

Committee Meeting

of

JOINT COMMITTEE ON THE PUBLIC SCHOOLS
SUBCOMMITTEE ON DISTRICT AND SCHOOL IMPROVEMENT

LEGISLATIVE BLACK CAUCUS
SUBCOMMITTEE ON EDUCATION

LATINO CAUCUS

"The panel will discuss the Department of Education's "Education Transformation Task Force's Initial Report" on issues that relate to the existing accountability system known as New Jersey Quality Accountability Continuum (NJQSAC)"

LOCATION: Eastside High School
Paterson, New Jersey

DATE: October 18, 2011
10:00 a.m.

MEMBERS PRESENT:

Ralph R. Caputo, Chair
Assemblywoman Nellie Pou, Vice Chair
Senator Ronald L. Rice
Assemblywoman Eleese Evans
Assemblywoman Mila M. Jasey

ALSO PRESENT:

Melanie Schulz
Executive Director

Sharon Benesta
Chief of Staff



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TABLE OF CONTENTS

	<u>Page</u>
Zatiti Moody Principal of Operations Eastside High School	1
Donnie W. Evans, Ed.D. Superintendent of Schools Paterson Public Schools	1
Junius W. Williams, Esq. Director Abbott Leadership Institute Department of Urban Education Newark Campus Rutgers, The State University of New Jersey	19
David Sciarra, Esq. Executive Director Education Law Center	23
Leonard P. Pugliese, Ed.D. Regional Vice President American Federation of School Administrators, and President Local 20 City Association of Supervisors and Administrators	36
Bessie White Private Citizen	43
Ethel J. Hasty, Ed.D. Superintendent of Schools Irvington Public Schools	49
Richard Kaplan Superintendent of Schools New Brunswick Public Schools	54
Denise Lowe, Ed.D. Superintendent of Schools Asbury Park Public Schools	69

TABLE OF CONTENTS (continued)

	<u>Page</u>
Jennifer Keyes-Maloney Assistant Director Government Relations New Jersey Principals and Supervisors Association	73
Amy C. Fratz, Ed.D. Associate Director Professional Development and Instructional Issues New Jersey Education Association	83
Jonathan Hodges, M.D. Member Board of Education Paterson Public Schools	89
APPENDIX:	
Testimony, plus attachments submitted by Richard Kaplan	1x
Testimony, plus attachments submitted by Jennifer Keyes-Maloney	81x
Testimony, plus attachments submitted by Amy C. Fratz, Ed.D.	101x
Testimony, plus attachment submitted by New Jersey School Boards Association	110x
rs: 1-106	

UNIDENTIFIED SPEAKER: Good morning.

Please rise for the posting of the colors. (posting of colors)

(audience recites the Pledge of Allegiance)

Please be seated.

ZATITI MOODY: Good morning, ladies and gentlemen.

My name is Zatiti Moody. I'm the Principal of Operations here at Eastside High School, and I take great pleasure in welcoming you to Eastside High School, the home of the Mighty Ghosts.

On behalf of our students, staff, and our entire school community, we would like to thank Senator Rice and his delegation for choosing Eastside High School as the location for such an esteemed event. We are honored and humbled for the opportunities to witness these proceedings.

At this time I would like our courageous and innovative leader, State District Superintendent Dr. Evans, to give you his greetings.

Thank you.

SUPERINTENDENT DONNIE W. EVANS, Ed.D: Good morning, Senator Rice, members of the Subcommittee on District and School Improvement.

I welcome you to the Paterson Public Schools, and I thank you for choosing Paterson. Exciting things are happening for the children of Paterson, and we welcome the opportunity to not only talk about them, but to show you as well. Indeed, this particular location, Eastside High School, has been the poster school for the reform and transformation that is currently underway in our school district.

As you know, we took a comprehensive high school of about 1,800 students that was fraught with problems and restructured it into three autonomous high schools under one roof. Each has a student body, faculty, and administrative staff unique to its school, and each is driven by a thematic program.

We also require that all teachers and administrators interview to continue in this school, as well as other schools in the District. In other words, we apply this same strategy to a number of schools in our school district.

We also use a school choice process to enable students who were here previously to choose back into the school, as well as allowing students across the District to choose into the school as well.

While it is not perfect yet, we are extremely pleased with the progress this school has made, such as improving language arts literacy performance for the first-time takers of HSPA by 6.5 percent in its first year under this structure. In addition, suspensions have been reduced by 50 percent during that first year.

Each of you is aware that the factor that most influences student learning is the quality of instruction they receive in our classrooms. Second only to instruction is the quality of leadership and its impact on the learning that takes place. Indeed, Eastside is successful mostly because of the quality of leadership that is present here. You've just had the opportunity to listen to our Principal for Operations, Principal Moody, who is the primary person for making sure that the day-to-day operations of this building occur flawlessly. I want to thank him, I want to thank his three

colleagues who are principals in the other three schools for helping this school to be a success.

Again, we welcome you to Eastside. We hope that these proceedings provide the venue that you had hoped in terms of having an opportunity to hear from others while discussing among yourselves the issues of the day.

Thank you, and welcome again.

SENATOR RICE: Can you hear me? Hello?

First of all, let me thank Superintendent Evans for the work he's doing here and for greeting us this morning.

Let me also thank the Principal here and those who work with him -- and my staff, Melanie and Sharon -- to make the Eastside -- famous Eastside -- you know, we have an Eastside in Newark, too -- this is the famous Eastside High School -- available to us. I want to thank all of you who have traveled from various locations of the state for coming to this hearing.

These hearings are very important for those of us in the Legislature to establish records to try to help our school districts, the parents, the students, the administrators, and the teachers. The one thing I would like to -- before I turn it over to the Subcommittee Chairs -- is to say that the Joint Committee on the Public Schools is a statutory committee established by the Legislature to oversee the 31 Abbott districts in all capacities, from school choice, to school construction, to instruction of programs, etc. And it's important. We do not make legislation, we can recommend legislation. This is not the Education Committee, it's the Joint Committee. And the Joint Committee on the Public Schools consists of

Republicans and Democrats in both houses of the Legislature. That's for those who may not understand who we actually are.

I've been a member of the Committee ever since its formation. I'm also the sponsor of the QSAC legislation -- the Quality Single Accountability Continuum program. Years ago, for the record, the State of New Jersey was -- actually had an intervention program that allowed the State to come in when there was a problem and take a whole school district over. As a result of that law-- I was in the Legislature when Paterson and Jersey City went to Level 3 and were taken over. Newark, at the time, was a Level 2. The politics of Newark took it to Level 3, and the politics were only some personal disagreements with State officials -- and rightfully so, from my perspective, at the time. But they never implemented the plan that was approved by the County, the District, and the State. And as a result, they went to Level 3. And as it was with Paterson and Jersey City, the whole School District was taken over.

Over the years there are those of us in the Legislature -- and some of the members are sitting here -- and others -- some have passed on to do other things -- we have actually fought against total intervention. We recognize that ultimately the State is responsible for educating our students in the public education system, which we don't always fight for. And we're also responsible for our children, as *parens patriae*.

And so when we started to look at the school districts, it became clear to us that urban demographics and economics dictate a different type of support system from the State of New Jersey, whether they like to hear it or not. And I think the history many of you know was when Dave Sciarra and others at the Education Law Center -- going back to its

first leader -- started to challenge the system from Abbott all the way up. And ultimately the State said, "No, you have to give parity, in terms of dollars and cents, to those school districts and help them build capacity." And folks still fought against that. We have to have new schools and have equal opportunities. And so we won those battles.

We can no longer argue for money for school districts. And I explain this to my colleagues all the time, particularly my African-American and Latino colleagues in the Legislature, because we represent the districts that are predominantly oversighted the greatest. We can't even argue for money for school construction. What we have to argue is that we maintain the money that the courts have approved. So we have to argue for accountability. We're never going to get accountability in urban school districts such as Newark, Paterson, and Jersey City until the State recognizes there are still some differences that need to be addressed. We're never going to get the measurements that we need and the scores where they should be unless we recognize you cannot say there is a finance problem, and you go in and take over the whole school district when there is no problem in personnel, there is no problem in operation and management, there is no problem in other categories of government, etc. And that's what the old law actually allowed the State to do.

As a result, there were those of us -- and I pretty much led the fight -- that we need to take the district out of local control. And then we realized there was no real direction, if you will, or anything in statute to even give us a process to come out. And so we wrote a new law known as QSAC. And that law was to, number one, make sure the State, in most cases, does not go in and take over a district; but if they had to go and

intervene, they didn't take the whole district over. The State is to look at the school district under various categories and determine if there is a problem. So if the only problem you have is in personnel, under QSAC the State is to come in and to work with you -- not take it over, but to work with the personnel director -- whoever is in charge of that organization, and help build capacity and bring the resources necessary to put systems in place to make it work. And if, in fact, there is a lack of cooperation, then the State can actually take that area over without an impact on the other areas of the school. So it wouldn't be a complete takeover. And then there is supposed to be an immediate return back to local control -- all of those categories -- once you pass 80 percent or more of the indicators in the districts that you're supposed to have. And that is supposed to be the process.

Now, during the course of writing QSAC, working with Commissioner Librera, and also spending summers working with Commissioner Librera and people like the former Superintendent of Schools in Newark -- takeover school -- Dr. Marion Bolden, and 30 or 40 educators and prominent people throughout the state, we did regulations. At that time it was very interesting, because when those of us who understood the impact, positive and negative of QSAC -- of the old district -- we tried to put in ways and means to help expedite the return to local control. Some of the things that we argued never got into the legislation. There was compromise in order for us to try to push at least the three takeover districts back to local control.

And it's interesting, because today we're here to discuss the Task Force's report -- the Governor's Task Force report -- Governor

Christie's Task Force report. And some of the things that are mentioned here, that need to be looked at as possibilities in helping corrections in making QSAC better, are things that we argued, Dr. Bolden and I -- Marion Bolden -- from day one that were never put in.

For example, under QSAC, if you have 1,000 pieces of paper that are necessary for you to pass, and you're missing one, you get no credit. And we've always argued that you have to measure progress. You can't tell us-- You know, you're teachers, you're administrators. You know that you up grades. You pat young people on the back for improving. That's a good thing. And so if you get a District like Newark that goes from 30 percent in instruction and programs, under our law, to 50 percent, to 64 percent, you have to give credit for that. But that's not what QSAC indicated. Well, as (indiscernible) count, Millburn -- which they call a *wealthy* district -- is at 69 in instruction and programs. And so when you look at it, there are some things that I agree need to be changed with QSAC.

The reason I called this meeting and asked the Subcommittee of the Joint Committee on the Public Schools, chaired by Assemblyman Ralph Caputo -- on the education component -- and also asked the Subcommittee of the Legislative Black Caucus -- which happens to be the 15 African-American members of the Legislature, chaired by Assemblywoman Mila Jasey; and also asked the Chair -- who I just saw come in -- of the Latino Legislative Caucus to join with us. Because we need to establish a record, as best we can throughout the state, as it relates to your experiences with QSAC; and if you run a takeover district, your experience with No Child Left Behind -- and QSAC, I need to say -- but how you see it. Because there are representatives here now that, under

QSAC, should have been intervened in a long time ago. They have improved since then, some of the districts, but they should have been intervened under law. And if you read the Task Force -- the Task Force indicates that these districts were never intervened with because of the conflicts of law. Well, to me that implies, by their own admission, that Paterson and Newark should not be takeover districts. They need to be worked with, if we look at that.

And so that's what we're here for this morning. I want to stay specifically with this Task Force's report. Because my greatest concern is that the-- Some of us in the Legislature who read this report -- and the final report is due in December. We'll be in agreement with some of the findings and what we need to do to change the law -- that's where this is heading -- and to change the regulations. My concern is that the State will boast about all of us being on the same page, and then take us beyond the same page and set new directions. And they'll set new directions, taking us right, when we know we should be going left. And so unless we have our own record -- because the Task Force is having a meeting today. They're putting together records of people they invited.

Finally, I want to say this to the members -- and I need you to take it back to your various caucuses as well -- we need to be very cognizant of the fact that when you look at the Task Force's report, the Task Force makeup did not include one person to have participation on that committee from a takeover district -- Jersey City, Newark, or Paterson. That's very important. If you're an educator, and you deal with an educational type of committee, I think it's very important for you to recognize you need to have someone who has actually lived the life, who has actually experienced

a takeover; worked in a takeover district, had to manage a takeover district -- as superintendent and others -- so they can have the input as to what was actually working and what was seen from their perspective as not working, and where we think some of the changes should be.

Do you understand where I'm coming from? It wasn't done. So even the makeup of the Task Force, in and of itself, was biased, from my perspective -- not from a racial perspective, but biased in its intent. Because when, in fact, you look at the makeup, for the record -- and I need to read this into the record. And we are being transcribed, for those who are speaking. We had a person, Angel Cordero, who is the core founder and Director of Community Education Resource Network, and Co-Founder of Eastside Preparatory High School -- I don't know what that is. It certainly is not something that, I believe, represents what you represent in takeover districts in terms of academics. Then there was Angela Davis, Principal of Teaneck High School, whose prior teaching position includes Clifford J. Scott High School in East Orange. I'm not sure-- East Orange was not a takeover district; it certainly is an Abbott district. And so the experience of that person as it relates to Abbott is no place near-- There's a difference between how we're treated in Newark as a takeover district than our sister city, East Orange, as an Abbott district. And then we had Frank Digesere, who was representing us -- very good guy -- Assemblyman Caputo and I, in our district in Bloomfield; but he came out of Kearny -- no real experience or indication as to what it is to be in a takeover district. Then we have Linda DuBois, the Mayor of Pittsgrove Township and a teacher in Pittsgrove Middle School. Prior to that she was an elected official on the Township Committee. I don't think Pittsgrove can tell us about Jersey

City, Paterson, Newark, Irvington, Camden, etc. And then we had a Bruce Litinger, Executive Director-- Well, they know everything. One thing about the Education Law Center is, they know it all. So it's a good thing they were there. Okay? Without them I don't know if we'd have any conversation about the districts. And then finally, we had a Mike Osnato, who is the Chair of Seton Hall University's Department of Education Leadership -- which is very interesting, David, from my perspective, because I don't see Paul Tractenberg's name here, who was almost there from day one on all of this stuff, from Rutgers University. So maybe we should have balanced the academic institution of the higher education. And that's your committee.

And so the members of the Legislature need to be cognizant of the fact that we need to have input, because it's clear to me that this same committee is going to be driving and directing the new direction of legislation, which they can't do without us. And if we don't know what you are thinking, and what your concerns are, and the points that need to be made during our deliberations in Trenton, then we're going to, once again, come up with a bad piece of legislation, and it's only going to target urban areas.

And finally, I want to make sure that everybody -- I believe it's online.

Melanie, is this report online?

MS. SCHULZ (Executive Director): Yes.

SENATOR RICE: Okay.

What I want you to do is to go online. Because when we did QSAC, the one thing I said was that we're not going to do QSAC for 31

urban districts; and we're not going to do that because I know, personally, there are problems in other districts throughout the state, because I travel the state. It's just that those districts' demographics don't make up what Irvington, or Newark, or Paterson, or Camden, Asbury Park make up; Jersey City. And so they want to hide and give you the impression that they're really doing well, they're very impressive districts, and stuff like that, which is not the case. They always talk about Morris County. Well if you look at this report, you're going to see there are some problems in some Morris County districts. If you look at Gloucester County, Salem County--

And so I say QSAC is going to-- The indicators apply to everyone. Now the numbers are coming in. And the reason I'm raising that is because I want you, and your friends, and your families to go online and I want you to pull up the whole state -- it's online. But what I want you to pull up -- and what I want Melanie to do, if it's not -- I'd like you to take this real nice chart you made for me and put it on the Joint Committee line, and only show this chart. Show the whole thing, but show this chart. Because when you look at this chart, this chart is going to tell you that there are school districts throughout the state -- when it comes to governance, meaning you're school board, 11 percent. There are districts like Millburn that are showing 69 percent in instruction and programs. They're not going to boast that. You're not going to see it in the newspapers, because they don't want to be embarrassed. But it's okay to say that Newark is at 64 percent without saying we made progress from 30, to 50, to 60. While urban districts, takeover districts are improving, other districts are coming down.

And under QSAC, the State should have sent -- and I don't know of they did or not -- Melanie, you can make a note. I want to find out on these how many letters were sent to each district, and when they were sent, and copies of the letters indicating that they have to submit, immediately, a corrective action plan. Because the process calls for that. But if you look at the Task Force's report, the Task Force report said they never intervened in cities like Camden -- which they want to privatize now and make it a whole private education system. That's just the politics of it. And they never intervened in Asbury Park, Trenton -- that's improved now, primarily because of the conflicting laws.

Does everybody understand where I'm coming from? What I'm trying to tell you -- and I'm glad to see the young people here. And I want to thank the Honor Guard for coming in and helping us. I want to tell you that the districts are being discriminated against. That's the best way to put it on record. And we need to fight that, and we need to change the law.

So with that, I'm going to turn this over. I want to thank everybody once again. I apologize for being so verbose, but the history is important.

So I'm now going to turn it over to the two Co-Chairs, and then we can start to recognize all the members coming down.

Co-Chairs.

ASSEMBLYWOMAN JASEY: Good morning.

I'm Assemblywoman Mila Jasey, and I represent the 27th District, which now includes parts of Morris and Essex County. And I thank Senator Rice, because he's bringing to light information that should be public and that we should be concerned about.

So before we get started, I would like to thank some people. I'd certainly like to thank Superintendent Evans and Mr. Moody, the Principal of Operations; I'd like to thank Mr. Nieves and his culinary students who will be -- who have prepared something for us. We definitely appreciate that. As we've traveled around the state on the Joint Committee, we have been really impressed with some of the culinary skills of students in our high schools. Terry Carallo and Alan Knight for helping coordinate this meeting with staff-- I'd like to thank Melanie Schulz and Sharon Benesta who are also staffing this meeting. And I would especially like to thank the students: the ROTC students, and Honor Guard, and the student ambassadors who greeted us at the door. I'm always delightfully surprised by our students wherever we go. No matter what you read in the newspaper, we have wonderful young people. (applause)

And I think that it's really important for us -- for those of us who are the adults in all of this to remember our kids, to remember our young people, and to remember that they are our future. And they're depending on us to do the right thing, to make sure that they're prepared, and to support them as they move through their lives -- through their high school careers and their elementary careers, into college or the workplace. So that's what keeps me going, that's what gets me up in the morning, is the opportunity that I've been honored to have these past four years -- to represent our students and their parents. Because as a parent and a grandparent myself, I totally and truly value an excellent education for all.

So with that, I'm going to lay out the morning for you. I'm going to give my colleagues two minutes to introduce themselves and say hello to you, and then we're going to call up those of you who are here to

testify, because we want to hear everyone's testimony. It's important to get it into the record. These proceedings are being recorded and will then be transcribed and available to anyone who would like to have them.

I want to ask our presenters to try to keep your comments to five to seven minutes, that way we can hear from everyone. For those of you in the public who wish to speak, at the end of these presentations -- that should leave enough time for you.

And I'm going to ask my colleagues to try to hold your questions and/or comments until we've heard everyone speak. Sometimes what happens is, we get carried away with the person who is addressing us, and we don't leave enough time. And also because, unfortunately, I have to leave at 12:30 for an event in West Orange, which is part of my district. And if we're not -- if we have not heard from everyone by that time, my colleague Assemblyman Caputo will carry on. But I think we can get this all covered in a couple of hours if everyone can try to stick to the timelines.

So, with that said, Assemblywoman Pou.

ASSEMBLYWOMAN POU: Thank you so very much and good morning to everyone.

That was very nicely put, Assemblywoman.

Let me just say, first, I am so delighted that we have selected my hometown district as part of this -- for the meeting to be held here.

Senator Rice, I just want to commend you for your ongoing advocacy; your strong position on making sure that the hard questions, the difficult questions are always asked, and we are always demanding. And you are always looking and demanding for answers to the very difficult questions that clearly need to be asked.

I want to welcome each and every one of our members -- I want to -- to our great City of Paterson, the 35th District, which I am very honored and privileged to represent.

Today's hearing is going to really allow us to receive information, and have what I hope to be a very, not only enlightening conversation, but also, perhaps, maybe even a provocative one that will allow us to really get the kind of information, and the beginning of conversations and information that is all too important for us to really learn, take back with us, and have the opportunity to do something about it.

So I'm very, very happy that we're doing this. I'm especially happy that we are doing it right here in our hometown of Paterson.

And, Dr. Evans, I just want to say thank you very much for all the hard work and all the great work that you, as well as all of the members of your faculty, are doing. But especially to our young students as well. You make us all very, very proud. And I am very proud to say that Paterson is still -- continues to be a shining star.

Thank you so very much. (applause)

ASSEMBLYWOMAN JASEY: Thank you, Assemblywoman.

Assemblywoman Evans.

ASSEMBLYWOMAN EVANS: Good morning.

And I, too, serve the 35th Legislative District, which includes Paterson. And I'm honored to be here this morning.

Thanks for our students to hear this report. I think it's important to them.

And thanks to the faculty, to all the principals here, and all the educators in the room.

And, Senator Rice, thank you for always holding up the blood-stained banner so that we can see it and recognize it's not an accident that we have these issues, and we will continue to have them as long as those of us of color and poor economic status-- We will continue to be the ones that get the least. And you're right, we're fighting for money and trying to bring more into our students to improve the quality. But if we're going to base it fairly, if we're going to be fair, when you take a look at this report it's astonishing how some are much lower than others -- and we're in State takeover. State takeover has been in this city since 1991. It has not improved the quality of education. And I stated it was never about improving the quality when they came in and took over.

But I say to our educators, continue to motivate your children. Help them to believe in themselves, regardless of the economic deprivation. It is important to you, when you look in the mirror at yourself, that you can really look yourself in the eye and be proud of who you are as a professional, and be proud that you were successful in helping these young people become successful adults so that they can take their rightful place in America.

Thank you, again, Senator Rice and to the entire Committee, for bringing this to Paterson and bringing it to the public to help people get a true picture of what is going on here, and not political sound bytes -- that what is really going on in education -- the have and the have nots in the urban versus-- We should not be in this position. We should do what we can for all children, as State legislators, to educate all children equally.

And I thank you this morning for the opportunity.

Thank you. (applause)

ASSEMBLYWOMAN JASEY: Thank you, Assemblywoman.

I'm sorry, Assemblyman Caputo.

ASSEMBLYMAN RALPH R. CAPUTO (Chair): I'm always the forgotten one. That's all right. (laughter) I appreciate it.

First of all, my name is Ralph Caputo. I represent the 28th District in Essex County along with Senator Rice.

Obviously, this is a very important document. And in many cases people ignore these documents because they're so busy doing their job that they don't realize the changes that can take place without their input. So that's the value of this particular hearing. We have many outstanding educators here, not only from the City of Newark, but from Irvington and from around the State of New Jersey, who will respond to this report.

Basically, what we have to understand is that everybody is very good, and accurate, and important when they begin to identify problems. The dilemma is: How do you solve them? And we've been in a long history of trying to solve education problems in the State of New Jersey for many years. What makes it more -- gives it more impact and more severity, in terms of the urban districts, is that the politics of the situation is that so many dollars go to these urban districts. And all of the decisions that have been made that have helped the Abbott districts -- the so-called Abbott districts -- were really made by the courts. And even this last decision verifies and validates the importance of the dollars behind every kid that resides, by zip code or whatever, in those districts. Of course, the formula has changed, and many of the dollars follow the children regardless of that.

But the fact is: The majority of our kids who are at risk live within those boundaries. And obviously the way to solve these problems has a tremendous difference of approaches, not only from the State of New Jersey, but from local people. And the difference this time is that we're in a perfect storm of a terrible economy. And the fact is that public education has been under attack. So this hearing is very important in terms of responding in a very positive way, and a critical way at the same time. Because there are many elements that are probably true regarding this report, but in the way that we're going to solve these problems we're going to find differences.

So we're here to listen and synthesize the information that's presented to us so that we can lead as advocates for the children of the State of New Jersey, especially the ones who are now under State control. I worked for the State Department of Education at one time, and I was acting county superintendent in Essex County, where we had identified many problems. Those problems still exist. So we're talking about 30 or 40 years of identifying problems and solving very few. So we hope that we can continue working toward better solutions.

Thank you very much. (applause)

ASSEMBLYWOMAN JASEY: Thank you, Assemblyman.

So I would like to recognize Council Member Ben Wimberly.

(applause) Thank you for coming.

And also Board of Ed member Dr. Hodges. (applause)

Thank you.

I would like to call up first David Sciarra from the Education Law Center, along with Junius Williams. And they will be followed by Dr. Len Pugliese from CASA.

And Chrystal Cleaves, also a Board of Ed member. Thank you so much for taking time to come this morning. (applause)

SENATOR RICE: For the record, Madam Chair, Junius Williams also represents the Abbott Leadership Institute.

ASSEMBLYWOMAN JASEY: I stand corrected.
Go ahead.

JUNIUS W. WILLIAMS, ESQ.: Good morning.

ASSEMBLYWOMAN JASEY: Good morning.

MR. WILLIAMS: I want to thank the Committee, especially Senator Rice, for asking me to come today and for giving me a chance to read this report.

I took very seriously the kind of scholarship and investigation that had to go into this, and I am in 99 percent agreement with what has been said. The 1 percent I wish to expand upon in just a second.

I want to point out that on Page 4, the joint charge of this committee was to review the existing accountability system called QSAC; but also number two, which is where I have my -- where I see some room for, let's say, some wiggle room there -- is to conduct a comprehensive review of all education-related statutes and regulations to determine the extent to which they increase the quality of instruction for students, etc., etc., etc.

Now, from the work that has been done, and from my own experience, the commission-- I'm sorry, the Task Force is absolutely correct

in its assessment of the present QSAC regulations. QSAC, as operated -- and I suppose these are my words, but one can certainly draw from the conclusion that you've already reached -- there is more political than educationally useful-- Just look at the inconsistencies with respect to the way QSAC has been administered throughout the state. And Senator Rice talked about Millburn. But if you really want to see something that's egregious, look at some of the other hundreds of examples that I have in here -- a report called School Districts Below Average QSAC. And I looked over at Lakewood, in particular, where there is a 48 percent rating in instructions and programs, personnel is 77, and governance is only 67. So we could go right down the list. There is some inconsistency, and some have, some don't -- some have intervention, others do not.

And finally we have the most recent example in Newark, where Newark has received above-adequate ratings in four of the five categories. The Acting Commissioner even had the honesty -- let's use that word *honesty* -- to say, "Yes, you passed all of these, but we're still not going to let you have local control." So it is a political football, and I'm sure my colleague David is going to talk a little bit more about what is happening in that area to make that happen.

I also point out what you said, aAnd I agree with what you said, about No Child Left Behind. It's been transformative, but it's useful -- it's limited in usefulness because of its insistence on a one-size-fits-all approach to education. And you all spelled it out very well on Page 22. In essence, both have failed to drive and prescribe meaningful school improvement in performance of the State's worst-performing districts.

Now, I want to talk about your 10 principles which are set forth on Page 24 of the document. That's important, because it's kind of a summary of where you think things should go and, in essence, I agree. Here's where my 1 percent might turn into being a little more than that.

When we look at those 10 principles of the accountability system of the future, and we look at No. 3 -- assess school outputs, not inputs -- I have to respectfully disagree. If we fail to look at the inputs, then we don't know how to value the outputs. It seems to me we have to do both. At the Abbott Leadership Institute at Rutgers University in Newark, we're working with parents, students, and educators to work on ways to advocate for better school performance throughout the District. And one of the districts we studied by comparison, and one particular school we looked at, is in Bergen County, and it's Ramsey High School. One of the things we noticed at Ramsey is that there are two things that are consistently put into that school. One, resources; and two, a commitment on how to use those resources to make things happen that the children not only enjoy, but can then turn into output in terms of what they're able to do with that education once they've finished.

I want to just talk about a few inputs that I think are very important, and they're, by no means, exclusive of all others. One, we need to have some kind of system that's going to assure teacher preparation. Teacher preparation continuing -- teacher preparation to include, among other things, cultural awareness. We have a lot of school teachers who come in who mean well but just don't understand what's going on.

Number two, there has to be a curriculum that's inclusive of arts in education. What would I be if it were not for music in my education

in public high school in Richmond, Virginia? And just looking at it broadly, how are you going to teach children of color and not include music into what they do? It just doesn't make sense.

Number three, viable extra curricular activities -- interesting, a variety. Look at what's going on at Ramsey. They've got about 25 clubs, they've got all kinds of things that we don't have in the inner city.

And number four, supplemental programs. And this is very touchy with me, because we had something called *supplemental programs* under the Abbott program. But when the Governor and the State Legislature wiped out the Abbott program, they took away the possibility for many things like after-school programs, before-school programs, guidance -- more guidance counselors -- tutors, all kinds of accessories that were necessary to bring Johnny and Mary up to a point where all the educational aspects of their lives could then fall into place, because it would help them catch up where they had been neglected in the past.

So, to me it makes sense to say, "Yes, we're going to have 10 principles of an accountability system of the future that is streamlined, that has accurate differentiation of schools, etc., etc., etc. But there has to be some kind of accountability for what goes into the process by way of making sure that there are more resources for the schools in the inner cities and the not-so-inner cities that were all included under Abbott, but also that we are holding people in these school districts accountable for how they use that resource to make sure that all of those dreams come true for little Johnny and for little Suzie."

There should have been, and there still should be, an assessment of what happened under the Abbott program. Under all those

years -- and David Sciarra can testify to this -- the Supreme Court said, "State of New Jersey, you are to assess. You must assess how the Abbott money was spent," and it was never done. So how do we know what works and how do we know what doesn't work if we don't test it? There has to be some benchmark that must be included in your accountability system of the future testing, and holding accountable people for the use of the resources that are available. But first, there must be an adequate amount of resources put into these schools, and that's a joint development with the Governor and with the State Legislature.

Thank you.

ASSEMBLYWOMAN JASEY: Thank you. And I especially appreciate the fact that you made a point of mentioning extra curriculars. Because as the parent of three kids who went through high school, every child needs a hook, every child needs a reason to get up in the morning and go to school. And it varies from the arts, to sports, to academics, to drama. And you're right, those activities have been lost in a number of schools where they're needed the most, because parents don't have the wherewithal to replace those activities. So I thank you for pointing that out.

Mr. Sciarra.

DAVID SCIARRA, ESQ.: Thank you, Assemblywoman Jasey and members of the Committee. It's a pleasure to be here.

I am David Sciarra. I'm the Executive Director of the Education Law Center, and I've also served since 1996 as the Lead Counsel for the plaintiff school children in the *Abbott v. Burke* case, which are all of the children who are here in Paterson and the other 30 urban districts.

Let me comment on this report issued by Governor Christie's Education -- so-called -- Transformation Task Force, and specifically the discussion in that report about QSAC and changes to the QSAC system.

I think it's important, though, to keep the report in context. In 2008, the Legislature adopted the new School Funding Formula, the SFRA. And if you recall -- those of us who were back there then, and back when QSAC was developed -- QSAC and SFRA are designed to go together. So you have the funding that follows the child; change the Abbott districts. We no longer have Abbott districts in terms of funding. We still have the respective facilities but not funding. And then QSAC. So they're bookends. They go together, and they were designed to create a framework for funding, sustaining, and improving New Jersey's best-in-the-nation public education system, with particular attention to our high-poverty public schools.

It's also important, though, to recognize that SFRA has never been fully implemented, still to this day. We were able to get, as mentioned -- Assemblyman Caputo mentioned, or somebody mentioned -- about the court order -- the funding cut that Governor Christie implemented restored for the urban districts. We tried to get the court to restore it, and you did in the budget that was adopted by the Legislature for the 221 under-adequacy districts like Clifton next door here, and so forth, and so on. That was, unfortunately, vetoed out of the budget, so we still have not had full funding for those under-adequacy districts. And although that's another topic, I look forward to working with everyone on this -- here and your colleagues to get SFRA fully funded in next year's budget.

But in addition to that, QSAC is now undergoing significant revision by the State Board. The DPRs, the indicators, are being changed; they're being streamlined. I think the State Board is about to adopt that. So the QSAC process itself is undergoing regulatory change. And as announced in this report, the Commissioner and the Administration will go to the -- announced its intention to go to the Secretary of Education for a waiver of NCLB, which is outlined in this report -- is designed to try to push through additional changes. So we may be having a radically new and different statewide accountability framework emerge from that process. We don't know yet.

In addition to that, we have the mandate for a new, statewide system for evaluating teachers and the pilot that's going on now -- just started. That's underway and hasn't been completed. At the same time, the Department is implementing the new Common Core Curriculum Standards and developing a new generation of State assessments. They're also on the verge of implementing a new formula for high school graduation -- for measuring high school graduation -- and a new controversial growth measure as key parts of its new accountability system. So the point here is that there are a lot of moving parts going on now. And frankly, as I'd like to point out, I think it's premature for us to be talking about any changes to the QSAC system at this moment until a lot of those moving parts become clearer. So, for example, the teacher effectiveness pilot. We don't know how that's going to play out. There are a lot of concerns about how that's going to go. You've heard a lot about that. These are all issues that need to be played out.

And, frankly, I want to raise two general concerns, which are that a lot of these measures remain unproven and untested, and lack substantial research base.

Secondly, I'm really concerned, as has been pointed out, with the lack of transparency and collaboration with key stakeholders in the development of these proposals.

Let me just make a few points, though, about what the report does say about QSAC. First, the report's analysis of QSAC is deeply flawed. QSAC is not simply focused on inputs, as the report suggests, but rather on making sure districts have proper processes and substantive programs in place to ensure a performance level in core areas: use of funding, effective governance and leadership, human relations and personnel development, and the like. All of these areas are critical to ensuring all students have the opportunity to achieve our rigorous content standards, and graduate college- and career-ready.

The report also, I think-- It's emphasis on the burden of the QSAC process is a straw man largely of the Department's own creation. The number and types of indicators in the five QSAC monitoring areas are not mandated by statute. Those are within the purview of the Department. And as I mentioned previously, to this end, the State Board is poised to adopt what is being claimed to be a more streamlined set of indicators, shortly, that would -- that are being proposed, presumably, to address the report's concern about regulatory overburden.

The report seems to suggest, without any evidence, that the only measure worth monitoring, in terms of improving district performance and outcomes, is student performance on State assessments. The report

also suggests that a monitoring process that examines, for example, whether a district is properly accounting for and using its education funding is somehow focused on the “wrong things,” and that’s a quote. So my point here is that--

And in addition, the report talks about NCLB and QSAC not meshing together. Frankly, QSAC indicators just incorporate NCLB requirements, helping to assure that they are met. And as you know, NCLB is changing. We’re either going to get a new law from Congress that’s going to change NCLB, or we’re going to have the waiver process.

So, in short, there’s nothing presented in this report that would support altering QSAC’s statutory framework at this juncture, and I would urge you not to do that at this point. The Department will likely reduce the number of indicators in each area of district monitoring; NCLB requirements will likely change; and the Christie Administration has put in motion various changes to teacher evaluation, common core standards, and assessments. All of this counts as -- for continuing forward under the current framework and waiting to see whether it should be statutorily adjusted or modified down the road.

Now, I want to make two other final points. In one critical area, this report really misses the mark, and it was mentioned -- it’s been mentioned here. It was mentioned by my colleague Junius Williams. While stressing the need for the departmental intervention in struggling districts, the report fails to address the Department’s own unwillingness or lack of capacity to take such action under the QSAC framework. Only look at Camden. Camden’s QSAC scores a year ago, in all areas except fiscal operations, were below 50 -- and significantly below 50. The only area they

scored above 50 was fiscal operations; they scored a 70. And that's because there's a fiscal monitor who was appointed there under the separate fiscal accountability law. Frankly, I can't understand why the Commissioner has not, since a year ago, done -- taken the first step that QSAC requires, which is to do an in-depth evaluation by outside experts of those areas that the district went below 50.

I did an OPRA to see if the Department had done that, and they haven't. The first step in intervention is to bring outside experts in to look at governance, look at the other areas -- personnel, and so forth, and so on -- where they scored below 50, and get some outside expertise in there to figure out what Camden needs to do. Instead what they did was, they told the district to go do another self-evaluation again; start the process all over again. That's not what the statute calls for. Why do another self-evaluation, spend another year spinning around, when they should have had a team of experts basically in there in those areas figuring out what's going on?

