetic out of 28 of the 66 high schools. More than half of the graduates failed tests in first-year algebra at 41 of these schools. Can you imagine what the scores would have been for those students who did not go on to college?

New Jersey has some extraordinary high schools which are among the nation's best. Many of the A and B school districts have excellent schools. Many of the other school districts may also have poor schools. Many graduate a high proportion of students who excel on our basic skills test and in college afterward. But, we have school districts in the State in crisis -- no, not in crisis, but we have schools in the State that are a catastrophe. These schools tend to serve the poor, to serve children who believe public education is the best available route to a better life.

Consider the excited young child who enters school full of faith and hope and promise and eager to learn. She doesn't know it, but you and I do. We know that such a child, no matter how bright, is doomed to fail if she happens to live in a school district in which failure is the norm. How can we tolerate such a terrible circumstance?

I do support the Commissioner's plan to temporarily establish State-operated school districts in those special situations where all prior efforts have failed. The bills you have before you are extraordinarily difficult bills for you to consider. They create a conflict between two fundamental values, each of which is important. The first, the responsibility of the State to ensure that each child receives a thorough and efficient education, an education appropriate to that child's needs and aspirations, an education of high quality. And second, the right and responsibility of local communities to control their public schools, to establish programs and priorities responsive to their needs, to hire teachers, administrators, and all the other persons who work in the schools who are most suitable for their children.

Balancing these two values is a continuous, not an occasional process. In New Jersey more than in most other states, we have, through our concept of home rule, put substantial weight on the second value. We have no State curricula. We have no State textbooks. We have no selection committees. Perhaps because of the way we have chosen to balance these two values, the proposed plan for the State to take over school districts is especially jarring to many. Yet, in my judgment, it is in the context of a State which values home rule as strongly as we do, that a State takeover plan can be implemented best.

State takeover is proposed under extreme circumstances after districts have been given many opportunities to correct deficiencies, much assistance from State and county education agencies, and opportunities to appeal the judgments of the Commissioner and the State Board of Education. Only in a State where home rule is so highly valued would I expect to see a plan this comprehensive, this cautious, this protective of a local district's rights in which State takeover is truly a last resort.

The Commissioner's plan is directed only at that small number of districts which are extreme in their failure. Much of the opposition to the Commissioner's bills tends to come from persons in adequate school districts who do not appreciate how bad schooling really is for children unfortunate enough to live in the very poorest districts. If they understood how bad some schools are, I think they would temper their opposition.

Many of my friends and colleagues from the minority communities are wary of the Commissioner's plan. Many feel that the Commissioner's plan is directed at schools in their communities with minority administrators and minority boards. There are schools in minority communities that are not successful. Critics of the Commissioner's plan are skeptical that State control will cause improvement. In fact, minority

leaders can look back in history to a time when their schools were controlled by persons from outside the communities, and some of the schools were just as bad then as they are now. These well-meaning persons fear that the only result of State takeover would be the discharge of minority administrators and teachers.

I am sensitive to their concerns, but I really disagree with their conclusions. While the bill rightly gives the Commissioner the power to discharge top administrators, I am sure he will use that power only to assure effective State control. Knowing the Commissioner as I do, I believe he is sensitive to the need to retain competent administrators, minority and majority, and to provide adequate opportunities for the minority communities to influence the course of schooling for their sons and daughters.

In my view, some schools in minority districts are failing their children, and the State has a responsibility to the children and their parents. I can say the same about some schools in majority districts. We must keep the rights and interests of the children paramount to other considerations. We must take the necessary steps to improve the opportunities for all of our young people to learn and grow and excel. That is impossible today in certain school districts in the State. I support the Commissioner in this proposal to assure that every child in New Jersey has the opportunity for a thorough and efficient education. The Commissioner's proposals are essential to remedy the catastrophic conditions that exist in pockets of disfunctional schools around the State.

We have allowed an extreme form of local autonomy, one that has come to mean that every school district can be as bad as it wants to be. We need to step back from that extreme stance to a more moderate position that permits State-operated schools in those special and unusual circumstances where all else has failed.

I hope the State will never have to operate a school district, and it might perhaps even prove to be unnecessary. The very power of the State to intrude may itself cause the improvement we seek, such that actual State takeover need never occur.

Thank you.

SENATOR FELDMAN: Thank you, Chancellor. Are there any questions from the members of the Joint Committee?

SENATOR EWING: Yes, I have a question.

SENATOR FELDMAN: Yes, Senator Ewing.

SENATOR EWING: Chancellor, what do you feel it is costing Higher Education to bring these students, when they come into college, up to a level so that they can actually take college courses?

CHANCELLOR HOLLANDER: Well, I would estimate that probably 20% of our freshman class statewide, in public and independent colleges, could use and benefit from remedial education. Now, in most cases, institutions finance those costs within their budgets. They do it by reallocating faculty time from teaching courses at a college credit to teaching courses that are preparatory. So, the actual dollar outlay cost is limited, but it certainly costs \$5 million to \$10 million in the special programs we have established to try to deal with the issue. The Basic Skills Test Program costs about \$850,000 to administer. We do not charge any of the students for taking the test. We pay for it out of our budget.

In addition to that, with your support, we have established precollege programs so that high school students can come onto our college campuses. We have established Special Skills Centers at some of our colleges with State funding. We have a whole number of urban programs. If you put all of those together, it's \$5 million to \$10 million. The real cost, though, is in student confidence, and the real cost is in the amount of time the student has to take to complete the remedial work and go on to college level work.

I have to say that a study we have just completed -- and probably will release in a couple of months -- shows that students who take remedial work and are successful, have as good a chance to graduate from college as students who did not need the remediation in the first place. So, the remediation does work, and it ought to work in some of those school districts too.

We really do have a problem, and that is why this is of such deep concern to me. If a student comes to one of our colleges with eighth and ninth grade skills, we have a very, very good chance of remediating that student, and he or she can function well. If a student comes to us with fourth and fifth grade skills -- and I think we are talking about high school graduates with fourth and fifth grade skills from some of the schools -- we have a very, very difficult problem. I would say we have one chance in 20 of bringing that student -- within a year or a year and a half -- up to eleventh grade confidence, which is what we need to function in college.

SENATOR EWING: Well, of course, the remedial students are coming from many, many different schools, not just a small group--

CHANCELLOR HOLLANDER: That's right.

SENATOR EWING: --that might face the possibility of a State takeover.

CHANCELLOR HOLLANDER: Yeah, there is a-- Yeah, but there are--

SENATOR EWING: But there is a concentration there in those.

CHANCELLOR HOLLANDER: There are sharp differences. When you look at limited statistics, you can only develop an impression. In the limited statistics I look at, the basic skills test scores and the test scores of distinguished scholars, you can find a pattern of maybe 15 or 20 schools in the State where the performance is sharply different from the

rest of the system. So, you can-- For example, at a particular high school, you may have 100% of the graduates failing the basic skills test. At a school where high achievement is general among the students, that may be only 4% or 5% of the students. But the difference is also in the level. The 4% or 5% is from, say, some school where overall effectiveness is very high -- probably ninth grade, eighth grade -- whereas if you get 100% failing, you probably have a large number of students who are fourth grade, fifth grade, and sixth grade, and they are all high school--

SENATOR EWING: Also, what it does to that child psychologically for him to get ahead in life.

CHANCELLOR HOLLANDER: It's very hard for the student who is way down to develop confidence and self-assurance. Many do; that is why we continue the programs. But, it is hard.

SENATOR FELDMAN: Not every student is college bound.

CHANCELLOR HOLLANDER: That's true.

SENATOR FELDMAN: You're trying to help--

CHANCELLOR HOLLANDER: I am only dealing with the college-bound student.

SENATOR FELDMAN: Yes. Now, what can you do, as Chancellor-- With the State colleges, what can be done from that level, to help those students, other than this bill? What can State colleges do to assist those who are not college bound? What urban programs, if any, are the State colleges involved in?

CHANCELLOR HOLLANDER: Well, first of all, our community colleges, as community institutions, serve the populations of the counties. They offer a wide variety of courses for everyone living in those counties. Many students who do not complete high school will often come to a community college for career work or technical studies or for other studies outside of the collegiate program of the community college, because community colleges have non-collegiate as well

as collegiate programs. But, our responsibility for collegiate work is limited, very candidly, to students who are college bound. We do bring about 2000 high school students -- elementary school students next year, I hope -- onto our campuses to give them experience about college and hopefully to set up a mentoring system for them, and hope they will go back into the schools much more motivated than they were before. That has been a very successful program. But essentially, we are trying to motivate students to do well so they can go on and complete their college education. That is our responsibility.

SENATOR FELDMAN: Perhaps you can give some thought to what a college could do, especially those which have an enrollment of teachers -- young people who want to be teachers -- what they could do to assist urban education, for students who are not college bound.

CHANCELLOR HOLLANDER: The Commissioner and I have jointly developed a program -- and it is about a million, eight; a million State money, and \$800,000 Federal money -- where we bring large numbers of math and science teachers from all over the State, many, many from the urban communities, onto our campuses in the summer to update them on teaching technique, as well as discipline. You know, they teach college- and non-college-bound students.

The Commissioner and I have also been talking about other ways in which the colleges can be useful and helpful to some of the tough urban districts, but those are still in a preliminary stage.

SENATOR FELDMAN: We cannot be an elitist society dealing only with college-bound students.

CHANCELLOR HOLLANDER: No.

SENATOR FELDMAN: Students are students, and they are going to be citizens.

CHANCELLOR HOLLANDER: Well, I'll tell you, Senator, in my judgment, as the nature of employment in this State shifts increasingly to science and technology and service industries, and as even operating a typewriter becomes more complex, we are going to experience a higher proportion of students going on to college and a higher proportion of students requiring college for the kinds of jobs that are emerging in New Jersey.

There are also lots of jobs that are being downgraded, if you like, but they do not tend to be here. I mean, the shift from industrial production in this State to science and technology has been dramatic, and it is hard to find a blue-collar job now. It is hard to find a job in agriculture now. Those old safety valves are not here. The safety valves now are unemployment insurance and pretty petty jobs in the service industries. To get beyond that, you really need a fairly sophisticated level. I just believe we are going to see 60%, 70% of our high school graduates -- it is up to 50% now; 53% actually -- going on to college, as a norm. That has been the trend for the last 50 years. I don't think it is elitist; that is the only thing I'm saying.

SENATOR FELDMAN: All right. Well, I feel it is our responsibility -- college-bound and those who are not college-bound-- That is the entire point I wanted to make.

CHANCELLOR HOLLANDER: Sure. Any other questions?

SENATOR EWING: Yes, I have one.

SENATOR FELDMAN: Go ahead.

SENATOR EWING: Chancellor, do you have any idea what the fourth and fifth grade levels of education are doing to the students who are going into the vocational schools?

CHANCELLOR HOLLANDER: Do you mean in our collegiate career programs -- technical programs?

SENATOR EWING: Yes.

CHANCELLOR HOLLANDER: Oh, I don't think students with fifth grade levels can function effectively.

SENATOR EWING: They can't even get into them.

CHANCELLOR HOLLANDER: Not in the technical programs that our colleges-- I mean, even some-- We have, for example, at Brookdale and I think it is Camden County College, major cooperative programs with the automobile industry, in which we train mechanics. But the level of sophistication of the students who take those courses -- they are going to be managers on the floor and they are going to be doing diagnostic work when someone brings a car in -- is more than fourth or fifth grade. We have to bring them up to eighth, ninth, and tenth before they can even get into those vocational programs.

SENATOR EWING: But, also, the county vocational and technical schools.

CHANCELLOR HOLLANDER: I can't speak to that issue.

SENATOR EWING: You haven't had any discussions with Saul on that?

CHANCELLOR HOLLANDER: Oh, I would--

SENATOR EWING: But it must have a tremendous effect--

CHANCELLOR HOLLANDER: We have joint programs among our colleges -- between our individual colleges and individual vo-tech schools, but the students who go into those programs are literate.

SENATOR EWING: That's what I'm saying. So, therefore, the fourth and fifth grade level student out of high school is being--

CHANCELLOR HOLLANDER: Doesn't have a heck of a lot of opportunities.

SENATOR EWING: Even at the county vocational schools.

CHANCELLOR HOLLANDER: They do not have a heck of a lot of opportunities on the street.

SENATOR FELDMAN: Assemblywoman Garvin?

ASSEMBLYWOMAN GARVIN: Yes. Thank you, Mr. Chairman. One of the things I would like to ask you, Chancellor, has to do with-- As I go through the procedures for the

State-operated schools, has your Department, in any way, been involved, or reviewed those steps, where perhaps you could make a recommendation for colleges coming in on Level I, Level II, to assist middle management in the kinds of guidelines they have to follow?

I remember we were going to do a college/high school cooperation effort. Has that taken place?

CHANCELLOR HOLLANDER: We are very close to dealing with that issue. It is fairly complicated because you are dealing with State schools on one hand and our collegiate sector on the other. But, the Commissioner and I have both agreed in principle, and we have a task force of both Departments now working out the details. For those of you who are not aware of the program, LaGuardia Community College in New York City operates the last two years of high school, as well as the first two years of college, for high risk students. In fact, they are opening a second high school now for bilingual students. That program has improved their retention rate to about 70% or 80%. Of the 70% or 80% who finish high school, about 70% stay on at LaGuardia or go somewhere else.

So, it offers promise, and these are all high risk students. This is not an elitist program. I think it offers some prospects for New Jersey. I think our community college staff is interested in being helpful. In fact, just very quickly, we just completed a program where six of our community colleges worked with delinquents from the correctional system -- just to show you how far our community colleges often reach out -- and they were on campus for a year. Those students had a gain rate of 1.6 to 1.8. For each month they were in the program, their academic gain was 1.8 months, whereas before they came into the program, they were operating at roughly six-tenths of a month gain to every month they were in school. We had no incidents on any of our campuses -- and these were

students from prison; these were not students who were in the community -- and it just worked out beautifully.

So, I think the college environment is a little different from school. The schools have an enormous task, and I understand that, but sometimes bringing younger people into contact with mature adults on our campuses, kind of gives them a pride and a spirit and morale that is very hard to replicate in a secondary school. I think for high risk students that might be an interesting alternative that we really haven't explored sufficiently, and we are exploring it now.

ASSEMBLYWOMAN GARVIN: Okay. I would like to be -- and I think the Committee should be -- kept informed on that progress. I see this assisting local school districts from Level I to Level II, and I am not just talking about -- I'm sorry -- the criminal justice thrust. I'm talking about those students who are in school having problems passing the tests, and learning what they must learn to be in the mainstream of society.

CHANCELLOR HOLLANDER: We have to be responsive to the schools' needs. I need to make two caveats. A college can't intrude into a school system and be all knowledgeable. It isn't going to work. It is the school which needs to find something within the college that is helpful to it. So, the initiative really has to come from the school system.

Second, our college people don't have any answers either in lots of situations. Some of the answers are very difficult to come by. We need to be humble in what it is we can contribute. We need to be responsive, but we also have to have a little humility.

So, we will be willing to work with districts, but they have to identify for us how we can be helpful to them.

ASSEMBLYWOMAN GARVIN: Well, I will help with that, because I think there is going to have to be a team effort.

CHANCELLOR HOLLANDER: Sure.

ASSEMBLYWOMAN GARVIN: If this plan, which I support, is going to succeed, you are going to need managerial support that maybe the colleges could offer in the Commissioner's plan, and then you may need other kinds of experts -- urban experts -- in the teacher training colleges, to come in to deal with upgrading what goes on in that environment.

I would hope that this task force you mentioned would begin to address its issue to coincide with the massive issue we are dealing with.

CHANCELLOR HOLLANDER: I appreciate that.

ASSEMBLYWOMAN GARVIN: Okay, thank you. Thank you, Mr. Chairman.

SENATOR FELDMAN: Thank you. If there are no further comments, we will move on to our next witness. Chancellor, we appreciate your coming in.

ASSEMBLYMAN JOSEPH A. PALAIA (Chairman, Assembly Education Committee): Thank you, Chancellor.

CHANCELLOR HOLLANDER: Thank you very much.

SENATOR FELDMAN: I want to welcome the County Superintendent of Schools, Ray Kelly. I believe I fleetingly caught sight of him. Welcome, Ray, to our hearing.

The next witness will be Joseph V. Chagnon, President, City Association of Supervisors and Administrators, Newark.

J O S E P H V. C H A G N O N: Good morning.

SENATOR FELDMAN: Good morning.

MR. CHAGNON: Chairmen, members of the Joint Committee: I am a resident--

SENATOR FELDMAN: Excuse me. There are seats up here. We have witnesses or spectators standing. If you wish to seat yourselves, there are some seats up in front. I'm sorry, Mr. Chagnon.

MR. CHAGNON: That's perfectly okay. My name is Joseph Chagnon. I am a resident of New Jersey, and an employee of the Newark Public School District.

I speak before you this morning as President of the City Supervisors Association, Local 20, American Federation of School Administrators AFL-CIO. We are a union representing employees serving in the positions of principal, vice principal, director, supervisor, department chairperson, and curriculum specialist in the City of Newark. We have a known history of nonpolitical-affiliated endeavors of student advocacy and employer representation.

I am here this morning because the leadership of this union is firmly convinced that the proposed legislation of State intervention does not deal directly with students, as advocated by the sponsors of the legislation and the Commissioner. Let me state at the outset that we recognize there our expressions of concern might be construed by some people as self-serving and as non-concern for students. However, the concerns we raise could well be the concerns of administrators and supervisors in other school districts. Failure to identify these concerns, failure to bring them forth for open review, discussion, and resolution is likened to burying one's head in the sand with the hope that they will disappear. The reality is, there are concerns with the legislation before us.

It has been stated that the proposed legislation is going to help students. Our review of the bills reveals that the State could take over a district, remove the local board of education, and install a State district superintendent, whose authority would include the powers of the board, the board secretary and/or business manager, the superintendent, and the unprecedented authority to dismiss all central office administrators and supervisory staff, thus abrogating all tenure rights of those positions.

The State superintendent is also authorized to eliminate and remove principals from their positions after a yet unidentified assessment process, again being able to abrogate all tenure rights.

Such proposed outright unchecked authority raises the very concerns I am about to present. Does this legislation really deal with education, students, and their achievement? Our assessment indicates that it is concerned primarily with governance. It would substitute State control for local control. This control would be achieved through the elimination of local professional and citizen participation. It would negate decisions and conditions advocated by the community of the school district.

We ask you: Is this the way to help people? Is this course of action truly one which will bring about the kind of climate in which cooperative endeavors affecting students and their welfare can be developed? Have you really tried to look at the effects of this legislation through the eyes of the community and its professionals?

The sweeping authority of the State superintendent raises a great concern for educators, particularly administrators and supervisors. It opens the door for the total abrogation of all tenure rights by employees serving in the affected districts. It strikes directly at one of the foundations legislated to build the necessary cadre of public servants.

The right of tenure has often been referred to as a factor related to poor student achievement, but it has never been proven to be so. It is a perception, rather than a fact. Does the investiture in one person -- the State superintendent -- with the authority to strip tenure rights from all central office administrative and supervisory personnel directly help students? Is such sweeping legislation necessary?

We are convinced that it is not necessary. There are more than sufficient provisions in the Administrative Code, which is about to be adopted after revision, and Title 18A, which enable any required corrective action to be implemented. What is really needed is a more intensive application of

existing legal provisions by the Commissioner's office. What is not needed is additional legislation.

The proposed legislation has reversed the concept of due process. It allows for employees -- and I say, it allows for employees -- to appear before the Commissioner to demonstrate why they should be retained in employment. This process flows in direct opposition to the established practice in the workplace, the courts, and the forums of arbitration. Why this change? There exists a complete evaluation and observation process in the Administrative Code. If it is not working, then I humbly suggest that we fix it. Apparently it is working because, if my recollection serves me right, this aspect was not up for revision when the Code was recently reviewed.

We maintain it is incumbent upon the employer to demonstrate why the employee should not be retained in employment, and not the reverse, as the legislation proposes.

The legislation further proposes to cause legitimate contractual obligations between the district and its employees to be disregarded. Is it proper to abandon all contracts, to remedy particular circumstances of perceived or actual negative performance on the part of a particular individual or individuals? Is it fair to disregard contracts which have been approved by duly authorized representatives of the community? Whatever happened in this State to the concept of integrity?

We believe there are sufficient avenues and forums for the Commissioner to pursue on a case-by-case basis. I might add that on the second day of the hearings, I heard various speakers say they had gone into districts and observed less than positive situations. For the sake of not embarrassing those people, they have never returned. It is easy to identify something; it is much more difficult to correct it, to roll up your sleeves and help out, and that is what this legislation is supposed to be all about.

Why subject all employees to legislation which deprives or alters their legal entitlement without just cause? The Commissioner places a very high priority upon the performance of the position of principal, and obviously I am here before you representing all of the administrators and principals. The principal is the cornerstone of the success of any school or institution of learning, but that principal does not achieve the students' success individually. There is a whole cadre of teachers -- well-trained teachers -- who must be supportive of the goals of that school.

In many instances, particularly in urban school districts, the lack of financial resources, population mobility, poverty, teen-age suicide, alcoholism, teen-age pregnancy, large class size, drugs, and unemployment all contribute to the inability of students to achieve as much or as rapidly as one perceives they should. These very same factors also remain unaddressed in the current legislation. If it was the sponsors' intention to address these conditions, then they missed the target, for nowhere are they specifically addressed in this legislation.

I ask: Does the removal of the principal resolve those outside influences which are carried into the school and learning environment? Student achievement would have a far greater chance of success if the legislation would direct the necessary resources into districts, rather than propose a course of action reflective of heavy-handedness, disregard for community decisions, and due process.

We strongly believe that corrective actions pertaining to the Commissioner's concerns can be implemented under existing legislation on the books and the Administrative Code. We suggest that rather than create additional legislation, that the Commissioner and his staff come into a district as an active partner, rather than as a monitoring agent or master. Compliance units can currently come into a district to redirect

and train persons to perform key functions in a proper and effective manner.

We urge the Commissioner and his staff to come into a school district and actually participate in a collaborative effort to develop, with the district's personnel, a plan to address deficiencies. In plain English I'm saying, "Come in, roll up your sleeves, and sit down beside us. Get in the trenches with us." In addition to such an effort, we ask that the needed resources, whatever their nature -- as you perceive them, as conditions dictate, or as the community dictates -- be made available to ensure that any plan that is mutually developed -- not legislated, but mutually developed -- on site, is successful.

The concept of working for children is most noble, and that is what the administrators and supervisors in Newark are all about. There is no doubt that everyone supports such an endeavor. The concept of how this can best be done is what is generating the concerns I have just raised, for it is apparent from our perspective that the proposed legislation does not directly address the how, in light of the realities of the day-to-day operations in a school district. The legislation does not provide for the democratic process, nor does it take into consideration those who the legislation will affect, namely, the employees, the community, and those citizens who have assumed quasi-legal responsibilities serving on boards and commissions in a community. Until that happens, the problems will remain.

The administrators and supervisors of Newark urge you, at this point, not to approve the proposed legislation. I thank you for the opportunity to come before you this morning. I wish to make you aware that we stand ready -- individually and as an organization -- to meet and work with you and other interested parties to bring about the kinds of climate and circumstances which will enhance students' success, while preserving local autonomy and employee rights.

Thank you. Are there any questions?

SENATOR FELDMAN: Are there any recommendations other than throwing the bills out -- any refinements or recommendations you would make, any amendments?

MR. CHAGNON: Senator Feldman, what I am saying to you is, you don't need the legislation.

SENATOR FELDMAN: All right. I'm--

MR. CHAGNON: I'm saying you have legislation on the books. You have the Administrative Code, which this body--

SENATOR FELDMAN: The Commissioner has the power. That is what you're telling us.

MR. CHAGNON: He has that now. Let me just share with you, Senator Feldman and members of the Committee, that at another forum, when the Commissioner was asked, "Why do we need this legislation?" the remark was, "I can do most of these things now." What he cannot do is get at the political structure of a community. I say to you, ladies and gentlemen, the educators of Newark realize the politics of the world just as you do, but the main thrust of their focus is education. The Commissioner's thrust should be that also. If he can't control a board of education, what has that got to do with firing principals and administrative personnel? Does that solve the problem, ladies and gentlemen? Does that take the kids in my district and make them better achievers, when we all know that with students in socioeconomically deprived areas, one of the key things is continuity of instruction -- continuity of point of reference -- for guidance.

Senator Feldman, I am saying to you, "The legislation is unnecessary. Your revised code contains an evaluative and observation process which, if enforced, would provide a vehicle to eliminate those people who are not performing satisfactorily in a district." As for the removal of boards of education, I think we are going back to the times of Hitler. I don't think it is necessary. If you believe -- if you truly believe --

ladies and gentlemen, that you can legislate student achievement, I am in a different world. You have been in the business of T & E for 10 years, and what you are really missing here, ladies and gentlemen, are the districts. Most affected districts -- let's not deny it -- are urban districts, which lack the financial resources and lack the quality of personnel. They lack the kind of communication and assistance which is not legislated. They need people to come in and work side-by-side with them.

For 10 years, you have been monitoring the District of Newark. Has anyone come into the District of Newark with my principals and supervisors, and said, "Pull up a chair; let's work this out"? No. What has been happening is, "Here are your deficiencies. Develop a plan." Then you come back and check it. What the Commissioner is saying is, he really wants to get his hands into it. I welcome that, but you don't need this legislation. He can do that now.

SENATOR EWING: Have you asked the Commissioner to come in?

MR. CHAGNON: I believe our superintendent has asked the Commissioner to come in.

SENATOR EWING: No, have you asked him?

MR. CHAGNON: I am not in a position to ask him.

SENATOR EWING: Well, you are the head of the organization.

MR. CHAGNON: That's right, but I don't set educational policy, Senator Ewing.

SENATOR FELDMAN: Assemblyman Palaia?

ASSEMBLYMAN PALAIA: Mr. Chagnon, a lot of things you have said here, I feel are inaccurate. I have to say that there is a misconception here somewhere. You have implied and intimated that these things just take place overnight. It's a week, two weeks, or a month. This monitoring process goes on from three to five years -- three to five years of the schools

being told that they must come up with an alternate plan to what they are doing now, because it is not in the best interest of the students.

Now, we go back in there and we say, "Give us an alternate plan." You give us an alternate plan, and we come back in six months, and we say, "Here is your alternate plan. You are not implementing it."

What are we, as a State, supposed to do, when we are spending over 70% of taxpayers' money in the State of New Jersey -- not in a local district -- but in the State of New Jersey? If we are expending moneys of that nature, I think we have every right to demand some accountability for what goes on in those schools. It is nice to give us motherhood and apple pie and say, "We are doing everything we can." But, you know what, it is not a matter of money. I am getting sick and tired of hearing, everyplace I go, "Just give us money, and we will take care of everything." Money is not the answer all the time. It is not the answer. In some districts, it might be, but I would say that most times, it is in the administrative end of it.

I was a school principal for 33 years. I know what the trenches are all about. I know there are some principals there who never have faculty meetings, who never have parents' nights, who never have in-service days, who never get together with their staffs to say, "What is going on?"

Now, who is being mistreated? The staff, the administrator? No, the students are being mistreated. I just feel that the idea that, "Well, you know, give us some money and we will take care of everything"-- I don't think that is so.

I do believe this: We must go into those districts which are not meeting the needs of the students. We will be determining that after a three-to-five-year period. I just got the impresssion you were thinking, you know, that we sit back

in Trenton as the State Department of Education, and say, "That district isn't doing well. The scores are lousy. Let's go in and take it over." We do not want to do that. That is the last thing we want to do -- take over a school district.

MR. CHAGNON: Senator Feldman, may I respond, since I was asked a question?

SENATOR FELDMAN: Yes, yes. That was a firey question.

MR. CHAGNON: I expected that kind of an inquiry from my colleague -- my former colleague, Joe Palaia. We have discussed this in other forums.

ASSEMBLYMAN PALAIA: Yes, we have.

MR. CHAGNON: However, I think, Assemblyman Palaia, in all deference to your question, I would like to explain it this way, if I may bifurcate it.

There are several parts to this. First of all, let me correct the impression, or the misimpression. In my remarks, I called for the supply of adequate resources, whatever they are. Nowhere did I mention money.

ASSEMBLYMAN PALAIA: Oh, you mentioned money.

MR. CHAGNON: Well, if it takes money, as such--

ASSEMBLYMAN PALAIA: You mentioned money. Right at the end you mentioned money. That is why I brought it up. Go ahead.

MR. CHAGNON: If I did--

ASSEMBLYMAN PALAIA: Whatever, go ahead. It's okay.

MR. CHAGNON: We're looking in terms of resources. We're looking in terms of materials and training. Oh, by the way, the Commissioner has some good things going.

ASSEMBLYMAN PALAIA: When you say resources-- You said materials and training.

MR. CHAGNON: We're looking for--

ASSEMBLYMAN PALAIA: Okay. Don't you think that is part of what a school should be doing, Joe? Don't you think that is part of what the school should be supplying for the

students and the teachers -- the training, the upgrading, the certification to make sure you have the right teachers and the right curriculum areas, and all that? Don't you think that--

MR. CHAGNON: Joe, we should be doing that, but that is why we are-- You see, the question here, in my mind, and perhaps you see it differently, is not in what we should be doing, but is in how we should be doing it. I'm saying -- and I am not disputing the fact that you spend 70% of the money, and so forth-- What I am saying is, the legislation -- and I know you worked hard, and the other sponsors worked hard on it-- But I think the legislation addresses governance, and the real issue I've heard at all of the forums is student achievement.

I'm saying to you, Joe, that, "Yes, you monitor a district, but something in addition to monitoring is required." That is why the districts are deficient. They -- for whatever reason -- are not able to come up with a plan that is viable to meet the superimposed requirement levels of the State. All I'm saying is, in the past, for the last 10 years under T & E, as the Commissioner says, you have monitored. Anybody can monitor, but if the problem is not corrected, do you come in with legislation that is so sweeping, or do you take a look and say, "What do we have on the books that is not working?"

We're saying you've got a lot on the books that is not working that addresses the substance of the legislation, which is governance. If you've got principals and supervisors who are not performing, you currently have a way in which you can either improve them or dismiss them. You have the right to come into the school districts now. The Commissioner sends his staff in. What I'm saying is, instead of just coming in and saying, "Let me see your action plan," what I am calling for -- and what I believe this Joint Committee should be calling for, and reallocating its money for -- if that is the concern -- is

to put staff in there to help the people in these deficient districts to learn; to train them so that they can create, they can get the perspective from outside, and say, "This is what it takes to work."

ASSEMBLYMAN PALAIA: Thank you, Joe.

SENATOR FELDMAN: I would now like to welcome Assemblyman Naples and Senator Dumont.

ASSEMBLYMAN NAPLES: I just want to say I am sorry for being late. Being a resident of Mercer County, I promise never to criticize anybody from 70 miles south of Trenton or 70 miles north of Trenton for being late to a hearing again.

SENATOR FELDMAN: Senator Dumont has come from Phillipsburg, and Assemblyman Naples from Trenton.

ASSEMBLYMAN NAPLES: Yes, Trenton. I live 10 minutes away from the Capitol, Matty. So--

SENATOR FELDMAN: All right. This is retribution.

SENATOR DUMONT: Wait a minute. Matty--

ASSEMBLYMAN NAPLES: I have a question, too, real quick.

SENATOR FELDMAN: Has it been asked?

ASSEMBLYMAN NAPLES: You go ahead, Wayne. You have seniority.

SENATOR DUMONT: You go ahead.

ASSEMBLYMAN NAPLES: All right, thank you very much.

SENATOR FELDMAN: Will you please take over, Assemblyman Palaia?

ASSEMBLYMAN PALAIA: Sure.

ASSEMBLYMAN NAPLES: Joe, let me point something out to you. I agree with some of the things you said.

SENATOR FELDMAN: Excuse me. You didn't hear my admonition, you know, about questions and answers. We have 25 witnesses--

ASSEMBLYMAN NAPLES: You mean you want me to speak louder. (laughter)

SENATOR FELDMAN: No, I want you to be brief.

ASSEMBLYMAN PALAIA: No, quick.

ASSEMBLYMAN NAPLES: I got it, Matty. Let me just say this very quickly. I agree with some of what you said, Joe -- the part of it I heard -- and some I disagree with. But let me give you an example of a school district; I won't mention which one. A political job was created by a local school board, and three bilingual aides were cut out of a school which was 45% Hispanic. That was done by a local board. I am not saying all local boards do that.

Let me back up and pose a question. I asked this question of Dr. Catrambone, whom I know as a friend and as my former monitor general in Trenton. If legislation were enacted to give the monitor general the power to institute tenure charges, which many boards of education lack the guts to do, and keep due process in full force and effect, thereby not abrogating or abridging people's rights, particularly tenured people, would you be opposed to that, yes or no?

MR. CHAGNON: I would have to review it. Gerry, I think you know I just can't give a blanket answer. I think if the concept is working toward the objective, and it is viable, then I think we have to review it and look at all of the ramifications.

ASSEMBLYMAN NAPLES: But, wouldn't that protect due process? It is just a question of who institutes charges against those persons who are not doing their jobs. Wouldn't that save due process, that which I just mentioned?

MR. CHAGNON: That would depend on the implementation legislation of it.

ASSEMBLYMAN NAPLES: Thank you. You ought to run for office, Joe.

ASSEMBLYMAN PALAIA: Senator Dumont?

SENATOR DUMONT: Mr. Chagnon, at the last hearing nine days ago in Trenton, your Superintendent of Schools testified,

in response to a question I asked, "Is it true that Newark is getting 85% of its funding in State aid?" that it was only 69%, but added to the Federal money, it became 78%, which means that Newark is producing only 22% of the total cost of operating the schools. Now, do you agree with those figures?

MR. CHAGNON: Mathematically they are correct. I have not been able to substantiate them.

SENATOR DUMONT: Don't you feel that since your State aid is 27% higher than the State average, that it means some other district is only getting 10% in order to get up to the 42%, and that you are receiving enough State aid to finance the Newark school system?

MR. CHAGNON: I don't really think, Senator, that I am in a position to say what is sufficient or insufficient. But I sit before you with a mutual concern; that is, the education of students. Again--

SENATOR DUMONT: Well, that is what we are all concerned about.

MR. CHAGNON: --I think where we differ is in the how, and that includes financial resources and the utilization of them. We did not set the standards. The State Board of Education set the standards, and said to the districts: "This is what we must achieve, and this is how you are to do it." Obviously, you have determined that Newark -- as well as other districts -- is deficient in both--

SENATOR DUMONT: No, I haven't said--

MR. CHAGNON: Well--

SENATOR DUMONT: Mr. Chagnon, I haven't even made up my mind yet as to how I am going to vote on this legislation.

MR. CHAGNON: Well, we are in Level III, so obviously we are a deficient district. Okay?

SENATOR DUMONT: All right.

MR. CHAGNON: I would hope that the Senator would have known that, but I'm sorry about that. Obviously, it is not

necessarily -- and I think it goes back to Assemblyman Palaia's comment -- it is not necessarily how much, it is how. I'm saying, "We need certain kinds of help." The help that is proposed under the legislation is threatening, in the sense that you are going to wipe-- It is possible, if it is carried to its ultimate extreme, that the cadre of supervisory and administrative personnel in the central office would be wiped out.

That is not the kind of help, at this point in time, or within the next four or five years -- as Assemblyman Palaia indicated -- that is necessary. If you look at the track records of individual districts-- When you look at a track record, I mean you come in and you spend some time -- you, meaning the Commissioner's staff -- and you work side-by-side, and you can see whether objectives -- whether a plan is viable or feasible. That is all we are saying here, Senator, that legislating the kind of governance is not going to give us the how to achieve improved student attendance. It would seem to me that we need to work with the people who are right in the trenches now. Give them whatever it is they need, and we are prepared to identify those things. I have mentioned them.

ASSEMBLYMAN PALAIA: Thank you, Senator. Thank you, Joseph.

SENATOR DUMONT: I understand you are in Level II, not Level III.

MR. CHAGNON: We are envisioning going into Level III.

SENATOR DUMONT: But you're not there yet. Thank you.

ASSEMBLYMAN PALAIA: Let's hope your vision is wrong, Joe. Mrs. Garvin?

ASSEMBLYWOMAN GARVIN: Mr. Chagnon, you just made such a negative statement. You sounded hopeless.

MR. CHAGNON: Have you read The Star-Ledger's statement according to the County Superintendent? What else am I to believe? What else am I to believe?

ASSEMBLYWOMAN GARVIN: Yeah, but I think it is unfortunate that the County Superintendent had to play that role. My question to you was-- You were so negative about your school district, I wonder how an administrator can be a part of the success of that school district, when you, yourself, just gave it up in your last statement. You said you were in Level II, but you are sure you are going to go to Level III.

MR. CHAGNON: We are here before you, Assemblywoman Garvin, because we are not hypocrites. We realize we have some problems in Newark. The second Commissioner of Education, Robert Braun, makes you aware of that continually in his Sunday and daily columns in The Ledger. What we are doing -- and perhaps maybe it is a little distasteful before some of the members of the Committee -- is telling it as it is. That does not mean we are giving up.

What I'm saying to you -- and perhaps I am not being candid enough to be clear-- I'm saying that the proposed legislation here is not going to help Newark. It is not going to help underprivileged kids. We need to get into the classrooms. We need to help teachers. That is what it is all about. We need to address such things as underemployment, teen-age suicide, drugs, alcoholism, and large class size. I recognize those things. Those are negative factors working against the goals and objectives that this Committee -- through its legislation -- hopes the students will achieve.

