

P U B L I C H E A R I N G

before

JOINT EDUCATION COMMITTEE OF THE SENATE AND ASSEMBLY

on

"Thorough and Efficient" System of Free Public Schools

Held:
May 14, 1974
Assembly Chamber
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Stephen B. Wiley (Chairman)
Senator Herbert J. Buehler
Senator Wayne Dumont, Jr.
Senator Anne C. Martindell
Senator Anthony Scardino, Jr.
Assemblyman Albert Burstein (Vice Chairman)
Assemblyman John H. Ewing
Assemblyman Harold Martin
Assemblyman Daniel F. Newman
Assemblyman Charles D. Worthington

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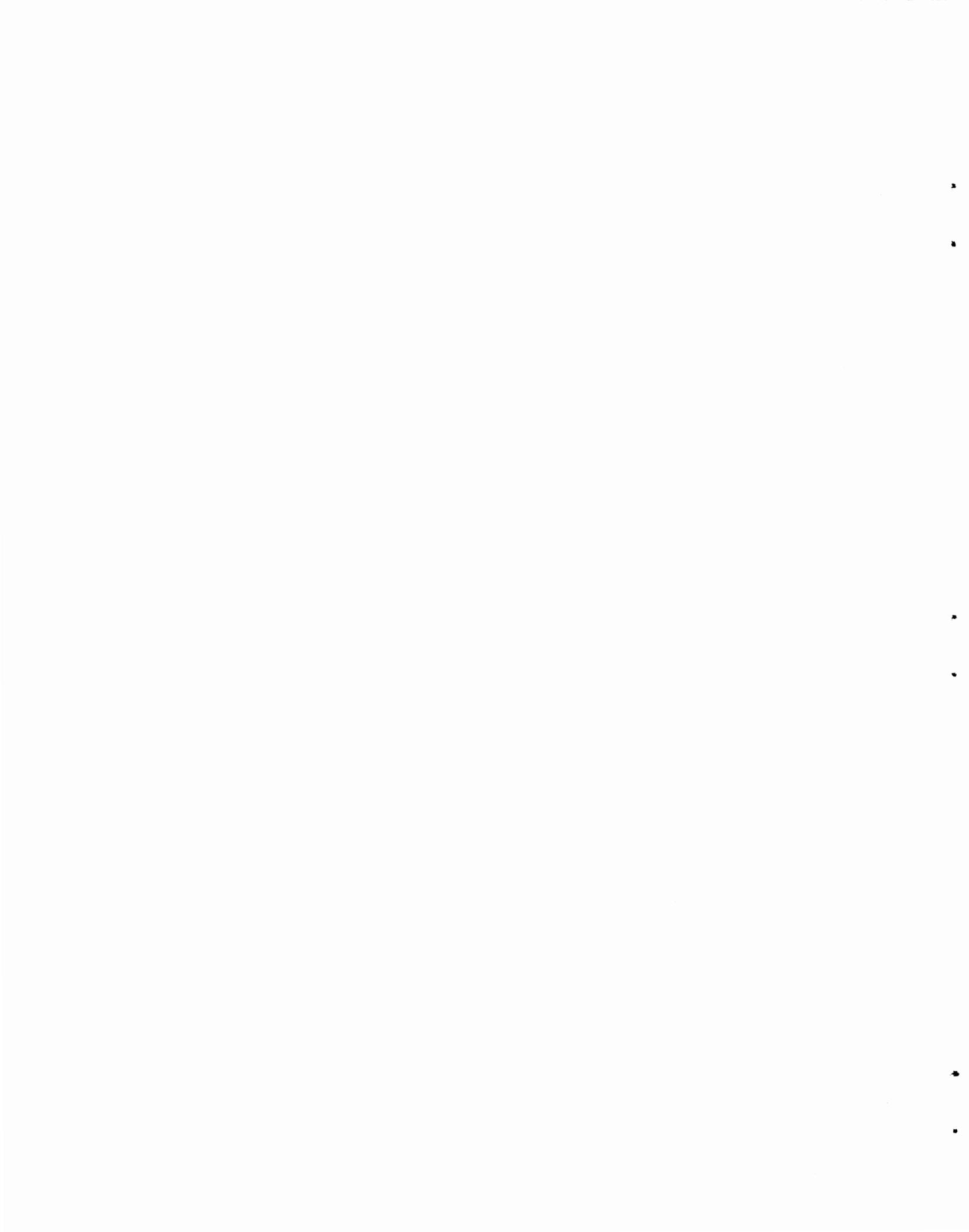
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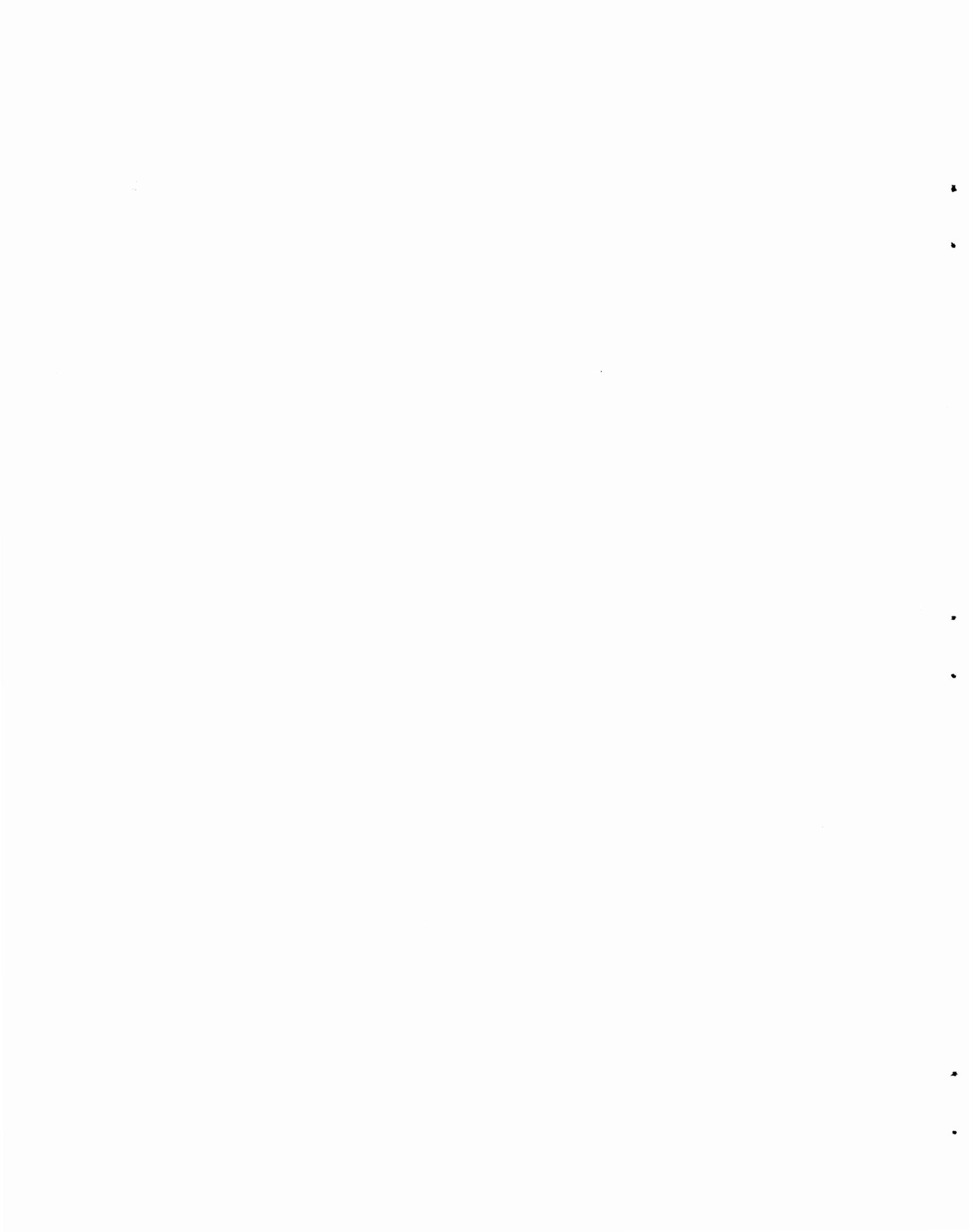
SENATOR STEPHEN B. WILEY (Chairman): I will call to order the public hearing of the Joint Education Committee on the "thorough and efficient" matter.

This is a hearing that was noticed by a memorandum. It was originally scheduled for the 8th of May and then postponed until the 14th of May. It is an opportunity for all who are interested to present their views and their responses to the matters which are of concern to this Committee as outlined on a revised research plan which has been made available.

The background is that we are under a mandate from the Supreme Court of this State to meet the constitutional demands of a "thorough and efficient" school system.

This Committee is a Joint Committee of both the Senate and the Assembly and includes all the members of the Education Committees of both houses.

Our mission is to examine the definition and meaning of "thorough and efficient," the cost of implementing a satisfactory system to assure a "thorough and efficient" education, and to examine the State Aid formula, the manner and methods by which the schools will be funded. Our charge does not include the question of the source of the money which would be used to fund that State Aid formula and used to pay for a "thorough and efficient" system. That is the focus of another joint committee, the Joint Taxation Committee, and that Committee will be looking at the question, once it is determined how much is needed, where that money is to come from, whether municipalities are to raise it through the real property tax or some other means, and whether and to what degree the State must participate in raising funds by Statewide taxes, whether they be Statewide real property taxes, sales taxes, income taxes or whatever they may be. I repeat, that is not the purpose of this Committee.



At last reading we had a list of about 38 people who wish to present their views. We will endeavor to hear all of those people today. In order to do that and to be fair to all, I will suggest that everyone limit himself to ten minutes at the maximum. The Committee is quite prepared to receive and encourages you to submit in supplementation of your oral testimony any written material that you might wish to bring to our attention. We have a lot now and we assure you of deliberate consideration of all of it and we would welcome any further expressions in that form.

There is also to be a public hearing on the 28th of May, that being scheduled for Glassboro State College, as I recall it; and a further public hearing for the 5th of June. That is scheduled for William Paterson College. One is south and one, north, to make it more convenient. In both of those instances, as I understand our scheduling, we are prepared to meet in the evening as well, and we want the public to know that in advance so if there are people who cannot appear during the daytime or find it difficult, on both of those days we will meet in the evening at the same locations to hear the public as well. Those meetings are not exclusively for people from South Jersey or North Jersey, of course. All of you are welcome to all of the meetings. They are simply done that way to promote general convenience.

If it is agreeable to the Committee, we will meet today, with a short break for our stenographic help and others, until one o'clock. Then we will break until two and resume at two o'clock and continue as long as need be in order to hear all of the people who have asked to appear.

The notice of the public hearing read in part as follows:

In order to assist the Joint Committee in its work, a list of questions, which is attached, which will be answered by the Legislature, has been developed by the Committee staff. Those testifying should address themselves to these questions and any others which they feel are important.

Then by way of repetition, the Joint Education Committee is charged solely with the responsibility to help determine what constitutes a "thorough and efficient" system of public schools, how it should be administered, and how State School Aid should be distributed.

That then is the focus of our concern.

For identification so that you know who you might be addressing, my name is Stephen Wiley. I should have said so before. I am Chairman of the Senate Education Committee and Chairman of the Joint Committee. To my left is Assemblyman Burstein, who is Chairman of the Assembly Education Committee and Vice Chairman of this Joint Committee. To his left, are Senator Martindell and Senator Buehler, both of the Senate Education Committee and the Joint Committee. On my right are Assemblyman Harold Martin and Assemblyman Charles Worthington, both of the Assembly Education Committee and the Joint Committee; and Senator Anthony Scardino, a member of the Senate Education Committee and the Joint Committee. Senators and Assemblymen have competing obligations and I am sure that not all of us will be here all of the time. There will be some going in and out. But we can assure you of our keen interest in what you have to tell us.

We are here as public representatives who are charged with this unusual responsibility. We feel it very keenly and we want to have the best advice that we can get from the people of New Jersey and we are

sincerely appreciative of your willingness to come out and share your time with us and try to help us in this difficult task.

For those who may not be here at a particular time, we will have a transcript of this hearing, as well as copies of any statements you submit, and they will be available to all of the members of the Committee.

We have taken down the names of the 38 people who have asked to present themselves and they have been listed by Mr. Paul Muller, the Staff Aide to the Education Committees of the two Houses, in the order in which they came to our attention; that is, the order in which a letter came in or a telephone call was received. In an effort to be even-handed about it, we will simply take them in the order in which they appear on that listing, except where when the person called or wrote in there was a specific request not to be heard before a particular hour.

So that you will be prepared, I will read the first ten on the list: Mr. Howard Freund - however, we will not call him until eleven o'clock, at his request; secondly, New Jersey Manufacturers Association; thirdly, Mayor Paul Jordan of Jersey City; fourth, New Jersey Education Reform Project; fifth, Al Wagner, Pastor of the Calvary Bible Presbyterian Church in Trenton; sixth, Mr. Louis DeBoer, Pastor of the Columbus Church, Columbus, New Jersey; seven and eight have been crossed out; number nine, Dr. Lenore Mogin; and ten, Joyce Marcianti. Perhaps I should read further so that you will be able to place yourselves. Eleven, James Anderson; twelve, Richard Solyom; thirteen is deleted; fourteen, Mrs. Mary Nash; fifteen, Mrs. Earlene Williams, and Mrs. Williams is associated with Miss Debora Lyon of the 11th grade of Pemberton Township High School; sixteen,

Dr. David Adler; number seventeen, Mrs. Betty A. Little; eighteen, Mrs. Edward Nason; nineteen is deleted; twenty, Mr. Paul Tractenberg; twenty-one, Mr. John C. Kerr; twenty-two, Mr. Harold Ruvoldt, Jr.; twenty-three, Doris Cabany; twenty-four, Joyce Marcianti. That looks like a repetition so far as I can tell. The address given in the first instance was Joyce Marcianti, Moonachie, New Jersey, 31 Union Street. The second one is New Jersey Action Committee of Carlstadt. Are they one and the same? Is Miss Marcianti here? Someone advises me it is the same. Twenty-five is Frank Gentle; twenty-six Miss Debora Lyon; twenty-seven, Mr. Joseph Piskorowski; twenty-eight is deleted; twenty-nine, Mrs. Ellen Voyer; thirty; Mr. John Scagnelli; thirty-one, Dr. Irwin Hyman and Dr. Ethel Pankove; thirty-two, Edward T. Magee; thirty-three, Richard F. McCarthy; thirty-four, Learned Bulman; thirty-five, David Holmes; thirty-six, John J. Howell; thirty-seven, Mrs. Edwin Fisher, Jr.; thirty-eight, William A. Fuller.

If there are any others who wish to appear, if you would let that be known through Mr. Paul Muller, who sits immediately in front of me, to my right, we will be pleased to add you to the list in appropriate sequence.

Do any members of the Committee have any observations at this point? If not, we will start first then with the New Jersey Manufacturers Association, number two on the list. We have a microphone set up at Assemblyman Barbour's desk and would invite you to come down to that desk and use the microphone when you make your presentation. I am sorry. I see a note by the New Jersey Manufacturers Association that they requested afternoon.

We will go then to number three, which is Mayor Paul Jordan of Jersey City. Good morning and welcome. It is nice to have you with us.

P A U L T. J O R D A N: We are going to be sharing the microphone. On my right is Mr. Harold Ruvoldt, Jr., whom I am sure is known to all the Committee.

I would like to pause for a second and ask my assistant to give you some of this weighty material.

SENATOR WILEY: Fine. I see that will give us a little homework to do.

MAYOR JORDAN: Mr. Chairman, we are here today to discuss just the capital construction aspects of what "thorough and efficient" should mean. We are still in the process of defining through computer data processing and a lot of other techniques what will be the operational phase of our document. And we would like to reserve the right to come back and talk not only about "thorough and efficient," but also what it means in operational terms and funding terms.

What we are here really to discuss is just capital construction today. The extract that you have there, in spite of the scary documents you have just been given, most of it is a very weighty appendix, which a task force, most particularly Harold Ruvoldt who is here with me today, has compiled.

Our proposals, if we could summarize them, are on the face sheet of that handout that I have just given you. If you look at the center of that document, I think we can look very directly at what it is we are proposing.

First of all, we are proposing an immediate State assumption of local school district debt service for prior school construction. We are proposing full State responsibility for financing future school building construction. We are proposing development of a Statewide capital improvement program process to determine school construction needs and priorities. That process, I might say parenthetically, originates at the local level, as

is spelled out in our document there, through having local boards of education on their own initiative outline ten-year capital construction programs, with a review procedure instituted through the local planning mechanism, and then forwarded up to a State level.

Lastly, we are proposing the creation of a New Jersey Educational Capital Construction Commission consisting of four members of the legislative leadership, four members of the State Board of Education, and two members of the Governor's cabinet.

To verbalize some of the things that this means, our calculations indicate, in spite of the fact that we are asking for the State of New Jersey to assume all the capital indebtedness of all the school districts in the State of New Jersey -- At first blush that might appear to be a rather significant dollar undertaking, although worthwhile to do. I think if one understands that the net additional revenue that that would force the State to come up with is a mere \$135 million to assume all the principal and interest on all debts outstanding of all the school districts in the State of New Jersey, in spite of the fact that this particular proposal may seem astounding at first, it is certainly financially feasible.

I would like to focus for just a second on what this might mean. I know, when most mayors of older urban areas come to Trenton, usually we talk about our own urgent needs and our own urgent priorities. That is certainly the case here today. But I think the proposal that you have before you is one that not only embraces the needs of Newark and Jersey City, but if you look through that document, you see of the ten most indebted districts in the State, only four of them are what one might describe as older urban areas. I think school indebtedness is

something that embraces not only our older communities, but certainly some of our newer ones. We had in mind in this kind of proposal to embrace Statewide responsibility and not just see to our own needs. I think that is reflected in this document.

I would also like to reflect for one second on some of the problems we face in Jersey City in terms of physical facilities. We have 31 elementary schools which are in operation, Mr. Chairman, and of those 31 schools, we have 22 of them built before the year of 1920. We have tremendous maintenance costs. We are in the process now and have been for the last six months through a planning task force of designing a master capital construction program. The total cost of that is projected anywhere from \$50 to \$150 million, to produce physical facilities for the school children of Jersey City that would meet all the standards recommended by various educational authorities. I am sure other school districts for a variety of different reasons throughout the State face similar burdens. It was with that in mind that we would suggest this kind of proposal.

I would like to pause for just a second here and let Mr. Harold Ruvoldt, who is on my right, give you a little bit of the background and the technical data contained in the weighty appendix so you all don't burn your fingers out trying to understand what it means. I think Harold can summarize it for us in a few minutes.

SENATOR WILEY: Mr. Ruvoldt, it is a pleasure to welcome you.

H A R O L D R U V O L D T, J R.: First of all, I want to point out that much of what the Supreme Court noted or Judge Botter noted in his opinion were capital deficiencies. They were not exclusively current expense deficiencies.

Secondly, much of what is now spent for maintenance cost, as shown in the surveys you have before you, are really dollars taken away from children's education being spent on capital facilities because of the demand of those facilities based on age.

You have before you in the appendix a series of computer studies which take several factors into account in order to depict to you the type of program in the area of capital assumptions we are speaking about. The first printout, for example, takes every school district in the State and ranks it according to the principal and interest debt payment which that district was obligated to make during the year '72-'73. These are actual audited figures. I might say all the figures in this appendix and all the data which we will present today and in the future are data either directly from the Department of HEW or the New Jersey State Department of Education. They are not Jersey City figures; they are State figures.

That first printout then tells you in rank order the districts which are most in debt and which are spending the most amount of their dollars for the purposes of paying off their capital obligations. As the Mayor pointed out, you will note, I hope, that there is a fair spread of types of districts found in that set: Newark, Jersey City and Elizabeth, the top three, followed by a number of districts which I think one can only fairly characterize as middle-suburban or strictly suburban districts.

The second set which you have is a study comparing tax efforts for the purposes of carrying capital obligations. It takes every school district in the State and it determines what local rate would be required to carry principal and interest payments in that district, based upon the value of its land and compares - that is under the category "district rate" -- and compares that rate to

what a State-equalized real property tax rate would be required to carry that principal and interest - the rate would only be 19 cents, as the printout points out - and shows the differential. But it should not be understood, as the report points out, to advocate a Statewide property tax in support of capital. In our second set of proposals we will go more deeply into that aspect of the problem.

The third printout you have takes every school district and demonstrates where its money is going, as broken between administrative, instructional and maintenance costs.

SENATOR WILEY: Is that Appendix C?

MR. RUVOLDT: That is Appendix C. So one can compare from that appendix how much it is costing to maintain each facility in each school district, as well as how much of the dollar is available for the purposes of education.

I might point out there that if you compare instructional expenses in some communities, you will see that over 70 per cent of the dollar is spent on instructional, whereas in areas with very old capital facilities, 30 to 40 per cent is spent, again the demand of the capital dollar being taken away from the instruction of children.

That study is also significant because it also gives you the percentage of the total county dollars spent in instructional, maintenance or administrative expenses and the percentage of the total State dollars. For example, if I turn to the first one and go through just for a second with you, Absecon spends 44 per cent of all its dollars on instructional costs. Of all the dollars in the County of Atlantic spent on instruction, 2.4 per cent are spent in Absecon. And of all the dollars spent in the State of New Jersey on instruction, 0.0485 per cent is spent in the District of Absecon.