And that's a prime example of the real issue that we should be looking at and asking the Department to look at -- is its capacity and willingness to provide real help to those few districts around the state that really need attention -- places like Willingboro, Asbury Park, Beverly, and Camden. And so that's the issue that we have to examine, because that, frankly, is the biggest failure, in my judgement, of QSAC in terms of implementation -- is to put in the regime that you all put together, which was highly skilled professionals, outside experts, so forth, and so on; measured steps to figure out what the problem is before you do intervention; and even intervention in partial or full if necessary. And the

Department, frankly, isn't doing any of that right now. So that's really a big point. And the report just completely fails to address that.

And as you know, the Department of Education has had substantial capacity deficits and still does. Go back to the 2008 and '07 report that you paid millions of dollars to have done by KPMG, and those-- So we know the Department's got some serious problems.

I do want to just mention about State takeover and the Newark piece. Newark scored, in this last round-- It already had been over 80 in one area -- operations -- and got it back under Commissioner Davy. It just -- its latest QSAC scores came out, and three other areas were over 80; one was under 80. If you're over 80, you're considered a high-performing district. The one area they didn't score over 80 was in curriculum and instruction, and that's largely because of the test scores. You were talking about -- what was it, Millburn or one of those districts?

SENATOR RICE: Millburn.

MR. SCIARRA: Because of the AYP -- problems with AYP, which are going to be changed -- and test scores, Newark didn't score over -- it scored a 64, I think it was, in curriculum instruction.

Well, the statute is pretty clear. When you score over 80, and you're high-performing, the State must withdraw from those areas. Now, not complete withdrawal, not total return to local control, but from those particular areas you score over 80. Paterson just scored over 80 in governance, but yet the Commissioner's decision in both Paterson and Newark -- and particularly with Newark -- was, "I don't care whether you scored over 80. Because your test scores are low, I'm not giving the District back." That's a wrong decision. That is really an incorrect decision. What

should be happening now is, those areas should be returned back -- the Commissioner should retain control over curriculum and instruction, the District isn't asking for that back -- because that's the way you set it up. So I just wanted to make that point. And the same is going to be true for Paterson.

And that's actually what happened in Jersey City, by the way. They did that -- has partial control in those areas, including governance. So that's a big issue that you need to really dig into. And it goes to the underlying issue about the Department's unwillingness to properly intervene as QSAC is set up.

So I'll leave it at that. Maybe for another day I would urge the Committee to have a hearing on the proposals that the Department is talking about in terms of an NCLB waiver. That's a whole other topic that impacts upon this. But I will stop there.

ASSEMBLYWOMAN JASEY: I want to thank you. You touched on a number of things, and the one thing I will highlight that is a major concern of mine is going into lame duck. The Governor has announced that he intends to push through his "reforms." And I think it's really important for the Legislature to understand that we need to take the time, as you suggested, to hear these reports, to understand, to give the pilots that are underway the opportunity to happen, and then make informed decisions. Because I think it's a big mistake to push through decisions in lame duck just for the sake of being able to say he did it.

So I thank you for that, because you're giving us concrete examples and information that we can take back to our colleagues and,

hopefully, slow the process down so that when we make decisions, we make them based on good information.

So I thank you for your testimony.

I would like to--

SENATOR RICE: Excuse me.

ASSEMBLYWOMAN JASEY: Yes.

SENATOR RICE: Before they leave, I have a couple of questions to raise -- before the two speakers leave.

ASSEMBLYWOMAN JASEY: Yes.

I would like to recognize Mayor Jeffrey Jones, of Paterson, who just came in.

Thank you for joining us.

And I believe Senator Rice--

Do you have a quick question? Because I want to try to move along so that we can hear everyone and then get back.

SENATOR RICE: Let me say this to you, Madam Chair, we need to hear everyone. But the people who have to leave need to be questioned primarily because we need it on the record.

We're talking about a report, and the question I have to the two of you -- either of you: The report says that nearly three dozen districts -- and I think it's important to the Chairs, Subchairs-- Three dozen districts have received QSAC scores -- and you can see them here -- below 50 percent in at least one DPR, yet the State has never -- and I emphasize that -- never sought to use its legal authority. Let me say that again, never -- I want to emphasize that -- sought to use its -- emphasis -- legal authority under QSAC to engineer a partial State takeover.

When you lay that down to districts like Paterson and Newark -- based on your testimony, for the record -- and you look at this and you see probably close to 100 districts that actually failed in one category or another, but particularly instruction and programs -- which is the only area that Newark came up 64, which shows an improvement, Millburn down to 69.

How do you respond to that? Is this something that the Legislature, from your perspective, needs to be negotiating with the Administration on, demanding they go in right away? I mean, when you look at districts like Asbury Park or some of the Camden County districts-- Paulsboro is a good example where one of our Assembly colleagues down there -- his district thinks they failed just about every category down there. You know, the Senate President represents that district. But we're not getting enough noise from legislators. And that's why it's important that we do what we have to do.

But how do you respond to that? Should we be bringing lawsuits against the State on behalf of forced intervention? Because if we don't do that -- and it's a violation of the law -- then the opposite would be a lawsuit to say we're taking the two or three districts that are in control out of it. There's clearly a difference here, by their own admission.

MR. SCIARRA: Just real quickly, what I would say is that I think there needs to be some real oversight activity with the Department on this, to bring them in and to ask them these questions.

I'd make a couple quick points. One is that if you're below 50, and you're consistently below 50, at the very least we -- the Department needs to do the in-depth, outside evaluations. Instead of going through this

continual self-evaluation process, outside experts need to be brought in those areas where -- and it's required under the statute.

Intervention, by the way -- partial or full -- is discretionary with the Commissioner. The statute doesn't require it. But what the statute does require as a first step is this outside expertise brought in those areas. So the Camden example is the one where they've consistently scored very low in some key areas. It seems to me, at that point, the Commissioner has a -- it doesn't seem to me -- the Commissioner clearly has a responsibility at that point. Short of taking the intervention step, the first step would be to do these in-depth evaluations. That's key, because then you could bring in outside experts so that we can figure out what the problem is and maybe short-circuit intervention. It may be that then the Commissioner has to move toward intervention. That's one.

On the other flip side, with the State-operated districts-- I just think the statute is very clear, and I just don't think the Commissioner is following the mandate. The only thing the report says on State operation is-- On 27 and 28, it says the Task Force also recognizes that in our State-operated districts, the State has a responsibility to pursue policies that are in the best interest of children while also recognizing the democratic value of local control. As the State transitions (*sic*) to a new accountability system, a responsible transition should be negotiated for each district based upon achieved benchmarks and student performance.

We already have that. I don't understand that. The statute is clear. Newark scored over 80 in governance, it scored over 80 in personnel, it scored over 80 in -- except for curriculum and instruction. The statute is clear: withdraw in those areas. Let's get on with it.

I just think this-- It goes to the-- This report is deeply flawed and obviously done by people who don't understand the QSAC statute, what the QSAC process requires. There doesn't seem to have been any in-depth evaluation of the experience under QSAC since it came in, in 2006-2007. A lot of the issues that you're talking about now -- how to get better scores, better consistency, so forth, and so on -- it would be fine for the Department to come back with recommendations for statutory change based on that experience. So, for example, going from three years to five years in some districts and things like that. But without that record of how this has been implemented, and also without the Department really using this process effectively and making the commitment to use it, instead of what they're doing now, which the Assemblyman talks about -- "Oh, let's just throw it out and go to something completely different." You all are going to have to put your foot down and say no.

MR. WILLIAMS: I think the concept of selective law enforcement has always been one of discrimination. We can just go back to the Civil Rights era and we can see how that was used. Very effectively, they clamped down on people's rights and to disempower people. And a whole line of court cases came about because of that selected law enforcement, not only in the South, but in the North.

Then we have to look at: What is the policy around? Well, why is there such selectivity? And I think there are several different reasons. I'm not even going to try to get into all of why some selections were made. But when I look at the diversity in these cities and towns here, I have my own opinions for the examples already cited.

But the practical aspect is this: The State of New Jersey and the Department of Education doesn't have the capacity to do what it says it wants to get done under QSAC. Let's just look at that. There is not the capacity. There is insufficient capacity to look comprehensively at what these districts are doing, much less judge what they're doing, but they come along and say, "I'm going to help you." Please. That's just not in-- Newark has been under State control since 1995. Where was the help? Where was the brand new idea? Where was the light bulb experience? They don't have the competency to do it. So let's change this whole thing around and look at this thing. Let's turn it upside down. What are we doing in these districts to make sure these young people want to learn and can learn? And then maybe devise an entirely different set of questions. And we might see something different going on than we thought. (applause)

ASSEMBLYWOMAN JASEY: Thank you. I think that's a great note to end your testimony on.

Assemblyman Caputo.

ASSEMBLYMAN CAPUTO: I just want to add something to this. You know, I worked for the Department of Education, and these two gentlemen are absolutely correct. They didn't have the capacity 30 years ago, and they still don't have the capacity. What they do have the capacity to do is to identify the problem. But as I said before, resolve it to solve it is another question.

What comes to mind is this new strengthening of the county superintendents' offices, where now they're called *executive county superintendents*, where thereby, as prescribed by law, they have oversight responsibilities into districts, and they are the Commissioner's

representatives. I think something has to be looked at in terms of their role and how they're representing the Commissioner in regard to technical assistance for districts, and when and if these districts need intervention or not. I don't seen any documentation from that level, which we are paying for out of State dollars, that would provide that kind of transparency in terms of what we're doing in these local districts. They should actually be on the -- in the forefront, as executive county superintendents, expressing their documented opinions regarding takeovers or releasing of districts back to their local boards of education.

So I think, Ron, Senator Rice, we're going to have to look at that and see the role of the executive county superintendents, especially in Camden, and in Newark, and Passaic County.

I just wanted to put that on the record.

ASSEMBLYWOMAN JASEY: Thank you, Assemblyman.

I'd like to recognize Dr. Jonathan Hodges from the Paterson Board of Education.

Thank you for joining us.

And also County Superintendent Bob Gilmartin. (applause)

Thank you.

I'd like to call up to testify Dr. Len Pugliese of CASA, and ask Bessie White to join him. And they will be followed by Dr. Ethel Hasty of Irvington.

Good morning, and welcome.

LEONARD P. PUGLIESE, Ed.D.: Good morning.

I would like to thank Senator Rice, and Assemblyman Caputo, and members of the Committee for inviting me here this morning. I would

also like to thank all of you for the work you do on behalf of the citizens of New Jersey.

My name is Leonard Pugliese, and I serve as the President of the City Association of Supervisors and Administrators, often referred to as CASA. CASA is the labor union that represents principals, vice principals, and instructional supervisors in the Newark Public Schools. I have served as a teacher and administrator in the Newark Public Schools. I also hold the position of Regional Vice President of the American Federation of School Administrators. The American Federation of School Administrators is the national union that represents approximately 15,000 administrators across the country, in Puerto Rico, and also in the Virgin Islands.

I have reviewed the Education Transformation Task Force's initial report, and I agree with the principle upon which the report is based, that is: the current, overburdensome regulations associated with the State accountability system, known as QSAC, and the Federal government's accountability system under the No Child Left Behind law.

I appreciate the Department's attempt to streamline these two accountability systems into one coherent system that assesses progress in a meaningful way and offers support to those districts and schools in need of assistance.

As stated in the report, the Department is proposing this change under the No Child Left Behind waiver provision. It is my hope that the Department is successful in obtaining the waiver from the Federal government.

Having voiced my endorsement of the Department's attempt at creating a single, coherent, effective, and less burdensome system of

assessing educational success, let me also voice my opinion regarding my fears over what a replacement system could look like. My concern mainly lies in the following three areas.

In the new accountability system, how would success, partial success, or failure be measured? In the new accountability system, what supports will be offered by the Department to those districts and schools that are identified as being in need of improvement? And thirdly, will the new accountability system recognize that any meaningful accountability system should hold the evaluatee accountable only for those matters over which the evaluatee has control? That's a very important, I believe.

I would like to briefly address each of these concerns. By what means will success, partial success, or failure be measured in a new accountability system? The Task Force's report speaks to the importance of outputs, more specifically student academic achievement. While no one can argue with this goal, we should not be so myopic to define student growth simply as success on standardized tests. Two of the most common methods of measuring student achievement and educator effectiveness currently being looked at nationally are the value-added model and the student growth model. Both of these models are being tried around the country; and in the pilots, as mentioned earlier, will probably be tried here in the State of New Jersey -- will be tried here in the State of New Jersey over the next -- over this school year. And both have been found to be seriously flawed when attempts are made to use the results of these measures to measure educator effectiveness. Without going into detail here, let me strongly recommend that any system proposed to determine educator effectiveness be openly vetted, piloted, and honestly evaluated

before it is implemented. The literature contains volumes of data regarding the flaws and limitations associated with these methodologies.

Also, I think we could all agree that measures of success should not fall solely in the realm of acquiring knowledge, often referred to the *cognitive domain*. Other areas of student growth are equally important. How well do students get along with their peers? What is their social intelligence? Do they act in socially acceptable ways? Students need more than academic skills. They need sound social skills that will enable them to successfully navigate through life. If we agree that these social skills are important, will the new accountability system also measure student growth in this area? I hope it does, and I urge policy makers to make that commitment.

This brings me to my second concern: What supports will be offered by the Department? Will the end result of the new accountability system simply be more sanctions as mentioned by David earlier? Much of the rhetoric we hear today regarding educational reform is not about support or assistance, but rather on sanctions or employment termination, as if terminating employers (*sic*) and hiring new ones will make a positive difference. It doesn't always work that way.

Since the State took over the Newark Public School system in 1995, more than 95 percent of the principals -- 95 percent of the principals and hundreds of teachers have been replaced with individuals both from within and outside the District. Each of the new principals and new teachers were appointed by the State through State-appointed superintendents. Is the State satisfied with the current rate of student achievement in Newark? I think not. Either the State made poor

appointments, or there are forces outside the school that have significant impact on student achievement. I do not believe the State made poor appointments. We in Newark have some of the finest, most dedicated and committed individuals one could hope for. Many critical factors impacting student success lie, I believe, outside the schools, which leads me to my last point. Any meaningful accountability system should hold the evaluatee accountable for only those matters over which the evaluatee has control.

As you stated in your opening statement, Senator Rice, the State must recognize that there are differences between districts, and different districts have different needs.

Let me draw an analogy with the medical profession. Every few years the New Jersey State Department of Health conducts a study assessing the success of cardiac surgery in the State of New Jersey. The most recent report was released by the New Jersey Department of Health in June. I have that report here, which I will share with the Committee.

Let me talk a little bit about this report and what it measures. This particular report by the New Jersey Department of Health -- maybe not down the hall from the New Jersey Department of Education, but certainly down the street from the New Jersey Department of Education -- is measuring success in cardiac surgery. And there's a very simple measure of success in this study: either the patient lived or the patient died. That's the measure of success. They looked at 18 hospitals in the State of New Jersey, looked at the doctors in those hospitals, and then rated those doctors and hospitals based on the success rate, the survival rate or the fatality rate.

Now, under a simple system, the kind of system we use to measure educational success, a test for cardiac surgery might go something like this: In Hospital A, if there were 100 patients who underwent cardiac surgery, and 5 of them did not survive, the success rate, I think we would agree, would be 95 percent in that scenario. If you take another hospital that has 100 patients, and 10 of those patients do not survive, then the survivability rate or the success rate for that hospital would be 90 percent. Now, on the surface, the first hospital would have a higher rate of success and therefore, maybe some would draw the conclusion, does a better job at cardiac surgery than the first hospital.

But interestingly, the Department of Health doesn't leave the analysis at that simple level. It takes into consideration what they call *risk factors*. And let me talk a minute about the risk factors from the report. It's called *risk adjusted mortality*. And I don't think it's very difficult to see the analogy here. In evaluating the performance of hospitals and individual surgeons, it would be unfair to make comparisons only on the basis of how many patients died. The mortality risk for patients undergoing bypass surgery varies significantly with how healthy patients are prior to surgery. For instance, an 85-year-old who has renal failure and severe lung disease would be at a higher risk during the surgery than a 50-year-old who has no history of chronic disease. In order to produce fair comparisons, the Department applied a method that estimates risk-adjusted mortality rates. The risk-adjusted mortality rate assigns extra credit to hospitals and surgeons with sicker patient populations in order not to disadvantage them in the performance comparisons. Chief factors associated with patients' chance of success are things that we can pretty much assume intuitively: the

patient's age; whether the patient has lung disease, or renal failure, or diabetes; and those kinds of things. So after statistically controlling for these identified risk factors, the stats change. And when you do the comparisons, those risk factors are taken into affect.

Like these cardiac surgery reports, an honest and meaningful school evaluation should take into account the risk factors associated with our patients: the students. I spent the last 40 years as an urban educator. I can speak with some knowledge on the subject. Many of our youngsters come to us already at risk. Would anyone deny that there are outside forces that negatively affect student achievement? What about the health and well-being of the community? For example: What are the economic conditions in the community? What is the unemployment -- or are the unemployment and crime rates in the community? Is quality prenatal care readily available in the community? Is there available and acceptable housing in the community? Are there cultural and extracurricular enrichment opportunities in the community? All of these risk factors, and others like the risk factors in the cardiac study, must be factored in an assessment tool, in the words found on Page 22 of the cardiac study, "to provide an evenhanded analysis." Is that not what we all want, an evenhanded analysis so that we can honestly address those issues that have an impact on student achievement?

All of these issues must be addressed in a new accountability system. Let's not meet again in another 10 years to identify the flaws in the next accountability system. Let's get it right the first time.

In closing, let us not censure but commend the educators in Newark, in Paterson, in the state, and across the country for the job they do

each day, often facing incredible obstacles. And foremost, as mentioned earlier by Assemblywoman Jasey, let us commend the students, their parents who, in spite of sometimes insufferable and unimaginable circumstances, have the strength to persevere.

I thank you for the opportunity to share my view.

SENATOR RICE: Thank you.

ASSEMBLYWOMAN JASEY: I thank you, and I really do appreciate that analogy, because I think it's absolutely relevant to the conversation we're having.

Thank you.

ASSEMBLYMAN CAPUTO: As usual, excellent.

BESSIE WHITE: Good morning.

ASSEMBLYWOMAN JASEY: Good morning.

SENATOR RICE: Good morning.

MS. WHITE: I want to thank the Joint Committee and Senator Rice for inviting me here today.

I do want to say that I'm a replacement, actually. My former boss, Marion Bolden, former Superintendent of Newark Public Schools, was invited, and she requested that I take her place. And I do want to emphasize the former. I am not speaking for the Newark Public Schools.

I have read the report, and I have some ideas about the report. But I want to sort of weave them into how the QSAC process was developed. I want to talk about the development of the law itself and the reasons. Some of that information has been outlined in the Education Transformation Task Force's report, but not all.

What was not reported was, the impetus for changing the process actually started under the McGreevey Administration. Commissioner Librera added three nonvoting members to the advisory board. I suppose that was to improve the governance of the sitting board. That actually did not make any difference. By the time their appointment ended, only one was still attending on a regular basis.

Subsequent to that, the development of the QSAC process began. There were legislators, school superintendents, and others involved in the laborious process of developing a single system with the stated purpose of measuring students, school districts, and school performance in meeting State and Federal standards, with its primary focus to improve overall student achievement.

The new law was signed by acting Governor Codey in September of 2005. On 9/28/2005, a press release was issued stating that Governor Codey had signed -- acting Governor Codey had signed a new law that allowed the New Jersey Department of Education to revise the State's existing school district monitoring system to reduce redundancy for the districts, identify and address problems earlier, and create a process by which the three State-operated districts could eventually be returned to local control.

I ask you: Does any of that sound familiar? I think you've read some of the same things in this new report.

The Commissioner said, at the time of the bill signing, "QSAC will allow DOE to work collaboratively with districts to identify critical areas of need before they become crises, and then quickly find the best solution. We will also be able to create a State exit strategy for the State-

operated districts. DOE wants to make sure the districts are accountable, but we think they should be operated locally, not by the State.”

At the time of the initial State takeovers -- and, once again, I lived the experience of QSAC and State takeover -- the State did not have an exit strategy, or actually any plan, which is why New Jersey is the only state that has been in the business of takeovers for so long. The only other district that comes close to the ones in New Jersey is Compton, California, which was in state receivership from 1993 to 2003.

Let's start with the QSAC process. Newark and some other Level 3 districts were in the first cohort of districts. We actually did pilots before the evaluation process started. Our evaluation was done by a consulting group from Montclair State. It was not a self-assessment. They examined all of our documents, with our assistance, of course. And I will agree that there are thousands of documents to be examined during this process.

During the first evaluation, Newark received the following scores in August of 2007: instruction and program, 39 percent; fiscal management, 66 percent; operations, 87 percent; personnel, 32 percent; governance, 56 percent. As a result of the scores received by the districts in 2007, Newark regained control of operations; and Jersey City immediately regained control of governance and fiscal management. Since that time there have been numerous districts -- I think the report indicates at least 36 -- that have scored below 50 percent in one or more of the indicators. There has not been a single intervention by the State. And as Mr. Williams said so eloquently, the State Department does not have the capacity nor the will to intervene in these districts.

Subsequent to the last QSAC review, the District of Newark received scores above 80 percent in every area except instruction and program. And I'd like to refer to another section of the Transformation report, which indicates that people are gaming the system. That is not the case in Newark. There were steady, incremental gains from 2007 through June 2001, where the scores were steady or increasing all the time.

The District received those scores, and despite those scores, the Commissioner of Education has denied the transition to local control for those areas. To add insult to injury, immediately after denying Newark, he presented 24 districts on this letter to the State Board on August 3-- And of those districts, there were-- No, he presented 30 districts -- 40 districts, and of those, 24 had scores below 80 percent in one or more district performance review.

I guess the question now is: How long is too long? Or better yet, what has the State done that the District cannot do itself with the proper assistance? State takeover implies that the District has a problem but the State has the answer. We know that is not true. Residents of the District have limited say or representation. Truly, as Senator Rice said in a recent press release, they have been disenfranchised because the representatives they voted for cannot act on their behalf. In other words, they followed the rules, and they succeeded, but now they are treated to a subjective application of the rules.

There are a number of observations in the Task Force that could provide relief for school districts. Most districts would welcome the removal of regulations regarding the type of paper that they can use and the type of filing cabinets. When those regulations came out -- I believe it was

about five years ago -- we were-- I attended conferences with other business administrators, and we were just ridiculed across this country, let me tell you, because the types of things that they wanted to monitor were just ridiculous. They can't monitor instruction. They're going to look at what kind of paper you use? Who is going to monitor that? Who's their paper monitor? (laughter)

They also recommend empowering districts and local educators with the information, support, and decision-making authority to crack their own pass to meeting these ambitious goals. The one problem with the entire report is that it's saying, "Let's develop another monitoring system." This could cause untold delays. I work for Newark -- well, actually, the Newark Board of Education. But I worked when we were -- spent two years on zero-based budgeting. A new Governor was elected, and we scrapped all of that. It just went away. So my concern is that we've spent over seven years working on QSAC, and now we would scrap it for another system.

I want to thank you for allowing me to speak today about the lengthy process that the citizens of Newark have gone through in order for an exit strategy to be developed and, after development, for it to be arbitrarily ignored. We do pay taxes, and we're no longer willing to sit quietly for the State to develop a magic bullet while continuing to deny us the right for our voices to be heard.

Thank you. (applause)

ASSEMBLYWOMAN JASEY: I appreciate both of your testimonies, and I think we're getting the message loud and clear. And I think our direction will be clear once this hearing is over. So I appreciate you coming and putting a face, also, to the Newark situation.

I'd like to next call up the Superintendent of New Brunswick, Mr. Richard Kaplan. And I would like the Superintendent of Irvington, Dr. Ethel Hasty, to join him at the podium.

Thank you.

SENATOR RICE: Madam Chair, while they are coming, and while the last two speakers are leaving, I want to put on the record that this document shows -- and this is the analysis -- shows approximately 100-plus school districts in 21 counties failing programs and instruction. And if, in fact, we're supposed to be improving programs and instruction -- which ultimately improves the graduation rate, the test scores -- then the record needs to reflect that. And I think that was the point that Ms. White was bringing up. Everybody seems to be having a problem in that category.

The question becomes then: Why are three districts under local control? There are other districts with governance -- that's who runs your system -- at 11 percent.

Assemblywoman Pou, I believe Garfield may be one of those 11 percent in governance. It's a good thing they didn't go in and take it over primarily, because by their own admission those percentages don't mean a lot, if you read the report.

ASSEMBLYWOMAN JASEY: A housekeeping point of order: If you have testimony that is written and you have not given us copies, we would appreciate those copies so that they can accurately be transcribed into the record. And they can be given to Sharon.

Oh, we have them? I think some we don't have.

So if you haven't given it to us, please try to do that before you leave or send it to us.

S U P E R I N T E N D E N T E T H E L J. H A S T Y, Ed.D.:

Good morning to all of the members of the New Jersey--

ASSEMBLYWOMAN JASEY: The long skinny one is the one you want. (referring to PA microphone) The other one is recording.

SUPERINTENDENT HASTY: Good morning to all of the members of the New Jersey Joint Committee on the Public Schools and the New Jersey Legislative Black Caucus Subcommittee on Education.

To Senator Rice and Assemblyman Caputo, who represent my district, Irvington, thank you so very much for the opportunity to express my views relative to QSAC.

And also, thank you for the opportunity to read very carefully the Transformation report in its entirety.

One of the reasons I so willingly accepted the invitation to testify today is because for the last year I have been a participant in the Department working group -- who were charged with the responsibility of reviewing the QSAC document. We met at the Department of Education almost twice monthly, and we were charged with the responsibility of reviewing the DPRs and then making necessary changes.

I served in the group which initially reviewed the governance and personnel aspects of QSAC. I can assure you that we had no idea of how tough that assignment would be.

One great philosopher has said, and I quote, "It is not things themselves that disturb men, but their judgement about things."

One of the most repeated judgements about QSAC was that it was a cumbersome document and that there were certainly far too many indicators. In my opinion, in many of the sections of the document, the

indicators were needlessly repetitive. To this end, a committee began to streamline the document to a manageable instrument. And in the Transformation report they allude to this working -- Department working group -- stating that our recommendation was to streamline the DPRs from 334 to 54. One of the things that I would recommend is utilizing the statement of assurances. You don't need that long document in that case because a superintendent can verify that these things are happening in the district via the use of a statement of assurance document.

One of the things that I resent about QSAC is that I have to tie up my staff -- and I've undergone the QSAC process as the Superintendent -- for three visitations. And that is that it takes our attention away from the main thing. Our *raison d'être* is to raise the level of academic proficiency in our districts. When we're spending time putting documents in folders and labeling these folders so that we can provide evidence to our County Superintendent and his staff that these things are being done in our district -- without a doubt, that time could and should be spent focusing on academic achievement.

Let me be clear. I believe in assessment, evaluation. I believe in monitoring. I believe if you aren't spending the effort toward some goal, or if you have educational programs in your district, there should be a point wherein an evaluation of the performance should occur to ensure effectiveness. We all need this.

My issue is that I am not certain that QSAC evaluation actually leads to district improvement. But what it does do is, it informs us about those things that the State Department feels are necessary in order to be deemed a satisfactory school district. It is great for raising your level of

awareness as it relates to those many DPRs in governance, personnel, finance, curriculum and instruction, and operations of a school district. These are all aspects of an effectively run district. If the idea is that you are being monitored, I agree that these areas are appropriate. Many people have criticized by saying that QSAC does not focus on academic achievement. But I venture to say that monitoring never has.

As the Assistant Superintendent of Curriculum and Instruction, I was responsible for putting together the documents of the old monitoring -- the old desk monitoring system. And that was a QAAR, quality assurance annual report. What I do like about that is that this provided us -- QAAR -- with an opportunity to look in the mirror and focus on academic achievement school by school. With QSAC, we act as if the most important area of our operation is our central office. That certainly is not the fact.

Don't misunderstand me. I believe that curriculum and instruction are the most important areas. However, if governance, personnel, operations, and all those other areas are not functioning appropriately, little or no learning will take place.

One of the recommendations made by our committee -- made by me personally -- was that staff development -- which was listed under personnel -- should be listed under curriculum and instruction. I don't know how that got there. It was visibly misplaced. The only reason staff development exists is to raise the level of academic achievement. Why was it listed under personnel? So that is one of the examples that I will cite. It needs reorganization.

One of the other major problems with QSAC is that the AYP, the annual yearly progress, is calculated differently for QSAC than it is for

NCLB. QSAC uses a subgroup size of 10; NCLB uses a subgroup size of 30. NCLB uses two years of results. If you've done very, very well for one year, that is certainly not good enough. The district or the school has to repeat that success for a second year. QSAC, on the other hand, uses one year. Simply put, here we have two different systems of accountability. This should not be the case. The same calculations should exist for both QSAC and the AYP calculation.

Additionally, there is a wide range between a district's self-assessment and the State assessment. Both of us are utilizing the same criteria, but there is this huge disparity between what the district feels it is doing versus what the State feels. We have looked at what the Transformation report says relative to academic progress. I strongly believe in a growth model. If a student starts in Mrs. Jones' class at point A in September, and in June that student is still at point A, in my opinion it is not a student problem, it's a teacher problem. So I strongly believe that we should be utilizing the growth model. Teachers and schools should be getting credit for moving students along. If that student is at point A in September and the student is at point Z in June, clearly effective teaching and learning has taken place. The advantage of QSAC is that it is a single accountability system for all public schools if that is carried out. Because we have seen many, many disparities as it relates to Abbott districts, of which I am one.

Also, I believe that if the State Department carries out its intent -- its original intent to provide technical assistance, that could help with the improvement of academic performance of our students. It's mindboggling to me that in Abbott America, whatever is proposed, the

answer always comes back to a corrective action plan where you're told to, "Okay, devise an improvement plan." If districts were capable of doing this on their own, then they wouldn't be in the situation that they are in. So we really need real technical assistance and not just lip service to technical assistance.

I end by saying that the question that I would like to raise is: Does QSAC -- or will QSAC help students to be more proficient readers? Will it help students solve math problems? Will it help students better appreciate the arts, sciences, athletics? Will it help students in general to become better human beings in the final analysis? If not, then we need to rethink the whole process.

Thank you.

ASSEMBLYWOMAN JASEY: Thank you, Dr. Hasty. I think that was very well stated. And I appreciate your focus on students, which is -- should be our purpose as well.

SUPERINTENDENT HASTY: Absolutely.

ASSEMBLYMAN CAPUTO: Mila.

ASSEMBLYWOMAN JASEY: Yes, Assemblyman Caputo.

ASSEMBLYMAN CAPUTO: First of all, I appreciate your participation. You know, we're obviously very familiar with each other. I'm very cognizant of the fact of the wonderful job you're doing for the children of Irvington.

SUPERINTENDENT HASTY: Thank you so much.

ASSEMBLYMAN CAPUTO: And you're really the reason why you should be involved in this type of report. People who are practitioners, such as yourself and other people who have been here today, should be

involved in formulating reports like this. It's still good that you're here to respond to it, but it would have been much more intelligent, I think, to have people representative of the educational process in this particular district working to the actual response.

But I'm very happy that you're here and very glad about the remarks that you made.

SUPERINTENDENT HASTY: Thank you very much, Assemblyman.

SUPERINTENDENT RICHARD KAPLAN: Good afternoon.

SENATOR RICE: Good afternoon.

SUPERINTENDENT KAPLAN: My name is Richard Kaplan, and I'm currently the Superintendent of Schools in New Brunswick. And some of you remember me as the Director of the Office of Compliance/Auditor General during the Kean/Cooperman Administration. And Assemblyman Caputo might remember me from our days at Seton Hall Graduate School together.

ASSEMBLYMAN CAPUTO: Well, I didn't go very often.
(laughter)

SUPERINTENDENT KAPLAN: I know, but you did very well, which proves that all learning doesn't take place in the classroom. (laughter)

ASSEMBLYMAN CAPUTO: Social skills are much more important.

SUPERINTENDENT KAPLAN: Yes, they're very good, Ralph. You've done well.

Listen, you have my written report. I'm going to bare something right open, right now, that I kind of said in the opening that will probably get missed. But I am the living representative of Levels 1, 2, and 3. I am the guy -- Senator Rice will remember, I am the guy with nine other people -- investigated Jersey City from the beginning of Level 3, through the court case, and the State takeover. I'm also the guy who met with Senator - - then Mayor -- the late Senator/Mayor Frank Graves -- City of Paterson, former Mayor of Paterson for many years, and then Superintendent here. I'm also the guy who escorted Joe Clark out of this building. And I'm sorry that Mr. Evans left because I want--

SENATOR RICE: He's still here.

SUPERINTENDENT KAPLAN: I want to say this is the first time I've been back since the day I walked Joe Clark out, and it's a tremendous difference just walking in the building. You're to be congratulated. (applause)

I will tell you this: I sat in a room with then-Commissioner Cooperman in 1982, at 8:00 in the morning one day, when he asked-- And I was Chief of Staff, and there were other senior advisors in that room -- Assistant Commissioner Jake Piatt, since deceased, and others. But basically he asked the question, "What happens after Level 2 monitoring?" And I was 32 years old at that time, and I said, "Well, hell, Saul, everybody knows 3 comes after 2." And he said, "Okay, smart guy, design Level 3." And we did. We spent two years designing Level 3. That's not QSAC. That's to determine the causative factors of why children had failed -- or better said, why the school systems had failed the students. And there were five critical areas, after two years of research. Governance: How do the

adults who are elected or appointed operate the school system? Two, management: How do the senior staff operate the school district? Everybody from superintendent to supervisors and directors -- what are they doing? Three: What's being taught? Curriculum, what's being taught; instruction, how it's being delivered. And what are the reasons youngsters aren't achieving? Four, facilities: What kind of facilities are these youngsters in, and are they prepared to flex in order to give students a quality education? And five: Where is all the money going, and is it appropriately used?

I will defend to the grave the takeover that I did in Jersey City, the recommendation I made to Commissioner Cooperman, who recused himself; to Assistant Commissioner Newbaker, who ran the preliminary hearing; and to the 40 days I sat as the longest witness in the Office of Administrative Law on the bench, testifying in that report. Because it was corrupt from the Mayor on down. The youngsters didn't have a chance, because the adults had abrogated their responsibility. And it was not a racial issue, because folks were doing it to their own kind.

So let's get the history set. And many courageous legislators of both parties knew what the facts were, because they were living it and they had the courage, finally, in 1986-87 -- while I was in the middle of the investigation -- to pass a law. And Jersey City was not the first district we went into. We went into Maurice River. Ever hear of it? I never heard of it. Maurice River is in the bottom of this state. And we recommended the ouster of the Superintendent and a whole list of other things that the Board did do, but it wasn't a takeover.

My biggest mistake, that I will also take to the grave, is that I believe that Randy Primus, then the Mayor of Camden, was the beginning of the new era, along with his new Superintendent who ended up going to jail. And I did not recommend that District for takeover. And when you look in my testimony today, I reference you back to July 19, 2006, when I came before this Committee before. And then -- testifying after then-Assistant Commissioner MacInnes, who could not tell the Committee then what accountability meant -- I got up and told them what accountability meant. I attached that so you wouldn't have to go digging into your achieves.

Why do I say that? I say that because the intent of history is important, along with what the facts are when you look back, as Senator Rice and you are charged to do.

QSAC -- I'm going to let this out -- flying out of the bag; do your homework. It was borrowed from the state of Kentucky. Do you have that? I have never publicly said that. Look into it. The original QSAC document was borrowed -- how's that -- from the state of Kentucky. I have said it over and over again to those in charge. This ain't Kentucky.

Now, when Lucille Davy became Commissioner -- this is all fact -- much of what the lady said from Newark -- representing not Newark schools, but Marion Bolden, who I think was a courageous educator and did good things -- was played with. Now, I'll tell you a QSAC story. I was in that first cohort that she's talking about -- New Brunswick. They did have outside people -- Bari Erlichson and others who are now in the Department -- used to be at Montclair -- who came in and did what was later to become the self-assessment. We did not have rights of self-assessment. They put

their report together. They gave me an exit conference. There were five areas. We had passed three of the five, according to that committee. This is fact. When I got the report from the Commissioner's Office, the Commissioner and her staff reduced New Brunswick from passing three to passing two, with no documentation. They changed it. Talk about gaming the system.

I had a week to appeal. I wrote the appeal with the repudiation documents from their own State Department files and sent it to them in five hours of receipt of that letter. It took them eight months to figure out how to handle that bombshell. And so when it was done, after eight months -- because the code doesn't say how long they have to respond. They only tell you that you have seven business days. But they can take all the time they want. At the end, I passed four out of five, not three out of five, not two out of five -- four out of five. I'm one of, I think, three Abbott districts that ever passed QSAC and NCLB, until last year.