That is not negative, Mrs. Garvin. That is a realistic outlook. That is like saying-- Would you want me to say-- I am in last place in the National League, but when somebody asks me, I say, "Well, I'm hovering around in the Second Division," when everybody knows I am in last place. I am here because of concern for the people I represent, the students, and the members of the community. I am saying that the legislation is not going to cure the ills which prompted

the very sponsoring of this legislation; that is, wiping out a board of education. How inept it is wiping out the central office administrative and supervisory personnel, and possibly some principals, with a -- and I don't like to use the word, but maybe it will add emphasis -- czar in the State superintendent. I am realistic enough after 35 years working in the cities, to know that that is not going to achieve the objectives you and I want for kids. The action is in the classrooms.

I'm saying, "Please reconsider the legislation. If you need additional legislation, structure it so that it supports those teachers in the classrooms." How? I mentioned this to Assemblyman Palaia. Give us the training. Move into the district with us. Okay? Give us the supplies; give us small class size; help us to have the city -- from which we get some money, by the way; you know, we get revenues from the tax base -- help us to generate the kinds of tax bases in Newark where we won't have to take as much State aid as we do from the State. We are always going to need it, but it's a question--

ASSEMBLYMAN PALAIA: Thank you, Joseph.

ASSEMBLYWOMAN GARVIN: Through you, Mr. Chairman--

ASSEMBLYMAN PALAIA: Yes?

ASSEMBLYWOMAN GARVIN: --I think I can speak for my Assembly colleagues, and we are always in support of additional moneys. But I think from all the reports we have reviewed, money is not fully the problem. It has up to this point, especially in Newark, been how those moneys have been distributed. That has created a lot of problems. I think we have a responsibility, with whatever moneys are at the State level-- We fight for that every year. We have a responsibility to see that those moneys reach the young people who have to one day be mainstreamed. I don't think your comments in dealing with the administration-- I am of the opinion now that we can do like Prudential -- you know, the

Rock -- and have a three-tiered superintendent, and get rid of the middle managers, and begin to have a direct contract with the students. And students would read. Students would be the priority of those three corporate managers.

You know, I just had to say that. By the way, I don't think Mr. Braun has been duly elected.

MR. CHAGNON: I said that facetiously, you know that.

ASSEMBLYMAN PALAIA: Thank you, Joseph, for your testimony.

MR. CHAGNON: Thank you. I am glad you are responding. That tells me that I am making you think. Thank you very much.

ASSEMBLYMAN PALAIA: We always do. I am going to go out of sequence just a little bit because the students we have here have to leave by noontime. I am going to ask Ms. Patricia Bradford, P.T.A. President of West Side High School in Newark, if she would come forward. They have to leave by noon to get back to school.

L E E F A G G I O N I (speaking from audience): I have a seven o'clock meeting tonight. Do you think I will make it?

ASSEMBLYMAN PALAIA: Oh, you'll make it; you'll make it.

MS. FAGGIONI: I'm nineteenth.

P A T R I C I A B R A D F O R D: First of all, I would like to thank you for changing the rules and allowing consideration for my students and their parents who are here with me. I would also like all concerned to understand that I am not an employee, an administrator, or a community aide of the school. I am a parent who has three children in the school system in Newark. I am out here -- let me see if I can give you an example -- like Jerry Lewis, with his concern and love for his children. I have that same concern for all of the students in all of these failing districts. I am out here to learn what the process is all about, and to give input. I am glad to see

some attention coming to this legislation, which has been in effect since 1975. I definitely feel there is a need to look into it to find out in what ways we can better help our districts.

Over the past 10 years, there has been severe overcrowding of all West Ward schools in the City of Newark, New Jersey. This situation caused the elementary students to be bused out of the district to underpopulated schools, and caused the creation of the 1983 capital budget of \$20 million to be allocated to build a new school to accommodate the students of the Vailsburg High School area.

This plan, which was elected by the people, never went into effect, since:

1. There is no land available for the site that was indicated in the plan, which was deemed inappropriate; and,

2. Houses would have to be purchased, and relocation of families would have to occur; then they would demolish these valuable buildings. None of this was budgeted for in the proposed package.

This plan would be long-ranged. It would take five to ten years, or more, to complete, and it would disrupt our entire neighborhood.

Pursuant to N.J.S.A. 18A, Authority and Powers of the Board, the Board may cause an exact census to be made annually of all school-age children in the district, and may employ appropriate personnel for the purpose. It was repeatedly suggested to the Board and the administration for the first time in over 20 years, to look into this procedure. All plans made regarding busing and building had been done with no census.

The package of information annexed hereto sufficiently supports the various methods used in an attempt to inform all concerned, including the municipal council members and the community, but to no avail.

Therefore, I recommend, in Assembly Bill 2627 and Senate Bill 2356, that on Page 3, Line 11, the language be changed to: "The appointed superintendent must cause an exact census," rather than "may," for the next five years of this proposed procedure.

Secondly, I recommend on Page 5, Section 12, Item c., and Page 6, Section 13, Item a., that there be language included noting that the 15-member advisory committee will have no direct or indirect contact with the Commissioner.

It is my belief that the present statute does have a need to be reformed, and I commend all involved for taking a stand to safeguard our districts so that we may attempt to provide quality education for our children.

From my personal experiences of involvement, I also request that I may be considered by the Commissioner to be placed on his advisory committee for the five-year period, so that I may help to monitor and ensure that we reach the goals necessary to provide thorough and efficient education.

I have made many attempts -- which this package I am leaving with you will show you clearly -- for over three years, from the time I knew that the law about the building was being placed before the voters. I have tried to summon the Commissioner. I called continuously, but I was not able to contact him. I was told that I would have to refer all matters to the Essex County person, Elena Scambio. On many occasions I attempted to contact Dr. Scambio, but I was unable to reach her. I have a letter here dated January 23, but I had attempted to reach her for six months before this letter got to her.

After the letter reached Dr. Scambio-- Everybody makes it their business to decide, but there is no communication. That is why I am concerned that the Committee also be considerate of the fact that if this appointed superintendent is going to have total power-- I am not asking

that the advisory committee have power, but if we could have some way whereby if there was any question which we would like communicated to the Commissioner for his consideration, an avenue would be open. I do not see that in the legislation.

Those are my comments.

ASSEMBLYMAN PALAIA: I appreciate that. I liked your comments. They were very succinct and to the point. You made some remarks about the 15-member community involvement panel -- the advisory panel. We did have concern about its responsibility, and how to go beyond the appointed superintendent. These questions will be taken into consideration. I liked your preciseness in giving us the line, the number, and everything else. It makes it a lot easier for us if we want to amend it.

So, we appreciate it, Ms. Bradford. Thank you, also, for bringing the students down. Does anyone have any questions? (no response)

ASSEMBLYWOMAN GARVIN: No. The only thing I want to do is commend Ms. Bradford, as the President of the P.T.A. of one of the high schools in my district, for taking the time to get the seniors here. This is the first time they have witnessed the legislative process. So, I commend you, Ms. Bradford, for exposing them to this experience.

MS. BRADFORD: Thank you. I hope, also, that they will understand the importance of this. I hope that they will one day be the type of leadership that all of you are. This is a positive way to ensure that they have an enriching experience, so that they, too, can understand how our Legislature acts during the process, and how they could have input.

I thank all of the Committee for its time.

ASSEMBLYMAN PALAIA: Thank you. The leadership goes back to you, too, for being here.

MS. BRADFORD: For the record, I will be back here for the Committee's Jersey City hearing. At that point in time, you will have had an opportunity to have read through that package, because it is quite extensive. If there are any further comments you wish of me, I will be glad to furnish them at that time. Thank you.

ASSEMBLYMAN PALAIA: Someone from the Commissioner's office wants to talk to you back here, seriously. (laughter)

ASSEMBLYMAN NAPLES: I would have bet it would have been Mark.

ASSEMBLYMAN PALAIA: The fellow in the striped shirt from the Commissioner's office wishes to speak to you.

Okay, we are going to get back into the flow of the speakers again. These next individuals were at our last hearing. They were gracious enough to pass on speaking until today, because we were there for about six hours the last time. The first speaker will be James Vasselli, a principal from Newark, and on deck will be -- I sound like a manager in baseball -- Gerald Samuals, who will be up next. James?

J A M E S J. V A S S E L L I: Good morning. My name is James Vasselli, and I am a principal in the Newark School District, where I have been working as a teacher and an administrator for the past 28 years. I appreciate this opportunity to speak about the act concerning the governance of a State-operated school district.

I will ask each of you to think back in your lives for a moment to the time when perhaps you were judged by others to have performed a job or task poorly, but actually you had performed quite well. But, because of an absence of information or lack of understanding, or both, on the part of the critics, their perception was incorrect. How did you feel about this? I am certain, not very good.

Ladies and gentlemen, I submit that a comparable situation exists here. The legislation speaks to districts

failing to assure a thorough and efficient system of education being taken over by the State. Three levels of State monitoring must be accomplished prior to the takeover, but a takeover is a possibility.

If we look at the elements and indicators used to measure the success of school districts, we can say they are well-intentioned and good for children. However, there are some districts which, for a variety of reasons, did not score 100% on this State test, and will not be able to score 100% for some time to come. Please do not construe that as being negative. You see, a score of 99% or less makes the district a candidate for State takeover. The State will come in and replace certain people and will turn things around, so it is a personnel problem.

Well, what kind of people serve as board members and administrators in these districts? It is suggested that they are either uncaring, unconcerned, incompetent, or lazy, or all of these. It is said that the districts are characterized by mismanagement, poor governance, and political interference. I can tell you that the vast majority of persons with whom I come into contact each day in my district are not uncaring, unconcerned, incompetent, or lazy. On the contrary, they are quite the opposite, laboring under the most difficult of circumstances, the most serious of which is having a majority of students coming from homes of poverty and despair.

As Dr. Ernest Boyer, President of the Carnegie Foundation for the Advancement of Teaching, recently stated, "Our first obligation is to recognize that poverty and schooling are connected, and that what we see as poor performance may be connected to events that precede schooling, and even birth itself."

I submit that this is what makes urban districts different from the others, and it is all of the nuances of this difference which are not understood, or, if understood, not admitted.

Frankly, I am tired of being told that I am less than good, that I don't care, and all of the other things that I hear and see written. Urban administrators are just as good and just as hard-working and just as competent as their counterparts in other districts, but our jobs are different, and most difficult. Until this difference is recognized, understood, and addressed, our critics will continue to miss the mark. We in the cities do understand. Do we want our pupils to do better? Of course we do. We want our pupils to do as well as any in the State. We have virtually met the standard on the old minimum basic skills test, and have done better than predicted on the new high school proficiency test. This is progress and forward movement.

A significant portion of our student population has shown growth and improvement. We wish we could move faster, but as the Commissioner and State Board of Education has stated, "School change is a longtime process, and not an event." If the Department of Education has an immediate solution, I would ask that they share the information with us now, so that together we can improve the educational lot of our pupils. I suspect there is no immediate solution at hand.

I could suggest various areas which could be addressed to bring about positive change. These would include a vastly expanded preschool program, smaller class size in the lower grades, an infusion of counselors for middle and upper grades, a program to develop and improve pupil self-image and esteem, and upgraded facilities. But even if these improvements could be implemented today, change would not come about tomorrow. It takes time. Yes, we are impatient, understandably so, but as previously stated, we must remember that there is no single quick solution or project that can solve, or substantially alleviate the plight of urban education.

We must understand the nature and complexity of the problems and, rather than attempt to resolve them by threat of

a State takeover, we must join together and work cooperatively by sharing ideas and solutions to benefit our most valuable resource, our youth.

Thank you.

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

ASSEMBLYMAN NAPLES: I want to make a quick statement here. Let me just give you an analogy. If you take the four best ballplayers in the NBA and stick them on a court with Larry Bird, and you only have one basketball, you have five great ballplayers on the court, but things are not working well. Could it not be said that at the central administration level, in particular -- and maybe I am prejudiced because I am principal of a school myself-- If you put a lot of good people together, because of management problems, because of job justification, rather than job doing, without that management being shaken up, without -- as I said to Dr. Catrambone -- I used the work realignment, I used the word mismantling -- okay? -- without that, couldn't people who are singularly qualified, if put together, not coordinating, and not communicating, because of poor management and/or political jobs, and job justification rather than job doing, become ineffective -- be rendered ineffective at that point? Shouldn't that be looked at?

MR. VASSELLI: I was addressing the people with whom I work every day.

ASSEMBLYMAN NAPLES: At the school level?

MR. VASSELLI: At the school level.

ASSEMBLYMAN NAPLES: Okay, I was addressing central-- I agree with you on a fiscal level, all right?

ASSEMBLYMAN PALAIA: Thank you, James. The next speaker will be Gerald Samuals, a principal in Newark. He will be followed by Joseph Parlavecchio.

G E R A L D A. S A M U A L S: Good morning. My name is Gerald Samuals, and I am a principal in the Newark school system. I have worked both as a teacher and an administrator in the district for the past 27 years. I wish to express my appreciation for the opportunity to express some of my views reviewing the act concerning the governance of a State-operated school district.

I arrived at the first hearing with a great deal of optimism. I hoped that the testimony of the witnesses and the questions raised would be so diverse that any misunderstandings that I might have perceived would quickly be dissipated.

Unfortunately, as I sit here before you today, that has not been my experience. I hope my comments today will raise your levels of concern to such an extent that you will be able to see, to walk in my shoes, and to truly understand the problems that confront urban educators.

My presentation today will deal with several aspects of the legislation, as well as allow for an opportunity to share my feelings regarding the comments made during the previous hearing in Trenton.

Senator Ewing, in his opening remarks, stated that he could not believe there was a citizen who would not be behind this bill. Further, he expected a ground swell of support for the legislation. He went on to say, "I can't believe there would be an association, or an individual, who would be against this." At that point, I could not help but reflect on an old adage, which goes: "Don't confuse me with the facts. I have already made up my mind."

I would simply ask as this proceeding continues, that ~~those~~ who will make the ultimate decisions regarding this legislation consider another adage. That adage goes: "Minds are like parachutes. They only work when open."

A number of issues were raised at the last hearing ~~that~~ I would like to focus on today. First is the issue of

accountability. I would like to examine this issue as it relates to this legislation. From the outset, let me say that I would vigorously oppose the concept of State control as outlined in this legislation. I remain convinced that the answers to the problems of urban districts will not be solved by the imposition of a State-adopted czar, chancellor, superintendent, or any other name used to describe the holder of this position.

I have been raised in a democratic society, with all of its privileges and failings. Despite some of its obvious shortcomings, I remain convinced that the notion of government by the consent of the governed is fundamental to our nation, our State, our cities, and, prior to this proposed legislation, our schools.

To adopt the concept of a State district superintendent, with the expanded authority vested in this position, is reminiscent to a period in our history when we were governed by a king. It has been suggested that one of the benefits to be derived from this legislation would be greater accountability on the part of a handful of school districts which have been deemed to be ineffective, inefficient, and unable to provide a thorough and efficient education for children. I contend that until the State uses the powers with which it is already vested, there is no need to extend a greater level of control.

To illustrate my point, if we were to examine Element 4, Pupil Attendance, in the monitoring process, one could clearly see how the State has not used its authority to establish an accountability system which would cause potentially deficient districts to eliminate this deficiency. During the past few years, and perhaps longer, our district has operated with less than 30 counselors to service -- attendance counselors -- 55,000 to 60,000 children. If we accept that the utilization of attendance officers has been one of the major

vehicles for addressing attendance problems, sheer numbers alone would minimize their ability to truly be effective. Admittedly, I would agree that the approach used in our district to improve poor student attendance is woefully inadequate. On the other hand, is it not the State's fundamental responsibility, prior to adopting the basic skills application and/or the school budget, to ensure that the necessary staff is identified and available to guarantee the mandates set forth in the T & E legislation of 1975, as it relates to pupil attendance? I submit that this has not happened.

During the last hearing, questions were raised regarding the position of auditor general or monitor general. I believe that was Mr. Naples. As this position is sometimes called auditor general in Newark-- This position was a creation of the State, with the approval of a legislative body similar to yourselves, known as 3166. This office was created to oversee the financial -- let me emphasize that -- the financial and business practices of the Newark School District. The auditor general was to, and continues to, report directly to the Commissioner of Education.

It is my understanding that 3166 did not endow this position with any administrative authority. However, it did grant the right to issue recommendations directly to the Commissioner of Education. This so-called accountability process has cost the Newark School District, its citizens, and the New Jersey taxpayers some one million plus dollars to maintain this office.

I ask you, how has this office contributed directly to increase student attendance, the improvement of staff attendance, or the improvement of basic skills test scores? I ask you, would it not have been prudent to use this money to create a preschool program for children, which, by the way, we have voluminous research on, a plethora of research,

specifically from Ypsilanti, Michigan, where they did a longitudinal study, and it was proven beyond any doubt that this is a cost-effective measure of saving, as well as educating our children, or to create opportunities for parents to become more effective participants in the educational process? I submit the New Jersey State Department of Education established work study programs for children, paying them in the summer to come to school, because they recognized, fundamentally, that they had to do something different and dramatic to get children to come.

I would suggest that we use the same approach with parents, and provide Head Start for parents, and provide a work study program, so they could enjoy, as most of us have enjoyed, the ability to serve our children well. It is a recognized and documented fact that the cognitive development of children occurs between the ages of zero and five, and that is the period before we get them.

Additionally, we might have used that one million plus dollars to provide -- as we like to say -- urban experts, who would be able to guarantee through their acquisition of knowledge, new approaches that would improve student attendance. It would appear to me that the major contribution of the position of auditor general in Newark has been to raise in the minds of some people a question of fiscal irresponsibility, rather than to ensure accountability within the Newark School District. If there is fiscal irresponsibility and/or management, as has been implied, though not directly stated, I would urge, and encourage, the State to act on the known perpetrators with all deliberate speed.

I would agree that a system of accountability is essential if school districts, be they urban or suburban, are to improve. A system of accountability that I might embrace was enunciated at a year-round conference I attended in the year 1973, and one which I would paraphrase at this time:

Accountability is not -- let me say that again -- is not, a punitive process. It is a feedback process, better known as a formative approach. It is a process for reporting to educators and clients alike the positive and negative results of the enterprise, so necessary modifications can be made in programs. Accountability is a process which recognizes the responsibility of all educational partners -- the State, boards of education, superintendents, administrators, teachers, parents, students, and taxpayers. It is a process which would allow the involvement of all partners in deciding what they want of education, and not just the State. Ultimately, it would be a process which would leave the how, to the duly authorized district boards of education and their professional staffs, and would provide and welcome the support and guidance of the State.

The next issue I would like to briefly address is the value of State takeover acting as a deterrent -- as as been stated -- to districts which seemingly have abdicated their responsibilities to provide a thorough and efficient education for all children, regardless of their socioeconomic status. I believe, by implication, that there is a belief that all the State has to do is to hold a big cudgel over the heads of those districts, and things will get better, that fundamentally what is required is for those districts to merely work harder. Nothing, in my opinion, could be further from the truth.

History should have taught us that lasting change will not occur through administrative fiat, nor will permanent change occur because of threats to districts, but rather through the districts' recognition and acceptance of the need for change. Just as prohibition did not eliminate drinking, nor the imposition of the death penalty eliminate killings, State takeover of urban districts, no matter how well intentioned, will not eliminate the myriad of problems which makes it difficult to meet the goal of a thorough and efficient education for urban students.

As I understand this act, it would authorize the State Board of Education to take over districts which are either unwilling or unable to provide a thorough and efficient education within their district. Stated another way, this plan is for districts which have demonstrated repeated failure on one or more of the 10 elements and 51 indicators which represent the standard for a thorough and efficient education in New Jersey. Unfortunately, the district in which I work is a prime candidate for this process.

At this moment I would just like to comment before continuing. The question was raised, "How do you know you are in Level III?" By the same formula that we have in the monitoring process, which says, "You must pass all the indicators before you can be certified." Further, it is only at Level III that we hear the words "reasonable progress" used. Throughout the entire legislation, there are standards by which each district should be measured. At this point, we would submit that perhaps the reason we have the language "reasonable progress," and at that point some determination made, is because the standard is not defined.

We would strongly suggest that the standard be mutually defined, and that if those districts having gone through this process with a defined standard continue to progress, that they not move into Level III. The words "unable or unwilling" have been my constant companions since the time when I first became aware of this proposed legislation. Daily since that time, I have found myself wondering if my district was unwilling to provide a thorough and efficient education for its students. The answer was a resounding no.

As to the second question, was the district unable to provide a thorough and efficient education in all areas of the code, I found that I could not answer with the same assurance. I began to ask myself if we were unable to meet some of the standards, then perhaps it would be useful to closely examine

the possible reasons why not. A review of the monitoring process indicated that our district has failed to meet the monitoring standards in at least three elements. One of them is student attendance. The question is, how has the district abrogated or failed in its responsibility to meet the attendance standard? Is it simply a question of a failure of an implemented plan which was approved by the State and executed by the district, or were there other factors which go beyond the plan, which, even if the plan were perfect, would probably not have brought about the desired results, mainly, socioeconomic factors, which are seemingly beyond the capacity of the district to control?

Perhaps you are asking, what are these factors? I would ask you to consider for a moment the reason why you, or perhaps your children, found it necessary to miss school. Compare your reasons to those offered by urban parents and urban children: drug and alcohol addiction, poverty, unemployment, child abuse, children raising children, teen-age pregnancy, crime, fear, alienation from society, lack of parental supervision, ineffective teaching, lack of nutrition, children baby-sitting for children, absentee parents, lack of clothing, no one to dress them, family illness, large school classes, low self-esteem, and on, and on, and on. I ask you, can a State takeover solve these problems? I think not.

How many of these may have caused you or your children to stay out of school? At different times, all or one of these causative factors affect the attendance of urban children. If the conditions just enumerated existed only in Newark, then perhaps I might reconsider my position regarding a State takeover. However, the problem goes deeper than Newark. Inability to successfully meet State standards on pupil attendance virtually occurs in every large urban district, and is a major problem. It is of epidemic proportions in such cities as Denver, Colorado, Chicago, Illinois, Baltimore,

Maryland, New York City, and on and on. It is safe to say that it is not a Newark problem, or a New Jersey problem. It is a national problem. It is equally clear to those of us in education that one cannot teach if there are no students in school to teach. Personally, I, and most of my colleagues in education, would embrace a State takeover if we could be assured that this process would guarantee that our students in Newark would be in school each day and would be assured of learning.

Perhaps you are asking, if State takeover is not the answer, then what would I suggest? I would suggest that first we state, in clear, unambiguous language, to our publics, whomever they may be, that the magnitude of the problem confronting large cities is simply enormous. Simply stated, be honest with the people, no matter how painful it may be.

Next, we must recognize, once and for all, that the major problems associated with urban education are not school governance or management, but poverty, negative attitudes, and lack of a true understanding of the problem. Until we are willing to admit to ourselves that SES -- socioeconomic status -- makes a significant difference in educational outcomes, urban education will continue to flounder. We must recognize and understand that high achievement in school deemed to be successful is often tied to wealth, and that schools judged to be unsuccessful are tied to poverty.

I would like to make a simple illustration. During the two hottest days in the summer, I took a trip one evening about 11:30. I rode across the City of Newark for quite some time. What I saw was a carnival-like atmosphere, radios blaring, children on the street, parents on the street. I went home that night, and in my room I have an air conditioner. I did not turn that air conditioner on, and that night I twisted and tossed the whole night through. The next day-- Early that morning, about 5:30, the alarm went off, but because I was

tired, I slapped it off and went back to sleep. About 7:30, I jumped up. I had to shower and get to work because I had summer school. That day we had a lot of children absent, and I was not as effective as would have liked to be.

The following night I took another trip over Route 24. I went out through Madison, Chatham, then out to Mendham, then out to Chester. I'll tell you what I found. I did not see any children. What I heard was the hum of air conditioning. When I got home that night, I turned on my air conditioner and, lo and behold, I slept like a baby.

Now, I ask you, is there a difference? Would my children have done better than the children there, or would the children in Madison and those places have done better? When our children come to school, they come into a hot environment.

Having said this, I believe we should move forward from this base of understanding. Make no mistake, I am not saying -- let me say it again -- I am not saying that you cannot do anything because children do not have socioeconomic status. What I am saying is, I believe that in order for us to move forward, we must use our collective resources to improve and enhance the lives of our most valuable resource, our children. We must come to understand that in Newark, Camden, Jersey City, and other large cities, we, too, believe that good teachers and good teaching can and will make a difference, that sound governance, effective management, and honest and efficient fiscal management will contribute to producing healthy, productive students. I support the teaching of Benjamin Bloom, who indicated that aptitude and achievement are closely aligned. He goes on to say that, "Aptitude is the amount of time required by the learner to attain mastery of a learning task." Additionally, he states, "Given sufficient time and appropriate types of help, 95% of the students, particularly urban students, can learn, and learn to a high level of mastery."

I urge you not to approve this legislation, but rather to give urban district now at Level II of the monitoring process the time and the appropriate help required to make the desired progress, as measured by State standards. Perhaps through the utilization of the talents and abilities of the staff and community, along with the monetary, physical and technical resources of the State, we can, and we must, develop new programs that will serve as an incentive for encouraging students to attend school. This is our desire, and this is our goal.

Finally, in closing, I would encourage all of you to internalize the motto of our district: "Together we will educate our children." Thank you.

ASSEMBLYMAN PALAIA: We have a couple of questions.

ASSEMBLYMAN NAPLES: I'm going to cut down my statements and questions because of the length of your very fine statement. I can't say I agree with it all. Let me just pose a couple of questions here. I should have posed them to Mr. Vasselli too. Do you feel, that as a principal of a school, you are sometimes hampered by the bureaucracy of a central administration, and can't do your job as effectively as you might be able to do without that bureaucracy?

MR. SAMUALS: I would answer your question very forthrightly by saying that the nature of bureaucracy tends to hamper any kind of process. Specifically, in answer to your question, it is quite possible that at any point in time, that a bureaucracy could hamper those things I do, and have hampered the things I do.

ASSEMBLYMAN NAPLES: You used the word accountability. In a book I'm planning, I define accountability as sometimes turning into a means by which we spend all our time proving we're doing nothing wrong to the point where we have no time to do anything right. Accountability confines the means sometimes to justify jobs.

You have a lot of job justifiers in the State, who affect schools, I feel. Let me just say this in all fairness to you, Mr. Vasselli, and me. Sometimes teachers might look at us as a bureaucracy too. The final question is this: Do you feel that if a bureaucracy is impairing your ability -- mine or Mr. Vasselli's -- our ability as instructional leaders of a school to function and direct teachers -- that a monitor general should be empowered to do what many boards of education -- I may not be given the microphone in Atlantic City in two weeks when I say this -- do not have the backbone to do?

MR. SAMUALS: The answer to your question, quite specifically, is no. It goes back to what I said earlier. The legislation is there. We must have the courage and conviction to use it. Good administrators--

ASSEMBLYMAN NAPLES: Let the board members do it? But will board members back you up? Yes, or no?

MR. SAMUALS: My experience is that when I had done things, they had backed me up.

ASSEMBLYMAN NAPLES: They had?

MR. SAMUALS: Because I demanded that they back me up. That's my responsibility.

ASSEMBLYMAN PALAIA: Senator Ewing?

SENATOR EWING: You mentioned the fact that the auditor general cost Newark \$1 million?

MR. SAMUALS: That's correct.

SENATOR EWING: In additional funds?

MR. SAMUALS: No. Let me see how I can say this, Senator Ewing--

SENATOR EWING: Over how many years?

MR. SAMUALS: In the original proposal, there was a Senate amendment on May 8, 1975. In that specific legislation, it appropriated \$80,000 for the position of auditor general. In subsequent years, during the period from 1983 up to the present, we have appropriated some \$122,150 -- \$104,000. If we

average \$100,000 over a 10-year period, it would translate into about \$1 million. That money comes from State aid.

That's why, in my statement, I said it comes from all over. It comes from the taxpayers of New Jersey, recognizing -- as an earlier question -- 69% of our money comes from the State, and only 22% -- 11% from Federal Government, and 22% from urban districts. It is obvious that all of us in this district -- since I live in Montclair -- share in the taxpayers' burden.

What I am saying is, if you ask, in our district, who is the auditor general; what does he do; what is his function, I doubt you would get an answer. Going one step further, let me ask you -- since it was created by the State, with approval-- When was the last evaluation done on the auditor general? That is what I am talking about accountability. And, within this legislation, the accountability I am seeking is accountability for the State.

There are no plans in this proposal, which says that every year the State will be audited. I would like to know, what will be the State's bench marks or milestones? Will they, every year, have to show that math and reading scores are improving in our third, sixth and ninth grades? When that piece is put into the legislation, so that the legislation is just as rigorous for the State -- not one of these things which say "Give me 22 months of free rein, where there are no mandates."

And further, I keep reminding people in my district that in the year 1947, legislators like yourselves said that education was a fundamental responsibility of the State. The Commissioner of Education has said, in the last hearing, that some districts don't wish help, and someone asked that question. It's not a question of wish, or want, it's a question of responsibility.

Just as you are proposing legislation now, I am saying

that the Commissioner does not have the option. When he came into Central High School, many years ago, he did not come back. Someone said that he had to be invited. No Commissioner of Education has to be invited, nor do I have to be invited to any classroom. I have that authority.

Further, the Commissioner of Education has said he is a man of law, and I believe that. His duly authorized responsibility is not to wait two, three or four years, but to go back to Central. If it was as bad as he said it was, he should not have left that district without cleaning it up.

I submit to you, not only do we in Newark and all the big cities share in the failure of children, but all of us in this room share in the responsibility.

ASSEMBLYMAN PALAIA: Who was the Commissioner?

MR. SAMUALS: Who was the Commissioner? The Commissioner, at that time, was probably-- At Central? The Commissioner was Commissioner Cooperman. He was accompanied by Mr. Brandt and others. So, he was the Commissioner.

ASSEMBLYMAN PALAIA: Thank you for your testimony, Mr. Samuals. We will move ahead. I'm going to-- Is Ted Reid here? Okay, let's go on to Dr. James Jones, Vice President of the State Board of Education. Oh Ted, you are here. Excuse me, I didn't see you, Ted. I had promised Ted the other day, that I would try to get him on as soon as possible. I'd like to-- Ted, may I just remind you -- and I know you are good at this, because you have been through these so many times-- We have a lot of speakers, and some of the other speakers are getting a little upset because previous speakers before them are taking a lot of their time, and they have business to do today. But, knowing you, I know you know the rules of the game.

O C T A V I U S T. R E I D: The pressure is on, Mr. Speaker.

ASSEMBLYMAN PALAIA: I know it is, but go ahead.

MR. REID: I would also suggest that since several people have several time slots in order to expand, I'd like the

opportunity, since it's the only one that we're going to take -- and we represent a large number of groups, the ones that are permanently responsible-- I'd like to have the time to go through it all.

Let me just say several things about this plan. One of the things that I probably have a distinction of here today is being one of the few people who hasn't received a personal invitation to come and testify on behalf of this plan. Again, at least several of my members of the board of directors have been contacted as such.

Let me state, at the outset, that we, as boards of education, have the ultimate responsibility to see to it that schools are run well. It's a precept with which we all agree. It is the responsibility of administrators to run them. The Commissioner talks about, in his plan, the need for four basic areas: To have control in the area of budget, curriculum, management -- where he speaks of personnel -- and governance -- which deals with the board of education.

Let me just talk about that for a moment. Basically, in concept, we agree with the Commissioner's right to intervene. As a matter of fact, we were out in the forefront, and first to rush to support intervention with respect to the Trenton school system when it occurred. We, as a matter of fact, a number of years in the past, actually called a press conference to chastise the Trenton board with respect to the way it was conducting its business. We also supported the intervention with respect to the Newark school system, at the time when 3166 was passed.

I say all that to say to you that this is not-- When I raise some concerns about what's happening with board members and others throughout this -- that it is not from a self-serving point of view. Rather, from the standpoint of when it's justified, we too are willing to call for an ouster. You'll note when I get to my recommendations, some points in

here that I think distinguish us from virtually every other group that is speaking.

Our primary concern here is about the abridgment of the rights of citizens. I think history basically abounds with examples of that: "There's no need to have you around; we'll decide your destiny" has been the hue and cry of many who thought they knew how to do it better. One of William Pitt's favorite quotes was: "Necessity is the plea of every interference in human freedom." You may note, for example, that it's suggested in the written testimony you have before you, that individuals such as Franco in Spain, Marcos in the Philippines, Duvalier in Haiti, Pinochet in Chile, and others have all said it was necessary to consolidate power to themselves, to do for the people what they cannot do for themselves.

Now, it is obvious that this Commissioner of Education does not share the same kind of motivation, or obviously, the disregard of rights as those other individuals did. But, this extreme example is given to you for one primary reason: to get you away from focusing on the quality of the individually popular personality and his unquestioned integrity, and instead, to focus on the principles that we're talking about.

The principle here is one of government of laws, rather than of men. In speaking to that, and I think that even Senator Ewing raised a concern earlier, when he tried to address an issue of who was Commissioner-- I think the question that each one of you may want to ask yourselves is: If this very same plan were proposed by one of the Commissioner's predecessors, or those who are yet to follow, would you be as quick to support it? If you hesitate, for one single moment on that, then you are mixing up the integrity of the current individual, with the rationality of the plan and how it will operate when someone else is going to be standing at the helm.

The Chancellor, when he spoke, spoke about well-meaning people, and the fact that this Commissioner is sincere and sensitive. I happen to concur. But, we don't know who is going to follow. Once this law is on the books, it applies to everybody that wants to use it.

Somehow, the situation becomes so desperate, in most cases, that people begin to feel, at times, that they have a monopoly on wisdom, and therefore, must take control of the system. At several conferences, at which we had taped the remarks of the Commissioner, he said point-blank that his reason for wanting to do away with boards of education, is so "no one will control us." Dr. McCarroll, the plan's author agreed, and has said, and I quote: "In order to be successful, you have to have total control." Well, there are some other quotes from the past also. Lord Acton has one of them: "Power tends to corrupt, and absolute power corrupts absolutely."

We're not talking about a messiah here, coming into a district here to make all bad things good. We're talking about setting up a bureaucracy, which is designed to replace the current one. Who is going to be providing the checks and balances on that bureaucracy? Who is going to establish the system of accountability on which our entire government is based?

Throughout the course of the discussions on this plan, and particularly, by those who have argued in its support-- The Commissioner has said in every defense, that dishonest or uncaring board members are the cause of the district's lack of achievement. When asked if he would guarantee success in the event of a State takeover, he said: "We can't guarantee results, but we can promise to be honest and care about kids." It is this implied assumption of culpability and lack of concern on the part of board members to which we -- all of us -- who labor unpaid and uncelebrated on boards of education, must take exception.

I feel insulted that every board member is being painted with this broad brush. I feel insulted that the only way to get the plan through is to convince the general public that in districts all over the State, there are those people trying to advance their own interests. Does that suggest, for a single moment, that there aren't people who may not be guilty? Of course not, but certainly, they all are not.

The Commissioner talks about the various abuses that have been committed by board members. But, every single one of these abuses that he has named over the past several weeks, he already has the authority to correct. One spokesperson for the Department has said: "The basic thrust of this Department is not to deal with illegal actions." That was, as a matter of fact, a response from the press department of the DOE, to a conference that we held just the other day, suggesting that we raise concerns about the comments on illegal actions, that it wasn't the Department's thrust. Then, the question I ask you is, if that isn't the thrust and if that isn't the justification for the plan, then why is that the bulk of the justification that's provided by them when they begin to talk about it?

There are many ways to bring pressure if one really wants to do something about the situation. If the actions that are being taken by board members are not illegal, therefore, he can't invoke authority. But if they are simply unethical, then it seems to me that the monitoring team -- the one that's going to identify all the deficiencies in the district, the one upon whose report you are going to depend and make a determination to go into a district -- should be reporting those unethical practices.

Because when they do, that board of education-- When they read the monitoring report, as they're already requiring by law to do such at a public meeting-- We all know that the moment you bring these kinds of abuses or unethical practices

to the forefront and force them to discuss them at a public meeting, you then bring about public scrutiny. You then bring about press review, and hopefully, ultimately, you bring about action.

For some of these, there is no excuse for not taking legal action right now. That's one of the things that is of major concern to us, because those broad powers do exist, and haven't been employed to the degree that they could be.

In defending this plan, the Commissioner says the bottom line is kids, and we agree. But they're rarely mentioned as the reasons for takeover. The lack of academic progress -- the main, specific indicator for intervention, is rarely raised. We know right now of districts which would welcome massive infusion of help from the Commissioner to bring up their district's scores. Several of those districts you've heard right in here already, and you've heard people from there talk about their desire to take whatever help the State has to offer, and to take it now.

I have to ask a very simple question. If you already have a certain amount of power, and you haven't used it, how then do you justify going back and in the abstract -- as we're doing here now, in order to be able to do a job which hasn't been done -- ask for more. A job that, in fact, should have been-- If there's a magical plan that the Commissioner has, or anybody else in the State Department that can turn around our urban centers, then I would implore them, please, now, give us the benefit of your wisdom so we can begin implementing these plans tomorrow -- not two years, not three years, not five years down the road. We don't need to wait until after Level II, when the districts have tried their plan, after Level III, when they then try the Department's plan, to then wait and have them say, "I've got you and now we're going to do it our way" -- the one that is purported to bring about success.