The other two appendices are rather self-explanatory, but I would like to jump to the last, if I may. For purposes of giving some idea as to how age and maintenance costs interrelate, the final appendix ranks every school building in the State, based upon its comparative age and the cost of maintaining that facility. I might say parenthetically the cost of maintaining is done on a district base rather than a school base because the school base is not kept by the State Department of Education. I would suggest that if additional data could be made available to such a breakdown, the figures might be significant. Nonetheless, the printout gives you a rank order of every facility in the State and its presumptive priority in terms of capital needs. I emphasize it is only presumptive. We have done some checking in some districts already and have ascertained that these presumptive priorities seem to be consistent with actual physical inspection of the facilities. But to physically inspect, as we suggest, a total of 2,502 school buildings by the State of New Jersey would be an unreasonable undertaking. So we suggest that the mechanism of the local board and the local planning agency to be the appropriate tool for evaluation of capital needs as well as the utility of the buildings.

That basically is an outline of the appendix. I think the Mayor has covered the principles behind the proposal. So I will return it to him.

MAYOR JORDAN: In the thin document which you have, not the appendix which Harold has just gone through, if we could refer to page 20 -- I know you have a long day; I can go over this in just a few minutes -- page 20 where we describe the Commission, if you would just leaf through those pages, 21, 22, and come to page 23, I think you will see in graphic form what I was describing before, that the process is one that originates on a local level,

with the local board of education defining its capital construction program, interfacing with the local planning agency, whatever it might be in the community, and then forwarding their findings to the New Jersey State Board of Education, which after staff review will then send its priorities to the New Jersey Educational Capital Construction Commission, which is outlined on page 20 in terms of its proposed membership.

I think we would have, if this kind of a situation were operative, the kind of dynamic process that originates, as we think it should, on a local level and yet the weighty responsibilities of authorizing an expenditure of millions of dollars, particularly since those dollars, we hope, will flow from all the taxpayers of the State of New Jersey, will be vested in a Statewide agency with Statewide responsibilities and membership.

I think we have outlined in brief form what we are proposing here today. Just to reiterate, we expect to be before you at one of your future hearings to discuss in much more detail some of the operational aspects of "thorough and efficient" and some very specific, as we have here, funding proposals for those operational concepts contained in our second proposal.

I wish to thank the Committee. If there are any questions, we would be glad to respond.

SENATOR WILEY: We are grateful to you. It is evident that a great deal of work has gone into this.

On Appendix 4, the ranking is in order of maintenance percentage. How is that calculated? I take it is in the order of declining maintenance percentage.

MR. RUVOLDT: Yes. The concept was to determine what percentage of the local district dollars were being dedicated to maintenance of facilities, again taking the data for the completed '72-'73 school year, punching that data, determining that as the percentage of the

total budget, and ranking the school districts.

One thing we did do there, Senator, is you will notice Cherry Hill is listed a number of times. It was our belief that it would be worthwhile at this point to give you some idea of the number of facilities being maintained at that percentage level. So rather than simply listing districts, we did proceed to list all of the facilities.

SENATOR WILEY: All of the schools. The percentage is the same in each case. It is a districtwide calculation.

MR. RUVOLDT: -- for the district, yes. Unfortunately, there are no figures kept for buildings on a State basis, so we could not do that, although I think that could be easily extracted at a local board basis.

SENATOR WILEY: The first one on the list, so that we get some concrete feeling for it, is Pemberton Borough. -- we have some people here from Pemberton, I believe -- which lists a maintenance percentage of 6.8763. That is the highest.

MR. RUVOLDT: That is the highest in the State, the highest percentage of maintenance percentage.

SENATOR WILEY: Of the total district budget?

MR. RUVOLDT: -- that is dedicated to maintenance, yes. We could have done it on a gross dollar basis and obviously Newark and Jersey City would have been first and second. But we felt that that was a little distorted picture and that it was fairer to speak in terms of the percentage of the total district dollar.

SENATOR WILEY: That could mean, one, that there is a greater need, or, two, that the quality of maintenance is higher?

MR. RUVOLDT: It could be read either way and probably both ways are more accurate. If you notice the age of facilities in the composite picture, you will

see that Cherry Hill, for example, which performs fairly high on the maintenance percentage has a large number of older facilities in the 1924, '26, '28 category. So there is a correlation. We do believe if it could be done on a school basis, it would be much more valuable because from everything we have been able to find out, there seems to be a correlation between the age of the facility and the cost of maintenance.

It is a traditional industrial approach. Industry quite frequently will calculate the cost of maintaining a facility in determining its obsolescence. The only factor from the industrial utility formula missing in this survey is the percentage of utility and that will be presented to you at the time of our current expense proposal. So you will have a third factor added. Our initial studies seem to indicate, however, that the same rank order follows roughly the same.

SENATOR WILEY: Pemberton evidently has one school.

MR. RUVOLDT: A 14-year-old facility.

SENATOR WILEY: A 14-year-old school, which is comparatively new as schools go.

MR. RUVOLDT: It is under the State average.

SENATOR WILEY: And Northvale, the second listed, has schools averaging eight years more or less --

MR. RUVOLDT: Eight and a half.

SENATOR WILEY: (Continuing) -- with the second highest percentage. This might indicate a special effort on their part to maintain a high level of maintenance or it might say something about the nature of the construction as well.

MR. RUVOLDT: That is correct. It may talk about the utility of the capital facility itself.

SENATOR WILEY: Your Appendix B is on the district rate that is necessary to support capital debt service. This is in order of declining rate with Demarest at the

top.

MR. RUVOLDT: That is correct. And also compares it to the State effort.

If I could just add one other thing, Senator.

SENATOR WILEY: Yes.

MR. RUVOLDT: I think it is interesting to note in, I believe, it is the one appendix which I skipped, which ranks every school building in terms of age --

SENATOR WILEY: At the end?

MR. RUVOLDT: I believe -- I'll find it.

SENATOR WILEY: It is Appendix E.

MR. RUVOLDT: You will notice that the same pattern occurs throughout almost all of these appendices and, that is, there is a fair mix of types of districts that fall both at the top and the middle. I think it is substantial evidence of the fact that the capital problem is not one which is shared by urban areas or rural areas alone, but it is a fairly spread problem. Very frankly, as Judge Botter enumerated so many of the capital deficiencies, we felt that it was a logical place to begin because those dollars are taken away from the dollars which can actually be spent on instruction.

SENATOR WILEY: Only four of the cities are within the top 15 as I scan that.

MR. RUVOLDT: There are 5 in the top 15.

SENATOR WILEY: Five in the top 15? If you would go to 30, you would pick up most of the major cities.

MR. RUVOLDT: That is correct.

SENATOR WILEY: You have given us a little homework.

MAYOR JORDAN: We will be back too.

SENATOR WILEY: Don't hesitate to send material in advance. We will be better able to ask you a few questions.

Assemblyman Burstein and perhaps other members of the Committee have questions.

ASSEMBLYMAN BURSTEIN: First, Harold, if I may address this to you, I think it is evident that you are dealing with certain presumptions throughout the appendices and that we can't deal with the refinements from district to district simply because New Jersey has not had those surveys that would be required to deal with refinements. As an example, even though you might have an aged physical facility, it may have been well kept during the course of the years so that it may be a perfectly usable facility right now. That kind of nuance is not observable in these appendices.

MR. RUVOLDT: Yes. In fact, that is one of the reasons why we suggest the mechanism of using the local board as the assaying tool for capital needs. Because not only is it the age of buildings, the cost of maintenance, but also what the local board plans to conduct in that facility that becomes a critical part of determining its priority in terms of capital need. So we believe very strongly, I might suggest, that only a local board of education is in the appropriate position to say what the capital needs are. But at the same time, most of them are not in the fiscal condition to be able to afford what those priorities may be. And if we are going to provide a "thorough and efficient" education, we obviously have to address ourselves to that problem.

ASSEMBLYMAN BURSTEIN: Dealing with the fiscal for the moment, do you think it is constitutionally permissible to deal with all communities, all local school districts, with respect to their capital needs in an even-handed way and not again run afoul with the problem of how you use your capital dollars as it

relates to instruction of children?

MR. RUVOLDT: That really, Assemblyman, gets to the question of whether or not equal dollar approach in either the capital or the current area is a valid approach. Very frankly, in the capital area, if I may, I think if the State were to take the position that we would give equal dollars for each student in terms of capital dollars, that, to me - and I don't mean to put words in the Mayor's mouth -- but to me may well be unconstitutional.

If I may suggest, "thorough and efficient" for every child is more of an individualized concept. And in the capital area, it seems to me, one must address the peculiar needs of the children resident in that district if one really wants to satisfy what the Constitution is speaking about.

ASSEMBLYMAN BURSTEIN: Then, if I understand you correctly, if there were to be an even-handed approach from the standpoint of dollar input from the State for capital needs through the mechanism of the independent authority that the Mayor suggests or whatever else might be appropriate, that that would not meet the constitutional standard.

MR. RUVOLDT: What the Mayor has suggested is not an even-handed approach. What the Mayor has suggested is an agency to determine priorities based upon identifiable characteristics and needs. I think that would be a constitutional approach. If this were to be translated, however, into a commission which would simply say, x number of dollars per pupil for capital, I tend to think that would run into constitutional problems.

ASSEMBLYMAN BURSTEIN: When you say identification of priority needs, what kind of standard are you thinking in terms of?

MR. RUVOLDT: In the capital area, for example, one can opt for any number of standards. The State Department has a publication which recommends minimum standards in terms of new school facilities. I believe that is a beginning point. There are other publications, specifically by, I think, the Association of Architects, which also recommends certain minimal standards. I think that is a beginning point.

You see, as we say in the paper, "thorough and efficient" is easy to define conceptually. Those types of standards, I think, are included in the nature of that definition.

MAYOR JORDAN: I think also, Assemblyman, that when one starts talking about "what is a school," and I am going to get a little philosophical here in terms of what is the impact of a particular facility in a school district and in a community, I think it is absolutely necessary to have not only the local school board but also the local planning agency involved. It has been our experience in Jersey City that as you undertake neighborhood renewal, if you leave the school building standing in the same form it was in 1907 and revitalize the neighborhood and give people hope in that neighborhood, and yet isolate them from that school because the particular facility in question cannot function after three o'clock as a recreation space, does not have audio-visual supplies and equipment in the evening to allow people from that neighborhood district to participate as a public structure in the utility of that building, you are only doing half a job from my point of view.

When we talk about setting priorities, I think if you initiate those priorities on a local level in a community such as Jersey City where we are going through tremendous revitalization through urban renewal process and other processes, you would allow for the kind of input from a City Planner like Abraham Wallach

and his people that would talk not only of a building, as Harold has mentioned, in terms of its maintenance, its cost, its bricks and mortar, but what that building could potentially mean to the community that immediately surrounds it.

I was most impressed by a school in Elizabeth which I saw about a year ago, School Number One - and I am sure I will hear from the people from Elizabeth, having said that, that there are probably 90 million problems with the building. But compared with the facilities we have in Jersey City, it is a total community facility. It is in operation from early in the morning until ten o'clock at night. Some 50-odd thousand adults have been through that facility in the evening over a three-year period.

So when you start talking about school buildings, you are talking about a very dynamic process, depending upon the community you are in, the level of its vitality and what the whole planning process is. When we root that in local initiative and fix it with an interface with the planning department, I think we are talking about a revitalization process and a very dynamic kind of relationship between schools and the community, which I think is essential if whatever proposal the Legislature comes up with in its wisdom is going to succeed. It is not strictly dollars and it is not strictly bricks and mortar, but it involves the entire fabric of the community surrounding that particular facility, whatever its nature is.

ASSEMBLYMAN BURSTEIN: Thank you. I have other questions about the structure of the independent agency, but I would allow others to question if they so desire.

ASSEMBLYMAN MARTIN: Mr. Chairman, if I may, I would like to ask Mr. Ruvoldt a few questions concerning

this document which I have hurriedly read and digested thoroughly.

Looking an Appendix D, Mr. Ruvoldt, I wonder what sort of conclusions you can draw from these figures and I am specifically looking at the situation of Northvale, which as you mentioned a moment ago was second in the highest percentage of maintenance, something over 6.7 per cent, with two schools, age 5 and 12 years. Then I call your attention to Rutherford - if I can find the page - the next page, the following page - which has schools ranging from roughly 11 years on up to 61 years, with the bulk of the schools up over 50 years of age, coming in at 5.6 plus per cent. Then if you look at Bergenfield, which is about 20 or 30 pages beyond -- but let me just give you the figures on Bergenfield. Bergenfield has schools ranging in the area of about 50 to 70 years of age, with a percentage of maintenance down around 2.6 per cent. I wonder just what conclusions you can draw from those figures?

MR. RUVOLDT: First, I wouldn't draw priority conclusions from Appendix C; I would prefer to draw them from Appendix E because that is a composite of age and maintenance. I think you will find there if you examine Rutherford, for example, which is also on the first page, that it does perform higher than Northvale and Bergenfield does perform higher, I believe - I can't find it at the moment - than Northvale.

There are two conclusions that can be drawn. Number one, the obvious conclusion, that a greater percentage of the dollars is spent on maintenance in these facilities than is spent on instruction. That may warrant some look into those districts as specific data, but it does tell you what Assemblyman Burstein suggested before, that the age of facility alone does not depict the cost of maintaining that facility nor does the cost of maintaining

a facility alone depict its age. Utility is a major factor. So, for example, if I were to suggest to you that there was a 1972 school which was used at 150 per cent of capacity, the cost of maintaining that facility might be much higher than the cost of maintaining a facility built in 1800 which is used at 10 per cent of capacity. So utility is another factor which should be taken into account.

At the very least one can say that it may be the facilities in Northvale are better maintained than the facilities in other districts. Also the difference between 6 per cent and 5.4 per cent may be rather small when you look at the total district budget. I would caution against drawing priorities from the maintenance figures alone. I would suggest that you look at what we call the Presumptive Priority List, which is the final appendix.

What we tried to do in the appendices for you was take each of the factors and demonstrate how they stand by themselves, then in the final appendix to relate them to each other in order to get some presumptive scale. That presumptive scale - and I keep using the word "presumptive" - that does not mean that the final district or final facility on the presumptive list should be the final building treated or looked at, but it means that if the two- and three-year-old schools which are at the bottom of that list with very low maintenance costs in your capital proposal that reaches the State Department of Education come up higher or appear to be higher in terms of need than the buildings built in 1800 with high maintenance percentages, one should take a look at the proposal to guard against draftsmanship.

ASSEMBLYMAN MARTIN: One of the things that concerns me about these figures - I recognize the points you have raised and I think they are very valid one - but it

strikes me that perhaps there is another factor or maybe two factors that are involved in these discrepancies, as I see them they are discrepancies, because ordinarily I would rate a newer school as a lower maintenance percentage than an older school. I think that this is basic. However, I think that you might have to take into account in interpreting these figures on any valid basis the question of whether certain unusual circumstances prevail. For example, in the case of Northvale, if my memory serves me correctly, they have had some problems with their construction. I think that that could distort this figure in relation to, for example, Rutherford where the schools are much older and yet there is a lower percentage of maintenance, or in the case of Bergenfield.

So I think maybe there is something here that has to be added in order for us to draw any valid conclusion from the figures as they appear.

The other thought that occurs to me in drawing any conclusions from these figures is the question of administrative efficiency, which I think you have already alluded to, and this may very well be one of the key areas to look into in drawing some conclusions from these figures.

MR. RUVOLDT: I couldn't agree with you more. That is one of the reasons the Mayor's proposal stresses for the State to undertake the capital needs assessment for the entire State by State employees, State agencies, is absurd, that only a local board which has really the ability to tap those special circumstances can present priorities to us.

The only other thing I would add, if I may, if I get my chance to, is that traditionally the administrative factor which you have alluded to has been attributed primarily to the older cities. It is one of the old arguments which we have heard quite frequently, that

you are spending too much on administration.

This appendix which breaks down percentages of administration, instructional and maintenance and compares it to State percentages indicates that that is not the case. An interesting study can be done comparing who spends more on administration by category of districts and, by far, the cities do not perform in the highest percentile on administrative expenditures.

SENATOR WILEY: Any other questions?

ASSEMBLYMAN WORTHINGTON: I would like to address a question to Mayor Jordan relative to the assumption of the total debt service. What is that particular figure for debt service that you are asking the State to assume?

MAYOR JORDAN: We have calculated the total additional burden. If you subtract what the annualized principal and interest figures would be, subtract the State participation, which is in the ball park of \$40 million, I think the net figure was \$135 million per annum to carry the total burden of all the districts throughout the State. A point that Harold reminds me of is that that burden is already being carried by the local districts, so it is not new dollars. We are talking about assuming \$135 million to carry the current debt service.

ASSEMBLYMAN WORTHINGTON: Per year?

MAYOR JORDAN: Per year.

ASSEMBLYMAN WORTHINGTON: What is the gross total figure?

MAYOR JORDAN: I think the total State debt is in the neighborhood of \$1.7 billion. We have that number in here somewhere.

MR. RUVOLDT: In your appendix, the first appendix includes the total as well as in the text.

ASSEMBLYMAN WORTHINGTON: The Senator won't allow me to see the book.

I am wondering, Mayor, what effect this will have on local initiative if, in fact, the State does assume this debt service and we come up with a Capital Construction Commission, which on a priority basis would then assign theoretically who is allowed to construct what, where and when.

It seems, as I look hurriedly through this, there are many districts that have no debt burden. Perhaps one of the reasons some of the districts have no debt burden at present is that they are planning in the near future a capital construction program and, if the State were to intercede in the kind of program you are calling for, perhaps their priority would be on a low level relative to the needs of other portions of the State. And I am wondering if we would, in fact, be penalizing those districts for their thrift in paying off all of their debt service in order to go into a capital construction program, and now we say, you can't do it because there are other districts in the State who need it more.

MAYOR JORDAN: I think in the first place, there is no mention in here of any prohibition. I think, secondly, when you talk about penalizing people for thrift, perhaps that is an important ingredient to look at, but I think there are some very dramatic issues that have to be looked at first and they are, of course, the comments made by Botter in terms of the State's obligation in regard to capitalization, and then look at a community, if you will, like Jersey City where 22 of our physical plants were built before the year 1920, many of them in terrible condition; and the limitation on us, thrifty as we may be, is the dollar limitation in terms of what is the gross property tax burden that people can afford to pay. I would like to think we have a very thrifty administration at this point in time. But it

kind of gets away from thrift and addresses itself to gross need in some areas. I certainly in making this proposal wouldn't prohibit local participation. In fact, we allow for a 5 per cent set-aside that would reflect local initiative. We also in this document speak of the ability of a local district on its own to undertake additional burdens.

I think if we are going to view the State globally, if we are going to take a look at the status of the capital facilities of all our school district and lift the burden off the shoulders of those people who are indebted - and that reflects a wide range of districts - and then project forward and, in fact, force, if you will, people on a local level to do the planning that will look ahead over ten years, to get the local planning people involved in that kind of dynamic relationship I spoke of before and react with the State officials -- I think rather than destroy local initiative, I would frankly think you would encourage it.

ASSEMBLYMAN WORTHINGTON: You are saying then that there is nothing that would prohibit a local district from going ahead with a capital construction program on their own, even though they were not high on the priority list?

MAYOR JORDAN: The answer to your question is yes. With the 5 per cent add-on, which I mentioned before, that is correct. A local district could accumulate the funds to go ahead and build whatever facility is required.

MR. RUVOLDT: Could I just add to what the Mayor said? The proposal proposes two types of action by the Capital Commission. One is approval of the project. Another is funding of the project. They are two distinct functions of the Commission.

First of all, the hypothesis is not correct. Any district which has indebted itself in the past 20 years

has a debt service. Thrift is not a factor. But there is in the proposal a permissible range within which districts may engage in capital improvement programs, independent of funding from the State. They could not do it in the face of a prohibition. But because we separate completely the approval and funding prospect, approval does not depend upon priorities.

ASSEMBLYMAN WORTHINGTON: Thank you.

SENATOR SCARDINO: I am probably going to get repetitive, but I want to make sure I understand what you are saying, Mr. Ruvoldt.

First of all, your suggestion is that the State should assume all capital costs in terms of capital construction.

MR. RUVOLDT: That is correct.

SENATOR SCARDINO: Then you are also saying that in some cases the community - the city, township, whatever - can take upon itself and make these improvements at its own expense, is that correct?

MR. RUVOLDT: In a limited range, yes.

SENATOR SCARDINO: What is the limitation?

MR. RUVOLDT: Five per cent of the approved project, per annum. Theoretically any individual project could be complete on a 20-year base; just take 5 per cent of the approved project over 20 years and it comes out to 100 per cent.

SENATOR SCARDINO: On the question of Appendices D and E, I believe, I just want to get the distinction between the two clear in my mind. The first one, Appendix D, lists the communities in terms of what is spent for maintenance?

MR. RUVOLDT: Yes, the percentage of its dollars spent on maintenance.

SENATOR SCARDINO: Appendix E, in contrast, is doing what?

MR. RUVOLDT: Is a composite of age and maintenance dollars, a composite of the two factors.

SENATOR SCARDINO: Is there any way of determining the priority? Are you suggesting priority in any one of these cases?