And here is the NCLB nightmare. The fallacy of NCLB that 100 percent of America's children are going to be at 100 percent capacity in the year 2014 is an absurdity, and it is statistically impossible, because Ralph and I took statistics once. Right?

ASSEMBLYMAN CAPUTO: Did I pass?

SUPERINTENDENT KAPLAN: Yes, we both got Bs because we went to Seton Hall. (laughter)

All right, so that's an impossibility. So now we have to have a political solution to what we screwed up to begin with. And so New Brunswick lost its high-performing status because in last year's testing you have to make up 20 points. There was no accumulation for growth, no

acceptance of growth. If you didn't make 20 points, you dropped. So guess what? I'm on a list as a district, with 54 other districts, that can have noneducators as superintendents under reform. But you know what? I'm in good company, because I see Summit's in there, Basking Ridge is in there, and some of the other high-wealth districts are in there. So now I'm moving in a better crowd I guess. But I don't think it will happen to them before it happens to me.

Now, you probably didn't expect that, did you? Well, let me tell you something. I still think those five areas are the main reasons to look at causative problems. That doesn't help a district grow. That just helps determine what the problem is. And absolutely -- Mr. Williams and others are absolutely right. When we were in power in 1982 to 1990 -- not counting Katzenbach enrollment -- we had a viable Department of Education -- 1,100 employees. Counting Katzenbach, the Department of Ed, right now, has probably less than 600 employees. And by the way, executive county superintendent is no panacea. Because guess what? They're appointed by the Governor, they're not reporting to the Commissioner.

So I think we have to look at the totality of this, and we have to determine what is the model that -- you want to assure yourselves as legislators, your constituents, and the entire state that the money that's going into public education is being spent appropriately and accountably. That's one function. That's not the function of QSAC to make it better. So we have to sort out what the triage is to what you're trying to fix. I think you get my passion.

I do want to say one thing publicly on the record that is in here. You have a great job. You're legislators. You have the ability to work together with your constituents and with the Executive Branch, regardless of who the Governor is -- a D or an R, it doesn't matter -- and make it better.

Now, what I thought was important in this report that you asked me to do -- to look at and study -- was the recommendations regarding regulations. We are overburdened. What this report deals with is only those regulations that are administrative in nature that they can fix. Because the bureaucrats -- of which I used to be one -- wrote it. Sometimes-- There used to be a guy named Vince Calabrese. And Vince Calabrese was the Assistant Commissioner of Finance. And Vince-- I used to say as a young pup to Vince, "Why are we writing code?" He said, "Because the law doesn't explain itself. If it did, we wouldn't need to write it. It would be so good we could just follow it once."

Now, what's happened historically everywhere, but certainly in New Jersey where I've been a resident for 50 years, is to do a study. So what I've attached for your Committee are studies going back to 1994 by every major association in this state that has any input to education -- the Superintendents Association, School Boards, Business Administrators, Principals and Supervisors. You have every study when any new governor or any new commissioner came in and said, "What can we do to take care of the overburden?" And what this report talks about is only what they can control administratively.

So in terms of regulation, we need to cut it out; we need to stop it. You get over 3,000 bills a year in education. Many of them that you

have approved are duplicates of others. Nobody is paying attention to it, nobody is doing anything about it. So for the second part of this, do the right thing. Review this and end overburdened, underutilized, of no value -- to changing outputs. And that's what they meant -- kids learning. It stops us from doing what needs to be done.

Thank you. (applause)

ASSEMBLYWOMAN JASEY: Thank you very much. Your passion absolutely does come through, and I appreciate it.

Senator Rice, and then--

SENATOR RICE: Before they leave, let me say this -- because there are some things that need to be on the record, and I take the liberty as the Chair of the Joint Committee, but also as the sponsor of QSAC, to intervene when my colleagues don't, because I have the history. And you are correct.

The one thing the record needs to reflect is that the Kentucky model was, like anything else, a model. Now, Commissioner Librera and I went to Arizona because the national organization -- I forget the name -- of superintendents and others had some serious problems because there was a need to intervene in school districts throughout the country. They were looking at New Jersey's old model, and some had actually started to put that into legislation.

We went out to address them with the new model (indiscernible) QSAC. They understood that was a better model. The difference was that we talked about capacity, and we talked about capacity-building and the technical assistance. The intent of this legislation -- QSAC -- was just what you said. We argued day and night -- Dr. Bolden, and I,

and some of the others -- that was about a 30- or 40-member group -- doing QSAC and then doing regs. Our problem-- Like you said, it was Republicans and Democrats, because at that time it was McGreevey. And MacInnes was driving us up a wall to the point that we had to basically cuss him out at meetings -- at least I did.

And the reality is that if you read QSAC, it talks about -- and they use the words *technical assistance* and *capacity*. That meant to build systems. In other words, as you indicated Mr. Kaplan, is to identify where the problems were in those categories, which made sense -- which was really taken from what you started off with under the old system. And then once you identify, how we go in there and build capacity -- and capacity to us meant human resources and funding, if necessary, whether you took it from inside the system or outside. And once you identified that and got capacity, then you fixed it and let that go back immediately.

The other thing that was never talked about, that needs to be looked at as we do regulations-- The State cannot go and take districts like Newark and talk about problems, and then go in and mismanage -- or whatever they did -- \$100 million that we can document -- they even acknowledge \$70 million -- under a State superintendent, never replace those dollars, have other governors come in and reduce the budgets across the state -- which means there was a double reduction based on what was absconded or mismanaged and the cut -- and then tell a State superintendent and a school board with no authority to bring up test scores. There is no capacity. There's a demolition of capacity if you talk human resources and moneys. You can't come into Paterson -- and we can document some place in the neighborhood of \$50 million or more -- it

started with \$20 million -- abused by the State, but no one ever said, "Well, let's get the State superintendent in there and give them that \$20 million that somebody else messed up--" because they had nothing to do with the system or the people -- "so at least they can start with that back in place."

So we need to be very careful as we go through these changes, and that's why I wanted this testimony and others, as the State starts to lay out what this "new change" is going to be. There are some real facts that need to play into the decision making of what legislation is going to be like. I mean, we may have to have a law that says that if you take over a district or intervene in a district, and as the State intervenes we come up short \$5 million, then the State is going to automatically replace it when they take that person out. Do you see what I'm saying? There has to be some way to keep capacity and resources at the level they're at. So I need to say that for the record because I think it's very important. Because those conversations are going to be missed as this Task Force moves forward.

Whether they like the conversation or agree is not the issue. We've experienced this stuff. You've experienced it, I've experienced it, Dr. Bolden and others have experienced it, and then we live with it. And that's the only way we're going to come up with a product at the end that's going to have any real, meaningful potential, if you will, to move districts forward in this state.

SUPERINTENDENT KAPLAN: And, Senator, I agree with you, but I want to answer that question about if the State comes in and there's \$5 million or any number, or any shenanigans.

Why should there be a double standard? So if the State representatives who are operating--

SENATOR RICE: You got it.

SUPERINTENDENT KAPLAN: --the program improperly, why should it be any different for them than for me in New Brunswick? (applause) And we have to make that-- We have to stop blaming the victims. The victims are the kids. We have to stop blaming them and start realizing it's the adults who are running the show. And in all cases, they're not doing such a hot job.

ASSEMBLYMAN CAPUTO: Thank you, Mr. Kaplan. It's nice to see you again.

SUPERINTENDENT KAPLAN: It's good to see you, Ralph.

SENATOR RICE: Behave yourself, Kaplan.

ASSEMBLYWOMAN EVANS: Before you leave, Mr. Kaplan.

SUPERINTENDENT KAPLAN: Yes, ma'am.

ASSEMBLYWOMAN EVANS: Just to reiterate, I get frustrated because I think we in New Jersey spend a lot of time bogged down in minutia. They've been in Paterson since 1991. The five indicators that you've just listed are accurate. But the takeover bill was supposed to be five years -- come in, provide the assistance, get the school district up and running, and get out.

SUPERINTENDENT KAPLAN: Right.

ASSEMBLYWOMAN EVANS: Here we are, 20-some years later, and we've gotten worse.

SUPERINTENDENT KAPLAN: Do you want me to tell you why?

ASSEMBLYWOMAN EVANS: I know why.

SUPERINTENDENT KAPLAN: Do you? I bet you it's not the same answer I have. (laughter)

Let me tell you my answer. Because in 1990, Governor Kean went out and Governor Florio came in. And that's the way America works. And so there were changes made in 1990 by Governor Florio to many of the things that were done -- politics, a different vision, a different ideology. You know, I agree, when you win, it's yours -- you do it the way you think you do. In 1994, another election -- Governor Whitman came in.

ASSEMBLYWOMAN EVANS: But this is the problem. What I'm getting ready to say-- Every time-- It's the same thing that I get frustrated with. Paterson had all these different superintendents, all the takeover, and all this garbage. And we're spending billions of dollars in New Jersey for education. And, again, you're blaming the children because they're not learning. We know--

SUPERINTENDENT KAPLAN: I'm not.

ASSEMBLYWOMAN EVANS: Not you.

But I'm saying, here we are, even today-- How can we effectuate change when political changes like-- Now Governor Christie is on a new thing and just bringing in more of this and more of that, and then they bombard the Administration with paperwork, and paperwork, and gobs and tons of paperwork. And they don't read it anyway when you send it down there. "Do this, do that, and do this." And you don't have time to monitor, you don't have time to go into the classrooms, you don't have time to do this. And they're working folks to death with little progress.

When this is all over, I don't have any confidence that -- we'll spend all this time doing this, and we'll do a report that will go on a shelf

some place. And if that's not the Governor's and the Commissioner's idea of what they want at that particular political climate time, it's not going to happen. And the only way we're going to effectuate change is for everybody who has anything to do with education across the State of New Jersey to rise up and say, "Enough." We've been in these districts, we took over. Now we have QSAC. Four years from now, if we get another governor, we'll have something else going on.

When do we really get serious about educating children? And I do not believe for one moment that DOE is serious about educating our children. Because the five indicators you laid out are it. Look at the facilities in this town right now. School 4 -- those kids were flooded out. Where are they going? They're spread all over the city. State takeover district-- All these schools that we have that are old and deteriorating, and crumbling, and water running from the heaters, and all this stuff, and you put kids in a building like this, and they're sitting around listening to noise and all this stuff going on. But you want a-- And then there's, "Oh, the children can't learn." How in the-- How do we expect for them to learn when we're providing an environment for them that's worse than out here on the street?" They come in these deplorable-- And the facilities committee isn't going to deal with this stuff.

SUPERINTENDENT KAPLAN: I got it. Let me tell you-- Let me add something worse than that. I'm an Abbott district in New Brunswick. In 2005 -- you fill in the blanks. In 2005, then SDA said they were going to tear down my Redshaw School, which they did. In March of 2006 -- because that's how long it took -- I get a phone call from then Executive Director Scott Weiner -- really nice guy. Scott said, "Rich, I have

good news and bad news.” I said, “What’s the good news?” He said, “The good news is, we’re completing the demolition, and I’m going to prepare a \$250,000 change order to prepare the ground for construction.” And I said, “Great. What could be the bad news?” “In April, I don’t have the money to build the school.” New Brunswick had a school with 1,000 kids in it from K-8. They moved me to a warehouse called a *swing space* in an industrial park. Seven years later, I don’t have a school, I’m fighting with this Administration as I did with the Administration in ’05 and Governor Corzine.

So what’s the story? You know what? On certain things the State should stay the hell out of the way. (applause) Now, when the State -- and I’m going to say, you all are now sitting in the golden dome down in Trenton, and you’re passing laws, and you think they’re good ideas-- That’s why I’m saying you better take a look at it. You better look at what you’re passing -- that it’s not a knee-jerk reaction because of some headline.

I’m going to tell you, I feel bad for the kid who jumped off the bridge at Rutgers. But the amount of paperwork you all created in the HIB is draining us beyond the amount of time that we should be spending trying to educate children. Should we have respect? Should we have character education? Should we do those kinds of things? Should we go after those kids? Absolutely. Do I think the legislation was all good intent? Absolutely. But it’s impractical; it’s constant because there’s no real definition of what bullying is. And so everybody goes home and says, “Johnny picked on me.” It must be bullying. It’s going to be a legal parade. They’re going to have so many lawsuits.

So I'm saying to you, what you can do is, you can take a good, hard look at history; figure out what worked; and build on what worked; and throw out what hasn't. But don't throw the baby out with the bath water. Because you still have a responsibility to your constituents, to the state, and to all taxpayers, Abbott or non-Abbott, to make sure they who get the money are doing the right thing. And guess what? I was a district superintendent in suburban districts too. And when they-- When the last Administration -- Corzine and Davy -- got up and they wanted a nepotism policy for Abbott districts only-- And I remember the fellow from East Orange -- Board Member -- President -- got up and said, "Hey, what are you doing? What about everybody else?" And I got up and said, "Hey, guess what? I've been a superintendent in suburbia. There's as much nepotism going on there as everywhere else too. Why can't it be everywhere?" Well, finally, today it is everywhere.

But you know what? You have to stop treating folks the same, not different. And you know what? Sometimes -- after seven years as a Superintendent in an Abbott district -- the intellect from Trenton, whether it be the State Board, the Department of Ed, or the Legislature -- not everybody is out stealing money. But where they are, go get them and leave everybody else the hell alone.

Thank you.

ASSEMBLYWOMAN EVANS: You're right.

Thank you.

ASSEMBLYWOMAN JASEY: Thank you so much.

I would like to now call to the podium Dr. Gloria Scott of East Orange.

Is she still here?

UNIDENTIFIED SPEAKER FROM AUDIENCE: No.

ASSEMBLYWOMAN JASEY: Dr. Denise Lowe of Asbury Park.

Thank you so much for making that trip.

And I love the color of that dress. (laughter)

And I will apologize because I do have to leave, but I'm going to turn this over to Assemblyman Caputo.

Please proceed and state your name for the record.

SUPERINTENDENT DENISE LOWE, Ed.D.: Thank you. I do appreciate the time to speak before the Committee.

As the lead learner of Asbury Park School District, I'm also a very good student, so I will keep my remarks to the five minutes that I was asked for in the letter.

First and foremost, I'm coming to you because, as I said, I am the Superintendent of Asbury Park. I'm moving into my third year in the District. But I'm an outsider, meaning I came from another state. So it's with that perspective that I'm just making my brief comments in regard to the report -- not only coming from another state, but certainly 32 years as an educator at all levels, and also working for the department of ed as well. So I wear several hats and steeped in school improvement.

So I guess I'm probably one of the few -- given that I am from another state -- that says I think the changes to QSAC are definitely long overdue and well-noted. I was spared my first year in the District as a Superintendent from not going through the process, partly because of the fact that Asbury Park was one of the seven other districts that were part of

that first cohort. So there was an external group from Montclair that came in and reviewed the process. But my second year I was actually inundated with the six-month review and the full-year review within a period of six months. So my point is that coming from another area, the process was very meaningless.

What my recommendation would be -- and what I did my first year -- was to develop -- to use a process called a *curriculum audit* that comes from Phi Delta Kappa. It's an international organization. In my previous districts I used that audit process to develop an action plan. And that particular-- Those results did help me to effectively move the previous district from where I am and move it into my third area. Asbury Park is on the move. Both of our schools made AYP this year -- our high school and one of our elementaries, and the others are close.

So my point is that QSAC is meaningless to me. I had to go through the process because it was there. It told me nothing about what I needed to do. I had done that audit the first year, so I knew what needed to be done. And the action plan came forward.

A second thing--

ASSEMBLYWOMAN JASEY: I'm sorry to interrupt you. Can you repeat who did your curriculum--

SUPERINTENDENT LOWE: Phi Delta Kappa, which is an international organization of educators. But they have an outstanding audit process which looks at not only curriculum instruction, but governance, policy, and budgeting. And there's also training attached to it. So all my administrators have been trained in that process. So it's almost like a financial audit. They're not looking to come and give you fuzzies.

They're telling you what's wrong, with a very clear process. And there's training that goes along with it.

ASSEMBLYWOMAN JASEY: I know several districts in my area have used it and had very good results. But I thank you for bringing that up.

And I apologize again that I have to leave. But I will read the record.

SUPERINTENDENT LOWE: Okay.

And the second two comments -- in reference to No Child Left Behind and the -- getting the waiver. Without a doubt I do feel the Department definitely needs to get a waiver. But we've talked a lot about the value added, so I'm not going to repeat what my colleagues have said. But certainly we all know that what's meaningful to us in the school system is that the Department comes up with three sets of -- using benchmark assessments that are done three times a year -- September, January, and May -- that we get back in a timely manner. I think everyone knows the data that we get is meaningless. It's a little better from last year if you compare last year's group to this year. But it really doesn't help us practitioners do what needs to be done. So that would be my recommendation. If they're really going to put a bill -- value-added model in place and a growth model -- they really need to incorporate and talk to the practitioners -- the people who are in the field, the teachers, the administrators.

The last thing-- Dr. Hasty went through the whole process, so I'm not going to repeat that -- the time and the effort that, in my opinion, is wasted with that process. But my last comment that I wanted to make is

that these regulations are long overdue. I have never in my life -- as I said, I worked in another state for 36 years -- seen all the red tape that is here in New Jersey. I heard about it coming in, but actually living through it -- there has to be some changes. And so I'm actually happy that the things in this report are being looked at and addressed.

But the only thing I did not see -- I saw pieces in the regulation change -- but really taking a close look at the special education process here in this state. You require far more than even the Federal government requires, and it's a train running out of control. And I'd also recommend looking at -- it's not popular but -- outsourcing child study team services. I think you'll do better, our children will do better, with an external process in place. Because people in the same bargaining unit are going to perpetrate the same self-fulfilling prophecy, and hire more teachers, and provide more services for students who really don't need the services. There are just issues that are academic and social that we need to deal with. So that was one thing that wasn't addressed at all. They talk a little bit about some of the special ed regulations, but I think that needs to be taken a look at across the board. They're way out of control, and I think you all know that. From our end, in a high-needs district, the costs that we have to spend for special education are astronomical. And I've done quite a bit in the last two years to try to address that with out-of-district placements. But much of it is out of my hands because of the regulations here in this state that supersede the Federal regulations.

Thank you.

ASSEMBLYMAN CAPUTO: Thank you for your comments, Dr. Lowe. And we do appreciate you taking the trip here. You added a

little different perspective, a little more detail about how superintendents go about doing their job.

Thank you very much.

DR. LOWE: Thank you.

ASSEMBLYMAN CAPUTO: Jennifer Keyes-Maloney, Principals and Supervisors Association; and then we'll have Amy Fratz come up with her, please.

Who would like to take the lead?

JENNIFER KEYES - MALONEY: I'll go first. Called first, speak first.

Good afternoon.

I'm Jennifer Keyes-Maloney from the New Jersey Principals and Supervisors Association. You have a copy of my written remarks. I will not read from them, I promise. I know the hour is late.

I'd just like to highlight a couple of things that you heard pieces of today, as well as some items that we actually articulated in our testimony specifically.

The first is that as an organization, we believe that educational instructional leadership is critical -- key components to success. And we believe that, in essence, schools should be monitored. The question before us today is: What does that monitoring mean? Certainly as an organization we believe that some of the items within the report are good, positive steps in the right direction, but there are some things that we are troubled by. I would say that 90 percent of the report is viewed as a positive by the organization, and we have some lingering concerns that we believe this Committee should be aware of and that, in essence, the

Department should address in conjunction with the State Board, because this will have to also move through the State Board process in the coming months.

Just a quick bit of history so that you have an understanding of where we're at today -- a couple of speakers have alluded to it before. Right now, the QSAC process is being reviewed by the State Board. It is not what the Task Force will eventually come out with in the coming months. That will, once again, go through the State Board process. And when we talk about the QSAC process that's being reviewed, it's way beyond the indicators that are in the statute. It's kind of broken down into DPRs that are comprised of, right now, 334 indicators that they're looking to reduce down to about 54 indicators. What they're doing is collapsing concepts that were, say, 10 individual check boxes and kind of (indiscernible) into pieces so that it's a little bit more user friendly. And some of those are viewed as positive.

Where we kind of agree with the report is on the aspect of streamlining, focusing on things that matter, making it understandable for the community who is reviewing this in terms of how they need to move through the review process.

We also agree with the statement of assurance document. Let me explain what that is just briefly. What they're doing is kind of borrowing from the securities industry. In essence, it's a kind of annual statement that a district would have to sign off on and say, "Hey, we did these things. We agree that we're meeting these benchmarks." And, arguably, there will be consequences that will have to be defined out of that process. And that's something that we would embrace, particularly if the

actual statement of assurance document covers all the major indicators that need to be handled and also addresses, sufficiently, the categories that are kind of outlined under QSAC today.

Right now, based on what we've seen thus far, we believe that that is the case. There is some concern that the community, as we move toward this process, have a clear understanding of how the old document translates into the new document. So that's something that we would encourage the Department to pursue. And I would encourage you to kind of reach out to them and encourage them to make sure that the academic community understands what they need to do there as we kind of move forward.

We also embrace the idea of earned autonomy. The idea is kind of encapsulated in some legislation that we've seen over the last couple of years, and it's encapsulated in the Transformation Task Force's report. And that's, in essence, when schools are doing the right thing, and they're doing the work they need to, and they're meeting the obligations that the State has outlined that they are, that we allow them to do the good work that they're doing and give them the license to act appropriately. In essence, where a district hasn't, though -- and whether that's at a three-year cycle or a seven-year cycle, that's kind of articulated underneath the bill that's in the Legislature right now. That's something that you'd need to appropriately act-- And I think what the report outlines in vague terms is that there needs to be an articulated schedule and means of, actually, corrective action. And that's something that hasn't necessarily been as articulated as it should have over the years, partially because of capacity

issues at the Department and partially because, quite simply, maybe it wasn't as articulated in the regulations as it should have been.

We also support the idea of linkages, where it's appropriate, between NCLB and QSAC. One of the speakers earlier talked to you about the difference between the AYP subgroups, and that's a huge difference that should be something that's addressed. Equally important is the idea that, in essence, where there are commonalities in terms of what is monitored or what the criteria are, we find those.

Where we disagree with the report is in the area of focus exclusively on outputs. One of the other speakers alluded to this as well. What we mean is that it shouldn't simply be about student performance. That is the penultimate in terms of importance, but there are certain things that we have viewed as integral to a child's well-being. And that's where QSAC is just as important today as it will always be. And whether it's something in facilities, or it's something in instruction and programming, or operations, there are certain things that we need to look at -- the inputs, what we're putting into the system -- just as importantly as we look at the outputs, because they do have an impact on those outputs. But, more importantly, they also have an impact on how the child is existing in an academic environment, how safe and secure they are, and also what we hold ourselves to in terms of exceptional education.

An area that I kind of didn't address, briefly, would be in the area of licensure. Certainly that's an input that the Department has sought to weaken. The speaker before me, Mr. Kaplan, had alluded to the fact that there was some weakening in terms of superintendent certification for certain districts. We testified in opposition to that because we believe that

there are professional standards that should exist, have historically existed, and should continue to exist. And that input is vital to outputs, and outputs going forward. And we do not believe that that should be weakened.

And ultimately, in addition to student performance as an output-- When we talk about student performance, we often talk about standardized tests. Those outputs need to be more than just those standardized tests. What we talked about, in terms of the evaluation systems -- that are kind of ongoing conversations in the state because of the pilots, as well as what the Governor's proposing, as well as other individuals -- is the idea that we have to look at multiple measures, not only because we don't have the ability to test beyond limited grades and subjects, but also because children learn differently and they may articulate that very differently. I use an example of my twin sisters. They look exactly alike. They have very different learning styles. One is very auditory, one is very visual. How you teach them actually differs. And what they've actually learned has to be measured, potentially, differently. And we will eventually get to kind of nationwide assessments.

That's the idea behind the consortiums. And I know I'm kind of off my testimony in terms of QSAC, but I think this is important. And we'll eventually get there, so we have to make sure that even before that the assessments that we're using, the outcomes that we're choosing are wisely chosen, are truly evaluative, and comprehensive. And that's where-- I think the pilots are part of that process that are going to be going on over the next year. I would urge this Committee to really take a serious look at what's going on in those evaluation pilots at the end. There will be a report that

comes out from that group. Take a look at what they found. I know that in some of the nontested subjects, you have the actual practitioners taking a very active role. An example would be the physical education or the arts community, where they're actually getting engaged now, because they recognize that -- guess what -- those are nontested subjects. We need to do something about it. You're seeing that across the board in all the actual practice areas. And it's something that, I think, will inform the evaluation pilots as long as -- and eventually, hopefully, become part of what we use after this evaluation year or after this pilot year -- as long as we actually hold people accountable in terms of making sure that happens.

And I'm going to switch gears briefly, because the report handled QSAC, and then it also talked about mandates. Just briefly, a few things that we were very pleased about that were incorporated within the actual Task Force's report, specifically the items on the accountability regulations. One of the speakers talked about paper. Some of those are rather onerous -- well-intentioned, but onerous. And so we would definitely support those aspects within the report.

We do have some troublesome points associated with professional development. What I would say on that particular is, albeit well-intentioned, in terms of not necessarily setting, per se, hour limits, you need to make sure -- also giving credence to the fact that we want to make sure there are different opportunities and different ways that we provide professional development, and that we tie it to what the teacher, or the principal, or the supervisor needs. Ultimately, we need to make sure that school districts are held accountable in terms of making sure that professional development is there, especially as we're launching a new

evaluation system, we're looking at a new growth measure, we're looking at new assessments, and we're looking at a change in the common core in terms of standards. This is the time that we need to be very realistic about making sure that we have those fundamental pieces in place for every member of the academic community.

ASSEMBLYMAN CAPUTO: Excuse me. Would you try to wrap it up, please? Thank you.

MS. KEYES-MALONEY: And then one last, final point really quickly, in terms of the proposal. The one thing I would say is, the charter school proposals outlined in the report kind of disconnect, if you will, the funding that is provided from the districts to -- or I should say, the charter schools from the districts of residence. In essence, they're saying you don't -- you no longer need, necessarily, a domicile when it comes to charter schools in the way that a traditional public school has a domicile. And so we would not necessarily agree with that, twofold -- because of the lack of expectation in terms of what the district would understand, in terms of where money is going to be coming out -- going out or coming back in; and also from the standpoint of, a charter school should be just as much part of a community as any traditional public school.

One last, final point -- I know I said it was final. But there are a few additional recommendations that I would urge you to take a look at. We included some paperwork in our packet that talks about some special ed regulations that exceed existing law, as well as some recommendations that the Legislature may want to pursue in terms of mandate reduction. One of the speakers alluded to the fact that there is a continual stream of additional items that are kind of making their way into schools -- well-

intentioned always, but at the same time they're potentially burdensome. And so there are things that we may want to look at.

And I'm happy to answer any questions you may have.

ASSEMBLYMAN CAPUTO: I appreciate your testimony. We have your written testimony. We'll look it over.

And if any of the members want to ask any questions, feel free to do so.

SENATOR RICE: Mr. Chairman.

ASSEMBLYMAN CAPUTO: Thank you.

Senator Rice.

SENATOR RICE: I don't have a question, but I'm going to-- I was getting ready to say *unfortunately*-- Well, it is unfortunate we're in the election cycle right now going to November 8. So there's not a lot being done. I'm optimistic, and hopeful, and prayerful that Assemblywoman Pou is going to be coming into the Senate. And if the good Lord blesses us, we'll be working together. But she is also Chair of the Latino Legislative Caucus, and I'm Chair of the New Jersey Black Caucus. Aside from the Joint Committee, I think it's going to be incumbent upon -- for me to meet with her, and perhaps we sit down and have some conversation about the two legislative caucuses taking a look and having a more in-depth conversation with organizations like yours and others to make sure that -- and some of those who testified today -- some of the components and elements that we should be looking at. Because I'm sure it's going to get debated, etc. And maybe the possibility, Senator (*sic*) Assemblywoman, of putting together our own education advisory committee with qualified, capable people such as some of the people who are here today -- to our caucuses -- so that we

can be running a parallel track with the Legislature as they move forward; so that, hopefully, they understand our position collectively once we get agreement from our members as it relates to the direction they're heading in.

Because when I look at these numbers -- and I'll be quite frank, for the record, because it's not the first time I've said it publicly. I work reasonably well with the Senate President, but I always have great concerns about the direction he wants to move in, not just as President on behalf of the Caucus, but in terms of a lot of different things. And when I look at his counties that he represents, I get very much concerned that their needs are the same as ours, and we may not be on the same page. So unless we can make it publicly clear, collectively, outside of the Joint Committee where we stand as caucuses as it relates to the Joint Committee, I think that we're going to have to continue to work with the Commissioner of Education and others -- Dave Hespe and them -- to take information from the transcript that has merit, which is pretty much all of it, and make sure we share it with them. And in case they have had hearings and talked to people at public hearings -- I'm not aware of who they are -- and may not have had some of the things that were articulated here today for consideration-- I have a lot of respect for David, more so than I do in that Department at the top, in leadership roles.

But we have to have the conversation, whether we like each other or not, or disagree with each other. So I just want to say for the record that we need to get together.

ASSEMBLYMAN CAPUTO: Thank you, Senator.

Any other member of the Committee?

ASSEMBLYWOMAN POU: Mr. Chairman.

ASSEMBLYMAN CAPUTO: Assemblywoman -- I almost called you Senator -- but Assemblywoman Pou.

ASSEMBLYWOMAN POU: Thank you, Assemblyman.

First of all, let me just say, Senator Rice, I would be most happy to work closely with the Black Legislative Caucus, as well as members of my caucus to make sure that we address, and review, and have an opportunity to further discuss some of the very important things that are being shared today at this hearing. Once again, I think this is an excellent opportunity for us to really hear from individuals such as those who have come before us thus far, and sharing their viewpoints, their reports, their concerns, and some of their recommendations.

I am actually trying to withhold my questions. There are a number of things that have been shared, and I think it's important for us to really hear from everyone.

I must apologize though, Mr. Chairman -- I did share this with Senator Rice and Melanie -- that I have to depart by 1:00. It's almost near that time. But I'm happy to have had the opportunity to really hear most of, if not all, the testimony that has been provided to us from the lineup of people who have signed up for today's hearing.

I would, however, say before I depart that I think this is just the beginning of what can and should be an ongoing discussion. There are so many more questions that need to be asked, and there is so much more that we need to learn by what's actually going to take place.

I really appreciate the fact that we have just started this. And I'm looking forward to any and all additional information that will come

before us, and certainly after this hearing, so that we can be better prepared before we take any action by the Legislature.

Again, thank you, Chairman Rice, for thinking of doing this.

Thank you, Co-Chair Caputo -- Assemblyman Caputo for recognizing me.

Thank you so very much to all.

ASSEMBLYMAN CAPUTO: It's always a pleasure to be with you, Assemblywoman. Always a pleasure.

SENATOR RICE: Thank you.

ASSEMBLYMAN CAPUTO: The next person to testify will be Dr. Amy Fratz.

AMY C. FRATZ, Ed.D.: Good afternoon.

I'm Amy Fratz, from the New Jersey Education Association, Professional Development and Instructional Issues Division. That's a nice, long title there.

I was an educator for 26 years, so I'm coming out of education into the NJEA. And I have had the opportunity to work with the QSAC process. When I first came on board at NJEA was when the process was developing, so I kind of ended up being the person who deals with QSAC at NJEA.

And we appreciate that the process needs to be streamlined. However, we're concerned about a number of the proposed revisions, especially in the instruction and programs, and the personnel issue dealing with the professional development that -- we never understood why it ended up in the personnel issue section to begin with.

We see QSAC as a way of -- a comprehensive review of the school district, their programs, procedures, and accountability. It's like a check and balance that we know the districts are doing what they need to be doing, and we can determine the strengths and weaknesses to reinforce the programs and also to provide professional development.

However, the reduction of those 334 down to 54-- Too many things are being jammed into single indicators. We can't seem to find a good match between what they're calling still the *DPRs* and the statement of assurance. There seems to be the need for a better match between them. Things have kind of disappeared. Whole concepts are gone that we can't seem to put a finger on anymore. There is no alignment, point by point, of what we saw in a DPR now being in a statement of assurance; or you're saying that you will -- you're agreeing that you did 80 percent of these DPRs as your assurance, and it's just very confusing and doesn't seem to be a good match-up there.

I'm going to be going through and just telling you some of the things we noticed were deleted from the -- especially the programs and instruction, and the personnel issues which we feel has a major negative impact. There was always a reference to cross-disciplinary instruction. And we feel that that's very important. More and more instruction -- and more and more is being put, through the curriculum, onto the teachers. And the interdisciplinary connection was always a way that we could bring in the different core subjects and mesh them together, and that no longer can be found anywhere in the new document. Remember, it's not just the reading, the writing, the math, and the science. We have all the core curriculums that we have to go through.

In addition, as Jen said, we can't rely solely on an assessment or just assessments. In the new document there is no reference to measures of student progress that are developed and implemented at the district level that include opportunities for students to demonstrate their mastery of the Core Curriculum Content Standards. It always comes back to a test, and there should be other ways for students to be able-- Those multiple measures don't have to mean multiple tests.

ASSEMBLYMAN CAPUTO: Excuse me.

DR. FRATZ: Yes.

ASSEMBLYMAN CAPUTO: Try to avoid those points that have already been made. We have your document, and it's only redundant at this point.

DR. FRATZ: All right.

ASSEMBLYMAN CAPUTO: I know it's tough. A lot of these things have been said already. And we understand your position.

DR. FRATZ: The one thing I do want to just touch upon, because professional development is what I deal with all the time-- There was always a statement in there that the district was responsible to provide high-quality professional development. It appears that the professional development within the document is narrowly scoped out to be with the low-performing schools, and it ends up being a check mark in why a school didn't meet its QSAC or why it was a high-performing. And it is just a little check mark box. And there's nothing in there that goes on to talk about the importance of the professional development and the connection with student achievement.

Another (indiscernible) is we haven't found the words *collaboration* or *working collaboratively* in the new document; and yet, personnel assurance No. 6 calls that people use -- the use of multiple data sources to be worked on. Yet there is no time -- there's no spot in there for collaboration. Teachers need to be able to collaborate in order to analyze the data sources, yet that one section of the term *collaboration* has been stricken from the document.

We also are concerned about the area in reference to the supervisory practices. It deals solely with teacher evaluation and does not connect it, as it did formerly, with ways to strengthen instruction. It's just solely for an evaluation purpose. And in a procedural manner, we're looking at-- In the three-year review, there is a committee that looks over the DPRs. However, in the statement of assurance each year, it is the superintendent who chooses a team, and that team is not specified. And we feel that it's very important that the team that is used for the three-year DPR -- that that also be used for the statement of assurance. Because at this point, in the statement of assurance, it's not getting down to the practitioner level in which the report that the Task Force had set out was-- We need to look at the school and down to the classroom level. But if you don't have practitioners involved in that first -- each year of the assurance, it's saying that it's not important, that it's something that's going to be signed off between the superintendent and the board president, and then gets a resolution by the board. Where is the practitioner? How does-- Does the superintendent know what's going on in every single building in every single classroom? And we just feel that it's important that that team that was in the three-year also be in the statement of assurance.

And basically just that we're under intense scrutiny. I've also included the NJEA's recommendations -- or responses rather -- to the 10 principles. We were very concerned also with the inputs and the outputs -- that we're not measuring just outputs. It's also very important with the inputs. And you can see the last two pages of the testimony deal with our -- a very brief response to the 10 principles in which the Task Force is saying the -- is to be built on.

Other than that, I think I've dealt with everything else that the others have said.

ASSEMBLYMAN CAPUTO: I just want to commend you, because I think one of the basic themes of your testimony is collaboration. And the fact is that unless we have that, you're not going to get a real position that will resonate to the classroom level, to the administrative level. On all of these points that has to be the bottom line. If we have no collaboration-- That's some of the problems we're having now. People are making decisions at a level at which we're not involved. And the Legislature is just as isolated in some cases. And that's why I want to commend Senator Rice for getting us involved in this process. It's going to mean a lot of work; but it also means that this issue is so big that it will affect so many children and people who are involved in the process that, without having that involvement, it will not work. So I want to commend you for that.

Thank you for your participation.

We also want to call upon Dr. Jonathan Hodges from the Paterson Board of Education.

Anyone else from the Paterson Board of Education or any other -- anybody else who would like to speak?

SENATOR RICE: Mr. Chairman, through you, while he's coming up, let me go on record-- I'm going to be asking staff to do some things with this transcript.