Perhaps, in terms of a focus, the State, instead of

sending out its "super cops" to take notes on all of the irregularities that are taking place-- Maybe then can send out some super teachers and some super administrators, and super managers, and let them sit there and take notes about what's happening educationally in the district, and make some suggestions about improvement in curriculum and proper management practices, instead of simply looking at the seedier side of life.

If there's culpability here, there's a question that needs to be raised that hasn't been addressed. I heard the Commissioner make a statement -- including before our own board of directors -- that there is one district, for example, that had 20 transportation supervisors and only 24 buses. I don't consider that to be unethical. I consider that to be illegal, and there is absolutely no excuse for that occurring.

Furthermore, it is the Commissioner, through his county superintendent, that has the responsibility to oversee that budget, and to sign off on that budget, before that local board of education can even submit it to the voters. Where is the culpability and responsibility there? How could such a thing even begin to pass through?

One of the things that also-- With respect to those boards of education that are appointed boards, the majority of the local finance board consists of the board of education and a municipal governing body that comprised the board of school estimate that established the budget. In those particular districts -- and some of those districts are the ones that are frequently being cited here -- the majority of that board of school estimate consists of members of the municipal governing body, plus the mayor. I don't see any legislation, however, that suggests the removal of municipal governing bodies. I would hesitate to suggest why that would never even be considered by the State. I'm sure it would have nothing to do with their political club.

We talked about the fiscal monitor that exists in the city of East Orange, and the auditor general that exists in the city of Newark. We've talked about and the Commissioner has talked about, the success that has occurred with respect to straightening out the fiscal affairs of the city of East Orange, but nothing of what's happened to the city of Newark, in suggesting that there's more yet to be done. Yet the important principle here is both fiscal monitors have operated under the same set of laws. If that's the case, why is one successful and the other not? Doesn't that portend that the real problem here is with the quality of the work being done by the individual, rather than with the system? Doesn't that say that there's no longer a need then for a change in the legislation, but perhaps a change in the individuals who are carrying that responsibility?

When the Commissioner speaks about districts being educationally bankrupt, I want to point out that's a business analogy that deals solely with money. It talks about a comparison that has no real relationship to a local school district because when they are under receivership, they're talking about only one thing: repaying debts, putting the business back into financial shape. But receivers have no real responsibility, nor are they expected to change or improve the original product.

I should certainly hope that we're talking about doing more than just changing fiscal management in a school district. We have the tools now. But the question that was asked, for example at the last hearing, I believe, by Senator Lesniak of the Department, is, "What's going to be the accountability on them, for assuring this State, when those massive efforts are made, and the additional moneys are spent, that there will be an accountability for the improvement in the educational programs that take place there?" All I heard was laughter and scoffing in the audience at that point. How dare we perhaps suggest, that the State too, should be accountable?

I've heard the Commissioner say four times now, with respect to tenure: "You know how difficult it is to get rid of people on tenure. You know what it's like, when you have people who can't do the job. We can spend years, and lots of money." There isn't a single board member that hasn't been saying that same thing for years, and supporting those statements with proposals for contractual tenure, primarily for superintendents. And also, we've proposed contractual tenure for school administrators, and a revised plan that provides even more protection with respect to teachers.

Assemblyman Naples asked just of the last speaker, "Will board members have the backbone to carry out the necessary responsibility with respect to filing charges on those people who aren't doing the job?" I believe so, and if they don't, they need to get it. We're here to try to provide them with that infusion of backbone, if in fact that is the case.

Speaking of backbone, it seems to me that if I would carry out the analogy, this legislation also involves the issue of backbone -- backbone for the Department of Education to do some of the things it hasn't already done. I will speak very specifically and in the nitty-gritty about the areas where that occurs.

Let's talk about teachers for a minute. Nowhere in this plan, in five years or in ten years, do they ever call into account those whom we all agree are the most important in the educational process. I go to the State House every day. I pass by the NJEA headquarters, and I see the motto that says "Teachers make the difference." The difference in what? Our kids? Then why is there nothing in this plan about teachers. When we asked the Commissioner about it, he suggested to us that the tenure laws make it impossible for us to sustain charges.

There might be a problem in removing some of those people. It might be in the central office; it might be in the board level; it might be in the mayor's office. If we give the principal -- the good principal -- some backbone, if a teacher is not doing the job, then freeze that teacher's increment. If the increment is frozen for three years, that teacher will leave. Well I believe in the tooth fairy too. But if a person has tenure and has the job, and just has a freeze in their increment, I don't necessarily believe that they are automatically going to walk out of a district.

He says so. As a result of that, we're looking at teachers and we're looking at them very hard. The author of the plan says we are going to hold the principals accountable. If they know that at the end of the year, their job may go out, then they are going to do a job of sorting out those teachers and getting rid of them.

Then he says, and I quote: "Teachers can't be blamed entirely for a school district's failure." I could not agree with him more. The only problem with that statement is that it nixed the suggestion. It infers that by asking for some accountability on the part of teachers also, that there is an attempt to try to shift the blame to them.

Let me go back to the very beginning of my statement. The final and ultimate responsibility for the lack of progress within a school district rests with the board of education. It is their responsibility to see to it the district is run and run well. It's the administrator's responsibility to run it. It's the teacher's responsibility to teach the kids. What I am saying is we all share in this, and each of us must be accountable for our part in the educational process. Nobody is sacrosanct here, and each of us must own up to our share. Where we are not doing the job, then we must accept the consequences and face the potential removal, up and down the line, in spite of the fact that some of us may have enough

political clout that we scare some people away from the serious consideration of that.

I think I want to remind you-- If we take a sports analogy, which some of you seem to like-- If you talk about a football team, for example, you can replace the owner, if he sets the wrong kind of philosophy; you can get rid of the manager, if he's not operating the funds properly so the team has the equipment it needs; and you can get rid of the coach, if he's not calling the right kind of plays. Let's say you replaced all those people with the right approach, and the right attitude, and the right resources, and the team still loses. At some point, doesn't it suggest that you need to put some of those players on waivers, and go out and seek some stars that can do the job? Because, it just may be at the bottom line, when they're out there on that football field, you just don't have the talent. There comes a point in time where you need to fight the tough issue, and this plan takes no time to do just that.

With respect to the other impact, of wholesale removal of administrative personnel, one of the things that also needs to be looked at is those very same people, who effectively, by inference or implication, have been deemed as incompetent. Those people, as a result of the seniority law, which is not changed by this legislation, will now be able to bump out all of those junior staff. All of those young, best and brightest teachers that we've attracted with our \$18,500, will now be out the door as a result of those administrators we've thrown out, who exercise their seniority rights to remove them from the classroom.

With respect to the removal of board members, the automatic and wholesale removal, I believe, is antithetic to the basic principle of "innocent until proven guilty." We do not object to the removal of school board members. But, only if they've shown themselves to be dishonest, uncooperative, or an obstruction to the district's achieving certification.

From the reports of the monitoring teams, from three levels of monitoring, and comprehensive compliance investigation, the State superintendent should have more than sufficient information to determine which of those need to be moved. Or, if they have that information in advance, then that case should be made. But there's a difference in identifying those who are the cause of the problem and removing them, than simply coming in and removing everyone, including those who have given excellent and outstanding service.

When we asked the Commissioner, at our board of director's meeting, why he wanted to throw out all good board members -- the good with the bad -- the Commissioner said that removing one or two board members, and I quote: "Removing one or two board members because of misconduct would be arbitrary." Well, I ask you, how much more arbitrary is it to remove all of them, and most, without any evidence whatsoever that they might not have been fine board members?

When our government fails to do its job, a favorite phrase we've heard throughout history is, "throw out the rascals." But, I haven't heard anyone say, "throw out the system." When we faced what we considered to be either unethical or illegal behavior, that led to decay and corruption even at the highest levels of government, known as Watergate, nobody said, "throw out the democracy." They said, "throw out the responsible individuals."

In New Jersey, when Secretaries of State were indicted and convicted, when senators were convicted and sent to jail, no one said, "Have the Feds come in and take over State government." No one said that they wanted to impugn the rest of the hardworking, honest individuals who remained. And no one suggested that it was necessary, at that point, to throw out the system. Because, we know that the system, with all of its faults, works.

The same is true of central administrators. Why are they summarily dismissed when many may be, in fact, excellent professionals who care and are trying hard against terrific odds, be they administrative ones, socioeconomic ones, or whatever the case may be? We believe, with respect to the community advisory, for example, the Commissioner talks about appointing a group of outstanding citizens. But remember, it's this one, single, appointed State bureaucrat whose judgment is going to supplant that of every single one of the people within that community who have voted.

During our press conference, one reporter said to me, "But only 10% of the voters come out to vote in the school election." I said, "Would you take away the voters' right, simply because all of them do not come out?" One of the basic principles of democracy is not only the right to vote, but the right not to vote if you choose to. We have systems of government like Mexico, that more approach a dictatorship, where voter participation is 97%. The point is that the right not to vote is one that is inherent in this system.

If you are going to have an appointed bureaucrat supplant his reasoning for that of the voters and throw out those people, then the test must be a very clear and solid one, which we can all support. The reasons must indeed be clear. At that point, if he is going to, and you are going to accept the idea that those next, very important and outstanding citizens can indeed be identified in that district, then why not give them that same power to go enact those excellent decisions, so there is a check and balance on that extraordinary power that the State district superintendent has.

Because, in this case, he can order the budget without any accountability. He can fix what it's going to be. He can hire and fire. He can change all contractual arrangements. That is an amazing amount of power, and there is no other system of government, other than the ones we've spoken about

before, that invests all of that in one individual, not even with accountability, not even with the requirement for him to go back and have the State Board put its imprimatur on it. Even they are appointed officials, but at the very least that would be an improvement.

Maybe we ought to talk about the cities that have been suggested. East Orange, for example, is constantly used as an example. I don't necessarily believe that as East Orange goes, so go the rest of the school districts and the rest of the State, or that its problems are necessarily inimical just to the board. But in an East Orange, in a Jersey City, in a Newark, and perhaps a Trenton, Asbury, and Camden that have been suggested, one of those-- Many people have made references to Jersey City and the political system, and I've heard it several times. There have been many references to the so-called "influence" of politics that exists there. Is that what this legislation is about? Is that what we're trying to address? Is that where the nepotism, the patronage, the no-show jobs, the accusations that are being made exist? I don't know. I don't have those facts.

The Commissioner, under State law, right now has the authority to compel all of those financial records in that district, to examine them, to identify every single one of those things. He has the right and the authority right now to report all of those abuses to the attorney general, to report them to the county prosecutor, and to have something done about it now. We don't need to wait two or three years from now. We don't need to wait for this extraordinary power.

If that's what the problem is, then let me pose a hypothetical for you. What happens if he comes into a Jersey City, if in fact, those accusations, those rumors, those perceptions are true, and he takes over? That board is appointed by the mayor. What are you going to do when he leaves three years, five years, ten years from now. Have you

changed the pervasive nature of the political system? And, if you haven't, then what have you done for the long-range impact on kids? How have you made the difference in the achievement level of kids? Because, that's what we say this is all about.

We say to you, that part of our recommendation is the following: We believe that the evaluation system that is proposed for principals ought to be the same as it is for all other administrators. We believe that the district superintendent ought not to necessarily be presumed to be guilty, but rather a determination ought to be made first. Until that is done, he should be offered the option of additional employment within the district. Those administrators in each case, ought to be identified, and those that are responsible for the problems within a district, ought to be removed. Those that are not, ought to be allowed to stay -- the same system that's provided for the principals.

At the end of that one-year period of time on the review of the principals, if you still have not found-- Because, this is what the plan is supposed to be about. If you still have not found a difference in the achievement level of students, then you must begin, over a three-year period, an evaluation of the classroom teachers. If they are found deficient, then they too should be identified and removed -- the same as all others. With respect to the board members: they must be identified individually. Those who are an obstruction to the district's responsibility in getting the job done should be removed.

There should be a provision in the bill that says that for all the things that are talked about -- excessive class sizes, poor facilities, changes in special programs, more in the way of reading or remedial education, or more attention to special ed, etc.-- Every single one of those, whether you like it or not, involves money. There should be a provision in the bill that provides a special appropriation, over and above the

State aid that's provided, directed specifically to those areas of deficiency, so they can indeed be corrected. Because, I do not believe, as has been suggested, that the money for all of those things can be garnered by simply picking up what's recouped by getting rid of no-show jobs, patronage, etc. I think that's whistling in the wind.

If there's that much money available, and those kinds of abuses in a district, then somebody has been derelict in their responsibility in identifying them, and weeding them out right now. The culpability for that goes up and down the line, both in the district and in the State.

Let me just say to you that our major problem with this thing is in respect to the ultimate power. Because, the bottom line of what the Commissioner is asking for here is the right to make budgetary changes. I can point out to you when you like, and you have in your secondary paper, the specific statutes that point to that right to change the budget.

He has also asked for the right to remove the board. We want the board to remain as an entity, because we believe that public accountability must remain there. We believe that teacher evaluation and accountability needs to be included in the plan. Special appropriations for resources need to be there.

The system, like the monitor general that existed in Trenton, is a viable one. You've heard the Commissioner say that it didn't necessarily work. Well, there's a reason why it didn't work to the degree that he would have liked it to. The reason is that he didn't use all the powers that he had. Mr. Naples spoke about the monitor general having the right to be able to file some charges. I agree. That ought to be there. There's another right that the monitor general had with respect to hiring, firing, promotion and retention: The New Jersey Supreme Court -- if you like to quote citations, Mr. Naples, I will give it to you---

ASSEMBLYMAN NAPLES: I have it.

MR. REID: (continues) --spoke to that issue on the 1981 case between the Trenton School Board and the monitor general. It's clear. The problem is, it wasn't used.

And finally, research and support. That's where the major effort needs to be. We don't need to wait until Level III when there's a major deficiency and kids are being hurt. Then, the State should be there right now. We have no objection to the State's presence. Let's take its wisdom now. Let's put that assistance, support and help there now, and if what's required is to make the district move immediately into the plan, where the wisdom of the State -- which apparently has the answers -- is available, then let's make that plan the order of the day, starting right at Level I, and let's begin working with it right then and there.

I would end up simply by saying to you that it is the process here, and some of the excessive rights that are asked for, which gives us the greatest deal of concern, rather than the intention -- and I understand that the Commissioner's motivations are of the highest order. Just let me suggest to you with a little quick quote: "It's not just growing a great potato that makes a great potato chip; it's how you slice it." Thank you.

ASSEMBLYMAN PALAIA: Yes, we will obviously have some question. Assemblyman Naples.

ASSEMBLYMAN NAPLES: I have a quick question, Ted, and a statement. I would agree with you that in those districts, where the school districts or professional administrators -- and we're not all perfect, as it were -- are messing up, there shouldn't be levels. I think action should be forthcoming quickly in concert with due process. I cannot emphasize that strongly enough.

But let me pose this question to you. First of all, let me refer to my dialogue with Dr. Catrambone, where I made the statement that the process should be two-tiered:

1) I mentioned it a moment ago here -- Management: Dismantling of a previous table of organization. Tony Catrambone used the word "realignment." I use the word "reassignment."

And then, if after you take a lot of good, qualified people who are not working well together because of a crazy bureaucracy, because they are forced to engage in job justification as contrasted with job doing-- Then, after you identify those people -- once this management problem is straightened out -- then you look at instituting tenure charges. Having prefaced what I'm about to say, are you telling me right now the Commissioner could dismantle the same table of organization to which I've just alluded?

MR. REID: I am telling you right now that the monitor general has the authority to make those reassignments in personnel.

ASSEMBLYMAN NAPLES: Can the Commissioner, without a monitor general-- You mentioned the Commissioner reviewing budgets. Let me ask you a double question. Can the Commissioner do it, in reviewing the budgets? Can the monitor general do it under current statute? It's pretty nebulous, Ted. You saw the research I did. You have a copy of it. All the members of the Committee have this. You're talking about a very nebulous area. Can a monitor general do this? Can a Commissioner do this? Would it require separate legislation? I think that goes to the heart of the matter.

MR. REID: And the answer to that question, the very end of your question, is no. It would not require separate legislation. Specifically, I would refer you to 18A:7-15, which deals with this right. The Commissioner may recommend to the State Board to take appropriate action when he finds that budgetary changes, or personnel training are not sufficient to correct problems in a deficient district.

There are other, further cites that deal with the monitor general's authority with respect to budgeting

increases, personnel matters, selection, assignment, transfer staff, retention, promotion, incremental compensation. Those words are clearly there. There are further authorities that says the monitor general can order these things. And furthermore, the board cannot veto the monitor general's action with respect to curriculum -- the other area which brings us back to this closing focus.

ASSEMBLYMAN NAPLES: Last question: Are you going to put me on last again in Atlantic City?

MR. REID: No, and you definitely will have an opportunity to speak all you want.

ASSEMBLYMAN NAPLES: I'm liable to get booted the way I'm going.

ASSEMBLYMAN PALAIA: Mrs. Garvin -- Assemblywoman Garvin, and then Assemblyman Gargiulo after that.

ASSEMBLYWOMAN GARVIN: I have a question, to take issue with one point, and it has to do with the attorney (sic) general that they sent to my city of East Orange. One of the weaknesses in that effort-- They were there for financial problems. Their whole concentration has to do with finances in the board. They did not touch curriculum, curriculum development, teaching patterns. They just were there--

MR. REID: We're in concert then, Mrs. Garvin. You're saying the same thing I did.

ASSEMBLYWOMAN GARVIN: One of the things that I see with this new plan-- And, we're not in concert, Ted-- I support the plan. I think it is comprehensive enough to deal with total learning environment for the welfare kid. I think the money-- People come up here and stress the money. We have had money in urban districts. How those moneys were used, has not impacted directly on children. So, until we include the classroom setting, if you will, in a takeover which deals with the world-- That's the only way children are going to be impacted on. Our kids can't be mainstream now. They can't get

jobs at Prudential and Mutual Benefit, because they can't pass the tests. So, I take issue with that.

MR. REID: Mrs. Garvin, you're not taking issue and let me just make a statement that will make it very clear. I pointed out the business about the auditor and monitor general in response to statements that Senator Ewing said. I did not say to you that it's a good thing. My complaint is -- and that's where we are agreeing-- My complaint is that the involvement of the State to this point, including its intervention in districts, has been based solely on financial reasons. I'm saying to you that my argument is that if we keep talking about the need to do something for kids, then why hasn't it been done so far?

And furthermore, let me point to what the court said, that the Commissioner already had this authority. In addition, the monitor general and county superintendent had the power to direct personnel, to take all steps necessary, to prepare plans for effective special education, comp-ed, bilingual education programs, etc. The board could not veto the monitor general's action, with respect to curriculum.

I'm suggesting to you that we keep talking about it, but it's not happening. If they wanted to move into the curricular area, which is a lot more difficult, there's already precedent -- not precedent -- there's already authority, in terms of law, and the way in which the Supreme Court interprets it, and it hasn't been used. You don't need this bill to do that.

ASSEMBLYWOMAN GARVIN: Yes, but this bill is more comprehensive. We can't go backwards. We're trying to go forward.

MR. REID: It's not. Mrs. Garvin, the only thing this bill does different from what exists under current law is the right to be able to throw out the board, and throw out all the administrators, and ultimately throw out the principal. That's

what's different. But, we haven't done all the intermediate steps.

Where can you point to in this State, where the State has moved into a district -- we've had T & E for 10 years now -- where the State has moved into a district, has seen this so-called achievement on the part of kids, and done something about it that brings it to this point? We've got a big gap between where they have exercised their power, and where they propose to go now. That's why every speaker so far has said, "How do you justify asking for more power, when you haven't used all of which you already have, to address the problems we all know are there?"

ASSEMBLYWOMAN GARVIN: Yes, but Ted, I think behind all of this, it has to do with the scores -- the H.S.P.T. scores -- that hasn't--

MR. REID: NBS was there before H.S.P.T.

ASSEMBLYWOMAN GARVIN: Nobody ever accepted that as a valid test. Now we have a valid test. I'll tell you, my position comes from the test scores.

ASSEMBLYMAN PALAIA: Could we-- Mildred, did you have something else that you wanted to add?

ASSEMBLYWOMAN GARVIN: No, that's it.

ASSEMBLYMAN PALAIA: Okay, Assemblyman Gargiulo?

ASSEMBLYMAN GARGIULO: Mr. Reid, you represent the school boards, and you made an allusion to the fact that a Commissioner has all these powers that he can implement. But, aren't the school boards responsible for implementing policy in districts?

MR. REID: Absolutely. They're responsible for establishing policy.

ASSEMBLYMAN GARGIULO: Well, it seems to me that in those districts where, under the monitoring process, have continually not made strides-- In some instances, I understand that when a plan was asked for, the plan wasn't even devised.

If the Commissioner doesn't have any power to deal with the board--

MR. REID: He does.

ASSEMBLYMAN GARGIULO: What power does he have? He can't remove a board member.

MR. REID: The Commissioner has the power, by way of his order. For example, where he intervened in Trenton, and the Commissioner went to the State Board, intervened, put in a monitor general-- That monitor general, which I just read to you, has the authority. He is acting on the Commissioner's behalf.

ASSEMBLYMAN GARGIULO: Can he get rid of the board?

MR. REID: He can't get rid of the board, but he can take all the powers of the board. So, whether they are there or not, he can order them to take action and they can't veto it.

ASSEMBLYMAN GARGIULO: Can he--

ASSEMBLYMAN PALAIA: Go ahead.

ASSEMBLYMAN GARGIULO: The question I have is that you're saying to me that now the Commissioner can now supersede the board.

MR. REID: That's right, in terms of their authority.

ASSEMBLYMAN GARGIULO: In other words, what you're objecting to, is objecting to that?

MR. REID: For a very simple reason, and think about this for just one moment. If-- And the reason why it makes more sense-- First of all, I said to you we have no problem with throwing out those people who are obstructionists in the system. That's aside from what exists right now. But let's just talk about what exists right now. When you come into a system with a monitor general, the difference between that and having a bureaucrat come in and say to the community: "We don't care about how you exercise your vote. You don't know what you're doing. I'm throwing them out. I've got all the wisdom."

The difference between that and what we're proposing with the existing system of the monitor general, is that he takes the people that are there in the community, and he says to them: "This is what needs to be done." They have the right, now, to take that objective, and fashion it any way they want, as long as it gets to the same purpose. If the monitor general doesn't like the alternative plan that they come up with -- so that there's some local community input -- or if they refuse to act, then he just simply ignores them, issues his order "so let it be written; so let it be done." And the board can do nothing about it.

ASSEMBLYMAN PALAIA: And you'll have total chaos.

MR. REID: No, you don't have total chaos.

ASSEMBLYMAN PALAIA: You have total chaos, Ted.

MR. REID: How?

ASSEMBLYMAN PALAIA: Because, on one end, you've got an administration that doesn't believe in what the monitor general of the State--

MR. REID: We're talking about the board now. You just went to administration.

ASSEMBLYMAN PALAIA: The board, the administration-- I don't care who you're talking about. You have nurtured something that is in direct defiance at helping the students. You have two factions going at each other. Two factions: One saying, "I'm not going to do what you want," and the monitor general is saying, "You'd better do what we want." And who is at the bottom of all that, with nothing getting done, but the students? I disagree with you, with legality. Because, I feel that under the present law, the Commissioner does not have the right to do what you say he has.

MR. REID: The courts just say that.

ASSEMBLYMAN PALAIA: The courts say that, but I go back to the attorney general, who says right here and right now--

MR. REID: Assemblyman Palaia--

ASSEMBLYMAN PALAIA: (continues) --who says right here and right now, "We have some questions about whether you have that authority." This legislation will give you that authority. Why should we take a chance on stalling everything in courts for years and years and years to come? Why should you do that? Why not make it very clear and very precise about what a Commissioner can do?

MR. REID: The reason why you don't have to-- One point, the New Jersey Supreme Court overrules the attorney general. Let's just establish that for a moment. Whatever the attorney general says, the ultimate ruling, under our government of laws, is the New Jersey Supreme Court. That's who the attorney general argues before. So that, I don't think, is an issue. They've said that it's there, so none of us are in a position to dispute it.

With respect to having the people there who don't want to do the job, I'd like to remind you of what I've said earlier. Those people who are the obstructionists to getting it done, we support removing. Now, if you work with this system that we're talking about, you begin to work with the people who are there in the community and who have a commitment to it. Because, part of what you're trying to do is to train a cadre of people to carry on when they're gone.

ASSEMBLYMAN PALAIA: Ted, I'll tell you something. I know you very well and I respect you. If we were to get rid of some of those board members, you'd be the first one at the hearing screaming at us, saying: "What are you getting rid of those people for? What are the charges, and everything else?" Let me end up by saying this.

MR. REID: That is not true.

ASSEMBLYMAN PALAIA: You are the executive director, and I'd like to know how many of the school board members of the State of New Jersey feel the same way you do? Are we

talking 3%, 5%, 15%, 100% of all school board members in the State of New Jersey agree with your position? Hold on ladies. I'm just asking the question. He's your executive general, or whatever he's called there.

MR. REID: Well, first of all--

ASSEMBLYMAN PALAIA: What is it, Ted? Because, I think that's important.

MR. REID: Assemblyman Palaia, let's be really honest about this because we're begging the question. It would be the same thing as me saying to you, every time you exercise a vote in the Legislature, how many of your constituents support that point of view?

ASSEMBLYMAN PALAIA: That's right, and I can tell you because I go by what they tell me.

MR. REID: I doubt very seriously if any legislator can say 347 or 5692 voters supported me on this position. That's really not a fair point. Let me just finish.

ASSEMBLYMAN PALAIA: Isn't this question very important, Ted, that you wouldn't find from all your board members how they really feel about this kind of proposition?

MR. REID: Let me say to you that we have a governing system just like the Legislature, like any organization that exists. Our governing body has taken a position which supports what I just said to you.

ASSEMBLYMAN PALAIA: Well obviously you wouldn't be here unless that was so.

MR. REID: As far as you're concerned, our organization and its majority support this. That's the way our system works, like any other.

ASSEMBLYMAN PALAIA: Wasn't there a poll taken of all board members, that said, "Do you agree or don't you agree?"

MR. REID: I do not know of any level of government, whether it be the Legislature or this association, or anybody else, that makes every decision based on referendum.

ASSEMBLYMAN PALAIA: No, not on referendum. But I think this is of such major importance-- Anyway, do we have anything else?

ASSEMBLYMAN GARGIULO: I want to just finish my question. Mr. Reid, you said that the board could be removed by the Commissioner.

MR. REID: Right.

ASSEMBLYMAN GARGIULO: But when that happens-- If that happens now--

MR. REID: No, I didn't say the board can be removed by the Commissioner. I said the board can be overridden. When he exercises the authority that he has right now, under the T & E law, then their decisions can be overridden.

ASSEMBLYMAN GARGIULO: I'm sorry. Let me rephrase that. You're suggesting that the Commissioner--

MR. REID: The press is here, and I don't want to be misquoted.

ASSEMBLYMAN GARGIULO: You're suggesting that members that are inappropriately placed on a board should be removed. How would that process work? Is that like a tenure thing? Every time you do that-- Is that a whole court thing? Does that go on for months and years? How does that happen?

MR. REID: You're asking me how does it happen? It doesn't happen, under this proposed legislation. I am suggesting that as a modification of what's being proposed, that there be-- I said from the very beginning that I supported, with respect to concept, the idea that when there are people in the system who are obstructionists -- with respect to being able to do what is the primary mission -- that has resulted in that kind of failure, then they ought to be removed. The primary element that I tried to invoke was the element of due process. So, we just don't simply run in, hit everybody, and paint them all with the same broad brush. I suggested that we take a little bit of time. Oh fine,

administratively, it's going to take a little effort. But, you take the time to identify the people who are the problem -- that gets at Mr. Palaia's problem -- and you throw them out. I take exception to his statement that if some of our board members were thrown out, that I would be here arguing against them. Because, I started out at the very beginning of this statement pointing out to you that we have a record that proves the exact opposite. We're not afraid, and that's what makes us different, I think, than probably any other group that you're going to hear from. If we're wrong, then we need to go. But, it goes up and down the line, not just those who are easy to get at.

ASSEMBLYMAN PALAIA: Thank you, Ted.

MR. REID: Thank you.

ASSEMBLYMAN PALAIA: As usual, very well done.

ASSEMBLYWOMAN GARVIN: Very good, Ted. Thank you.

SENATOR EWING: Have a good lunch, Ted.

MR. REID: I have indigestion.

SENATOR EWING: Oh, no!

ASSEMBLYMAN PALAIA: Ladies and gentlemen, if the NJEA will just bear with me for a while, we have two speakers who are in urgent need of leaving. I'm going to call them in the following order. Number 18 on our list is Ethel Richard, a past president of the East Orange Board of Education, and education advocate and parent. After she speaks, number 19, Lee Faggioni of Metuchen, and Number 21 is Gwen Lewis, of Metuchen, have promised to be brief and to the point. I know that they have to get back. I would ask Mrs. Richard-- Take your time, ma'am.

E T H E L R I C H A R D S: I, Ethel Richards, parent of a seven-year-old handicapped son, have a very real interest in, and dedication to, public education. It is vital to our national well-being. It is necessary as the only vehicle of education acceptable to the non-wealthy masses. It is vital to

the classified, who anticipate mainstreaming. In New Jersey, it is a right carrying with it the properties of thorough and efficient.

My interest and dedication is further supported by seven years of school board service, in a district which has seen State intervention, at least in its finances. Nevertheless, I feel that the need to speak out in favor of State intervention, wherever there exist enough deficiencies to show that children are not being educated optimally (sic).

This is not condemnation of local administrators, nor of school boards. The fact remains that a weight of frozen past ills exists in many districts. These frozen ills incapacitate local administrators and school boards, so that they cannot function efficiently. The sweeping changes of State intervention may not work. But something must be attempted to deter public education's stagnation and failure.

I believe that it has been 39 years since New Jersey's 1947 Constitutional revision. Yet, by State assessment, T & E is still remote. Intervention seems necessary. Why? Because, failure rates relate to funding, and local urban districts cannot fund at the high rates of suburbia.

But, failure rates are widespread. They exist in suburbia, as well as urbia (sic). Public school withdrawals in suburbia, and entries into public schools is an indicator of suburban failure. Failure of large numbers of children to read on grade level at each grade is an indicator. Complaints of teachers about supplies and testing and testing materials is an indicator. Failure to replace staff who leave the district is an indicator, and especially where classes are combined or instructional programs dropped when they leave. Complaints of parents and students about text and workbooks being insufficient and in poor condition is an indicator. Students sent home for late notices after they arrive at school tardy is a causative factor for failure, as well as an indicator of

failure. Absenteeism of students is causative and an indicator. The profuse and frequent travel to distant conventions by top administrators, but few such trips for on-the-line teachers is an indicator. The teachers need the exposure and the inspiration for their direct interaction with students.

A lack of widespread, uniform, widely publicized guidelines at the State level is an indicator. The presence of drug and alcoholism in schools is an indicator. Teacher turnover and public mobility are indicators. The small number or absence of Merit school scholars and Merit school semifinalists in districts is an indicator. The complaints of colleges about the academic or scholastic quality of freshmen entering college is an indicator. Dropout rates of public school students is an indicator. The lack of weak life skills and employment skills, which are presented in the labor market, are indicators. The plight of the classified student-- That is the handicapped, the gifted or the talented student who requires an advocacy group in order to have continuity of evaluation and counseling teams, safe transportation, or special programs to meet their needs even though these programs are mandated by law, are indicators of failure. Central office spending, withdrawal or switching of budgeted moneys from individual school allocations is an indicator. The lack of enrichment programs for all students, in the middle category, who need enrichment to check complacency and mediocrity in whatever areas they have strength, is an indicator. Students' failure of testing, and poor test taking skills, are indicators. Students' inability to complete simple arithmetic problems after eight years of instruction, and the inability to count money with dexterity after high school are indicators. Student inability to communicate verbally and on paper their thoughts, wishes, and needs is an indicator. Facilities which are old, unsafe, unclean, unhealthy are all indicators.

Hopefully these indicators, major and minor ones, plus some others, will become a part of the criteria to be evaluated in a State takeover. Also paramount should be assurances to the people of New Jersey that politics, vengefulness and negativism towards local districts is not the issue, but rather, effective education of all the children to their fullest potential, for their benefit, and for the benefit of our State, our nation, and mankind.

Takeover or intervention will be a Herculean task, and after 40 years or less, we may evaluate the takeover process as a failure. The need then, may be to look to our Federal government, or some other plan. Complacency now, however, is expensive and cannot be tolerated -- expensive in the lives of our children. That is the price we are paying.

Therefore, I must say intervene. I hope you will forgive me for any grammatical errors which you have noticed. I went through Newark schools when functional English was taught, and not the fine grammar that we have today. I would like also to say that I glanced at the document on education, the Bill 2927, and I was appalled at some aspects of it. While I didn't realize I would have the privilege to address your document in this sense, I would like to tell you what bothers me about your bill.

The fact that you are trying to intervene, I think, is good. I feel that this document absolutely destroys local pride, local rights in every way, because you have disenfranchised or removed the citizenry from any impact on what's happening with their schools. You have a local -- up to 15-man -- advisory board, it says. But, it is powerless; it is absolutely advisory. If it disagrees with your State district superintendent, it has nothing to do except say "we disagree."

I feel that group should have some power. The power to at least file, with the Commissioner, or the State Board, or some group, who will listen, with power to change things. The

reason why they differ with that local district superintendent-- If you will look at page three of your document -- of document 2927, page three, line 34, my note is that the power seems too sweeping. They encroach on local citizens' rights. I felt, as I read this bill, that the entire Bill of Rights was questionable as far as local government was concerned. I felt that we had taxation without a voice in how our taxes were to be spent in the local education process.

It also said on page two, line 18: The cost "shall be an expense of the local school district," -- must "perform all duties," and so forth, but the ability to pay was not included there at all. My statement there, from line 18 to 25, on page two, was that there needs to be a formula, that relates to number, size and limitations, that relate to the district's -- number of pupils in a district.

In other words, there's nothing to keep this superintendent from coming in and saying "We're going to build six new schools immediately." The local board can't stop him, the size of the community can't stop him, the size of the student population can't stop him. I think you really need to work this over and give at least some voice to the local people.

Before I go, I would like to share with you, not for humor, but for the basic truth that there is in the message -- something that I keep in front of me. (Message on sign is displayed to Committee.)

SENATOR FELDMAN: Any further testimony, because, we have to move along. Mrs. Richards, does this conclude your testimony?

MS. RICHARDS: This concludes my testimony. Thank you.

SENATOR FELDMAN: Thank you very much.

SENATOR EWING: This is for Mrs. Richards' sake. The district superintendent would certainly have to get the say-so from the Commissioner before he went ahead and built schools.

MS. RICHARDS: Yes, but that's not the local district

either. We would still not have a voice. In the usual process, the local district has something to say about the (inaudible), and the bonding, and so forth. I feel that it disenfranchises the local districts.

SENATOR FELDMAN: The point is made. Have a safe trip home.

MS. RICHARDS: Thank you.

SENATOR FELDMAN: I will now recognize Dr. Newbaker.

MS. FAGGIONI: I was next.

SENATOR FELDMAN: What is your--

MS. FAGGIONI: Lee Faggioni, number 19.

SENATOR FELDMAN: From Metuchen? Okay.

MS. FAGGIONI: Assemblyman Palaia said the two of us would follow.

SENATOR FELDMAN: Fine.

MS. FAGGIONI: Thank you.

SENATOR FELDMAN: You're welcome.

MS. FAGGIONI: Senator Feldman, and members of this distinguished committee, my name is Lee Faggioni. I have served in education as a volunteer since 1948. I have served on the Metuchen school board for 20 years -- on the Middlesex County Career Coordinating Council. A year ago I completed 10 years with the Middlesex County Vocational Technical School System. I am also a retired personnel executive, being responsible for the manpower flow in and out of a major division of Johnson & Johnson.

When Chancellor Hollander spoke to you about the sadness and the tragedy of entering college students, let me tell you that the tragedy, when they come into industry -- completing high school and prepared for exactly nothing -- is much more tragic. Senator Ewing referred, "What about those who do not go on to college?" This is a critical area. They come to us, not equipped with even the minimum basic skills. To a degree, we do train them our way, but without those basic

skills, there's nowhere we can go. It's been my tragic duty to let them go. I might add, it does not only apply to entry level jobs, but at every level, up to the highest. -- having graduated college, and still not mastered the math, the reading and the work form. That is the tragedy of public education today.

I am for -- very much for -- what you're attempting to do with your bill, authorizing the Commissioner of Education and the State Board of Education -- whom I think, by the way, together, are doing more for education in the past -- have done more for education in the past six or seven years, than any other predecessors before them.

What I am attempting to say here-- At the Middlesex County Vocational and Technical Schools, just three weeks ago, when Commissioner Cooperman came out with the High School Proficiency Test scores, big headlines in the News Tribune said "Low Scores Endanger Five Vo-Tech Certification." I mean the front page, and headlines this big. Should I be for what you are about to do? It looks like we're going to be looked at. No, what I did as an ex-board member is call the News Tribune, talk to the editor, and told him to explain exactly what that meant. It was not today or tomorrow, but three years hence. Not only that--

Remember also, ladies and gentlemen, that as a four-year, vo-tech school, we depend upon the 25 sending districts to send us who they want. Do you think for a moment they are going to send us their star pupils? I've heard urban, and I've heard suburban; I've heard disadvantaged; I've heard all kinds of things. We get the cross section of all of that.