MR. RUVOLDT: The final Appendix E is suggesting a set of presumptive priorities, which means that after the New Jersey Capital Commission which we propose gets its priority list from the State Board of Education, someone should take a hard look at that in light of these presumptive priorities, as well as a revised list when we add utility to this, and begin finding out to what degree there is a correlation between the two.

One of the things which we are concerned about which has occurred greatly is what I might call the art of draftsmanship. He who can write the most glowing proposal for what they are going to do stands to get the most in terms of aid. We want to protect against that occurrence. We want to make sure that the priorities are related to need. Accordingly, we suggest that there should be a constantly-updated investigation in these kind of data so that presumptive priorities can be determined and measured against the priorities which are sent to the State.

SENATOR SCARDINO: I don't quite understand what you mean when you say "in terms of need." It is still not firmed up in my mind. What determines that need?

MR. RUVOLDT: I would suggest four factors should be taken into account: age, cost of maintaining the present facility, the growth of the district, and the plan for the future utility of that facility. They are the four major factors.

SENATOR SCARDINO: To get back to the final appendix, is it your suggestion in putting this together that the need is as you have outlined it here?

MR. RUVOLDT: No. This appendix only takes into account two of those four factors. Some of the other data we suggest is not available except at the local level, and only when the State Board of Education, in our proposal, and the Capital Commission receive local plans for future growth in utility and the degree of present utility can one set a definitive list of priorities.

SENATOR SCARDINO: Thank you.

SENATOR BUEHLER: Mayor Jordan, I congratulate you on the documentation and I think capital construction is going to be one of the most sensitive issues.

I would ask just one question. On page 20, on the setup of your Commission, what is your view toward the decision-making process in capital construction in regard to the relationship between the local school board, the planning board and the State Board of Education? Where do you think the final authority is going to rest in explaining your chart of organization?

MAYOR JORDAN: I think if you look at page 23 where the process is spelled out, I think the initiative remains at the local level in terms of defining what are local priorities. As you are well aware, I am sure, the State Department of Education is very much in the business already of approving particular facilities, what is included in them in terms of the educational overview. I see it as a dynamic process where the initiative is local through the local board, the local planning agency forwarding to Trenton what it sees on a local level as its most urgent priorities, and that process being reviewed by staff in the Department of Education. Then at the other end, there is indeed a funding limitation that would be imposed by the State in terms of defining priorities. But I see the initiative primarily local.

SENATOR BUEHLER: Do you see a competitive bargaining situation here in terms of the expense that will be

involved in the future in capital expenditures or do you see that this could be the instrument of a huge saving to our taxpayers?

MAYOR JORDAN: I would view this as a saving and let me give you a local example that illustrates my point, and it is really a reflection on a previous administration. We have never had locally - and I am sure this will come as a shock to many other school districts - a capital construction program in our school district. Until the last couple of years, the city planners have never been involved in planning new schools. One of our more recent schools, School 41, which was built several years ago, the day it was open it was on split session. There had been no dynamic planning process.

I think by insisting on this in legislation of this nature, you really force local districts to focus on their priorities, interfaced with their local planning agencies in terms of, particularly in the larger areas, what kind of development might be going on and take a good, hard look at that planning process, spell out a program for ten years; you force local districts to exercise initiative and define their own priorities in a very methodical way.

SENATOR BUEHLER: Could you envision then the State mandating a type of structure that would eliminate some of our fancy construction building programs that we have seen in school construction around the State?

MAYOR JORDAN: I am not an expert on construction. But I know with about every building that we have proposed, there has been a very thorough process with the State Department of Education in terms of what they will approve and what they won't.

I don't think in this particular document we are suggesting any departure from what is currently the State's architectural review process.

If there are districts that have frills that they want to add, I would presume that they might be able to add those frills at a 5 per cent carry-over. But I don't think we are suggesting here that the State necessarily undertake grandiose schemes for physical construction.

SENATOR BUEHLER: Thank you, Mayor.

SENATOR DUMONT: Mayor and Mr. Ruvoldt, you propose an Educational Capital Construction Commission. As I view this, I don't see how you retain local initiative if the State Board of Education under (e) on page 22, shall notify the local boards of education which projects have been approved and which projects have been funded.

I would like you to explain exactly how you retain any real authority in local boards of education under that kind of a setup.

MAYOR JORDAN: I would think very basically because what that commission would have before it has previously been defined by the local board in the local planning process, which we are doing now and have been over the last year and a half. We have been doing an in-depth inventory of all our physical facilities. That is being done by our board of education, our local planners and our community development people. By this summer we should have ready a comprehensive program for school development, which we were doing anyway. The point is if we etch out of that particular program and forward to the State our five most urgent projects or seven most urgent projects, it is to that that the State of New Jersey would respond.

Harold, you might want to comment on that.

SENATOR DUMONT: The final decision is still going to be with the Educational Capital Construction Commission.

MR. RUVOLDT: Ultimately, Senator, if I may, in the

first instance, today - let's talk about the real world - if I want to build a school in Jersey City, I could get the approval of the Board of Education to build that facility perhaps, but the site would have to be approved by the State, the plans would have to be approved by the State, and I would have to get the State Board consent to do almost anything I desire to undertake. So the issue of where the ultimate authority rests, I think, as we suggest in the paper, today it ultimately rests in the State. We are not entirely satisfied with that authority, that the Commissioner and the State Board should have that all-pervasive authority. But in terms of the dollars today, it really rests in a very real sense with those who control the local tax rates. So we penalize the children in those communities who cannot afford or who are unwilling to tax themselves or unable to tax themselves to meet those needs.

The shift which is suggested here is not a shift in power at all. It is consistent with present power. It is a shift in fiscal responsibility to the State. It is a shift which began, Senator, as I am sure you are aware, with the special building aid program which the State adopted to fund in areas of special need.

SENATOR DUMONT: I sponsored that in 1954.

MR. RUVOLDT: I understand that, Senator. That is why I am suggesting that. This is totally consistent with that type of proposal.

SENATOR DUMONT: Mr. Ruvoldt, I couldn't disagree with you more because of the fact that you and I both know that the only requirement the State can lay down today in regard to capital construction of school buildings is that the ceilings have to be a minimum of 9 1/2 feet high and you have to have certain ramps in the new buildings so that handicapped children can get in and out of the

building. Actually I have numerous examples that I know of personally where the State has not been able by any means to enforce its regulations, its recommendations rather, not its regulations, because 75 per cent of the funds are now raised at the local level through the local property tax. The State has no teeth to back up these recommendations. Even Dr. Spare of the Department of Education, who is in charge of building programs, has admitted that only one per cent of all the school districts in the State comply with the present recommendations. That is a matter of fact.

MR. RUVOLDT: I am not disagreeing with you that the State Department has not exercised the power; I am disagreeing with you as to whether the State Department has the power. And I suggest to you, Senator, a careful reading of the statutes themselves, as well as the cases under the statute, indicate, as we tried to point out briefly in the paper before you, that the power clearly rests in the Commissioner. Very frankly, I cannot think of a single instance in which the Commissioner of Education has decided to mandate a local district to take some action or prohibit a local district from taking some action where the courts have reversed him in attempting to do that.

If my memory serves me correctly, in the majority of the cases, the Commissioner in the past has been taken to task for failure to exercise the power. I think our disagreement, if it exists, is not on the question of where the power resides. I believe the power now resides in the State. I agree with you it has not been exercised in great measure.

SENATOR DUMONT: I am not even sure it resides in the State. But I am sure of one thing, that as we get into statewide funding of school districts and all the costs of public education, many of these recommendations that are purely recommendations today are going to become

requirements. Therefore, the power of the local boards of education is going to be seriously eroded as a result of that. This is what concerns me more than anything else about these court decisions.

MAYOR JORDAN: I think we share that concern, Senator. I don't think there is anything in today's proposal that would necessarily erode that. I think the skill with which the legislation is written could perhaps guarantee that those things don't take place.

I am aware of at least two circumstances in Jersey City where the State Department of Education has been most vigorous in opposing construction of a particular facility. They have refused to approve the architectural drawings, on and on, to the degree that it has now acutely embarrassed us since it is part of an urban renewal process that is ongoing in the Journal Square area.

I think perhaps, as Harold has said, the power is there. Perhaps it hasn't been exercised to everyone's satisfaction.

SENATOR DUMONT: Let's suppose that we have a piece of legislation to take care of this Educational Capital Construction Commission. As you propose it, six of the ten members of that Commission would actually be in the Executive Branch of government and only four in the Legislative Branch because six of those would be appointees of the Governor.

MAYOR JORDAN: Should that trouble us?

SENATOR DUMONT: I think it might as a matter of fact. It is not a matter of partisan politics because I could have said it even more so about the last administration than the present one in respect to worry about this kind of a proposal. The concern that I have frankly is that I don't see much use in having locally-elected boards of education. I know you don't have an elected

one; you have an appointed one in Jersey City. But I don't see much point if we are going into a program of this kind in retaining the locally-elected board of education. And I think that would be a tragedy.

MAYOR JORDAN: I don't find anything in the proposal that is disturbing. Perhaps our experience is a little bit different. I would suggest to you that the dollars are still appropriated by the Legislature, and this particular commission which is proposed would rely on legislative appropriation.

SENATOR DUMONT: Well, let's go to one more thing to which I have never had a satisfactory answer by any court or by any attorney as yet, and that is the question of the constitutionality of leeway. If you say, as Judge Botter and the Supreme Court of New Jersey did say, that the status quo is wrong as it exists today because of the unequal distribution of the dollars, how then do you justify the constitutionality of "add on" or "leeway", which would simply perpetuate, at least to some degree, the status quo as it exists today?

MR. RUVOLDT: Two ways, Senator. And I might say, it is an anomaly to find us arguing, me on the side of local leeway and you suggesting it may not be permissible. But local leeway is permissible, at least as argued, on two rather strict contingencies: number one, that it is what I call power-equalized local leeway, and that is that all districts are free to engage in it. The problem with the present system is that some districts with \$200,000 per pupil in real estate are much freer to engage in local leeway than us with only \$24,000 per pupil. So if we were equalized, we would have an equal opportunity to engage in local leeway and it would probably be permissible. Number two, however, it would have to be restricted to the degree that we can not reintroduce the same inequities. So the proposal before you suggests

5 per cent of an approved project. That way there is a regulation on the degree to which a district can add on and it reduces the probability of the recurrence of the same inequities.

Finally, local leeway to me is eminently justifiable if it is power-equalized on the simple right or concern of education itself as an institution to experiment and engage in innovative projects. The only thing which we suggest with leeway is, Jersey City should be equally free with any district to engage in that type of innovative project. In fact, we suggest it might be more fruitful in cities like Jersey City and Newark to engage in those kinds of projects in the initial instance. So if there is a power-equalized add-on and all districts are free to engage in it and if it is restricted so we don't re-introduce the same inequities, then I suggest that it is consistent with the Constitution.

SENATOR DUMONT: I think what you are really saying is if we hold the degree down, we won't do as much to perpetuate the status quo as we would if we grant a larger degree of it.

MR. RUVOLDT: No. What I am saying is you can justify a small amount on the grounds of experimentation, but you can't justify gross disparities on that. And again there are local differences obviously. One would not suggest that in Cape May the dollar demand may be the same as it is in the City of Newark.

SENATOR WILEY: All right. Any further questions? If not, Mayor and Mr. Ruvoldt, we are grateful to you and appreciate your being with us. We look forward to hearing from you again.

Our next appearance is Mr. Howard Freund. We will remind people appearing that aside from committee questions, which in this instance, of course, took a

good deal of time, we are going to try to observe a maximum of ten minutes. We would appreciate whatever brevity can be arranged.

H O W A R D F R E U N D: Mr. Chairman, members of the Joint Committee and neighbors and friends: I am Howard Freund, 141 Chestnut Street, Roselle Park, New Jersey. I happen to be a candidate for the Democratic Primary, 12th Congressional District.

I come here with views of many people of the 12th Congressional District and I am certain the views of many people throughout the State of New Jersey.

Two meaningless words about education in our Constitution of the State of New Jersey threaten to completely destroy what was once a fine school system. The acceptance by the Legislature of dictation from the Judiciary started the decline in education, and the Botter decision is the end. Those two words are "thorough and efficient" and they come from our State Constitution, Article VIII, Section IV, Part 1, which states "the Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years."

The dictionary defines thorough as complete, finished, very exact, accurate (painstaking, especially with regard to details). Efficient is defined as directly producing an effect or result, effective - producing the desired effect or result with a minimum of effort, expense or waste - competent, able, capable.

Now I ask: How can anybody define "thorough and efficient" education in a free society where people are different, instead of robots like they mold in the educational system of socialist countries? Education is education and it should all be good just like our teachers

when we had standards and qualifications rather than quotas. The decline of education I believe started with the creation of the Department of Health, Education and Welfare in 1953 and with it the destruction of too many of our neighborhood schools.

I urge - I implore - I challenge the Legislature to stand up to the Judiciary and say what you say at election time when most of you go to the people and reaffirm your belief in neighborhood schools. State funding of education will be the end of local control because anything the State funds it controls and we will be saddled with regionalization.

In going about the 12th Congressional District, I hear much talk of impeachment. I think it is about time that our General Assembly asserted itself and impeached judges like Botter and a few others who legislate in the fields of education, zoning and planning, as per the Assembly's authority in Article VII, Section III, part 2 and 3. And Article VI, Section VI, part 3, states that judges "shall hold their offices during good behavior".

Another word used by the socialistic termites who have infected education in the United States for the purpose of destroying it is the word "quality," which they apply to education. Too many people fell into the trap with that word "quality" education to be taken in this time when they use two words, "thorough and efficient," to take away local control of our schools.

I challenge any education to define the term quality education in front of the great mass of the American people and then allow me to ask a few simple questions.

It is mighty strange to some of us that more people do not get involved in the fight to protect their most prized possession, their children. I have thought often of how a loving child that loves its parents, God and country, goes into the school system today at age five

and comes out in too many cases hating its parents, God and country. And let nobody believe that things happen accidentally. I went to an old school, P.S. 8 in the Bronx, more years ago than I can remember, and we were poor in those days, yet there was none of this garbage like drugs, disrespect or filth that abounds in too many of our schools today. We had education in those days and it was good education because teachers cared and the students didn't run the schools and set the standards.

I used to publish a Newsletter called '76, which I could no longer afford to publish because people didn't care enough to support it. I do not publish '76 anymore but I have carried on the fight in the political sphere in the hope that as things get worse, and they will get a lot worse than they are today, that the people will wake up before it is too late. In the May 1972 issue of '76 there was an article written by a college professor which I termed "Education 1972 Style." You be the judge as to whether things just happen or are planned after I read this article.

(Reading)

Education 1972 Style

This letter comes from a Professor who wishes to remain anonymous for fear of reprisals and to protect the guilty.

The most evil influence in the college community today is the conservative activist. He is a reactionary, the oppressor, a racist--the devil incarnate responsible for all the sins of the past. He embodies traditional morality--love of God, home and country. The militant and liberal have abdicated these three horrible influences and have dedicated themselves to destroying them in others, all for the improvement of mankind.



The new morality, embodying the new culture, did not just happen; it was caused to happen. Its background may be traced to China with her Red Guard. They are behind the philosophy that has transformed the once academic colleges into the vanguard of the social revolution in America.

The Red Guard were a group of teenagers empowered by Mao to purge China of all old, conservative ideas, i.e., that age breeds wisdom, for one. The Red Guard cornered their quarry, teachers and conservative leaders, stripped them naked, forced them into public acts of perversion and then killed them. Now, everything is learned from Mao for his greater glory.

However, America is still too puritanical for this type of graphic horror. The indoctrinated Maoists and deleterious liberals on our campuses fear too much bloodshed might arouse the sleeping conservatives to disengage themselves from working two jobs to fight to save their country. So they devised an unbloody revolution, for the most part, to radicalize the campuses. There was not to be much humiliation or personal death, but rather private humiliation behind closed doors and a metaphorical death (loss of job). Their techniques are insidiously clever, legal and foolproof.

Students still play a key role, with leftist faculty and administrators engineering it from the wings.



1. Students have to teach their teachers to fear them. No longer is the conservative teacher an authoritarian symbol. He is subjected to evaluation and marks from the cadre of trained students. At the same time, the students demand more pass/fail and pass/no fail courses. Conservative teachers are told by administrators and Black militants that grades are white racist standards.
2. Most students are not Maoists and do not see the revolution around them. The administration want as many on campus as residents as possible. They have to beat out of them their conservative ideas inherited from their racist parents. The dormitories are havens for the Cultural Revolution. There students are provided with drugs, coed living, legalized drinking for those under 21, and There was not to be much public humiliation or personal death, but rather private

homosexual companions, all with administrative knowledge and blessing. It is called, "The New Life Style." Parents are at a loss to reason why they sent a youth to college and got back a bum. Of course Federal and state funds pay for this revolution.

SENATOR WILEY: Are you going to read the entire back of the page?

MR. FREUND: It is double-spaced.

SENATOR WILEY: We are down to nine minutes. Could you summarize it for us?

MR. FREUND: All right. I will conclude with this:

3. Many of these students are too tired to attend class. But the administration has provided for this too. There is no longer class attendance required. If a conservative teacher can not hold his students, he can be judged incompetent or inefficient and may be summarily fired from tenure.

4. When all else fails by way of purging the universities of conservative teachers, there is always the elite guard--committees to ferret out any racists. A memo in triplicate orders the accused to appear before a Black-Brown-White Committee and charges are made by militants against their conservative teachers. The committee is composed of mainly students, with a few teachers and administrators sitting in. A racist is any conservative gutsy enough to openly criticize the inherent charlatanism in most federally funded minority programs. Instead of writing in composition, minority students watch films and rap. They cannot fail because Whitey raped their women, stultified their intellects, separated their families through welfare, and refused to give them jobs. They merit a college degree by accident of their birth.



he educational charade is based on the philosophy that until Whitey suffers atisfactory discrimination he will not be sensitive to the Black cause.

his changing morality, this reversal of all once held sacred is all around s, not only on campuses. Witness the upside down morality of the following:

- 
- A.The Cop Killer becomes a martyr and hero;the cop is a pig.
 - B.Convicted rapists and murderers destroy prison property in a riot; the guards and the prison are guilty.
 - C.Four letter words and pornography are guaranteed under freedom of speech and expression; a prayer to God is declared unconstitutional.
 - D.Give billions to ghetto schools that indoctrinate rather than educate; demand separation of church and state on aid to parochial schools.
 - E.Minority groups should be given community control; white groups should not desire neighborhood schools.
 - F.All the children are happy and well fed in China; in America they are plagued by sorrow and poverty.
 - G.The Viet Cong are fighting for self-determination; the Americans are imperialists and sadists.
 - H.-Hanoi is the people's government; Saigon is a puppet government of the imperialistic United States.
 - I.The Whore is the Virgin and the Virgin is the Whore,ad infinitum.

he Red Guard have done their work brilliantly. Morality is being turned upside down. The colleges are taken. Their products will continue the fight to change he world so in one great choral ode we will sing the praises to the UTOPIAN SOCIALISTIC STATE.....WHO IS THERE TO STOP THEM???

That is why I am here today. I am going to try to stop them. Thank you, gentlemen. (Applause.)

SENATOR WILEY: Are there any questions? (No response.)
Thank you very much. There are no questions.

Number four on the agenda, New Jersey Education Reform Project, Mr. Richard Roper.

R I C H A R D W. R O P E R: Mr. Chairman and members of the Joint Education Committee: My name is Richard W. Roper. I live at 6 Pomona Avenue, Newark, New Jersey.

I am director of the New Jersey Education Reform Project which is sponsored by the Greater Newark Urban Coalition and funded by the National Urban Coalition. The Project is a research and analysis program that attempts to identify and clearly articulate the varied issues associated with education reform in New Jersey.

Although our major objective is to insure that the concerns of New Jersey's urban residents are presented to the state's education decision-makers for consideration, my presentation before you today embraces the definition of a thorough and efficient education as it affects the total student population in our state. It does not seem practical to talk about a thorough and efficient education for one group of students to the exclusion of others in New Jersey since the definition developed must apply to all students. While it may be that different definition constructs will result in different learning environments for specific types of children, it is my understanding that the work of the legislative and the executive branches of state government will produce a definition that enhances the educational opportunities of all New Jersey children.

Since December, 1973 when the New Jersey Education Reform Project came into being we have actively sought to engage in the state's effort to meet the mandate of New Jersey's Supreme Court. With regard to the clause in the state constitution that requires the legislature to maintain a thorough and efficient system of free public education to all children between the ages of five and eighteen our work has focused on the activities of the State Department of Education.

Given that the Project came into being after the initial conference sponsored by the New Jersey Department of Education held in October, 1973, we did not participate in the initial discussion of how to define a thorough and efficient education. We did, however, participate in the second conference sponsored by the Department held March 1 and 2, 1974. We have submitted responses to the Education Department indicating our reaction to the material presented for discussion at the second conference. The following comments are reflective of the responses made to the State Education Department.

Defining a "thorough and efficient" education in process terms, which is the approach taken by the New Jersey Education Department, may serve a useful management function, it nonetheless causes us some concern. It could be imagined that a district received a positive evaluation from the State Education Department to the effect that it had carried out an effective education process, even though it had failed to achieve adequate student performance. It appears to us that the state is more concerned with how local districts develop and implement their plans, than with the educational results of that implementation. To us that seems as if it may be the reverse of how the process should work. To us, it seems that the state should establish minimum standards and permit the local district wide discretion with respect to the process by which those minimums were achieved.