Let me go on record that it's very interesting that every speaker pretty much alluded to, or articulated clearly, the need not to separate or isolate input and output. And I think that's important, because I don't-- It seems to me it was a common theme from different people who had not talked to each other, and was picked up right away in the report -- that input and output must go together. And that's why I find it interesting that a Task Force of the members who made the recommendations to put the focus on output -- that's kind of scary. You can get a diversity of people here to pick up right away that input and output is something you can't isolate. But you put together five people from different locations in the state, and they all focus on one thing -- makes some of this stuff suspect. I want to be on record.

Also, so I don't forget -- if I can go through you, Mr. Chairman, and take a little opportunity here.

ASSEMBLYMAN CAPUTO: Yes.

SENATOR RICE: I'm asking the Executive Director and Assistant, when you get this transcript, I want you to do a thorough job of setting this transcript up as it relates to a list of issues that we need to be raising; then a list of recommendations, as best you can identify them in the suggestions and things of that magnitude; and a list of things that are negative that we should be looking for to try to avoid. In other words, give me a nice, thorough document in categories so that when members of the Joint Committee -- and this is shared with the Legislature as a whole -- they

can go down and say at these -- and we can share it with Chief of Staff Hespe as well -- that these are some of the things that are coming up. These are some of the concerns that were raised -- *A, B, C, D* -- bullet forms, basically. And we can put the substance around it.

I know we've given you a lot to do, but I know you can handle it. That's why I stay with you all these years. (laughter)

MS. SCHULZ: Thank you.

ASSEMBLYMAN CAPUTO: Yes, sir.

JONATHAN HODGES, M.D.: Good afternoon.

I'm sorry Nellie Pou left. I really wanted her to hear my testimony.

I want to thank you for holding these hearings. This is a topic that's extremely important to us in Paterson, as I'm sure you can well understand. I'm a Member of the Paterson Board of Education. You've heard from superintendents, you've heard from the teachers' union, you've heard from a number of other specialists, Education Law Center. I, at least not today, have not heard from the Board of Education. And that is of particular concern, because we're the ones who are directly affected, we're the ones who actually lose the power. The superintendents will still be in place, but we're the ones who lose the ability to impact substantially on how our children are educated, and that's a major concern to us.

Let me say at the outset that I'm speaking for myself and not for the Paterson Board of Education. Let me also say at the outset that I do want accountability. It's extremely important to me. I'm a physician, and I recognize the need to have standards and to constantly review those

standards. That's extremely important to me. And I've noticed during my time on the Board the importance of that in this process.

But I must also say to you that the stakes in this QSAC process for boards of education members and for the community itself are extremely high. You're at ground zero in the takeover process and the QSAC process. This past August marked the 20th year of State takeover in this city. And I don't want to go through all my remarks, because some of it is sort of repetitive of what you've already heard. I'm going to skip around a little bit and try to maintain a continuity.

There has been 20 years of conflicting rules and regulations, 20 years of political manipulation with our leadership in our schools. We've had five superintendents in eight years. And I must also tell you those superintendents have been threatened by political entities up and down the line because they know that they don't report to the Board of Education, they report to the State. And so if those entities and those politicians have influence in the State, they can put pressure on the superintendent of schools. They are particularly vulnerable to that in State takeover districts, and you really need to be aware of that.

And that's happened here. We've had-- You mentioned the \$50 million, at last counting, that was found missing in Paterson. The Board of Education found that, not the Department of Education. It was the Board of Education. I happen to be one of those members who had to fight the State -- fight them -- to get them to even look at the problem, and fight the press. It was not a simple matter. So it was the local capacity that you say we don't have that managed to find what was not happening here with our -- for our children and to our children, and with State taxpayer

money, and force you to get to look at it. That's what happened in the (indiscernible) in Paterson. We had to force the State of New Jersey to look at what was going on here with their State-appointed Superintendent of Schools.

And that's one of the consequences of this QSAC problem -- is we don't control who is leading our school district, and that's a major-- The Governor does. The Governor controls the -- how he's appointed, they control the search process, on, and on, and on. And then these people get imposed upon us. And they can take them away at the drop of a hat, and we don't have control over that either. And that results, of course, in 20 years of instability and uncertainty as to how the District was run and who was going to be running it.

We've had all kinds of educational programs that have been tried here. The paradigm program with the loss of science and music; and the whole school reform programs; and now we're looking at the Innovation Zone that we didn't budget for or ask for; and, of course, the Harlem Children's Zone, which only seems to be rolled out by the State DOE for the benefit of the press and, as of yet, not for the Paterson education of children.

We have had 20 years of district assessments that have been arbitrary in their practice; the latest being QSAC. As you heard earlier, there has not been a consistent application of the QSAC process. That really troubles us. We find regulations popping in and out at the oddest times. We've had 43 points removed from us in our scoring without any explanation by the Commissioner of Education. We've had some test scores that were not even given to us. We, to date, don't have them. They

did an evaluation in July, I think, of 2010. They never came to us and gave us those scores. They came back later and did a full assessment and gave us scores for that on 3-days notice instead of the 30 the legislation calls for. It's that kind of application that we're deeply troubled by.

We've been sanctioned for not giving the County Superintendent's contract -- a contract that we didn't negotiate and that we didn't receive. We still lost the points because he didn't receive it. And it's this kind of thing-- It speaks to the larger point. If you're going to have the QSAC process -- and I don't mind the evaluation, but evaluate us on what we can control. There's a situation with personnel. We don't hire these people, we don't put any of them in place, we don't even get the chance to give our input as to the value -- their potential value in our District. But when things go wrong, we lose the QSAC points. And there's been a case in point where we lost points just recently because, according to the State, the Superintendent did not consult with one of his staff members sufficiently during the budget process. Well, I can't tell him who to consult with. I can't. If I were to attempt to do that, I would get ethics violations for micromanaging.

SENATOR RICE: And you lose points for governance.
(laughter)

DR. HODGES: Absolutely.

So I'm then left with trying to figure out how I negotiate this process. I mean, if I lean on the staff -- they're not my staff -- then I'm micromanaging, and I'm engaging in personnel -- which is none of my business because I don't have the right to do that as an advisory board member. And these are the things that-- But yet, still, when the scores

come out, the State will say the Board of Education failed to achieve the 80 points required. But the QSAC is actually a reflection of the State's operation.

And, ladies and gentlemen, after 20 years, this is not takeover; this is colonization. This is what-- We're not running this place. We don't have the authority to make those decisions, the State does. And they make it very clear to us who does.

So I'm going to leave you with some recommendations as I conclude. We would simply like a consistent process, one that will give us a benchmark to reach. Once we've reached that benchmark, give us the right to control our own destiny. Now, we've received over 80 points in governance here in Paterson, and we want what the State says we should be allowed to have -- the ability to make those decisions. We've been denied that arbitrarily, and that's a concern to us. You took 12 points away because of curriculum and instruction, and there's no argument about that. But then everything else that we were required to do we lived up to. And we should be allowed to then carry out that responsibility, because we want to determine who runs our District and how it's run.

In conclusion, please develop the ability to help build the capacity that you say we need. The Department of Education needs to be able to do that. After 20 years, if you, as an agency, aren't able to effect the changes that you say we need to have, then you shouldn't be doing it anymore; somebody else needs to. Evaluate us as Board members on what we have the authority to exercise control over. Ensure that there isn't a selective enforcement of the QSAC rules and regulations. You've heard testimony-- And I was just recently past chair of the Urban Boards

Committee of the New Jersey School Board Association. I am well aware of what's happening in other districts in some of their functioning. I am very well aware. So I look at them -- and I'm not going to mention any names -- but there are some districts around that have some significant challenges, challenges that we no longer have. We may have had them at one time, but we now longer have them. But still we're under State takeover and they're not. And that's a problem to us when we look at the efforts that we're trying to put in to try to correct that situation.

Provide for strict sanctions for persons engaging in political manipulation of the superintendent of schools in State takeover districts. Now, I cannot tell you how important that is in terms of-- Because it's happened here on more than one occasion, where you've had political entities--

ASSEMBLYWOMAN EVANS: Careful. (laughter)

DR. HODGES: I'm being careful -- political entities -- in fact, in this very building, have threatened the Superintendent of Schools because they didn't do what they wanted them to do, and then go down to Trenton and get actions taken on that Superintendent of Schools. And that's the danger that only exists in State takeover districts. That has to be addressed.

Establish a true ability to achieve local control. That means if you have a set of benchmarks, then they should be true benchmarks so that if you've reached them, then you get back that return in that particular category.

Standardize a sign-off process for documents that are being reviewed by the county superintendent and his staff to ensure that there

aren't any controversies over what was provided as evidence. Some people say that we received things-- We show them, and they say that they never received them. So have a sign-off process, which we actually asked them to -- and they agreed to follow -- but that just didn't happen. So we'd like that put in place so that they sign off that, "We've reviewed this particular piece of evidence."

Minimize the use of verbal accounts of staff as evidence for or against a particular category. And that's been used. Employee-- In talking to employees they have said that this didn't happen. Well, that doesn't meet as a standard -- particularly if that employee is disgruntled at the time. A lot of things can get said, and that was given as evidence as to why you lost the points, which was questionable practice.

Stop the trend of weakening the State Board of Education, as a check on the power of the Commissioner of Education. From where we sit, that's alarming to us. You're vesting more and more power in the Commissioner of Education, and you're removing the State Board's ability to say whether or not the ideas that the Commissioner wants to employ are, in fact, beneficial to the district and to the State of New Jersey. I think that's a problem that you really need to review.

Start all districts from-- You know, if you're going to change QSAC -- and I agree that it's flawed -- you should start all districts at ground zero. We should all start all over, and then evaluate us once you have a credible instrument in place so that we don't linger three or four years while you experiment and try to determine whether this next instrument is going to be a valuable measuring tool. We can't afford to linger like that, because what's going to happen is-- Right now, the State

has made our Superintendent a lame duck by virtue of the contract, which is just two more years of a new superintendent, and then the potential of losing him. It does terrible things to our staff in terms of their efforts which they want to employ in working, because they don't know whether they're going to be giving all they have to implement practices and procedures which will tomorrow be changed.

So I'm going to leave you with that. I will give you a more comprehensive list in my testimony when I submit it at a later date. I thank you for coming, and I thank you for listening.

ASSEMBLYMAN CAPUTO: Assemblywoman Evans.

ASSEMBLYWOMAN EVANS: Thank you, Dr. Hodges.

See, my greatest concern is: How do we effectuate change as State legislators? Because whatever we do, whatever document we present, the Governor has to sign off on it; the Governor has to agree. Getting a new Governor is like getting a new superintendent. Everybody comes in with their own idea. And I think what you talk about -- the evaluation process -- I think Ms. Maloney alluded to that fact that you can't evaluate all districts the same.

DR. HODGES: That's right.

ASSEMBLYWOMAN EVANS: And they're not taking into account that you all never -- you don't negotiate the superintendent's contract. You never saw it. It has nothing to do with this Board. But the boards that are not in takeover get to do that. So when they come here with their evaluation, they treat everybody the same. The State DOE will not evaluate itself, because if they did, they'd fail.

I said the same thing. I have the same frustration. I sat on this Board of Education prior to them taking over. And I know it was a political reason they came in here. Let me back up. The Paterson School Board members did not fight the takeover and turned it over to the State. And you can talk about political interference. You have more political interference now than they had before they took the District. And how do we remove that?

You see, I always said-- I said, when I first became a State legislator -- one of the bills that I wanted to put in was to rescind this takeover law. We need to get rid of it, throw it out. After 25 years, it does not work. We have spent billions of dollars on reevaluating, new this, new that. But they have bombarded the Administration with so much stuff you don't have time to see what the teachers are doing. You spend all of your time being bogged down in minutia. And I know for a fact that our administrators, from superintendents down, are working in most of these districts from 7:00 in the morning until 7:00, and 8:00, and 9:00 in the evening. It's ridiculous. People are killing themselves with little results.

And we're going to talk about the learning in the classroom. "You're not monitoring." "When do I have time to monitor when I'm so busy writing out and sending out paperwork that you're going to tell me you never got in the first place and you have to do it over?" I know that problem about submitting it, because when I was on this Board, to come into compliance, we submitted the stuff that we needed to the county superintendent. We did everything the Board was supposed to do, and they claimed they never got it.

But I also know and understand about the political influence. There is a way to monitor that. The law says that if you interfere, legally, you could be prosecuted and put in jail. The problem we have is, people are intimidated and afraid to really come forward and tell.

DR. HODGES: That's right.

ASSEMBLYWOMAN EVANS: It has to stop.

DR. HODGES: That's right.

ASSEMBLYWOMAN EVANS: The whole thing that they published in the paper about our Superintendent, and his contract, and all this stuff, and garbage. The political game will be, "We plan to remove this one and pick one I want to have the job." It has nothing to do with quality education. Then we turn around and say, "Shame on the teachers, shame on these kids. They can't really learn anyway, so we're putting all this money into these urban districts--" "No, you took them over, pretending that you're going to provide quality education." It has not happened. We have been in, in the State of New Jersey-- You heard, we're the only people in the country who are doing this for this long -- 25 or 26 years that we have been doing this, and we keep failing our children.

How many billions of dollars, how many people are we going to destroy before we take a look here in New Jersey and say enough? And State legislators-- I don't know how we do this. I have no clue how we do this, because you have too many arms. You have a Commissioner of Education, you have a Governor, you have State legislators. We can put all this together. And I applaud Senator Rice and everybody who ran around the state gathering up all this information -- get a fine document -- put in all the problems.

This is not the first time you testified about problems.

DR. HODGES: No.

ASSEMBLYWOMAN EVANS: Certainly not the first time I've been doing this. It's not the first time these people have been doing it. And we keep doing it, and we keep doing it. And everything remains the same -- it gets worse--

DR. HODGES: That's right.

ASSEMBLYWOMAN EVANS: --because the new people come, new paychecks, more millions of dollars -- they bring folks in to come in and study. We are the studyest (*sic*) folks in the State of New Jersey I ever saw. We studied everything to death with no results. If we don't get serious about educating our children-- And I am furious, because all these years-- And I knew nobody would listen when they talked about takeover -- that school takeover. I know what the legislators' intent was, but the legislators don't carry it out. We vote bills in -- laws -- and say, "This is what we want." But we're not responsible to carry it out. And then we -- we, as well -- add new stuff. Because, like I said when we came with the new bullying law -- "Yes, we need that. But what about--" "No, we're not giving the superintendents any additional money to put somebody-- They better write a curriculum, they better do this, and they better do this, and they better change this. We're not giving any more money to bring about this change." All right.

So now what? So now the Administration has to spend all this time -- you can't be monitoring, you don't have time to see what's going on. There has to come to -- a happy medium somewhere. We need to get-- Now, our Governor is all over this state -- nationally, he is the champion of

education in the State of New Jersey. But somehow, all of us need to get in the same room with the State legislators, with the Governor, with the Administration, with parents, with boards of ed and talk about change.

Now, I can't work on change over here by myself when I'm not talking to this arm who has to carry it out, because-- I mean-- And I'm saying, "What are we doing?" Because if he is effecting change -- which I believe he wants to-- But it's a different change now--

SENATOR RICE: Assemblywoman.

ASSEMBLYWOMAN EVANS: --and hop through loops. So you're never going to get the district back.

SENATOR RICE: Assemblywoman.

ASSEMBLYWOMAN EVANS: And Senator Rice is right. Newark should be returned -- what the law says. So my question is: If that's what the law says, and the Commissioner says, "No, I am not going to follow the law. I'm not doing that," what do we do about it?

SENATOR RICE: Assemblywoman.

ASSEMBLYWOMAN EVANS: What do we do about Paterson (indiscernible)-- How do we effectuate that change and make that happen?

SENATOR RICE: I'm going to tell you. Let me tell you how you're going to do it. One thing about-- We spend a lot of our time arguing legislatively. Ultimately you're going to have to use a system that oftentimes works more than it fails, and that's the court system. The lawsuit that is filed by the Newark School District is not about Newark. The lawsuit is being brought by Newarkers, primarily because we have a law

called QSAC. Whether people like it or not, that's the law presently that is being arbitrarily and capriciously violated by the Commissioner.

What that means, Assemblywoman, is that if, in fact, Newark does not challenge the violation by the Commissioner of the State Department of Education, and the law that we wrote to return to local control-- It means that if Newark doesn't challenge it and it remains the same, or if Newark failed in its challenge at the local level -- don't take it to the U.S. Supreme Court and get national attention -- it means that there are 600-plus districts in the state that, regardless of what law we write, a commissioner can arbitrarily say, "We will do it our way when we want to." So it's not about Newark anymore.

And so what the Patersons can do, and other school districts who have never been taken over-- When I look at this sheet and see over 100 districts and every county -- 21 counties here -- have failed instruction and programs -- it tells me some fail fiscal, some fail operations, some fail a combination -- all of them -- they should all have an interest in joining Newark in that lawsuit to protect our own districts. And that's what Paterson can do.

We're getting ready to end. I know the Chairman wants to end this.

I have one question to ask, and this is about -- since you raised this issue -- it's about the demographics up here in Passaic. The Clifton area, Assemblywoman and Dr. Hodges, and anyone else who wants to answer-- Roughly, what are the demographics there in terms of ethnicity, and age, and stuff like that?

DR. HODGES: It's about 53 percent Latino in this city, 39 percent African-American.

SENATOR RICE: In Clifton?

DR. HODGES: In Clifton? I can't speak to that.

ASSEMBLYWOMAN EVANS: We don't serve Clifton. It's not in the 35th.

SENATOR RICE: I just want to know.

ASSEMBLYWOMAN EVANS: But it has a large percent of Latinos, Caucasians, African-Americans -- a group-- We have a--

SENATOR RICE: What about Little Falls?

ASSEMBLYWOMAN EVANS: Little Falls is, I would say, probably 50 percent Caucasian and 30 percent Latino, and 20 percent others.

SENATOR RICE: Okay. Where is Passaic Valley Regional High School?

ASSEMBLYWOMAN EVANS: Passaic Valley Regional is in Little Falls.

SENATOR RICE: Okay. The reason I'm raising this is-- What about Ringwood?

ASSEMBLYWOMAN EVANS: Ringwood is--

SENATOR RICE: What does the population look like?

ASSEMBLYWOMAN EVANS: It's predominately Caucasian.

SENATOR RICE: Okay. Wanaque?

ASSEMBLYWOMAN EVANS: Same.

SENATOR RICE: Okay. The reason I'm raising this -- and you don't have to respond to this -- I just want to be on record to show why you

have to challenge. If you're not going to get those of us who -- we have an obligation to enforce the law until we change it. Clifton's instruction and programs -- they failed the indicator -- 64 percent. Well, 64 percent is what Newark has come up to. Little Falls: fiscal -- I believe that has to do with money, right? Little Falls failed it 65 percent. We passed it. If you look over at Passaic -- 60 percent in instruction, 70 percent in operations, 67 percent in governance. It seems to me that Paterson passed governance with 88 percent, but Passaic, to my last knowledge, has not been taken over because they can't govern. If you look at Passaic County Vocational -- 72 percent in instructional; Passaic Valley Regional, 74 percent in instruction, 69 in fiscal. You told me that's up in Little Falls, right?

ASSEMBLYWOMAN EVANS: Yes.

SENATOR RICE: Okay. If you look at Ringwood, 61 in fiscal; if you look at Wanaque, 73 percent in fiscal. And so my point is that until we challenge, legally, discrimination -- if we can't have a rational conversation after 20 years about why this is inadequate and why we don't start at ground zero, if you will -- everybody on the same playing field -- then you're not going to ever be given back.

And let me say this to you, Newark is going to be given back. It's going to be given back even if we have to go to the U.S. Supreme Court. Because once the country focuses on the discriminatory practice of New Jersey with two or three school districts -- which they have documented themselves -- then it becomes clearly a violation, and it becomes clearly taxation without representation, disenfranchisement of the people. Then it's going to be an embarrassment for everybody.

So I believe that sometimes the Governor, Assemblywoman -- which is your point -- the administrators, the legislators -- we don't have to like each other, but we're going to have to come to the table and say, "Okay. Let's transition these districts back. Let's come up with a new program," and then go back and educate people as to what our expectations are.

I want to thank you, Mr. Chairman -- you and Assemblywoman Mila Jasey.

DR. HODGES: And I want to thank you very much for your comments and your questions. I will leave you with this: The Commissioner of Education sanctioned the Paterson Board of Education for purchasing a virtual lab. We did it off-budget in order to address a deficiency in our area. And we were sanctioned because we did it -- we went and implemented a program that goes off budget. Then the Superintendent's contract came up. And as you well know, there's an Innovation Zone program the Commissioner of Education is very fond of. We are now doing that. It suddenly was decided to be done off-budget. Now, you need to understand the hypocrisy that we're looking at. We voted it down as a Board. Now the Commissioner has to answer our vote because we were overruled. If he votes it-- If he sides with the Superintendent of Schools, then he's going to be, in effect, breaking the rules that he just sanctioned us on. If he doesn't, then we're going to waste all that money that has already been put into the program. That's the kind of hypocrisy that we're faced with here.

You passed a law on background checks for boards of education members. If you had spoken to the board members at length, you might

not have done that. And that's part of the problem. You need to-- There needs to be a lot more conversation, because you're going to change the character of who comes out for going for school board members. And I'm not trying to support criminality, but there are very few instances of board members who actually -- with a criminal record -- are, in any way, endangering the welfare and the lives of children. That has not been the history in this state. There have been a lot more people on--

SENATOR RICE: We understand. (laughter) Ralph and I got it.

DR. HODGES: And how do you-- Lastly, how do you challenge the law when you're denied legal representation by your own school board because you're under the local control? That needs to be looked at. If you do not get -- are not allowed to return, even though you received the scores, you can't sue by virtue of -- your own legal team, because they work for the Governor, they don't work for you.

ASSEMBLYMAN CAPUTO: We got your message loud and clear.

DR. HODGES: Thank you very much.

ASSEMBLYMAN CAPUTO: I think one of the basic themes -- and I think everybody understands this -- fairness, transparency, consistency, lack of hypocrisy in the system, and fair monitoring with the ability to document those things that have been identified; and also, very strong exit conferences when people are monitored so that they can resolve many of the issues that may come up with the proper explanation. And obviously the system is dysfunctional when you have advisory versus real board members who have authority, whatever. All these problems that

surfaced, I think, the Committee is very cognizant of. And I think we're going to take it to another level based on the leadership we have here with Senator Rice.

I want to personally thank you for your participation.

And if it's all right with the Chair, I'd like to move to adjourn.

DR. HODGES: Thank you.

SENATOR RICE: Thank you very much.

ASSEMBLYMAN CAPUTO: Thank you.

(MEETING CONCLUDED)

APPENDIX

Education Transformation Task Force Initial Report: Testimony Joint Committee on the Public Schools – October 18, 2011

Good Morning:

My name is Richard Kaplan, I am currently the Superintendent of Schools in New Brunswick and some of you may remember me as the Director of the Office of Compliance/ Auditor General during the Kean/Cooperman Administration from 1986-1990.

I would like to thank the Chairman, Senator Rice and Executive Director, Melanie Schultz for today's invitation to present my comments regarding the Education Transformation Task Force Initial Report.

1. The Governor is to be congratulated for taking the first step in issuing Executive Order 58 as early as his fourth month in Office. His charge in that order clearly opened the way to meaningful dialogue and provided clear direction to the Task Force to explore and recommend meaningful changes to refocus school leadership and instructional personnel to establish ambitious academic standards with output-oriented performance objectives and secondly to empower local districts and educators to develop their own path to meet these ambitious goals while standing up for the principle that Education is a state responsibility as enumerated in our State's Constitution.

School Administrators throughout the state have addressed this burden with previous administrations year after year. Governor Christie is to be commended for finally hearing our concerns and to bring them to light and continue the conversation through to the completion of the final report is developed and their recommendations implemented.

2. The initial report by the Task force has preliminarily met his charge and should be congratulated for its efforts and succinct explanation of where we have been and where we need to go forward.
3. The report further addresses the regulatory over burden and redundancy of administrative code which costs school district personnel countless man hours to develop reports that then require state department personnel equal amounts of time to catalogue note and produce further reports to be in compliance with existing statutes.

The report enumerates 45 changes to Administrative Code. This is a good beginning. But it is only the beginning.

WHAT THIS REPORT DOES NOT DO:

This report only deals with administrative regulations it does not address legislative issues, that is the statutes and laws that you as legislators working with the Executive Branch develop and now need to address, bring up to date and resolve.

I have for each of you a copy of recommendations made going back to 1994 by joint committees of the New Jersey Association of School Administrators; New Jersey School Boards Association; the New Jersey School Business Administrators; the New Jersey Principals and Supervisors; these reports were sent to all Governors, Legislators, this committee and now is the time to take these recommendations seriously and working together find some common sense solutions.

NJQSAC

My last testimony to this Committee was on July 19, 2006, the topic that day was "Superintendents of Abbott School Districts making presentations on school construction issues and the effect of current budget cuts." I have taken the liberty of presenting your verbatim minutes of that testimony because I believe in it you will see comments I have made in the past to this committee on the monitoring issues.

In short, it is the state's responsibility to fund, develop appropriate laws and code and for the Executive branch to monitor to assure the funds and educational expectations are met.

I submit that sometimes various Commissioner's and Governor's have taken different approaches to assure the taxpayers they are watching and there is a uniformed approach and set of consequences for those that do not meet that standard.

I support the emphasis of monitoring and holding accountable all districts of New Jersey. I reaffirm my feelings that these five areas are the correct no matter what they call it.

Governance- How does the elected, appointed leaders of the Board of Education meet their legal responsibilities?

Management - How does the Superintendent, Assistant Superintendents, School Business Administrator, Principals and Supervisors administer the district within state, federal and local policies and statutes?

Curriculum and Instruction- What is required to be taught and the result and mastery of learning by the students as determined by a test not developed by the district?

Finance- How are the board of education funds managed to comply with the laws and code of the state and federal funding sources?

Facilities- What are the conditions of the facilities to ensure they are appropriate to provide a thorough and efficient public school program within their walls, while meeting all state, local and federal requirements.

No doubt this is a simple yet complex set of five conditions that one could develop 100 or more investigative questions in each area. I caution absolute restraint in this approach. I know full well that the important is more crucial to success than volumes.

In the late eighties our administration generated 56 critical indicators of success that assisted districts and the state Department of Education determine whether a district was deficient and needed to pay close attention to the development of a remediation plan or whether they could become certified and set free of monitoring for a period of five years.

This worked then and it will undoubtedly work now. What are important to remember are the consequences? For how long does a district remain in non compliance before some meaningful approach to remediation is accomplished?

What is the amount of time the district will have to make growth and therefore pass the process?

Does New Jersey monitoring need be blended with the federal NCLB legislation and if not how can the states devise an approach that the federal government is assured there is a system in place to address similar concerns?

The report points out a number of critical inconsistencies that educators have acknowledged for many years regarding NJQSAC as well as the problematic NCLB relationship.

I support totally the 9 of the 10 Principles of the Accountability System of the Future.

I do not believe the department should focus on the schools in a district but rather the district.

A school is part of a district. A principal and his staff are part of the whole as is the community that makes the town and that populate that specific school.

In New Jersey the whole school reform initiative implemented under Governor Whitman's administration in Abbott districts failed. It failed because it treated the individual school setting it apart from the district.

The reason seriously deficient districts failed are because the schools of Newark, Paterson and Jersey City all marched to a different drum. They were not connected to a directive district plan but rather were off doing their own thing. When there is no organization and a leader leading that is accountable nothing meaningful happens.

If this is the committees way to get to a fewer number of schools rather to whole districts it should be expanded upon in its final report and addressed by the Governor and his Commissioner.

Thank you for this opportunity to comment.



New Jersey Association of School Administrators

920 West State Street • Trenton, New Jersey 08618-5328

609.599.2900 / Fax: 609.599.1893 website: www.njasa.net

March 9, 2011

Acting Commissioner Christopher Cerf
State of New Jersey
Department of Education
P.O. Box 500
Trenton, NJ 08625-0500

Dear Acting Commissioner Cerf,

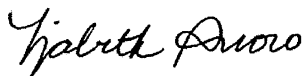
Given the current economic climate, it is of the utmost importance that educational institutions practice due diligence by exploring areas in which cost efficiencies may be realized, while at the same time maintaining the highest quality educational programs. As such, the NJASA Special Education Ad Hoc Committee met on 7/15/10, 11/8/10 and 3/8/11 to discuss and identify potential cost efficiencies specific to special education. The following is a list of possible areas which the committee believes would result in decreased spending in special education without adversely impacting the quality of instructional services:

- New Jersey's special education mandates are more restrictive than required by federal law; eliminate unnecessary state regulations
- Revise the Alternate Proficiency Assessment (APA) test design to reduce exorbitant implementation and scoring costs
- Duplicate what other states are already doing (i.e., Kentucky) to streamline the APA process and reduce costs
- Apply the 2% cap regulations to private schools
- Allow special education costs to be included as an exception to the 2% cap
- Provide training for Administrative Law Judges with regard to free and appropriate education as applied to due process cases
- Return the burden of proof to parents in due process cases
- Amend current law to include an option for parents to pay for special education costs above and beyond what is considered free and appropriate
- Develop a rubric for making objective determinations about whether programs will provide a free and appropriate education

- Set standard hourly rates for Occupational, Physical, and Speech therapy services, and Child Study Team evaluations for public education (similar to Chapter 192/193 and Early Intervention services)
- Have outside/separate independent evaluators determine the need for therapeutic services
- Clarify and support the use of Response To Intervention (RTI) models as a means to reduce the number of referrals for and placement in special education programs
- Allow the inclusion of transportation costs in applications for Special Education Extraordinary Aid
- Allow sending districts to count placements in county Special Services School Districts, Education Service Commissions, and Jointure Commissions as in-district public school placements (similar to NYS BOCES placements)
- Discontinue approval of additional private schools for the handicapped
- Reduce waiver requirements for age range and class size for special education students
- Allow districts to access parents' medical insurance as the first option to provide payment for related services and assistive technology as appropriate
- Increase shared services in areas such as child study teams, behavior specialists, paraprofessionals, transition coordinators, job coaches, professional development, and legal services
- Include sending LEA representation on the IEP team in sending/receiving relationships (i.e., Charter schools, high schools), in order to reduce out-of-district placements

The NJASA Special Education Ad Hoc committee is planning to meet again in July of this year. We appreciate your consideration of our suggestions, and would welcome the opportunity for further discussion with you at your convenience.

Sincerely,



Lizabeth Buoro, Chairperson
Superintendent, Atlantic County Special Services

NJASA Special Education Committee:

Linda A. Martensen, Director of Professional Development
New Jersey Association of School Administrators

Dr. Donna B. Van Horn, NJASA Secretary
Chief School Administrator, Weymouth Township School District

Maureen Kerne, Director
Region V Council for Special Education

Holly M. Post, Director of Special Education
Northern Burlington County Regional School District

Louise Sullivan, Director of Special Services
Bordentown Regional School District

Frances S. Collins, Assistant Superintendent
Voorhees Township School District

Barbara J. Makoski, Superintendent
Cape May County Special Services

Lewis Katzmar, Director of Special Services
Upper Deerfield Township Schools

Joseph Zarra, Superintendent
Nutley Public School District

Ellen F. Herdegen, Superintendent
Gloucester County Institute of Technology

Judith H. Burd, Superintendent
Lebanon Township Schools

Dr. Kimberly J. Schneider, Superintendent
Mercer County Special Services School District

Kevin W. Ahearn, Superintendent
Carteret School District

Dr. James F. Habel, Superintendent
Wall Township Public Schools

Angelo Vilardi, Superintendent
Educational Services Commission of Morris County

Dr. Frank Kasyan, Superintendent
Little Egg Harbor School District

Dr. James F. Barriale, Superintendent
Prospect Park School District

Loren Thomas, Superintendent
Salem County Vocational Technical School

Dr. Gayle Strauss, Superintendent
Byram Township School District

William Presutti, Superintendent
Union County Educational Services Commission

Frank A. Jiorle, Superintendent
Stepping Stone School

c: Richard G. Bozza, NJASA Executive Director

Judith Ann Rattner, NJASA President
Superintendent, Berkeley Heights Public Schools

Andrew Rinko, NJASA President-Elect
Superintendent, Bedminster Township Public School

Gary P. McCartney, NJASA Treasurer
Superintendent, South Brunswick Public Schools

Douglas B. Groff, NJASA Past President
Retired Superintendent, Galloway Township Public Schools

Lynne Strickland, Executive Director
Garden State Coalition of Schools



New Jersey Association of School Administrators

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November 22, 2010

Acting Commissioner Rochelle Hendricks
State of New Jersey
Department of Education
P.O. Box 500
Trenton, NJ 08625-0500

Dear Acting Commissioner Hendricks,

Given the current economic climate, it is of the utmost importance that educational institutions practice due diligence by exploring areas in which cost efficiencies may be realized, while at the same time maintaining the highest quality educational programs. As such, the NJASA Special Education Ad Hoc Committee met on 7/15/10 and 11/8/10 to discuss and identify potential cost efficiencies specific to special education. The following is a list of possible areas which the committee believes would result in decreased spending in special education without adversely impacting the quality of instructional services:

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- Apply the 2% cap regulations to private schools
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- Provide training for Administrative Law Judges with regard to free and appropriate education as applied to due process cases
- Return the burden of proof to parents in due process cases
- Amend current law to include an option for parents to pay for special education costs above and beyond what is considered free and appropriate
- Develop a rubric for making objective determinations about whether programs will provide a free and appropriate education

FL

- Set standard hourly rates for Occupational, Physical, and Speech therapy services, and Child Study Team evaluations for public education (similar to Chapter 192/193 and Early Intervention services)
- Have outside/separate independent evaluators determine the need for therapeutic services
- Clarify and support the use of Response To Intervention (RTI) models as a means to reduce the number of referrals for and placement in special education programs
- Allow the inclusion of transportation costs in applications for Special Education Extraordinary Aid
- Allow sending districts to count placements in county Special Services School Districts, Education Service Commissions, and Jointure Commissions as in-district public school placements (similar to NYS BOCES placements)
- Have Medicaid/SEMI reimbursement funds be credited to sending districts (*committee consensus not reached on this point*)
- Explore the possibility of decreasing the required number of Child Study Team members
- Discontinue approval of additional private schools for the handicapped
- Reduce waiver requirements for age range and class size for special education students
- Allow districts to access parents' medical insurance as the first option to provide payment for related services and assistive technology as appropriate
- Increase shared services in areas such as child study teams, behavior specialists, paraprofessionals, transition coordinators, job coaches, professional development, and legal services
- Include sending LEA representation on the IEP team in sending/receiving relationships (i.e., Charter schools, high schools), in order to reduce out-of-district placements

The NJASA Special Education Ad Hoc committee is currently working on a comparison of state and federal mandates, which may result in further proposals for cost efficiencies. We appreciate your consideration of our suggestions, and would welcome the opportunity to meet with you for further discussion.

Sincerely,



Lizabeth Buoro, Chairperson
Superintendent, Atlantic County Special Services

Dr. Angelo Vilardi, Superintendent
Educational Services Commission of Morris County

Dr. Frank Kasyan, Superintendent
Little Egg Harbor School District

Dr. James F. Barriale, Superintendent
Prospect Park School District

Loren Thomas, Superintendent
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c: Richard G. Bozza, NJASA Executive Director

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Wall Township Public Schools



New Jersey School Boards Association

Headquarters: 413 West State Street, P.O. Box 909, Trenton, New Jersey 08605
Telephone (609) 695-7600 Fax 609-695-0413

MEMORANDUM

TO: *SENATE AND ASSEMBLY EDUCATION COMMITTEE CHAIRPERSONS
OTHER INTERESTED ORGANIZATIONS*

FROM: *NEW JERSEY SCHOOL BOARDS ASSOCIATION
NEW JERSEY ASSOCIATION OF SCHOOL BUSINESS OFFICIALS
NEW JERSEY PRINCIPALS AND SUPERVISORS ASSOCIATION
NEW JERSEY ASSOCIATION OF SCHOOL ADMINISTRATORS*

DATE: *MARCH 20, 1995*

RE: *STATE AND FEDERAL MANDATES PROJECT*

Over the past year, interest in the impact of state and federal mandates on local government entities has grown enormously. We in the education community acknowledge the need for state and federal mandates to establish consistent standards and to ensure implementation of certain actions. In essence, we support mandates that are useful and productive. However, our associations share a concern about the continued proliferation of mandates and about new and existing mandates that may overlap or be in conflict with each other.

From the outset, the intent of the State & Federal Mandates Project has been to inform the Legislature and the public about the nature and the extent of the requirements placed on local school districts and, consequently, the limitations on decisions made at the local level.