I may say this: When the basic skills was approved by the Board of Education at the State Level, we got out assignment. In two years, we took first prize for Secretary Bennett in Washington, issued to us in New Orleans, for our comprehensive remediation plan. I might tell you that we

welcomed the H.S.P.T, and in an aside, as a citizen and as a taxpayer and as a person who has been in industry, I resent very much having to accept 12-year students with ninth-grade capability sometime in 1989. I think that is a disaster.

Now, if the Middlesex County Vocational and Technical five high schools can conform to the dictates set by the State Department of Education and the Commissioner, every other school can do it. Because, we get a cross section of every one of the bad things that everybody was talking about -- the disadvantaged, the handicapped. Look up our record if you will.

When we accepted all these ninth-grade students this year, we received them in September. In April they gave the H.S.P.T. Naturally, they said low scores. We were not responsible for eight years of their education -- not at all responsible. But, we accepted the challenge. Because, we know that with their plan of remediation, they're going to graduate at better than ninth grade requirements -- better. Because, our record has been, and continues to be: 85% placement of 650 to 700 students in every trade, a percentage going on to college, and others going into the service. We only lose 1%. Now, that's a record.

So, ladies and gentlemen, I think you're on the right track. I know you're on the right track. The school system needs you. Public education has been handed-- It's the greatest heritage we in America have. There is no other country that educates its students. But let's give them the proper education. Let's prepare them for living. Let's not just let them sail through school, and be ready for exactly nothing. I commend you, and I urge you to give authorization to the Commissioner and the State Department of Education to carry on for the good of the State of New Jersey. Thank you.

SENATOR FELDMAN: Thank you. Are you Ms. Lewis?

G W E N L E W I S: Yes, I am.

SENATOR FELDMAN: All right, fine. Assemblyman Palaia left me a note.

MS. LEWIS: Senator Feldman, members of the Committee, I appreciate this opportunity to be here today. I'm Gwen Lewis, a member of the Metuchen board of education, and currently president of the Middlesex County Educational Services Commission board of directors.

SENATOR FELDMAN: Why don't you talk louder. I think we use that microphone to your right. There are no loudspeakers. There is no loudspeaker system.

MS. LEWIS: I have a soft, Southern voice, and it's not easy for me to speak loudly, but I'll try. I believe one of the most important functions a board of education member has is that of being an advocate of children. From that point of view, it's very easy to support State intervention in severely deficient districts. I find I identify more strongly with the youngster being denied an education, than with the board member being denied a position.

We speak so easily of student failure, and the requisite sanctions which follow -- being held back, not being allowed to participate in extracurricular activities, and ultimately being denied a diploma. I have long wondered where the sanctions are for the failing school district. Can anyone seriously doubt that the student failure rates we read about are clearly indicative of failing systems? To neglect to take whatever measures are necessary to remedy the situation, is to institutionalize that failure. I don't believe that our society can afford the cost of such failure -- the cost in human anguish, in opportunities lost, and the greater cost of non-participation in economic life of the community, and the cost of alternative social services which become inevitable.

Board members also have a clear responsibility to see to the efficient administration of the schools. In effecting a takeover of school districts, the State must fulfill that function. I imagine that would be rather easily fulfilled.

The more difficult area may well be that of being an advocate of children. There needs to be both the perception, and the determination that something can be done. Will the State be prepared to be responsive to the myriad needs of disaffected youngsters? One would hope that the new management of schools will be prepared to put into effect those programs which show the most promise of changing the problems of failure which have persisted for far too long already. I believe the teachers will need a strong sense of ownership of the curriculum that they teach.

One would also hope that the resources necessary to do the job will be the committed. There is currently much public awareness of the problems of education, and I believe considerable support for improving the effort. While you're exhibiting the courage necessary to take over delinquent districts, why not go the extra mile and be courageous enough to provide the leadership to fund all public education efforts in a stable and broad-based way? The reliance on property tax is going to continue to result in inequitable funding, and unequal opportunities for education. Thank you.

SENATOR FELDMAN: Thank you. There are no questions? We thank you ladies for coming up. I will now call upon, as a witness, Dr. Lloyd Newbaker, representing the Department of Education. Dr. Piatt, I understand, is under the weather, and Lloyd, you're here on his behalf.

D R. L L O Y D J. N E W B A K E R, J R.: I am, sir. Mr. Chairman, and members of the Committee, I am tempted, after hearing some of the testimony this morning, to tear up my script and speak to some of the points, but I know that's not the purpose, to rebut previous testimony. I am here today--

SENATOR FELDMAN: We don't object to that.

MR. NEWBAKER: Well, I thought perhaps we could get into that discussion after I deliver some of my testimony. I am substituting for Dr. Piatt.

SENATOR FELDMAN: May I ask witnesses-- It's very difficult. We can hear you, but there are others that would love to hear you too, and they're sitting behind you. There is no amplifying systems here, so if you could just raise your voices a trifle, I believe those that are here to follow you would have the benefit of your input.

MR. NEWBAKER: Thank you. I'll try to speak loudly enough. First of all, I do appreciate the opportunity to substitute for Dr. Piatt. I understand that the Committee has received a full briefing, and rather comprehensive statement from Commissioner Cooperman. But as a spokesman for the Department of Education today, I would like to follow up on several concerns which surfaced at the September 16th hearing in Trenton, and which call for further clarification.

The first matter is the question of whether teachers will be held accountable under the proposed plan. The answer is that the performance of teachers is at the very heart of this matter. The teachers of New Jersey have the greatest and most direct impact upon the quality of educational opportunity afforded our children.

Under the proposed legislation, the State district superintendent will appoint central administrators, who, in turn, will supervise the building principals. The principal will be held accountable for effective supervision of teachers. It will be the duty of the building principals to provide for the enhancement of good teaching skills, as well as the recognition and improvement of inadequate teaching. In cases where all efforts to assist are unsuccessful, it obviously would be the duty of the principal to take appropriate disciplinary action, up to and including dismissal.

You might ask, how would this differ from the current process? The answer is, that it probably would not. What would differ would be the quality of implementation, and also, the determination of implementation. By providing

effective top management, the State would interject into the chronically deficient district the commitment, the accountability, the skills and the professionalism now found in successful districts throughout New Jersey.

The second concern I would like to address relates to how the Department of Education would be able to run a State school district. The answer is that the State will not run the local district. Rather, the Commissioner will appoint a highly qualified, highly experienced professional to serve as the State district superintendent in the school district. That person then, will recruit and appoint his own top staff, and will be held accountable for the results.

The third matter centers upon the question of financial burden on the local district. The ultimate goal of this proposal is to assure that improved educational opportunity for the students of these districts is delivered. Therefore, it is essential that we avoid saddling that district with extraordinary costs which could impact severely upon the funding available for educational programs.

Aside from the cost of a compliance intervention audit, there would be no cost to the district due to State takeover. The salaries paid to the State district superintendent and his or her central administrators would essentially replace current staff costs, and former board expenses should more than cover those of the new advisory committee.

On the other hand, it is likely that cost savings may actually be realized under State operation. We have independent audits right now which support that statement. Remember that the State will only take over districts which have suffered many years of severe mismanagement. Therefore, streamlined staffing, and sound business practices could help the district save significant tax dollars which might be reallocated to educational programs.

In summary, I would like to trace, very briefly for you, the derivation of this plan and relate it to our national and State Constitution. According to the 10th Amendment of the United States Constitution, powers not delegated to the nation are reserved to the state. New Jersey's Constitution, as amended in 1875, declares that: "The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools." Under 18A, the State Legislature created local school districts and empowered the State Board and the Commissioner of Education to supervise public education, and to establish necessary rules and regulations.

The Legislature also required that the Commissioner establish a process to monitor and inspect local districts, so as to assure that they are providing students with thorough and efficient systems of education. From 1977 to 1982, the Department monitored local districts and certified those that met established standards. In 1982, under Commissioner Cooperman, the monitoring process was reviewed by a broad-based study group, and as a consequence, the standard and the process were streamlined and Monitoring Levels I and II were established.

The proposal before you brings the monitoring process to its logical conclusion. That is, to deal with those few districts, which for a decade will have proven unwilling or unable to comply with the requirements of the law. The children's right to education must be upheld. The time has come to hold these school districts accountable on behalf of the children, their parents, and the citizens of this State. If the children in these districts are to have a chance for decent, productive lives, if they are to contribute to the State and nation, then the Legislature must act now to uphold the laws and the Constitution of New Jersey.

While I have the opportunity, Mr. Chairman, I would like to address one thing that particularly disturbed me in

previous testimony. That is that we were talking, I think, when Mr. Reid spoke, about holding accountable individual board members and prosecuting individuals who have done things that are illegal. I'd like to point out that the Commissioner has been taking action in that regard, and has turned over, and will be turning over information to the attorney general's office for follow-up.

In addition, I would like to point out that one of the things that the School Boards Association always teaches new school board members is that they are powerless unless they act as an entity. I think it is that responsibility-- Mr. Gargiulo mentioned that the boards of education were responsible for setting policy, and seeing that schools are run well. I think that's the essence of this issue, that boards of education, if they are not following policy and seeing the schools being run well, that they are in fact guilty, and the entity must be removed. That's far different from what we were speaking about earlier today.

I'd like to pause, and if you have questions, I'd be glad to try to answer them.

SENATOR FELDMAN: Any questions from any members of the Committee. Yes, Assemblywoman Garvin.

ASSEMBLYWOMAN GARVIN: Just briefly, Mr. Chairman. I don't want to hold you up. But Lloyd, I'd just like to-- Since you're representing the Department, to report that the monitoring that is going on now-- I would hope we can beef it up when we deal with that Level III. I don't want to go into it because I'm going to have to have a meeting. Because, we have some serious deficits in the monitoring process in Essex County. I think that before we proceed with this, we need to kind of shore up the present monitoring system. There are a few loopholes that are affecting the system.

DR. NEWBAKER: I acknowledge that. I think that the Department is continually looking for those kinds of loopholes,

and trying to improve them.

Mr. Chairman, if I may, while the word "monitoring" came up-- I'd like to speak to the monitor general concept which was administered in Trenton. At the time, I happened to have been a staff member at the School Boards Association, and was assigned to a committee of the School Boards Association, which attempted to assist the Trenton board of education. One of the difficulties -- and I don't know if the monitor general who spoke before the committee in Trenton brought this out or not, but he had a tremendous amount of difficulty dealing with the board, and the administrative staff, and the undercurrents that occurred during the time he was trying to administer that district. So, I want to point out that there is a deficiency in that concept.

SENATOR FELDMAN: Thank you, Mrs. Garvin. No further questions. We thank you very much. Our next witness will be Dr. James Jones, Vice President of the State Board of Education, distinguished resident of Teaneck, New Jersey. My pal--

D R. J A M E S H. J O N E S: Mr. Chairman, and members of the Senate and Assembly Education Committees, thank you for the opportunity to speak to you today about State intervention in local school districts. Mindful of the time, I will keep my remarks short, and hopefully to the point.

The legislation now before you represents countless hours of work by many kinds of specialists -- educators, legislators, lawyers, policy analysts, managers and others, who have contributed their expertise in solving a very complex problem. When so many experts deal with a complex problem, it's sometimes easy to lose sight on one's central purposes. That's why I'd like to focus today on the children of New Jersey, and what they have a right to expect of our schools.

The Constitution of New Jersey guarantees children the opportunity for a thorough and efficient education. As a

member of the State Board of Education, I do not regard this as an ideological phrase. To me, it represents the right of every student to educational opportunities, that would help him or her prepare for a decent job and a decent life in our society.

As a professor of social science and research at the Columbia University School of Social Work, I have spent my professional life trying to develop solutions to social problems. Before joining the faculty at Columbia, I also had practical experience with youth programs. I therefore know that too many of our young people face serious road blocks as they strive to build practical lives. Poverty, racism, drug abuse, teenage pregnancy are just a few of the obstacles that stand in their way.

The local public school should be a source of hope for these young people. By that, I do not mean that the school can solve all the problems that these pupils face. But the schools should teach these young people to read, write, compute, and think -- the basic tools they need to find a useful place in society.

The schools should make it clear that the opportunity to learn is there. All that students should have to do is to take advantage of that opportunity. In some cases, unfortunately, the local school is one of the obstacles, along with drugs, racism, poverty, etc., that students face, and students know it. In some districts, students can look around, and see that their schools are cheating them. Disruptive classmates waste valuable learning time. Administrators look the other way to avoid the hassles of enforcing discipline. Teachers who are supposed to set examples convey the message that they cannot, or will not teach. Nobody wants to take on the task of coordinating the client district's curriculum. It's a miracle that any learning takes place under these conditions.

Let me emphasize that I do not have in mind school districts with mediocre managers. I do have in mind districts run by administrators who have given up, or who are more concerned with serving local power groups than serving the children in their schools. I do not have in mind the school districts that occasionally make an ill-advised purchase. But, I do have in mind districts that waste vast sums of money through nepotism and fiscal irregularity, so that students do not have enough learning materials, or decent classrooms to study in. I do not have in mind school districts with below-average S.A.T. scores, but I do have in mind the few districts where most high school freshmen can't read, write, or compute at the third-grade level.

In short, I'm addressing districts that are fundamentally inadequate. The students in schools such as these are trapped in a cycle of failure, and we are legally and morally bound to break this cycle. The bills introduced by Senator John Ewing, Assemblymen Joseph Palaia, Frank Gargiulo and Joseph Doria, will help us do just that. By authorizing us to intervene in school districts, this legislation helps us insure that all children have access to a thorough and efficient system of education.

I served on the Teaneck Board of Education for nine years. I've been a member of the State Board of Education for four years. I have some understanding of what's involved in running a school district. I am as concerned as you are about some of the principles, such as home rule, rights of local school districts, tenure, and the like, that have been raised in opposition to this legislation. But I firmly believe that some districts, by their actions or inactions, have abused these rights.

One of the ideas that we try to inculcate in students is that along with rights come responsibilities. These districts to which this legislation is directed are those that

have abdicated their responsibilities, and left us to pick up the pieces. Under such circumstances, I believe our overriding concern must be the future of the children in these school districts. The legislation before you today gives us the tools we need to give all of New Jersey's children the educational system they deserve. I urge you to support this legislation. Thank you.

SENATOR FELDMAN: Thank you, Dr. Jones. Any questions? (negative response) It is traditional and customary that we recognize legislators who wish to testify, and we have Assemblyman Thompson here. If you want to testify as a witness, you're most welcome.

A S S E M B L Y M A N E U G E N E H. T H O M P S O N:
Thank you, Senator Feldman. To my distinguished colleagues, I certainly appreciate you giving me the opportunity to say a few words before this Committee in reference to an issue that is probably one of the most important issues in the State of New Jersey -- affecting our future, which is our children.

I'd like to preface my remarks by this: I understand-- I read in the paper that someone, representing a union from Newark, had the audacity to come here before this committee and inject racism. This legislation is the opposite. Brendan Byrne should have done this. It's not-- This is a problem in the State of New Jersey. Education, especially in the cities--

Let me read this to you. This is my definition. Education is neither black nor white. Nor is it Republican. Education is the one primary institution, which has held the fibers of our nation together, and public school education is the most basic source of long-term American productivity, and economic well-being and community cohesion.

I'd like to state this--

ASSEMBLYWOMAN GARVIN: I was going to let them know you have Bell's palsy, so if they can't hear you--

ASSEMBLYMAN THOMPSON: Thank you. I want to speak in reference to Newark, New Jersey. I'm not an expert on East Orange, Paterson, Camden, or some of the other cities throughout the State. I know something about Newark. I graduated from the public schools in Newark, New Jersey.

But, the recent test, which we call the Feldman Act-- By the way, on the bill--

SENATOR FELDMAN: High school graduation standards?

ASSEMBLYMAN THOMPSON: Yes sir. The results in Newark were atrocious -- 37%. But what was worse about that is that if you take Arts High School, Science High School, and University High out of that testing -- because they are pre-tested schools for kids to get in -- the percentage would have been almost zero. Because that's what carried even up to 37%.

Where the major kids are going -- Weequahic, Shabazz, Central, East Side, and University -- scores are very low. I'm trying to speak in reference to many people in the community who don't have a voice and are frustrated. They have kids, and they have hopes and aspirations for their children, and they just aren't meeting those particular goals. What happens to that? The kid gets disgusted and ends up-- He's in the street, and once he's in the street he has no way of making a living, and gets involved in other thing that happen to people that stay in the street.

Let's go back a little bit. In the last seven or eight years Newark has had four superintendents of education. First, they brought a man in -- gentleman -- Dr. Stanley Taylor. The community rallied around him. He came from Brooklyn and had very good credentials. He lasted, I'd say, approximately a year-and-a-half. All of sudden, Dr. Stanley Taylor was fired outright. He said, "What was the reason?" "You're fired." Dr. Stanley Taylor went and retained counsel. They went to court. They ended up paying Dr. Stanley Taylor the full extent of his contract.

They brought another man in there -- Alonzo Kittrels, from Philadelphia. They said "We want a businessman to run this city." Alonzo Kitrells stayed about a year. They pushed him out, but a strange thing happened on the way to the forum. They brought him back and gave him \$50,000 a year as a consultant. Now, if he was an inadequate administrator, I don't know how you can bring him back and give him \$50,000. That's a matter of record.

ASSEMBLYMAN NAPLES: Then they hired him in Trenton as a consultant at the same time.

ASSEMBLYMAN THOMPSON: Then they went to Chicago and they got a gentleman by the name of Dr. Columbus Sallie. I'm sure you're familiar with that case. They fired him. They agreed to binding arbitration. When they got the arbitrator, the arbitrator said, "You've got to pay him." They appealed that; they lost that; they paid him. It's over \$600,000 at the last count and it's going up because all the attorneys have to get paid. Three hundred thousand dollars of that was tax-free because it was a defamation suit. Hypothetically, the suit was brought in March. They settled it in September, which is the quickest one I've ever heard of a case being settled like that. Three hundred thousand dollars tax free--

Now, this is the board. All this time the kids are declining and declining. Because, if you look at the schools -- a good example: Arts, Science, and University -- you're going to have good kids. But, they are not the majority of kids in the school system. The majority of kids in the United States, that attend high schools do not go to college. In a test, how would you get these kids to assimilate what they've been learning and learned in high school, so they can meet this high-tech world that's facing them out here -- this industrial high-tech. A good example--

I'm not an educator, but I know this. I had two very dear, good friends, Joe Chirsfield, and the late Gary

Townsend. (phonetic spelling) They left Central High School, and they went right to Walter Kidde's Precision Tools. The only thing different was maybe the lathes were built a little different, but they didn't need any CREEK (phonetic spelling), they didn't need any training, or anything. They got that in high school. I think that's the level of productivity we have to get back to.

I would like to state this: The attorney general's office is looking into the \$300,000 buyout of Dr. Sallie, not in reference to Dr. Sallie returning the money, but what the board-- What they are trying to find out were the legal questions that I raised. If he sued them for defamation, then whether or not he sued them as a board, or in an individual capacity. Because, if they were sued in an individual capacity, under law they have no right to take public moneys to settle a lawsuit.

There are a couple other things in Newark on SCI-84, which I'm quite sure you've read. One deals with the benefit fund and the other one deals with the board of education's security guards and other related areas. Both of those are under investigation, I understand, by the attorney general's office.

But just to give you an example-- I don't want to hold you up too long. This was brought out in the SCI-84 hearings. Now, this is taxpayers' money, and this group--

ASSEMBLYMAN NAPLES: Excuse me, what hearing? SCI, did you say?

ASSEMBLYMAN THOMPSON: Yes.

ASSEMBLYMAN NAPLES: Okay. That's what I thought you said.

ASSEMBLYMAN THOMPSON: It's the State Commission of Investigation.

ASSEMBLYMAN NAPLES: Okay, I know what it is. I've heard of it.

ASSEMBLYMAN THOMPSON: These were trips that were

taken. Supposedly the fund was broke. I don't know how in the world they were able to take all these trips to some of the best places on the continent, and in this period of time that they wanted astronomical sums of money. This is taxpayers' money. It's not their money.

You know, I just hope we have some type of intervention in the City of Newark, because we've reached the disaster point.

SENATOR EWING: They must have had an exciting seminar when seven members went to Acapulco.

ASSEMBLYMAN THOMPSON: Yes, and Lake Tahoe -- all the best spots. I'd just like to thank you for giving me an opportunity to say a few words before you.

SENATOR FELDMAN: You were very refreshing. Thank you for coming.

ASSEMBLYWOMAN GARVIN: May I ask a question, Mr. Chairman? Just a quick question: Does the Department monitor things like this?

ASSEMBLYMAN THOMPSON: I have no idea.

ASSEMBLYWOMAN GARVIN: Does the Department monitor these types of expenditures? I'm just asking; I don't know.

SENATOR FELDMAN: Well we'll get that answer from Dr. Tom D'Ambola from the New Jersey Association of School--

SENATOR EWING: I don't think he's here. Tom isn't here.

SENATOR FELDMAN: John Connors is not here? (affirmative response) Dr. Carl Kumpf, New Jersey Principals and Supervisors Association. Excuse me, you are--

M R. C A R L K U M P F: Carl Kumpf.

SENATOR FELDMAN: Okay, and you?

H A N K M I L L E R: I'm Hank Miller.

MR. KUMPF: Ladies and gentlemen, it's a pleasure to appear before you today. With me is Hank Miller, the executive director of the New Jersey Principals and Supervisors

Association. My name is Carl Kumpf. I am the principal of the J. Ackerman Cole Elementary School in Scotch Plains/Plainfield school district, and president of the New Jersey Principals and Supervisors Association. I might just note, since I'm a stickler -- as an old elementary school teacher and current elementary school principal, that as I'm listed as number 10, it is not "doctor," although I am delighted to have gotten that honorary degree this afternoon. The name is spelled K-U-M-P-F. I would appreciate that correction.

ASSEMBLYMAN NAPLES: Secondary principals do the same things.

MR. KUMPF: Oh, do they? I come before you on behalf of our 4,800-plus members, who are directly responsible for the evaluation and supervision of instruction in our schools. A profile of PSA's membership is important, to better understand our position and involvement, should these bills become law. Our members are the school principals, vice principals, subject-matter specialists such as directors and coordinators, and all supervisory titles including central office personnel.

The Principals and Supervisors Association represents, by far, the majority of professional people who will be most affected by this proposed legislation. Under this proposal, our members are the supervisors and administrators, who would not only face the greatest risk, but also be the skilled corps who would be most critical to a successful implementation of any intervention plan.

Research has shown effective schools require effective, dynamic principals. Please understand, however, neither principals nor supervisors can function effectively in an environment without authority to properly motivate and evaluate staff, or without the physical facilities, equipment, and instructional materials that are conducive to learning.

The New Jersey Principals and Supervisors Association stands in support of the proposed legislation that calls for

the State intervention and possible takeover of districts that prove unable to deliver a thorough and efficient education. We recognize that extraordinary circumstances may exist in a small number of school districts in New Jersey, which may require levels of intervention in the operation of a local district, which are unprecedented in our State.

Those circumstances could include the following: total failure to comply with the recommendations emanating from the State monitoring process for the improvement of instruction and the operation of a school district, corruption or gross mismanagement of the district's finances, and number three, the failure to attempt to correct serious deficiencies in instructional equipment and materials, as well as the physical plan.

These conditions, if found in any form, would undoubtedly affect the education of children, and must be addressed immediately. If complete State control is the only way to resolve these problems, then we support such drastic action.

Level III, in the present proposal, only requires that a systematic examination process be in place, with directives for compliance. We feel that the Level III process is too little action, when circumstances require immediate, firm, intervention. We are dealing with corruption -- if we are dealing with corruption -- or if we are dealing with a fiscal monitor that should be assigned. A complete audit should be performed.

If there is evidence, it should be turned over to the prosecutor's office for immediate action. If there are serious deficiencies in planned or instructional materials for whatever cause, then emergency appropriations must be appropriated to provide children with the needed physical environment and the tools of learning that are required.

Our first concern is the need to strengthen Level III of the monitoring process. We are most concerned that the State will be fully aware of the need for immediate

intervention, yet would not act directly to address those conditions which rob our children of the possibility of obtaining an improved educational program.

To PSA, the present proposal does not recommend fast action. It appears that there would be a lengthy investigative process, with probable litigation taking from three to five years. If a Level III investigation reveals the need for forced compliance, then let's act. Our children cannot wait.

We propose that the administrative code be changed to permit the State Department of Education to fulfill the State's responsibility for the education of youth, by giving them the necessary authority to mandate and intervene with corrective steps at the conclusion of Level III, or immediately after approval of the findings and directives by the Commissioner. Serious programmatic deficiencies, or fiscal mismanagement must be dealt with immediately.

Each year, another class graduates. Why wait for this slow, agonizing process to take place? Why not put more muscle in what you now have in the monitoring process and authorizing statute of A-2926? If the monitoring process fails, with the full authority of the present law utilized, then in order to enforce full compliance, the drastic action of a complete takeover as proposed in the bills should be legislated into law.

We would then urge consideration of the following: Five years is much too long a period for a district to be without effective involvement in its operation of the schools. We propose that the State superintendent organize, within a six-month period, an advisory board which would provide the community input, but whose main function would be to advise the State superintendent regarding selection of community leaders who would constitute the new board of education. Once appointed, the new board would function under direction of the State superintendent, and after the second year of the State control, that body would function once again as the local school board.

These issues involving denial of due process, that are present in the present law and the denial of the right to appeal are very complex issues, and so out-of-character with the fundamental intended spirit of the Constitution to protect individual rights, that we cannot support the inclusion of sections 10 and 11 in the proposed legislation A-2927. These sections not only remove the four top people from their positions -- the superintendent, the business administrator, the curriculum director and personnel director, but also other professional central office personnel with district responsibility. In some districts, this could mean 20 or more people.

There is sufficient authority in present law to reorganize the district, to abolish positions, to transfer personnel, and to hold people accountable for obtaining high standards of performance. Where drastic measures are needed, the present law and existing code provide for such action. Let's use it.

Basic fairness to employees has always been a measure utilized by the Commissioner in judging cases before him. Even in extraordinary circumstances such as those proposed, the standard of fairness must not give way to expediency. If professional careers and livelihoods are at stake, then the process of evaluation must be examined in Levels II and III. If existing practices are not up to par, immediate corrective action should be taken to insure that our children have the best teachers, supervisors and administrators.

We support meaningful evaluation of all personnel at all levels, including teachers, principals, supervisors and central office administrators. Section 10 of A-2927 lacks any provision for evaluation. The current proposal ignores all elements of fairness, and paints the central office, administrative and supervisory personnel with the same brush of incompetence, ineptness and corruption. We can't believe that

this is true, and we don't think that this degree of unfairness is fair to youngsters either. Throwing the baby out with the bath water does not improve the learning process for children.

Another serious shortcoming of the proposed legislation is the lack of accountability at all levels. In our experience, fairness to children requires complete accountability at all levels, including the classroom. Persons given jobs for reasons of nepotism, political connections, patronage, etc., can create situations which have and will continue to prevent the best administrators from being effective in their jobs.

Do you know that some principals and supervisors never receive concrete assistance and recommendations from their supervisors to help improve performance? Do you know that in many districts, principals and supervisors are never permitted to participate in continuing education programs for professional improvement? Do you know that frequently, principals and supervisors' evaluations and personnel recommendations are set aside or overturned by their superiors?

In closing, let me repeat that PSA supports the legislation when it is absolutely necessary to resolve extraordinary problems that may exist in a few school districts. Let us remember that this legislation, if adopted, becomes the law of the land, so to speak. Therefore, in its final form, it must be consistent with all elements of fairness and due process. Where glaring weaknesses are in existence, they can and should be acted upon within the parameters of current law, and the Levels II and III process. Our young people shouldn't have to wait any longer. Let's put the teeth of district intervention into the code first, rather than wait for the lengthy process of this law to take effect. Our children deserve action now.

SENATOR FELDMAN: Assemblyman Palaia.

ASSEMBLYMAN PALAIA: Carl, just one question and one statement. Would you, in effect -- your organization approve of this legislation if under Section 10, we only included the removal of the four as opposed to-- You're asking for that section--

MR. MILLER: Not the removal of four. We're asking if that section can be removed. Our main thrust though, Assemblyman, is something needs to be done in Level III. By the time you reach the end of Level II, there's intervention there. Then move in and do something then. Evaluate everybody from top to bottom so there's plenty of opportunity during the monitoring process to strengthen-- I think Carl used "teeth" as the term. There's plenty of time then to move in and remove people from office, if necessary. Including those four top jobs.

ASSEMBLYMAN PALAIA: Including the four?

MR. MILLER: Right.

ASSEMBLYMAN PALAIA: You do understand that the State school superintendent that takes over, does have the right to rehire any of those people involved?

MR. MILLER: Right. We're saying that we would support this legislation only if the monitoring process was improved and into Level III, teeth was put into it, and if then it doesn't happen, we're saying if that proves to be unable to deliver a thorough and efficient education, then move in and take over. Then, yes, remove everybody, and that includes the principals after they have been properly evaluated. And also all staff people.

ASSEMBLYMAN PALAIA: Thank you.

MR. MILLER: Thank you.

SENATOR FELDMAN: Assemblyman Naples.

ASSEMBLYMAN NAPLES: Thank you Mr. Chairman. Carl, Joe sort of commenced the process of my questioning. You

mentioned 10 and 11. Let me phrase it this way. I have asked this of maybe seven or eight witnesses over two hearing -- or people testifying, would be a better word, I don't want to make this adversarial when I say witness-- But if we were to say, that when State monitoring becomes necessary, the monitor general will have exactly the same power the board of education has in instituting tenure charges, thereby, not abrogating or in anyway dismantling or abridging due process, would you then support the bill?

MR. MILLER: I think so. Yes, I would. Yes.

ASSEMBLYMAN NAPLES: Thank you very much.

MR. MILLER: I thing the reference there--

ASSEMBLYMAN NAPLES: I agree with most of the things you said about a principal. I experience a lot of the same frustrations. Could I say this real quickly? I just received a letter from somebody asking me for a letter of recommendation as a teacher. I started to read it over lunch and I stopped after hearing all of this. It's really brutal, I really tell you.

SENATOR FELDMAN: Any further comments? It was said when that teacher left, he was satisfied, you know.

ASSEMBLYMAN NAPLES: That's why I said that I'll talk to you Matty.

SENATOR FELDMAN: No further comments? I'll call upon our next witness, the President of NJEA, Dennis Giordano, accompanied by Dr. James Connerton.

D E N N I S G I O R D A N O: Senator and your Committee, the NJEA welcomes the opportunity to come before you this afternoon to speak with you about some legislation that clearly has some far-reaching impact on the school districts in the State of New Jersey.

Dr. Connerton and I will be sharing this presentation in an effort to move swiftly yet thoroughly through our testimony. While we may, be perhaps, less passionate in our

delivery, we will certainly not be any less cogent or accurate in our facts.

Let me begin. The New Jersey Education Association has long recognized the State's responsibility to make sure that each child receives a thorough and efficient education. That responsibility, a part of the New Jersey Constitution, is what led NJEA to support the landmark Robinson vs. Cahill school finance lawsuit.

We believe the State must do everything in its power to make sure the best possible education is offered each New Jersey public school student.

NJEA does not believe new legislation is necessary. The authority to intervene in local school districts has already been vested in the State Board and Department of Education. However, the Commissioner of Education has been quoted as calling for clarification of the law to prevent long and costly legal challenges whenever the State decides dramatic action such as direct intervention is called for.

Also, some argue that this proposed legislation will help develop a broad-based consensus validating the State's right and need to intervene on behalf of the citizens, especially the school children. NJEA can accept such clarification and consensus building as valid goals.

We see no need, however, to expand the State's power overriding the statutory, contractual, and traditional rights of our school districts, our communities, or our school employees.

Characterized as receivership for districts found to be in educational or administrative bankruptcy, the legislation as proposed, actually creates an autocracy which would exacerbate problems, not alleviate them.

NJEA recognizes that certain school districts have failed to meet the State's certification standards and may not be providing the thorough and efficient education needed by New

Jersey's children and required by our law. Many of those districts are in our poorest urban centers.

The causes are many. A principal cause is that the State has not lived up to its responsibilities to ensure a thorough and efficient education for all our children. The key example is the financial neglect visited on these districts by the State, as the ability to raise revenues locally diminished through the years.

Further causes might include fiscal and programmatic mismanagement and political interference. Example: cutting budgets to save tax rates, applying increases in education support to reductions of municipal tax rates, etc.

Finally, the declining socioeconomic status of the population combined with all the other negative influences of poverty, have allowed -- yes, even accelerated -- the decline of some urban school districts. Perhaps direct State takeover of these deficient school districts can have salutary effect on improving education.

NJEA agrees that education, by our Constitution, is a State responsibility and that the State must be prepared with a comprehensive and systematic response to those few districts that are unable to achieve certification of their own as the Department has commented.

From the same logic, it may be argued that, if the members of a local board of education have not met their responsibility for the effective operation of the district, it is appropriate that they be forced to relinquish their governing powers immediately upon the State Board of Education's vote mandating State operation of a local school district.

In short, there is nothing overtly wrong with the approach or the rationale of the State's original document. NJEA's responses concern scope and implementation.

NJEA can recognize that a State district superintendent, as called for in the State's plan, needs broad powers. But to give that one person the power to hire and fire, make all decisions, set all salaries, tax the local community, etc., etc. is to create dictatorship controlling the schools, all school personnel, and in large measure, the entire community -- at least its ability to raise revenue. That is simply too much power in one single pair of hands.

Finally, the powers of the superintendent, the repeated references to "notwithstanding any other provision of law of contract," the disenfranchisement of the teaching and supportive staffs from even an advisory capacity, and the abrogation of employee rights, complete with abolishment of positions, terminations, and so forth, without meaningful appeal, but including the public embarrassment and destruction of careers, make this a move to complete authoritarianism. It establishes something close to martial law in the schools and community.

Yes, strong action is needed to protect the rights of our children. No, the State must not be permitted to simply cancel law, contracts, due process rights, and the citizenry's ability to govern and tax itself. These powers must be tempered if the State intervention plan is to be supported or is to succeed. To that end, NJEA does have suggestions which, if included in the bills, would accomplish the purposes of State intervention while retaining the rights of the local school district, the local community, and school employees. These changes would make the bills supportable by NJEA.

Without going into detail in this forum, at this time I'd like Dr. Connerton to categorize our concerns by topic.

D R. J A M E S P. C O N N E R T O N: You folks have asked for very specific suggestions for changes in the legislation. I'd like to outline ours and I'll tighten up what we have here in the interest of time. You have been very

patient and you do have our written testimony to which you can refer.

With respect to fundings, throughout the proposed statutes all costs associated with a State intervention would be borne by the local school district and community.

NJEA believes that in your legislative proposal, all references to cost being borne by the local school district should be altered to indicate that the State will pay for its own programs and mandates, as well as, for programmatic or facility changes that will be needed to qualify the district for certification.

With respect to the issue of due process, you read the statutes, and the proposed statute deals with circumstances arising after at least five years of monitoring and investigation. The Commissioner has said, in some instances, they've been monitoring these school districts that are in deep trouble for as many as 10 years and they are not going to move in without that kind of long protracted study.

Given that fact, NJEA believes that it's incumbent on the State -- not the local district -- to prove its case before moving in. Having been through all of that process, the State should bear the burden of proof. You shouldn't have to be proven not guilty, they should have to prove you are guilty, and they have a track record to demonstrate that.

With respect to the issue of maintaining the local school district, the phrase "creation of a State operated school district" clearly implies the destruction of the existing school district as a corporate entity and the creation of a new corporate entity. We believe that to be wrong because it violates the State's own concept of bankruptcy. Corporations in bankruptcy are not required to dissolve and reincorporate; they reorganize.

With a completely new entity in place, the status of labor agreements is severely and unjustly jeopardized. You're dealing with a new entity. There's grave question as to

whether any contract entered into by the former entity would be enforceable.

Any legal and contractual obligations, not just labor contracts, would be dissolved when the local school district is dissolved and some new entity comes into its place.

We suggest altering the language to read, "mandating State control of the operation of the district" in place of the words "creation of a State operated district," may not seem like a significant change, but it's a very significant change. That would retain the corporate entity that is the local school district. It would protect school district employees from abrogation of their negotiated contracts.

At the same time, it would fulfill the State's bankruptcy concept by placing the district in the hands of a receiver, a state appointed chief executive officer. And it would allow the State to completely control the governance of the district and thus its administration.

With respect of the job title of this person -- some people have called it bizarre and Cooperman has acknowledged he would accept that term. The language in the contract is, "State district superintendent of schools." As outlined in the State's proposal, the State district superintendent of schools would have all the power and authority of both the board of education and the administration. As Dennis said earlier, we believe that's too much unfettered power in the hands of a single individual.

We suggest the term "State-appointed chief executive officer" which we believe carries out what we think should be the State's intent. The governance of the school district would be taken from the school board members and given to the chief executive officer. The chief executive officer would become, in effect, a board majority of one having the power to hire and fire or suspend and bring charges against anyone in the district, to develop or repeal policies governing the

operation of the district, to restructure the district, to develop the budget, to control the curriculum, and so forth.