Coincidental to the process approach of the Department of Education is an orientation, so the Department suggests, of meeting the needs of each individual child in New Jersey's public schools. The New Jersey Education Reform Project is in complete agreement with this concept as it appears to get to the heart of the State Supreme Court's comment regarding equal educational opportunity. It is our belief, however, that the process approach in and of itself may not be sufficient to insure that the individual needs of children are addressed.

It is our opinion that unless the definition incorporates, on a statewide basis, measurement of the extent to which the state's minimum standards have been achieved, it cannot claim to be a reasonable response to the court's directive that the "thorough and efficient" definition foster a level of educational opportunity necessary "in a contemporary setting to equip a child for his role as a citizen and as a competitor in the labor market."

It is, therefore, essential that the definition, regardless of what else it embraces, include uniform, minimum, statewide high school graduation requirements which when met indicate that the student has achieved the minimum skills necessary to compete in the labor market or go on to post

secondary training. This requires that there be periodic evaluation of the individual student's skills attainment which serve as the basis for movement from one grade level to another. It also requires that provisions be included in the definition to allow for massive intervention to assist those students whose progress is below an acceptable level of achievement, however, determined.

The need for output indicators seems essential in order to determine whether the educational process is indeed meeting the individual needs of New Jersey's children. At the same time we recognize that the development of any system of performance standards is extremely difficult. A major impediment to the development of meaningful education standards in New Jersey is the wide variety of basic values which exist among our educators, parents and children regarding what constitutes a "good" education. At the same time, assuming that standards can be articulated, without simultaneously having a system which effectively responds to failure to meet those standards, one has no system at all. The two clearly go hand in hand.

Before one develops performance standards, it is necessary to decide who shall set those standards. It is our opinion that the state has the responsibility to set only those minimum standards which each citizen must possess in order to be able to perform minimum entry level jobs effectively and to insure that each person can participate effectively in the governance process. Beyond those minimum requirements, we doubt the possibility or advisability of developing a statewide set of educational goals. Different people have different values. Some are product oriented, some process. Some are focused on college preparation, others on technical skills. It is clear that a wide variety of curriculum alternatives must be available in every school district, to meet the variety of needs and values of our citizens, and that beyond guaranteeing the minimum requirements of the state, those alternatives should be determined exclusively by the local school district. A complete and effective K-12 career education program which enables each child to have full knowledge of self as well as career and curriculum alternatives, must be incorporated in every district

program, so that each child and family can make intelligent choices from among those alternatives. Finally, cross over paths must be made available (as in the Dutch System) so that children who have selected one path and subsequently change their goals, can be given the time and opportunity to switch to another path.

The T&E definition of the State Education Department appears to be structured to encourage local goal setting, subject to an audit of local process performance by the state. It does not in any way speak to the establishment or evaluation of uniform minimum statewide achievement goals for all children, in all districts. In our judgement, the state clearly has the responsibility to do so.

New Jersey must develop a system which includes specific performance standards and enforcement procedures with the underlying concept that one can not hold an individual responsible for performance over which he has no control. Therefore, the system must be organized so that at each level of responsibility the individual has control over the levels below, both in terms of being able to provide the resources necessary to achieve the desired goals as well as having the authority to remove subordinates who consistently fail to meet those goals.

What we have stated up to this point has general applicability to all children and all school districts. However, we must also point out that our research has shown that urban districts have special problems which the state must recognize in any meaningful plan. If each child is to be allocated sufficient resources to insure the maximization of his or her inherent potential; if each child is to receive adequate resources to meet his or her individual needs, regardless of where the child lives, regardless of the property wealth of the child's community, the state must recognize that some children are more expensive to educate than other children. Physically or mentally handicapped, socially disadvantaged, bilingual, vocational and gifted children are just some examples. Failure to develop special aid systems for such children would place a special burden on urban districts which generally have a much higher percentage of "expensive to educate" children. Without

such special aid, urban districts would not be able to raise the necessary resources to provide a T&E education for these children without incurring higher tax rates than their neighbours.

Similarly, our research has shown that unless urban districts receive special aid with respect to their municipal overburden problem, the stress of having to pay their much higher than per capita average municipal expenditures will continue to reduce their ability to provide adequate resources for education.

Urban children must be given the same educational opportunity as all other children. Unless a reform package includes fiscal capacity equalization at a very high level, plus special aid for expensive to educate children, plus aid to solve the municipal overburden problems, urban districts may not be able to achieve the state's definition of a T&E education, regardless of what it contains.

Thank you.

SENATOR WILEY: That was on the button. Thank you, Mr. Roper.

Any questions by Committee members? If not, we will express our gratitude to you, sir.

Mr. Allan Wagner, Pastor of the Calvary Bible Presbyterian Church of Trenton. Mr. Wagner, it is nice to have you with us.

A L L A N V. W A G N E R: Mr. Chairman, it is nice to be here.

Members of the Committee, my name is Al Wagner. I am the Pastor of the Calvary Bible Presbyterian Church in Trenton, New Jersey.

Jesus said, "Render unto Caesar the things which are Caesar's, and unto God the things that are God's."

Most people in America agree with what Jesus said, at least in principle, for this has been the historic

position of the United States of America, at least in principle if not in practice. The civil government is to enable the citizenry, as Paul told Timothy, to "lead a quiet and peaceable life in all godliness and honesty." It is not to be "a terror to good works, (for they shall be praised) but to the evil. . . for he beareth not the sword in vain." (Romans 13:3 & 4). It is to protect the people against violators of the last five commandments (Romans 13:9); in other words, against murderers, adulterers, thieves, slanderers, and defrauders. This is the only function of the civil government.

Statist education violates this principle. It is the parents' responsibility to teach, to train, to nurture, to love, to provide for, to control, and to correct their children. The civil government has no children.

The first amendment to the United States Constitution states that "Congress shall make no law respecting the establishment of religion." The Statist educational system violates this amendment, in that it teaches evolution, Freudian concepts, sex education, regionalization, internationalism, Keynesian economics, etc., etc., etc., all of which are anti-Christian.

Dr. Alexander Hodge, a professor of Systematic Theology at Princeton Seminary, saw as far back as 1887 what the effects of Statist education would be. "I am sure," he said, "as I am of Christ's reign that a comprehensive and centralized system of national education, separated from religion, as is now commonly proposed, will prove the most appalling enginery for the propagation of anti-Christian and atheistic unbelief, and of anti-social nihilistic ethics, individual, social and political, which this sin-rent world has ever seen."

I think he was quite a prophet.

But, more than that, Hodge saw as basic to the whole concept of Statist education and its hostility to religion

as dangerous principle in operation, that of the supremacy of the lowest common denominator.

Hodge said, "The tendency is to hold that this system must be altogether secular. The atheistic doctrine is gaining currency, . . . that an education provided by the common government should be entirely emptied of all religious character. The Protestants object to the government schools being used for the purpose of inculcating the doctrines of the Catholic Church, and Romanists object to the use of the Protestant version of the Bible and to the inculcation of the peculiar doctrines of the Protestant churches. The Jews protest against the schools being used to inculcate Christianity in any form, and the atheists and agnostics protest against any teaching that implies the existence and moral government of God. It is capable of exact demonstration that if every party in the State has the right of excluding from the public schools whatever he does not believe to be true, then he that believes most must give way to him that believes least, and then he that believes least must give way to him that believes absolutely nothing, no matter in how small a minority the atheists or the agnostics may be." And we might note Mrs. Madeline Murray O'Hare. "It is self-evident that on this scheme, if it is consistently and persistently carried out in all parts of the country, the United States system of national popular education will be the most efficient and wide instrument for the propagation of atheism which the world has ever seen." And I think Hodge was a great prophet.

Another man who was fighting Statist education back in the 1800's was the Assistant Attorney General of the United States, Zachery Montgomery, and he waged a strenuous and valiant campaign against Statist government. Three lines of argument were presented:

"First, he carefully developed the statistical argument, declaring that a correlation existed between

statist education and the rise of delinquency, criminality, and suicide." And I think that has proven to be true too. He said, from this statement, which he quoted from a United States Commissioner of Education, reporting on New York in 1881, "From this statement, it would appear that the cost of public school work in the State of New York increases in an inverse ratio to the number of pupils taught, while, as we have seen, crime increases in direct proportion to such cost."

"Second, Montgomery challenged the right of the State to enter into the field of education, in that this was a parental concern. The children did not belong to the state, and the implications of statist education were definitely that they did, and Montgomery quoted educators to that effect. Montgomery felt that 'there is no kind or degree of communism so utterly revolting as that which, for educational purposes, virtually asserts a community of title, not only to the property, but also to the children of the private citizen. Yet, this unfortunately, is the communism of America, a communism having for its main trunk an educational system the most ruinously expensive and the most demoralizing that the world ever saw.'

"Third, Montgomery believed in 'private' education as the means of furthering the life of state, church, and school. . . . What is the property of the State? Surely it is not the property of the private citizen. If the State owns all the property which we have heretofore supposed belonged to individual citizens, the reign of Communism has already begun. . . .'

"The issues with regard to education were not as clear-cut in Montgomery's day, in that local control of schools was still so strong and transportation so slow that the state and its power sometimes seemed very remote.

Thus, while he had extensive support, his effort failed; in the minds of too many people, the implications of statism were not yet sufficiently apparent for the warning to seem other than alarmist."

This idea of Statist education is not new. Plato proposed it in his "Republic." Marx and Engels proposed it in the "Manifesto of the Communist Party." Two of the ten measures given to accomplish "the forcible overthrow of all existing social conditions" are: Number 2, a heavy progressive or graduated income tax; and number ten, free education for all children in public schools. Abolition of children's factory labour in its present form. Combination of Education with industrial production, etc.

For more than 200 years there were no Statist public schools. The State or "free" - we might add a question mark to that - public schools dates back to about the middle of the last century. With the passage of the "Free School Act" in 1834, levying of taxes for general school purposes was made possible on an optional basis. Since the State school was dependent upon the right to tax for school purposes, it was this act that gave impetus to the Statist school movement. It was not until 1873, however, that the last district permitted school taxation. This was certainly a black day for our children and education. The first compulsory state attendance law was passed in Massachusetts in 1852.

Does that mean that children were less educated then? No, an able system of common schools provided universal education before state control existed. A treatise written in 1800 at the request of Thomas Jefferson gives a telling account, not of the mere literacy, but literate capability, of America. That treatise said, in part: "Most young Americans can read, write and cipher. Not more than four in a thousand are unable to write legibly -- "

Then he goes on to quote other countries, saying how far behind they were in literacy.

The report then says, "In America, a great number of people read the Bible, and all people read a newspaper. The fathers read aloud to their children while breakfast is being prepared-- a task which occupies the mothers for three-quarters of an hour every morning."

The State of New Jersey must repeal the amendment of 1875, which states that "the Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years.

Our Constitution of New Jersey recognizes in the preamble that God is the author of our civil and religious liberty. Article I, Paragraph states that the citizens "have certain natural and unalienable rights." New Jersey must repeal this amendment. The State of New Jersey must return education to the parents where it belongs. The children are theirs, not the State's. It is their responsibility to educate them as they see fit. Thank you. (Applause.)

SENATOR WILEY: We thank you, Rev. Wagner, and we thank you as well for observing the time limitation so nicely in abbreviating your statement.

Rev. Louis F. DeBoer, please.

L O U I S F. D e B O E R: My name is Rev. Louis F. DeBoer. I live in Lakeshore Mobile Village, Browns Mills, New Jersey, and I am the pastor of the Columbus Church, Columbus, New Jersey. I am thankful for the privilege of being here this morning.

I would like to speak to you on the issue of government and education.

America was founded by men of God. America was founded on the Scriptures. America was founded on the

Ten Commandments of God. When America was so constituted, our educational system consisted of private, Christian schools.

In 1848, some 3,000 years after Moses, Marx gave out the Ten Commandments of Marxism in the Communist Manifesto. In the Manifesto, Marx called for free education of all children in public schools. To finance such an extravagant function of government, Marx also called for a heavy, progressive or graduated income tax.

The connection between the two, then and now, seems apparent. Now, to pursue the former, the people of New Jersey are to be saddled with the latter. All constitute a radical departure from that foundation that our forefathers laid for this republic.

The Bible teaches that the fear of the Lord is the beginning of wisdom. Education starts with a knowledge of God. Education is by its very nature religious, whether that religion be Christian, Hindu or even Atheist. Our Constitution separates between church and state and prohibits the latter from establishing a religion or preventing the free exercise of religion. Since education was of necessity by nature religious, government wisely and consistently restricted itself from that area and left the domain of education to private interests.

Now we have the public school system which is denying the free exercise of religion by its prohibitions of prayer and Bible reading, and it is officially sponsoring a religion of atheism by censoring all things religious and Christian from its curriculum.

Any system of education is founded on a system of ideology and philosophy that must be religious in character. For the government to operate a school system is tantamount to its operating churches. When a school system teaches creation or evolution, when it teaches the biblical family structure or women's

liberation, it is making religious pronouncements.

When the State seizes the educational system and purges it of Christianity in the name of separating church and state, it not only fails to accomplish the latter but establishes a religion which is anti-Christian.

Since education is religious in nature, public schools mean public religion. But not only is the State establishing a religion unconstitutionally, but by laws requiring compulsory attendance at these public schools, the government is forcing this religion onto all children. Contrary to such thinking that the children belong to the State, a conception that is so prevalent in totalitarian states from ancient Sparta to the USSR, children belong to the parents. For the State to require their presence in the public schools is tantamount to kidnapping. The children belong to the parents who are responsible to educate them. But how can parents exercise this duty responsibly within the dictates of their conscience when they are faced with a compulsory state monopoly in education?

For Christians to have their children involuntarily absorbed into the public school system to be instructed in education devoid of Christianity smacks more of statist indoctrination than it does of freedom.

Another sore point that is an inevitable corollary of public education is that all this is done with tax money. The public schools please no one. Protestants and Catholics, Jews and Mormons, all prefer their own schools. Believers or unbelievers in any religion would prefer a school system that emphasized the distinctives of their convictions. To all such, the public schools are woefully inadequate and completely unsatisfactory for the training and forming of their children. Yet all are taxed and are required to support an extravagant educational system that they cannot ideologically support.

The obvious answer, the historical answer, the Biblical answer to these dilemmas is extremely simple, private schools. Let men freely choose and support a school as they freely choose and support a church. No one would conceive of levying an income tax to support a state church. Yet to levy such a tax, to coerce every citizen to financially support a state-established educational system, is equally unjust. What the State finances and subsidizes, the State controls.

Public education means compulsory financing and compulsory attendance of statist indoctrination. Public education has bankrupted many communities and now threatens to bankrupt the State. Public education is coercive and monopolistic and pleases no one, except those who enrich themselves on the system at taxpayers' expense.

At present, it is extremely difficult for private schools and individual parents to compete with a tax-financed institution. They are then in the position of paying twice.

Let those who are pleased with public education and those who voluntarily use it, support it. Let those who prefer private schools of their own choice be exempt from financing it in their taxes. Private education made America great. Public education is producing a generation of Americans long on drugs and short on morals, long on rebellion and short on discipline. There is no freedom in the public school system. There can be no academic freedom in the public schools. Only private schools have the liberty to teach and educate according to their convictions.

Let us have liberty. Let us relieve the State of a function it cannot properly perform. Let us relieve the public of the bankrupting burden of supporting the monstrous colossus that public education has become. Let us repudiate the program of Marxism and return to being one Nation under God. Thank you. (Applause.)

SENATOR WILEY: Thank you very much.

We had a request to include in the morning schedule, when the call originally came in, Mrs. Earlene Williams, and in connection with that, Miss Debora Lyon. Are they with us at this time?

Mrs. Williams and Miss Lyon, will you identify yourselves for the record, please.

E A R L E N E W I L L I A M S: I am Earlene Williams from the Office of Community Education in Pemberton Township, New Jersey. Debora Lyon is from the Pemberton Township High School. She is a senior at the high school.

Before I address myself to the Committee, I would just like to say that I hope in the first presentation that there has been a distinction made between Pemberton Township and Pemberton Borough. Pemberton Borough has one school that is 14 years old and goes from first grade to eighth. They send their high school students to the township. We have twelve schools in the township and we take the burden for the borough's educational facilities.

SENATOR WILEY: Thank you.

MRS. WILLIAMS: Mr. Chairman, members of this committee, as a representative of the Pemberton Township Office of Community Education, as a concerned parent and taxpayer, I present the following consensus of opinions for your consideration.

In order to arrive at a workable definition of a thorough and efficient education, we must consider two important aspects: (One) The community concept of involvement in the educational process, and (Two) Obtain maximum use of school facilities.

Public education should meet and serve the needs of the entire community by encouraging greater citizen participation. The schools should be instrumental in developing and implementing the kinds of programs which make all citizens aware of their role in the community, by engaging adults and children, working together on shared concerns and participating in the decision process. Funds should be made available to train lay citizens and parents in the workings of the schools so that they will feel free to become involved. Community members and groups should be offered some incentive and encouragement to work within the schools just as they do in hospitals and other service agencies. Students who are interested in giving of their time as tutors or helpers should be encouraged to do so.

The school alone cannot provide the kind of comprehensive education necessary to meet the challenge of a changing environment, this requires the cooperation of all of the forces and agencies within the community. A case in point is that of education as related to minority group members. The call for ethnic group visibility and representation during the 1960's, has resulted in tack-on programs and projects designed more to pacify special interests, than to meet the demands for an end to the distortion of facts (good and bad) and the deliberate exclusion of minority groups within our communities. Educators should not bear sole responsibility for the education of children, this is reflected in the lay composition of our boards of education, therefore, since we are all responsible for the educational process, we ought also to be involved actively in the planning process. We as lay persons, should give input to the development of updated curricula which will present a total unified account of history and social structure, this is an important and necessary thing to do in order to strengthen community life.

Much is being said about this "new system of education", how much it will cost and where the money will come from. We have heard a great deal of talk about new taxes but precious little about the fact that unless we revise some of our current educational practices, \$500 million dollars will still not be sufficient. People are generally willing to spend whatever it takes to get the job done, if they can see what they are paying for. Good schools are an asset to any community but only as long as they are producing the kind of citizens who are equipped to meet and deal effectively with today's problems. As to the use of facilities, it is impractical for educational, social and governmental agencies to continue along separate and often self-serving paths. It also is impractical to operate schools on a limited time and calendar schedule, these buildings represent large capital investments on which maximum returns should be secured through increased usage. We can avoid duplication of meeting halls, gyms and playgrounds and at the same time, return the school to its original position, as the center of community life.

This is not meant to imply community control of educational institutions, schools are state institutions and as such are bound by state regulations and as such should also be reviewed and held accountable, by the state, for providing a comprehensive education, which will ultimately be defined as thorough and efficient.

Thank you. (Applause.)

SENATOR WILEY: Thank you, Mrs. Williams.

Miss Lyon , are we going to hear from you?

D E B O R A L Y O N: Good afternoon. My name is Debora Lyon. I am from Pemberton Township High School.

Mr. Chairman and members of the Committee: As a high school student, a future taxpayer and voter, and hopefully a future educator, I offer you a consensus of opinions on "thorough and efficient education."

I have often gazed out a classroom window and began to wonder about my education. Is this really what I want? What have I gotten out of my education? What does school really mean to me? Is it preparing me to solve the problems I shall have to face in the future?

What is education? According to the Random House Dictionary, education is "the act or process of acquiring general knowledge, developing the powers or reason and judgement, and generally of preparing oneself or others for mature life."

What a person becomes is the true measure of his education. Schooling is only a part of his total education. His family, the neighborhood he grew up in, the other young people he associates with, the church he attends; these and many other powerful influences shape him as well as his formal schooling. Nevertheless, the school can do a great deal if the child receives a thorough and efficient education. I define a thorough and efficient education as a workable function, using the least amount of effort in the least wasteful manner of imparting knowledge. We are talking about the entire climate set by the board of education, administrators and teachers, parents and students. We are enveloped in a world of education and must continue to be in the future.

Our American society and the whole world face a fast-climaxing series of problems that threaten our very existence.

Natural resources are being used up. Hunger, poverty and disease strike where they are no longer unavoidable. Our cities are in decay and we are faced with a critical population problem.

These crucial problems are intensifying and must be well on the way to solutions by the end of this century if we are to survive. Education must be relevant to the problems of our fast changing world.

Clearly, the people cry out for a new level of leadership and organized action. Survival is at stake. If the great crisis can be averted at all, the job can be done only by the all-out effort of concerned citizens who have had the benefit of a thorough and efficient education. Thank you. (Applause.)

SENATOR WILEY: Thank you, Miss Lyon. It is nice to hear from the subject of our concern.

SENATOR DUMONT: Before Mrs. Williams gets away, I would like to ask a question.

SENATOR WILEY: I'm sorry. Senator Dumont would like to ask a question.

SENATOR DUMONT: Mrs. Williams, is this office of Community Education an office created by the Pemberton Township Board of Education?

MRS. WILLIAMS: Yes, it is. We have an Administrator of Community Education who is specifically supposed to set up continuing education classes beyond the regular school day. That includes your adult basic education classes and various enrichment classes that are held after the regular school day and on Saturdays.

SENATOR DUMONT: What is your function in that office?

MRS. WILLIAMS: I am Coordinator-at-Large. Each school center in the township has a coordinator working at that school center to develop, with advisory council, programming for that school center. And I am Coordinator-

at-Large. I reach all the school centers.