Phase I. In the above context, the New Jersey School Boards Association with the cooperating organizations took on the onerous task of identifying state and federal education mandates. From our initial efforts resulted the first-ever comprehensive list of state and federal requirements that affect the public schools. We presented this document, which included more than 200 items, to the leadership of the state Legislature in September 1994.

In New Jersey, the fundamental education mandate flows from the state Constitution to the Legislature:

The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and eighteen years.

To a large extent, the statutory and regulatory mandates identified in Phase I—as well as state aid to public school districts—are based upon the Constitution's "thorough and efficient" clause.

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The State & Federal Mandates Project

Page 3

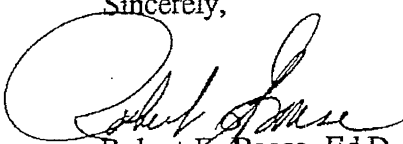
The Next Step. Over the past few months, increased interest in state and federal education mandates has generated action in Washington and Trenton. All of these developments hold promise for improving the regulatory climate in our public school systems.


- The U.S. Congress is addressing unfunded federal mandates imposed on state and local government entities.
- Governor Whitman signed Executive Order #22 to establish a moratorium on State Board of Education code requirements on local school districts.
- The New Jersey Legislature has acted upon several pieces of legislation that address the issue of state mandate-state pay for school districts, as well as for municipalities and counties. These measures include SCR-87, a proposed Constitutional amendment to establish a legislative process for developing future mandates. The proposed amendment would provide for greater public dialogue with the Legislature and the identification of a continuous state funding source prior to the adoption of a mandate. In addition, it would include a five-year sunset provision for all newly enacted state mandates.
- The State Board of Education adopted a new waiver and equivalency process. This action will allow local districts to request permission to use alternative means to achieve the goals of existing regulations.
- Finally, the Commissioner of Education has introduced two initiatives—the *Comprehensive Plan for Educational Improvement and Financing* and a "Strategic Plan for Systemic Improvement of Education in New Jersey". Both initiatives are designed to identify critical services and necessary funding for our schools.

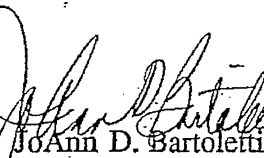
By highlighting the magnitude of existing state and federal mandates, our project contributed to the response by these government bodies. None of the proposals listed above offer options to the past practice of using statutes and/or regulations as a means to reach educational goals. However, our associations will use the data produced by the State & Federal Mandates Project as we continue to identify better ways to implement necessary mandates, work toward adequate funding of needed mandates, and support time limitation and a "sunsetting" process for new mandates.

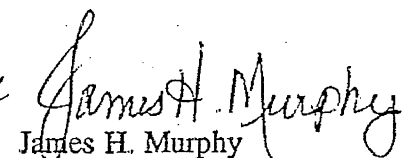
We look forward to working with our state's leaders to implement our common educational goals.

Sincerely,


Robert E. Boose, Ed.D.
Executive Director
NJSBA


Edward Meglis, Jr.
Executive Director
NIASBO


JoAnn D. Bartoleffi
Executive Director
NJPSA


James H. Murphy
Executive Director
NJASA



New Jersey School Boards Association

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STATE AND FEDERAL MANDATES PROJECT

----- PHASE II REPORT -----

New Jersey School Boards Association

New Jersey Association of School Business Officials

New Jersey Principals and Supervisors Association

New Jersey Association of School Administrators

Phase II of the State and Federal Mandates Project represents our associations' efforts to document the financial impact of statutes and regulations on local school districts as they endeavor to provide New Jersey's students with a thorough and efficient education.

-1-

ADMINISTRATION, Salaries other than Instructional and Maintenance

18A:4-14, 6-4, 6-7.1, 6-10, 6-18.1, 6-45, 6-50, 6-58, 6-68, 7A-5, 7A-7, 7A-10, 7A-11, 7A-14, 7B-2, 7C-2, 7C-5, 7C-6, 8-33, 12-20, 12-26, 12-33, 13-13, 13-14, 13-17, 14-1-8, 14-25-28, 16-1, 16-5, 16-6, 6.1, 17-2, 17-5, 17-6, 17-31, 17-32, 17-46, 19-3, 20-4.4, 20-25, 23-1, 23-8, 24-13.1, 25-4, 25-5, 26-9, 30-2, 30-2.1, 30-3, 30-3.3, 31-2, 34-2, 36-1, 36-19, 38-1, 38-2, 38-8, 38-9, 38-11, 38-12, 38-13.1, 38-19, 38-23, 38-36, 40A-20, 54-23, 54-23.1, 54-23.5, 66-17, 66-32, 66-32.1, 66-90, 66-126.4, 47:1A-2, 10 Code Citations (83 items)

Reported Cost Range

\$289,965 - \$12,849,946

"Administration" generally includes the salaries of central office administrators and supervisors, and the expenses of the board of education. The salaries of those people whose primary responsibility involves instructional (teaching) personnel and maintenance (building and grounds) personnel are excluded.

This spending category also includes the time spent collecting information, collating data and preparing the many reports compiled each year by school districts on ---

Attendance

Audit (required annually)

Basic Skills

Board of Education: Training Requirements, Dues and Minutes

State-required Documents if the District is in Level II or III only (not approved)

Remedial Plan

Corrective Action Plan

Employee Notification of Duties and Responsibilities

Ethics Disclosure Statements

Evaluations of Tenured and Untenured Staff

Facilities (including administrative time required to prepare for and accompany inspectors on routine inspections by OSHA, Fire, Plumbing, and Electrical Inspectors)

- over -

ADMINISTRATION (continued)

Goal Setting

Graduation Policy

Homeless Students

Insurance

Monitoring

Monitoring in Special Needs Districts

Non-resident Students, Courses and Programs

Personnel, Staff Reports, Desegregation Efforts

Physical Examinations

Public Involvement

Pupil Records (Creation and Retention)

Remediation Plans for Students not on Grade Level

School Elections, including Budget-Reporting Process

State Aid for the Public and Private Schools within a School District

Substance Abuse

Test Results

Textbooks, Record Keeping (public and private)

Physical Examinations

Verification of Claims of Suppliers (processing affidavits for claims)

Violence

Working Papers

ADMINISTRATION (continued)

COMMENT: Of all the mandated items in Statute and Administrative Code, the administrative category contains the greatest number -- 83 of the 233 identified mandates, over one-third.

In many cases, the Legislature enacted a mandate to meet a particular problem in one, or a select number of school districts. However, the legislative remedy, now a statutory requirement, has been applied to all school districts. Those districts not affected by the original problem now must dedicate administrative time to report on issues that did not originally apply to their district. For these districts, the time spent on mandated reporting does not enhance the instructional program and only serves to consume valuable administrative time.

On the other hand, because of the nature of the school population served in special needs districts, these districts, most often are directed to comply with each and every mandate. More wealthy districts generally do not have the need to develop such things as: basic skills plans for many pupils, state-required documents for Level II and Level III, facilities plans to remedy old and inadequate buildings, transportation of homeless students, monthly monitoring and/or Educational Improvement Plans that grow each year, affirmative action and desegregation plans and a host of other mandates. The administrative time and resources expended for these items detract from solutions rather than help.

The general division of administrative duties is not consistent from district to district. Some boards of education, usually for economic purposes, split the responsibilities of their administrators between central office responsibilities and direct supervision of instructional staff and/or maintenance workers.

The State imposed many statutory business requirements when school records were kept manually. In light of today's modern accounting procedures, the recent conversion to Generally Accepted Accounting Principles (GAAP) and the required local district annual audit, these requirements are archaic.

INSTRUCTION

18A:6-2, 6-3, 7A-4, 7A-9, 7C-3, 7C-6, 7C-6.2, 26-2, 26-2.1, 27-3.1, 29-5, 29-5.3, 29-11, 33-1, 34-1, 35-1, 35-3, 35-4.9, 35-5, 35-7, 35-8, 35-15, 35-17, 35-18, 35-19, 35-20, 35-22, 36-3, 36-6, 36-11, 36-13, 36-18, 40A-1, 44-3. (33 items)

Reported Cost Range

\$276,200 - \$4,908,463

The category of mandates called instruction has a direct impact on the student in the classroom and must be implemented during the normal school day. Since teaching time is limited, any mandated subject (and the time required to teach it) precludes other types of instruction during that time period. Therefore, what is and what is not mandated in this area is critical to the quality of education.

Students must attend school for 180 days in New Jersey. The minimum number of hours per full day for students is 4 hours. Students are considered present for a half day once they have been in school for 2 hours.

Statutes mandate the following instructional programs and procedures.

Accident and fire prevention

Bilingual Education

Establishment of programs

Number of Pupils

Period of Continuance of participation by pupil

Participation in non verbalized courses

Location of, and children in, programs

Parent involvement in programs

Notification of parents

Civics, Geography and History of New Jersey

Constitution of the United States

Commodore Barry Day, Observance of

Drugs, Alcohol, Anabolic Steroids, Tobacco and Controlled Dangerous

Substances, Curriculum guidelines

Flag Day, Observance of

Health, Safety and Physical Education

INSTRUCTION (continued)

Course requirement

Time devoted to course

History, 2-year course of study

Holidays, Patriotic Exercises preceding

Physical Training courses, features (Shop or practical arts courses)

Remedial Instruction

This category of mandates also includes the testing of students in relation to:

Assessment of progress, remediation

Graduation proficiency tests

Identification and classification of children of Limited English-speaking ability

Other statutory requirements under this heading include ---

Adoption of Courses of Study

Books containing organic laws at graduation from elementary school

Declaration of Independence

Constitution of the United States

Constitution of New Jersey

Comprehensive needs assessment program, publicizing results

Display of, and salute to flag, Pledge of Allegiance

Goal of a Free Public School

Pupil promotion, remediation policies, procedures

Textbooks

Selection

Furnished free with supplies

Appropriations

- over -

INSTRUCTION (continued)

COMMENT: The statutory mandates included under this heading and the costs associated with implementing those mandates have little to do with the instruction that takes place in the classrooms of New Jersey. Most basic instruction, such as reading, writing, math and science are driven by other factors: graduation requirements set by the State Board of Education; monitoring code and testing programs; and the admission requirements of colleges or other post-secondary schools.

For students to pass the benchmark requirements set by the State Board of Education or institutions of higher education, they must acquire specific skills through specific classroom instruction at specific grade levels. This specificity determines, to a great extent, what is taught in the classrooms of New Jersey.

Instructional Monitoring Requirements: Refer to Monitoring Manual

Testing Requirements: Refer to New Jersey Administrative Code

Graduation Requirements: Refer to New Jersey Administrative Code

HEALTH AND SAFETY, ATTENDANCE

18A:16-2, 29-4.2, 30-3.1, 33-6, 36-25, 37-2-2.1, 40-1, 40-3.1, 40-4, 40-4.3, 40-5, 40-12.1, 40-16, 40-19, 40-32, 40A-10, 40A-11, 40A-12, 40A-15, 40A-17, 40A-18, 41-1, 41-4,
New Jersey Fire Code (24 items)

Reported Cost Range **\$74,095 - \$1,637,500**

This category of mandated costs contains support services for students. It incorporates programs for students who have problems with substance abuse, the employment of public school nurses, medical inspectors and optometrists and the health and safety services they provide. Fire code functions and pupil assistance committees also appear here. A sampling of the range of costs is broken out below.

Substance Abuse Intervention Programs	\$3,000 - \$100,000
Reporting of students under the influence, Referral for Evaluation, Treatment	\$2,500 - \$10,000
Substance Abuse Inservice Training Programs	\$200 - \$2,000
Employment of substance awareness coordinators	\$18,500 - \$54,000
Employment of school nurses, medical inspectors, optometrists	\$49,620 - \$1,066,500
New Jersey Fire Code, Posting and Drills	\$75 - \$350,000
Pupil Assistance Committees	\$200 - \$55,000

COMMENT: NJSA 18A:40-4.3 requires scoliosis examinations for all public school children, ages 10 to 18. Today, medical experts say that it is not necessary to check every student every year. Nonetheless, annual examinations for all students remain a mandate. One estimate of cost, based on the time and salaries of those required to do the test, is between \$25 and \$30 million annually on a statewide basis.

The scoliosis testing law makes no exemption for students who are examined by their private physician (annual physical examinations may be provided by the family's private physician). Therefore, all students, ages 10 to 18, must be examined annually.

FACILITIES, OPERATIONS, MAINTENANCE

18A:33-1, BOCA Code, Local Codes, State Facilities Standards (49 items)

Reported Cost Range

\$153,150 - \$113,283,840

This statute requires that local school districts furnish suitable facilities for schools, including proper school buildings, furniture and equipment.

COMMENT:

Frequent Code Changes

New Jersey Administrative Code adopted over the years to implement N.J.S.A. 18A:33-1 has changed periodically. These provisions have been implemented under the authority of the Bureau of Facility Planning Services in the Division of Finance of the Department of Education. Changes in special education programs, the numbers of students permitted in classrooms and the calculation of the space required for each student have resulted in changes in per-pupil space requirements. These variations have made remodeling, updating or expanding existing buildings difficult for local boards of education. It is particularly difficult when the codes change after the original structure was put into service.

If a board wants to renovate an existing building, it must adhere to current codes. Often codes become more stringent after the construction of a building, making renovation difficult if not impossible. This situation creates a disparity in facilities, with newer buildings being able to support services for students, such as closed circuit television and cable TV, that remain unavailable to students in older buildings. (See Note)

Debt Service

School districts are entitled to state aid for Debt Service. This funding goes toward repayment of bonds issued to build school facilities. However, the state has funded this program at inconsistent levels from year to year. The Governor's proposed budget for FY '96 would fund Debt Service at approximately 61% of each district's

Note: When voters turn down school budgets, the maintenance budget traditionally has been one of the first categories of expenditure to be reduced. Maintenance has been viewed as an optional spending category in many school districts, rather than as a mandate.

FACILITIES, OPERATIONS, MAINTENANCE (continued)

entitlement, an 11% reduction from FY '95. The balance will have to be met with local resources. This State funding reduction for Debt Service has been an annual trend since the enactment of the Quality Education Act of 1990.

OSHA Requirements

In this second phase of our mandates project, it was very difficult for the volunteer districts to break out the local cost impact of Occupational Safety and Health Administration (OSHA) requirements. For instance, OSHA dictates safety requirements for step ladders. School districts do not purchase ladders which do not meet this safety requirement. Therefore, there can be no comparison made between what is actually paid for ladders and what they would have cost without the OSHA requirements. One district estimated that implementing all of the OSHA requirements cost the district between \$75,000 and \$125,000. Another reported a single cumulative total of nearly \$670,000 for environmental costs.

-10-

FIXED CHARGES

NJSA 18A:38-32, 38:23-1, 40A:10-16 et seq, 54:14-15 et seq, NJAC 6:3-1.5, 20-5, 39,
(7 items)

Reported Cost Range

\$3,200 - \$87,500

The fixed charges reported in this category include the following: the cost of National Guard and Military Reserves duty absorbed by local boards of education; the costs of required salary deductions; and, evaluations and support for first-year principals.

COMMENT:

None noted by local districts.

FOOD SERVICES

NJSA 18A:33-4, NJAC 6:79-1.1 et seq. (One statutory item)

Reported Cost Range

\$60 - \$964,000

Since 1974, all school districts have been required to make school lunches available to all children enrolled in the district. The statute also requires districts to provide free and reduced price lunches to qualified students.

COMMENT: Each day, the schools of New Jersey provide approximately 469,000 lunches to students. All student lunches are partially or completely subsidized by federal and state money. The balance of the cost is borne by the local district and by individual student payment for lunch. In addition, of the total lunches served daily, approximately one half are provided free or at a reduced price.

New Jersey schools also provide approximately 55,000 students with breakfast each day. This program is also subsidized by state and federal funds.

SPECIAL EDUCATION

NJSA 18A:46-5.1, 5.2, 6, 7, 8, 9, 10, 11, 13, 18.1, 18.3, 19.4, 19.6, 23, 46A-3, 6, 10, NJAC 6:28, Individuals with Disabilities Education Act (IDEA), Americans with Disabilities Act (ADA) (20 items)

Reported Cost Range

\$205,550 - \$14,968,000

Students classified as needing special education programs must receive services determined by a Child Study Team (CST) and outlined in an Individualized Education Program (IEP). The procedures involved in determining a student's classification are specified in New Jersey Administrative Code 6:28. The steps in making a determination on whether or not classification would assist a student's learning, and the related costs, are a prerequisite required by the State for entry into a special education program.

Because New Jersey receives federal financial assistance under Individuals with Disabilities Education Act, the State must comply with federal requirements to provide a free appropriate public education to all children with disabilities, regardless of severity. Schools must provide the program in the least restrictive environment. Popularly called mainstreaming, this requirement is intended to ensure that classified students are educated with students in regular programs to the greatest extent possible. However, New Jersey's statutes do not provide reimbursement for services provided to classified students who receive their individualized programs in a regular classroom.

The federal Americans with Disabilities Act requires that school districts furnish appropriate auxiliary aids and services to disabled students. The purpose is to give them an equal opportunity to participate in the district's educational program. These costs have escalated as expanding technology has provided the basis for developing more resources for disabled students. School districts do not receive additional monies for providing the services.

Once a student enters a special education program, state aid is provided to the local district as a percentage of the cost of education for regular students. Reimbursement rates were determined according to the average cost of providing such services across the state at a fixed time. The reimbursement rates have not changed as mandated costs and services have increased. Just as state law does not provide financial assistance for students placed in regular classrooms, additional state aid is not provided for students whose IEP requires schooling on a year-round basis -- a feature becoming more common among special education programs.

SPECIAL EDUCATION (continued)

Providing special education programs also requires conducting an annual review of the appropriateness of the program, maintaining records and filing reports of services to parents, the local board of education and the Department of Education.

COMMENT: Since the reimbursement formula was instituted in 1975, there has been a disparity in the growth of special education and the regular school program. Both the number of classified students and the cost of providing services to them have increased at a much faster rate than the total school population and the cost of education as a whole.

This shift, and a relative freeze in the growth in aid for education, has reduced the financial resources available to the regular classroom. At the same time, the trend to place classified students in the regular classroom has gained momentum. Districts receive no additional aid when special education students are placed in regular classes, even though they may still require additional staff assistance (e.g., a special teacher's aide) and expensive related services.

TRANSPORTATION, PUBLIC AND PRIVATE REMOTE
NJSA 18A:39-1, 39-3, 39-17 (3 items)

Reported Cost Range

\$40,000 - \$1,945,384

The State requires school districts to provide transportation for public and private students who reside a distance from school greater than:

2 miles at the elementary level and
2 1/2 miles at the high school level.

COMMENT: An individual district's budget may also include transportation costs for extracurricular activities, field trips, non-mandated transportation and special education. Although these other costs are not mandated under the transportation citation, they may be required because of local safety conditions or by the monitoring code.

School districts do not receive reimbursement for hazardous-route transportation and there is no common definition of hazardous routes. Each district's transportation needs differ because of local circumstances which may include busy highways, geographic barriers, hazardous walking routes, or other safety considerations which are not resolved in another way by the municipality.

All transportation costs beyond the portion for which the district receives state aid must be supported by local taxes, for both public and private school children. The portion of transportation aid received varies from district to district.

The district reporting the highest direct transportation costs also reports an additional cost of \$4,000 for drug and alcohol testing of bus drivers.

-15-

NON-PUBLIC SCHOOLS

18A:40-25, 31, 58-37.3-4 (4 Items)

Reported Cost Range

\$350 - \$9,934

This category of mandates deals with services for non-public school students, other than transportation and special education costs. Those services include:

Nursing services

Textbooks, ordering, purchasing and loan

COMMENT: The local school board in districts where there are non-public schools, must provide nursing services to the non-public school students, including:

Medical examinations

Dental screening

Hearing examinations

Maintenance of student health records (including notification to local or county health officials of any student not properly immunized)

Scoliosis screening

Adoption of policies and procedures for delivery of emergency care to nonpublic students, comparable to care given to public school students when they become ill at school or during participation on a school team or squad.

State aid is provided to districts on a per-pupil basis for non-public school textbooks and nursing services. Districts are not required to provide services in excess of the funding provided. And the state aid is outside of the district spending CAP.

Administration of the program, however, is the responsibility of the local public school district and, therefore, entails purchasing and accounting costs not reimbursed by the State.



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February 3, 2004

The Honorable James E. McGreevey
Governor of the State of New Jersey
125 West State Street
Trenton, NJ 98625

Re: Final Report of the Education Mandate Review Study Commission

Dear Governor McGreevey:

It is with pleasure that I submit the Final Report of the Education Mandate Review Study Commission. I would like to take this opportunity to thank you for providing me the occasion to work with such a distinguished, committed group of individuals who are dedicated to the education of the children in the State of New Jersey. Furthermore, I also want to thank you for the appointment of Jessica de Koninck as a Commissioner Designee and staff support. This Report could not have been possible without Ms. de Koninck's assistance. It was a pleasure having such an experienced individual working alongside the Commission members.

If after your review, you or your staff would like to discuss the Report, please feel free to contact me. It was indeed a real privilege Chairing this Commission and I thank you for the opportunity of serving the State of New Jersey in such an important endeavor.

Sincerely,

Mildred García, Ed.D.
President

OFFICE OF THE PRESIDENT

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Final Report of the Education Mandate Review Study Commission
February 3, 2004

Executive Order No. 75 enacted on October 22, 2003 by Governor James E. McGreevey, established the Education Mandate Review Study Commission. The Commission was charged to identify and evaluate State statutory and regulatory requirements imposed upon school districts and to make recommendations regarding those mandates that may be altered or eliminated to provide cost flexibility or cost savings to school districts. Additionally, the Commission was required to hold public hearings in furtherance of its purpose to allow input from stakeholders and to issue a report to the Governor no later than January 31, 2004. This document is the Commission's report to Governor McGreevey.

The first meeting of the Commission was held on Tuesday, November 11, 2003 at the Marie H. Katzenbach School in Trenton, NJ. At that introductory meeting, the Commission, chaired by Dr. Mildred García, reviewed the Commission's tasks and responsibilities as set forth in the Executive Order, discussed the scope of items to be reviewed by the Commission and divided into four subcommittees to facilitate the completion of the Commission's tasks in order to be able to meet the January deadline. In light of the deadline, the Commission determined to identify those mandates that might be remedied or eliminated quickly and those that required and merited additional consideration and more detailed study. The Commission developed a form for individuals to complete, if desired, in order to share mandate recommendations with the Commission.

The first subcommittee comprised of Commissioners Edithe Fulton, Lynne Strickland, Ray Brosel, Richard Sullivan and Joan Saylor was assigned the task of sorting the various recommendations received by the Commission to be reviewed by the three substantive subcommittees. Those subcommittees are "outdated mandates" (Commissioners Jane Susswein, Ross Danis, Joseph Jones, Silvia Abbato), "business and facilities mandates" (Commissioners Joan Saylor, Richard Sullivan, Lynne Strickland) and "classroom and curriculum mandates" (Commissioners Edithe Fulton, Ray Brosel, Lynne Strickland). At its subcommittee meeting on November 20th, the "sorting committee" also assigned mandate recommendations relating to data collection to the "outdated mandates" subcommittee in order both to balance equitably the number of recommendations reviewed by each subcommittee and to acknowledge that some of the current data collection processes in place were outdated.

In order to assure State-wide public input into its process, the Commission did public outreach and held two public hearings. The first hearing was held on December 1, 2003 at Camden County College and the second on December 4, 2003 at Essex County College. In addition to the public hearings, recommendations were received from Commission members, the New Jersey Education Association, New Jersey School Boards Association, Garden State Coalition of Schools, New Jersey Principals and Supervisors Association, New Jersey Association of School Administrators, New Jersey Association of School Business Officials and a variety of individuals. A total of approximately eighty recommendations were received. Some were duplicates or near duplicates. The Commission considered about fifty individual recommendations.

Each of the subcommittees met at least once and conferred during the process. The subcommittees made recommendations to the Commission concerning proposed action on the mandates reviewed or requested additional information from the Department of Education.

The Commission further whittled down the recommendations by grouping many of the recommendations concerning school budget elections and many of the recommendations concerning holidays and similar events. Subcommittee work sheets were developed summarizing each of the mandates reviewed along with a summary reflecting the committee discussion and recommendations addressing each mandate.

The Commission reviewed the reports of the subcommittees at its meeting on December 17, 2003 held at the State House Annex. At that meeting, the Commission reviewed the School Tax Awareness Team (STAT) report that had been presented by Richard Wojdan of the Voorhees School District at the Camden public hearing. The Commission also reviewed the Department of Education recommendations to amend N.J.S.A. 18A: 17-16, concerning violence and vandalism, to eliminate the mandate that the annual hearing be held specifically during the third week in October and eliminating the mandate that a transcript be made of the hearing and provided to the Department.

Dr. García then reviewed the Commission process to make certain that the Commission's recommended outcomes reflect both what is doable in the short term and what might be recommended for longer term consideration. The Commission heard a presentation by Deputy Commissioner Dwight Pfennig on data collection systems and plans for system changes at the New Jersey Department of Education.

The Deputy Commissioner noted that there are over 118 data collection systems at the New Jersey Department of Education. The department is working to create an efficient and effective collection process. The goals are to get NJ SMART (Standards Measurement and Resource for Teaching) up and running and reduce the number of annually required submissions. The "School Report Card" will be consolidated with the Federal Report Card, and the Quality Assurance Annual Report ("QAAR" N.J.S.A. 18A:7A-11) can be eliminated. In addition to availability of funding, three implementation issues will take time before the process is fully in place:

1. Training; 2. Cleansing of data; 3. Assuring that systems can "talk" to each other.

The Commission discussed each recommendation that came before it. Some recommendations were eliminated as not constituting mandates, or as areas in which mandates are appropriate, or as mandates not within the primary scope of the Department of Education. In order to meet its tight time requirements, the Commission categorized its recommendations into three areas:

1. Recommend immediate action
2. Recommend further research and exploration and anticipate action will follow
3. Recommend further deliberation to amplify issue or to reach consensus

The items for immediate action may not be the biggest money savers or time savers, but they can be implemented quickly. In the meantime, it will be possible to research and further explore the more complex items.

Recommended for Immediate Action

Holidays and Other Events

This area generally concerns mandated programs and activities. While all are valuable, each entails the directed use of time and, sometimes, resources at a cost to school districts.

1. **Mandate considered:** Observance of Flag Day, N.J.S.A. 18A:36-6, Arbor Day N.J.S.A. 18A:36-7, Commodore Barry Day, N.J.S.A. 18A:36-10 through 12, Patriotic exercises preceding holidays, N.J.S.A. 18A:36-13 and similar statutes.

Commission recommendation and rationale: The Commission believes that the New Jersey Core Curriculum Content Standards drive or should drive the provision of all matters of instruction including instruction concerning significant holidays and other events or celebration. Appropriate holiday observation is fully embedded in the curriculum regardless of the presence or absence of statutory mandate. Legislatively mandated curriculum is either redundant or requires allocation of class time in a manner not most effective to assure attainment of the Core Curriculum Content Standards or the purpose of the event intended to be celebrated. The Commission recommends that the Legislature amend this statutory framework to give school districts flexibility and options concerning holidays and events and that the Legislature collapse the statutes referenced above into a single statute to afford options and flexibility.

2. **Mandate considered:** Eliminate any requirements relating to providing circulars or other printed items that entail cost to school districts.

Commission recommendation and rationale: There are a variety of ways to make information available such as on a website, at a library or media center, in a textbook or other classroom material. These methods offer the ability to circulate varied information and do not entail additional copying or printing cost to school districts. The Commission recommends that the Legislature amend statutory requirements to provide printed copies of circulars, and that the State Board eliminate regulatory reference to required printed copies.

3. **Mandate considered:** Eliminate the transcript requirement for violence and vandalism hearings and give discretion to school districts to set the date for an annual hearing, N.J.S.A. 18A:36-5.1.

Commission recommendation and rationale: The Commission recommends that the Legislature amend N.J.S.A. 18A:36-5.1. This statute requires an annual public hearing during the third week in October during which the Superintendent reports to the Board of Education violence and vandalism that occurred during the previous year. Although the third week in October is School Violence Awareness Week, many school boards do not meet the third week

in October. In those cases, complying with this requirement may entail holding a special meeting. Second, the statute requires each district to transcribe the hearing and provide a copy to the Department for review. This is the only area in school law in which a hearing transcript is required. The cost of a transcript can run from several hundred to several thousand dollars depending upon the length of the hearing. Meeting minutes can accurately verify that a hearing took place, identify the names of speakers and capture discussion at the hearing. Third, verification of the report is added to the already lengthy list of items to be included as part of monitoring. Along with an annual report by the Superintendent at a regular meeting of the board, the requirement in the law that the majority representative of school employees have monthly access to the number and disposition of all reported cases is an adequate tool to assure compliance.

Business Services

This area generally concerns recordkeeping, application and reporting requirements relating to school finances and facilities. Some of the items the Commission considered are redundant to other requirements in the law. Other requirements call for a level of detailed reporting inappropriate to the goal or project in question. The Commission recommends the Legislature amend the statutes set forth below.

1. **Mandate considered:** Eliminate custodian/treasurer of school monies and reassign duties to Board Secretary, N.J.S.A. 18A:8-33, N.J.S.A. 18A:13-14.

Commission recommendation and rationale: This is an anachronistic position that predates GAAP (Generally Accepted Accounting Principles) accounting and served as a check on the Board Secretary. There is no longer a need for this position for which, according to information obtained from the New Jersey School Business Officials, districts pay between \$2500 and \$12000 per year. Potential annual statewide savings could be as much as 3.6 million dollars as calculated by multiplying the number of school districts times the average reported salary.

2. **Mandate considered:** Raise threshold for vendor's certification to the current quotation level. N.J.S.A. 18A:19-3.

Commission recommendation and rationale: This is a redundant requirement. An invoice and a signed statement of completion of the work or receipt of goods are already required for these purchases regardless of amount. Under current law it is not necessary to obtain quotations for purchases under fifteen percent of the bid threshold. Therefore, the Commission recommends that additional paperwork not be required to be prepared until the purchase in question reaches the quotation amount.

3. **Mandate considered:** Eliminate reporting for items purchased below State contract amount. N.J.S.A. 18A:18A-51(e).

Commission recommendation and rationale: If districts are able to purchase items below the amount negotiated through state contract, districts should not be penalized by having to generate another report. The record keeping requirement can be satisfied by noting on the purchase order that the item was purchased at a minimum of ten percent less than the state contracted amount.

Data Collection

Most of the recommendations for mandate review concerned duplicative and lengthy data collection requirements. Deputy Commissioner Pfennig noted, in his report, the many redundant reporting requirements and the varied quality of the data collected. The Commission recommends that the State Board of Education amend the Administrative Code to consolidate record keeping requirements.

1. **Mandate considered:** The Commission looked at most of the various reporting requirements, N.J.S.A. 18A:7A-1, including the Quality Assurance Annual Report (QAAR).

Commission recommendation and rationale: The Commission recommends eliminating the QAAR and consolidating the data in a simplified reporting system. The QAAR is merely one example. The Commission strongly recommends consolidating all of the reports into no more than three or four annual data submissions.

2. **Mandate considered:** Consolidate New Jersey School Report Card, amend N.J.S.A. 18A:7E-1 through 5 to create a single document with the Federal Report Card.

Commission recommendation and rationale: The Federal Report Card requirements of No Child Left Behind are somewhat different than the New Jersey School Report Card requirements. The Commission recommends collapsing the two into a single Report Card. This will save the cost of generating two documents and make it easier for parents to review information.

3. **Mandate considered:** A variety of other reports were brought to the attention of the Commission including elements of the Comprehensive Annual Financial Report (CAFRA), annual report of school aides, improving teacher quality/highly qualified teacher survey and others.

Commission recommendation and rationale: The Commission strongly supports simplifying recordkeeping and reporting requirements as a way to save time, expenses and assure the consistency of data. The Commission supports the goal of NJ SMART (Standards Measurement and Resource for Teaching). The Commission recommends full web-based implementation of the DOENET (Department of Education Network) data collection program and full implementation of the web based Teacher Certification Program. The Commission anticipates that the savings to each district, based on number of hours not spent in reporting and collecting data will be significant.

Special Education

Many of the mandates considered for review concern Special Education. Special education involves a myriad of federal, State and judicially imposed and interrelated requirements. The Commission does not want to make any recommendation that will weaken valuable special education programs or services. An exhaustive review of these mandates will take more time than available to the Commission given the scope of its charge. Based on its work thus far, however, the Commission strongly believes that a comprehensive review of special education mandates will result in a number of recommendations to improve services and decrease costs. Therefore, the Commission recommends extending its own term and including in this special education review group, in addition to the original commission members, representatives of various stakeholder groups with knowledge of and experience in special education related issues.

Recommended for Further Research and Exploration in Anticipation of Further Action

There are a number of other areas in which, pending further study, the Commission believes mandate elimination or modification will be appropriate and requests that the Department of Education make these items a priority.

The items for further consideration are as follows:

1. **Mandate considered:** Eliminate retirement of school buses after 12 years, N.J.S.A. 39:3B-5.1, N.J.A.C. 6A:27-7.3 provided that buses can be retrofitted to meet all current environmental and safety standards.
2. **Mandate considered:** Nonpublic school services: Administration of services to nonpublic school students such as transportation, technology, nursing and nursing services are administered on a district by district basis. In situations exclusively relating to reimbursement, this often means that a number of different districts will be sending pass through funding to the same school. The Commission strongly recommends exploring the possibility of centralizing administration of nonpublic services on a county wide or regional basis.
3. **Mandate considered:** There are a number of tests that must be performed annually, or training that must be conducted annually, such as training concerning contact with blood borne pathogens. The Commission recommends reviewing each of these requirements in more detail to determine if they can be done less frequently, or if they are already being done in some other context.
4. **Mandate considered:** Eliminate requirement to submit small capital projects to the Department of Community Affairs for review if the project is not eligible for State funding. N.J.S.A. 18A:7G-1, N.J.A.C. 6:1-26.

Commission recommendation and rationale: Submission of all projects to Community Affairs review considerably extends the time period for project review. This, in turn, extends the time needed to get projects out to bid and hampers the ability to get projects done during the summer when many schools are not in session. Elimination of Community Affairs review on small projects would shorten the time frame. Districts would be required to instead submit projects to their local code officials for review, permits and inspections. Better control of the timing of projects will result in savings to districts. The Commission recommends that the Department of Community Affairs seriously explore this option.

Recommend Further Deliberation to Amplify Issue or to Reach Consensus

There were, additionally, a number of areas in which, because additional information is required, or additional time is needed to explore the information in a manner that will enable the Commission to reach consensus, the Commission is not making a specific recommendation at this time, but encourages further exploration.

1. **Mandate considered:** Vote on school district budgets that are within statutory limitations, including all statutory growth limitations adjustments.

Commission recommendation and rationale: There were a number of recommendations concerning the vote on the school budget. The Commission recommends further study.

2. **Mandate considered:** Different prevailing wage thresholds for school districts and municipalities.

Commission recommendation and rationale: The Commission recommends exploring the reasons for municipalities having a higher prevailing wage threshold than school districts.

3. **Mandate considered:** Nonpublic school transportation reimbursement to parents.

Commission recommendation and rationale: The Commission recommends exploring aid in lieu of payments for nonpublic students.

4. **Mandate considered:** Costs related to participation in and/or not participating in State Health Benefits Plan.

Commission recommendation and rationale: The Commission recommends more in depth study of possible cost savings in the area of the State Health Benefits Plan.

Conclusion

The Commission members appreciate the opportunity to identify the unnecessary mandates noted in this report. The Commission strongly endorses extending the life of the Commission to

complete the review of the items noted above, as well as to consider strategies to deliver services more cost effectively. Such strategies do not necessarily constitute mandates and were not considered by the Commission as part of its original charge. The Commission recommends that the search for efficiencies be an ongoing process. In particular, the Commission recommends an in depth exploration of special education mandates. Extension of the Commission to review special education mandates should include representatives of special education stakeholder groups.

Respectfully submitted,

Mildred García, Ed.D.

Chair

Education Mandate Review Study Commission

Senator John Adler, Vice Chair

Silvia Abbato

Raymond Brosel, Jr.

Assemblywoman Bonnie Watson-Coleman

Ross Danis

Edithe Fulton

Joseph Jones, III

Dr. Joan Nesenkar Saylor

Lynne Strickland

Richard Sullivan

Jane Susswein

Jessica de Koninck, Commissioner Designee (non-voting)

State and Federal Mandates Project

— Developed by the —

New Jersey School Boards Association

New Jersey Association of School Business Officials

New Jersey Principals & Supervisors Association

New Jersey Association of School Administrators

The following document is the most complete compilation of state and federal mandates on local school districts. Up to now, it has been impossible to demonstrate the impact of law, code and regulations on the public schools. We offer this painstaking effort as the first step of a "work in progress," ever mindful of the children these statutes, codes and regulations are meant to serve.