Now, to believe that one person can accomplish that and still carry out the day-to-day operation of a school district without the help and advice of an experienced superintendent and administrative staff just runs counter to any ideas of sound education or management practice. And if you take it out of the public sector, and move over into the private sector, you're talking about taking the whole board of directors of the corporation, including the chairman of the board, plus the president or the chief executive officer rolling them all into one and saying, "here, it's yours." It might work with a mom-and-pop operation; it will not work in a sophisticated system, either in the private sector, or in the public.

With respect to the issue of due process for school employees, in our view, the sections calling for blanket abolishment of all central administrative positions and establishing the process for dismissal of building principals must be deleted in their entirety. The blanket abolishment of all central administrative positions slays the innocent along with the guilty. I know that point has been made a number of times before, but you ought to think about that. You're destroying careers here without any regard to what's taking place in the monitoring report, which might show that some of these people are working against very difficult situations in an attempt to be successful.

If the State, in its five, eight, or ten year study, has done an effective job, the results of that study should be used in determining how much restructuring the districts actually requires. Don't just paint them with a broad brush and wipe them all out. After eight or ten years of looking, you ought to know what you're talking about very specifically.

If the State's investigations have not been that successful, why should we believe that they would be any more successful in bringing about improvements than the local officials have? If they can't pinpoint the problems after five or ten years of monitoring, we have very little trust that they would be successful in moving it.

The five or ten years of State monitoring should make it a simple process to remove any individual employee following the tenure statute. The school district already has the right to abolish whatever positions it finds to be superfluous. So the power to deal with removing incompetence or abolishing unnecessary positions already exists.

Now, we've heard the claim made by the Commissioner that the compliance with the tenure statute would make the process too long and too costly. We would argue that that fails for three reasons: The State has repeatedly claimed that it doesn't want to move in a peremptory manner. The five to ten year monitoring period before intervention takes its time. It spins its way out. Why at the last stage can there be any justification for insistence on speed at the expense of individual rights at that level?

The same long monitoring investigative process, much of it conducted by State Department of Education staff, should, if it's done well, provide whatever documentation is needed to bring tenure charges against individuals.

The State has spoken of the possibility of referring certain problems to law enforcement agencies during the earlier monitoring. Surely, if the monitoring goes that far into individual job performance and integrity, it must develop enough documented evidence for a tenure hearing.

With respect to the expiration of time, there is nothing at all stopping the State from accelerating the tenure hearing process in these instances. Currently, a tenured employee may be suspended without pay for 120 days. The State

could provide an emergency hearing officer to concentrate on cases arising from the State intervention emergency, which we have been assured is not likely to involve a great number of schools districts. There would be no reason at all why any due process should take longer than 120 days suspension period.

In our view, the sections on dismissal of principals, as well as the proposed abolishment of central administration are a complete abrogation of the employment and tenure rights of these people.

The sections abolish all central administrative positions even if monitoring indicates problems only in certain areas, thereby, executing the innocent along with the guilty. Abolition has another effect and we scurried around it here, but I think we might as well put it right out on the table. The central office administrative staff-- When you don't go in with a rifle and say, "We can prove it. You are inefficient, ineffective, incompetent, you haven't been doing your job!" If you don't do that and you just wipe everybody out by abolishing positions, you create the opportunity for the individual to bump down. If you fire him or her, they're gone. You abolish the position and they all bump down. You haven't accomplished anything except to say, "We know some of you aren't doing the job. But we're going to wipe all the jobs out. We're not going to escalate this and pinpoint where the problems are. Everybody goes." You cover it up again. The paper gets bump and it gets swept under the rug and all of those people keep their jobs. And where do they go? They bump down the scale. And who do they bump? They bump the building principal. Who does he bump? He bumps the teacher. Who do they bump? The bump down the line until out the door goes the bright young people we've been trying to attract by improving starting salaries. That whole concept of moving in by abolishing positions to a cynic, could seem like a way to paper over the situation, save a job through the central office people by

allowing it to flow down into the system. It's an unwise thing to do.

With respect to the status of new hires during intervention-- As proposed, the statutes limit the jobs of newly hired administrative personnel to the period of intervention. We believe that those provisions should be eliminated. When new employees are brought in to help rebuild the school system, they deserve a measure of job security. If they are to be effective employees, and we will expect them to be leaders in the districts. In fact, they should not be open to charges of being no more than carpetbaggers or headhunters brought in to do the State's dirty work.

We believe that any new staff should be hired on a permanent basis and not as temporary or stopgap employees. To hire on a temporary basis is to force the district to again restructure itself once the State appointed chief executive officer and his or her staff leave the district. That weakens the hope that any improvements made during the intervention will be permanent.

With respect to local community input, the only real measure of community involvement provided in the proposed statutes is contained in the sections calling for appointment of a 15-member citizen advisory committee to meet with the State appointed chief executive officer on a monthly basis.

NJEA believes that, at the least, those meetings should be subject to the Open Public Meetings Act. They should not be a charade with puppets on a string meeting in a closed room with whatever you want to call them -- a czar, an emperor, or the chief executive officer of the district.

In a nutshell, those are the reservations we have about the bill. If we can reach some accommodations -- we'll be working hard with you to do that -- we believe we can support it.

For the sake of patience, Dennis has a few words of summary we'd like to give before we get out of here.

MR. GIORDANO: Thank you. In conclusion, may I say that, when asked why he wanted this legislation enacted into law, Commissioner Cooperman's quote was, "So if the issue of State intervention goes into court, we won't be arguing in court whether I have the power to intervene, but we will be arguing the facts of the case -- that is, why shouldn't we intervene?"

He wants, if the quotation is to be believed, clarification of the State's authority in cases where a school district cannot or will not work to achieve State certification. NJEA believes the State has all the authority it needs to intervene under current law and regulation. If, however, clarification is needed, new legislation may well provide it.

The State's intervention proposal goes well beyond clarification: It destroys the existing school district and places all power in the hands of one appointed administrator. The State's proposal goes well past the authority needed: It goes well past the authority that should be granted in a representative democracy.

If accepted, NJEA's suggestions temper the State's proposals. They require the State to prove its case against the school district before proceeding with its intervention. They ensure the continued existence of the local school district. They save the employment and contractual rights of the school employees. They mitigate the singular power of the State appointed chief executive officer while still allowing great latitude to make changes in the district. And they require the State to bear the cost of the changes in district operations that the State is requiring, saving local funds for the local educational program.

At this time, I'd like to thank you all again for

hearing our testimony. We would urge you to consider our recommendations as you continue to deliberate this issue. Be assured that our NJEA lobbyists will work with you to develop more detailed amendments in any way we can. Thank you.

(Due to poor tape quality, during the next few minutes of testimony, portions of sentences were inaudible.)

SENATOR FELDMAN: Thank you very much gentleman. Assemblyman Naples has a question.

ASSEMBLYMAN NAPLES: Very quickly--

SENATOR FELDMAN: Always quick questions, right Gerard?

ASSEMBLYMAN NAPLES: Very quickly. It's very (inaudible) for a professional educator not to make a lot of comments, and I mean that, and to be deeply interested. And everybody else is here. But first, Dennis, you wrote a hell of a column on Sunday.

MR. GIORDANO: Thank you.

ASSEMBLYMAN NAPLES: And Senator Ewing and I have been talking about him introducing a bill. I'm talking about introducing the same bill. Concurrently, my colleagues in the 15th District will love that, but let's let that go.

SENATOR FELDMAN: Encapsulate editorial--

ASSEMBLYMAN NAPLES: Let's call it bipartisan, alright?

DR. CONNERTON: I'm delighted that you enjoyed it.

ASSEMBLYMAN NAPLES: Jim, I've agreed with you on a lot of things. We had a lot of cocktails at NJEA functions and what have you.

SENATOR FELDMAN: Oh, that puts us in bad light now to be talked about--

ASSEMBLYMAN NAPLES: I'm fully sober now as you are. We talk about problems in education. Let me digress. My aide, Melanie Schulz, and I, and 15 others (inaudible) Teachers' Union were talking about a day I had at school yesterday. I spent all but a half-hour that day in compliance and "accountability," and one half-hour with kids and teachers.

At 5:30 this morning, I was writing an amendment to a 417 Form and I won't go into that. Those of you who are into education know what it is. I called my school psychologist at 6:30 to finish that up. We're spending less and less time on the kids. We have school vandalism going up, school crime going up, scores going down, yet we talk about not doing something. I don't whether this is the form we should take. But, damn it, we've got to do something.

I haven't made up my mind on this legislation yet -- believe me. But something is wrong. Something is radically wrong with education in this State. And whether a monitor general does it or a board of education does it -- many boards of education have not done it in a lot of cases -- something has got to be done. And for my in-service, I had to scrap my in-service and read off stuff from downtown yesterday, when I could have talked about education (inaudible) and that impacts my teachers and I don't speak for myself, I speak for a lot of principals. Who does it impact? It impacts the kids. What do we do here?

DR. CONNERTON: What we do is--

ASSEMBLYMAN NAPLES: (Inaudible) emotional about it but I am.

DR. CONNERTON: It's hard not to get emotional. We have an (inaudible) Commissioner with a hand picked staff. He's not the new kid on the block anymore, he's been around for a while. And the pressure is beginning to mount. When are we really going to see some changes here, as opposed to spending all kinds of money and resources on what you are talking about?

ASSEMBLYMAN NAPLES: Let me ask you this--

DR. CONNERTON: Let me go beyond this.

ASSEMBLYMAN NAPLES: Excuse me.

DR. CONNERTON: The powers exist now. They should have been used before. It's time to get on with it. Not to say, "I can't do it because I don't have enough power." Get in

and do it. The power exist. Get in and do the job. That's what we should be doing right now.

ASSEMBLYMAN NAPLES: Let me ask you the same question that I asked Carl Kumpf and Hank Miller before when they testified for the PSA. If we were to delete 10 or 11 and the monitor general has the power and legislation has to be introduced to speed up the tenure process without abrogating or abridging due process, that's another matter entirely.

But if we deleted those sections to provide that a monitor general could institute tenure charges after (inaudible) changes had been made, and due process -- you can't protect it. Would you support the bill?

DR. CONNERTON: We outlined our concerns. That's one of them.

ASSEMBLYMAN NAPLES: You would?

MR. GIORDANO: As you just described it, absolutely.

ASSEMBLYMAN NAPLES: Okay. I just want to make it succinct, not that your statement was laborious or tedious. It was very, very well-phrased. But I just want to sum it up.

DR. CONNERTON: That is not, however, the singular change. What I said was--

ASSEMBLYMAN NAPLES: But for me it was one of the singulars. I can vote on this.

SENATOR FELDMAN: Thank you very much gentlemen.

DR. CONNERTON: Thank you.

MR. GIORDANO: Thank you.

SENATOR FELDMAN: Dr. Harry Galinsky has been very patient. I just want him to yield for 5 or 10 minutes and then he'll be next. Following next is Anna Taliaferro. Is she here? Let's go on then.

ASSEMBLYWOMAN GARVIN: Anne, they called you.

SENATOR FELDMAN: This is your rabbi up here and he asked for it. Dr. Galinsky will be next.

A N N A N. T A L I A F E R R O: Good Afternoon. First I'd like to thank you for the opportunity to (inaudible) and I'd like to clear the air. I am, by profession, a school community public coordinator for the Paterson Board of Education. I am a parent advocate and child advocate at every level. I bring you greetings this afternoon on behalf of the parents of Passaic County Vo-Tech for which I am Vice President of the Parent Teacher Student Association. At our high school level, we feel that it's not just PTA or PTSA. I'm giving you my personal antidotes so you will have the understanding of how we think as parents.

I have children ranging in ages from 27 to 18 with the youngest graduating in June of this year. And I'm the grandmother of three with one of those three now in the public school system. We do appreciate the opportunity to share our views concerning State-operated districts.

Too often, we as parents have been lulled into thinking parent involvement is what school officials desire. Instead, we quickly learn if we dare become partners or speak out on issues and/or problems concerning our children, we stand in danger of being arrested, labeled, shut out, and at times, given employment or positions to keep quiet.

And I'd like to give an example. Just last year I had a call from a parent who came to school to see about her child whose teacher had said to him, because he had gotten out of line, to kiss her behind good-bye. When reporting this to his parent, she came to school to find out if this was the truth, and if it was, what were the school officials going to do about it? And if it was not true, and he said something erroneously, she would take care of him. Instead she was arrested for daring to speak out.

From the time she entered that door, the school officials met her at the door and they also had enough (inaudible) two social workers and a guidance counselor, that

at no time was she guilty of the charges that were presented against her (inaudible) the person of this teacher.

Let me call one recent example to you. If you have not been (inaudible) national television, you need to be aware it. And I was threatened by even coming here today to dare speak out (inaudible). But if this job does not remain after today, I still have five children and three grandchildren (inaudible) situation in the world today. And I don't want to lose any of my children or grandchildren to crack or any other of society's illnesses that exist.

We have parents who wanted to meet the Secretary of Education. He came to East Side High School in Paterson, New Jersey. And the reason I know is, I might have the advantages (inaudible) because I was there and I watched. The parent was standing beside me drinking a cup of tea and eating a cookie at which time some law enforcement agents came up to the door and ask this parent to leave. She replied, "Why do I have to leave? I'm here to meet with the Secretary as well." She was told that, "You was not invited to meet with the Secretary of Education, and therefore, you must leave." (Inaudible) the information to you.

She was threatened with arrest because she wouldn't leave and she had never opened her mouth. She was not unpeaceable. She was told along with everybody standing there that she had a bomb under her headpiece that she was a "Khadafyite," and (inaudible) Secretary of Education. This came out of the mouth that we call a professional educator. I want you to understand that when you are sitting here talking about State operated districts, we are at the brink of our patience with that kind of education, and I go on--

Additionally, our concerns are shrunk in subtle ways and shelved on behalf of a system that lacks a sense of commitment and values that do not share the bottom line with us to help develop our young.

If I sound emotional, I am emotional. I represent to the Legislature (inaudible) whose parents are intimidated by the system who will not speak out on the ills that their children are faced with. As a matter of fact, only God knows why I've been chosen and I will never be intimidated by a system that does not look out for the young people.

For the most part, we send our young persons to our public institutions believing that our schools will assist us in embracing a spirit of hopefulness and learning, crucial for sustaining the skills necessary to produce a well-rounded youngster who is capable of functioning in the real world and in any direction of their choosing -- as keeping (inaudible) will help determine much of what will be for the survival of our future, both professionally and individually.

We as parents have learned and are very much alarmed that too often prerequisites accompany the system our children are in. With politics, patronage, and power designed to determine the future of our young, the balance and corrosion between individual interest and public interest outweighs quality education at all levels.

I will bring you another personal tragedy. Last year, we had a young man who was 17 years of age who appeared before the Paterson Board of Education. He was upset because he was suspended from high school. And he didn't understand why. His teacher had been suspended from class and he merely wanted to know why his teacher had been suspended. The teacher was suspended and he went to the administrator to find out why his teacher was suspended. Because he dared to ask the question, he was then suspended for five days. He came before the Paterson Board of Education and he pleaded with them to please let someone talk to him because he didn't understand what was going on with his life. He did not have a father; his mother was dying of terminal illness. He sat there and the board of education sat there and they listened to that gentleman and

nobody lifted a finger to help that person. Some three days later, that same teacher that they had suspended found the young man huddled in the corner of his apartment with no heat -- the gas jets wide open, ready to commit suicide.

Where are the morals, the values, and the commitments of those board of education members, where someone can stand before them and beg out and plead as to the directions of their lives? And you have a board of education who sat there and threatened to sue that young man because he dared to find out what was going on with his life.

Nobody, ladies and gentlemen, lifted a finger. And when we organized the parents' coalition (inaudible) with those kinds of incidents. I wish that we could bring this young man before you. He is now a freshman at Rider College. He is there on an academic scholarship and he is a very articulate young man that you will be proud to have in your presence.

These are the kinds of young people in the City of Paterson and at Passaic County Vo-Tech that we seem to be turning away. We as parents are no longer going to sit and tolerate those kinds of things. While there are very few of us, we still hold that board responsible for his quality of education. And if it be but one person standing up there, they cannot negate the right to educate our young people.

Yes, we are aware of the societal ills that exist such as the increase of crime in our neighborhoods, accelerated drug usage, teenage pregnancy, inadequate housing, single parent-- I have been a single parent for over a decade. And we do understand that our schools need refurbishing, new schools need to be built, overcrowding of classrooms needs to be eliminated, programs need to be looked at.

Yet on the other hand, we cannot use these situations as crux not to do what is best for our young. We have a saying where I come from, "Use what you have to get what you need and ultimately it will be yours." We're not asking for handouts by

demanding quality education be accessible to and for our young. We serve to say, "If you give our young people a fish, they will eat for a day, but if you teach them to fish, they will eat for a lifetime."

We recognize that our urban superintendents are not superhuman. We as parents have watched good administrators and teachers leave our system, or shrink into positions of what will be will be, because they have been left without avenues to pursue or ways to speak out against those issues and concerns that frustrate them.

We are not unrealistic in believing that the State has all the answers. God knows that there have been times as parents when we've called on them, and they have turned a deaf ear. Nor are they a panacea. And we do recommend that some additional checks and balances be included in the already pending legislation. Or either the creation of the community advisory board needs to be looked at very carefully. Minority representation, not only on the State Board of Higher Education and the State Board of Education, but in the Commissioner's office and in the county offices as well.

We as parents do not take lightly the democratic principles on which our nation was founded. We know the backbone of our country is public education with quality, thorough, and efficient standards being the key to freedom and justice for all. But we also realize that for our school district, State intervention is that much needed drastic step that would serve to remind those of whom we entrust the lives of our most precious possessions, which is that of our young, must continue to operate in assisting us parents -- and I use the words assisting us parents -- in making our schools effective and our youth empowered with enough smarts to deal with any given situation in a most positive manner. To these truths we unwaveringly accept and acknowledge State intervention.

Again, on behalf of our PTSA and for my family, those that are biological and those that are community family, we thank you for this opportunity regarding our concerns on State intervention and school receivership.

I'd like for you to know that our PTSA is an organization designed to promote quality education and student achievement. We organized in 1982 when it was discovered that since the inception of the opening of those doors of Passaic County Vocational and Technical High School, they did not have one parents' organization in that school. That is criminal. Since our organization's inception, we have raised some \$3000 in funds donated to our young people so that they may pursue either a technical career or in an institution of higher education.

When our youngsters graduate from Passaic County Technical and Vocational High School, they are to come through those doors with double-edged swords. So if they want to pursue a career in vocation -- if they want to be a mechanic, if they want to be a plumber, if they want to be an electrician -- they still need the math, they still need the history, and they still need the science. You cannot go anywhere, ladies and gentlemen, if you don't know where you are coming from. Thank you very kindly.

SENATOR FELDMAN: You're welcome.

ASSEMBLYWOMAN GARVIN: Beautiful.

SENATOR EWING: Thank you very much. I'm glad to hear from a parents' group.

SENATOR FELDMAN: I recognize-- I thank you very much. If there are no questions-- I know you have to pick up a grandson. We'll have Dr. Harry Galinsky, Superintendent of Paramus.

ASSEMBLYMAN NAPLES: I'm very patient.

SENATOR FELDMAN: Yes, you get the gold star.

D R. H A R R Y G A L I N S K Y: I am going to give you the welcoming speech. I'm going to welcome you to the fair Borough of Paramus. As you know, Paramus is an Indian name for shopping center and I don't want you to leave this borough without shopping and spending a little money.

I want to thank you for the opportunity to comment on the proposed legislation, which permits the establishment and governance of a State-operated school district. At the outset, I want to make my position very clear. I endorse this proposed legislation and I urge its passage. I do so as a result of careful review of the proposal and extensive questioning of the Commissioner and members of this staff.

My support is also based upon experiences gained in a career which has included 22 years in an urban setting in Hoboken, 4 years in an urban/suburban setting in Morristown, and 12 years in Paramus. It's clear to me and to you that there are children at educational risk in communities across our State. And the existing conditions in some school districts will continue to exacerbate the problem for these children.

Although I do not see this legislation as the total solution to the problem of providing thorough and efficient education for all children in our State, I believe it is a courageous attempt to change the status quo that has existed for years in communities that are either unwilling or unable to provide the type of educational programs essential to thousands of children. These children are failing to achieve and lack the skills necessary to succeed in a complex society.

As a past president of NJSA, I'm aware of the concerns that have been expressed about the proposed takeover of school districts, and the potential dismissal of superintendents and other administrators in our association. As you heard today, the traditional approach for professional organizations has been to protect its membership, regardless of the merits of the issue.

I'm proud that the leadership of NJSA has the wisdom and courage to formally endorse this drastic bold but necessary last resort to the dilemma faced by administrators, teachers, students, and parents in some schools in New Jersey. This legislation will enable the State to intervene only after the lengthy reviews of continued failure. I'm convinced that the threat of intervention is enough to force some districts to make the necessary changes and provide a successful educational program for children.

Without this consequence available -- the State Department of Education -- we can all predict the continuation of the syndrome that is evident to many schools in our State. The threat of removal of certification is not a threat in some communities. You can be an uncertified community in terms of certification and not move people. But the threat of a takeover will move people. There should be no doubt in anybody's mind that the Commissioner of Education is not happily looking forward to the prospect of taking over a school district replete with massive problems. In fact, I contend this final step will be viewed at the last possible resort available after the district has been given every possible opportunity to make major improvements.

Let's not look at this legislation as that once in a lifetime chance that the State Department of Education has been looking forward to so that they can demonstrate how simple it is to provide good management to complex problems which will be solved quickly. Instead, it's an active resolve from the leadership of the State that understands that public education is a State responsibility that cannot be ignored under the cries of home rule. Education is the State's responsibility and delegating its responsibility to local communities does not permit the Commissioner or this Legislature to ignore the negative consequences -- the children -- that the worship of home rule can produce.

There's no question in my mind that for the overwhelming majority of school districts, that home rule works and it works extremely well. But when it doesn't, what then? What happens when local priorities put children's education last and not first? What's your responsibility when the data's clear that there are educationally bankrupt school districts? You must act and then direct the Commissioner of Education to ensure that those children and those educationally bankrupt districts have a fighting chance to succeed. I would say, "Give the Commissioner the power and the authority to act." To do less would be perceived as a lack of resolve from the leadership of this State.

Finally, my support of this is not an indictment on the quality of leadership available in these school districts. We have many capable, competent superintendents and administrators who are and have been thwarted in their attempts in school improvement by the political forces that control the decision making process. I would hope that the removal of superintendents and administrators could only occur when the State Department of Education is convinced that they can no longer effectively serve, given the existing conditions.

This legislation may not be the best solution to our current crisis. But it contains a dramatic message that business as usual is not acceptable when business as usual is bad business for children.

Finally, I urge you and your staff to look carefully at similar legislation that has been implemented in both Kentucky and South Carolina since 1984. Significant changes have taken place without the necessity in one district in those two states of takeover. But the mere threat and power available has caused change in those districts.

You've sat here today and you've heard what can be summed up in one word as "power." Every sector who has spoken represented a constituency which was with significant power and

influence -- administrators, school boards, various associations and interest groups. There's one major group that presently is powerless and who has everything to gain and everything to lose if you don't act. They are the children of our schools. I submit that given certain situations the State has the responsibility and the obligation to do something. I urge you to support the legislation so that children will prosper in every school district and building in this State. Thank you.

SENATOR FELDMAN: Thank you, Harry. I have a question. It was a very passionate presentation. What I'm not clear about, not your stand, but here we have the New Jersey School Boards Association coming in and having very strong reservations on the bill, and you as one of the highly, respected superintendents in the entire State comes out for the bill. Does your Paramus Board of Education concur with your feelings? Have you ever discussed this with them?

DR. GALINSKY: They certainly do. And I think that you will find a difference between the issue that was raised by Mr. Reid, whom I respect tremendously, and the many feelings among the board members in there. I don't disagree that he represents clearly what the governance of his organization speaks.

But I think the issue of the Commissioner having the existing power that you could place a monitor general into a situation, can only be dramatized by the experience that Tony Catrambone had in Trenton. I mean, that issue of the board challenging his right on every issue paralyzed any action in that district. And if we were to follow the suggestions made today, I would predict that you would place a State superintendent in there or a monitor general with an existing board of education and you would have a conflict situation develop in which you would paralyze-- You would have a constituency looking to the board, another constituency looking

to the superintendent and saying, "Where is the real leadership? Stand up." I think that situation must be addressed.

I also agree with the fact that I don't think that process should go on for any lengthy period of time. We must get back, but we ought to be able to prove that a management system that directs funds and activities directly to kids can take place. And I think we have that capability.

SENATOR FELDMAN: Yes, Assemblyman Gerry.

ASSEMBLYMAN NAPLES: You mentioned Tony Catrambone. I said at the last meeting that on three or four occasions -- and I've mentioned on two specifically -- that he saved my rear end as a principal with the respect to actions I'd wanted to take at my school from -- I would call them -- marauding board members. But let's go back to the issue of monitor general and not Tony Catrambone or anybody in particular.

If this legislation were framed in such a way, and I'm leading up to something here -- a lot of you probably figured it out-- If this legislation were framed in such a way that a monitor general could institute tenure charges on his own, and I don't impute any blame or impugn any of these groups -- these vested interest groups. They are groups representing special interest or special people. They are all endemic to the educational process. They are concerned about their members and I understand that we work as a team. But if a board of education has its powers taken over by a monitor general, who can do -- as I keep saying, running the risk of boos in Atlantic City in two weeks what a lot of boards don't have the backbone to do, and institute tenure charges with due process. Would that be amenable to you?

DR. GALINSKY: Oh, absolutely.

ASSEMBLYMAN NAPLES: Thank you.

SENATOR FELDMAN: No further comments? I thank you very much.

DR. GALINSKY: Thank you.

SENATOR FELDMAN: Is the Rev. Robinson here? Is he still here? Apparently not, so we'll continue on. Dr. Wayne Threlkeld from the Hopatcong School District, is he here?

MEMBER OF AUDIENCE: He was here but he left after Senator Ewing.

SENATOR FELDMAN: All right, good. Dr. John Grieco, Superintendent of Bergen County Vocational Technical School.

ASSEMBLYWOMAN GARVIN: Is he the last speaker, Senator Feldman?

SENATOR FELDMAN: Is he the last? There are three more after Dr. Grieco. Is Pietro Petino here? (Positive response.) Dr. Nathan Wright and Vera Ames? (Negative response.)

ASSEMBLYMAN PALAIA: We have one more.

SENATOR FELDMAN: All right, John?

D R. J O H N G R I E C O: Thank you, Senator. Thank you for the opportunity of giving me a chance to speak on the behalf of vocational education and this proposed legislation. I come here today as a minority -- a minority superintendent -- representing a minority group of educators in this State dealing with a minority group of children in this State.

But one thing that I want to assure you is that the vocational technical educational effort in New Jersey has real kids -- real kids who have real needs. My fear in this proposal is that if it's passed without the amendment which I will discuss with you in a minute, it could eliminate secondary vocational technical education.

If I could spend a minute or two just reading this short presentation, then I possibly can discuss some of this with you. The Bergen County Vocational-Technical District has followed closely the proceedings relating to the proposed school intervention legislation currently being promulgated by Commissioner Cooperman. It is my opinion, as Superintendent,

that such intervention may be appropriate when the progress of quality education for all children is impeded.

My purpose here today, however, is neither to discuss the general form of the intervention legislation nor to comment on its philosophical base. My purpose is to discuss the impact of imposing Level II monitoring on a vocational technical school district as a result outcomes of low performance on the High School Proficiency Test as a measure in the ninth year.

That's critical. We received a letter from Commissioner Cooperman that the intent of this legislation is to decertify a vocational-technical school at Level II monitoring on the results of a test in the ninth grade. Now let me continue why I believe that it's fundamentally unfair.

My comments come from a position paper attached, which you have with you there, which was prepared as an open letter to Commissioner Cooperman. In this paper, I have taken the opportunity to set forth a definition of vocational education that is consistent with its purpose.

As an alternative form and a minority form of secondary education, vocational education provides an opportunity for the development of both academic and trade skill proficiency. The paper that I presented to the Commissioner does not suggest, and I emphasize this, that vocational students be exempted from attaining basic skill proficiency as required by the High School Proficiency Test, but that vocational students be permitted to develop both academic and trade skill proficiency throughout their high school years.

To threaten Level II monitoring of vocational school districts on the basis of ninth grade performance on the High School Proficiency Test is fundamentally unfair. Such threat devaluates vocational educators who have worked with students for just -- and I emphasize -- seven months prior to the administration of this test. Full-time vocational schools are

county schools. We draw from the descending districts. We receive students for six to seven months prior to them taking the test.

To be threatened with Level II monitoring at that point where the children, who we've received, have just found the school, is fundamentally unfair. The inappropriate timing of the assessment dilutes the contribution of vocational education in this State.

My position paper suggests, however, that there are ways to modify the assessment mechanism which triggers Level II monitoring so that the unique contributions of vocational educators can be utilized to help students achieve their dual objectives of literacy and trade skill proficiency.

Student learning styles are not similar. Student abilities and interest are similar. All students can learn, however, and for many students, the vocational education alternative provides the motivation for learning and for achieving standards of excellence in academic subjects and in preparation for work.

We want vocational education to be recognized and to stand as a viable educational option for secondary youth in New Jersey. I do not object to this legislation. My fear is that it may create a monolithic education system in this State and its passage unknowingly may exclude an option. Therefore, I strongly advise the proposed legislation be amended to exclude full-time county vocational schools from Level II monitoring as a result of the High School Proficiency performance in the ninth grade.

My suggestions through the Commissioner which are in the paper suggest the 11th or 12th grade-- Our school district has a eight year history of taking students in at the 50th percentile in NBS and by graduation, getting them up to the 98th and 100th percentile in passage.

We have revamped the entire vocational-technical school program at Bergen Tech to address the High School Proficiency Test. Our belief is that it will work and provide an option for students who are not satisfied or are not getting from the local school district alternate type of education.

SENATOR FELDMAN: Thank you, Dr. Grieco. Any questions to Dr. Grieco?

DR. GRIECO: Senator Feldman, may I mention that the Bergen County superintendent in executive session this week approved a resolution for the general membership for all superintendents in Bergen County supporting the amendment?

SENATOR FELDMAN: The one that you just suggested?

DR. GRIECO: Yes. Thank you very much.

SENATOR FELDMAN: Thank you very much. Mr. Pietro Petino a school board member of Springfield.

P I E T R O P E T I N O: Ladies and gentlemen, that should also read Director of Organization, Newark Teachers' Union Local 481 AFT AFL-CIO because that's the other hat I wear. That's how I earn my living.

SENATOR FELDMAN: So, you are here as--

MR PETINO: I'm here as both. I'm an individual. I will bifurcate what I am going to say and I think I have to change what I'm going to say because of the misinformation disseminated by Assemblyman Thompson which has me quite upset. And I don't want this panel to walk out of here with misinformation. So, I'm going to add something--

SENATOR FELDMAN: Yes, I understand that you're here as a member of the AFT, as well as a citizen but your thoughts would be also the thoughts of the union that you are a part of. Am I correct?

MR PETINO: I'm going to-- In my capacity, as Director of Organization of Newark Teachers' Union -- just pose 10 questions to you, pass them out, and that will be the end of it. I'm also asserting my right as an elected official to take

a position, in terms of the State takeover legislation. I'm an elected member of the Springfield Board of Education. I oppose the State takeover legislation. I will oppose it if you attempt it in Springfield, which chances are you won't because it's a different setup with a different set of circumstances. You could fit 10 classes of Newark into the whole district of Springfield because we have 375 children. We spend \$6400 per child in Springfield. Newark spends a little over \$5000 per child. So sure, you'll never come into Springfield.

The opportunity for the Commissioner to come into Springfield was several years ago, and he didn't afford himself of the opportunity, because we were a district in five years of turmoil, a community totally split over a school closing. We were at each other's throats. Nobody bothered us. They left us alone to educate our children and to work out our problems. That's basically the message that I want to bring to you. You don't care about Springfield, because Springfield is a nice suburban community and we can deal with our problems. So, you are going to leave us alone and we will continue to do that. We have a fine district. I'm proud of it.

I'm just as proud of my 20 years I worked in Newark. Five in the classroom and 16 now, touring the schools -- working for teachers' aides and clerks. I see very, very positive things happening in Newark. It would be nice if this august body, along with the leaders in this State who set the standards for education would visit the Newark Schools. Because if you visit the Newark schools, you will find that many of the schools are fine schools. Many of them are excellent schools. People laugh at me when I talk to them at school board meeting and when I go around my community. There are schools in Newark I will match with the schools in Springfield. And I'm not saying that for show here. I've been saying that for years. They're excellent schools. The people in the schools are excellent. They work their butts off. The community; excellent. All right?

But you have to be able to see it first hand. Don't take Pietro Petino's word.

SENATOR FELDMAN: I think one of the witnesses did say that there are, I think, five or six good schools in Newark.

MR PETINO: More than five or six though.

SENATOR FELDMAN: I think, that's what I remember.

MR PETINO: Believe me. There are more than five or six. You're talking about the three magnet schools. And that's University High School, Science High School, and Arts High School. So, yes, they're considered the top schools.

But, I will also say to you that the people who work in the other 10 comprehensive high schools deserve a visit. Those people who work in the other 80 elementary schools, deserve a visit. Come on down firsthand before you decide to pass this legislation on a State takeover. Because I tell you, I guarantee you, I spent 20 years of my life in the City of Newark since I came out of college. I'm getting gray and old there. And if you pass this legislation, nothing will change. It's not going to make one bit of difference.

In fact, it may coalesce the community. Because in the crisis in Springfield-- Now I'm going to switch over. The only time the factions of which I was part of one versus the other -- coalesced -- was when the county superintendent tried to come in and tell us what to do. Then all of a sudden, the five-four split on that board became nine-zero. We coalesced together because home rule-- ³ And we didn't want someone else telling us what to do and taking away our authority. We wanted to work out our problems.

I'm not going to continue and go on and on because you've heard it all. Most likely, you're only going to hear an addition from me. But before I-- Just read into the record the 10 questions that I will pose as Director of Organization. Let me try and dispel misinformation. I did not see what you received. But when Eugene Thompson passes out, what I

understand to be, trips taken in the Newark school district and I don't know who he's claiming to have taken those trips-- That information was dealt with by the State Commission of Investigation. They issued a report. They issued recommendations. And for the past two years, all their recommendations have been met and have been honored. The Supplemental Fringe Benefit Fund has been given a clean bill of health. No one takes trips. No misuse of money. No nothing. I think that's important.

What I only implore and ask you is that if you have questions in terms of the Supplemental Fringe Benefit Fund, any questions raised as to what Mr. Thompson gave you, please ask me to come back. Because, presently for the last two years, I sit as the Chairperson of the Board of Trustees for the Supplemental Fringe Benefit Fund. That's my third hat -- an unpaid position for the last two years. I will be glad to answer your questions and show you anything you like. There's no misuse of funds. That's a heck of a charge that should be thrown out here and it's very troubling. So, before that misinformation goes any further, I offer you, I will be glad to come to you individually or again as a group and clear it up and be questioned so that doesn't impact on your thinking.

Finally -- I'm trying to be quick because I'm next to the last. I think there's one more. No? "Save the best for last," they always say, right? Alright, enter your questionnaire on proposed State takeover legislation-- Why don't we do this: Let me read it, because this way it's in the record.

One: Will the State appoint a superintendent to have the power to decide which textbooks shall be approved for use in the district? If so, and if he approves books that parents find objectionable, what recourse do they have?

Question two: Will the State appointee have new powers to deal with chronic discipline problems or will he have

to follow the same court rulings on students' rights that the local board is currently bound to follow?

Question three: What new teaching strategy, if any, will the State introduce in a district once it has taken it over?

Question four: Will the State appointee require students who failed the H.S.P.T. to repeat a grade level or levels in a district where this may happen on a large scale? How will the consequent overcrowding be handled?

Five: What policies does the State propose to combat the problems of drug sales and drug addiction in the vicinity of schools?

Six: Will the State appointee eliminate overcrowding in schools by ordering busing of students across town or even across district lines? If so, what about parents objections, re: students' safety, etc.? If not, how will this problem be dealt with?

Seven: Will the State Board appointee have the power to force eviction of local residents so that new schools can be constructed? A speaker was here basically to talk to you about a construction of a school in Vailsburg and the problems that were faced. If not, how will he deal with the problem of antiquated buildings of those in serious states of deterioration?

Question eight: Will the State appointee have the sole power to award contracts for electrical, plumbing, and other contractors, vendors, labor contractors, etc.? Will he be bound to follow the procedures of the New Jersey Sunshine Law in making these awards or will this be done in private? What safeguards will exist to prevent favoritism?

Nine: What will the posture of the State appointee be toward negotiating employees' contract? Will there be an effort to standardize employees' rights and benefits on a Statewide basis or will there be an effort to reduce rights and

benefits that conflict with State level objectives? You have to understand that AFT, which I'm a part of, we're like the Avis of the representation in New Jersey. See, we're second to the big, bad NJEA. So, we don't want to be eaten up by their political influence. You know, we don't believe in State bargaining because we want to bargain for ourselves.