SENATOR DUMONT: Among all the schools in Pemberton Township, is that correct?

MRS. WILLIAMS: Yes. There are four school centers in Pemberton Township which have community education programs ongoing. Out of all the schools, there are four centers where the programming is developing, with the help of Advisory Councils and the regular school staff.

SENATOR DUMONT: Thank you.

SENATOR WILEY: Any other questions? (No response.) Thank you very much.

Dr. Lenore Mogin, please.

DR. HYMAN: I am representing Dr. Mogin.

SENATOR WILEY: You are with the New Jersey Association of School Psychologists?

DR. HYMAN: Correct.

SENATOR WILEY: Will you identify yourself by name and address.

I R W I N H Y M A N: I am Irwin Hyman and I live at 16 Devon Avenue in Trenton, and I am here with Dr. Ethel Pankove, who lives at 41 Harriet Drive in Princeton, and we are representing the New Jersey Association of School Psychologists, which is affiliated with the New Jersey Education Association.

I would like to read into the record a statement concerning the role of school psychologists in regard to their potential broad-based contributions to a "thorough and efficient" education.

In order to understand their potential contribution, it must be realized that school psychologists enter their profession under certification requirements that are more extensive than any administered by the New Jersey Department of Education, with the possible exception of the school medical examiner. For minimally-trained

school psychologists, they have earned graduate credits that are almost equivalent to a doctorate and have completed a closely-supervised externship or internship. At least 30 per cent of school psychologists in New Jersey have earned doctorate degrees and therefore bring extensive research skills to their work. Because of their comprehensive training in behavioral science and education, I believe the school psychologists have a unique combination of skills in order to help and define and implement the terms "thorough and efficient" education.

The document which we have handed out was written by Dr. Jack Barden and Dr. Virginia Bennett of Rutgers University and was approved by the members present at the annual business meeting of the New Jersey Association of School Psychologists. This statement is based on a briefer pamphlet, the blue pamphlet, which was prepared by the Division of School Psychology of the American Psychological Association.

According to Title 18, Chapter 46 of New Jersey Law, a school psychologist provides the psychological evaluation of an individual pupil that leads to a Child Study Team recommendation for the pupil to be classified in one of the categories outlined by that law and to recommendations leading to the planning of a special educational program for that child.

Use of the services of a school psychologist to implement this law is held to be appropriate and useful, but the law is frequently interpreted so narrowly that the many additional services that are a necessary component to recommendations for special educational purposes are ignored. This narrow

interpretation also leads to inefficient and wasteful use of the competencies and potentials for psychological services to the schools of New Jersey.

Many children are evaluated but not classified for special education purposes; yet these children have educational needs which continue to warrant attention. Large numbers of pupils may not be evaluated for the specific purpose of classification for special education, but these same pupils are potentially handicapped in varying degrees and are "at risk". The extent to which they become effective, productive, satisfied adults may well depend in some important degree on how they were taught, managed, encouraged, and assisted in school throughout their school years. It is held that the use of the school psychologist in roles which supplement those services already mandated by New Jersey law is important if it is believed that the prevention of handicapping conditions and the maximization of human potential are proper goals for the schools.

The specialty of school psychology is viewed by its leaders and by those involved in the training of school psychologists to be much broader than its definition in Title 18, Chapter 46. Thorough and efficient use of school psychological personnel should permit the school psychologist to function as a problem solver within a school district whenever the application of psychological skills and knowledge may be useful toward the solution of problems, in order to enhance

the educational, social, and emotional development of children. Support of psychological services on a pupil ratio basis would be a step in the direction of encouraging profitable use of such services to ensure thorough and efficient education for all school pupils.

School psychologists, like other professionals, vary in their special skills. The amount and kind of preparation they have received and the size and special needs of the school district will make for different programs of school psychology. In general, the functions listed below may be taken to be a minimal list of functions which offer opportunity to supplement currently prescribed special education assessment services which contribute to prevention of handicapping conditions, discovery of potential problems in children, and enhancement of potential for all children to function successfully.

1. Assessing educational and psychological strengths and needs of individual and groups of children in regular classes.
2. Assisting in the solution of problems through counseling with children, parents, and teachers about the educational, emotional, and social development of school age children.
3. Working with other school specialists in the planning and implementing of individualized educational programs for children not yet referred for special educational services.
4. Providing teachers and parents with information about the educational and psychological strengths and needs of school children.

5. Expediting referrals to other specialists and agencies when appropriate.
6. Offering educational programs concerned with child rearing and school related topics.
7. Helping teachers work toward the solution of management problems of children whose learning or adjustment disabilities interfere with classroom activity.
8. Providing information and ideas concerning the application of psychological research and theory to the classroom.
9. Assisting school administrators with design, preparation, and evaluation of educational programs.
10. Providing in-service education for teachers and staff.
11. Serving as a school representative to help community agencies and services to understand school goals, needs, and operations.

It is believed that employment of a school psychologist on a pupil ratio basis will improve services under Title 18, Chapter 46 as well as expand services in areas not now considered under New Jersey Law. By increasing the number of school psychologists available and, more significant, by developing a professional role which will attract competent and professional persons to the specialty in New Jersey, the quality of education, including special education, in New Jersey can be improved.

I will now briefly address some of the questions prepared by the Research Committee of the Joint Education Committee. Dr. Pankove and I will answer any questions about our testimony.

Are you familiar with the set of questions that were handed out?

SENATOR WILEY: Yes, we originated them.

DR. HYMAN: In response to the first question, we believe that a combination of groups should define "thorough and efficient" education. We feel that it is advantageous to include many voices in the formulation of policies which will affect diverse groups of children.

In response to question three, question three refers to the distinctions between "input" process and "output." In the educational literature, there is a body of research known as the presage, process, product research, which deals with these problems. Presage or input refers to the intellectual and emotional factors which children and teachers bring to the schools. Process refers to what happens between teachers and the pupils. And output or product refers to the skills and knowledge acquired by students.

In questions four, five and six - I will try to sum them up - these questions refer to the measurement of input process and output. We would like to state that there are measures of these constructs and they abound. Educational psychologists have been involved in the development and conceptualization of these measures. However, we know that nobody yet has demonstrated the measures that truly and universally describe good teaching. Neither do we have proper measures to predict children's later success in life.

On the one hand, school psychologists are experts in measurements and are certainly the ones to help in defining "thorough and efficient" in these terms. On the other hand, as advocates for individual children and parents, we are concerned that an overly behavioral and mechanistic approach might be used. We want human individual factors to be considered. We feel that individual context and individual potentials should not be homogenized into massive programs of testing and evaluation.

"Thorough and efficient" must be considered within the context of individual input and individual growth. Since we really cannot know or accurately predict the nature of output measures which will be important for children, we as psychologists are interested that schools focus on process; that is, children should learn to learn. We don't believe that massive testing programs may judiciously be used unless we know what the scoring means in terms of the individual lives of children.

We are concerned, however, that parents are informed of children's progress in terms of the input which each child brings to school.

There are a number of measures which might be used, but should be determined as much as possible within the context of individual schools and the results should be used in determining process and output. Measurements such as potential intelligence, maturation, socio-economic background and creativity should be considered as input measures of importance. Process measures should include those teacher-student interactions which promote good mental health, individualized thinking and a desire to learn for the sake of learning. Output measures should not be limited to cognitive achievements. Output is the area of greatest concern to the psychologist in terms of how it is used, for or against children.

Despite what some systems experts say, education does not have the technology and knowledge to run like a business which uses profits as the criterion for success. That is not to say that we should not eliminate measures such as achievement. We don't feel that should be eliminated by any means. But we should be just as concerned with other factors which are not as easily measured, such as the desire to participate in the democratic process, character development, the ability to function free from debilitating anxiety and the desire to achieve individual fulfillment

in a rapidly changing culture which reflects what some have called a post-industrial society.

SENATOR WILEY: Excuse me. Are you combining your time?

Dr. HYMAN: Yes. We are concerned that the new approach does not result in a grossly expanded and oppressive state bureaucracy. A balance must be achieved between local concerns for individuals and a central state agency to help set guidelines and offer consultation and enforcement when children's needs are not met.

We have tried to limit our presentation here. We will be glad to respond to any questions regarding specific issues addressed to the questions outlined.

SENATOR WILEY: Thank you very much, sir.

SENATOR DUMONT: Has the Child Study Team endeavored to evaluate every single child in the school district?

DR. HYMAN: No. This is one of the things that we wanted to address ourselves to. Under present funding, the Child Study Team by law only works with children who are referred as having potential handicaps, so this is a rather narrow description of the potential skills that are encompassed in the Child Study Team, of which we also have a social worker and a learning disability specialist.

SENATOR DUMONT: Who actually refers them to the team?

DR. HYMAN: Parents, teachers, guidance counsellors. Dr. Pankove would like to respond.

DR. PANKOVE: I think it is interesting to note that a child study team is mandated now under Chapter 46. However, it can function very differently if you have one child study team for a school of 1800 children, as the school where I am coordinating a child study team, or if you have a child study team for 6,000 or 8,000 children. What kind of preventive work can you do there?

So you start out taking referrals on the most severely

handicapped children, which is your mandate, and you provide an appropriate educational goal placement for those children. But there are many others whom we describe as "at high risk." In my community, for example, we can screen all kindergarten children to find by November of that year what children may potentially run into difficulty, children who perhaps are having some difficulty with vision or some difficulty understanding language in some way, and we can devise appropriate measures for them.

If you have one child study team in a district responsible for 10,000, what kind of preventive work can they do?

SENATOR DUMONT: Who usually comprises the child study team?

DR. PANKOVE: Legally, the child study team is the psychologist, the learning disability teacher consultant, and the school social worker. In our district, we have also a speech therapist, the medical examiner who comes in, as he does in all districts, and a school nurse who is essential. Again, in large cities and in large districts, there may not be a school nurse for every single school as there is in the more prosperous district. So there are inequities there.

SENATOR DUMONT: Do you find there is any standard percentage of children you would evaluate in a given school district?

DR. PANKOVE: Well, offhand, the rule of thumb is that about 10 to 15 per cent of children in the course of their school careers may need some special help of one kind or another. However, if you are dealing with programs for all children and if you are dealing with preventive work, then you are not dealing with just that percentage. You may deal with a whole grade. You may do a screening of all kindergarten children to find out who may need help. You have a speech therapist who may screen all second grade

children to see who needs help in developing language. So you run into different numbers, depending on what the nature of your task is.

SENATOR DUMONT: Thank you.

SENATOR SCARDINO: In these cases that you referred to, Doctor, are they done with the advice and consent of the parents?

DR. PANKOVE: Always.

DR. HYMAN: We are very interested in parent and child advocacy. One of the things that we are doing now as psychologists, we are writing psychological reports which parents are able to see. We are quite concerned about the whole problem of confidentiality and who is protected. We feel that anything that is written about a child, unless it is specifically damaging to the parent to know - and that is a very small percentage of the cases -- we feel that parents should be involved in the process, that they should give us input, and that they should see what is written about their child. So we are very much involved as a profession, whereas a number of years ago, schools, in general, weren't concerned about parents' right to know.

ASSEMBLYMAN MARTIN: Are there any statistics available to indicate to us what percentage of the students that you recommend for a program of correction or training do not receive what you recommend?

DR. PANKOVE: As a matter of fact, yearly statistics are gathered from all of the local school systems and are sent in to the State Department of Education. One of the questions specifically is: How many children in your district who are classified are not receiving an appropriate education? I imagine that the difficulty is in follow-up of those statistics. The figures are there.

SENATOR WILEY: We had an estimate that there were 165,000 total, who would meet one of those ten categories under the present atypical program.

DR. PANKOVE: Dr. Ringelheim's department would have those figures.

SENATOR WILEY: And 150,000 were actually classified.

DR. PANKOVE: Right. But I think we would also like to stress that aside from the classified children, who are the ones with the most severe handicaps, there are many other children who are at risk who can be helped very quickly and easily if that educational help comes early enough.

SENATOR WILEY: You used the phrase "at risk" in your statement. What number are you talking about, 100 per cent?

DR. PANKOVE: I think we would say probably about 20 per cent of all children, including ---

SENATOR WILEY: --- including the 10 per cent?

DR. PANKOVE: -- including the 10 per cent.

ASSEMBLYMAN MARTIN: One more question: Are there any figures to indicate where the difficulty lies when the recommendations are for some reason or other not carried out and what those reasons may be?

DR. PANKOVE: Of course, it is always easy to say, we don't have enough money and we don't have enough personnel. And part of it may be that. Part of it also may be the philosophy of the school system. I think that school systems have to arrive at a philosophy for their districts, have to arrive at program goals for the various areas, and have to arrive at district goals. Having taken that into consideration, then we are dealing with personnel, manpower and programs.

ASSEMBLYMAN BURSTEIN: You seem to shy away in your initial presentation from the use of mass testing as a measure of achievement, educational achievement, and emphasize the individual aspects of what you do. Is there no utility in mass testing as you view it?

DR. HYMAN: In my statement, it is not testing - it is how tests are used. Our feeling is that very often

tests are used to compare teachers, to compare children, and to compare districts. For instance, we don't have to have mass testing to know that the children in a large urban school district are going to do poorly. Now if the testing results are used to give more money in compensatory education for that district as compared to a district where middle-class children with good educational backgrounds, who are not hungry and are not deprived, are being educated - if the children in the large urban districts need more money to be educated and the tests show that, although we know it anyway, I would say that would be a judicious use of mass testing.

The problem again is: How are they used? Who uses them?

ASSEMBLYMAN BURSTEIN: Well, is it the inherent nature of the tests themselves or in the interpretive process?

DR. HYMAN: I think it is in the interpretive process. Also it is too easy to use, for instance, achievement tests as the major output measure. Yet we don't have any research to show that achievement tests necessarily predict success in life or success in professions.

ASSEMBLYMAN BURSTEIN: How could we determine legislatively, as an example, whether a particular child or a group of children within a particular school district have achieved what the Constitution demands, a "thorough and efficient" education?

DR. PANKOVE: Well, I think there are certain broad definitions. For example, we would hope that everybody in this society would reach a level of functional literacy. There are handicapping conditions that do interfere with the ability to learn to read. I think in broad terms you can have definitions.

To refer again to group testing, group testing is a useful tool. Again, it depends how you interpret it, how you use it. A hammer is a useful tool if you are constructing an edifice. But if you are going to use it to hit

someone over the head, it is not useful anymore.

ASSEMBLYMAN BURSTEIN: The point is you are not ruling out the mass testing.

DR. PANKOVE: Not at all.

SENATOR WILEY: All right. We are grateful to you for being with us and thank you very much. I was given a test in grade school, I think it was, that said I should be a bus driver or a calculating machine operator. I doubted that for a number of years, but now I am beginning to think they were right in the first place. (Laughter)

We have ten minutes before one, and we have Doris Cabany appearing at the request of Joyce Marcianti, for MASTO. Doris Cabany, please.

D O R I S C A B A N Y: My name is Doris Cabany. I am from Carlstadt, New Jersey, and I represent a group called CHEC, which is Citizens for Home-rule in Education Coalition. It is a statewide parents' group.

We are faced in this State, as well as in our Nation, with a problem regarding education that on the face seems almost insurmountable. Our schools, which were once the door to knowledge flung wide, have become institutions bent more on preaching social change and how a child relates than on imparting knowledge. This concept of education has been a long time in coming, but it is here now.

The current practice of behavioral shaping by our schools needs only to have the goals changed to shape the characteristics needed by our young to survive in the real world we live in. Instead we find our young being presented with the problems of adulthood before they even reach puberty and before they have had the chance to form values needed to cope with such problems as promiscuity, alternate life styles, pornography, consensus thinking about problems dealing with life and death, accepting the theory that there is no God and accepting social changes that would

have brought any American to his feet in protest not too long ago. We are denying them the right to free choice because we are not giving them the guidelines of history with which to judge their actions. We find the "rear view mirror" approach to education distasteful and so we give our young none of the pride of country that they, as Americans, are entitled to.

We find our schools inculcating a desire in our children to change the very tenets of our society instead of teaching them to brave the hard world of improving that society. The first and foremost responsibility of this system of free public schools should be the continuation of that free society that created them. This cannot be without a system of accountability, moral and not just fiscal. We are all, because we live in a republic, responsible for our own actions. We must, therefore, instill this thought into our young people. We must provide for a system of accountability for everyone in education. Teachers must be responsible for whether or not the students learn required subjects and for the testing that will report their progress to the parents and to the taxpayers, who after all are paying the costs of that education. The thought that there should not be any accountability in education is patently ridiculous. We send our children to the schools for a prescribed number of hours each day and pay out massive amounts of money to education them. We are certainly entitled to know whether or not the persons responsible are fulfilling their responsibilities.

The primary years of education and elementary grades should be for the teaching of the basics of knowledge. Our children are having a terrible time with problems in reading and reading comprehension. This is a direct result of poor preparation in these early years of schooling. Reading and reading comprehension must be returned to the area of prime importance. Spelling, now commonly ignored in the public schools in this State, must be

stressed, especially in the lower grades of school. Children must be taught to write clearly and concisely and to express themselves in the written word in the manner befitting the young of a nation that has always shown itself to be a leader among nations. The system of mathematics training must be changed to include the teaching of the basics first and then a graduation to theory instead of the other way around. Our children are suffering from a lack of preparation in this area also. Remedial help must be made quickly available to those who need it, but first, we must begin to have more success in the early years of education.

The use of experimental educational ideas on our young must be stopped unless the teacher and the administration have express permission from the parent for that child to participate in any such program. The inner city and other areas that have been involved in these programs for years with the use of Federal money have shown the least achievement of all. These are the areas where the children are reading at two years and more beneath the national reading norms. The "new math" concept is one of these experimental programs and the cry, now that the program has not worked, is that there was not sufficient testing done. This abject failure was the result of parents leaning too much on the professionals in education. The mountains of parental complaints were ignored by these professionals for years and now they tell us it was all a mistake. Our prime concern is that in years to come we will not be told again that it is all a mistake and we must begin again. We now have children who cannot do mathematics; the future mistakes will be far more serious if our young are to be led by the hand into group thinking, group planning and group therapy all in the guise of education.

The Department of Education pushes steadily for the implementation of ideas that have been tested and proven failures. Media centers for one thing, are to be found gathering dust all over the country because they are too expensive to keep up. This according to the Ford Foundation report "A Foundation Goes To School -- 1960--1970". Compensatory education, funded by that very same Foundation, at a cost of millions, is a failure and a needless waste. The Ford Foundation reports that it failed to stem the tide of deterioration in the urban schools in the 1960s. The open classroom has no relation to innovative education, nor, indeed, to education as a whole. As a matter of fact, the Foundation reports that these concepts led to a perceived erosion of the academic standards and resulted in pressure from the community, as well as within the schools, to revert to more traditional patterns of organization. Here, again, we find the educational professionals applying for the use of methods that have been proven to be failures. The Ford Foundation spent 30 million dollars testing these programs and we, in New Jersey, are expected to spend that many times over to prove what has already been proven. That, in addition to not educating our children, is sheer fiscal irresponsibility.

Recent tests evaluating our youth in the United States and those in 18 foreign nations have shown the folly of the current methods of teaching. This nation, which spends over 140 billion dollars annually for education came out 12th in the overall evaluation. This is a sad commentary indeed. Is it any wonder that the educational community now preaches that testing is a new tyranny? The statewide assessment program is another area which has turned into a fiasco. The test, in the first place, is nothing more or less than an evaluation of whether or not a student relates. A classic example

of the unreality of calling it a test at all, is found in the answer to a question regarding a Supreme Court Judge. If the student answered that the man in question was a Supreme Court Judge, that student was marked by the teacher as not having an awareness of his surroundings. The proper answer is that Justice Marshall was the first Black Supreme Court Judge. That is an outrage. The educators have been tried again and found wanting.

We have entered into an era in education where the teacher thinks that the way a child feels about his studies is far more important than whether or not the child is learning anything. This is a clear case of "professing themselves to be wise, they became fools". The parents of this state know that they will worry about how the child feels about his studies if the teacher and the rest of the educational coalition will just worry about whether or not the child learns to read properly before they give him a diploma and send him out to earn a living. We, in New Jersey, do not need the law suits currently being filed by graduates all over the country who cannot keep gainful employment because they are unable to read at an eighth grade level. The areas where these suits have been pressed are not those of the handicapped or illiterate, but the very same areas that have been into the "new education" concept for years.

The area of career and vocational education must be evaluated and the promise of a "thorough and efficient system of education" kept. These students have been ignored for too long in the academic end of education. There is no rule that says that students involved in learning a trade must be found wanting in history or creative writing or anything else. We must not try to build a class of our society that are only interested in the trades. We must equip them for the whole world.

These students must be exposed to the academic side of education, to good writing, to poetry and to all the other talents that can make life good when it doesn't seem so. These schools have for too long been the depositories of the students who show no promise. That time is gone now. Builders must compete with bankers and machinists converse with businessmen. We cannot afford to educate a whole group of people who cannot or will not reach out for all the world has to offer. The young people must not be led down the path of vocational education for the sake of filling an area employment need. We are bound to find ourselves with the same problem that has appeared in engineering, teaching and other fields when the supply has outstripped the demand.