TO: CHAIRMEN, SENATE AND ASSEMBLY EDUCATION COMMITTEES
AND OTHER INTERESTED PERSONS

FROM: NEW JERSEY SCHOOL BOARDS ASSOCIATION
NEW JERSEY ASSOCIATION OF SCHOOL BUSINESS OFFICIALS
NEW JERSEY PRINCIPALS AND SUPERVISORS ASSOCIATION
NEW JERSEY ASSOCIATION OF SCHOOL ADMINISTRATORS

DATE: SEPTEMBER 29, 1994

The Working Document. We are pleased to share with you our list of state and federal education mandates in New Jersey, the most comprehensive list produced to date. This "working document" represents the completion of the first stage of our associations' State and Federal Mandates Project.

This data is based primarily on New Jersey Statutes Annotated, Title 18A, Education (N.J.S.A. 18A), New Jersey Administrative Code, Title 6, Department of Education (N.J.A.C. 6).

The membership of our associations represents the elected and appointed policymakers; the administrators of school district business operations; the school building managers, who implement the day-to-day education program; and chief school administrators. Local school officials and managers have long expressed concern about the proliferation of state and federal mandates and their impact on district finances, on decision-making and on the ability to direct resources into the classroom.

The project is divided into three phases designed to identify current mandates, determine their financial and administrative costs and propose alternatives, where appropriate, to many of these requirements.

Phase I, the working document —

- *Identifies Mandates*
- *Categorizes the Source of Each Mandate*

Phase II, a pilot study to illustrate the cost of mandates on varied types of school districts

Using the working document, ten diverse districts will determine the cost of these mandates to their schools.

This effort will result in the first-ever analysis of the cost of state and federal mandates to New Jersey's local school districts. When the "costing out" process is complete, we will revise the working document. For each mandate, the revised document will —

- *Indicate the cost in time and/or money to the sample district*

We expect to make information from Phase II available to local school districts as they begin to finalize their school budgets for 1995-1996.

Phase III, developing alternatives. As the project's ultimate goal, we will offer to Governor Whitman, the Legislature and the State Board of Education for their consideration:

- *Alternatives to mandated actions, where appropriate.*

Historical Perspective. Over the years, the body of law and regulations that governs schools has grown tremendously. For example, in 1947, the year the current Constitution of New Jersey was adopted, Title 18, the section of New Jersey statutes governing schools, consisted of two volumes. Today Title 18A comprises four volumes.

Each new law enacted since 1947 met a concern of the Legislature. Some were prompted by the nation's reaction to the Soviet launching of Sputnik in 1957. This single event, marked a shift in education governance, with state legislatures and the federal government becoming actively involved in prescribing what American students needed to be competitive. In the rush to respond, states legislated math and science curriculum mandates. Since then, additional educational mandates have made their way through the Legislature in response to outside forces demanding more from our schools. That trend continues today.

Title 6 of the New Jersey Administrative Code has grown in relation to the additional statutes it implements. However, not all code items adopted by the State Board of Education are as a direct result of new law. The State Board of Education may adopt code on its own to address issues which come under its jurisdiction. In some cases the code places requirements that go beyond the intent of the State or Federal Statute on which it is based. The "element of excess" is being scrutinized by both the State Board of Education and the Legislature.

Code Conflicts. In addition to concerns about the volume of state and federal mandates, school districts cite conflicts between state and federal regulations and among the rules of various state agencies. Our project will identify these conflicting codes. For instance, the BOCA (construction) code, and the New Jersey Sanitation Code have posed conflicts with state education regulations.

We look forward to completion of phases two and three of the project. However, the State and Federal Mandates Project will continue as a "work in progress" as statutes and code are revised. Input from everyone is welcome and appreciated. If you have items to add to the list, please feel free to contact any of our organizations.

Sincerely yours,

Robert E. Boose

Robert E. Boose
NJ/SBA

Edward Meglis, Jr.

Edward Meglis, Jr.
NJ/ASBO

JoAnn D. Barroletti

JoAnn D. Barroletti
NJ/PSA

James H. Murphy

James H. Murphy
NJ/ASA

State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/94)

Page No. 1

<u>Federal Statute</u>	<u>Federal Reg.</u>	<u>State Statute</u>	<u>State Code(s)</u>	<u>Description</u>	<u>Classification</u>	<u>Report</u>	<u>Cost</u>
		18A:6-14	6:20S2A	Double Entry Bookkeeping and GAAP Accounting in Local School Districts, Conformity to uniform system of bookkeeping	ADMINISTRATION	PA	I
		18A:6-2		Instruction in accident and fire prevention	INSTRUCTION-REGULAR	MT	I
		18A:6-3		Courses in constitution of United States	INSTRUCTION-REGULAR	MT	I
		18A:6-4		Annual report of institutions receiving state aid and private schools	ADMINISTRATION	AN	I
		18A:6-7.1		Criminal record check	PERSONNEL	OT	D
		18A:6-10		Tenured Employees Dismissal and reduction	PERSONNEL	OM	I
		18A:6-18.1		Charge against suspended person not determined within 120 days; payment of salary	PERSONNEL	OM	D
		18A:6-45		New Jersey School Boards Association established	ADMINISTRATION		D
		18A:6-50		Expenses of school board delegates; dues	ADMINISTRATION	AM	D
		18A:6-58		School Board Secretary; compensation; term; bond	PERSONNEL		D
		18A:6-68		Bookkeeping and accounting system	ADMINISTRATION		D
		18A:7A-4		Goal of free public school	INSTRUCTION-OTHER	AM	I

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4/2x

State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/94)

<u>Federal Statute</u>	<u>Federal Reg</u>	<u>State Statute</u>	<u>State Code(s)</u>	<u>Description</u>	<u>Classification</u>	<u>Report</u>	<u>Cost</u>
		18A:7A-5		Major elements; guidelines of system of free public schools (goals, public involvement, proficiency, program, equipment, facilities, personnel, administration, evaluation and monitoring)	INSTRUCTION-OTHER	AM	I
		18A:7A-7	6:856	Local Boards of Education, Establishment of goals and standards, basic skills improvement plan, Programs and Services for Pupils at Risk, Educational Improvement Plan in special needs dist.	INSTRUCTION-OTHER	MT	I
		18A:7A-7		Local boards of education Establishment of goals and standards Basic skills improvement plan	INSTRUCTION-REGULAR	MT	I
		18A:7A-9		Comprehensive needs assessment program Results; publicity	INSTRUCTION-REGULAR	MT	D
		18A:7A-10	6:854	Procedures for the Evaluation of the Performance of each Public School, District	ADMINISTRATION	MT	I
		18A:7A-10		Evaluation of performance of each school	INSTRUCTION-REGULAR	AM	I
		18A:7A-11		Contents of annual report of local school district Annual report of commissioner Report on improvement of basic skills	INSTRUCTION-REGULAR	AM	I
		18A:7A-14	6:855	Rules for Level II and III Districts, Remedial Plan, Failure to show progress, Corrective	ADMINISTRATION	MT	I

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State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/94)

Federal Statute Federal Reg State Statute State Code(s) Description Classification Report Cost Page No. 3

				actions, Hearing on order to show cause			
18A:7A-14				Failure of school or school districts to show progress Remedial plan; insufficiency; corrective actions Hearing on order to show cause	INSTRUCTION-REGULAR	MT	I
18A:7B-2				Employee deductions Forwarding of sums to appropriate departments Disposition	ADMINISTRATION	AN	I
18A:7C-1				Commissioner of education to develop a program of standards and guidelines	INSTRUCTION-REGULAR		I
18A:7C-2				Boards of Education; establishment of standards	INSTRUCTION-REGULAR	AN	I
18A:7C-3				Remedial instruction	INSTRUCTION-REGULAR	MT	D
18A:7C-5				Board of education to provide policy on graduation to students and parents	INSTRUCTION-REGULAR		D
18A:7C-5,6	6:8-7.157			Graduation policy provided to students and parents, Graduation Proficiency Test, Graduation procedures Subchapter 7: Promotion and High School Graduation Requirements	ADMINISTRATION	AN	I
18A:7C-6				Graduation proficiency test	INSTRUCTION-REGULAR	AN	D

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State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/94)

Page No. 4

<u>Federal Statute</u>	<u>Federal Reg</u>	<u>State Statute</u>	<u>State Code(s)</u>	<u>Description</u>	<u>Classification</u>	<u>Report</u>	<u>Cost</u>
		18A:7C-6.2		Assessment of progress; remediation	INSTRUCTION-REGULAR	MT	D
		18A:8-33		Custodian of school moneys	PERSONNEL	AN	D
		18A:12-20		Indemnity of Boards of Education against cost of civil and criminal action	ADMINISTRATION		I
		18A:12-26	6:3-9.359	School Board, Filing of disclosure statement, Incomplete filing, Failure to file disclosure statements Subchapt. 9: School Ethics Commission	ADMINISTRATION	AN	I
		18A:12-33	6:3-9.459	Board member training Subchapt. 9: School Ethics Commission	ADMINISTRATION	AN	D
		18A:13-13		Appointment of board secretary	PERSONNEL		D
		18A:13-14		Treasurer of school moneys; custodian, regional districts	PERSONNEL		D
		18A:13-17		Submission of budget; annual regional school election	ADMINISTRATION	AN	D
		18A:14-1-8		Annual and Special School elections	ADMINISTRATION	AN	D
		18A:14-25-28		Military and Absentee ballots	ADMINISTRATION	AN	D
		18A:16-1		Officers and employees in general	ADMINISTRATION		D

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43v

State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/94)

Page No. 5

<u>Federal Statute</u>	<u>Federal Reg</u>	<u>State Statute</u>	<u>State Code(s)</u>	<u>Description</u>	<u>Classification</u>	<u>Report</u>	<u>Cost</u>
		18A:16-2		Physical examinations Annual requirement for all board of education employees	PERSONNEL	AN	D
		18A:16-5		Records of examinations	ADMINISTRATION	AN	I
		18A:16-6,6.1		Indemnity of officers and employees against civil/criminal actions	ADMINISTRATION		I
		18A:17-2		Tenured employees Dismissal and reduction	ADMINISTRATION		I
		18A:17-5		Appointment of a secretary of board of education; terms; compensation; vacancy	PERSONNEL		D
		18A:17-6		Bond of secretary	ADMINISTRATION		D
		18A:17-31		Treasurer of school moneys; who to act	PERSONNEL		I
		18A:17-32		Bond of treasurer	ADMINISTRATION		D
		18A:17-46		Annual report on Violence Report of violence by employee	ADMINISTRATION	AN	I
		18A:19-3		Verification of claims, signed affidavit or declaration	ADMINISTRATION	AN	I
		18A:20-4.4		Contract provision for payment of prevailing wage rate	CAPITAL OUTLAY	PE	D

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44x

State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/94)

Page No. 6

<u>Federal Statute</u>	<u>Federal Reg</u>	<u>State Statute</u>	<u>State Code(s)</u>	<u>Description</u>	<u>Classification</u>	<u>Report</u>	<u>Cost</u>
		18A:20-25		Insurance of property	FIXED CHARGES	AN	D
		18A:23-1		Audit, when and how made	ADMINISTRATION	AN	D
		18A:23-8		Audit made by licensed public school accountant; fee	PERSONNEL	AN	D
		18A:24-13.1		Attorneys; compensation; services on issuance of bonds	ADMINISTRATION		D
		18A:25-4	6:20-1.1S1 6:20-1.3S1	Keeping school register, School attendance Subchapt. 1: Attendance and Pupil Accounting	ATTENDANCE	AN	I
		18A:25-4		School register Keeping of the school register	ADMINISTRATION	AN	I
		18A:25-5		Annual report Filing and penalty for failure to file	ADMINISTRATION	AN	I
		18A:26-2		All teaching staff certified	PERSONNEL		D
		18A:26-2.1		Certification for Director of Athletics	PERSONNEL	PE	D
		18A:26-9		Oath of allegiance and office Prerequisite to issuance of certificate	PERSONNEL		I
		18A:27-3.1		Evaluation of nontenured teaching staff	PERSONNEL	PE	I

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45x

State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/94)

Page No. 7

<u>Federal Statute</u>	<u>Federal Reg</u>	<u>State Statute</u>	<u>State Code(s)</u>	<u>Description</u>	<u>Classification</u>	<u>Report</u>	<u>Cost</u>
		18A:29-4.2		Payment of school nurse according to teachers' salary guide	PERSONNEL	D	D
		18A:29-5		\$18,500 minimum salary	ADMINISTRATION	D	D
		18A:29-5.3		Mandatory minimum teachers salary	ADMINISTRATION	D	D
		18A:29-11		Credit for military service	PERSONNEL	D	D
		18A:30-2		Sick leave allowable	FIXED CHARGES	D	D
		18A:30-2.1		Payment of sick leave for service connected disability	FIXED CHARGES	D	D
		18A:30-3		Accumulated sick leave	FIXED CHARGES	D	D
		18A:30-3.3		Certificate issued showing unused sick leave	ADMINISTRATION	I	D
		18A:31-2		Attendance at Teacher's Convention 2 days -- full pay	PERSONNEL	D	D
		18A:33-1	6:22 6:22A	District to furnish suitable facilities, Classroom size School Facility Planning Service Lease Purchase Agreements	ADMINISTRATION	MT	D
Yes		18A:33-4	6:20S9	Child Nutrition Programs, School Lunch, availability to all children, Paperwork notification	FOOD SERVICES	PM	D

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46x

State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/94)

Page No. 8

<u>Federal Statute</u>	<u>Federal Reg</u>	<u>State Statute</u>	<u>State Code(s)</u>	<u>Description</u>	<u>Classification</u>	<u>Report</u>	<u>Cost</u>
		18A:33-6		Posters illustrating choke prevention techniques	FOOD SERVICES	PM	I
		18A:34-1		Textbooks; selection; furnished free with supplies; appropriations	INSTRUCTION-REGULAR		D
		18A:34-2		Care and keeping of textbooks and accounting	ADMINISTRATION	AN	I
		18A:35-1		2-year course of study in history	INSTRUCTION-REGULAR	MT	I
		18A:35-1		Contents of U. S History course of study	INSTRUCTION-REGULAR		I
		18A:35-3		Course in civics, geography and history of New Jersey	INSTRUCTION-REGULAR		I
		18A:35-4.9		Pupil promotion, remediation policies, procedures	INSTRUCTION-REGULAR		I
		18A:35-5		Maintenance of physical training courses; features	INSTRUCTION-REGULAR		I
		18A:35-7	6:29	Course Required in Health, Safety and Physical Education	INSTRUCTION-REGULAR	MT	D
		18A:35-8		Time devoted to course in Health, Safety and Physical Education	INSTRUCTION-REGULAR		I
		18A:35-15	11-8.4	ESL Certification	PERSONNEL	MT	D
		18A:35-17		Identification and classification of children of limited English-speaking ability	INSTRUCTION-OTHER	MT	I

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47x

State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/94)

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		18A:35-18	6:31	Establishment of programs in bilingual education, number of pupils	INSTRUCTION-OTHER	MT	I
		18A:35-19		Period of continuance of participation by pupil	INSTRUCTION-OTHER	MT	I
		18A:35-20		Participation in non verbalized courses Location of and children in bilingual programs	INSTRUCTION-OTHER	MT	I
		18A:35-22		Notification of parents Parental involvement in programs	INSTRUCTION-OTHER	MT	I
		18A:36-1		School year (July 1 to June 30.)	ADMINISTRATION		I
		18A:36-3		Display of and salute to flag Pledge of allegiance	INSTRUCTION-REGULAR		I
		18A:36-6		Observance of flag day	INSTRUCTION-REGULAR		I
		18A:36-11		Observance of Commodore Barry Day	INSTRUCTION-REGULAR		I
		18A:36-13		Patriotic exercises preceding holidays	INSTRUCTION-REGULAR		I
		18A:36-18		Books containing organic laws at graduation from elementary school Declaration of Independence, Constitution of the US and NJ	INSTRUCTION-REGULAR		D
		18A:36-19	6:3-6.356 6:3-6.856	Pupil records: Permitted, Creation, Maintenance, Retention, Destruction, Non-liability, Security	ATTENDANCE		I

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48x

State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(Working document - subject to additions or revisions - 09/26/94)

Page No. 10

<u>Federal Statute</u>	<u>Federal Reg</u>	<u>State Statute</u>	<u>State Code(s)</u>	<u>Description</u>	<u>Classification</u>	<u>Report</u>	<u>Cost</u>
				and Access Subchapt. 6: Pupil Records			
18A:36-25				Early detection of missing and abused children All school districts must establish policies	ADMINISTRATION	MT	I
18A:37-2-2.1				Suspension or expulsion of pupils	ADMINISTRATION	PE	I
18A:38-1				Attendance at school free of charge	ADMINISTRATION		I
18A:38-2		6:3-8.458	6:3-8.558	Responsibilities of district of residence, liaison Subchapt. 8: Provisions for the Education of Homeless Children and Youth	INSTRUCTION-REGULAR	AN	D
18A:38-2		6:3-8.858	6:3-8.958	Tuition, Transportation Subchapt. 8: Provisions for the Education of Homeless Children and Youth	TUITION	AN	D
18A:38-8				Duty to receive pupils from other districts	TUITION	AN	D
18A:38-9				Attendance in adjoining district because of remoteness from school	TUITION	AN	D
18A:38-11				Designation of high school of another district for attendance by pupils	TUITION	AN	D
18A:38-12				Allocation and apportionment of pupils among two or more high schools	TUITION	AN	I
18A:38-13.1				Sending-Receiving relationship 5-year minimum	TUITION	AN	D

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49x

State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/94)

Page No. 11

Report Cost

Classification

Description

State Statute

State Code(s)

Federal Statute Federal Reg

18A:38-19	Grandfathering of enrolled student	TUITION	AN	D
18A:38-23	Tuition of pupils attending schools in another district	TUITION		D
18A:38-32	Pupils not excluded for nonpayment of tuition			
18A:38-36	Withdrawal of pupils	ADMINISTRATION		D
18A:39-1	District and county vocational school attendance officers	ADMINISTRATION	AN	I
18A:39-17	Issuance of Working Papers	TRANSPORTATION	AM	D
18A:40-1	Pupil transportation contracts	TRANSPORTATION	AN	D
18A:40-3.1	Names and certain information re bus drivers to be filed by secretary of board	HEALTH SERVICES	AM	D
18A:40-4	Employment of medical inspectors, optometrists and nurses; salaries; terms; rules	HEALTH SERVICES	AM	D
	Appointment and salary, school nurses, etc.	HEALTH SERVICES	PE	D
	Examination for physical defects and screening of hearing of pupils; health records			

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57x

State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/94)

Page No. 12

<u>Federal Statute</u>	<u>Federal Reg</u>	<u>State Statute</u>	<u>State Code(s)</u>	<u>Description</u>	<u>Classification</u>	<u>Report</u>	<u>Cost</u>
		18A:40-6.3		Scoliosis; annual examination; notice to parents or guardian	HEALTH SERVICES	AN	D
		18A:40-5		Method of examination; notice to parent or guardian	HEALTH SERVICES	AN	I
		18A:40-12.1		Protective eye devices Required for teachers, pupils and visitors in certain cases	HEALTH SERVICES	AM	D
		18A:40-16		Tuberculosis infection; determination of presence	HEALTH SERVICES	AM	D
		18A:40-19		Records and reports of tuberculosis testing; disposition; inspection	HEALTH SERVICES	AM	I
		18A:40A-1		Instructional programs on drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances Curriculum guidelines	INSTRUCTION-REGULAR	MT	I
		18A:40A-10		Comprehensive substance abuse intervention, prevention and treatment referral program in public elementary and secondary schools Establishment and policy statement	HEALTH SERVICES	MT	I
		18A:40A-11		Policies for evaluations, referral, discipline Substance abuse or possession on school property	ADMINISTRATION	MT	
		18A:40A-12		Reporting of pupils under influence Examination; report; return home Referral for evaluation, treatment	HEALTH SERVICES	PE	I

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5/14

State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/96)

Page No. 13

<u>Federal Statute</u>	<u>Federal Reg</u>	<u>State Statute</u>	<u>State Code(s)</u>	<u>Description</u>	<u>Classification</u>	<u>Report</u>	<u>Cost</u>
		18A:40A-15		Substance Abuse Inservice training program	HEALTH SERVICES	AM	D
		18A:40A-17		Substance Outreach program	HEALTH SERVICES	MT	D
		18A:40A-18		Employment of substance awareness coordinators	PERSONNEL	AN	D
		18A:40A-20		Annual report on substance abuse	ADMINISTRATION	AN	I
		18A:41-1		Fire drills	ADMINISTRATION	PE	I
		18A:41-4		Posting copies of chapter (Fire Drill Cards)	ADMINISTRATION	AN	I
		18A:44-3		Nursery school and kindergarten school teachers certification	INSTRUCTION-REGULAR	PH	I
		18A:46-5.1	6:28-3.1	Basic child study team services; provision by boards of education and state operated programs	PERSONNEL	AN	D
		18A:46-5.2	6:28-2.3	Participation by parent or guardian	INSTRUCTION-OTHER	AM	I
		18A:46-6	6:28-3.2	Handicapped children and children who require and are benefited by special education programs and services; identification	INSTRUCTION-OTHER	AM	D
		18A:46-7	6:28-1.2	Reports of handicapped children	ADMINISTRATION	AN	I

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52x

State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/94)

Page No. 14

<u>Federal Statute</u>	<u>Federal Reg</u>	<u>State Statute</u>	<u>State Code(s)</u>	<u>Description</u>	<u>Classification</u>	<u>Report</u>	<u>Cost</u>
20 USC 1412 (2)	34 CFR 300.541	18A:46-8	6:28-2.3	6:28-3.5	Classification of handicapped children; report to parent or guardian	ADMINISTRATION	AN I
		18A:46-9	6:28-3.5(d)6	Classification of mentally retarded children	INSTRUCTION-REGULAR	AN	D
		18A:46-10	6:28-3.6	6:28-3.8	Classification according to ability; scope of educational service	INSTRUCTION-OTHER	AN D
	34 CFR 300.543	18A:46-11	6:28-3.4	Psychological and other examinations	PERSONNEL		D
		18A:46-13	6:28-4.1	6:28-4.2	Facilities and programs	INSTRUCTION-OTHER	MT
		18A:46-18.1	6:28-3.9	6:28-8.3	Tuition for day training eligible	INSTRUCTION-REGULAR	AN D
		18A:46-18.3		Notice to parents or guardian of proposed classification of child; notice of opportunity for further review of classification	INSTRUCTION-OTHER	MT	I
		18A:46-18.3	6:28-2.3(i)	6:28-3.6(1)	Notice to parents, etc.	INSTRUCTION-OTHER	MT I
		18A:46-19.4	6:28-3.4	6:28-6.2	Provision for speech language specialist	INSTRUCTION-OTHER	MT D
		18A:46-19.6	6:28-6.3(i)	Transportation to location or maintenance of vehicular classrooms to obtain services; payment of cost	TRANSPORTATION	AN	D
		18A:46-23	6:21-7.3(c)3	6:28-3.8	Transportation of pupils; special classes; handicapped children; state aid	INSTRUCTION-OTHER	AN D
		18A:46A-3		Nonpublic schools; receipt of auxiliary services by pupils in school in district	INSTRUCTION-OTHER	AN	I

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53x

State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(Working document - subject to additions or revisions - 09/26/94)

Page No. 15

<u>Federal Statute</u>	<u>Federal Reg</u>	<u>State Statute</u>	<u>State Code(s)</u>	<u>Description</u>	<u>Classification</u>	<u>Report</u>	<u>Cost</u>
		18A:46A-6		Transportation to location or maintenance of vehicular classrooms to obtain services; payment of cost	INSTRUCTION-OTHER	AN	D
		18A:46A-10		Annual report; contents	ADMINISTRATION	AN	I
		18A:54-23		Receiving pupils from other districts	TUITION	AN	I
		18A:54-23.1		Receiving pupils from other counties; county vocational school districts with post secondary vocational-technical education	TUITION	AN	D
		18A:54-23.5		Notice to Department of Education List of nonresident students, courses and programs	ADMINISTRATION	AN	I
		18A:58-37.3	6:20-6.1S6	Purchase and loan of textbooks Eligibility Subchapter 6: Purchase and Loan of Textbooks	ADMINISTRATION	AN	I
		18A:66-17		Retirement system Expenses paid by state; reimbursement of administrative costs by local district	ADMINISTRATION	PE	I
		18A:66-32		Employer's duties Notification to employee of duties and obligations Notification to retirement system of employment Failure to notify	ADMINISTRATION		I
		18A:66-32.1		Workmen's compensation Employee contributions	ADMINISTRATION	PE	I

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54x

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New Jersey School Boards Association in cooperation with
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(working document - subject to additions or revisions - 09/26/94)

Page No. 16

<u>Federal Statute</u>	<u>Federal Reg</u>	<u>State Statute</u>	<u>State Code(s)</u>	<u>Description</u>	<u>Classification</u>	<u>Report</u>	<u>Cost</u>
		18A:66-90		Pension contribution Federal funds State to be reimbursed by local district (employer)	ADMINISTRATION	PE	I
		18A:66-126.4		Retiree pension contributions Payment of cost of increase by employer	ADMINISTRATION	PE	I
		38:23-1 et seq		National Guard Duty, Military Reserves	PERSONNEL		D
		40A:10-16et seq		Salary deductions	PERSONNEL	PE	I
		47:1A-2		Minutes of Board Meetings made public	ADMINISTRATION	PE	I
		54:14-15 et seq		Salary deductions	ADMINISTRATION	PE	I
		5:18 et seq		New Jersey Fire Code	FIXED CHARGES	PE	I
290CFR1910.94.95		5:23-11.1		OSHA, Ventilation and occupational noise exposure Indoor Air Quality	FIXED CHARGES	PE	I
290CFR1926.58		5:23-8.1		Asbestos, Worker Protection, Public Employers	CAPITAL OUTLAY	PE	I
		6:3-1.351		Minimum bond requirement for treasurer of school moneys Subchapt. 1: Boards of Education	FIXED CHARGES		D
		6:3-1.551		Support residencies for regularly-certified, inexperienced first-year principals	ADMINISTRATION	AN	D

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New Jersey School Boards Association in cooperation with
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(working document - subject to additions or revisions - 09/26/94)

Page No. 17

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				Subchapt. 1: Boards of Education			
		6:3-2.2		Annual evaluation of tenured and nontenured chief school administrators Subchapt. 2: Chief School Administrator	ADMINISTRATION	AN	I
		6:3-4.184		Supervision of instruction: observation and evaluation of nontenured teaching staff members Subchapt. 4: Supervision, Observation and Evaluation	ADMINISTRATION	PE	I
		6:3-4.384		Evaluation of tenured teaching staff members Subchapt. 4: Supervision, Observation and Evaluation	ADMINISTRATION	PE	I
		6:3-7.387		Special school election Subchapt. 7: Withdrawal from Regional School Districts	TUITION	AN	D
		6:85A		Interim Rules for Districts Placed in Level II and Level III Monitoring Prior to July 1, 1993	ADMINISTRATION	PE	I
		6:8-3.153		Reports Subchapt. 3: Reporting and Staffing of School Districts	ADMINISTRATION	PE	I

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56x

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New Jersey School Boards Association in cooperation with
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(working document - subject to additions or revisions - 09/26/94)

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			6:9-3.153	Funding, program approval Subchapt. 3: Funding, Program Approval and Monitoring	INSTRUCTION-REGULAR	I	
			6:20-3.153	Method of determining tuition rates for regular public schools Subchapt. 3: Tuition Public Schools	TUITION	AN	I
			6:20-4.154	Tuition rate procedures Subchapt. 4: Tuition for Private Schools for the Handicapped	TUITION	AN	I
40CFR61 et seq			6:20-5.555	Asbestos, NESHAPS	CAPITAL OUTLAY	PE	I
40CFR763 et seq			6:20-5.555	Asbestos, AHERA	CAPITAL OUTLAY	PE	I
			6:20-5.555	Public school asbestos removal and encapsulation, State aid Subchapt. 5: State Aid	CAPITAL OUTLAY	PE	I
			6:20-5.655	Teaching staff member minimum salary, State aid Subchapt. 5: State Aid	PERSONNEL	AN	D
			6:26-2.152	Establishment of pupil assistance committee Subchapt. 2: Pupil Assistance Committee Structure and Functions	INSTRUCTION-OTHER	AN	D

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			6:28	Special Education	INSTRUCTION-OTHER	AM	D
			6:39	Evaluation	INSTRUCTION-REGULAR	AM	D
	40CFR280		7:148-1-15	Underground Storage Tanks	FIXED CHARGES	PE	I
	29CFR1910.1030		7:26-3A-21	OSHA, Occupational exposure to bloodborne pathogens, Waste Management, Medical Waste	OPERATIONS	PE	I
	29CFR1910.120		7:26-8.15	Waste management, Hazardous waste OSHA, Hazardous waste operations and emergency responders	OPERATIONS	PE	I
	Clean Air Act	Clean Air Act	7:27-8.5-26	Clean Air Act Air pollution control permits Trip Reduction Act	FIXED CHARGES	PE	I
Yes		Yes	8:15-.62	Right to Know	ADMINISTRATION	PE	I
	29CFR1904		12:100.1 - 17.3	OSHA, Recording and reporting occupational injuries and illness log #200	ADMINISTRATION	PE	I
	29CFR1910.22,23		12:100.1 - 17.3	OSHA, Walking/working surfaces (PEOSHA)	FIXED CHARGES	PE	I

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58x

State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/94)

Page No. 20

<u>Federal Statute</u>	<u>Federal Reg</u>	<u>State Statute</u>	<u>State Code(s)</u>	<u>Description</u>	<u>Classification</u>	<u>Report</u>	<u>Cost</u>
	29CFR1910.36,37		NJ Fire Code	OSHA, Means of egress	FIXED CHARGES	PE	I
	29CFR1910.157		NJ Fire Code	OSHA, Portable fire extinguishers	OPERATIONS	PE	D
	29CFR1910.158		NJ Fire Code	OSHA, Standpipe and hose systems	OPERATIONS	PE	I
	29CFR1910.159		NJ Fire Code	OSHA, Automatic sprinkler systems	OPERATIONS	PE	D
	29CFR1910.160		NJ Fire Code	OSHA, Fixed extinguishing system	FIXED CHARGES	PE	D
	29CFR1910.164		NJ Fire Code	OSHA, Fire detection system	OPERATIONS	PE	D
	29CFR1910.165		NJ Fire Code	OSHA, Employee alarm system	OPERATIONS	PE	D
	29CFR1910.1200		Right to Know	OSHA, Hazard communications	OPERATIONS	PE	I
20USC1400ETSE0				Individuals with Disabilities Education Act (I.D.E.A.)	ADMINISTRATION	AN	D
	28CFR31			Americans With Disabilities ACT (ADA) Legal fees	ADMINISTRATION	PE	I
	29CFR1910.5(A).1			OSHA, General Duty Clause (also Ergonomics)	ADMINISTRATION	PE	I
	29CFR1910.24			OSHA, Fixed industrial stairs	FIXED CHARGES	PE	D
	29CFR1910.25,26			OSHA, Portable ladders	OPERATIONS	PE	D

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59

State and Federal Mandates Project
New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/94)

Page No. 21

<u>Federal Statute</u>	<u>Federal Reg</u>	<u>State Statute</u>	<u>State Code(s)</u>	<u>Description</u>	<u>Classification</u>	<u>Report</u>	<u>Cost</u>
29CFR1910.27				OSHA, Fixed Ladders	FIXED CHARGES	PE	D
29CFR1910.28				OSHA, Scaffolds	OPERATIONS	PE	D
29CFR1910.38				OSHA, Employee emergency plan	ADMINISTRATION	PE	I
29CFR1910.106				OSHA, Hazardous materials	OPERATIONS	PE	I
29CFR1910.132				OSHA, Personal protective equipment	OPERATIONS	PE	D
29CFR1910.133				OSHA, Eye and face protection	OPERATIONS	PE	D
29CFR1910.134				OSHA, Respiratory protection	OPERATIONS	PE	D
29CFR1910.135				OSHA, Head protection	OPERATIONS	PE	D
29CFR1910.136				OSHA, Foot and leg protection	OPERATIONS	PE	D
29CFR1910.137				OSHA, Electrical protective devices	OPERATIONS	PE	D
29CFR1910.141				OSHA, General environmental equipment	OPERATIONS	PE	D
29CFR1910.144				OSHA, Safety markings, signs and tags	OPERATIONS	PE	I
29CFR1910.146				OSHA, Permit required confined space	OPERATIONS	PE	I
29CFR1910.147				OSHA, Control of hazardous energy (lock out/tag out)	OPERATIONS	PE	I
29CFR1910.151				OSHA, Medical services and first aid	OPERATIONS	PE	D
29CFR1910.176				OSHA, Materials handling and storage	OPERATIONS	PE	I

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New Jersey School Boards Association in cooperation with
NJ Association of School Business Officials, NJ Principals & Supervisors Association, NJ Association of School Administrators
(working document - subject to additions or revisions - 09/26/94)

Page No. 22

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	29CFR1910.178			OSHA, Powered industrial trucks	OPERATIONS	PE	D
	29CFR1910.212			OSHA, Machinery and machine guarding	OPERATIONS	PE	D
	29CFR1910.242-4			OSHA, Hand and portable powered tools	OPERATIONS	PE	D
	29CFR1910.251			OSHA, Welding, cutting and brazing	OPERATIONS	PE	D
	29CFR1910.303-5			OSHA, Electrical	OPERATIONS	PE	D
	29CFR1910.333/37			OSHA, Electrical	OPERATIONS	PE	D
	29CFR1910.1030			OSHA, Occupational exposure to bloodborne pathogens	OPERATIONS	PE	D
	29CFR1926.650			OSHA, Trenching and Excavation	OPERATIONS	PE	D
	29CFR1926.1000			OSHA, Rollover Protection, Overhead Protection	OPERATIONS	PE	D
	40CFR261			Waste Management, Hazardous Waste	OPERATIONS	PE	D
	40CFR702			Waste Management, Hazardous Waste	OPERATIONS	PE	D

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61x

ASSEMBLYMAN STANLEY: Yes, Senator.

I know we want to try to get through folks as quick as possible, because we've held the superintendents for a while. But just a specific question regarding East Orange. We saw some pictures of some very, very shoddy workmanship in the district. There were some pipes that were -- it looked like pipes to nowhere in the middle of the facility. I'm not exactly sure where they -- are you familiar with that, Mayor? Or maybe the new superintendent might be familiar with that? I just wanted to know if they had addressed those issues at all. Mayor, are you aware of that?

MAYOR BOWSER: Yes. You're referring to Campus 9--

ASSEMBLYMAN STANLEY: Yes.

MAYOR BOWSER: --which used to be Clifford Scott High School. After many, many fights, I believe it was taken care of. A lot of it had to do with the cafeteria area. And there was initial assessment of the work that had to be done, that wasn't done properly. So when the school got ready to open, all of a sudden things were not approved or acceptable for use. It took a little while to get it done -- something like six or eight months, but it was done, yes.

ASSEMBLYMAN STANLEY: Thank you.

Senator, would you like to go onto the next superintendent?

SENATOR RICE: Yes, okay.

ASSEMBLYMAN STANLEY: Thank you very much.

Richard Kaplan, from New Brunswick.

RICHARD KAPLAN: Let me be the first one to say good afternoon.

SENATOR RICE: Good afternoon, Richard.

MR. KAPLAN: This is my second time here before this Committee. I think we met once in October. I didn't get a chance to present, but you did, in fact, receive my paper and was kind enough to print it. I thank you for this opportunity.

I just want to share a quick background story and answer some of the questions from the legislators. I am currently the Superintendent in New Brunswick, New Jersey. I bring a different perspective than some of my colleagues. I'm a new, three-year superintendent of an Abbott district. I've served in suburbia, and I'm proud to say I served as former Assistant Commissioner during Governor Kean's administration, with Saul Cooperman. One of my accomplishments during that time will answer, I think, Assemblyman O'Toole's question and perhaps Senator Rice's question, and that is on accountability. Let me make it real clear -- it's easy. Here are the five areas. It's tested in court. It works. I'm not talking about implementation, but I'm talking in investigations and how it works.