Ten: From which part or parts of a board's budget would the cost of the State takeover will be paid? Salaries, instructional supplies, etc. I'm going to pass these out so that you'll have a copy. I'll appreciate it if you'll hold on to it and look at it.

Just one final thought. Very simply, sometimes I go into fantasy land as a person and I spend one night in Newark in a meeting and I spend another night in Springfield at a committee meeting and I go back and forth. I said to myself, "Boy, it would really be nice if what we were doing in Springfield, we could just move over and do in Newark." But again, that's fantasy land. Because it's like the "Tale of Two Cities." And that's why this legislation should not be passed. Thank you very much for your time.

ASSEMBLYWOMAN GARVIN: I have a question. And I know it's the last one. Sir?

MR PETINO: Yes, Ma'am?

ASSEMBLYWOMAN GARVIN: When you say that you want to do in Newark what you do in Springfield, and without taking too long, other than class size--

MR PETINO: That's 13 by 10 to 12 in Springfield. Just let me throw that in. It's important.

ASSEMBLYWOMAN GARVIN: What would you do? I mean, in other words--

MR PETINO: I'll tell you what I'll do. I'll tell--

ASSEMBLYWOMAN GARVIN: Listen. Let me finish the question.

SENATOR FELDMAN: Continue, Assemblywoman Garvin.

ASSEMBLYWOMAN GARVIN: Thank you, Sir. What would do differently if you had the power in Newark to bring it up to Springfield? Just a quick answer.

MR PETINO: If I had the power to do it? Well, first off, I'd have to-- What I would do very quickly, keeping aside reducing class size -- 13 verses 35 -- putting that aside-- I would also give our children in Newark the same education that my eight grade son is getting in Springfield and by whatever means it takes and-- You know what he's doing now? Two months out of the year he sits by a computer. The children in Newark don't sit by a computer. He has specialized math. He has specialized reading. He has art everyday of the week. He has music. He has shop. He goes to home ec. He has everything and anything that it's going to take to make my son survive in the world ahead. That's what I would do for the children of Newark because, and believe me when I tell you this, I believe they deserve it and somehow they have to get it.

But no one, no one has come forward. No Commissioner of Education in my 16 years has done what has been necessary to accomplish that thorough and efficient education. And I hate to use that term. But we were-- In 1975 when the Newark Board of Education was forced to cut out music, to cut out art, to cut out phys. ed., and to cut out shop and home ec., no one stood up but a handful of people in the community in the Newark Teachers' Union to oppose that. The Commissioner approved a budget that short-changed the children in Newark.

SENATOR EWING: That's when the board--

MR PETINO: Excuse me, Sir.

SENATOR EWING: That's when the board had cars and chauffeurs.

MR PETINO: The Commissioner has a car and a chauffeur.

SENATOR EWING: I didn't say that. I said that the Newark Board had a car and chauffeur.

MR PETINO: They do today.

SENATOR EWING: Well, that's very interesting--

MR PETINO: What's that mean? But what's that--

SENATOR FELDMAN: Let Senator Ewing make a comment if he so desires and then you can respond. Let's not have-- You know, you can respond to it.

SENATOR EWING: Your executive superintendent, what's his name?

MR PETINO: Mr. Eugene Campbell. He's not mine by the way, but he's the executive superintendent of schools under 3166.

SENATOR EWING: He runs Newark?

MR PETINO: He's the superintendent of-- Right. The school board runs Newark.

SENATOR EWING: He made a statement before this group that there are only two or three cars available for somebody who had to go in on business, that each board member didn't have a car and chauffeur.

MR PETINO: That's true. Well--

SENATOR EWING: Well, you just said that they all had cars and chauffeurs.

MR PETINO: No, I didn't say that. I didn't say that. There are three cars and three chauffeurs in the City of Newark. You're absolutely right. All I'm saying, and I'm not trying to disrespect you, I'm not trying to be argumentative, but the Commissioner of Education has a car and a chauffeur. But what does that mean? I don't understand what bearing that has on anything. My superintendent in Springfield has a beeper. He gets an auto allowance to travel around three schools that are within blocks of each other. He gets \$40 a month plus car allowance. Alright, what does that mean? I have no problem with it. Do you?

SENATOR EWING: I have a problem with the Newark -- maybe -- on how they spend their money. Yes, because the needs are with the children. That's why.

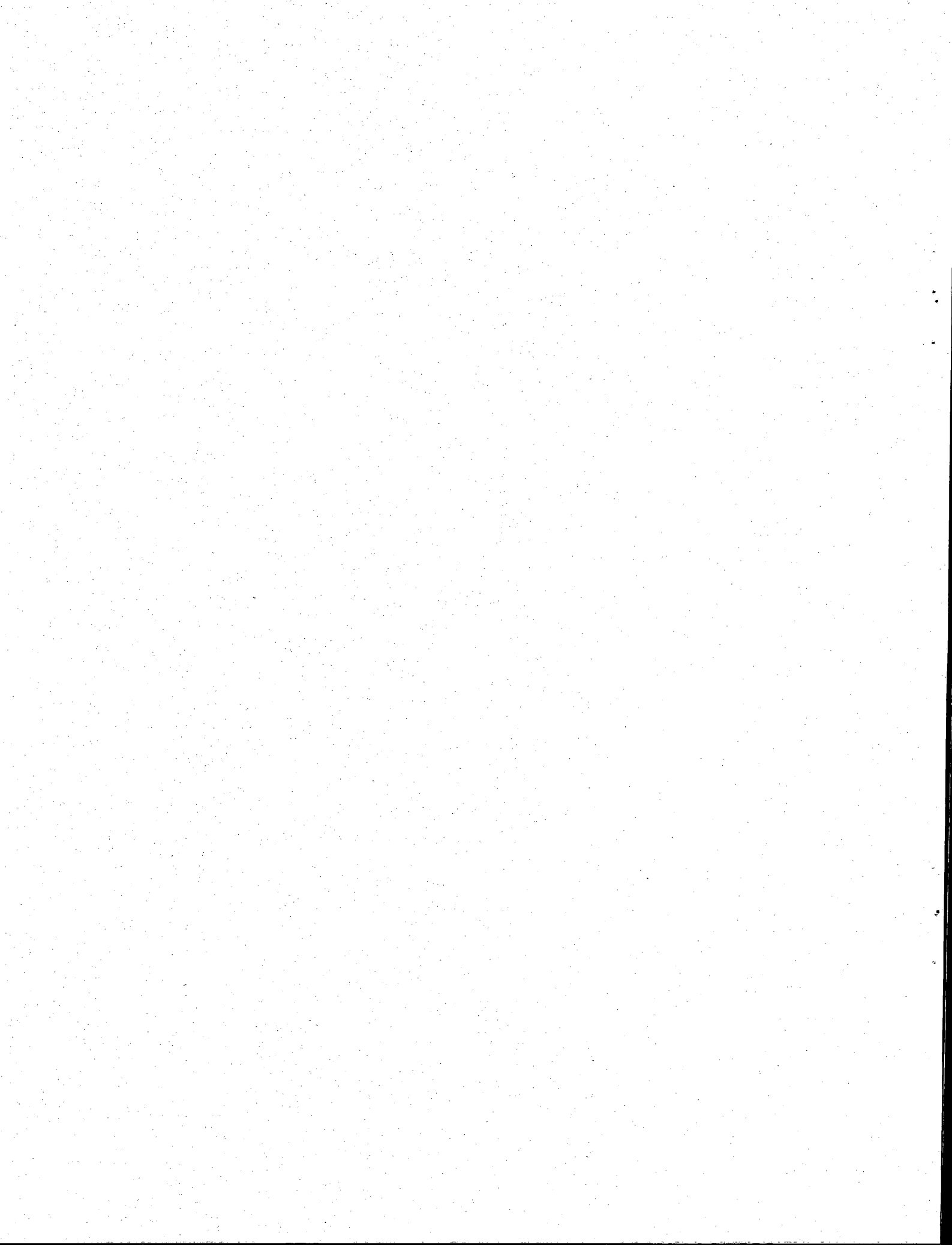
ASSEMBLYWOMAN GARVIN: Senator Ewing, may I interrupt? That happened 25 years ago when Mrs. Churchman was living. She has been dead 15 years. And I think you ought to take it off of your agenda, Sir.

SENATOR EWING: Well, let's put East Orange back on. That should get results.

SENATOR FELDMAN: Let's not get-- And with this I conclude our meeting. Our next meet will be October the 7th at Rutgers.

(HEARING CONCLUDED)

APPENDIX



September 25, 1986

Testimony submitted by Judith L. Macnow
Member, Teaneck Township Board of Education
1 Merrison Street, Teaneck, NJ 07666

to the New Jersey State Board of Education.

Subject: ESTABLISHMENT AND GOVERNANCE OF
STATE OPERATED SCHOOL DISTRICTS

I had hoped to testify in person at the hearing on the above matter held this day at Bergen Community College. Since I have been informed that only 25 persons would be allowed to address the Board, I submit, by this means, my testimony for consideration.

I agree that there is a point at which it is the responsibility of the State of New Jersey to step in to insure that a thorough and efficient education is provided to the students of free public schools; but there are a number of items that I feel should be addressed before such drastic action is taken.

Boards of Education in this state are hindered in a number of ways from providing the best possible education. The State Board realizes this because its proposal provides the means to overcome some hindrances, such as the tenure of superintendents, central office administrators, and principals. School Boards are also faced with the problem of teacher "burn-out" and the resistance of communities to pass sound financial budgets to raise the funds needed to provide an appropriate education for each child.

These items are not new or shocking, but they are ones that need to be addressed, and I feel that they should be addressed before the State takes the drastic actions proposed. Perhaps, with the elimination of tenure for administrators, and the substitution of long-term contracts (such as three to five years), Boards of Education would have more flexibility

in dealing with educational matters.

Since the thorough and efficient law was passed, education in New Jersey has not been fully funded. The State has not provided what the law mandated, which was to close the gap between the opportunities offered students by rich and poor districts. The entire matter of funding for education on the pre-college level has to be reviewed.

I am pleased by the proposal for review and advisory help for those districts that fall into the category addressed in the level three proposals. I am also pleased to see that there will no longer be an exclusion of compensatory aid for students who fall into more than one category of need. This has definitely prevented children from receiving needed services. I would also recommend that the eligibility for state compensatory education be defined so that it would include students who have just marginally passed the requirements and therefore would also act in a preventive manner.

I would recommend that no further mandated courses be required unless they are funded. The way in which educational funds are measured should not include those monies that are provided for teaching staff retirement benefits, but should be for direct services to students.

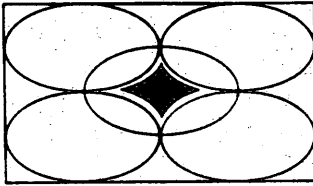
I am also concerned about the attendance requirements for districts which may have large special education student populations, because some of these students are absent from school for longer and more frequent periods than other children because of their disabilities. This is also true of districts with long-term staff. Unfortunately, as we all age, our bodies are no longer as resilient; therefore, stable districts with long-term staff may have statistics that are skewed because of these factors.

I am in favor of requirement that all appointments of teaching staff be made only on the recommendation of the chief school administrator. However, because many communities in our state are "bedroom communities" I would prefer that the criterion requiring involvement of business and industry in school either be eliminated or be optional.

I am delighted that consideration of raising the graduation requirements has been put aside for now. Since New Jersey offers only one type of diploma, the raising of these requirements could increase the number of students who drop out of our schools and might preclude them from participating in vocational and work study programs, in order to meet the criteria.

I wish that State Board of Education meetings and hearings were held in the evening hours, and at different locations throughout the state, so that more citizens would be able to give input for consideration on matters which come before the Board. Perhaps if this were done there would be a greater sense of communication between the public and the state on the important matters which you must consider and which concern all citizens.

Thank you for the time you have given me. My only regret is that, because of the limitation placed on public input, I was unable to address you in person.



Parents
Teachers
Children
Community
Administration

Hopatcong Borough Schools

Dr. Wayne L. Threlkeld
Superintendent of Schools

James F. Clark
*Asst. Superintendent
& Board Secretary*

TESTIMONY BEFORE THE SENATE
EDUCATION COMMITTEE AND THE
ASSEMBLY EDUCATION COMMITTEE
TO CONSIDER THE ESTABLISHMENT
AND GOVERNANCE OF STATE
OPERATED SCHOOL DISTRICTS

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

by

DR. WAYNE L. THRELKELD
SUPERINTENDENT OF SCHOOLS
HOPATCONG SCHOOL DISTRICT

September 25, 1986

I will first take the opportunity to thank you for permitting me to express my opinion concerning the proposed legislation for the establishment and governance of state-operated school districts.

The legislation under consideration here has been viewed by some as drastic.....intimidating.....intrusive.....unfair and even reactionary. Others, however, have called it timely.....sound.....purposeful.....and critically necessary to rectify long standing deficiencies in a handful of our state's public school districts.

Much of the discussion thus far has focused upon the political implications of state intervention.....with critics and supporters citing such action as evidence of a fundamental shift in the balance of power between state and local authorities. Critics claim it to be violative of the concept of local control, while supporters claim it to be the very heart of the concept of thorough and efficient education.

As a suburban superintendent in the Hopatcong School District, I can reasonably conjecture that this proposed intervention plan is something that will not involve my school district, nor the hundreds of comparable districts to mine operating throughout the state. The fact of the matter is that this legislation is extremely focused and potentially intended for a handful of predominately urban school districts, those which have evidenced decades of political oppression, educational decay and ineffectiveness in the delivery of cost effective services to their constituencies.

Obviously, the causative factors are as multiple as the cures. My purpose is not to malign these districts, nor their leadership, but to underscore the relative limitations of this proposed legislation.

Statements by critics that the state has a "John Wayne mentality" or that the intervention plan is analagous to "bulldozing shanty towns in South Africa" is sheer poppycock! What we are concerned with here is accountability.....and despite the point of view espoused by some.....accountability is not a "dirty word."

Ineffective management, poor administration, substandard facilities, and politicized boards of education hinder a child's academic and social development, and deprive him of those basic skills required to be competitive in society. What we have here gentlemen is a formidable challenge. If our intention is to improve the quality of our state's educational system.....then let us seize this opportunity and not get mired down with, in some cases, extraneous issues.

None of our state's nearly 600 school districts has yet been targeted for takeover. Those potentially affected, would be afforded ample opportunity through Level III monitoring, to devise a corrective Action Plan and more than 18 months to assure its effective implementation.....or at least to show evidence that reasonable progress has been made to rectify identified deficiencies.

I view this plan, not as a panacea to our problems in education, but assuredly a step in the right direction. I urge you to support this legislation, so that our state's largest and most important business, "the business of education," may be restored to good health. Thank you.

NEWARK TEACHERS UNION
LOCAL 481 • AMERICAN FEDERATION OF TEACHERS, AFL-CIO



30 CLINTON STREET
NEWARK, N. J. 07102

Affiliated with New Jersey State AFL-CIO, Essex-West Hudson Labor Council,
New Jersey State Federation of Teachers

643-8430

CALL BET. 9 A.M. AND 5 P.M.

N.T.U. Questionnaire on Proposed State Takeover Legislation

1. Will the state-appointed superintendent have the power to decide which textbooks shall be approved for use in the district? If so, and if he approves books that parents find objectionable - what recourse do they have?
2. Will the state appointee have new powers to deal with chronic discipline problems? Or will he have to follow the same court rulings on students' rights that the local Board is currently bound to follow?
3. What new teaching strategies, if any, will the state introduce in a district once it is taken over?
4. Will the state appointee require students who failed the HSPT to repeat a grade level (or levels?) In a district where this may happen on a large scale, how will the consequent overcrowding be handled?
5. What policies does the state propose to combat the problems of drug sales and drug addiction in the vicinity of schools?
6. Will the state appointee eliminate overcrowding in schools by ordering busing of students across town or even across district lines? If so, what about parents' objections re: student's safety, etc.? If not, how will this problem be dealt with?
7. Will the state appointee have the power to force eviction of local residents so that new schools can be constructed? If not, how will he deal with the problem of antiquated buildings or those in serious states of deterioration?
8. Will the state appointee have the sole power to award contracts for electrical, plumbing, and other contractors, vendors, labor contracts, etc? Will he be bound to follow the procedures of the N.J. Sunshine Law in making these awards, or will this be done in private? What safeguards will exist to prevent favoritism?
9. What will the posture of the state appointee be towards negotiating employees' contracts? Will there be an effort to standardize employees' rights and benefits on a statewide basis? Or will there be an effort to reduce rights/benefits that conflict with state-level objectives?
10. From which part (or parts) of the Board's budget would the costs of a state takeover be paid? Salaries? Instructional supplies? etc?

bergen county

school boards association

September 24, 1986

Senate and Assembly Education Committee

Dear Legislators:

Re: Commissioner Cooperman's Proposal to Intervene in Deficient School Districts

The Bergen County School Boards Association Executive Committee*

1. agrees with and supports the principal that the state has the responsibility to insure that local school districts are effectively carrying out their obligations under the New Jersey Constitution's mandate to provide a thorough and efficient education.
2. supports the State's right to intervene in a school district as an ultimate remedy.

However, the Bergen County School Boards Association Executive Committee also agrees that:

1. A community should have the right to require that the state be able to demonstrate that such an ultimate remedy is necessary and that there is good and sufficient reason to believe it will succeed.
2. The question we must ask is not whether the state has the right to reorder a school district so that it is providing a thorough and efficient education to its students, but rather what process that reordering should take so that the State's involvement will be successful during and after it's time in the

*This position was reached at a regularly scheduled meeting of the Bergen County School Boards Association Executive Committee held at the Norman Bleshman School on September 24, 1986

bergen county

school boards association

district.

The Bergen County School Boards Association Executive Committee deplores Commissioner Cooperman's remarks about dishonest and uncaring board members running around using school monies for personal items suggesting that illegal, unethical and totally inappropriate actions on the part of board members is the cause of educational failure.

1. Where is his evidence? As the Chief Educational Officer in the state of New Jersey, if he knew of illegal practices, why didn't he exercise his powers to correct the situation? Where has he been all these years?
2. Commissioner Cooperman wants to bring in the IRS. For years, he has had a budget review process in effect in the County Superintendent's Office. If he knew of illegalities, was it not his responsibility to single out those at fault and take appropriate action?
3. Commissioner Cooperman reiterates that he cares about children and that he is only the Commissioner of Education, not the Commissioner of Social Services, nor of Transportation. Are they not interconnected and interdependent? Right now funds earmarked for children and education are being used to hire school guards and pay for vandalism.

The Process:

1. Commissioner Cooperman wants to dismiss the School Board, the Superintendent and the Principals of the deficient districts and replace them with State Department-selected personnel. Why not the Business Manager or Board Secretary? This action would eliminate the balance of power in the district. Who will replace

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bergen county

school boards association

them? Who will the replacements be answerable and accountable to? Who will monitor the monitors?

2. For additional expenses, the Commissioner vaguely refers to 'Reallocation of funds'. Whose funds? Those of the other school districts in the state?
3. Community input will be addressed by an Advisory Committee of 15 people selected by the Department of Education, not necessarily representing the community's wishes.
4. With a change of administration, a new Commissioner might be appointed, who might abuse the program.
5. How would the Chief Education Officer be selected? What would his/her job description be?
6. Commissioner Cooperman wants to replace the board for 5 years. What then, if the district is not effective..another 5 years? What would be put in place when they leave?
7. What would happen to those administrators whose positions would be eliminated? One must be fair to career educators. A dismissal would certainly have a negative impact on their resumes, when all along they may have been doing a superb job in the face of overwhelming odds.

But, most of all

The Bergen County School Boards Association Executive Committee deplores the abrogation of the basic rights of all the citizens of the community, as citizens of the United States.

We are Americans one and all. There must be a better plan to

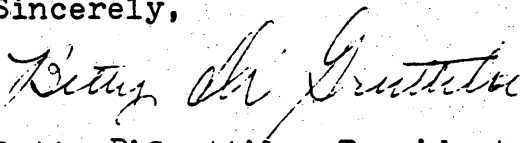
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bergen county

school boards association

provide a Thorough and Efficient education for our children..one that does not destroy that which we all hold so dear..our rights, through the American process, to taxation only through representation..a plan that works for, and not against the citizens of the community.

Sincerely,



Betty DiGruttilla, President
Bergen County School Boards Association

dd: Governor Kean
Commissioner Cooperman
Bergen County Legislators
Presidents, New Jersey School Boards Association County
Associations

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6907 Bergenline Ave.
Guttenberg, N.J. 07093
September 25, 1986
(201) 854-2876

Chairman
State Senate and Assembly
Education Committee

Honorable Officials,

In regard to the state establishing state operated school districts, I would hope the committee resolves the matter in the negative. My remarks are in writing because another engagement prevents a personal appearance. I have been involved in local government, and worked as a news reporter for 20 years. So I have some experience to support my opinion.

Local school districts are run by volunteers who sit countless hours at board of education meetings. They are good people, doctors, accountants, teachers, firemen, secretaries, housewives, and the like. Their desire I have found has been to be of service to their communities. In many respects they have been frustrated by the system.

In reality local school districts have very little control already over their school districts. When you assess the environment in which a school board must operate you might agree. First there is a whole list of state regulations that local districts must follow. If they are not doing it, may I suggest the state should review its monitoring system. There are also judicial decisions by which districts must abide. Also administrative guidelines from state offices serve to restrict school board decision areas. Teacher unions restrict the powers of school boards, as do PTA's, and now students in some districts.

The most serious condition is subjecting board decisions to the public vote. Citizens do not vote on any other governmental budget except that of the schools. If 10 percent of the voters cast ballots in an election, it is a lot. I have seen school districts suffer cuts of over \$50,00 from their working budgets because 20 more people constituted a majority vote against the budget.

The subsequent cuts eliminated new courses, textbooks, classroom repairs, and other items over which school boards have some control. Teacher salaries cannot be cut, nor utilities, nor insurance costs, nor mandated guidelines, nor programs supported by PTA's and students. I have seen at least 10 different school districts in Hudson and Bergen County prepare to cut art, music and gym every time it suffered a budget cut. These are the very subjects that add to the higher faculty of the human being, but they are the first to go because they do not necessarily translate into adult earning power.

Our society has wasted millions and millions of dollars on the other end of the spectrum. The amount of federal and state dollars that have been pumped into law enforcement has been staggering. Yet crime increases, alcoholic and drug addiction borders the epidemic, illegitimate births are rising, teens are running away by the thousands, and suicide is now claiming more and more youthful victims. Will a state takeover stop this?

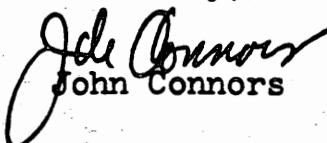
Our response: more police, more prosecutors, more judges, and more jails is, in my opinion, the incorrect method for cracking crack. Counseling or educating youth about the perils of drugs is only a token gesture. It's almost like a man giving only his paycheck to his family, when it's really his heart that the other family members want.

Why then can't our response be on the positive side? Why can't education be our priority? Why can't we spend public money to feed a youth's mind, rather than his body in some jail cell? What school district would be difficult to run if it had the money it needed to do the job? A state takeover works because the state brings in the required funds to do the job. And it also silences the simple majority by requiring the community to raise taxes to pay for education.

The question is not whether the state should take over school districts, but rather, when is the state and federal government going to make the same commitment to education as they have with public safety.

We can spend the money on schools, or we can spend it on the jails. But spend we must, for our choice is either wisdom or prison.

Sincerely,


John Connors



New Jersey School Boards Association

Headquarters: 413 West State Street, P.O. Box 909, Trenton, New Jersey 08605
Telephone (609) 695-7600

TESTIMONY PLAN TO INTERVENE IN DEFICIENT SCHOOL DISTRICTS

JOINT LEGISLATIVE EDUCATION COMMITTEES HEARING
SEPTEMBER 25, 1986

OCTAVIUS T. REID, JR.
EXECUTIVE DIRECTOR
NEW JERSEY SCHOOL BOARDS ASSOCIATION

STATE'S RIGHT TO INTERVENE

NJSBA AGREES WITH AND SUPPORTS THE STATE'S RIGHT TO INTERVENE IN A SCHOOL DISTRICT THAT IS NOT PROVIDING A THOROUGH AND EFFICIENT EDUCATION TO ITS STUDENTS.

HISTORICAL JUSTIFICATIONS FOR RESTRICTION OF RIGHTS

HISTORY CONTINUALLY SPEAKS TO US ABOUT THE ABRIDGMENT OF CIVIL RIGHTS JUST BECAUSE SOMEONE HAS DECIDED THAT THEY KNOW HOW TO DO IT FOR YOU BETTER. THERE'S NO NEED TO HAVE YOU AROUND. WE'LL DECIDE YOUR DESTINY. WILLIAM PITT SAID, "NECESSITY IS THE PLEA OF EVERY INTERFERENCE IN HUMAN FREEDOM."

FRANCO IN SPAIN, MARCOS IN THE PHILLIPINES, DUVALIER IN HAITI, PINOCHET IN CHILE. ALL THESE MEN SAID IT WAS NECESSARY TO CONSOLIDATE ALL POWER TO THEMSELVES AND DO FOR THE PEOPLE WHAT THEY COULD NOT DO FOR THEMSELVES.

TESTIMONY, PAGE 2

SOMEHOW, THE SITUATION BECOMES SO TOTALLY DESPERATE THAT SOMEONE WHO HAS A MONOPOLY ON WISDOM MUST TAKE CONTROL OF THE SYSTEM AND, IN THEIR PATERNALISTIC FASHION, USE THEIR WISDOM TO DO WHAT THEY THINK IS BEST. THE COMMISSIONER SAYS HE WANTS TO DO AWAY WITH BOARDS OF EDUCATION SO "NO ONE WILL CONTROL US." DR. MCCARROLL, THE PLAN'S AUTHOR, AGREES AND HAS SAID, "IN ORDER TO BE SUCCESSFUL, YOU HAVE TO HAVE TOTAL CONTROL." LORD ACTON TELLS US, "POWER TENDS TO CORRUPT AND ABSOLUTE POWER CORRUPTS ABSOLUTELY."

SOMEHOW, THE DRASTIC MEASURES NEEDED TO PROTECT THE CITIZENRY ALWAYS SEEM TO INVOLVE ELIMINATING THOSE SAME CITIZENS' RIGHTS.

EVEN IF WE BELIEVE THAT THE ENDS JUSTIFY THE MEANS, WHERE DO WE HAVE EVIDENCE THAT THESE MEANS WILL LEAD TO THE END ASSUMED BY THIS PROPOSAL?

BUREAUCRATS

WE ARE NOT TALKING HERE ABOUT A MESSIAH COMING INTO A DISTRICT TO MAKE ALL BAD THINGS GOOD. WE ARE TALKING ABOUT SETTING UP A BUREAUCRACY IN PLACE OF THE PRESENT DEMOCRATIC GOVERNANCE STRUCTURE. A STATE BUREAUCRAT WILL BE MAKING DECISIONS — HE AND THE BUREAUCRATS WORKING FOR HIM, MANY OF WHOM MAY NEVER HAVE BEEN IN AN URBAN DISTRICT IN THEIR LIVES.

NO-ONE WILL BE PROVIDING CHECKS AND BALANCES ON THAT BUREAUCRACY. OUR WHOLE SYSTEM OF GOVERNMENT IS BASED ON THE ISSUE OF ACCOUNTABILITY — ON CHECKS AND BALANCES.

SLANDERING OF BOARD MEMBERS

THE COMMISSIONER HAS SAID IN EVERY DEFENSE OF HIS PLAN THAT DISHONEST OR UNCARING BOARD MEMBERS ARE THE CAUSE OF A DISTRICT'S LACK OF ACHIEVEMENT. WHEN ASKED IF HE WOULD GUARANTEE SUCCESS IN THE EVENT OF A STATE TAKEOVER, HE SAID, "WE CAN'T GUARANTEE RESULTS BUT WE CAN PROMISE TO BE HONEST AND CARE ABOUT KIDS." IT IS THIS IMPLIED ASSUMPTION OF CULPABILITY AND LACK OF CONCERN ON THE PART OF BOARD MEMBERS TO WHICH WE AND ALL OF THOSE WHO LABOR UNPAID AND UNCELEBRATED ON BOARDS OF EDUCATION MUST TAKE EXCEPTION.

I FEEL INSULTED THAT EVERY BOARD MEMBER IS BEING PAINTED WITH THIS BRUSH. I FEEL INSULTED THAT THE ONLY WAY TO GET THIS PLAN THROUGH IS TO CONVINCING EVERYONE THAT IN DISTRICTS ALL OVER THE STATE THERE ARE THOSE PEOPLE TRYING TO ADVANCE THEIR OWN INTERESTS. I FEEL INSULTED THAT SOME PEOPLE -- BUREAUCRATS WHO HAVEN'T HAD TO GO THROUGH THE SAME DEGREE OF EXAMINATION BY THE PUBLIC AND STAND THE TEST OF ELECTION -- THESE BUREAUCRATS HAVE A MONOPOLY ON CONCERN FOR KIDS. THERE IS NOBODY IN THIS STATE THAT HAS A MONOPOLY ON CONCERN FOR KIDS.

THE COMMISSIONER TALKS ABOUT THE VARIOUS ABUSES THAT HAVE BEEN COMMITTED BY BOARD MEMBERS. EVERY SINGLE ONE OF THE ABUSES HE HAS NAMED OVER THESE PAST WEEKS, HE CLEARLY HAS THE AUTHORITY NOW TO CORRECT.

TESTIMONY, PAGE 4

A SPOKESPERSON FOR THE DEPARTMENT OF EDUCATION HAS SAID THAT "THE BASIC THRUST OF THIS PROPOSAL IS NOT TO DEAL WITH ILLEGAL ACTIONS. THE THRUST IS TO GO AFTER MISMANAGED SCHOOLS, BUT THAT DOESN'T MEAN ANYONE IS BREAKING THE LAW." THEN WHY IS IT THAT EVERY TIME THE COMMISSIONER OR HIS REPRESENTATIVES SPEAK, THEY TALK ABOUT THE ILLEGAL ACTS OF BOARD MEMBERS AND ADMINISTRATORS? AND WHY, IF THE POINT IS CORRECTING MISMANAGEMENT, CAN'T THAT BE DONE WITH THE POWERS THE COMMISSIONER NOW HAS. BECAUSE, LADIES AND GENTLEMEN, IT CAN BE DONE RIGHT NOW.

IN RESPONDING TO A QUESTION ON WHY HE DOESN'T DO SOMETHING NOW ABOUT THESE ABUSES, I WAS APPALLED TO HEAR THE COMMISSIONER SAY THAT SOME OF THESE ACTS "ARE NOT ILLEGAL. THEY ARE ONLY UNETHICAL." THAT IS NOT AN EXCUSE FOR INACTION. IF THE DEPARTMENT BELIEVES THAT UNETHICAL BEHAVIOR IS OCCURRING, BUT THEY DON'T HAVE THE AUTHORITY TO CHANGE IT -- WHERE HAVE THEY BEEN FOR THE LAST TEN YEARS? WHAT IS TO STOP THEM FROM SENDING A LETTER TO THE BOARD, THE SUPERINTENDENT, THE COUNTY PROSECUTOR, AND THEIR OWN COUNTY SUPERINTENDENT SAYING, "THESE UNETHICAL PRACTICES MUST STOP."? WHY NOT MAKE IT PART OF THE MONITORING REPORT? WHY NOT CITE THOSE UNETHICAL PRACTICES? WHERE HAVE ALL THOSE WONDERFUL MONITORS BEEN WHEN THESE PRACTICES WERE GOING ON? WHY DIDN'T THEY CITE THEM? THE BOARD WOULD THEN BE REQUIRED TO INFORM THE COMMUNITY ABOUT THEM IN THE MANDATED PUBLIC MEETING ON THE MONITORING REPORT. AND THE PRESS COULD BE INFORMED SINCE THE MONITORING REPORT IS PUBLIC INFORMATION.

THERE ARE MANY WAYS TO BRING PRESSURE TO BEAR IF ONE REALLY WANTS TO DO SOMETHING ABOUT A SITUATION.

THE REALLY AMAZING THING ABOUT THE BROAD POWERS THE COMMISSIONER HAS RIGHT NOW UNDER T & E IS THAT HE ISN'T USING THEM!

REASONS FOR POOR ACHIEVEMENT

IN DEFENDING THIS PLAN, THE COMMISSIONER SAYS THAT THE BOTTOM LINE IS KIDS. WE AGREE, BUT KIDS ARE RARELY MENTIONED WHEN HE GIVES HIS REASONS FOR TAKEOVER. THE LACK OF ACADEMIC PROGRESS AS A MAIN SPECIFIC INDICATOR FOR INTERVENTION IS RARELY RAISED. WE KNOW RIGHT NOW OF DISTRICTS WHICH WOULD WELCOME A MASSIVE INFUSION OF HELP FROM THE COMMISSIONER TO BRING UP THEIR STUDENTS' SCORES. ARE THEY GETTING THAT HELP? DOES THE COMMISSIONER BELIEVE THAT THE BOARD MEMBERS IN THESE DISTRICTS ARE ALL "WILLIE SUTTONS"? IF YES, WHY DOES HE TAKE NO ACTION? IF NOT, WHAT DOES HE THINK ARE THE CAUSES FOR THE LOW SCORES AND WHY DOESN'T HE ADDRESS THOSE CAUSES?

INDEED, HAS THE STATE EVER DONE A STUDY TO FIND OUT EXACTLY WHAT ARE THE ROOT CAUSES FOR POOR STUDENT ACHIEVEMENT IN A DISTRICT?

STATE'S PRESENT POWERS

I HAVE TO ASK A VERY SIMPLE QUESTION. IF YOU ALREADY HAVE A CERTAIN AMOUNT OF POWER, AND YOU HAVEN'T USED IT, HOW DO YOU JUSTIFY GOING BACK AND, IN THE ABSTRACT, ASKING FOR A LOT MORE IN ORDER TO BE ABLE TO DO A JOB WHICH HASN'T BEEN DONE -- BUT SHOULD HAVE!

TESTIMONY, PAGE 6

IF THERE IS A MAGICAL PLAN THAT THE COMMISSIONER OR ANYBODY ELSE IN THE STATE DEPARTMENT HAS THAT CAN TURN AROUND OUR URBAN CENTERS, THEN I WOULD IMPLORE THEM — PLEEEASE — GIVE US THE BENEFIT OF YOUR WISDOM SO WE CAN BEGIN IMPLEMENTING THOSE PLANS TOMORROW. LET'S NOT WAIT THREE YEARS WHILE WE COME UP WITH A PLAN AT LEVEL II AND AFTER A YEAR, YOU DON'T LIKE IT SO YOU GIVE US A PLAN AT LEVEL III AND AFTER A YEAR, YOU DON'T LIKE HOW WE DID THAT SO YOU SAY, "NOW I GOTCHA. NOW I'M GOING TO TAKE YOU OVER AND DO IT MY WAY."

EVERY COUNTY SUPERINTENDENT IN THIS STATE WORKS FOR THE COMMISSIONER. EVERY COUNTY SUPERINTENDENT IN THIS STATE MUST SIGN OFF ON THE BUDGETS OF EVERY SINGLE SCHOOL DISTRICT IN THEIR JURISDICTION. EVERY SINGLE ONE OF THE FISCAL IRREGULARITIES IN THE SCHOOL BUDGETS THAT THE COMMISSIONER HAS BEEN TALKING ABOUT -- THE NO-SHOW JOBS, THE 20 TRANSPORTATION COORDINATORS FOR 24 BUSES, THE EXTRA MONIES PUT IN TO SKIM -- ALL OF THESE HAVE THE IMPRIMATUR OF A COUNTY SUPERINTENDENT ON THEM. OTHERWISE THAT BUDGET COULD NEVER BE SUBMITTED TO THE VOTERS.

AND FOR THOSE BUDGETS THAT DON'T GO TO THE VOTERS -- THEY ARE PUT TOGETHER BY A BOARD OF SCHOOL ESTIMATE, THE MAJORITY OF WHOSE MEMBERS ARE FROM THE MUNICIPAL GOVERNING BODY. I DON'T SEE ANY LEGISLATION SAYING "WIPE OUT THE MUNICIPAL GOVERNING BODIES." AND WE ALL KNOW WHY. THEY HAVE A LOT MORE CLOUT THAN WE DO.

TESTIMONY, PAGE 7

THE COMMISSIONER KEEPS TALKING ABOUT BOARD MEMBERS WHO USE DISTRICT CREDIT CARDS TO BUY PERSONAL AUTOMOBILES AND FURNITURE. HE KNOWS VERY WELL THAT THIS CASE INVOLVING SOME FORMER EAST ORANGE BOARD MEMBERS GOES BACK SEVERAL YEARS AND THAT ALL THOSE INVOLVED ARE LONG GONE. BUT HE TALKS AS IF THESE PEOPLE WERE STILL ON THE BOARD MAKING DECISIONS. HIS COMMENTS ARE AN AFFRONT TO THE EXCELLENT PEOPLE NOW ON THE EAST ORANGE BOARD AND A DISSERVICE TO THE STUDENTS AND STAFF OF THAT DISTRICT.