Career education must undergo the same rigid tests of accountability. These students must not be found wanting in the academic sphere. They must progress as far as they can. These are, after all, the training grounds for the paraprofessionals of tomorrow. They must never include those who are deemed "nonacademic", for they are not. All children can learn a certain amount of basic knowledge. The programs for entering the career education field must never progress to the point of West Germany. In that country they use a program similar to our "technology for Children" as a means of removing the "nonacademic" children from the educational world and into work fields. This has led to the building of a society that has a class system directly evolving. This must never happen here.

We have as yet not touched upon the fiscal costs involved in a program such as the one proposed by the Department of Education. This must surely be done in a more careful manner than I could do but the Legislature must be aware that we cannot afford to bind ourselves

into a fiscal crisis in order to implement programs coming down to us from a Federal government that has become a monolithic, bureaucratic mess; the burgeoning costs of vocational education rising over 12 million dollars a year, by the estimate of the Department, until by 1984 it reaches over 166 million dollars in costs with no mention of capital outlay and initial costs of over 500,000 million to implement the new methods already being implemented by the Department of Education; the classifying as handicapped children who have never been taught to read and the special education necessary to remedy that situation; the mountainous cumulative data systems necessary to make this type of education work in the first place; the enormous costs involved with implementing a P.P.B.S. system touted as an accounting system; an accounting system that is far more than that in the first place and which is fiscally irresponsible in the second; the hiring of every unemployed teacher, social worker and psychologist in addition to business managers which are necessary under P.P.B.S. New Jersey simply must return education to the world of sanity, before we price it right out of the marketplace. The taxpayers of this state have already made us third in the state in per capita spending in education. We simply cannot demand much more from them in an inflationary economy such as we have today. Property taxes are soaring as a result of government irresponsibility. We must protect our senior citizens from further assault on their property and, at the same time, we must protect the young families just entering the economy from being taxed beyond their ability to pay. We must also be sure that we do not leave our youth with the responsibility for our mistakes. You, Senators, have the responsibility of taking a good hard look at these new proposals. You must decide whether we can afford this fiscal

foolishness. A statewide property tax, an income tax, increased sales and nuisance taxes may have the same result they have had in New York. They may drive the taxpaying middleclass right out of the state.

The Legislature of New Jersey has another larger responsibility than the mandate of the Botter Decision. It has a decision possibly even greater than the educational problems in our own state. By your decisions here the people will decide whether we are once again to be led down the path of irresponsibility in government or, with all the nation watching, we have courage to turn education around and for the first time in decades, provide an education that educates instead of treating as ill the children it services. We look to you now. The solution is there if only you will grasp it. Look carefully at the legislation coming before you and choose prudently the course we will follow. If this is not done, you may bear witness to the end of education in New Jersey for the masses. I, for one, will not allow my children to fall victim to those who declare themselves to be the "implements of social change"! (Applause)

SENATOR WILEY: We thank you, Mrs. Cabany, for your thoughtful statement.

We will adjourn until two o'clock and Mr. Anderson will be called as the first witness.

(Recess for Lunch)

AFTERNOON SESSION

SENATOR WILEY: We'll resume the hearing. If everyone would take his seat, we will ask Mr. James Anderson to come forward and identify himself.

J A M E S E. A N D E R S O N:

I am James E. Anderson. I reside in Bergenfield and maintain professional offices in Union City.

I am here today in two capacities, which I bear with me most of my waking hours. Firstly, as a concerned citizen and, secondly, a good part of the time, as an angry citizen when I observe what my government, at its various levels, does and fails to do.

With reference to education, no one can deny that good and efficient education - I will not say thorough and efficient as that remains undefined - is a necessary adjunct to an orderly self-improving society. I have heard expressions of criticism and alarm with reference to the status of our educational system in this State. I can be critical of our present educational system. I will not do so because I am not an educator. I can share in the alarm expressed here by some of the previous speakers, but I am not as alarmed as they are. I do not, for instance, believe that my son's high school Spanish teacher is a communist or a subversive. I do not believe that our school system is shot through with subversives, while I acknowledge that they are present in our society as they are in all societies at all times. I am not alarmed if someone teaches my son the meaning of Yom Kippur, the life of the Gautama Buddha, or the life of the Prophet Mohammed, in school. This is not a religious process; this is an educational process. I do not want people in

the educational processes, here or elsewhere, to teach my son color awareness or racial or ethnic awareness. This is an educational process which he must learn for himself. If they teach him to treat all men equally, I approve. When they stress differences of race and ethnic origin, I disapprove because this is something that he must learn by his dealings with his fellow creatures. I do not want an engineered society created, maintained, and operated by those who would govern our lives from the cradle to the grave. I object to that, as would have the founding fathers.

Now, being in agreement with those who say a good educational system is necessary, I say, what method must be used? I say that a centralized force or authority in the State government will not serve this purpose. I say that the liberal application of green salve known as money will not serve this purpose. I have heard it said, the larger the committee, the smaller the accomplishment. This is true in government as well as in organizations. The further your tax money gets from your own hands, the more difficult it becomes to account for it. The larger the agency which disburses it, the more inefficient it becomes. Thus, I am totally opposed to a State takeover of education. There are further objections to such a takeover from an educational standpoint. No centralized system, no bureaucracy, can create a good educational system. Bureaucracy is inflexible in that it makes a rule, and when you attempt to comply with it, it changes the rule. So each community - particularly the urban community - has problems peculiar to itself which only those native to the area can resolve with the use of educational training and

background and intelligence. State government would be unable to perform this function and, yet, what do I see? No sooner do we hear the first rumblings of the Botter Decision and then it becomes sleepy time in Trenton until the day is almost upon us. Now I see two activities in motion, one of which purports to be - and I do not question its sincerity - a group of people who desire "thorough and efficient" education.

Concurrently with their public declarations, there are rumblings from the Executive Branch of government - among which are a necessity for five hundred million dollars or a half a billion dollars - to finance "thorough and efficient" education, a substance which remains undefined in New Jersey. To me this is putting the cart before the horse. When I go to market, I go knowing what I will buy and what it costs later. How can I tell what education will cost if I do not know of what it consists. This raises - in my mind - memories of the specter of a State income tax in prior administrations. It raises, in my mind, a sales tax that was imposed upon us and then increased upon a promise of relief to real property taxpayers, which promises have never been fulfilled. I live with one thought in mind, a tax once imposed is never abolished except upon the rarest of occasions.

A brief look at the history of the budget in the State of New Jersey may be very enlightening to some of us who haven't looked at it. If you look at a graph, combining amounts and dollarage with years, you will find that it took from 1776 to 1962 for our State budget to achieve a grand total of five hundred two million dollars. That's a half a billion. From 1962 to approximately 1967 that sum was doubled, thus,

51 Governors raised the budget to five hundred and two million dollars and one Governor doubled it. I don't know whether doubling the budget is evidence of a better government; I somehow doubt it. From 1967 to 1973 the budget went to two billion dollars. From 1973 to the present time there have been figures projected which are enough to shake the shoes of any man who sits in the seat of a taxpayer.

We have the prospect of "thorough and efficient" - whatever that may be - undefined. We hear cries for new prisons. We have just inaugurated an office of the Public Advocate which some say may require a total of nine million dollars. Has there been any tax "reform"? Has there been any tax relief? No. There has been no tax relief. The socialization of our society goes on from day-to-day, month-to-month and year-to-year. The only thing the taxpayer sees is more taxes. He sees no solution to the social and other problems which beset us. For each problem, there is a new job. For each crisis, there is a new agency in government, but no solutions. The cost of government in this State and across the face of the nation is an outrage. The taxpayers can stand no more of this. We must get the fat out of the budget. For instance, I personally have no need of a tennis court which cost five thousand dollars a year to maintain and which the State just refused the bid of twenty-eight thousand dollars to resurface. This tennis court has been in existence since the reign of Governor Meyner. I say the Governor can go play tennis with the rest of us peasants. We don't need that kind of affluence on the part of a Governor. If you're governing, you don't have time to play tennis, believe me. This is a big State and it's a hard State to govern and it takes an awful lot

of attention. We do not need that kind of affluence in our public officials.

History shows us - if we read it - in the past, governments which fell. They fell after periods of uncontrolled inflation, outrageous taxation, and corruption. This, history tells us, is what has caused the crash of governments. For forty years this nation has been engaged in the gradual process of inflating our economy, which is largely caused by government spending. We can afford no more. We want no more, and it may well be that we will refuse any more. We cannot afford this. We need "thorough and efficient" education, and I will again say it is not defined. We must permit local government to exercise its own option to determine what the problems in an individual municipality are. If we create a state governmental educational agency which totally controls education, we will get a rubber stamp and with it, thousands of bureaucrats. We already have thousands more than we need. This cannot be borne any longer. The Botter Decision - as I see it - has been seized upon by many of perfectly good and sincere intent as an indication that - constitutionally - the State is required to support education.

Now, I disagree with Judge Botter and his decision. I certainly don't call for his impeachment as has been done. This is Judge Botter's idea of what the law is as he reads the Constitution. As Judicial Officer, he has the right and the duty to make such a determination, in which he has been upheld by our Supreme Court. It is up to the Legislature to find a way around what many take to be the effect of the Botter Decision. The way around it is not by the imposition of a further tax. Mayor Jordan of Jersey City

has said publicly that he would believe an income tax to be the solution if a twenty-five percent reduction in realty taxes was enacted. Now, I don't buy that because we have heard such promises before, and the promises were never kept.

To sum up, while I support those who seek good education, I vehemently oppose -- and I have many citizens behind me and many organizations who support me in the contention that New Jersey does not need an income tax as the result of the Botter decision or anything else.

Thank you. (Applause.)

SENATOR WILEY: Thank you very much, Mr. Anderson.

Number two on the list is New Jersey Manufacturers. They had asked to be heard in the afternoon, so we'll ask them to come up next.

Welcome. It is nice to have you with us. Would you identify yourself for the record.

C H A R L E S R. M A Y E R:

Mr. Chairman, Mr. Vice-Chairman, members of the Joint Education Committee, I am Charles R. Mayer, Vice President of The Wing Company in Linden, New Jersey, and I reside in Westfield.

I appear as Chairman of the Committee on Education of the New Jersey Manufacturers Association. Accompanying me to my right is Mr. Robert A. Woodford, Assistant Vice-President of the New Jersey Manufacturers Association.

The following statement of views has been developed by our committee in its role as formulator of educational policies for the over 13,000 members of the Association. We welcome this opportunity to

share with you many of the views our committee has developed during its many meetings and discussions concerning the requirements of a thorough and efficient system of public education.

The State Constitution provides:

"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." (Article VIII, Section IV, N. J. Constitution)

The scope of the constitutional command cannot be dismissed as merely imposing a duty on the Legislature to provide for the funding of free public schools. We urge that your committee recognize, from the outset, that the Legislature bears ultimate responsibility for the performance of the public school system. As stated by the New Jersey Supreme Court:

"A system of instruction in any district of the State which is not thorough and efficient falls short of the constitutional command. Whatever the reason for the violation, the obligation is the State's to rectify it." (Robinson v. Cahill)

Understandably, much attention has been focused on the inability of property-poor districts to provide an adequate educational opportunity. Much effort has gone into weighing the various alternatives by which the State can insure adequate funding of each student's education. While devising a sound system of school finance is essential, it is also of great importance that the Legislature direct its attention to the qualitative aspects of the State's constitutional obligation.

It matters little to the student deprived of an adequate educational preparation whether the fault lies with the limited tax base of the district, inadequate planning, antiquated program, poor management of staff, inflexible or incompetent instruction, or the simple failure to recognize the individual needs of the student. If a full educational opportunity has been denied, the consequences will be equally serious -- whatever the underlying cause. While inadequate resources may prevent a district from providing an adequate educational opportunity, no amount of dollars alone can guarantee the satisfactory performance of the school system's duties.

Thorough and Efficient

Before proceeding to a more elaborate description of the elements we consider essential to a thorough and efficient educational system, I would like to provide a brief outline of our views.

It is the State's constitutional responsibility to insure that each child is provided the opportunity of an education sufficient in quality and scope to prepare for the various roles of his or her adult life. The school system cannot be "thorough" unless it offers an educational opportunity capable of equipping each student for a responsible and fulfilling life as an individual, family member, citizen and participant in the economy.

The school system cannot be judged "efficient" unless it is effective in accomplishing its goals, makes judicious use of its human and financial resources, and demands only the resources needed to achieve its purposes. The effectiveness of the system, in turn, cannot be insured or ascertained without repeated measurement of performance against clear standards and objectives.

Because the demands placed on an individual -- in the exercise of citizenship, the pursuit of a career, the raising of a family and the search for personal satisfaction -- change with time, what the Constitution requires is neither static

nor immutable. Therefore, the State's constitutional responsibility must be defined in terms of the nature and extent of State involvement in the ongoing processes of needs assessment, goal setting, evaluation of performance and upgrading of school programs.

Establishing a Thorough System

A "thorough" school system would provide students an educational opportunity which reflects the needs of both society and the individual student. It was a desire for greater thoroughness in public education that led to the formation of the Committee on Education of New Jersey Manufacturers Association. We helped to formulate New Jersey's Career Development Pilot Program in 1970 and prompted formation of the Governor's Task Force on Economics in Career Education in 1972.

We have been deeply concerned with many important areas in which the public school system has evidenced weakness in matching school programs to the needs of society and individual students. For years, little attention was paid to career guidance and preparation. Most school effort was invested in the college bound while schools relegated a majority of students to programs incapable of providing the broad range of skills required by the nation's economy. Even in their uneven accomplishment in the teaching of basic skills, our schools have not achieved "thoroughness" with any degree of uniformity.

In recent years the American people have experienced wage and price controls, forms of rationing, devaluation of the dollar, major upheaval in the world monetary system, serious scarcity, major changes in world trade, massive inflation, vast expansion in all areas of governmental regulation, consumerism, a clash of economic and ecological interests, and a substantial number of other important economic developments and proposals. Surprisingly, this area of immense activity and importance has not only been ignored in the classrooms of a great many New

Jersey school districts but also in the teacher education programs in most of New Jersey's public colleges. An understanding of economics is necessary in comprehending the complex issues of government with which a responsible citizenry must deal.

Two related steps are necessary to give reasonable assurance that a thorough system of education will be achieved:

First, the State must insure that a well designed process is employed statewide and within each school district to establish and define educational goals.

Certain objectives should be common to all districts, such as the student's mastery of basic language and mathematical skills, career preparedness and sound understanding of the nation's economic and political systems.

Second, the State should initiate research into the skills and knowledge required of a citizen by our society and economy, both at present and prospectively, to insure that educational goals and programs serve genuine needs. Needs assessment data, based upon sound research, should be utilized in the establishment of statewide goals and should be provided to local school districts, in understandable form, to aid in the formulation of local goals.

In Pursuit of Efficiency

The Legislature cannot discharge its obligation to maintain "a thorough and efficient system of free public schools" unless the performance of local schools and school districts is subject to regular assessment of performance. Whether such assessment is accomplished by the State or by the combined effort of the State and local districts, an effective and reliable program for the assessment of performance must be operational in all districts.

We applaud the State Board of Education's initiation of statewide testing in basic language and mathematical skills. As prerequisites of a student's education, these skills must be taught effectively. We favor publication of district-wide and school test performance -- in a clear and understandable format -- as a means

of alerting parents, students and taxpayers of the various districts in which children are receiving inadequate educational preparation. Those opposing publication have voiced concern for the possible embarrassment or negative career consequences to students from poorly performing schools. That opposition, if effective, would merely submerge the more grievous harm done to youngsters who must enter our work force and society inadequately prepared.

The techniques of performance assessment are still very much in the formative stage, particularly in evaluating whether schools are achieving goals difficult to measure objectively. For the immediate future, we support the periodic review of local school curricula and programs as a supplemental means of assessment. For the longer term, the Legislature should require and support a State program to develop, and assist in developing, reliable assessment techniques. Assessment must be recognized as a necessary "road test" of school program design. The State Department of Education's proposal of periodic in-depth reviews of local school programs is inadequate to assure an effective educational system and will be a massive drain on State and local staffs; therefore, the State must press ahead vigorously to develop the means of identifying deficiencies through regular performance assessment.

When deficiencies in a school district's performance have been identified, we believe it should be the obligation of the district to (a) determine the reasons for inadequate performance, (b) formulate appropriate remedial steps, (c) notify the State of the nature of proposed remedial steps and the schedule for implementation. Serious deficiencies should trigger State assistance in recognizing and targeting program inadequacies.

If a local district fails to demonstrate, over a reasonable period of time, that it has the will and ability to eliminate program deficiencies and is actually improving its educational program, the State must intercede. While we believe

ferverly in the benefits of maintaining local input, initiative and management flexibility, the Constitution clearly assigns ultimate responsibility to the State. The assignment of initial responsibility to local districts, while throwing light on their performance through assessment and publication of assessment results, may be sufficient in most instances to insure development of a thorough and efficient educational system. Nonetheless, the State must develop suitable means of intervention to deal with the continuing failure of a school district to confront and eliminate deficiencies.

We recommend that various forms and degrees of management intervention be designed for use by the Department of Education, to be used with discretion in confronting continuing school district failure. In that regard, it is important to note that deficiencies may be the result of an unresponsive local board, poor management, incompetent or uncooperative staff members, inadequate facilities or other cause.

Subject to due process, the State must have and be willing to exercise the power to remove personnel or require local school district action where circumstances require such action. New Jersey's strong guarantee of tenure to administrators as well as teachers may pose an obstacle to progress in some districts. Therefore, we urge that the Legislature create a commission of citizens to review the scope and limitations of tenure and recommend whatever changes they find necessary or desirable.

Developing Efficient Resource Management

Because no state can tax and spend for public purposes without limit and all must weigh the allocation of dollars for each purpose against competing concerns of public policy, school system efficiency, in the economic sense, is immensely important. It is true in the management of public programs as in the management of natural resources that, since we do not have unlimited resources, we must use unlimited care in employing available resources.

Most observers predict that, whatever the Legislature's response to Robinson v. Cahill, higher educational expenditures will result. Unquestionably, that will be a desirable consequence in districts previously unable to finance an adequate educational program; however, higher expenditure levels are not likely to be limited to less affluent districts.

New Jersey citizens have invested heavily in their children's education, spending more per pupil than the citizens of 47 other states and approximately a third more than the national average per pupil. We have far more teachers and administrative staff members per 1,000 pupils and far fewer pupils per classroom teacher than the average. To add significantly to the average school district's expenditure would be both wasteful and a drain on resources required for other public and private purposes.

We believe the State is obligated by the constitutional requirement of "efficiency" to seek greater cost effectiveness in school expenditures and stimulate innovative efforts to accomplish more productive use of the billions spent for New Jersey's public schools. While vocal champions of greater educational expenditures are in evidence, most citizens are demanding a genuine effort to enhance educational quality without successively higher demands on the taxpaying public.

We urge that the Legislature initiate and support research and development in educational methodology, cost-benefit studies and innovative efforts to reduce public school costs and develop more effective program alternatives. For example, personnel costs absorb the lion's share of public school expenditures. The ratio of staff to pupils continues to rise at an alarming rate. A broader effort is needed to vary the composition of staffs and substitute the use of various educational techniques, devices and outside experiences for further expansion in staff. This cannot be accomplished without careful pre-planning, controlled ex-

perimentation and validation of pilot program results.

Public Control of Public Education

The State Constitution establishes the primacy of children's educational needs in the design and operation of the public school system. The Legislature cannot maintain that primacy if public control of the public school system is lost. This year alone, legislation has been submitted which would give teachers' organizations control over teacher certification, remove penalties for illegal strikes, hamstringing the management efforts of local school boards, and permit employee unions to bargain for control over policy matters entrusted to boards of education.

Those empowered to govern our schools and determine educational policy must be held to a standard of conduct free of conflicting personal interests. We urge that the Legislature, in accord with its constitutional duty, reject efforts to diminish the public control of education.

School Support

At this moment, we have not completed work on our detailed recommendations with respect to the design and dimensions of State school aid. The members of our committee will be meeting twice during the balance of this week to complete the development of school support recommendations. We will provide your committee with those recommendations as promptly as possible. For the moment, I would like to quote the views expressed in the December 1973 statement submitted by our committee to the State Board of Education:

"As has been stated unequivocally in Robinson v. Cahill, the State must insure that every school district has resources adequate to provide a thorough and efficient school system. Satisfying that constitutional obligation does not

mean wholesale increases in the average New Jersey school district's expenditures (which are substantial by any standards), nor does it necessitate full State funding of local school systems.

"Power flows with the dollar. Full State funding would impede the operation of a balanced system of State-local responsibility in which local school districts continue to play a major management role. Past experience also supports the conclusion that local expenditure in programs financed primarily by means of non-local funding tends to be less carefully considered and is accompanied by far less local commitment to program success.

"We support the continuation of a major local role in the financing of public schools. Added tax burdens from increased expenditure and tax savings from greater efficiency work to insure more responsible program management and a more measured and effective use of funds.

"To accomplish compliance with the constitutional mandate, consistent with a continuing local management and financial role, we urge that the State develop and employ aid formulas which equalize school district tax effort required for various levels of expenditure. State equalization of tax effort should apply to both current and capital expenditure."

We very much appreciate the opportunity to provide your committee with our views. I hope our comments will assist in the important challenge that confronts you. Thank you.

SENATOR WILEY: We thank you very much, Mr. Mayer. You made it exactly within the combined time - very efficient and thorough.

Any questions by the Committee?