Here are the five areas: Governance: How does a school board govern? Two, management: How do the superintendents and the supervisors in the district manage the school system? Three, what are the facilities of the school system? What are the conditions of the school system? What has the school system and the board of education done to make facilities attractive, to make them educationally conducive to learning? When I went to Camden in my first review, the Broadway School, in 1986, smelled from human feces. And I walked in the building and you smell it immediately. And here's what I said to the principal: "What is that smell? Where is it coming from? How long has it been there, and what have you done to communicate it with central office?" He

dragged me downstairs, showed me the open sewer pipe in a school building -- 1896. He walked me to his office and pulled out two file cabinets of memos. I picked up the phone. I called the county superintendent, and I told him to get his butt to that school. I then picked up the phone and called the Commissioner and said, "Here are the conditions, Commissioner; I recommend you close that school now until it is repaired."

Now, the big misnomer about Camden is they're poor. In 1986, they had a \$13 million surplus. I called-- The Commissioner said, "Kaplan, do it," because kids are in an unsafe and unhealthy environment. I called the then-superintendent to the building, along with his business administrator, and by the power vested in me at that time in the State of New Jersey, we closed that school. In eight hours, they brought in enough people to fix that problem, and opened the next day on a delayed opening.

Now, I said to them at the time, and I will say to you today, somewhere between six years and eight hours is probably the right amount of time for people to fix an unhealthy situation affecting children. (applause)

The fifth thing is curriculum: What's going on in the classroom? Those are the five things: Governance, management, finance, facilities, and curriculum. It must work, because it took over three major school systems in the State of New Jersey. I spent the longest time of any witness on a OL stand -- two solid months -- testifying. Now I'm not talking about the implementation after we left, but I am talking about what went on and how you can do accountability.

I agree with the Mayor of East Orange. I've been a career educator in New Jersey for 35 years. I started as a special ed teacher in

Perth Amboy, and then went on to Bayonne, and then became director of special ed in Long Branch. They all sound urban to me.

I then worked in New Providence -- sounds suburban to me; Madison -- sounds suburban to me. The Mayor is right -- kids are kids, problems are problems. Here's the problem. Let me define flat funding for you: Abbott flat funding is no increase in dollars -- none -- flat, zero. That's not what everybody else gets. That is not flat funding in suburbia, where I've been a superintendent in Boonton, in Morris County; Eatontown, in Monmouth County. Here's what flat funding is in an Abbott district: no money. Do it the same the next year that you did it the year before. Flat funding in suburban districts means you're not going to get any more aid, but go ahead and raise your tax levy. Here's what comes back to you: those three fingers that the Mayor talked about. It's in your hands. Not in the superintendents' of New Jersey, not in the boards' of education, and certainly not in the taxpayers'. It's in your hands.

And here's why it's in your hands: It's in your hands because you create the laws. You create statutes, along with the Executive Branch, who writes the code. And I've said this to your current Attorney General; and then acting, and now Commissioner: We're all going to be held flat. New Brunswick was one of the first five districts to go flat. We raised \$1.6 million of municipal aid. My mayor, Jim Cahill, has the understanding and capacity to know that there has to be some input from the local taxpayer. It can't go on forever being 100 percent funding scenario. We're reasonable people.

On the other hand -- on the other hand -- you cannot expect a discussion, a real discussion, a real problem solving to be a finger-pointing

event. Because all you're doing is, you are separating out the haves from the have-nots. And you also -- you -- are also creating the problem. And the problem is not the 589 operating districts out of 612. Five hundred and eighty-nine superintendents did not create the financial hardship.

Now, I spent a career of eight years in the Department of Education monitoring school districts. And let me tell you, some of them who aren't Abbotts were doing equally as harmful things as Abbotts.

Number two, let me tell you this: The one thing Commissioner Cooperman and Governor Kean wanted to accomplish was something that couldn't be done, which this Legislature, under Governor McGreevey, did -- and that is, decide to take care of the school infrastructure and build schools. That's a noble experiment. It's needed in New Jersey. We're not a new state. We've been here a long time. And schools in a lot of our major cities are old. They are over 100 years old. And no matter what we do, they're not going to get younger. (applause) And so, what has to happen here, and what did happen is, that because of the legislative courage, we invested \$8.9 billion.

And I heard Assemblyman O'Toole, before, talk about people going to jail, and this, that, and the other thing. He must know more than I do, or what's been reported by the press, but I didn't see anybody indicted. I didn't see any investigation. I didn't see anything. I have never seen an administration just walk from it. But it has. And I'm not here politically. I'm just wondering why the schools in New Jersey and, in eventuality, the taxpayers in New Jersey, are the target for the problem you have oversight to do. And it's time you address the real issues. And the problem's going to

be for you -- and you know it -- is that once you get into the issue, anything you do is going to go right back to property tax.

Now, I served on Whitman's Property Tax Commission. There were 58 recommendations. Like it or not, 55 of the 58 were implemented -- good, bad, or indifferent. We've had takeovers of State schools. We were the first in the nation to realize that we had a problem. That isn't the problem. The problem is one administration comes in, one administration comes out, one administration-- And you know what, we don't have an institutional memory. We spend time reinventing the wheel.

Do we want to talk about consolidation? I'll give you the answer. In 1984, we offered an incentive to consolidate school districts. Two communities -- Chatham Borough, Chatham Township -- agreed to do it. There's going to be a winner and there's going to be a loser in the tax base. So unless you fix property tax reform and how we fund schools, you're always going to have it. It was about a \$700,000 to a million dollar hit, which was determined to be paid in three payments over three years. Two of the three years, they were paid. They consolidated. They'd save money. They used each others facilities. There was one less superintendent, one less BA. And in the third year, the administration changed and Governor Florio redlined the payment.

So it isn't the politics of it, it's there are answers. There have been proven ways. We need to go back and look -- what did we do, how did it work? We need to bipartisanly decide how we're going to resolve New Jersey's issues and fix it, because it can be fixed.

In New Brunswick -- you asked about budget. How did I get to a flat funding? I asked for a 4.04 percent. My actual operational costs, in

contract alone, in the second year of the contract, was over 6 percent. My heat and light bills go up as much as anybody else's. But I read the tea leaves better than maybe some of my colleagues. And I didn't decide to go to the Supreme Court -- maybe because I know three of the justices. But I decided there was no way I was going to go in there. So I cut over 75 positions -- I transferred, I used attrition. And the Department was "nice enough" -- and I use this nice enough term in quotes -- to allow us to use carryover dollars, which they normally would debit from the State aid. So if you get 92 million, but they spoon-feed you and don't give you your NCLB money until June-- They created, in my case, \$3.6 million extra because they made me pay it; and stringing me out to get it, I could then carry it over and use it. So between a combination of carryover, attrition, and cuts, I could get through this year.

Now, let me talk to you about a 2 percent misnomer here -- and I'm sure another superintendent is going to talk about it. That 2 percent is not a requirement. That 2 percent is the max. So people who think they have to have the 2 percent surplus will find out that, when they need the money, the Department is going to tell them, "Oh, that's only a maximum."

Now, in terms of building construction, I too, like East Orange, have a program. We gutted the community of the Paul Robeson School to move into the same scenario -- a swing space. That building hasn't been touched in a year -- displaced an entire community of 600 children, moved them across town in a bus. Which, by the way, let me tell you that we were supposed to get \$4 million from the State to fund these transition activities, but then they changed the code in the last minute and put in the words *only for permanent facilities*. So unbudgeted, I got stuck with all the costs last year

to transport and to fit the swing space facility for computers. It cost us \$3 million of unbudgeted funds, going into that year, by taking it out of other programs that we did without.

Now here's the story: They paid \$2 million a year in rent. We have warehouse-style schools. We moved two full schools, the Redshaw School and this Robeson School, over to these swing-space facilities.

Transportation costs -- here's a real number. Last year it was \$140 a day, per route. This year, the vendors came in at 280 per day. And I rejected three bids. And I got them down to about 234 a day. And I've been advised by everyone, including my attorney, take it, because look at the gas prices. That's going to cost us an additional \$750,000, to transport kids who could have stayed in their own school, because nothing has happened. So I said, I want to move them back, but I don't want to spend the 50,000, between the professional movers -- because I can't use my custodians any more -- they have no backs left to move boxes, to pack boxes, to schlep boxes, to move furniture. So I said to the SCC, "Hey, it's sitting over there. I'm getting new furniture in the new building. Why don't we buy me the furniture now, and I'll put it in there and I'll be responsible for storage so I don't have to move all this stuff." And they thought that was a great idea; except after we picked the colors and the furniture that we were allotted, they backed out of the deal.

Here's why they backed out of the deal: I said, "Hey, listen, I want to make sure I stay on this list. I need a letter that, just because I'm rehabilitating the building, it doesn't disappear." That's when they got very squeamish and decided, "No, we can't do this." So while we heard from Assistant Commissioner MacInnes today-- And frankly, we're all going to

be meeting with Scott Weiner tomorrow -- that's why you moved your meeting to accommodate him. For us, here's the story: I don't think the money's there. Where's the money? Remember that commercial, "Where's the beef?" Where's the money? (laughter) (applause) Everything's been booked, but where is it?

Now, I'm going to tell you another story. The other school, Redshaw School, was supposed to be knocked down by now. The ground was supposed to be leveled. That was the other school we vacated. We waited and we waited and we waited, seven months. We yelled and screamed. I danced around. I did my tap dance. I called all my political friends, as you suggested, Senator, and you know what? Nothing happened. So here's the deal: They finally said, "Well, it's in DCA." Here's the game that's going on. And I'll give you the letters to prove it. The Department of Education's Facility Division was told by someone to sit on an approval letter, before it goes out to me, so DCA could take it. How do I know that? I'll tell you how I know. Because they were smart enough, or whatever, to send out the original letter that was dated six months prior. And when I called them and said, why does this have a date on here -- six months -- and I'm just receiving it? I was told -- they were told to sit on it, because they weren't prepared.

Now it goes into DCA, and DCA sits on it. It doesn't happen. Now, why is all that? I don't know. This is my conjecture, but why isn't it happening? If the money is booked, the project is there, what's the problem? So I find out, on Redshaw, the problem is it's a \$22 million project. They had a \$100,000 change order put in for additional asbestos removal. Hell, the building was built in early 1900. I guess they had

asbestos in those days, but I'm not a professional, so I don't know that. And so they sat on the change order decision for three months. Now, I have friends who are in construction and in economics. Right now, construction is running between one and two points per month. So this \$100,000 big decision, on a \$22 million project, probably cost the State another 600,000 until they got off their duff, and now the school's first being torn down. But it was held up this week, do you know why? I'll tell you why. Because they had to get a permit to knock it down, and they only had one permit to knock the back down. They needed three more permits to get the rest of it knocked down. This is absurd.

The inmates are running the asylum, and somebody up there and somebody in the administration needs to be accountable, because here's the bottom line. They're still paying \$2 million a year for warehouses, plus I'm stuck with all the up-charges of busing kids and doing other things that I shouldn't have to be doing, because we should be still squatting in our other building. And I should not have to uproot the community and deny the services.

So there are some real solutions. Here's the bottomline solution for New Brunswick -- it may not work everywhere, but it works in New Brunswick. New Brunswick has something called Devco. They put it together years ago. It builds and restores the community. We built, prior to my being the superintendent of New Brunswick, a new school -- the Lord Stirling School. It came in on time, under budget. We worked that out after a year of debating with SCC to do our high school. It's moving forward. There are communities that have a structure in place, a proven

record. They ought to be released to do that. You need to change the legislation.

While the Governor is getting Gordon's report and everybody is going to read it, I'm going to tell you this: This is one time you cannot look at the LEAs. You can't look at the urbans, you can't look at the suburbans, and you cannot look at the rurals and blame them. We're all blaming you, because you're the ones that had it, and what did you do with it? Screwed it up. So now, you're going to have to learn to trust some folks out here with proven records that have the capability to do this. And I recommend you change the legislation to let that happen in New Brunswick.

Thank you. (applause)

SENATOR RICE: Thank you very much.

Sure, there are several of us who have been involved in this process from day one who don't disagree with you at all in terms of even the system we had in place -- what should be done locally, what's not, what couldn't be done -- but it was more of the politics of the governor and other people. Keep in mind, the Legislature, whether people like to hear this or not-- It's not an indictment of anybody. I've been here a long time. I don't have the kind of relationships some people have with some of these folks doing this work, some of these people who are not doing the work, who played golf, etc. So a lot of stuff gets out there. But we said from day one, Ray Lindgren and others, when Michael Steele was in Irvington, that our architects can do these things, and get accountability by doing this. You guys draw the money down, that I have locally, but move the process with people's knowledge. We knew, at that time, we could assemble that a lot quicker than bringing someone in from wherever -- Pennsylvania or

someplace, that didn't know anything about the location, trying to find out how to assemble land, etc. So I don't want all my colleagues painted with this brush. It still takes 21 votes on our side, 41 in the other. In the Abbotts, someone's arguing the case. I think what's happening now is that we started with nothing, and as we move through the process, nobody listened. I think, because we have moved through the process and had such a terrible experience to date, that mainly there are some folks in the administration that have started to listen. There are colleagues on the legislative side who are starting to listen, and pay attention, and think. Now, we don't know what our collective wisdom is going to bring about in the next few weeks, but my feeling is what it brings about is going to be better than how we started. Because now, a lot of the knowledge and experience from where we started -- and as some of us said, we told you so. And that's where we are.

Assemblyman O'Toole has some questions for you.

ASSEMBLYMAN O'TOOLE: Thank you, Chair.

I agree with the last statement you said, about those school districts that have done well should be rewarded. I've long said that. And whether it's Abbott or non-Abbott, those who have done well should absolutely be allowed to continue their level of success. Whatever happened to you when you point one finger, three fingers go back -- but that's another day. But you asked me about the criminality aspect. I'll point you to two reports. I'll be more than happy to give you a chapter and verse, if you want to leave your card.

When the State Inspector General, Mary Jane Cooper, went in, at the direction of then-Acting Governor Codey, and was asked to look at

the Schools Construction Corporation, it was her conclusion, the career prosecutor said, and I quote, "Waste, incompetence, and mismanagement, that they burn through \$8 billion, under five years, getting less than half of their mission." And she talked about -- have you seen that report?

MR. KAPLAN: I remember the quote now, but my bottom line is, so what's happened?

ASSEMBLYMAN O'TOOLE: No, no. My question is, have you seen--

MR. KAPLAN: I saw the press release.

ASSEMBLYMAN O'TOOLE: Why don't I send you the report, because you said to me-- You said, Assemblyman O'Toole said that there's -- well, people actually went to jail. Let me tell you, in February of 2006, a Paterson school official admitted to a Federal judge he took \$47,000 in cash for a payoff that he received from companies that failed to complete \$8 million, in Newark. It was a day-care center -- owners indicted for stealing \$200,000 to pay for Jaguars, and places in Chicago and places in Hyannisport. There are a chapter and verse of folks who have, literally, just criminally stolen money. If you haven't heard about it, I'll be more than happy to give you a copy of the report, because you said--

MR. KAPLAN: I'd like to see it.

ASSEMBLYMAN O'TOOLE: And let me just finish, and then you can jump in.

MR. KAPLAN: Go ahead.

ASSEMBLYMAN O'TOOLE: Let's make no mistake about it: these questions, they demand to be asked. Where did the money go, whether it's Abbott or non-Abbott? And if the kids are being cheated in

Abbot or -- do we have to ask these questions? If people want to say it's racism, I say they are racists for saying we cannot ask those questions. Those questions have to be asked, period. And if those areas, like in New Brunswick -- you're telling me they're doing well, and you're now relying upon a concentration of local tax dollars to supplement your flat funding -- maybe that's something we should look at in all the areas. If the new New Brunswick experiment is working, if West New York is working, if Union City is working, let's use those as models and say, reward those schools. But those that are not working, we have to do something different.

MR. KAPLAN: I really would like to see that full report, because here's my--

ASSEMBLYMAN O'TOOLE: Give your card, I'll forward it.

MR. KAPLAN: I will.

Here's my understanding, and here's my experience. Local boards of education and administrations of the school districts, superintendents or whomever, have no say and touch no dollars as is related to SCC projects. We don't get a nickel to do anything. Here's what goes on: When the work gets pushed up to finally select an architect, we have one vote on a panel of four. The other three is SCC. One vote -- one vote -- three others from SCC. When the money is approved, we don't get a check like the non-Abbotts do when they put their 60 percent up for their 40 percent. No dollars come to us in the school district to administer any SCC project, zero. On the other hand, on the preschools -- I know something about that, because I've been a superintendent two years in New Brunswick -- I closed three of those preschools in New Brunswick. And the reason I closed them is because, they ran nice programs, but they didn't

meet the fiscal requirements. And I'll bet you my colleagues do the same thing.

There are two standards in preschool education -- one is that they provide a quality program; and two, the contract with the State Department of Education -- that they design it, we just take and rubber-stamp -- has to be met. And as the former Compliance Director, you can bet, New Brunswick, that we comply. I think there is some mixing here of what is and what isn't. And I think there's got to be a focus.

I always look to my legislators -- and you're all my legislators -- for statesmanship, for understanding the leadership that needs to be done. And I know a lot of you do. I just don't want to see this turned into, as a career educator and as a citizen of New Jersey for the last 57 years, I don't want to see this turned into 1960 all over again. I don't want to live through all that. Here's the problem: It's the haves and the have-nots.

I lead the charge to say dollars don't equate to anything. I agree with what the Mayor and some of you have, undoubtedly, said to me privately over the years. The bottom line is not how much money you put into it, it's what you get out. It's the leadership, it's the governance, it's how you do it. But don't think less of the Abbotts because you're being squeezed, because of the financial issues. That's just a smoke screen. The reality is the tough issues. And lots of smart people -- before you, during you, and long after you -- are going to have a hard time to decide what the right funding formula for New Jersey ought to be. It's not an easy task, and there's a lot of tough options here. But they're out there -- that's the reinvent-the-wheel piece of this. It's out there. You have the political courage to do it, that's why you're elected. That's why I'm the

superintendent of New Brunswick -- not that I had to, because I wanted to. Because I was the one who testified and convinced the Commissioner and Governor Kean that these communities were coming apart. They were the worst school systems. There are causative reasons for that. And the Legislature spent months trying to come up with a fair bill, until they finally passed a bill. And we were prudent in making our decisions that they needed to be taken over.

SENATOR RICE: Mr. Kaplan, let me thank you very much. Let me also just indicate to Assemblyman O'Toole and to my colleagues, yes, we need to ask those questions. We should be asking those questions. And a lot of us have been asking questions. And some places we got to ask some, we haven't. But answering the questions still should not be a barrier for us doing what we have to do in terms of the status and accountability. If we think it's not there -- we can't get an answer -- then there's nothing wrong with passing something to make sure it's there. So if we're duplicating the accountability, then we can always pull back. To do nothing, to me, is suicidal or foolish, and we can't wait. And so that's the difference. And to be quite frank about it, I know people don't like to use the word, and at my age I don't like to use it either, but sometimes people don't understand you unless you use vocabulary -- not to offend, in some cases it is racism. Because once we come up with the scenarios, there are still people who say, and they continually use, the word *them*. And when you say "them," to me, coming from the South, it's clear what they mean. And so -- it's not all the cases. And sometimes I think the word *racism* is used as a defense mechanism -- my people, my group, and others -- when we can't seem to get from point A to point B because of all the barriers. And

so we have to be clear, and I think we're going to have to remove all that language, if we can. But ask the questions.

But I also think that when the administration side is not responding quick enough, particularly with this education piece, then we need to stand them on their heads. We can't be so close to any of our governors, or our parties, that we're not going to do what's right for New Jersey first. Now, I'll say that again: I've been the victim of it by standing up. And if I can do it, then Republicans should be able to do it against your party, other Democrats should be able to do it against our party, and still survive because of the rights of the people. Hopefully, I might (indiscernible) them next year, but I've been there twice. Okay?

Okay, a couple of questions here.

Then we're going to move next to -- the next speaker is Dr. David Mooij. Okay? Then we may bring a couple up at a time.

ASSEMBLYWOMAN BECK: Thank you.

And Mr. Kaplan, I certainly appreciate your comments. I certainly admire the work that you've done over a course of a long and dedicated career. It was certainly good to hear from you. And I don't disagree. I think that we should be approaching the education issue holistically; and dividing school districts into Abbott and non-Abbott, I think, is not working, as we've heard multiple times -- including from Scott Weiner, who I understand you're meeting with tomorrow, who came before us in our last Committee hearing and said, "Here's some of the reality of the legacy at SCC that all of us -- you as legislators, this administration -- came into. There was no plan. There was never a holistic budget for a project. Imagine a project that includes the acquisition of lands and

predevelopment work, design work, and some construction work and, eventually, updating the school. You'd think there would have existed a budget for that project that could be managed. Didn't exist. It's about to exist. And most of our activities have been spent in the past few weeks, months, establishing the basis to get that kind of project-level budgeting done." I only say that because his testimony and that we've heard of others demands that, as a Legislature, we act to correct the problem.

And as I listened to the mayor and superintendent from East Orange, I certainly feel their pain and share their pain. Because in the Borough of Red Bank, where I live, where 70 percent of our public school is Latino, we have 92 percent of our students on free and reduced lunch. For the last five years we've cut our Summer program. We haven't done advertising. We cut our librarians. We don't have bilingual teachers any longer. We consolidated our English class, so we only have one English teacher now for 36 students. We have been doing this for the last five years, not one year. And I think all of that is simply to say -- not to be divisive, but to say we need change.

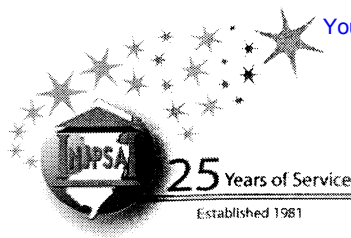
I was elected only six months ago, so obviously I'm a new member of this body. But I'm very committed to this issue because we can't keep doing what we have been doing.

And maybe, to our Chair's comment, I will tell you that the working families and the working poor of the Borough of Red Bank are not taking their kids to the beach and reading to them, they're working two and three jobs to pay the property taxes that send their kids to school every day. And again, I think this is incumbent that we, as legislators, have got to

make some hard decisions and change the system that we're currently operating in. It's, just simply, not working.

SENATOR RICE: Let me agree with you, Assemblywoman. I know Red Bank, and that's why they need help down there. And that's why we need to do our job here, in terms of school funding, and we have to do more for them. You can't, from my perspective, eliminate bilingual classes with that kind of population. I mean, you can get do it and get through it, but we have to make sure we fund that kind of education, the special needs and everything else. So we're on the same page. That's why I said this Committee -- this is an Abbott Committee, basically, but we try to distinguish between education -- who needs, and who does not need. But we try to stay focused, also, with the court mandate, that sometimes members want to get away from, because the court made the decision. We didn't make it. The court was right in some of their opinions, but we try to stay focused there by also helping other districts that we know need that help.

Okay, Doc.



**Testimony
of the
New Jersey Principals & Supervisors Association
on the
Education Transformation Taskforce Report
Before the Joint Committee on the Public Schools**

October 18, 2011

Thank you for the opportunity to share the thoughts of the New Jersey Principals and Supervisors Association (NJPSA), and its statewide membership on recently released initial report of the Governor's Education Transformation Taskforce.

I am here today on behalf of school principals and the supervisory staff who lead our public schools. We are the professionals responsible for developing the educational vision of a school, for ensuring a safe, disciplined and secure learning environment, for developing and implementing the curriculum, for state testing/assessments requirements, for school accountability mandates and for the day-to-day operations of a school building. Our members must comply with state and federal mandates on a daily basis.

NJPSA is dedicated to the improvement of the quality of teaching and learning in New Jersey. We understand the need for accountability, self-review, public transparency, intervention, if needed, and a continuous-improvement approach to our schools.

Basic Principles

We believe that educational and instructional leadership are key components to student success. We recognize the value of reviewing our current regulatory structure to ensure that its focus is directed toward ensure the academic success and well-being of our students. We also believe that all public bodies that receive taxpayer money, including schools, have a duty to be prudent stewards of the public's resources. But, it is paramount to ensure that any efficiency measure considered does not jeopardize the quality and effectiveness of the instruction we provide to our students in our schools every day. Ensuring that this is the case must be non-negotiable.

Our current fiscal and educational climate raises new challenges. With limited dollars and ongoing economic challenges, it is more important than ever that every dollar be wisely spent. At the same time, our educational system is moving forward with the adoption of heightened graduation requirements, new Core Curriculum Content Standards and a developing and upgraded system of state assessments. We are re-training individuals from other sectors to serve as teachers in high need academic areas with no prior teaching experience.

In this climate, the importance of high quality educational staff and leadership cannot be overstated. If we are charged with preparing our students with 21st Century skills, educators must be prepared to teach, supervise and assess the development of these skills in our classrooms. NJPSA firmly believes that New Jersey should not depart from its current licensure standards because they address the needs of educators at all stages of their professional careers. We believe that any significant departure would erode the quality of education in our schools and risk impacting student learning and achievement.

With these goals in mind, we have and continue to call for increased clarity and flexibility in our code, recognizing the unique nature of the school environment, the strong need for ongoing staff development at all levels and the operational framework of our schools. Simply said, we seek to balance the important goals of quality and accountability. We therefore urge that any streamlining discussion focus on flexibility rather than just outright elimination as a central consideration in any process discussion. We must guarantee that the educational needs, health, safety and welfare of our students, educators, and other personnel remain of central importance. We believe that allowing districts flexibility in how they accomplish regulatory goals is important first step to ensuring more efficient and effective oversight in our schools.

A Unified Accountability System

We share the Department's and Task Force's belief that current school accountability requirements, whether via the New Jersey Quality Single Accountability System (NJQSAC) process (as implemented by state regulation), or because of No Child Left Behind (NCLB) requirements, can be burdensome for schools, diverting critical staff time into bureaucratic, not educational needs.

But, efficiency should never jeopardize the quality and effectiveness of the comprehensive instructional program we provide to our students in our schools. Ensuring that this is the case must be a non-negotiable principle.

The current NJQSAC process, as outlined in the report, can take over a year and involve hundreds of hours of staff time, including administrators, teachers, and secretaries. The cost of duplicating evidence and compiling the information into multiple notebooks (information that is often already submitted to the NJDOE in other contexts) is overly burdensome.

As such, we applaud the recent work of the Department and Taskforce to streamline the NJQSAC process, including streamlining the number and type of indicators required to be met (from 334 to 54) and the required documentation to be submitted in each performance category, particularly if districts have already submitted this information to the NJDOE in another form, such as through an NCLB requirement.

We similarly support the concept of "earned autonomy" where districts who are high performing under the accountability system earn the right to be free from burdensome and costly annual self assessment requirements as well as a longer period between Department reviews. We urge this body to support pending legislation (A-3344 / S-2905 (McKeon/Kean)) to extend the monitoring review period from three to seven years for districts who are high performing.

We likewise applaud an articulated, proportional and specific intervention schedule/process that allows districts to address deficiencies based upon the unique circumstances on the ground. Like the Task Force, we believe making the NJQSAC process more efficient and less time-consuming will allow districts to more efficiently use limited resources and, more importantly, focus attention on factors that directly impact student achievement.

In addition, we support linkages, where appropriate, of accountability requirements – this quite simply allows schools to focus on what their chief mission is – educating kids. Our support includes many of the proposed "hallmarks" of the system as outlined including: focusing on schools rather than districts; a commitment to college and career ready standards; recognizing student growth; and clearly defined intervention steps.

Where we depart from the report surrounds the intense emphasis on outcomes. While student performance may be impacted by certain "inputs", we believe that certain inputs are of such importance to

the wellbeing of the child that we have a duty to monitor efficacy. Examples would include ensuring a safe and secure learning setting, guaranteeing highly qualified and effective staff, or ensuring a healthy school environment. These inputs go to the heart of a child's wellbeing as well as academic success. They represent areas that we must continue to review what schools are doing directly rather than utilize performance as an inference of success or compliance.

Mandate Reform

Beyond a system of accountability, the taskforce was also required to examine all current regulation and statute governing schools.

By their very nature, public schools play a unique role in our society. As public institutions, schools are the first access point of our children to our system of government and the concepts of good citizenship.

Schools have become an increasingly important piece of the social safety net. Schools are required to provide student health services, to provide programs to address the needs of low-income students/families such as parental training and family counseling, and to serve as a conduit for access to government services. In recent times, schools have been increasingly called upon by this Legislature as a tool in public health prevention efforts. A quick glance at the curriculum mandates for health and physical education in our schools shows required instruction on alcohol, drug, steroid abuse, domestic, dating and school violence, gang awareness, nutrition, healthy lifestyles, sexuality, sexually transmitted diseases, to name a few.

There are many requirements imposed by statute, regulation or state policy that are unfunded or underfunded, that impose overly burdensome requirements on local districts, or are redundant/ inefficient when applied to school operations. But, relief from these mandates is often practically unavailable for schools based upon the public's or government's expectations of our schools. In addition, mandates are often federally based and a prerequisite for the receipt of needed federal dollars.

As a result, any discussion of mandate relief in schools often faces opposition. Several years ago, when the Education Mandate Review Commission developed a list of mandates to remove, the effort largely failed as only a handful of school mandates were actually removed. This Commission failed to even consider one of the biggest cost areas in a school budget – special education - even though New Jersey has chosen to exceed the level of federal special education mandates in many areas including due process and the delivery of services.

The point is that the number of mandates on schools continues to rise despite the cost implications to local districts and taxpayers.

It was therefore heartening to see some of our recommendations to the taskforce in the area of mandate reform included within the initial report such as in the area of records retention, student transportation (e.g. reserve seats) or the so called school accountability regulations.

Professional Development

In this climate, the importance of high quality educational staff and leadership cannot be overstated. If we are charged with preparing our students with 21st Century skills, educators must be prepared to teach, supervise and assess the development of these skills in our classrooms. This requires continuous improvement which happens, in large part, through professional development. While we support the taskforce's view that there should be flexibility in how professional development is delivered, wholesale elimination of an hours requirement may create a sense, in some districts, that professional development is not a critical need or function of the district. With new evaluation systems being considered, new core curriculum content, and new technologies racing toward schools, we need to ensure that this is not an area

we skimp on when the economy contracts. Professional development is at the heart of good teaching and learning and must be viewed as integral to high quality instruction and, in turn, enhanced student performance.

Charter School Proposals

Where we also depart from the taskforce is in the area of school choice – specifically the provisions weakening the requirement associated with charter schools “districts of residence” or the requirement that a charter expand contiguously to communities it abuts. Like traditional public schools, charters serve the communities in which they reside or are domiciled. This creates a tie to the community and ensures consistency for districts and the taxpayer public as to what the impact of a charter’s formation or expansion will have.

Other Areas for Consideration

In addition, we provided the taskforce several recommendations in the areas of special education, student health, curriculum expansion and school board elections.

Special Education

NJPSA understands that many of the protections in our current special education law and code are necessary to meet the needs of our most vulnerable students. Both federal and state laws govern the provision of these services to our students. We fully support and work diligently to identify and service the needs of our students with disabilities. Addressing costs and regulations in this area is necessarily a difficult one. However, since these costs to educate, support and transport our disabled students are mandatory, continually rising and often- outside district control, we believe the Legislature should examine areas of cost savings/efficiencies that do not compromise the provision of quality services. Clearly, this is an area for detailed study, public discussion and political courage.

Attached is a current listing of New Jersey administrative code that goes beyond federal requirements developed by the NJDOE for your review. Additionally, we believe alternative dispute resolution procedures in special education matters should be considered to save districts the high cost of litigation in these matters. Current New Jersey law places the burden of proof in special education due process matters on the local board of education to defend its placement decision, not on the parent challenging the placement. This is not federally required. Districts are further responsible for parents’ attorney’s fees where the parent prevails on an issue litigated. This structure results in a system where boards often settle a dispute, even where they have a strong case, in order to avoid expensive legal costs to local taxpayers.

Recommendations:

- Establish a Special Education Costs Taskforce to explore potential cost savings in the identification, support, placement, and delivery of services in special education.
- Follow federal law and place the burden of proof in the litigation of special education matters on the moving party to the lawsuit, the parents, as is done in all other areas of litigation.
- Explore alternate dispute resolution processes and structures as a way to avoid expensive litigation costs in districts.

Student Health

Current law requires districts to conduct a myriad of tests on students on a regular basis. See e.g. N.J.S.A. 18A:40-4.3 (scoliosis check). However, enactment of the New Jersey Family Care legislation requires parents to ensure that their children have private insurance or insurance through the NJ Family Care program. The Legislature should explore the participation rates and adequacy of coverage to determine if schools should continue to provide health and screening services that are already being provided.

Additionally, as the number of chronic student health issues has grown, schools face challenges in providing health services round the clock. Non-medical staff members are being called upon to provide medical services such as the administration of glucagon to diabetic students. The authorizing legislation addressed many legal issues but failed to provide funds for needed training in this important area.

Recommendations:

- Re-examine current student health requirements imposed upon schools (e.g. vision screenings, physical examinations, etc.) in light of the introduction of New Jersey Family Care and statutory changes that requires all children to have medical insurance either privately or through the Family care system.
- Place a moratorium on any additional mandates for non-medical staff to be trained to administer health procedures (i.e. epi-pen, glucagon, etc.). Currently no funding for training is available and the policy approach to these mandates is unsafe.

Curriculum Mandates

The issue of what should be taught in our public schools to prepare our students for their futures has been ongoing for decades. New fields and developments take place and our curriculum must be modified to address these changes. A perfect example is the issue of technology which often changes faster than our ability to adapt. Computers and other technology advances have not only changed what is taught in schools, but how it is taught. Currently, a national curriculum is being explored in key areas which will lead to major reforms of what is taught in our schools. By law, the establishment of curriculum requirements is the job of the State Board of Education through its administrative process.

Despite this process, as special issues arise or events occur, the Legislature responds by proposing curriculum or required staff training to address specific issues. While this legislation is well-intended and its content often appropriate, this form of legislation raises new costs for districts in developing and implementing the curriculum across districts. It also raises the challenge of addressing multiple mandated topics within a course within the physical limits of the school's day, semester and year. The more that is added as a requirement, the less freedom students have to explore their own interests. Currently, the 214th Legislature has multiple bills on file establishing curriculum mandates in such areas as caffeine-related health issues, gang awareness, dating violence, the role of veterans in society, steroid use, and CPR training.

Recommendations:

- Place a moratorium on the passage of any new unfunded curriculum mandates on our public schools.
- Require a fiscal note and local impact statement on all such bill proposals.

School Budget Election

School budgets are the only budgets voted upon by the public. With the passage of a strict new cap law, the virtual elimination of second questions to the public in recent budget cycles, low voter participation rates and the high costs of elections. NJPSA recommends that the budget vote be eliminated if a district's budget is at or under cap. This change would save significant dollars to local districts. We support legislation making this change, even where school board member elections are moved to the November election cycle.

Conclusion

Thank you for considering the recommendations of the NJ Principals and Supervisors Association. We stand ready to work with this committee on this and other important changes impacting New Jersey's students and schools.

Thank you.

Submitted by: Jennifer Keyes-Maloney, NJPSA Asst. Director of Government Relations



New Jersey Principals and Supervisors Association

Recommendations for Mandate Relief

In response to requests for recommendations concerning the elimination or modification of existing mandates on our schools, NJPSA has begun discussions with its members on the topic of mandate relief. The following is an initial list of areas that we believe should be explored to reduce school expenses, increase the effectiveness of our programs and operations and save taxpayers' dollars:

Assessment

- Consider permitting the use of experienced, certified substitutes to assist in administration of state tests.
- Make the APA an IEP decision so long as federal law allows this flexibility.

Curriculum

- Promote the use of electronic mediums for students to meet curriculum requirements.
- Permit some flexibility in the area of physical education to meet the requirement at the high school level. Allow districts discretion to decide how to apply this.
- Place a moratorium on the addition of any new curriculum mandates or mandated topics to be included in existing courses.

Licensing/Certification

- Allow flexibility with regard to the black seal boiler tech requirement to permit one individual to provide coverage at several schools. Eliminate the requirement where it is no longer necessary because of changes in technology (e.g. geo-thermal heating system).

Student Health

- Re-examine current health requirements (e.g. vision screening, physical examination) in light of the introduction of New Jersey Family Care
- Place a moratorium on any additional mandates for non-medical staff to be trained to administer health procedures with students (epinephrine, glucagon). Currently, there is no funding for staff training and the policy approach of these mandates is unsafe.

Special Education

- Require the moving party in special education due process cases to meet the initial burden of proof. New Jersey goes beyond the federal standard which puts the burden of proof on parents in these cases.

System Modification

- Where possible, consolidate reporting requirements into one system such as NJSMART.
- Allow flexibility in how student data is entered to allow a student to be associated with more than one school district.