WITH REGARD TO EAST ORANGE, THE COMMISSIONER TOLD US LAST FRIDAY NIGHT THAT HE "WENT IN (TO EAST ORANGE) AND TURNED THAT INTO THE BLACK. SOME PEOPLE WE SAID, 'GO WAY. YOU'RE NOT ADDING THE FIGURES RIGHT.' OTHER PEOPLE WE RETAINED; OTHER PEOPLE WE HIRED. WE PUT IN SOME TIGHT MANAGEMENT THINGS AND WE THINK EAST ORANGE IS ON THE WAY BACK." SO, BY HIS OWN WORDS, HE HAS THE POWER TO CHANGE MANAGEMENT AND FINANCIAL PROCEDURES NOW. HE HAS THE POWER NOW TO CHANGE A BUDGET; TO REALLOCATE MONEY WITHIN THAT BUDGET. HE HAS THE AUTHORITY TO SAY THIS BUDGET WILL BE BIGGER, IN FACT, THAN WHAT THE BOARD ORIGINALLY SUBMITTED.

TEN YEARS AGO, THE STATE SENT AN AUDITOR GENERAL INTO NEWARK TO OVERSEE AND HAVE AUTHORITY FOR APPROVING ALL EXPENDITURES. THE YEARLY COST TO NEWARK HAS BEEN \$100,000 — FOR A TOTAL OF \$1,000,000. FOR THIS ONE MILLION DOLLARS, HAS THE STATE CREATED A FINANCIAL SYSTEM THAT THEY ARE PROUD OF? HAVE THEY SENT INFORMATION ABOUT THE SYSTEM TO OTHER DISTRICTS SO IT CAN BE REPLICATED? HAVE THEY DEMONSTRATED THAT THIS AUDITOR GENERAL HAS MADE A DIFFERENCE IN STUDENT LEARNING THROUGH THE MANAGEMENT PRACTICES HE HAS IMPLEMENTED? HAS THIS LEGISLATURE RECEIVED ANY ACCOUNTING FOR THIS EXPENDITURE OF \$1,000,000 OF TAXPAYERS MONEY?

TESTIMONY, PAGE 8

THE COMMISSIONER SAYS, "IF WE DON'T GET ALL OF THESE POWERS, WHEN SOME OF THE SHENANIGANS GO ON, WE WILL HAVE TO STAND THERE AND DO NOTHING ABOUT IT." IT SEEMS TO ME THAT WE WOULD BE ABSOLUTELY DERELICT IN OUR DUTY AS STATE OFFICIALS IF WE ARE LOOKING AT SHENANIGANS GOING ON RIGHT NOW AND USE AS A COP-OUT THAT WE CAN'T DO ANYTHING ABOUT IT UNLESS WE HAVE ALL THIS POWER THAT IS PROPOSED IN THIS BILL. THAT IS INCOMPREHENSIBLE TO ME.

EDUCATIONALLY BANKRUPT

THE COMMISSIONER TALKS ABOUT DISTRICTS BEING "EDUCATIONALLY BANKRUPT" AND COMPARES THEM TO BUSINESSES THAT ENTER CHAPTER 11 AND ARE PUT INTO RECEIVERSHIP. THIS METAPHOR FITS WITH HIS EVIDENT ASSUMPTIONS THAT FINANCIAL MISMANAGEMENT IS THE BASIC CAUSE FOR STUDENTS' FAILURE TO ACHIEVE. AFTER ALL, UNDER RECEIVERSHIP, THOSE TAKING OVER ARE RESPONSIBLE FOR REPAYING DEBTS AND PUTTING THE BUSINESS BACK INTO FINANCIAL SHAPE. BUT RECEIVERS HAVE NO RESPONSIBILITY, NOR ARE THEY EXPECTED TO CHANGE OR IMPROVE THE ORIGINAL PRODUCT. WHAT IS THE BOTTOM LINE OF THE COMMISSIONER'S INTERVENTION PLAN? HIS STATEMENTS HAVE MOSTLY BEEN ABOUT IMPROVING FINANCIAL AND MANAGEMENT PROCEDURES. DO WE NEED A STATE TAKEOVER WITH ALL OF ITS DRASTIC ACTIONS TO ACCOMPLISH THIS?

TENURE

I'VE HEARD THE COMMISSIONER SAY FOUR TIMES NOW, "YOU KNOW HOW DIFFICULT IT IS TO GET RID OF PEOPLE ON TENURE. YOU KNOW WHAT IT'S LIKE WHEN YOU HAVE PEOPLE WHO CAN'T DO THE JOB. WE COULD SPEND YEARS AND LOTS OF MONEY." THERE ISN'T A SINGLE BOARD MEMBER THAT HASN'T BEEN SAYING THAT FOR YEARS AND SUPPORTING THOSE STATEMENTS WITH OUR PROPOSAL FOR

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CONTRACTUAL TENURE SO BOARDS OF EDUCATION WILL HAVE THE POWER TO CALL ADMINISTRATORS AND TEACHERS TO ACCOUNT.

AND THE FIRST THING THE COMMISSIONER WANTS IS TO SET ASIDE TENURE AND CONTRACTUAL OBLIGATIONS. IF THAT'S WHAT IT TAKES TO GET PEOPLE WHO ARE COMPETENT AND WHO CARE -- WHY CAN'T THE REST OF US DO IT, IF THE COMMISSIONER THINKS HE NEEDS THE POWER IN ORDER TO GET THINGS DONE.

IF HE DOESN'T TRUST US WITH THE POWER, THEN FINE. LET US COME TO THE COMMISSIONER AND POINT OUT THE PEOPLE WHO NEED TO BE REMOVED AND LET HIM REMOVE THEM IF HE CONCURS. THEN WE CAN GO OUT AND GET GOOD PEOPLE. DON'T MAKE US WAIT THREE YEARS AND, IN ONE INSTANCE, SPEND UP TO \$250,000 TO REMOVE SOMEONE WHO IS NOT PERFORMING. AND HE COULD DO SOMETHING ABOUT THE FOOT DRAGGING ON THE PART OF THE HEARING EXAMINERS THAT BOARDS HAVE TO PUT UP WITH -- THAT MAKES THESE CASES GO ON SO LONG AND SO EXPENSIVELY.

TEACHERS

NO WHERE IN THIS PLAN, IN FIVE YEARS OR IN TEN YEARS, DO THEY EVER CALL INTO ACCOUNT THOSE WHOM WE ALL AGREE ARE MOST IMPORTANT. I GO TO THE STATEHOUSE EVERYDAY AND SEE THE MOTTO IN FRONT OF THE NJEA THAT SAYS, "TEACHERS MAKE THE DIFFERENCE." DIFFERENCE IN WHAT? OUR KIDS? THEN WHY IS THERE NOTHING IN THIS PLAN ABOUT TEACHERS.

WHEN WE ASKED THE COMMISSIONER WHY TEACHERS WERE NOT INCLUDED IN HIS PROPOSAL, HE SAID, "...TENURE AND THE TENURE LAWS MAKE IT ALMOST IMPOSSIBLE FOR A SCHOOL BOARD TO SUSTAIN TENURE CHARGES....WE THINK THAT

TESTIMONY, PAGE 10

IF WE CAN REMOVE SOME OF THE POLITICAL (GOINGS ON). IT MIGHT BE IN THE CENTRAL OFFICE, IT MIGHT BE IN THE BOARD LEVEL, IT MIGHT BE IN THE MAYOR'S OFFICE. IF WE GIVE THE PRINCIPALS, THE GOOD PRINCIPALS, SOME BACKBONE, IF A TEACHER IS NOT DOING A GOOD JOB — FREEZE THAT TEACHER'S INCREMENT. IF THAT INCREMENT IS FROZEN FOR TWO OR THREE YEARS, THAT TEACHER WILL LEAVE. SO WE THINK WE ARE LOOKING AT TEACHERS IN THIS. WE'RE LOOKING AT THEM VERY HARD."

IF FREEZING INCREMENTS IS THE COMMISSIONER'S DEFINITION OF LOOKING VERY HARD AT TEACHERS AND HE THINKS THAT IT IS AN EFFECTIVE WAY TO GET RID OF THE BAD APPLES IN THE CLASSROOM — WHY ISN'T THAT METHOD GOOD ENOUGH FOR ADMINISTRATORS AND PRINCIPALS? WHY ARE CENTRAL OFFICE PEOPLE SUMMARILY DISMISSED WITHOUT EVEN A DETERMINATION ON WHETHER THEY ARE DOING A GOOD JOB? WHY ARE PRINCIPALS GIVEN UP TO A YEAR'S EVALUATION AND THEN THROWN OUT IF THEY ARE NOT DOING THEIR JOB EFFECTIVELY? WHY ARE THERE DIFFERENT RULES FOR THOSE WHO HAVE THE MOST TO DO WITH CHILDREN'S LEARNING? DOES THE COMMISSIONER REALLY THINK THAT BAD TEACHERS WILL LEAVE ALL THEIR BENEFITS AND A GOOD SALARY JUST BECAUSE THEY HAVEN'T GOTTEN AN INCREMENT FOR A COUPLE OF YEARS? GOOD TEACHERS WOULD LEAVE — BUT WOULD BAD TEACHERS? AFTER ALL, WHERE WOULD THEY GO?

LET'S HAVE EVERYONE PLAYING BY THE SAME RULES, PLEASE. IF IT'S GOOD FOR SOME, IT'S GOOD FOR ALL.

TO IGNORE THE IMPACT OF TEACHERS ON STUDENT LEARNING AND ACHIEVEMENT IS TO BE BLIND TO THE REALITIES OF SCHOOLS. IF A DISTRICT IS HAVING SUCH HORRENDOUS PROBLEMS THAT A STATE TAKEOVER IS WARRANTED, THERE IS NO WAY THAT EVERYONE IS GUILTY AND RESPONSIBLE EXCEPT THOSE ACTUALLY WORKING WITH KIDS.

REMOVING BOARD MEMBERS

THE AUTOMATIC AND WHOLESALE REMOVAL OF SCHOOL BOARD MEMBERS IS ANTITHETIC TO THE AMERICAN PRINCIPLE OF "INNOCENT UNTIL PROVEN GUILTY." WE DO NOT OBJECT TO REMOVING BOARD MEMBERS FROM OFFICE — BUT ONLY IF THEY HAVE SHOWN THEMSELVES TO BE DISHONEST, UNCOOPERATIVE OR AN OBSTRUCTION TO THE DISTRICT'S ACHIEVING CERTIFICATION. FROM THE REPORTS OF MONITORING TEAMS FROM THREE LEVELS OF MONITORING AND THE COMPREHENSIVE COMPLIANCE INVESTIGATION, THE STATE DISTRICT SUPERINTENDENT SHOULD HAVE MORE THAN SUFFICIENT INFORMATION TO DECIDE IF ANY BOARD MEMBERS NEED TO BE REMOVED.

WHEN ASKED AT OUR BOARD OF DIRECTORS MEETING WHY HE WANTED TO THROW OUT ALL BOARD MEMBERS — THE GOOD WITH THE BAD — THE COMMISSIONER SAID THAT REMOVING "ONE OR TWO BOARD MEMBERS (BECAUSE OF MISCONDUCT) WOULD BE ARBITRARY." HOW MUCH MORE ARBITRARY IS IT TO REMOVE ALL OF THEM, MOST WITHOUT ANY EVIDENCE THAT THEY HAVE NOT BEEN FINE BOARD MEMBERS.

THE SAME WITH CENTRAL OFFICE ADMINISTRATORS. WHY ARE THEY ALL SUMMARILY DISMISSED WHEN MOST ARE PROBABLY EXCELLENT PROFESSIONALS WHO CARE AND ARE TRYING HARD AGAINST TERRIFIC SOCIAL AND ECONOMIC ODDS?

BY THE COMMISSIONER'S OWN ADMISSION, "THE BOARD AS AN ENTITY WORKS IN 590 DISTRICTS." YES! SO WHY DOES HE WANT TO REMOVE THE BOARD AS AN ENTITY IN THOSE FEW DISTRICTS IN WHICH HE WOULD INTERVENE? HE AGREES THAT IT HAS BEEN PROVED THAT THIS FORM OF GOVERNANCE WORKS AND THAT IT IS ONLY A VERY FEW BAD INDIVIDUALS WHO DIRTY THE WORKS. SO REMOVE THEM AFTER PROVING THEIR CULPABILITY. BUT THROWING OUT THE BABY WITH THE BATH WATER IS HARDLY A REASONABLE ACT.

WE BELIEVE THE BOARD MUST REMAIN. THE STATE DISTRICT SUPERINTENDENT WOULD STILL HAVE HIS POWERS TO TAKE THOSE ACTIONS HE DEEMS NECESSARY TO CARRY OUT THE COMMISSIONER'S ADMINISTRATIVE ORDER. HE WOULD, HOWEVER, BE MEETING WITH THE BOARD AT ITS REGULAR MONTHLY MEETINGS AND REPORTING ON HIS ACTIONS. THE BOARD WOULD BE VOTING ON HIS RECOMMENDATIONS, WORKING WITH HIM TO ENSURE COMMUNITY SUPPORT AND PARTICIPATION IN DISTRICT IMPROVEMENT. THE STATE DISTRICT SUPERINTENDENT WOULD PROVIDE THE BOARD WITH THE RATIONALE FOR HIS ACTIONS AND KEEP THEM INFORMED OF THE DISTRICT'S PROGRESS TOWARD MEETING THE CERTIFICATION REQUIREMENTS.

BOARD MEMBERS WOULD NOT BE ABLE TO VETO HIS ACTIONS. THEY WOULD BE ABLE TO ASK QUESTIONS, GAIN UNDERSTANDING, AND MODEL FOR THE COMMUNITY HOW A BOARD AND SUPERINTENDENT SHOULD WORK TOGETHER. WHEN THE TAKEOVER IS COMPLETED AND THE DISTRICT HAS ATTAINED CERTIFICATION, THE BOARD WILL BE THERE TO CONTINUE THE SUCCESS THAT THE INTERVENTION HOPEFULLY WOULD HAVE ACHIEVED.

COMMUNITY ADVISORY COMMITTEE

THE COMMISSIONER WANTS TO REPLACE THE LOCAL BOARD WITH A 15 MEMBER COMMUNITY ADVISORY COMMITTEE. SO, IN EFFECT, YOU ARE GOING TO HAVE A BUREAUCRAT DECIDING WHO THE OUTSTANDING PEOPLE IN A COMMUNITY ARE.

THE COMMISSIONER HAS DECIDED THAT THE PEOPLE IN THE COMMUNITY ARE INCAPABLE OF MAKING THAT DECISION THROUGH THE REGULAR ELECTORAL PROCESS. THAT'S THE REASON FOR REMOVING THEIR RIGHT TO VOTE. HE SAYS THE COMMUNITY HAS BEEN INCOMPETENT IN DOING THAT ALL ALONG. THEY DON'T KNOW HOW TO ELECT APPROPRIATE REPRESENTATIVES — THEREFORE THE COMMISSIONER WILL ELECT THEM HIMSELF. THINK ABOUT THAT! (MOMENT OF SILENCE)

BUT, OF COURSE, HE WON'T GIVE THESE OUTSTANDING COMMUNITY REPRESENTATIVES ANY AUTHORITY TO MAKE A DECISION.

LEAVE THE BOARD OF EDUCATION IN PLACE. REMOVE THOSE WHO HAVE PROVEN THEMSELVES TO BE PART OF THE PROBLEM. KEEP THOSE WHO HAVE NOT — THOSE WHO CARE ABOUT THE KIDS AND HAVE BEEN GIVING THEIR TIME AND EFFORTS FOR THE BETTERMENT OF THEIR SCHOOLS.

AND GIVE THEM THE HELP THEY NEED. NOT BLAME AND UNCONFIRMED ACCUSATIONS. SUPPORT. RESOURCES. PRACTICAL ADVICE. WORK WITH THOSE IN THE DISTRICTS INSTEAD OF BLACKENING THEIR NAMES SO THAT EVEN THE BEST ARE LOOKED UPON WITH SUSPICION BY THEIR COMMUNITIES.

CENTRAL OFFICE ADMINISTRATORS

THE SAME PRINCIPLE THAT APPLIES TO SCHOOL BOARD MEMBERS, APPLIES TO THESE ADMINISTRATORS: YOU ARE INNOCENT UNTIL PROVEN GUILTY. THOSE WHOM THE STATE HAS REASON TO KNOW ARE CULPABLE, UNCOOPERATIVE, OR AN OBSTRUCTION TO GETTING THE JOB DONE SHOULD BE DISMISSED. THOSE THAT ARE DESERVING SHOULD REMAIN.

THE AUTOMATIC AND WHOLESALE DISMISSAL OF MEN AND WOMEN JUST BECAUSE THEY HOLD A CERTAIN JOB TITLE MUST BE RESISTED.

THESE DECISIONS BY THE STATE DISTRICT SUPERINTENDENT ABOUT ADMINISTRATORS MUST BE MADE ON AN INDIVIDUAL BASIS AND THOSE AFFECTED SHOULD HAVE AN APPEAL RIGHT TO THE COMMISSIONER.

BUMPING RIGHTS

ONE POINT MUST BE REMEMBERED WITH RESPECT TO CENTRAL OFFICE ADMINISTRATORS. MOST OF THEM WERE PREVIOUSLY PRINCIPALS IN THEIR DISTRICT. IF THEY ARE REMOVED AND HAVE SENIORITY OVER PRINCIPALS, THEY WILL BUMP THOSE PRINCIPALS WHO, IN TURN, WILL BUMP TEACHERS. PEOPLE WHO HAVE BEEN REMOVED FROM THEIR JOBS BECAUSE THEY HAVE BEEN FOUND WANTING WILL ACTUALLY MERELY BE MOVING TO OTHER POSITIONS IN THE SCHOOL SYSTEM.

PRINCIPALS

WITH REGARD TO PRINCIPALS, WE SUPPORT THE PROPOSAL'S RECOMMENDATION THAT PRINCIPALS BE GIVEN A YEAR BEFORE THE STATE DISTRICT SUPERINTENDENT

DETERMINES WHETHER THEY SHOULD REMAIN IN THE DISTRICT. HOWEVER, REMOVAL MUST BE BASED ON FAILURE TO MEET ESTABLISHED CRITERIA. FULL RIGHT OF APPEAL TO THE COMMISSIONER WOULD BE INCLUDED.

FUNDING

THE COMMISSIONER SAYS THAT ANY NECESSARY INCREASES IN SPENDING CAN BE FUNDED BY ELIMINATING WASTE AND TRANSFERRING FUNDS FROM ONE LINE ITEM TO ANOTHER. YET HE HAS THE POWER TO DO THIS NOW. WE DON'T NEED AN INTERVENTION PLAN.

THE POWER HE SEEKS TO REMOVE A DISTRICT'S RIGHT TO EXERCISE THEIR RIGHT TO VOTE ON A SCHOOL BUDGET IS POTENTIALLY PERILOUS. I THINK IT USED TO BE CALLED TAXATION WITHOUT REPRESENTATION.

WHILE THE STATE WILL CONTINUE TO UNDERWRITE THE SAME PROPORTION OF A DISTRICT'S BUDGET AS IT DID BEFORE TAKEOVER, A DISTRICT WILL STILL BE REQUIRED TO INCREASE ITS LOCAL EFFORT TO FUND THE LOCAL PORTION OF ANY INCREASED BUDGET. THIS IS A MATTER OF SERIOUS CONCERN TO MANY URBAN DISTRICTS. THEY ALREADY HAVE HIGHER THAN AVERAGE SCHOOL TAX RATES AND DRAMATICALLY LESS PROPERTY WEALTH AVAILABLE TO THEM THAN MOST OTHER DISTRICTS. THEY CANNOT ACCOMMODATE ANY INCREASE IN TAXES WITHOUT PLUNGING THEIR COMMUNITIES INTO FURTHER ECONOMIC DECLINE.

WE SEE IT AS INEVITABLE THAT THE STATE DISTRICT SUPERINTENDENT WILL NEED TO REDUCE CLASS SIZES — WHICH MEANS MORE TEACHERS WHICH COSTS MONEY; ADD REMEDIAL CLASSES — WHICH MEANS MORE TEACHERS WHICH COSTS MONEY; IMPROVE FACILITIES — WHICH MEANS MONEY; ADD TEXTBOOKS — WHICH MEANS MONEY. ALL THE THINGS THAT DISTRICTS WOULD BE DOING NOW IF THEY ONLY HAD THE MONEY!

YET HIS BILLS HAVE NOTHING IN THEM ABOUT FUNDING. NOT ONE DIME IS PROVIDED IN THE LEGISLATION. AND THE COMMISSIONER HAS CONSISTENTLY SAID THAT INTERVENTION WILL NOT AFFECT THE TAX BASE OF THE COMMUNITY INVOLVED. I ASK YOU IF YOU THINK THAT IS POSSIBLE?

WE URGE THE STATE THAT IT BE SURE THAT ANY EFFORT TO CORRECT THE PROBLEMS OF FAILING URBAN DISTRICTS BE ACCOMPLISHED IN CONCERT WITH AN EXAMINATION OF THE FISCAL CONSIDERATIONS. AND IF INADEQUATE RESOURCES ARE FOUND TO BE A MAJOR CAUSE OF A DISTRICT'S DEFICIENCIES, THEN THE INTERVENTION PLAN SHOULD INCLUDE AN EXTRAORDINARY STATE APPROPRIATION, OVER AND ABOVE EXISTING AID, TO SPECIFICALLY ADDRESS THOSE PROBLEMS. STATEMENTS THAT SUCH INTERVENTION "WON'T COST MONEY" AND "MAY CREATE SAVINGS" ARE NOT USEFUL AND SUGGEST AN INCOMPLETE UNDERSTANDING OF THE NATURE OF THE PROBLEMS FACING SUCH SCHOOL DISTRICTS.

LOSING THE VOTE?

WE SHOULD LOOK AT THE CITIZENS WHOM THIS PLAN WILL DISENFRANCHISE. AREN'T THEY EXACTLY THOSE WHO HAVE FOUGHT SO LONG TO ACHIEVE THEIR CONSTITUTIONAL RIGHTS TO EQUAL REPRESENTATION? ARE WE TO WIPE OUT ALL OF THEIR GAINS, EARNED THROUGH YEARS OF LEGAL AND POLITICAL BATTLES, WITH NO GUARANTEE THAT WHAT WE ARE DOING WILL MAKE ANY DIFFERENCE?

OTHER COMMISSIONERS

WE MIGHT ALSO ASK WHETHER THE IMPETUS AND SUPPORT FOR THIS PLAN IS BASED, IN SOME PEOPLE'S MINDS, ON THE PERSONALITY AND INTEGRITY OF ITS INITIATOR. WOULD THE REACTION HAVE BEEN THE SAME HAD SUCH A PLAN BEEN PROPOSED BY PREVIOUS COMMISSIONERS?

WE MUST BE CAREFUL TO LOOK AT THIS PROPOSAL ON ITS MERITS AND NOT VIEW ITS IMPLEMENTATION AS A VINDICATION OR DEFENSE OF THOSE CURRENTLY IN THE DEPARTMENT OF EDUCATION. THEY MAY CONCEIVABLY BE GONE BEFORE A DISTRICT IS FINALLY TAKEN OVER. WILL WE BE COMFORTABLE WITH INTERVENTION AND THE POWERS CONFERRED IN THIS PROPOSAL NO MATTER WHAT GOVERNOR OR COMMISSIONER IS IN OFFICE?

ALL OR NOTHING

THE COMMISSIONER HAS SAID "I WANT THIS PLAN." I HEARD HIM SAY BEFORE YOU LAST WEEK THAT IF HE CAN'T GET THIS PLAN, THEN HE DOESN'T WANT ANY PLAN AT ALL. HE REPEATED THAT LAST FRIDAY NIGHT WHEN HE SPOKE BEFORE OUR BOARD OF DIRECTORS. HE SAID THAT HE WOULD ACCEPT MINOR REVISIONS, BUT HE HAD TO HAVE THE POWER TO REMOVE BOARDS OF EDUCATION, TO REMOVE ALL CENTRAL OFFICE ADMINISTRATORS, AND TO REMOVE PRINCIPALS AFTER A PERIOD OF EVALUATION. WITHOUT THOSE POWERS, HE WANTED NO BILL.

I HAVE DIFFICULTY UNDERSTANDING ANYONE THAT, WHEN THEY HAVE A PLAN, THEY BECOME SO INTRACTABLE ABOUT IT, SO TOTALLY CONVINCED THAT THEIR FORMULATION IS SO PERFECT THAT NO ONE CAN OFFER ANYTHING THAT MIGHT POSSIBLY IMPROVE IT, THAT THEY CAN SAY TO A LEGISLATIVE BODY -- I WANT IT MY WAY OR NO WAY AT ALL.

VOUCHERS

THERE'S EVEN A LITTLE THREAT INVOLVED WITH THE COMMISSIONER'S PUSH FOR HIS PROPOSAL. AT OUR BOARD OF DIRECTORS MEETING, HE SAID, "IF WE DON'T TAKE THIS PLAN, THEN WE'LL WIND UP WITH VOUCHERS." WHERE DID THAT COME FROM? IF THERE IS A RELATIONSHIP, I WOULD LIKE TO HAVE IT UP FRONT AND EXPLAINED.

I DON'T UNDERSTAND WHY HIS PROPOSAL CANNOT BE DISCUSSED AND DEBATED ON ITS MERITS WITHOUT THREATENING THOSE OF US WITH RESERVATIONS ABOUT THE PROPOSAL WITH SOMETHING HE KNOWS WILL HURT PUBLIC EDUCATION.

CLOSING

LET'S NOT RUSH TO JUDGMENT!

WE AGREE WITH TOM SHANNON, EXECUTIVE DIRECTOR OF THE NATIONAL SCHOOL BOARDS ASSOCIATION WHEN HE SAYS, "SCHOOL BOARDS COULD BE ABOLISHED TOMORROW, AND ON THE DAY AFTER TOMORROW — AND WEEKS, MONTHS AND YEARS TO COME — THERE WOULD BE JUST AS MANY PROBLEMS IN EDUCATION. THE ONLY THING THAT WOULD BE GONE WOULD BE THE DEMOCRATIC PROCESS OF REPRESENTATIVE GOVERNANCE TO HANDLE THEM."



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POSITION PAPER ON THE COMMISSIONER'S PROPOSAL TO INTERVENE IN DEFICIENT SCHOOL DISTRICTS

The New Jersey School Boards Association agrees with and supports the principle that the state has the responsibility to insure that local school districts are effectively carrying out their obligations under the New Jersey Constitution's mandate to provide a thorough and efficient education. As an outgrowth of the State's oversight responsibilities, we support the State's right to intervene in a school district as an ultimate remedy. But a community should also have the right to require that the state be able to demonstrate that such an ultimate remedy is necessary and that there is good and sufficient reason to believe it will work.

The bottom line goal of such intervention must be kept in mind when determining what course that intervention will take. Presumably, that goal is to provide the district with the help and resources which will enable those in the district to turn their failure into success and to keep that success going on a long-term basis.

The question we must ask is not whether the State has the right to reorder a school district so that it is providing a thorough and efficient education to its students, but rather what process that reordering should take so that the State's involvement will be successful during and after its time in the district.

We have heard justifications throughout history about the need for drastic measures to protect society. William Pitt said, "Necessity is the plea of every interference in human freedom." We have heard it in Haiti, in the Phillipines, in Chile, and in South Africa. Somehow, the drastic measures needed to protect the citizenry always seem to involve eliminating those same citizen's rights. Where has history shown us that these drastic actions have resulted in a renewed commitment to good government? Where has history shown us that these draconian measures have rewarded us with an improved democracy? Where do we look to see whether the results have been worth the tyranny? Even if we believe that the ends justifies the means, where do we have evidence that these means will lead to the end assumed by this plan? History and Lord Acton tell us different: "Power tends to corrupt and absolute power corrupts absolutely."

Make no mistake about it. We are not talking about a messiah coming into a district to make all bad things good. We are talking about setting up a bureaucracy in place of the present democratic governance structure. The state district superintendent will put in place all of the components of an administration that now exists. The only difference is that there will be no-one to provide checks and balances on that bureaucracy. Our whole system of government is based on the issue of accountability — on checks and balances. The United States Constitution requires them. Our country has grown and prospered under this system. If some involved are flawed, you don't throw out the system. You remove those causing the damage.

The Commissioner's rationale, based on his comments around the state, seems to be that dishonest board members are the cause of the lack of educational achievement in a district. He has said, "We don't want the board to have control because they are responsible for the terrible situation." He has said, when asked if he would guarantee success in the event of a state takeover, "We can't guarantee results but we can promise to be honest and care about kids." It is this implied assumption of venality and lack of concern on the part of board members to which we and all of those who labor unpaid and uncelebrated on boards of education must take exception.

When the Commissioner gives reasons for needing enabling legislation for state takeover, he talks about instances of board nepotism, the hiring of people for patronage reasons in no-show positions, misappropriation of funds, and the fact that the state district superintendent would be "protected since he does not have to contribute to a party." Without naming names, he tells tales of school officials hiring relatives for "no show jobs" or stealing money from the district budget. He states, "(School boards) hire based on who pays money; they hire based on who they know."

If, indeed, such situations have been occurring in districts, whether or not they have contributed to the failure of students to learn, where has the state been? Why is everyone held responsible except the present overseer. As the rules now stand, no district can present a budget to the public or have it set by a board of school estimate unless the Commissioner, through his county superintendent, has reviewed it and approved it as appropriate for the provision of a thorough and efficient education for that district. If indeed, as the Commissioner has cited as an example, there is a district which has 24 transportation people on staff when they run only 30 busses — one might legitimately ask, "Where was the county superintendent when that district's budget was approved?"

Where, indeed, has the state demonstrated its ability to determine a thorough and efficient education, to improve management procedures, to develop a tight budget under their existing powers which are myriad?

Ten years ago, the state sent an auditor general into Newark to oversee and have authority for approving all expenditures. The yearly cost to the Newark school district has been \$100,000. For this \$1,000,000, has the state created a financial system that they are proud of? Have they demonstrated that this auditor general has made a difference in students' education through the management practices he has implemented. What

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exactly has been proved or accomplished in the ten years? Has anyone seen a report on whether the actions of these past ten years and the \$1,000,000 has been worth the Newark taxpayers' money?

The Commissioner's statements about dishonest and uncaring board members running around using school monies for personal items suggest that illegal, unethical and totally inappropriate actions on the part of board members is the cause of educational failure in his target districts. Where is his evidence - either of such illegal actions or of any cause and effect relationship? And, if he is aware of such activities, why has he allowed them to continue? Why has evidence not been turned over to the Attorney General's office for investigation? Where have his county superintendents been in detailing these abuses and demanding that districts eliminate them? The state has the power to do this now. The state has had the power for ten years! If students are failing because board members are dishonest, uncaring or worse, why does the state need Level I, Level II, Level III, and a compliance investigation before taking action?

If they haven't been able to do it before in Newark or East Orange or Trenton, then what is the reason for holding out to communities the false hope that this intervention proposal is going to make the difference?

If the state does find evidence that a few board members in a district are engaged in illegal activities, we want them to step in and do something. But tarring all of a community's representatives with the same dirty brush is antithetical to our American way of life. There have been a lot more criminals indicted and convicted at the state level than there ever have been in any local school district. When a Secretary of State is found guilty of improper actions, does the federal government throw out the existing Governor and Cabinet and replace them with someone to run the state for five years?

In defending this Plan, the Commissioner says that the bottom line is kids. We agree, but kids are rarely mentioned when he gives his reasons for takeover. The lack of academic progress as a main specific indicator for intervention has not been raised. We know right now of districts which would welcome a massive infusion of help from the Commissioner to bring up their students' scores. Are they getting that help? Does the Commissioner believe that the board members in these districts are all dishonest and venal? If yes, why does he take no action? If not, what does he think are the causes for the low scores? Has the state ever done a study to find the root causes for poor student achievement?

The Commissioner talks about negative motivation and the big stick theory. In other words, if you don't get into line, we are going to come in and get you. If past experience gave us reason to believe that such intervention would be successful, okay. But it is a false promise if the stick they are using turns out to be made of putty rather than wood.

The Commissioner talks about districts being "educationally bankrupt" and compares them to businesses that enter Chapter 11 and are put into receivership. This metaphor fits with his evident assumptions that financial mismanagement is the basic cause for students' failure to achieve. After all, under receivership, those taking over are responsible for repaying debts and putting the business back into financial shape. But receivers have no responsibility, nor are they expected to change or improve the original product. What is the bottom line of the Commissioner's intervention plan? His statements have mostly been about improving financial and management procedures. Do we need a state takeover with all of its drastic actions to accomplish these?

We should look at the citizens whom this plan will disenfranchise. Aren't they exactly those who have fought so long to achieve their constitutional rights to equal representation. Are we to wipe out all of their gains, earned through years of legal and political battles, with no guarantee that what we are doing will make any difference?

We might also ask whether the impetus and support for this plan is based, in some people's minds, on the personality and integrity of its initiator. Would the reaction have been the same had such a plan been proposed by previous Commissioners? We must be careful to look at this plan on its merits and not view its implementation as a vindication or defense of those currently in the Department of Education. They will most likely be gone long before a district is finally taken over. Will we be comfortable with intervention no matter what governor or commissioner is in office?

CURRENT LEGAL POWERS

The Commissioner's plan proposes installation of a state district superintendent who would have nearly absolute power in a district and would assume sole control of its operations for at least five years. Board members would be summarily removed, the public would be deprived of its ability to have its representatives participate in the running of the district, and at the completion of the takeover, there would be no individuals left in place who had been trained for board leadership. The Commissioner says these draconian measures applicable to all are necessary to correct serious deficiencies in a limited number of schools. We have already stated our views on the use of such an excuse as a rationale for removing democratic rights.

It is useful to examine the scope of the Commissioner and State Board's existing powers to see if there is any necessity for even contemplating such drastic actions. The New Jersey Supreme Court has emphasized that the Commissioner and State Board have received a "vast grant of power" to implement the constitutional mandate to provide a thorough and efficient system of education. In re Upper Freehold Regional School District 86 N.J. 265, 277 (1981); Robinson v. Cahill, 69 N.J. 449, 461 (1976). These extensive powers already give the Commissioner and the State Board the authority to correct many of the problems which the monitoring process has identified.

Intervention in School Districts

The Commissioner and the State Board already have the sweeping authority — probably unprecedented nationwide — to intervene in and directly administer the affairs of a school district. Under N.J.S.A. 18A:7A-15, the Commissioner may recommend to the State Board that it take "appropriate action" when he finds that budgetary changes or personnel training are not sufficient to correct problems in a deficient district. In the case of In the Matter of the Board of Education of the City of Trenton, 176 N.J. Super. 553 (App. Div. 1980), aff'd 86 N.J. 327 (1981), the New Jersey Supreme Court emphatically ruled that the authority to order "appropriate action" encompassed the authority to appoint a monitor general to work full-time in a district as a general supervisor of all district activities. The monitor general was required to approve any budget increase and approve all personnel matters including selection, assignment, transfer, retention, promotion, or incremental compensation. In addition, the monitor general and the county superintendent had the power to direct personnel to take all steps necessary to prepare plans for effect of special education, compensatory education, and bilingual education programs. Id. at 328. The Court also authorized the appointment of an independent auditor, and granted the monitor general the authority to order the county board of taxation to raise additional funds. Finally, under the plan, the district was required to submit various reports on its finances and operations. The board could not veto the monitor general's action with respect to curriculum, and they were effectively removed from making final personnel decisions.

Thus, the New Jersey Supreme Court has already endorsed a full panoply of measures which, in extreme circumstances, allow a Commissioner's representative to have near total control over administrative, personnel and financial matters, and substantial authority to direct development of educational curriculum. Despite this broad authority and the asserted existence of 10 to 20 school districts who may be targeted for takeover under the Intervention Plan, the State has only tried such extensive intervention once. It appears premature to assume that a more radical measure such as summary removal of board members, superintendent, all central office administrators and, potentially, all principals is needed when available authority has been exercised so sparingly.

The wholesale removal of board members is particularly troublesome, because under existing law the Commissioner is able to control most of the abuses which he is attributing to board members — personnel, financial and management matters. We agree that in certain very extreme situations, the removal of board members who are obstructionist may be appropriate, but the State's motivation and rationale in proposing wholesale removal of board members is unclear when its current authority is so encompassing and yet so unused.

Burden of Proof

The Intervention Plan provides that where the Commissioner believes that a board has failed to correct its deficiencies, it is entitled to a plenary hearing to determine whether the Commissioner shall take the actions recommended in his plan. This accords with present law and we are pleased that the Commissioner recognizes that due process requires a

full hearing at this stage. However, the proposed bill goes one step further than current statute and states that a board "shall have the burden of showing by clear and convincing evidence that the corrective action prescribed in the recommended order is arbitrary, unreasonable, and capricious." We object strongly to the imposition of this burden.

We recognize and support the State's authority to intervene in school districts in extreme situations, but believe that the intervention must be undertaken with the recognition that historically and legislatively immediate control of education has been vested in local communities. As our Supreme Court stated with respect to the Trenton intervention "...the powers exercised by the Commissioner and the State Board are available and appropriate only in rare cases and, even in those instances, must be invoked with a full appreciation that public education under our governmental system is primarily a local responsibility." In re Trenton Board of Education, 86 N.J. 327, 331 (1981). Indeed, it was clear in that case that it was the Commissioner who had established by clear and convincing evidence that corrective action was needed. The Court stated: "It was established in the record of this case, without substantial contradiction, that 'the educational system of the City of Trenton is in an abysmal state...'" In re Trenton Bd. of Ed., 86 N.J. 327, 329 (1981) quoting the Appellate Division at 176 N.J. Super. 553, 559 (1980).