ASSEMBLYMAN BURSTEIN: Mr. Mayer, just one question: In your comments with regard to determining whether or not a

particular school district has performed its job, you indicate that in the event of nonperformance or poor performance that the district shall then assess and then, if it does not work out with the district, it goes to the State Commissioner of Education. The reference was to the district and I am not clear as to what was being meant by that. Are you talking about the local board of education or the local superintendent or whom?

MR. WOODFORD: We are talking really now about the responsibility of the governing board, the local board of education.

ASSEMBLYMAN BURSTEIN: You are talking about the local board.

MR. WOODFORD: Yes, they bear the ultimate responsibility for the management of that system and correction of its deficiencies.

ASSEMBLYMAN BURSTEIN: That is correct. The question is that you seem to jump from the local board to the State Department of Education or the State Board of Education, whichever, in the event a local board does not act. I am just wondering whether or not you foresee any kind of role for the County Superintendent to play in this phase of your evaluation.

MR. WOODFORD: We made no mention of County Superintendent in this statement. However, we have prepared and will be submitting probably the end of this week a statement on the proposed regulations of the State Board of Education, in which the committee has indicated that they believe there is an appropriate role for a regional office of the State Department. Of course, the County Superintendent now serves that function. But they question whether every county as a geographic or population unit is appropriate as a regional unit for State assistance, State supervision and management functions. We are suggesting the possibility of combining counties in certain areas where population is inadequate. But the duties of

the County Superintendent by statute are practically non-existent. There is need for clarification of what will be accomplished, what duties will be had. We have viewed the County Superintendent the same as we have viewed the State, as being a part of the State's operation and State management. So we have not made separate comment on the county. This is to us an arm of the Commissioner and State Board of Education and his duties, if not defined by the Legislature, should be defined by the State Board of Education.

ASSEMBLYMAN BURSTEIN: Thank you.

ASSEMBLYMAN MARTIN: Mr. Mayer, are you familiar with the proposed changes in the administrative code the State Department of Education is working up?

MR. MAYER: Reasonably, as time permits.

ASSEMBLYMAN MARTIN: Have you any criticisms of it, any suggestions? Have you made known your viewpoint to the department?

MR. MAYER: Yes, we have. We submitted a paper on December 19th, a copy of which I would like to submit to the Committee. We are also in the process of preparing another paper that will be submitted not later than May 27th dealing with more specifics than we have been able to deal with coming here before this Joint Education Committee, going more into details of specifics in various areas, including the County Superintendents, dual language requirements, and many mandatory requirements, such as, 500 to 1500 students per school, etc., that are mandatory in the code now, which we do believe should be continued on a recommended basis as they were. We would like to have an opportunity to submit them to this Committee in the form in which we are submitting them next week to the State Department of Education.

ASSEMBLYMAN MARTIN: Thank you.

SENATOR WILEY: We will look forward to receiving those.

SENATOR MARTINDELL: In the beginning of your presentation, which was very interesting, you talked a lot about State intervention and State - not control - but the State playing a large role. Then later on you talked about the major role of the local board. I wondered which was your priority. Do you think there should be more intervention by the State Department of Education?

MR. MAYER: No. We come around at the end of the statement to strong local control with the State more or less cast in the over-all picture. We are not for full State funding because we do believe it might invite too strong -- you know power flows with the dollar, as I mentioned here. We strongly believe in upholding the local boards in terms of the educational curricula, etc., in administering the local affairs. The finances shall be in some manner provided for from the outside in addition to local financing. Again there is an additional paper that will be forthcoming. My friend would like to say one more word.

MR. WOODFORD: We will file with the committee a copy of the statement of our Education Committee to the State Board of Education. Basically the problem that I think the Legislature is confronted with and we were confronted with in dealing with this area is that the ultimate responsibility for results lie with the Legislature. There must be some chain of command, some way by which the State can assist the performance of the local district, however flexible the powers of that district and however often that district in the first instance has the authority to make decisions. The buck stops here because the education of every child occurs in a State system of education under a mandate of the State Constitution and there must somehow be procedures for intervention of the State to see to it that what is promised in the Constitution is delivered on the firing line. But we do agree with the initiative and the input and the public involvement and the initial responsibility being with local boards, and

considerable flexibility. In fact, we talk about State intervention only in the sequence of events in which a local district has failed, having had information of its deficiencies, to act effectively to correct them.

SENATOR DUMONT: Mr. Woodford, would you mind identifying by name the counties where you want to do away with the County Superintendents and use a regional setup.

MR. WOODFORD: I probably live in one of them, Senator, being from Hunterdon County. I think if we are going to have a strengthening of the regional function of the State Department of Education, the County Superintendent, as now constituted in your county, in my county, in the smaller counties of the State, should not have what is being proposed in the State Department of Education's proposal, that is, seven additional staff members. At the very least, if we are going to work on the basis of counties, which we don't preclude as a region, we should combine staff functions. It makes no sense to have the identical staff in small counties that you have in large.

It may be that we can operate in a region that combines counties or for geographic reasons, if that seems to be too broad an area, we can permit the combination of functions in fewer staff members. But what we have been objecting to before the State Board of Education - I may have presented it poorly here in paraphrasing that statement - is the assignment of staff positions without regard to population size. There either has to be a combination of positions and functions in the smaller counties or a combination of counties into larger regions. We don't particularly care which direction is taken, but it should be one that promises a working and efficient system.

SENATOR DUMONT: I can only say to that that I do feel the county system should be preserved, and you have a fat chance of getting my support if you get into regions. That's the only way I can put it.

MR. MAYER: The way I visualize it, as a suggestion

for consideration, there are mandatorily assigned in the State administrative code, I think, as mentioned here, seven individual positions that in a small county possibly could not be supported. But if we walk away from the seven mandatory positions and define the functions and say, "the Superintendent shall exercise these and these and these functions," we possibly can then talk about a smaller unit, a smaller county in numbers.

We will be able to then institute all these functions without having mandatorily to set up seven positions under the Superintendent as provided in the State administrative code.

SENATOR DUMONT: Mr. Mayer, the administrative code simply consists of a department acting within the Administrative Procedure Act which the Legislature has passed. We don't have to be bound by administrative codes. We can always overcome them by passing statutes.

MR. MAYER: I recognize that. That is why we are bringing it up here. It is in the present suggested code.--

SENATOR DUMONT: That may well be.

MR. MAYER: (Continuing) -- suggested by the State Department of Education through the State Board of Education. We would like to bring it to your attention, that's all.

SENATOR DUMONT: Thank you.

ASSEMBLYMAN MARTIN: Mr. Mayer, I notice in your presentation you were dealing with general propositions. I was wondering whether you have, through your committee, attempted to refine these general propositions and come up with a definitive program in terms of what you think it would cost to translate this into a program of action.

MR. MAYER: We are working at it and we have, as I mentioned before, two additional meetings set this week, and we are working at it. We are hopefully arriving at the picture which we will then share with your committee.

ASSEMBLYMAN MARTIN: Will that also include a

recommendation on how to finance it?

MR. WOODFORD: That will come from our Tax Committee at a later date.

MR. MAYER: The New Jersey Manufacturers Association has a Tax Committee, which we are not - how shall I say it - allowing to delay us.

ASSEMBLYMAN MARTIN: It sounds like the State Legislature.

SENATOR WILEY: Very fine. Thank you very much.

MR. MAYER: Gentlemen, thank you very much and the best of luck in your endeavor.

SENATOR WILEY: Thank you. We do appreciate your helpfulness to us.

Mr. Richard Solyom of the Federation of New Jersey Taxpayers.

R I C H A R D L. S O L Y O M: Mr. Chairman and members of the Committee: My name is Richard Solyom and I speak here today as the Legislative Vice President of the Federation of New Jersey Taxpayers.

We taxpayers are interested in this Committee's work because we recognize taxes as the price we pay for government services and we like to be thrifty shoppers. We reject shoddy merchandize and poor service at the supermarket and we reject at the polls those elected officials who provide us with expensive, inefficient government. We are here today because we want to be sure we will get value received for the money that you are going to take away from us and use to "provide a thorough and efficient system of education."

We have reason to believe our money is not being used wisely in the field of education. A recent headline reads - "Of children 12 to 17, one million are illiterate." This indicates that the present system is a failure and that the crisis in education is not New Jersey's alone. "Education that

does not educate" exists throughout the Nation but the situation in New Jersey is most critical because of judicial usurpation of legislative functions.

The Botter decision is not the answer. The problem is not one to be solved by further application of that tired old cliché - "There is nothing the matter with public education that more money won't cure and this is all Botter is saying - but in judicial language. The correct answer lies, not in Botter, but in providing a system of education that does educate. The system must teach the fundamentals required to prepare an individual for responsible, participating citizenship in a constitutional republic based on self government, private enterprise and individual responsibility." If the Committee is looking for a definition of "thorough and efficient", I offer this as a base from which to start. To repeat - the system must teach the fundamentals required to prepare an individual for responsible, participating citizenship in a constitutional republic based on self government, private enterprise and individual responsibility.

We must remember, however, that thoroughness and efficiency in education can not be obtained by edict. In some forms of human endeavor, as in the business world or the military, these qualities can be obtained by simply issuing an order but this does not work in the field of education. Education, by its very nature, requires almost individualized attention by dedicated teachers and can best be obtained by keeping it a local citizens' effort. It can not be obtained by edict or, to use the word currently in vogue, by mandate. Mandates by neither courts nor Trenton bureaucrats will produce a thorough and efficient system of education. You can no more mandate a good education than you can mandate good morals or good government. Thoroughness and efficiency rest solely in the hands of local citizens; first in local school boards composed of concerned parents who should set the standards and curriculum best suited for their own community and secondly, in teachers dedicated to preparing their students for responsible, participating citizenship.

In any community there are two things which, most Americans agree, must be done by the citizens of that community. They are:

1. Govern themselves
2. Educate their children

Interference in either by state or federal bureaucrats must be resisted and kept to an irreducible minimum. The Little Red Schoolhouse was initially a citizens' effort to provide education for their children and evidence of its

origin as a citizens' effort, apart from government, is to be found in today's School Boards which are still separate and distinct from local governing bodies.

Members of the Legislature must be on their guard not to let the Botter decision be used as an excuse for making radical changes in our education system. Changes such as those proposed in the semi-secret "T & E" report would weaken local control and concentrate power in Trenton. This would be in opposition to the traditional American concepts of Home Rule and local school management. We must not abandon American traditions just because of one man's opinion, namely Botter's.

In the two years that I have been the taxpayers' lobbyist in Trenton, I have acquired the rather unenviable reputation of being very blunt in my speech but it was Ralph Waldo Emerson who said "Nothing astonishes men so much as common sense and plain dealing", so . . . in my usual presumptuous manner, I'll tell you my opinion of what the Legislature can do in this situation. The situation being that the Botter decision is being used as an excuse to impose an income tax and to get legislative approval of radical changes in the Department of Education's Administrative Code.

There are three courses of action open to the Legislature:

1. They can nullify the Botter decision by passing SCR-3 or similar legislation. In my opinion SCR-3 should be more strongly worded. Such action would put an end to the entire controversy.
2. They can knuckle-under to Botter, comply with his edict, enact a State income tax, a State property tax, increase sales taxes, weaken local control of schools, concentrate all power in Trenton and place us firmly on the road to socialism.
3. They can ignore Botter, tell the judiciary to go mind its own business and take up, once again, their responsibilities as legislators and provide for a thorough and efficient system in their own way. That is, they can enact legislation to provide a new method of funding which does not comply with Botter.

Obviously, the Federation approves of either the first or third course of action but certainly not the second. Perhaps a combination of 1 and 3 is the answer. Passage of SCR-3 would free the Legislature of hobbling judicial restrictions and clear the way for its own alternate method of compliance with the State Constitution.

If the Committee believes the best way is to collect revenue at the State level and then give it back to the citizens in the form of so-called "free" education (which I consider a most inefficient way to provide for education), then I recommend serious consideration be given to a citizen controlled unregulated VOUCHER system. I emphasize it must be citizen controlled and unregulated because the education lobby is pushing for a regulated, compensatory system which is a perversion of the basic concept of vouchers. The basic concept is that the State give parents of school age children a voucher equal in value to the cost of educating a child for one year and the parent is free to take the voucher in one hand, the child in the other hand and go to any school of their choice and say - "Here, educate my child."

The education lobby's model is designed to be used as a tool for social change. It will erase school district lines, weaken local control of schools, concentrate power in Trenton and tighten bureaucracy's grip on our education system. It should be rejected by the Legislature. The voucher system should be used only as a mechanical means of disbursing funds to parents of school age children.

For a good example of how not to use the voucher idea, I refer you to the so-called Jencks' report issued by the Center for the Study of Public Policy in Cambridge Mass. An analysis of this report and some data on Dr. Jencks' radical, left-wing activities is to be found in testimony given Nov. 22, 1971 at public hearing on Senate Bill No. 2266.

For a good discussion of basic principles involved in VOUCHERS I refer you to Milton Friedman's article which appeared in the New York Times last year.

For my own ideas on how to use VOUCHERS in New Jersey, I refer you to the previously mentioned testimony on S-2266, available from your own legislative library two doors down the street. In essence I recommend vouchers be issued by locally elected school boards, not Educational Voucher Agencies as recommended by Dr. Jencks, and they will be valid at any approved school. The value of the voucher would be somewhat less than the amount necessary to provide a minimum of education. Then, local communities would be free to tax themselves to bring education in their community up to whatever level they desire.

As I propose VOUCHERS, the level of quality of education (above the minimum set by the State) would be determined by local school boards acting in response to parents' wishes. The additional amount required to bring each

community's system up to whatever standard they desire will be made up by an "extra" amount as determined by the local school board. In other words, all taxpayers will pay some part of education's cost while parents of school age children will pay an "extra", the amount depending on where they send their children. The "extra" for schools within the so-called public school system will be determined by the local school boards, that for private schools by the competitive free enterprise system and that for parochial schools by the church.

This method of funding education is a compromise plan whereby society and the individual cooperate to provide education for all. It will lighten the load on those persons without school age children who now complain they are being taxed to educate other peoples' children. It will strengthen home rule by giving each community the right to determine its own educational system's level (above the minimum) and it will give parents the freedom to choose a private or parochial school if they so desire. In effect, the state will be acting as tax collector for the municipalities, collecting part of their revenue for them. This dual responsibility for raising revenue helps prevent either state or local government becoming dominant over the other. It will serve also to keep spending authority closely connected to taxing responsibility and this should bring economy in government.

If education can be freed from the dead hand of that great corpse bureaucracy, there is no limit to what might be achieved, for there is nothing more productive, more innovative, and more diverse than the free society.

One of New Jersey's elder statesmen, Mark M. Jones of Princeton, has written extensively about education and taxation and what constitutes a thorough and efficient system. Mr. Jones is in Washington today and unable to be here but I have a copy of his latest article titled "Education and New Jersey's Integrity Crisis" and I request it be included in the record, together with his covering letter.

(See page 102 A for article and letter of Mark M. Jones.)

I thank you for giving attention to our views. (Applause)

SENATOR WILEY: Thank you, Mr. Solyom, and we will be happy to have Mr. Jones' statement in the record as well.

Are there any questions by the Committee? If not, we express our appreciation to you, sir.

Number 13 is Learned Bulman, President of the New Jersey Library Association. We will ask him to come up at this time.

L E A R N E D B U L M A N: My name is Learned Bulman. I am the Director of the East Orange Public Library. I am appearing before you today as President of the New Jersey Library Association, an organization of nearly 1600 members representing every type of library in this State.

If you will forgive me, you will find that occasionally I am not following the text. I have been here for five hours and gotten some new ideas as I went along.

SENATOR WILEY: That will keep us alert.

MR. BULMAN: Public libraries are a part of our educational system and we are greatly concerned that this committee, so immersed in the many ramifications of "thorough and efficient" education, take note of this fact and include them in their thinking right from the beginning. It is my duty to emphasize the role which public libraries play in the total educational system of the State, particularly in support of the educational goals of elementary and secondary schools. These goals include not only the development of research skills, for which broad resources beyond text book materials are essential, but they also embody the development of necessary long-range reading habits essential to good citizenship and adjustment to social, economic and technological change.

The Public Library system of New Jersey provides access to a wide range of materials and information not available within the curricular-oriented resources of the school library and it provides them at times and locations

when students do not have recourse to their schools. One has only to visit the Public Library after school hours to witness the heavy use by students. A recent study indicates that student use of small and medium-size public libraries ranges from 43 to 57 per cent of total use and that about three-quarters of the student use is by pre-college students.

If I may depart from this for a moment, I should note that for 15 years I was Young Adult Coordinator for the Public Library in East Orange. That meant that during that time, I worked with seventh through twelfth-grade students. I knew their needs. I worked with them. The thing that became apparent to me over these years was that they are doing a great deal of independent study now that requires their coming to the Public Library to get the materials we have. This occurred to me in the course of the day.

In 1954, the New Jersey State Legislature appointed a Commission to study Library Services in New Jersey. Joint Resolution Number 9 of the Laws of 1954, which created this Commission, stated: "Good public libraries are an essential and integral part of the State educational system..." At every turn we hear our Public Libraries called "the people's university" - and they are that for all ages, at all hours, and in my own library's case, seven days a week. We are open on Sundays also.

I will not bore you with the history of Public Libraries in this nation, but I would remind you that the Andrew Carnegies of yesterday are no more. We are totally dependent on our municipal budgeting authorities and the small amount of per capita state aid we receive each year under the State Library Aid Law. This aid, even with full funding, is only \$1.43 per citizen. It costs between \$3,000 and \$4,000 to detain a person in our State penal institutions. Might not additional dollars now to libraries, in your thinking, help reduce the number of inmates in these institutions?

Inflation is on everyone's minds, but when you were last in a bookstore, did you notice that the \$3.50 fiction book of yesterday is now \$8.95 and that non-fiction is averaging 14, 15 and 16 dollars a volume? If you have children in college, you know what text books cost.

The State Library as the administrator of the State Library Aid Law has done wonders in providing criteria by which many of the public and county libraries in this State have been able to become a viable part of their community. But we still have a long way to go. Money is the key word, and unless there is a specific, and not an implicit, section on Public Libraries in the legislation that is created to answer the ruling for "thorough and efficient" education - Public Libraries will suffer.

I would conclude with a fuller quote from Better Libraries for New Jersey, the final report of the Legislative Commission I referred to at the start of my remarks. In the very first paragraph of Section I, it said:

"The free public libraries. . . are the only public educational agency serving all the people throughout their lives. They are dedicated to keeping all the people well informed and helping them solve their daily personal and civil problems. As such they are an essential and integral part of public education."

Dedication, besides blood, sweat and tears, requires money. If you will provide that last ingredient, you can be sure that we will provide the rest.

If I or the New Jersey Library Association can provide you with any additional information, or if you would like me to return at a later date, you need only ask.

SENATOR WILEY: Thank you, Mr. Bulman, Any questions? Apparently not. We appreciate your presentation.

Mrs. Mary Nash of the League of Women Voters. Would you give your name and address for the record.

M A R Y N A S H: I am Mary Nash, 27 Kohring Circle, Harrington Park. I am Fiscal Policy Chairman for the League of Women Voters of New Jersey representing over 9,000 members in 98 communities throughout the State. We thank you very much for this opportunity to express our views on achieving a thorough and efficient education for all New Jersey children.

First of all, we would like to commend you for the approach you are taking and the questions you have developed. They are basic questions that must be answered in determining a definition and method of providing a thorough and efficient system of public schools. They are not easy questions and the League does not have all the answers. Because of the way the League operates, our testimony must be based on the consensus positions our members reached after careful study. Thus, we cannot address ourselves to all of your questions. Although we cannot give you much help on the definition, we do have some recommendations on the allocation of funds.

We believe every child must have an equal educational opportunity but, like many people, we have never really defined what this means in measurable terms. We also believe there should be no discrimination on the basis of race or sex. All courses should be equally available to all and subtle discriminations, such as those in text books, counseling, etc., should be eliminated.

The League of Women Voters believes in the strongest possible free public school system with a high level of educational offerings. To provide the most efficient system, we support school district reorganization into comprehensive K-12 districts having enrollments large enough to provide most economically for broad curricula, special services, and adequate facilities. Smaller districts either do not provide broad curricula and special services or do so at very high cost. Comprehensive K-12 districts can coordinate curricula, reduce duplication of services, and use facilities most advantageously. Reorganization should be accomplished through mandated state policy which permits maximum participation by the local community.

Since the state is responsible for providing a thorough and efficient system of free public schools, the state will need some way to determine whether or not this is actually being provided. This requires some kind of standards upon which to judge. These might be a combination of state standards and locally set goals. In any case, we believe citizens should have adequate opportunities to participate in setting

these standards. To provide greater flexibility, specific regulations should be incorporated in the Administrative Code rather than in statutes.

We believe effective enforcement is essential. The State Supreme Court decision says, "A system of instruction in any district of the State which is not thorough and efficient falls short of the constitutional command. Whatever the reason for the violation, the obligation is the State's to rectify it." In line with this thinking, the League believes funds should not be withheld for non-compliance since such a step will not help to rectify the problem. Instead, a district which consistently fails to comply should be run by the State Board of Education until such time as the local district can meet the constitutional mandate.

In discussing the allocation of funds, we will try to more nearly answer some of your questions.