School operations

- Eliminate mandated annual trainings to staff on such issues as Worker Right to Know, gang prevention, suicide prevention, controlled dangerous substances and communicable diseases, and the like. Explore alternative approaches to providing this information to staff including the dissemination of printed materials, regional training approaches and online courses.

Textbooks

- Encourage shared services for textbook purchasing.

School Facilities

- Make long range facilities plans more flexible by making plans three (3) years in length

State Monitoring Requirements

- Modify the current monitoring cycle to seven (7) years. Require full-scale monitoring **only** if a district fails to meet core performance standards.

School Elections

- Eliminate the school budget election if a district budget is at or under cap. Also, explore cost-savings in the area of the required mailing of the “advertised” budget statement by making it available online.

Thank you for your time and consideration on this subject. Should you have any questions or concerns please feel free to contact Debra Bradley, NJPSA Government Relations Director at (609) 860-1200.



State of New Jersey
DEPARTMENT OF EDUCATION
PO BOX 500
TRENTON, NJ 08625-0500


CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BRET SCHUNDLER
Acting Commissioner

March 4, 2010

TO: Chief School Administrator
Director of Special Education
Administrator of a State Facility
Administrator of a Charter School

FROM: Roberta Wohle, Director 
Office of Special Education Programs

SUBJECT: List of Rules, Regulations or Policies that are State-Imposed in
Accordance with 20 U.S.C. §1407(a)

The New Jersey Department of Education, Office of Special Education Programs (NJOSPEP) is required to provide to the United States Department of Education (USDOE), on an annual basis, a list of rules, regulations, or policies that are state-imposed (not required by IDEA or Federal regulations) and must include the list with its annual application for federal funding. The list of such rules, regulations or policies is set forth below.

Thank you for your attention to this matter.

RW/JW
Attachment

c: Members, State Board of Education
Acting Commissioner Bret Schundler
Barbara Gantwerk
Senior Staff
Kim C. Belin
Executive County Superintendent
County Supervisor of Child Study
Members, NJ LEE Group
Garden State Coalition of Schools

A. Timeframes: The following regulations were adopted to provide consistent timelines to implement IDEA mandates. By regulating timeframes, the State has provided clear expectations for the completion of specific federal mandates. Additionally, mandated timelines are intended to minimize disputes between local school districts and parents as to whether mandates were fulfilled in a timely manner.

State Imposed Requirement	Rationale for State Requirement
Written notice: 15 day timeframe for the provision of written notice. N.J.A.C. 6A:14-2.3(h)	IDEA requires that parents be provided written notice when a local school district (LEA) proposes any action pertaining to the identification, referral, evaluation, and placement of students with disabilities. The State developed a timeframe to ensure that parents have sufficient time to consider the actions proposed by the local school district.
Excusal from a meeting: Timeframe for local districts to seek and obtain parental consent to excuse a required team member from an IEP team meeting. N.J.A.C. 6A:14-2.3(k)9-10	IDEA provides the excusal of an IEP team member from a meeting can occur only when the parent is in agreement. The State provision requires that parents be provided a reasonable amount of time to consider a request to excuse a staff member in order to ensure that parents are fully informed and receive sufficient time to consider the excusal.
Disciplinary removal: Time period for discipline removals of students with disabilities changed to 45 calendar days rather than 45 school days. N.J.A.C. 6A:14-2.8(d) and 2.8(f)	IDEA allows students with disabilities to be removed from school through suspension/expulsion. The federal timeframe for such removals was changed from 45 calendar days to 45 school days. The State maintained the 45 calendar day provision based on the belief that removal for 9 weeks was too long of a period for a student to be removed from their educational program.
Determination of eligibility for special education: 90 day time period established to complete an initial evaluation and, if eligible, to initiate services. N.J.A.C. 6A:14-3.4(e)	IDEA specifies a 60 day timeline for LEAs to conduct evaluations to determine if a student is eligible for special education, and mandates that each student's IEP be implemented without undue delay after the evaluation is completed. The State regulation created a 90 day time period to complete the evaluation of a student with disabilities and, if eligible, to initiate services. This timeframe was developed to define "undue delay," by setting a date by which the IEP must be implemented.
Provision of reports to parents: 10 day time period for providing parents a copy of evaluation reports prior to the meeting that is held to determine eligibility for special education services. N.J.A.C. 6A:14-3.5(a)	IDEA requires that reports and documentation used to determine eligibility for special education and to develop a student's IEP be provided to parents. The State regulation was established to ensure that parents have sufficient information and sufficient time to review and consider the evaluation results prior to the eligibility determination and IEP meetings.

State Imposed Requirement	Rationale for State Requirement
Amending IEP without a Meeting: Timelines and procedures, including obtaining parental consent, when amending a student's IEP without a meeting. N.J.A.C. 6A:14-3.7(d)	IDEA allows for an IEP to be amended without a meeting. The State regulation was added to provide procedures for making the amendments.
Conducting Reevaluations: 60 day timeframe for conducting and completing reevaluations of students with disabilities. N.J.A.C. 6A:14-3.8(e)	IDEA requires that students with disabilities be reevaluated once every three years or sooner, if needed. The State regulated a 60 day timeframe for completing the reevaluation to prevent undue delay in conducting and completing reevaluations and providing programs and services determined necessary based on the reevaluation findings.
Student Transfer: 60 day time period for evaluation of students that transfer from a nonpublic school. N.J.A.C. 6A:14-4.1(m)	The IDEA addresses transfers of students with an IEP. The State regulation established a time period for evaluation, as necessary, and development of an IEP when a student with a disability transfers from a nonpublic school with a service plan to a public school, where he or she would receive an IEP.

B. Mediation/Due Process Procedures: State are required to have a system in place to implement federal law with regard to mediation and due process hearings. These regulations provide clear and consistent procedures for mediation and due process hearings to resolve disputes.

State Imposed Requirement	Rationale for State Requirement
Mediation: Enforcement of mediation agreements. N.J.A.C. 6A:14-2.6(d)11	IDEA requires states to offer parents and school districts the opportunity to mediate disputes without the need to incur the time and expense of filing for a due process hearing. This state regulation provides for enforcement of mediation agreements on behalf of parents in order to ensure that parties will agree to mediate and save the expense of a formal due process hearing.
Resolution meetings: <ul style="list-style-type: none"> Prohibits the recording of a resolution meeting held after a parent files for a due process hearing. N.J.A.C. 6A:14-2.7(h)3 Require resolution through due process hearings and not 	IDEA requires that states offer local school districts and parents the opportunity to resolve disputes through due process hearings. Prior to such hearings occurring, the parties may participate in a resolution meeting. If an agreement is reached at the resolution meeting, IDEA provides that it may be voided by either party within three business days of it being signed. The State adopted regulations to provide a forum to resolve disputes if parties seek to void agreements reached at these

9A

<p>complaint investigations of disputes that occur over voiding of resolution meeting agreements held after a parent files for a due process hearing. N.J.A.C. 6A:142.7(h)6iv.</p> <ul style="list-style-type: none"> Require resolution of disputes over scheduling of resolution meetings in the ensuing due process hearing. N.J.A.C. 6A:142.7(h)6iv. 	<p>meetings and when disputes arise over the scheduling and holding of such meetings, and to prevent audio and video recording of the meetings in order to encourage discussion.</p>
<p>Section 504 Due process hearings: Permits mediation and due process to resolve disputes over 504 plans. N.J.A.C. 6A:14-2.7(w)</p>	<p>Regulations implementing Section 504 of the Rehabilitation Act of 1973 allow for mediation and due process hearings to resolve disputes between school districts and parents. In accordance with its agreement with the Federal Office for Civil Rights, the State adopted a regulation permitting parties to file for mediation and due process hearings with the New Jersey Department of Education with respect to issues concerning 504 plans.</p>

C. Operational Procedures: These regulations were developed to set forth uniform program parameters throughout the state.

State Imposed Requirement	Rationale for State Requirement
<p>Audio-taping IEP meetings: Permits IEP participants to audio-tape an IEP meeting. N.J.A.C. 6A:14-2.3(k)8</p>	<p>This provision was developed so that parties would have a means of reviewing agreements and discussions subsequent to the meeting.</p>
<p>Independent evaluations: Allows school districts to evaluate a student prior to the parent obtaining an independent evaluation at district expense. N.J.A.C. 6A:14-2.5(c)1</p>	<p>The IDEA requires that parents be permitted to obtain an independent evaluation at public expense. The State adopted this regulation to provide districts an opportunity to conduct their own assessments prior to incurring costs for independent evaluations.</p>
<p>Discipline of Preschool Students with Disabilities: Prohibits the suspension or expulsion of preschool students with disabilities. N.J.A.C. 6A:14-2.8(a)1</p>	<p>Federal and state regulations provide for the suspension or expulsion of students with disabilities under certain circumstances. The State adopted this regulation because it considered these disciplinary measures inappropriate for preschool students with disabilities.</p>

State Imposed Requirement	Rationale for State Requirement
<p>Location, Referral, Identification and Evaluation: Established procedures for referral and evaluation of students with disabilities. N.J.A.C. 6A:14-3.3(e)</p>	<p>IDEA requires that states have in place policies and procedures for locating, identifying, and evaluating students with disabilities for eligibility for special education and related services. The State adopted these regulations to provide the required policies and procedures for initiating, conducting and completing initial evaluations.</p>
<p>Audiometric and Vision Screening: Requires audiometric and vision screening for all students referred for an evaluation to determine eligibility for special education and related services. N.J.A.C. 6A:14-3.3(g)-(h)</p>	<p>These requirements ensure that hearing and vision problems are identified prior to conducting initial evaluations for the purpose of determining student eligibility for special education.</p>
<p>Location, Referral, Identification and Evaluation: Requires that local school districts provide and document the effectiveness of interventions used prior to the referral of a student for a determination of eligibility for special education and related services. N.J.A.C. 6A:14-3.3(a)3i; 6A:14-3.3(h)</p>	<p>The State adopted regulations to ensure that, when appropriate, local school districts first attempt interventions and document the effectiveness of the general interventions that are implemented, prior to referring a student for an evaluation for eligibility for special education and related services.</p>
<p>Evaluation: Permits school districts to utilize reports from other school districts, clinics and agencies, and private practitioners submitted by parents as one of the required assessments for an initial evaluation. N.J.A.C. 6A:14-3.4(i)</p>	<p>This regulation provides school districts cost savings and flexibility when evaluating a student by permitting them to use outside reports when conducting an initial evaluation of a student.</p>
<p>Personnel to Provide Special Education and Related Services: Identifies and delineates general requirements with respect to personnel who may evaluate students and provide special education and related services. N.J.A.C. 6A:14-3.1</p>	<p>IDEA requires that states have in place personnel in sufficient numbers to appropriately serve students with disabilities. Child study teams are required by State law. The State regulations specify the roles and responsibilities of child study team personnel.</p>

State Imposed Requirement	Rationale for State Requirement
<p>Personnel to Provide Special Education and Related Services: Requires assignment of a Case Manager for each student with a disability and delineates who may serve in this role. N.J.A.C. 6A:14-3.2</p>	<p>This regulation establishes a single point of contact for school personnel and parents for each student with a disability and to coordinate the evaluation of, and provision of services.</p>
<p>Transition:</p> <ul style="list-style-type: none"> Requires assessments at age 14 to determine postsecondary outcomes. N.J.A.C. 6A:14-3.4(f)5 Requires that transition planning process commence for students with disabilities at age 14. N.J.A.C. 6A:14-3.7(e)11. 	<p>IDEA 2004 changed the age at which transition begins, including assessments to determine postsecondary outcomes, from 14 to 16. The State maintained transition at age 14 in order for the transition planning process to begin when students enter high school, which is when all students begin transitioning to postsecondary outcomes.</p>
<p>Eligible for Speech-Language Services: Sets forth procedures for determining a student eligible for speech-language services. N.J.A.C. 6A:14-3.6</p> <p>Individualized Education Programs:</p> <ul style="list-style-type: none"> Requires that school districts inform all teachers and service providers who will implement provisions of a student's IEP of their responsibilities for implementing each IEP. N.J.A.C. 6A:14-3.7(a)3 Requires a review of the instructional day to determine the accommodations and modifications needed to facilitate the child's participation of a student with disabilities in a general education class. N.J.A.C. 6A:14-3.7(c)11 Requires that short-term objectives be included in the IEP of each student with disability. N.J.A.C. 6A:14-3.7(d) 	<p>The regulation reduces costs by decreasing the number of persons that must evaluate a student and participate in meetings to determine a student eligible for speech language services and to develop an IEP for these students.</p> <p>Development and implementation of IEPs are required by IDEA 2004. The State regulation is intended to ensure that the student's instructional staff members have knowledge of the student's educational and program needs.</p> <p>This regulation supports the federal mandate for placement of students with disabilities, including preschool students, in general education programs with appropriate supports and services.</p> <p>The State regulation is intended to ensure that school personnel, parents, and students have specific information about the student's instructional program during the course of the IEP</p>

<ul style="list-style-type: none"> Requires that, annually, the IEP team consider activities to transition students with disabilities placed in a setting with no general education peers to a less restrictive setting. N.J.A.C. 6A:14-3.7(k) Requires that parents be provided either a copy of a draft IEP or notes setting forth agreements made at an IEP meeting. N.J.A.C. 6A:14-3.7(l) 	<p>The State regulation supports the federal mandate to educate students in the least restrictive environment with appropriate supports by requiring annual determination of needed activities to transition the student to a less restrictive educational setting.</p> <p>This regulation ensures that all participants at the IEP meeting are aware of what was decided at the meeting. The regulation is intended to minimize later disputes over what was decided at IEP meetings.</p>
<p>Transition: Requires a statement of when and how a student will transition from an elementary to secondary program. N.J.A.C. 6A:14-3.7(e)10</p>	<p>This regulation was developed to ensure a smooth transition when students move from a k-8 school district to a regional school district or receiving school district and ensure continuity of programming and services.</p>
<p>Related Services: Requires that, when non-certified personnel provide related services to students with disabilities, the provision of the services be under the supervision of certified school district staff. N.J.A.C. 6A:14-3.9(a)11</p>	<p>This regulation ensures that appropriate persons are overseeing the provision of related services.</p>
<p>State Assessment: Delineates procedures for the participation of students with disabilities in the statewide assessment system. N.J.A.C. 6A:14-4.10</p>	<p>IDEA requires that students with disabilities participate in State assessments. The State regulation sets forth expectations for local school districts, parents and students, regarding the participation of students with disabilities in the regular assessment and when a student may participate in an alternate assessment.</p>
<p>Staffing and contractual requirements: Sets forth general requirements with respect to contracting for, and the hiring of, certain personnel. N.J.A.C. 6A:14-5.1</p>	<p>IDEA requires that there are sufficient to ensure provision of required programs and services. The State regulations set forth criteria for hiring, contracting, and purchasing services.</p>
<p>Monitoring: Sets forth procedures for conducting the monitoring of local districts as required by IDEA 2004. N.J.A.C. 6A:14-9.1(b) – (i)</p>	<p>IDEA requires that states monitor local school districts. These regulations set forth general parameters regarding the NJDOE's monitoring system.</p>
<p>Complaint Investigations: Establishes procedures for processing and conducting complaint investigation. N.J.A.C. 6A:14-9.2</p>	<p>IDEA requires that states have a compliant investigation process. These regulations set forth general parameters regarding the NJDOE's complaint investigation process.</p>

940

State Imposed Requirement	Rationale for State Requirement
<p>Early Intervention Services: Sets forth general requirements for contracting with early intervention programs for students, age three.</p> <p>N.J.A.C. 6A:14-10.2(b)</p>	<p>This regulation enables local school districts to contract with state's Early Intervention Programs, when the IEP team determines it is appropriate for a child to remain in an early intervention program, once they turn age three.</p>

D. Program Organization: The following regulations were adopted to provide for consistent programmatic organization across the state with respect to factors such as class type, class size, instructional time, and program options.

State Imposed Requirement	Rationale for State Requirement
<p>Programs and Services: Provides a structure for organizing programs for students with disabilities, including:</p> <ul style="list-style-type: none"> • general program requirements for school age and preschool age students with disabilities. N.J.A.C. 6A:14-4.1(b)-(e); • group sizes for students with disabilities being instructed in general education subjects and physical education and participating in intramural or interscholastic sports programs that consist solely of students with disabilities. N.J.A.C. 6A:14-4.1(h)1; N.J.A.C. 6A:14-4.1(h)2 • equivalent instructional time for students with disabilities that is equal to that provided to general education students, in each subject area, when they are instructed in resource programs or special class programs. N.J.A.C. 6A:14-4.1(i); 	<p>These regulations address programmatic factors such as class type, class size, instructional time, and program options. The regulations provide local districts across the state with a standard means for organizing and implementing programs. Additionally, the regulations provide parents with a set of expectations regarding the configuration of various program options.</p>

<ul style="list-style-type: none"> specific program options/criteria to implement requirements in IDEA 2004 to provide students a free, appropriate public education (FAPE); for speech language services; supplementary aids and services; supplementary instruction and resource programs. N.J.A.C. 6A:14-4.4; N.J.A.C. 6A:14-4.5; N.J.A.C. 6A:14-4.6 procedures for placement of preschool children with disabilities in general education early childhood programs, consistent with the federal mandate for placement of students with disabilities in the least restrictive environment. N.J.A.C. 6A:14-4.3(d) 	
Parent Observation of Proposed Program: Authorizes parents to observe proposed educational placements. N.J.A.C. 6A:14-4.1(k)	This regulation allows parents to observe and become familiar with a proposed program prior to agreeing to its implementation.
Waivers for Age Range and Group Sizes: Allows districts to request and obtain exceptions for increasing age ranges and group sizes for required for specific program options. N.J.A.C. 6A:14-4.9	This regulation permits school districts to request and obtain exceptions to certain State regulatory requirements with respect to age range and group sizes.

966

E. Receiving Schools: The following regulations govern the provision of programs in public and private receiving schools, and programs operated by State agencies, and were adopted to provide procedural and programmatic requirements to govern the special education and related services provided by these public and private entities.

State Imposed Requirement	Rationale for State Requirement
<p>Receiving Schools: Establishes operational requirements for educational services commissions, jointure commissions, regional day schools, county special services school districts, the Marie H. Katzenbach School for the Deaf, approved private schools for students with disabilities, and college operated programs for students with disabilities.</p> <p>N.J.A.C. 6A:14-7.1 – 7.10. The regulations delineate:</p> <ul style="list-style-type: none"> • general requirements for the provision of programs in receiving schools to implement requirements in IDEA 2004 to provide students FAPE. N.J.A.C. 6A:14-7.1 • approval procedures for receiving schools. N.J.A.C. 6A:14-7.2 • procedures for amending policies and procedures of receiving schools. N.J.A.C. 6A:14-7.3 • required procedures for approved private schools for students with disabilities. N.J.A.C. 6A:14-7.4 • responsibilities of school districts with respect to students placed in receiving schools. N.J.A.C. 6A:14-7.5 	<p>These regulations set forth expectations regarding the operation and responsibilities of receiving schools serving students with disabilities.</p>

97x

<ul style="list-style-type: none"> • requirements for provision of programs in receiving schools to implement requirements in IDEA 2004 to provide students FAPE. N.J.A.C. 6A:14-7.6 • requirements for terminating or withdrawing a student with a disability from a receiving school. N.J.A.C. 6A:14-7.7 • requirements for fiscal management of receiving schools. N.J.A.C. 6A:14-7.8 • requirements and responsibilities of receiving schools with respect to student records. N.J.A.C. 6A:14-7.9 • requirements for monitoring of receiving schools. N.J.A.C. 6A:14-7.10 	
<p>Programs Provided by Other State Agencies: Delineates general requirements for the provision of programs and procedural protections by the State Departments of Corrections and Human Services, as well as the Juvenile Justice Commission. N.J.A.C. 6A:14-8.1, 6A:14-8.2, and 6A:14-8.3</p>	<p>These regulations were adopted to set forth general expectations, procedural safeguards and program provisions for Departments of Corrections and Human Services, and the Juvenile Justice Commission, when serving students with disabilities.</p>

98x

F. State Law Implementation: The following regulations were adopted in order to implement requirements of State laws.

State Imposed Requirement	Rationale for State Requirement
The Uniform Application Act : The regulation requires that an application for Development Disabilities services be provided to students with disabilities who may be eligible for services from the Division. N.J.A.C. 6A:14-1.2(h)17	N.J.S.A. 30:4-25.10 et seq. requires provision of an application for Division of Developmental Disabilities services to certain students with disabilities.
Child Study Teams: This regulation implements statutory requirements with respect to Child Study Teams and services. N.J.A.C. 6A:14-3.1	N.J.S.A. 18A:46-5.1 requires child study teams for evaluation of, and provision of services to, students with disabilities are mandated by statute.
Classification: Adds the State classification of "Socially maladjusted" to the list of Federal classifications. N.J.A.C. 6A:14-3.5(c)11	N.J.S.A. 18A:46-2. sets forth the classification of "socially maladjusted."
Clinics and Agencies: Sets forth approval procedures for clinics and agencies. N.J.A.C. 6A:14-5.2	N.J.S.A. 18A:46-12 requires approval of clinics and agencies and allows approved clinics and agencies to provide services for students with disabilities.
Nonpublic Services: Set forth provisions governing State-funded programs to provide remedial and auxiliary services to students in nonpublic schools. N.J.A.C. 6A:14-6.2, 6A:14-6.3, 6A:14-6.4	N.J.S.A. 18A:46-19.1 et seq; N.J.S.A. 46A-1 et seq. create State funded programs to evaluate, classify and provide services to students with disabilities attending nonpublic schools.
Placement of students with Disabilities in unapproved schools: Implements the State law with respect to placement of students in accredited unapproved schools that are not approved by the Department of Education for the education of students with disabilities. N.J.A.C. 6A:14-6.5	N.J.S.A. 18A:46-14 permits school districts to place students with disabilities in unapproved accredited schools under specifically delineated circumstances.

99.

State Imposed Requirement	Rationale for State Requirement
<p>Copies of Regulations: This regulation implements the statutory requirement to ensure that parents have access to the special education requirements and that they have knowledge of procedural protections afforded to parents and students and all other special education requirements.</p> <p>N.J.A.C. 6A:14-2.1(b)</p>	<p>N.J.S.A. 18A:46-7.1. requires that copies of Chapter 46 of the New Jersey Statutes and regulations governing special education must be provided to parents by school district when they request them.</p>
<p>Emergent Relief: This regulation sets forth procedures for the filing of emergent relief by parties to a due process hearing.</p> <p>N.J.A.C. 6A:14-2.7(r) and 2.7(s)</p>	<p>New Jersey allows parties to file for emergent relief so that they may seek immediate relief when necessary to address specified issues when filing for a due process hearing. Case law requires that the regulation conform to standards utilized in judicial proceedings for consideration of requests for emergent relief.</p>

100x

***Testimony submitted by the New Jersey Education Association
NJ Joint Committee on the Public Schools (School Improvement Subcommittee)
NJ Black and Latino Legislative Caucuses***

***Proposed Changes to the New Jersey Quality Single Accountability Continuum
October 18, 2011***

The New Jersey Education Association (NJEA) would like to thank the NJ Joint Committee on the Public Schools District-School Improvement Subcommittee and the Black and Latino Legislative Caucuses for the opportunity to share our concerns about the proposed revisions to the New Jersey Single Accountability Continuum (NJQSAC).

While NJEA appreciates and understands the New Jersey Department of Education's goal of streamlining the process for school districts, many of the proposed revisions, especially within the Instruction and Program as well as the Personnel sections, would have a negative impact on school district accountability and effective, comprehensive monitoring.

Currently NJQSAC includes 334 indicators in five review sections. While some may consider it cumbersome, the NJQSAC is the only comprehensive review of school district programs, procedures, and accountability that is conducted periodically. It provides a set of checks and balances to ensure that school districts are achieving the constitutional requirement of providing every student with a thorough and efficient education. It is a useful tool for determining a school district's strengths and weaknesses and reinforcing the school district's responsibility of supporting professional development for its teachers. Regardless of what other reports – state or

federal – that a district may be required to submit, this evaluation is designed to provide the state, the educational community, and the public at large a complete picture of how well the district is fulfilling its responsibilities based on law and regulation.

The proposed revisions call for reducing the number of indicators from 334 to 54. In some cases, eagerness to condense sections has resulted in too many concepts being jammed into a single indicator, reducing accountability.

In the proposed versions, there is a misalignment between the District Performance Review sheets and the Statement of Assurance. Either the District Performance Review (DPR) sheets should be used as a checklist, accompanied by a summary Statement of Assurance, or the Statement of Assurance should align point-by-point with the DPR sheets. Items should not be included – seemingly as an afterthought – in the Statement of Assurance, yet not be itemized in the DPRs. This gap is especially prominent when examining how the Instruction and Program area is handled, to the point that the Statement of Assurance is of limited value.

The revision also deletes references to integrated, cross-disciplinary instruction. Technology and a global economy have changed the way we teach. Educators no longer teach the “three Rs” in a vacuum. All content is somehow interconnected. In order to be successful, school districts must take an integrated approach to meeting the NJCCCS.

In addition, there has been an elimination of references to measures of student progress that are developed and implemented at the district, school, and classroom level that include opportunities

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11/2/20

for students to demonstrate mastery of the NJCCCS and the CCSS through performance assessments. The assessment of the progress of each student in mastering the standards disregards other opportunities for students to demonstrate mastery.

The elimination of sections dealing with professional development of school staff negates the importance of this element in successful educational systems. While NJEA recognizes that districts are required to submit targeted reports on this area, we still believe it is important for professional development efforts to be verified through the comprehensive NJQSAC monitoring report. Specificity helps school districts better understand expectations and requirements. These proposed revisions will negatively impact NJQSAC's usefulness and make school districts less accountable. We feel the elimination of these requirements for reporting these efforts send the message to the districts that they lack importance.

NJEA is particularly concerned about the elimination of much of the language related to a district's responsibility to provide high quality professional development opportunities and support for all school district staff. Instead, the DPR seems to focus exclusively on low-performing districts in terms of professional development. New Jersey educators work closely with their supervisors and administrators to create individual Professional Development Plans (PDPs). The goal of the PDP is to help educators improve and expand their practice and better address the needs of their students. These educators are required to complete 100 hours of professional development every five years to support the goals of the PDP. School districts have a clear responsibility to work collaboratively with educators to support their diverse professional development needs. In addition, a clear, collaborative process is required for formulating the

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103x

local Professional Development Plan and school Professional Development Plans to address overall district and school needs. Simply assuming that the district is fulfilling its obligations and submitting the required plans to the County Professional Development Board is insufficient and should be reflected in the comprehensive NJQSAC instrument.

Puzzling also is the deletion of any language that supports collaborative planning for teachers. In fact, despite continued NJDOE promotion of collaboration, that word appears nowhere in any QSAC document. Teachers work best when they have the opportunity to share their successes and challenges with their colleagues. School districts have a responsibility to lay the groundwork for a collaborative, collegial approach to teaching by providing teachers with opportunities to meet and share their best practices. Omitting language that supports this approach certainly does not promote *Personnel Assurance #6* that calls for *uses of multiple data sources, (e.g., test scores, needs assessments, attendance data, violence reports) to address current and projected needs and priorities for all school/district staff when providing professional development opportunities. Uses of the data sources to analyze the alignment of the district's Professional Development Plan with teaching staff needs.* How are teachers supposed to analyze data sources if collaboration with colleagues is not supported?

Also of concern are the references to supervisory practices. The proposed document strictly deals with aspects of teacher evaluation. There is no mention of the use of supervisory practices to provide meaningful feedback to teachers in order to strengthen and sustain instruction.

Procedurally, the annual Statement of Assurance revision allows for the Chief School Administrator to select a team “of his or her choice” to complete the annual statement, rather than using the comprehensive committee that completes the DPRs (chief school administrator, administrative staff, teaching personnel representative of different district grade levels and/or schools, the school business administrator and assistant superintendent for curriculum and instruction, one or more member representatives of the board of education and of the collective bargaining unit of the educational staff, and any other members selected by the local board of education). It also calls for only the Chief School Administrator and Board President to sign the annual NJQSAC forms. Without an aligned structure, paperwork aligned to the DPRs, nor sign off by the committee members who have completed the DPRs, there is no evidence of annual oversight, feedback, or review from other segments of the school community – either principals, staff members, or the majority representative.

NJEA believes that it is essential to continue the practice of including practitioners – principals, teachers, other school personnel, and most importantly, a representative of the local association (the majority bargaining representative) – in the self-evaluation of their schools and that the evidence of that practice as a check-and-balance of every section be required annually. This is critical especially if additional indicators or summaries of indicators are included on the Statement of Assurance without being spelled out on the DPR charts or vice versa. The signatures required for the DPR also should be required on the annual Statement of Assurance before submission to the local school board, with the same opportunity for committee members to decline to sign if they disagree with the report or believe it is faulty.

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105x

Our public schools and educators are under intense scrutiny. Teacher evaluation and improving student achievement are at the center of public dialogue. It seems unusual that the Department would make recommendations that would diminish school district accountability and prevent school districts from making useful self-assessments.

NJQSAC is about making sure that school districts are following the rules and regulations, as well as the elements required to support the teaching and learning process that leads to a “thorough and efficient” education. School districts should be required to review extensively their programs and services, not be allowed to slide through a shortcut approach.

We commend the NJDOE for rightfully eliminating some duplication within the DPR documents. We also commend the NJDOE for correcting its creation of two “tiers” of curricular standards when the standards were split between the yearly assurance process and the DPR verification process. However, we believe it went too far in its zeal to combine and condense. We have encouraged the State Board of Education and the NJDOE to reinstate and expand the indicators we have noted and to help restore a measure of integrity to the NJQSAC process.

Finally, the Governor’s Education Transformation Task Force Initial Report released on September 12, 2011, discusses the changes to the accountability system and modifications to the QSAC process based on 10 principles. While most of the principles sound good in the abstract, until we see specific language and regulations based on the principles, it is difficult to judge. We have included our response to each of the principles on the attached chart.

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106x

The Legislature has a responsibility to the children of the state to ensure that every child receives a quality education. The public demands that school districts and staff, from superintendent and district level administration to school level personnel, are all striving to implement the law, regulations, and curriculum that have been designed to ensure a quality thorough and efficient education. It is important that the goals and original intent of the NJQSAC process are not diluted and/or corrupted in an attempt to streamline the process.

Proposed 10 Principles of the Accountability System of the Future NJEA Response

Proposed 10 Principles of the Accountability System of the Future	
Task Force recommends:	NJEA response
1. A single, streamlined system	Agree. The system should encompass federal and state goals.
2. Accurate differentiation of schools	Agree. NJEA endorses multiple measures – not a single test or simple multiple tests. In addition, improvement plans should be based on the specific indicators that are not met.
3. Assess school outputs not inputs	Disagree with this wording. The system should be a cohesive, comprehensive review of factors (some of which must be inputs) that affect student success. To simply categorize the teaching-learning process as “inputs” and “outputs” ignores the global nature of education.
4. Set explicit, measurable, appropriate targets	Agree. The original ESEA/NCLB targets were unrealistic and failed to account for individual students’ challenges that schools may not be able to overcome. The key is establishing reasonable, appropriate targets.
5. Evaluate growth in addition to status	We agree with the concept of acknowledging student growth in skills and knowledge, but are concerned about using standardized assessments for such purposes since the current assessments were never designed to measure growth.
6. Generate appropriate interventions	Agree. We believe the interventions with schools should focus on the academic or social/emotional/family needs of students and can only occur if educators receive the detailed data they need regarding students’ knowledge and skills. The school’s educators must receive extra professional support and should play a major role in constructing the appropriate interventions.
7. Intensify responses in cases of persistent failure	Agree. However, intensified responses should only come after intensified support for school leaders, school staff, and students.
8. Grant earned autonomy to high performers	The example used is illogical. There is no research showing that public school districts that perform well have lower certification standards, diminished professional

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108x

	<p>development, or decreased student requirements. In fact, most likely the opposite is true. Rather than autonomy, this principle should focus on encouraging innovation and creativity. For example, a school might have some option in how standards might be met over spans of grades or creating interdisciplinary partnerships through co-teaching in varied content areas. Teachers might be encouraged to try different instructional strategies, perhaps integrating real-life experiences for students in gaining knowledge and demonstrating skills.</p>
9. Provide diagnostic information as well as judgments	<p>While we do not understand what is meant by “judgments,” we agree that educators need very specific information regarding the skills tested and the specific skills with which their students are struggling or have failed to master.</p> <p>We agree that multiple measures should be used to determine student knowledge and skills tied to state-set standards.</p> <p>At the same time, districts must provide teachers with opportunities during the work day to work in a collaborative environment in learning how to and developing ways to align the state-approved standards to every-day instruction. Teachers should be provided with appropriate professional development, adequate time, and sufficient resources to ensure lessons align with standards and standards-driven proficiencies.</p>
10. Focus on schools not districts	<p>We agree that resources should be targeted to schools. At the same time, the impact of a district and its administration on individual schools should not be ignored nor minimized. There must be a coordinated effort and school-district partnership for any reform to have a lasting effect.</p>
OTHER	
N.J. request for ESEA/NCLB waiver	<p>Agree that NJDOE should seek waiver of certain provisions of current federal law.</p>



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October 18, 2011

Testimony

Subcommittee on District and School Improvement
Joint Committee on the Public Schools

Subcommittee on Education
Legislative Black Caucus

October 18, 2011

The New Jersey School Boards Association, a federation of the state's 588 local school boards and 62 associate charter school members, is pleased to submit this testimony on our beliefs about the NJ Quality Single Accountability Continuum (NJQSAC).

The NJSBA believes the state should regularly monitor school districts' progress towards achieving their established goals, objectives and standards. The NJSBA believes that it is the responsibility of the State to see that the resources necessary to achieve goals are available and used efficiently.

NJSBA originally commented on the Evaluation of the Performance of School Districts 6A:30 to express our concerns on various parts of the code on December 13, 2007. Since the subcommittees are particularly interested in the Instruction and Program District Performance Review Area (DPR), we have attached our comments on that section for your information in a separate document*.

Currently, NJQSAC is under review by the State Board of Education. The proposed N.J.A.C. 6A:30 streamlines the NJQSAC process, making monitoring more efficient and less time-consuming for districts, allowing districts to utilize limited administrative resources in a better fashion. The proposed amendments to the NJQSAC process will allow districts to focus attention and resources on factors that directly impact student achievement, fiscal accountability and local district governance. The amendments to the NJQSAC process create a more concise self-evaluation for districts while enabling the system to continue serving as an accountability tool for the Department.

The proposed streamlined process reduces the number of indicators from 334 to 54. However, it maintains the rigorous standards necessary for excellence as districts would still need to achieve 80 percent of the number of indicators in each of the five sections to be considered "high performing."

In addition, the proposal calls for each district's superintendent to annually submit to the Department of Education a "Statement of Assurance" document to verify that the school system is meeting 49 other standards in each of the five sections. The local school board must approve the document by saying that it attests, to the best of its knowledge, that the district is complying with the standards in the Statement of Assurance.

110X

NJBSA believes NJQSAC can play an important role to help school boards achieve goals. Making the process more efficient and less time-consuming would allow districts to more efficiently use limited administrative resources and to focus attention on factors that directly impact student achievement, fiscal accountability and local district governance.

NJSBA looks forward to working with the Department of Education as the NJQSAC proposal progresses.

Attachment*



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October 18, 2011

Excerpt from NJSBA letter dated December 13, 2007 to

Donna Arons,
Special Assistant to the Commissioner,
NJ Department of Education

Comments on Evaluation of the Performance of School Districts 6A:30, District Performance Review for Instruction and Program

Instruction and Program

A. Student Performance

NJSBA understands that the standard for meeting AYP as a district under QSAC is more stringent than being a district in need of improvement under NCLB. What is the rationale for the more stringent requirement?

A five percent increase in proficiency performance for total students and for each subgroup or at least 95% proficiency in total students or each subgroup is a QSAC requirement but not a requirement under NCLB. A district could make AYP under NCLB but not achieve the QSAC standard and lose points. What is the rationale for the more stringent requirement?

B. Curriculum

The various articulation meeting requirements set forth in this section raise labor relations concerns for districts and could result in increased district costs including substitute coverage and comp time.

C. Instruction

The various principal/supervisor meeting requirements and teacher collaboration requirements set forth in this section raise labor relations concerns for districts and could result in increased district costs including substitute coverage and comp time.

F. High School/Graduation

Section 4 seems to require that a district have an alternative education program. The relevant code provisions at N.J.A.C. 6A:16-9 are permissive; boards may but are not required.