We believe that the Commissioner must have the burden of convincing the state board that drastic corrective action is necessary.

Fiscal Management

Long before the enactment of Ch. 212, the State Board had the power to inquire into possible fiscal irregularities in a school district. N.J.S.A. 18:4-18 authorizes the State Board to "compel the production...of any and all books, papers, and vouchers in any way relating to schools or to the receipt or disbursement of school moneys...compel the attendance before it...of any member of a board of education or of any person in the employ of a board of education, and suspend from office any person refusing to attend to or submit such books, papers, and vouchers..." The State's involvement in school district financial practices has been increased by the T & E process. Boards are required to submit their budgets to the Commissioner for approval (N.J.S.A. 18A:7A-28), they are subject to annual audits (N.J.S.A. 18A:23-1; N.J.A.C. 6:20-2.2), and the monitoring process contains a financial element which provides an additional check on a board to make sure it complies with budget and audit requirements. (N.J.A.C. 6:6-6.2(10)). Once again, N.J.S.A. 18A:7A-15 confers considerable power on the Commissioner over districts who have failed to correct their own problems in the monitoring process. By its express authorization to make "budgetary changes", the Commissioner may order transfer of monies in a school budget to ensure more efficient use of board funds. The Trenton case authorized the employment of an independent auditor in addition to

the appointment of a monitor general, and fiscal monitors with veto powers over all financial transactions have been appointed in a few districts under the authority of Trenton. The State seems to have more than enough opportunity to examine school district financial practices, recommend changes and, if necessary, exercise oversight and veto power over all financial transactions. Its ability to involve itself in a school district's financial practices also appears to give it more than enough opportunity to be able to detect possible criminal activity and refer it to the appropriate criminal authorities.

Facilities

Substandard facilities is one of the primary problems which has been identified in districts that have failed monitoring. But the proposed Intervention Plan does nothing to augment the already substantial power which the Commissioner has to make improvement in this area.

N.J.S.A. 18A:20-36, first enacted in 1903, provides that the Commissioner may "direct the entire or partial abandonment of any building used for school purposes and may direct the making of such changes therein as to him may seem proper." N.J.S.A. 18A:7A-15, the critical portion of the T & E law authorizing the Commissioner to make budgetary changes in a district which has failed to correct its problems, has been interpreted to permit the Commissioner to order the issuance of bonds to repair school buildings or to fund their construction where necessary for the district to provide a T & E education. In the Matter of the Application of the Board of Education of Upper Freehold Regional School District, 86 N.J. 265 (1981); Contini v. Bd. of Ed. of the Southern Gloucester Regional School District, 1986 S.L.D. (March 31).

The bonds in these cases were ordered issued even after they had been rejected by district voters, whose approval is statutorily required in elected districts.

Thus, when confronted with districts with significant problems with their school facilities, the Commissioner may order correction of the problems. If the necessary improvements require money which the district does not have in its current budget he may, as a necessary corollary of the Upper Freehold decision, order the board to submit bonding proposals to the voters or the municipality, as the case may be. If these proposals are rejected, he may order the issue of the bonds himself.

Ironically, while districts are often cited for facilities problems and while the deteriorating condition of buildings in urban areas is well documented, the proposed Intervention Plan adds nothing to the Commissioner's existing powers. The only reference to capital projects in the bill is the statement that "a superintendent in a state operated school district will retain the authority vested in local boards by Chapter 21 of Title 18A." But Chapter 21 merely details the types of capital projects which may be undertaken by districts and allows them to establish capital reserve funds. The authority to issue bonds for major improvements is conferred in Chapter 24, and presumably the state district superintendent would have only such powers as boards now have — the power to submit bond proposals to the voters or the municipal governing body for approval.

Inadequate Fiscal Resources

While the proposed Intervention Plan is rooted in the philosophical assumption that the problems of failing districts have little to do with lack of money, it is worth noting that the Commissioner nonetheless has the authority to order increases in a budget over and above the amount proposed by the board of education. The Supreme Court in Robinson v. Cahill, 69 N.J. 449, 461 (1976), unequivocally ruled that the power to make budget changes conferred on the Commissioner by N.J.S.A. 18A:7A-15 encompassed this power to order increases. Indeed, it found that this power was crucial to the facial constitutionality of Ch. 212, since it allowed the Commissioner to ensure that all districts had enough resources to provide a T & E education.

THE MONITORING PROCESS

In order to carry out their responsibilities, the state established a monitoring process that leads to certification of school districts. This process is codified in N.J.A.C. 6:8 or the Thorough and Efficient Law. It is currently undergoing revision and re adoption by the state board of education.

The state began its monitoring process in the winter of 1984. Districts that are reviewed and that meet the required monitoring indicators are certified for a five year period. Those districts that fail to pass the necessary indicators are moved to Level II monitoring. These districts are required to organize a self study team to analyze the nature and causes of the problems identified by the monitoring team and develop an improvement plan to correct the problem(s). After approval by the county superintendent, the district implements the plan and, at its completion, is remonitored and recommended for certification if all indicators are acceptable. As of August 1, 1986, 54 districts were in various stages of Level II monitoring.

A district which fails to become certified as a result of its own corrective actions at Level II is moved to Level III monitoring. The state considers this level the first phase of their intervention plan. At Level III, the county superintendent convenes an external team that identifies deficiencies in the district, assesses causes for those deficiencies, and recommends actions to correct them. The county superintendent will then order the district to implement the team's plan. Upon completion of the district's implementation activities, if the county superintendent finds that the district has corrected its failings, he will recommend it for certification. If not, and if the district is not demonstrating reasonable progress toward such corrections, the state will initiate a comprehensive compliance investigation.

There would also be a preliminary compliance investigation as a routine part of Level III monitoring, with an emphasis on finding the "causal factors" that contribute to the district's deficiencies. If the state determines that "conditions within the district may preclude the successful implementation of the corrective action plan", the commissioner may direct a comprehensive compliance investigation immediately.

This comprehensive compliance investigation (CCI) will include thorough investigations of the district's governance, programmatic, fiscal and management activities. Based on the findings of the CCI, the commissioner will issue an administrative order outlining the corrective actions the district must take in order to gain certification. The district would have a hearing to show cause why the order should not be implemented. Following the hearing, the Commissioner may order any measures he deems appropriate or he may recommend to the state board that a state-operated school district be formed. Those districts that fail to achieve certification at this level could, in any case, be declared state-operated districts and would be taken over by the state.

THE COMMISSIONER'S INTERVENTION PLAN

Immediately upon takeover, the local board of education would be removed. The positions of the superintendent and other key central office administrators would be abolished and those employees fired. The auditor and attorney would also be let go. The Commissioner would appoint a state district superintendent who would have all the powers of the former board of education. In addition, he would have absolute authority to determine the district budget without needing either voter or Board of School Estimate approval. All costs of the takeover, including the salaries of any and all staff that the state district superintendent would hire to replace or augment those previously in the district, would be borne by the local community. The takeover would last for a minimum period of five years but with no outward limit. It would end only when the district met all state certification standards.

The Commissioner has referred to potential takeover districts as "educationally bankrupt" and compares their takeover to the business world's placing an economically bankrupt company in receivership. The analogy is facile but hardly sound. Businesses are not public entities as are school districts. Businesses are not run by men and women who hold their positions as representatives of their communities. Businesses need only concern themselves with the laws of supply and demand. The problems of failing school districts mirror the problems of society.

As we said at the outset, we support the state's right to intervene in consistently deficient school districts. We also support the state's right to use the special powers the courts have said he now has to ensure that those districts succeed. We do not, however, agree that American democratic principles of lay governance and oversight of paid professionals needs to be abrogated to achieve these ends. A dictatorship may be the most effective form of government, particularly for the dictator. But the residue of his rule muddies the waters long after he is gone.

We believe the following revisions to the Commissioner's Intervention Proposal will give the state the authority it needs to meet its goals, while being more in concert with our established American principles of public school governance.

State District Superintendent

We support the appointment of a state district superintendent who would have those great powers now possessed by the Commissioner as delineated earlier in this position paper. He would be able to direct the operations of the district, ensure implementation of the Commissioner's administrative order, and be responsible for the district's earning certification.

School Board Members

The Commissioner's plan removes the board of education purely on the legally unsubstantiated opinion of an outside team that the board is "unwilling or unable" to carry out its responsibilities. The Commissioner would not be required to prove this opinion. Nor would he be required to confront those being thrown out of office with whatever evidence he was using to make his intervention decision. The whole plan is truly Kafkaesque.

The automatic and wholesale removal of school board members is antithetic to the American principle of "innocent until proven guilty." We do not object to removing board members from office -- but only if they have shown themselves to be ineffective, uncooperative or an obstruction to the district's achieving certification. From the reports of monitoring teams from three levels of monitoring and the comprehensive compliance investigation, the state district superintendent should have more than sufficient information to decide if any board members need to be removed.

Has evidence been found that some board members are engaging in illegal or totally inappropriate behavior? Make that evidence public and remove those board members after giving them the opportunity for a hearing before the Commissioner. And then replace them with the outstanding citizens in the community that the Commissioner would put on an "advisory committee."

The Commissioner has said that removing "one or two board members (because of misconduct) would be arbitrary." How much more arbitrary is it to remove all of them, most without any evidence that they have not been fine board members?

The Commissioner says he wants to do away with the board of education so that "No one will control us." His Assistant Commissioner, Dr. McCarroll copies this view when he says, "...in order to be successful, you have to have total control." We are back to Lord Acton.

The state district superintendent would still have his powers to take those actions he deems necessary to carry out the Commissioner's administrative order. (Indeed, as we have shown, the Commissioner has them now.) He would, however, be meeting with the board at its regular monthly meetings and reporting on his actions. The board would be voting

on his recommendations, working with him to ensure community support and participation in district improvement. The state district superintendent would provide the board with the rationale for his actions and keep them informed on the district's progress toward meeting the certification requirements.

Board members would not be able to veto his actions. They would be able to ask questions, gain understanding, and model for the community how a board and superintendent should work together. When the takeover is completed and the district has attained certification, the board will be there to continue the success that the intervention hopefully would have achieved.

By the Commissioner's own admission, "The board as an entity works in 590 districts." Yes! So why does he want to remove the board as an entity in those few districts in which he would intervene? He agrees that it has been proved that this form of governance works and that it is only a very few bad individuals who dirty the works. So remove them after proving their culpability. But throwing out the baby with the dirty bathwater is hardly a reasonable act.

Chief School Administrator

There can be only one top administrator in a district. With a Commissioner appointed state district superintendent, the existing position of chief school administrator becomes superfluous and we support its abolition. The problems causing the takeover, however, may not be the fault of the existing superintendent and automatically removing him outright from the district may not be to the district's benefit. We recommend that the state district superintendent have the option, regarding the existing superintendent, of:

- a. removing him with a hearing.
- b. removing him with severance pay.
- c. re-employing him as a consultant to the district.
- d. re-employing him in a central office capacity.
- e. re-employing him in any appropriate district position.

Central Office Administrators

The principle of innocent until proven guilty applies to administrators. Those whom the state district superintendent has reason to know are ineffective, uncooperative or an obstruction to his mission should be dismissed. Those that are deserving should remain. The automatic and wholesale dismissal of men and women just because they hold a certain job title must, however, be resisted.

These decisions by the state district superintendent should be made on an individual basis and those affected should have an appeal right to the Commissioner.

In arguing the need for wholesale firing of these administrators, the Commissioner has said, "You know the tenure laws. It would take three to five years to remove (these staff members) under those laws." Exactly. Boards have been living with these laws for years. The Commissioner

obviously thinks that the state could not be effective unless they were exempt from them. Why not give boards that exemption?

One point must be remembered with respect to central office administrators. Most of them were previously principals in their district. If they are removed and have seniority over principals, they will bump those principals who, in turn, will most probably bump teachers. People who have been removed from their jobs because they have been found wanting will actually merely be moving to other positions in the school system. Lost to the district could be some of the best and the brightest whom the Commissioner believes the \$18,500 salary and special teacher grants have attracted.

Principals

With regard to principals, we support the proposal's recommendation that principals be given a year before the state district superintendent determines whether they should remain in the district. However, removal must be based on failure to meet established criteria. Full right of appeal to the Commissioner would be included.

Teachers

The one group conspicuously absent from accountability in the Commissioner's Proposal is the one whose members are most directly involved with student learning — teachers. If student learning is the problem, those most intimately working with students must be included in the solution. If a team is not functioning effectively, firing the coach and throwing out the quarterback is not going to make a difference. It may look good in the papers, but it is unlikely to change the scores. All players in the game must be held to the same standards and expectations.

The recommendations in the Commissioner's Proposal relating to building principals must be extended to teachers. As with principals, the state district superintendent would develop and implement a process to assess the performance of all district teachers. Because of the numbers involved, these professionals would be assessed over a 36-month period rather than the 12-month period for building administrators. Those teachers found wanting would face the same dismissal process including an appeals procedure that we recommend for principals. The same removal of tenure rights that the Commissioner recommends for principals would also hold for these teachers. Following this initial period of assessment and action, the normal process of evaluation would continue for those teachers remaining.

The NJEA says "Teachers make a difference." We agree. To ignore the impact of teachers on student learning and student achievement is to be blind to the realities of schools. If a district is having such horrendous problems that the a state takeover is warranted, there is no way that everyone is guilty and responsible except those actually working with kids. It makes one wonder if the political clout of the teachers' union — the most powerful of all unions in New Jersey — has caused the state to refuse to acknowledge the contribution of teachers who do (or do not) make the ultimate difference.

Funding

There is no way of knowing exactly what a state takeover will cost a district, but it does not take a daring leap of imagination to recognize that many of the changes which a state district superintendent could recommend to improve education could cost substantial amounts of money. Additional teachers to allow for smaller classes and more remedial help, improved facilities, career counseling, vocational training, use of aides to contact parents to control absenteeism, new textbooks, libraries in every school, new computer equipment — these are all items which poor districts have stated that they desperately need. And they carry substantial price tags.

The State asserts that any necessary increases in spending in one area can be funded by eliminating waste and transferring funds from one line item to another. Yet these measures should have been effected long before a district reaches the takeover stage. Further, it must be recognized that the proposed plan gives a state district superintendent power to increase a district budget without board, electorate or municipal oversight. This power is potentially perilous! While the State will continue to underwrite the same proportion of a district's budget as it did before takeover, a district will still be required to increase its local effort to fund the local portion of any increased budget. This is a matter of serious concern with respect to many urban districts. They already have higher than average school tax rates and dramatically less property wealth available to them than most other districts to tax for school purposes. Many districts cannot accommodate any increase in tax rates without plunging their communities into further economic decline. Moreover, because of the mechanics of the school funding formula, where the State provides aid to a district for any given year in the subsequent year, a district will be required to fund the first year of any budget increase totally out of its own budget. This fact is the reason why some districts do not spend up to their cap. This requirement could drive district school tax rates to new heights, and drive out those businesses, industries and middle class residents who remain in the cities.

We can only raise a red flag. The fiscal problems of urban areas and the impact of the school funding formula on these areas is complex. A variety of studies have concluded that Ch. 212 has not corrected the financial problems facing these districts. We urge the State that it be sure that any effort to correct the problems of failing urban districts be accomplished in concert with an examination of fiscal considerations. If inadequate resources are found to be a major cause of a district's deficiencies, then the intervention plan should include an extraordinary state appropriation, over and above existing aid, to specifically address those problems. Statements that "(the plan) won't cost money" and "may create savings" are not useful and suggest an incomplete understanding of the nature of the problems facing such school districts.

Reporting Requirements

The yearly reporting requirement in the Commissioner's Proposal should be amended to require the state district superintendent to report his progress to the state board of education and the Commissioner on a quarterly basis.

Conclusion

We agree with Thomas Shannon, Executive Director of the National School Boards Association. He says, "School boards could be abolished tomorrow, and on the day after tomorrow -- and weeks, months and years to come -- there would be just as many problems in education. The only thing that would be gone would be the democratic process of representative governance to handle them. Instead, what would emerge is a lifeless, heartless, nonresponsive and conspiratorial bureaucracy more adept at concealing, ignoring or minimizing problems than addressing them and searching for their solutions."



GENERAL ASSEMBLY
OF NEW JERSEY
TRENTON

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FOR IMMEDIATE RELEASE

THOMPSON CRITICIZE OPPONENTS
OF STATE INTERVENTION

Newark, N.J., Sept. 18---Newark Assemblyman Eugene H. Thompson (D-Essex), today charged opponents of the New Jersey Education Department's proposed "takeover" of beleaguered urban school districts as, "being solely concerned about their own vested interests predicated upon power, instead of directing their concern towards the welfare of children, and top-quality education."

Thompson, also an attorney, directed his criticism specifically at the embattled Newark Board of Education and the controversial Newark Teachers Union (NTU), which in 1984, was charged by the State Commission of Investigation (SCI) of spending nearly \$1.2 million in taxpayer money towards a Newark teacher health-care fund over a period of five years.

Citing that the Newark Board of Education is "a total embarrassment to Newark's revitalization" as well as being "grossly ineffective and inefficiently managed," Thompson acknowledged that "state intervention, along with concrete and supportive community involvement" is, perhaps the only solution to the Newark school district dilemma.

He added, however, that "community intervention" would be more beneficial and "less disruptive" than complete state intervention.

Thompson added that there are numerous Newark-based community organizations, civic-minded individuals and parents that have been "totally shunted aside" and "ignored" by school district officials, that are willing to assist the Newark Board of Education in "implementing a viable and productive educational plan for our children."

(MORE)

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2. Thompson/Intervention

However, according to Thompson, the Newark Board of Education lacks "any workable educational plan. It should be candid and honest with the citizens of Newark and our children that there is no such plan.

"If such a plan or serious educational thrust existed," he continued, "then there would have been better scores on the recently-released HSPT examination." In June, the state education department released 1986 High School Proficiency Test results, revealing that Newark students faired poorly in reading, writing and mathematics.

"Newark does not need another generation of welfare recipients or unemployed young people at the expense of a divisive, ineffective school board. We need top-calibre, productive citizens who will contribute to Newark's revitalization as well as being able to meet the growing demands of today's pluralistic and computer-age society," Thompson asserted.

He categorized the recent testimony (Sept. 16) of Carol Graves, president of the Newark Teachers Union and that of Eugene Campbell, the executive superintendent of Newark schools before members of the Senate and Assembly education committees, as "hypocritical folly."

Thompson added that during "the Graves-Campbell lobby," nothing was mentioned or cited as to what steps are being implemented "to eradicate the chaos which exists within the Board of Education."

"Nothing," he continued, "was ever said in the behalf of our children. Did they discuss whether state takeover would be negative or positive for Newark's schoolchildren? No. They were lobbying in their own personal interests." Thompson, who attended the session, added: "I heard more nonsensical rhetoric than substantive testimony."

"Education," he continued, "is neither black nor white, nor is it Republican or Democrat. Education is the one, primary institution which has held the fibers of our nation together. And, public school education, is the most basic source of long-term American productivity and economic well-being and community cohesion."

Thompson lambasted Graves' accusation of the Kean Administration takeover plan as analogous to "the bulldozing of shanty towns in South Africa" as "absurd and ludicrous."

The Assemblyman defended Governor Kean and Education Commissioner Cooperman, by stating: "If there are any injustices, Newark citizens must point their fingers at a union-infested Newark Board of Education, which, in the

3. Thompson/Intervention

past eight years, has perpetrated an injustice upon the educational advancement and maturation of some 57,000 Newark schoolchildren."

Thompson added another "injustice" as being "the mismanagement of a fringe benefit fund involving the Newark Teachers Union and school board members."

He added that there is mounting community disenchantment--as well as from teachers and administrators--over school board policies.

Thompson concluded: "I think that what the Newark community must address its concerns to, at this juncture, is whether the current members of the Newark Board of Education, Mr. Campbell and the Newark Teachers Union, are good and meaningful for our taxpayers, and particularly, for our students in attaining a quality education."

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Parent

Teacher

Student

Assoc.

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(201) 523 - 6002

Testimony At The Legislation Hearings Considering
Establishment and Governance of State Operated Public
School Districts.

Good Morning. On Behalf of the parents of Passaic County
Technical and Vocational High School and as the Parent of
five children ranging in ages from, 27, 24, 23, 22, and 18
all of whom came through the Public School System with the
last youngster graduating in June of this year and the grand-
mother of three with one of those three now in the system. —
We appreciate the opportunity to share (through me) our
views concerning State Operated Districts.

Too often we as parents have been lulled into thinking
Parent Involvement is what school officials desire. Instead
we quickly learn if we dare become partners or speak out on
issues and/or problems concerning our children we stand in
danger of being arrested, labeled, shut out and at times
given employment or positions to keep quiet. Additionally
our concerns are shrunk into subtle ways shelved on behalf
of a system that lacks a sense of commitment and values that
do not share the bottom line with us to help develop our
young.

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For the most part, we send our young persons to our Public Institutions believing that our schools will assist us in embracing a spirit of hopefulness and learning crucial for sustaining the skills necessary to produce a well rounded youngster who is capable of functioning in the real world and in any direction of their choosing... as well as one we realize will help determine (for us adults) much of what will be for the survival of our future both professionally and individually.

We as parents have learned and are very much alarmed that too often prerequisites accompany the system our children are in. With politics, patronage and power designed to determine the future of our young the balance and corrosion between individual interest and public interest out weighs quality education at all levels.

Yes we are aware of the societal ills that exists such as the increase of crime in our neighborhoods, accelerated drug usage, teenage pregnancy, inadequate housing, single parent households, etc., etc., etc., and we do understand that our schools need refurbishing, new schools need to be built, overcrowding of classrooms need to be eliminated etc. Yet on the other hand we cannot use these situations as a crux not to do what is best for our young. We have a saying where I come from, "use what you have to get what you need and ultimately it will be yours" . We're not asking for hand outs by demanding quality education be accessible to and for our young. We serve to say "GIVE OUR CHILDREN A FISH AND THEY EAT FOR A DAY, TEACH THEM TO FISH THEY EAT FOR A LIFETIME".

We recognize that our Urban Superintendents are not super-human, we as parents have watched good adminsitators and

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to persue or ways to speak out against those issues and concerns that frustrate them. We are not unrealistic in believing that the state has all the answers, (God knows there have been times as parents when we've called on them (State Department of Education) and they have turned a deaf ear, nor are they our panacea and we do recommend some additional checks and balances be included in the already pending legislation. i.e. the creation of the community "advisory " board, minority representation not only on the State Board of Education, but in the Commissioners Office and the County Office as well.

We as parents do not take lightly the democratic principles on which our nation was founded. We know the backbone of our country is Public Education with quality, thorough and efficient standards being the key to freedom and justice for all persons, but we also realize that for our school district state intervention is that much needed drastic step that would serve to remind those of whom we entrust the lives of our most precious possessions which is that of our young, must continue to operate in assisting us parents in making our schools effective and our youth empowered with enough smarts to deal with any given situation in a most positive manner. To these truths we unwaveringly accept and acknowledge State Intervention.

Again, on behalf of our Parent-Student-Teacher Association and for my family those that are biological and those that are community family we thank you for the opportunity to share our concerns regarding, "State Intervention and School Recievership.

PASSAIC COUNTY TECHNICAL AND VOCATIONAL HIGH SCHOOL-
PARENT TEACHER STUDENT ASSOCIATION.

Our PTSA is an organization designed to promote quality

Parent **T**eacher **S**tudent **A**ssoc.

when it was discovered "our" school had been without parent representation since the initial opening of their new build-in 1970. Since our organizations' inception we have donated to our youngsters well over \$3,000.00 in scholarships both at the technical level and at institutions of higher learning. We serve to work together to help our children without compromise or defeat.



BOARD OF EDUCATION
OF THE
VOCATIONAL SCHOOLS
COUNTY of BERGEN

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Superintendent of Schools

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PRESERVING VOCATIONAL EDUCATION IN NEW JERSEY

(Position Paper Prepared as an Open Letter to Dr. Saul Cooperman,
Commissioner, New Jersey Department of Education)

Dear Commissioner:

The members of my Board of Education and I have serious concerns about the possibility that our county vocational school may be "decertified" by the State Department of Education because many of our students had difficulty with the H.S.P.T.

The new state monitoring process for all high schools in New Jersey reflects the Department of Education's commitment to educational excellence. Improvement of basic skills programs and student performance in such programs forms the foundation upon which further student achievement will be possible. You and the Department are to be applauded for your efforts to set goals and to enhance educational programs for New Jersey students.

At the Bergen County Vocational-Technical Schools, we agree with you that "each public school student in New Jersey deserves the opportunity to learn how to read and think critically, write clearly and solve problems." We are convinced that for many high school age students, especially those

- who have not been motivated by the traditional academic curriculum,
- who have experienced difficulty mastering their academic subjects through the local high school educational structure,
- who have been alienated by teaching techniques directed at the college bound student,
- who have already decided they want to pursue a particular career, in the trades or a technical area,

vocational education IS that opportunity.

The new state standards may not have considered the unique position of vocational education.

The purpose of this letter, therefore, is to respectfully suggest that the manner in which educational reforms are currently being implemented may threaten to take away or diminish the vocational education opportunity for many students who, for the past 35 years, have benefited from such an education. Specifically, we are referring to the new High School Proficiency Test (H.S.P.T.).

The H.S.P.T. is given in the ninth grade year, just seven months after students enter the vocational school. The timing of this assessment is inappropriate for a countywide vocational school system and unfairly evaluates its programs. The public release of H.S.P.T. scores by high school district underscores this unfair evaluation and dilutes the contributions of vocational education in this state.

The vocational high school is often most attractive to those students who have already experienced difficulty in learning the material tested. In those few short months, the school has not had sufficient time to implement its own unique curriculum and remediation program to adequately prepare students for the H.S.P.T.

Permit us, at this time, then:

- a) to broaden the discussion of state standards by presenting a view of vocational education as an alternative system that prepares skilled and literate graduates, graduates whose literacy not only encompasses skills in the basic academic areas, but also includes computer and technological skills,
- b) to respectfully suggest ways in which the state goals for academic standards and testing can be successfully met by a vocational-technical school district by introducing a degree of flexibility into the measurement methodology, and
- c) to describe the Bergen County Vocational-Technical Schools' curriculum, which is a program designed to achieve a high level of success for low-achieving academic students.

Vocational education is a viable, alternative educational delivery system which can prepare literate and skilled graduates.

The vocational education alternative combines cognitive learning with hands-on skill development. This teaching model contrasts with the primary lecture model used in traditional high schools. The mission of a school district such as the Bergen County Vocational-Technical Schools is to offer a variety of alternative education models to those secondary students in the county who can perform more successfully in an environment that is different from the traditional local high school.

As educators, we find ourselves with two apparently paradoxical objectives for youth.

The educational reform movement proposes excellence through a process of measurable success in academic subjects as taught in a traditional academic setting. However, a basic principle of American education suggests that ALL YOUTH DESERVE A CHANCE, that equal opportunity is guaranteed as a fundamental right in a democracy. Not all youth learn in the same way; differences in learning styles have been well documented by educational researchers.

From an historical perspective, high school emerged as an institution of public education to shape and groom our American youth for the world of work or for higher education. High school became a reality for youth from all walks of life, black/white, rich/poor, haves/have nots.

The paradox of conflicting objectives for youth developed by well meaning educational reformers seems to foster a system which increases academic literacy, but which may restore the social divisions which public education has worked hard to erase. The difficult challenge for reformers is to increase literacy for students who do not fit into the traditional academic format of education. We don't eliminate these students or their educational needs simply by setting standards and expecting all students to conform to them. The reform movement also has the responsibility to encourage and develop viable educational alternatives so that all students can find success in meeting the required literacy goals.

We believe that ALL youth have talents and abilities, but not all youth have the SAME talents and abilities.

Public education has acknowledged the diversity of student abilities and talents. Attention to the students who are most academically able often takes the form of honors and Advanced Placement (AP) level courses and special schools such as Stuyvesant in Manhattan or the Bronx High School of Science. Those schools are similar to the proposed Bergen County Institute of Technology for gifted and talented students which this district presented to the Department of Education fourteen months ago. Special needs (classified) students often fall at the other end of the bell curve of academic ability. Public Law 94-142 guarantees the rights of handicapped students to a fair education in the least restrictive learning environment. Classified students, in fact, receive a standard high school diploma based upon their successful completion of the individual educational programs designed for them by educational specialists.

Vocational education students, however, receive no special consideration.

The tested ability levels of many of these students fall extremely close to the cut off for classified students. We, at the

Bergen County Vocational-Technical Schools contend that the majority of vocational education students can be successfully trained to become literate and skilled graduates -- IF our own program is given the time required for implementation.

Vocational education is often the motivational source that some students need to find personal success and achievement and to complete their high school educations.

Vocational students learn more and gain greater self-esteem through hands-on and job-related instruction than they gain by continuing in a traditional high school and college-oriented program. Are we more successful than a regular comprehensive high school? The answer for some students is "yes." At the vocational school, we are accustomed to addressing the alternative interests and learning styles of our students in order to maintain a high level of motivation and student success and a low drop-out rate.

The National Association for Supervision and Curriculum Development recently reported that 27 percent of American youth eventually drop out of high school. From an economic standpoint, we, as a nation, cannot afford an increase in high school dropouts. From a moral standpoint, we, as educators, cannot permit an increased drop-out rate to happen for our students.

At a time when the Department of Labor projects that 80 percent of all jobs by 1990 will not require a baccalaureate education, vocational education emerges as a significant alternative for many students.

Congress has told vocational educators to teach more handicapped and disadvantaged students.

Congress, through the 1984 Carl D. Perkins (Vocational Education) Act and the 1982 Job Training Partnership Act (JTPA) has given vocational education the charge of including more handicapped and disadvantaged students in its programs. We accept this charge. But when the educational reformists say we must teach these difficult-to-teach students more basic skills than college preparatory students have been asked to learn up to now, we say we accept the challenge but we need the time.

The implications of the current education reforms in New Jersey are grave for both vocational educators and their students.

You have threatened decertification through Level II monitoring for school districts whose ninth grade students do not achieve average scores of between 60 and 75 (the passing level). At the Bergen County Vocational-Technical Schools, we accept large numbers of previously low-achieving students into our programs.

If there are no changes in the current directives, vocational education will have to raise admission standards for students. If we set the standards too high and eliminate the option of a vocational education for these low-achieving students, then we may cause a significant increase in the drop-out rate in local high schools.

We suggest there are ways to modify the present educational reforms so that the unique contributions of vocational educators can be utilized to help students achieve their dual objectives of literacy and trade skill proficiency.

They are:

A) Change the time the H.S.P.T. is administered so that the test will identify weaknesses in the appropriate school's curriculum and continue to serve as a tool to diagnose student skill deficiencies and prepare remedial prescriptions for further learning. Suggestions for testing time modifications are:

-- Test in grade eight.

Eighth grade testing would eliminate the confusion that occurs when skills taught in grades K-8 are tested in a different school in grade 9. It would permit the test to be used as a guide for student placement and course selection in high school. Furthermore, it would permit high schools to begin the skill remediation process at the beginning of grade 9 instead of grade 10.

-- Test in grade eleven.

Eleventh grade testing would give the high school time to implement its own program of instruction and permit school operations to proceed without the stigma of the threat of decertification. Furthermore, testing in the third year of high school would be a realistic measure of the effectiveness of the proper school's program.

-- Test at random times and places.

Testing at various times and places throughout the year, as is the practice with the SAT program, would allow students to take the H.S.P.T. as soon as they are prepared to do so.

B) Study the content of the H.S.P.T. to determine if mastery of all of the skills tested will actually improve the life chances of all young people.

-- The H.S.P.T. presently includes reading, writing and mathematics. Algebra is included in the mathematics portion of the test. Is the mastery of algebra, for example, necessary for all students? Might the addition of keyboarding, for example, be a practical skill for all students to master? It is apparent that the ability to operate a computer will be basic to all fields of study and walks of life.

The Bergen County Vocational-Technical Schools have developed an academic/skills development program that is educationally sound. Its proper implementation will permit us to achieve a high level of success for low-achieving academic students.

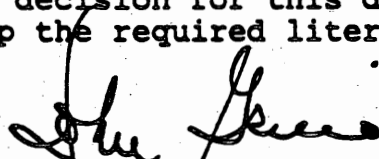
We have been successful in the past. Significant changes were introduced into the curriculum here and in the sending school districts when the first New Jersey graduation test (the Minimum Basic Skills) was introduced in 1977. Those changes resulted in an improvement in student scores of more than 40 percent over a seven-year period.

Now, in preparation for the H.S.P.T., teachers and administrators have created a more congruent blend of academic instruction and vocational training. A new balance has been created between the academics and the shops. Basic skills may be taught through the shop curriculum. When that is not enough for some students, shop time is reduced in favor of more intensified basic skills instruction.

Instruction in vocational and technical subjects is competency based. All of the skills needed in a vocational area are identified and grouped in a logical sequence. Students are taught each skill, given an opportunity to practice the skill, and then tested for skill proficiency. Students who master a particular skill proceed to subsequent skills in the learning hierarchy; those who don't are taught the skill again. Standardized skill assessments now being developed may eventually become part of a skill certification process for district students.

We are working hard. We are working creatively. We believe in student mastery of academic and job-related skills. We believe in teacher and student accountability. We believe we do a good job for our students. We are consistently working to improve the education we provide for our youth.

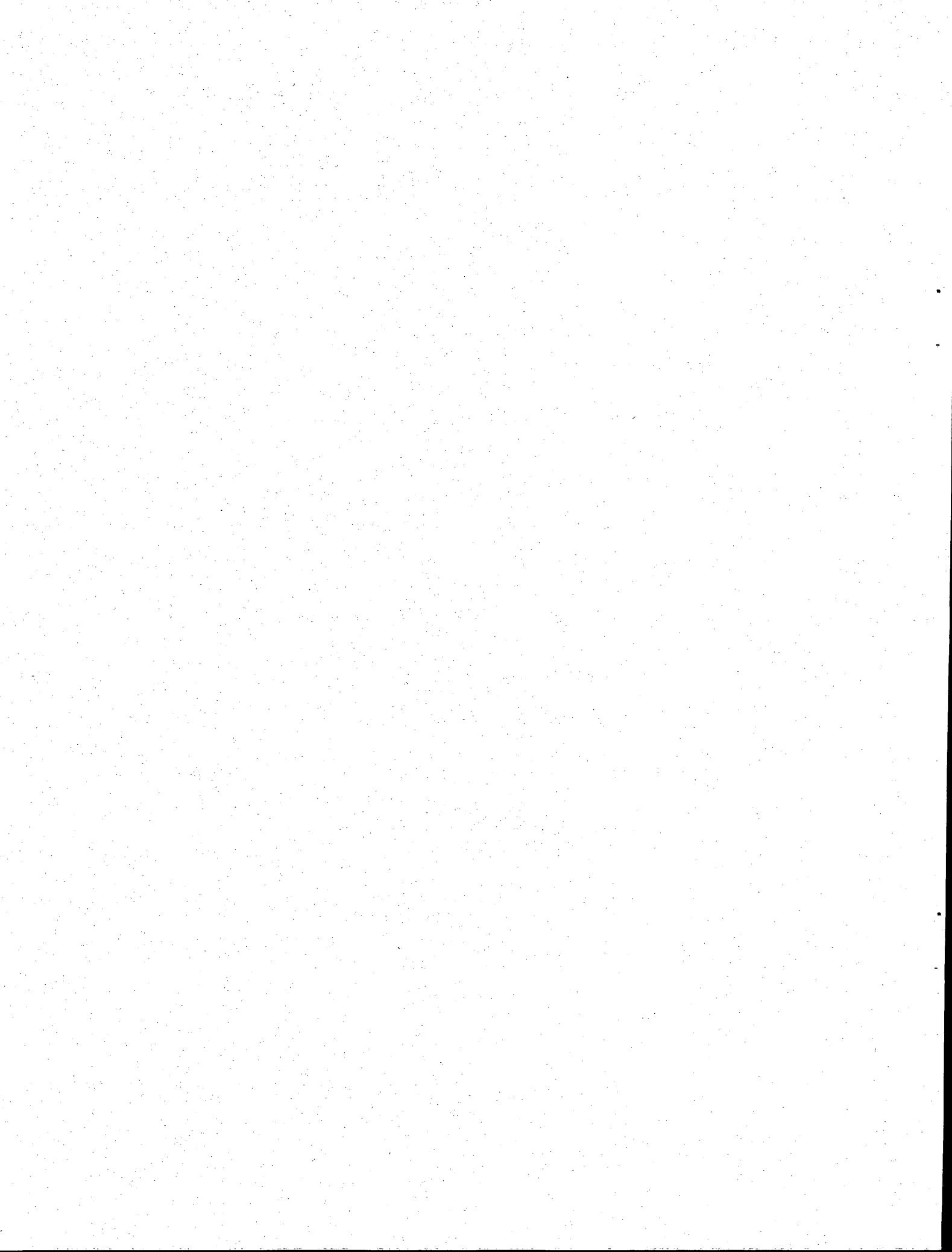
We respectfully recommend that the Department of Education defer the Level II monitoring decision for this district to give us the time we need to develop the required literacy levels in our students.



John Grieco, Ed.D.
Superintendent

BERGEN COUNTY VOCATIONAL-TECHNICAL
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