Question 16

The state could provide all funds for public schools or it could share the costs with local districts on some kind of equalizing basis. If the state were to fully fund education, the state could pay a certain amount per pupil, or per weighted pupil. This would limit local control to the extent that each district's total budget amount would be determined by the state set amount per pupil. Also, unless the amount per pupil were quite high or special allowances were made, some districts would probably have to cut back. Using another alternative, local districts could set their own budgets, based on their students' needs and the state could supply the funds. This leaves local control of the budget but could be extremely expensive.

If the state were to share school costs, it could be done using a foundation program or power equalizing formula. Under a foundation program the state would guarantee a certain tax base per pupil for all districts. A power equalizing formula would guarantee each district the same amount of money per pupil for the same tax effort. Districts not able to raise the specified amount at the required tax rate would receive up to the amount from the state. Districts raising more than the specified amount would return the extra to the state. Using either system, local districts could set their own budgets. Power equalizing would provide greater equality in money raised by the same tax effort and could be designed to encourage all districts to spend at about the same level. The guaranteed base in a foundation program would have to be set rather high and would have to be adjusted each year to reflect current valuations and costs.

Question 17

The League believes local property taxes for schools should be replaced by state funds to as great a degree as possible. The state should assume the major responsibility for financing schools. In 1971-72 the state paid only about 22% of total school costs (including capital expenditures) while local districts paid 72%. We believe these percentages should be reversed at the very least.

Question 19

If under a new system, some school districts are to receive substantially increased funds, this should be implemented in stages to allow time for planning and best use of the additional funds. If a district has plans acceptable to the Commissioner of Education for using funds sooner than the planned stages, this should be permissible.

Question 20

Certainly any district with greater educational needs (more deprived students or handicapped children, for example) should spend more money than other districts. Aside from this, a district wishing to provide an enriched program or to experiment and try new methods, if it is also willing to pay the extra cost itself, should be allowed to do so. The amount of extra leeway probably will have to be limited, however, to prevent too great variations in spending. The state could equalize the ability to raise these extra funds so even poor districts would have the same choice as wealthy districts of providing enriched programs for their children with the same tax effort.

Question 21

As long as part of school funds are raised with property taxes, municipal overburden should be considered. The much higher costs for municipal expenses in cities must also be paid from property taxes -- leaving less for schools. This problem should be handled separately from a school aid formula, but it should be alleviated.

Question 23

Since there are cost differences in various regions of the state, sufficient adjustments should be made in any school aid formula to eliminate their effect as much as possible.

Question 25

Certainly different programs, grade levels, and kinds of students do cost varying amounts. We believe these differences should be recognized and adjustments should be made to compensate to the extent possible. Such cost differences are often diffi-

cult to measure accurately but we should do the best we can.

In summary, the League believes in equality of educational opportunity. As much local control and decision making as possible should be maintained, but there should be more state standards and greatly increased state funds distributed on the basis of educational need. Some local leeway should be permitted but probably within limits. The state must develop some method of determining whether or not a thorough and efficient education is being provided and must be responsible for effective enforcement of the constitutional mandate.

Thank you very much.

SENATOR WILEY: Thank you. Are there any questions by the Committee members? Evidently not. We thank you and we all have copies and appreciate receiving them.

If the Committee were giving an award for the most compact "thorough and efficient" presentation within the time limits, we would have a number of candidates. We appreciate that on the part of everyone. It is going very nicely from that point of view.

We want to give everyone the opportunity to have his full say. Some of it, I suppose, will have to be in writing, but I would point out we do have two additional public hearings and everyone is welcome and welcome back if they would like to tell us twice or if you think of something that you forgot to tell us the first time.

Dr. David Adler, please. Dr. Adler is not here.

Mrs. Betty A. Little, Director of Education, Passaic River Coalition. Mrs. Little is not here.

Mrs. Edward Nason of Somerville. Welcome, Mrs. Nason. It is nice to have you with us. Will you give us your name and address for the record.

S H I R L E Y N A S O N: My name is Shirley Nason. I live in Bridgewater in Somerset County.

I have been a school board member in Bridgewater Regional.

I am a member of the Council for Basic Education in Washington. I have addressed myself very literally to your questionnaire.

SENATOR WILEY: Fine.

MRS. NASON: So literally, you almost need it in one hand as I give my answers.

Who should define the term? Those members of the Legislature, the State Board of Education and local school boards who have no NJEA affiliation or indebtedness, past or present, in consultation with selected academics.

Advantage: a definition that will recognize the intellectual needs of children.

What did the term mean in the Constitution? A proficiency in the basic intellectual skills. The changing times, Robinson vs. Cahill, and for that matter, Mann, Dewey and the rest, while they may extend the scope of that interpretation, must not be allowed to subordinate the child's right to literacy.

That right is subordinated when teachers imply the unimportance of reading proficiency because the media are geared to the 4th grader, the unimportance of basic math because computers will do the job, the unimportance of all basics because the genius will make it without them and the truck driver won't need them. It is subordinated when they imply that communication is the thing, not the properly written and spoken word - make the film, write the script, misspell the captions - learning should be fun. It is subordinated, and our kids' values are warped, when they're led to believe that all our social, economic and political problems can be solved with rap sessions, dialogue and pseudo-psych games; facts are incidental - learning should be experiential. It is subordinated when vocational training is allowed to take precedence over the basic intellectual disciplines.

Input, process and output. Input is time, teaching talent, money and student enthusiasm.

Process is the use of time, talent and money, and the encouragement and sustained generation of enthusiasm. Enthusiasm is not sustained when today's TV-trained youngsters are underchallenged; it becomes boredom and frequently leads to diagnosis as a learning disability. It is not sustained when youngsters are underchallenged because of the factor known as teacher expectation - the assumption of a child's potential because of his background. This happens in spite of what we've learned can be accomplished when teacher expectation is controlled - backgrounds misrepresented; and in spite of what we've seen can happen in our ghetto schools when teacher expectation is not a factor. I've seen enough to wish it could happen to our middle-class suburban kids.

Output is the result of input and process.

Four, five and six. These cannot be separated, just as you cannot rate a school good - better - best according to only one criterion. The measure of "thorough and efficient" is the output, and these things must be done if it is to fulfill our purpose.

Declare statewide minimum literacy requirements, demand that they be met and hold the schools accountable. The minimum varies in the states where it has already been legislated: 8th grade proficiency in reading and computation by grade 12; 7th grade proficiency by 9th; no more than a grade level behind for promotion.

Establish clear standards of actual accomplishment for measuring student progress. The proliferation of free schools, alternative schools and non-graded situations is fast knocking out all such standards except student desire. Measurement by student potential is dangerous because of the teacher expectation factor. Measurement by letter or number and grade level, whatever its faults, has been proven to be the most reliable.

Educate teachers and administrators and school boards to the importance of giving priority to the intellectual disciplines.

As to the appropriate State-local administrative structure to attend to all this, let it be similar to the Federal body which determined that Title I money was not doing the job, and let it include the people in Question (1) who laid out the definition.

(7) a. He must be a literate citizen and competitor so that he can think coherently and be his own man - no one's dupe; that "educational opportunity" has meaning K through 12. He must have been given a basic education by the end of his school career; proficiency in the basic skills - the 3 R-s, if you will - more than a passing acquaintance with our history and heritage, the sciences, foreign languages and the arts, fine and manual - although with the increase in Vo-Tech schools and considering the varying needs of the districts, the skills for the arts should be at the discretion of the local boards or things could get out of hand when it comes to "equal education". If a rural district sees the need for a course in well-digging, state funds would have to be increased so that every school could be mandated to offer the same - for "equal education". If this seems a ridiculous example, believe me I've learned you can't be too ridiculous in this business; while you think you're joking, it may be happening.

(7) b,c,d. The intangible attributes - morality, tolerance, appreciation of the democratic way of life - these are not measurable and, in fact, cannot be taught. They are absorbed, learned by example, if the teacher is a good person and the school atmosphere a good one.

The tangible attribute - literacy - this cannot be absorbed, can and must be taught, can and must be measured.

The attributes of a competitor in the labor market, as proclaimed by the advocates of Career Education, must

supersede the above. We cannot accept the advocates' proposition that all education must be geared to the world of work, that the highest goal and ultimate purpose of public schooling is to condition people for the labor market.

(7) e. The court reneged on responsibility in using the phrase "equal educational opportunity" without defining "educational". Almost anything can be labelled "education", including the course in well-digging.

I hope they mean equal basic education and equal extensive education with guidelines.

(8). "Thorough" should be directed to intensity of effort. "Extensiveness" will get out of hand in the name of "equal education", unless there are guidelines.

(9). All. Otherwise, state-funded programs will be given first priority.

(10). The right to literacy, which must be the beginning of the definition, applies uniformly.

(11). Yes: upgraded teaching talent and improved process.

a. It should be granted on the basis of handicaps from non-school causes, but more especially of handicaps that are school-caused; for instance, hyperkineticism from underchallenge.

b. Upgraded teaching talent will recognize where the need lies and should have a voice.

(12). Sanctions. If the district does not comply, investigate the board and administration. If a teacher does not comply, fire him; write it into contracts, outlaw it as a grievance. Put the pressure on, because if a child loses out through their non-compliance, he must be held back or graduated a functional illiterate, and to do either because of professional incompetence is not fair.

Thirteen stumped me but I can give one as well as the next fellow I guess. How about this formula about cost? Start with an above-average cost-per-student for, say, 1950. Add a normal cost of living and inflation factor.

Subtract a factor for excessive additions to staff and administration, since their relevance to the quality of output is not proven. Add, say, 10 per cent for the additions in peripheral programs. And then find a factor for the increasing cost of Law 303.

One thing is for sure - "thorough and efficient" must cost less than "careless and inefficient."

(14). How to calculate the impact. Approach it the other way around. Consult college admissions deans, armed services testing officers and industrial personnel officers and calculate the impact of "careless and inefficient" over the past thirty years. Consult them at intervals after establishing "thorough and efficient."

(15). Let all possible be done by local funding. Too much of the tax dollar is lost in transition.

(16). A foundation program, which I presume means a basic education program, should not need State funding. It should have first claim to the time, talent, space and money available in the district. It is, after all, the school's first order of business.

Equalized power, which I presume refers to a district's wealth-per-student, should be accomplished with state funds where necessary for peripheral programs, always with guidelines.

Full state funding is undesirable. Too much of the tax dollar is lost in transition.

(17). The only extent to which existing sources can be replaced is in the reduction of the senior citizen's school tax according to his income. The main source, the middle-bracket wage earner, can only pay from a different, or even an additional, pocket.

Consider Federal funds warily; they cost nearly triple - lost in transition again.

This is community wealth and part of "power equalizing".

An additional comment: demand an accounting of state funds already raised for the "needs of education" before trying yet another referendum. After two decades of increased costs and unsatisfactory results, more money is obviously not the answer.

(18). According to "power equalizing."

(19). For a foundation or basic program, which it shouldn't be, put it in immediately; otherwise, phased in.

(20). Only when cost of living is sharply higher.

(21). Other municipal commitments should have no bearing. If my police force costs more than yours, I don't expect increased state school aid because of it.

(22). Fluctuation should match the fluctuation of the taxpayer's resources.

(23). To the extent of cost-of-living differences.

(24). To the extent of the taxpayer's ability to pay.

(25). Different grade levels do require different equipment for different programs, laboratories, etc.; but K through 12, let this be recognized only to the extent that the higher cost is justified by the results. A simplified example:- maybe over-simplified: If the basics of the English language are not learned better by audio-visual equipment, the extra cost of audio-visual should not be recognized in a school funding program.

Thank you. (Applause.)

SENATOR WILEY: Thank you. Are there questions by the Committee? (No questions.)

Number 19 was deleted. Number 20 is Mr. Tractenberg. Are you a fast reader, Mr. Tractenberg?

P A U L L. T R A C T E N B E R G: No, but I have already decided in the interest of efficiency, if not thoroughness, I am going to try to match the succinctness of the prior speaker. So I will be making some editorial

changes. I will not read the whole statement.

SENATOR WILEY: Thank you.

MR. TRACTENBERG: For the record, I am Paul Tractenberg. I am Director of the Education Law Center, which is located in Newark. I live in Millburn at 121 Sagamore Road.

I think the discussion here since the first speaker this morning indicates acceptance of a proposition which I think is important to officially recognize, and that is that Robinson against Cahill has been generally perceived as an important judicial statement about the way in which New Jersey finances its public schools. But I think it is much more than that. I think it is a clear statement of state responsibility by whatever means necessary, financial or otherwise, to ensure that all children in the state receive equal educational opportunity to become effective citizens and competitors in the labor market.

The case is, therefore, really a very broad mandate to the Legislative and Executive Branches, which I think inevitably will require a rather fundamental rethinking of the basic premises of education. I think much of the testimony here today suggests that. You have heard suggestions that public education should be abolished or it should be revolutionized by the use of a voucher system, and on and on through a range of ideas that really go at the fundamental notions of public education.

I think to know what the court had in mind in the Robinson Case is important unless we are prepared through constitutional processes to overrule it. And I think the touchstone to what the court meant has to be looked at in terms of what a "thorough and efficient" education is. One part of that is obviously dollars, but that does not exhaust the possibilities.

I think it is also important to note that the court -

and this is the State Supreme Court, not Judge Botter who perhaps is getting undue credit or blame for the mandate that the Legislature and the Executive face - but the State Supreme Court very carefully chose to turn this case on the grounds of the "thorough and efficient" education clause, not on the grounds of equal protection of the laws. The impact of that difference is very substantial. For one thing, the court bound the other branches of State government to try to deal with this elusive concept of "thorough and efficient" education rather than simply the notion of equality, which itself is complicated, but perhaps in a way less complicated than "thorough and efficient."

I think it is important to note that beyond trying to deal with the problem of this elusive definition, is also the requirement that the State develop a system which is designed to insure that educational theory is transformed into educational reality. The court was very explicit in stating that every child in the State is constitutionally entitled to a "thorough and efficient" system of free public schools, not merely the promise of such a system. So reality is an important lesson from the court's opinion.

I want to just very briefly - and here is where I will try to seriously excise my statement - run through the facets of the response that it seems to me the Robinson Case requires of the Legislative and Executive Branches.

The first perhaps in complexity, certainly in terms of time priority, is the definition of "thorough and efficient." I think the court made abundantly clear that the definition must come first because it indicated that one of the serious deficiencies of the Bateman Act, the prior school financing act, was that there was no definition of "thorough and efficient." Therefore, it was impossible to assume that a system of financing would automatically achieve thoroughness and efficiency.

The court at one point said: ". . . the State has never spelled out the content of the educational opportunity the Constitution requires. Without some such prescription, it is even more difficult to understand how the tax burden can be left to local initiative with any hope that state-wide equality of educational opportunity will emerge."

So the obvious response which the court made was that the State must first define what the educational opportunity obligation is, what equal educational opportunity means. Incidentally, I will try to respond in a general way, at least, to many of the research questions that the Committee had circulated.

The court did not indicate explicitly who among the State agencies and officers should carry out the responsibility of defining "thorough and efficient." But the Constitution, as you well know, does speak of a legislative responsibility. On the other hand there is a long-standing pattern of the Legislature delegating powers within certain guidelines to the Commissioner and to the State Board and, in some cases, to local school districts. It seems to me that is the preferable way to proceed. It is certainly consistent with what the court in Robinson has required of the State.

The court did give some guidelines to what kind of education that is embodied within "thorough and efficient" should look like. I want to just mention some of those: one, that "thorough and efficient" connotes a high level of education. It is not merely minimal or adequate. It is something beyond that. Exactly what beyond that it constitutes will, I think, have to await the detailed process which the State and local districts are now undergoing.

I do want to point out and come back to one distinction I raised a few moments ago, that the high qualitative level of education that is required by the Robinson Case really

differs from the result that would have flowed from application of equal protection of the laws. You may not have yet seen the opinion of the California Trial Court in the Serrana against Priest Case, which is a rather lengthy opinion after an extended trial. The court decided that case in California on the state constitutional grounds, but on the basis of equal protection of the laws. At one point the court said, "If. . . uniformity of treatment were to result in all children being provided a low quality educational program, or even a clearly inadequate educational program, the California Constitution would (still) be satisfied." As long as everybody is treated equally, even if the equal treatment is poor treatment, that is sufficient. That is not what the New Jersey court did in the Robinson Case. It attached its decision to the "thorough and efficient" standard, which, as I have suggested, embodies a high qualitative standard. So it is equality but equality with a quality standard as well.

Secondly, as you have heard from a number of people who have testified, it seems to me inevitable that "thorough and efficient" has to be defined ultimately in terms of output measures. What are the requirements of "effective citizen" and "competition in the labor market"? What the court was really doing was focussing on equality and adequacy of educational inputs, dollars and otherwise, and on the process that would be carried out in the schools, but focussing on them from the point of view of what impact they had on the production of an educational product, young people who would be able to function as effective citizens and as productive citizens in the labor market.

Third, "thorough and efficient" I believe requires differential inputs and process; that is, the court is, I think, inevitably looking at public education in New Jersey as a kind of equalizer. Equal educational opportunity to become effective citizens, productive citizens, has to

mean different things to different kinds of students. I think the court recognized that by its reference to a case that was then before the Federal courts, the case of Lau against Nichols, involving Chinese-speaking children in San Francisco, and the obligations of the San Francisco School District to provide them with a program which would meet their language problems.

The United States Supreme Court agreed there was such a responsibility and it used some words that I think are important for us to focus on. The court said, "... there is no equality of treatment merely by providing students with the same facilities, text books, teachers and curriculum; for students who do not understand English are effectively foreclosed from any meaningful opportunity."

A fourth element, and one that we heard about extensively from Mayor Jordan and Mr. Ruvoldt, is that "thorough and efficient" includes capital expenses. It is not limited to current operating expenses.

Finally, "thorough and efficient" must be continually updated. The court made that very clear, that it was talking about the standards which would apply in the contemporary setting and that the standards that apply in 1974 are different than the standards that applied in 1875 or in 1895, and indeed that the standards which will undoubtedly apply in 1995 will be different than the ones today. But this process of defining "thorough and efficient" is only one element.

A second is that I believe the State must determine the dollar expenditures which are necessary to insure a "thorough and efficient" educational system. The State must take responsibility for translating this definition of an educational program into an expenditure level. And it must, together with that, provide a funding system which is designed to guarantee that such expenditures are made. It can, of course, and the court recognized this,

rely to some extent on locally-raised funds. There was no mandate that the State move to full State funding. Yet the court did express some doubt that continued reliance on local financing was likely to make possible a "thorough and efficient" educational system.

There are two more realities I want to talk briefly about. One is the reality that equalization of tax burden really has to come about before there is equalization of educational expenditure and, therefore, of educational opportunity. The court didn't require that as a constitutional matter, but I think it recognized it as a practical reality, and I know the Legislature is considering that as a practical reality.

The other reality is that equalization of opportunity can't occur instantaneously. The court gave the Legislature until the end of this calendar year to enact a statute and until July 1, 1975, to have the statute in effect. But I think even that can't realistically mark the final cut-off date, that some equalization will continue over some period of time beyond July 1, 1975. The court really didn't indicate how much time would be proper. But it did say one thing which I think is important, and, that is, until all students are provided with a "thorough and efficient" system of education, no district can provide more to its students. The court put it in terms of an older case that said that the school laws must secure the common rights of all students before tendering "peculiar advantages" to any. That I think is a message that has to be kept in front of the Legislature.

Finally, I just want to indicate the last two stages of this process and I give, particularly as to the final one, some ideas about how the State might consider implementing this last aspect, and I won't go through them. You have it in writing. But one of the last two aspects is, once

a definition has been created and dollars have been attached to it and a funding system has been developed, the State must have some continuing obligation to monitor the actual effects of the system. It has to look to the quality of the educational program and to movements, hopefully, in an affirmative direction.

Finally, and in a way most difficult, the State must be prepared to take ultimate responsibility should this monitoring system disclose that there are deficiencies in some schools or in some districts. As you have heard a number of times today, the State does by the terms of the Robinson Case have the ultimate responsibility for insuring that every district provides a "thorough and efficient" education, that every student receives a "thorough and efficient" education.

How that is done is not spelled out. There are ways in which it can be done that are, I think, quite compatible with local control and local initiative and local discretion in the operation of the schools. But at some point in time, and hopefully this will be very rare in occurring, it may be necessary for the State to intervene, and I have suggested a particular process that could be followed.

I just want to say in closing that the one sanction that appears in the current State law, the sanction against districts that do not comply with State requirements, is to withhold State aid. I think that is not a very productive way to approach the problem. It will become clearly less productive as the State's share of total education funds goes up, as I think it inevitably must. It is a paradoxical way to secure a child a "thorough and efficient" education in the face of evidence the local district is not meeting that guarantee by cutting off a third or a half or more of the funds available to that school district. So I think the one sanction available is not a meaningful one and there are a range of other possibilities which are spelled

out very briefly in the paper.

I think finally that the development of responses to the Robinson Case along some of the lines I have suggested and along some of the lines that have been suggested by other speakers, would really be responsive to the constitutional requirements. However, I think one can view them in a sense in a less negative and more affirmative way. Certainly my intention is to try to suggest some ways in which I think not only the requirements of the court can be met, but also ways in which New Jersey can take truly a leadership role in the country in terms of the quality of its public educational program.

Thank you.

(Written statement submitted by Mr. Tractenberg can be found beginning on page 107 A.)

SENATOR WILEY: Thank you, Mr. Tractenberg. We are very grateful. Are there any questions by the Committee? If not, we thank you.

SENATOR WILEY: Mr. John C. Kerr.

J O H N C. K E R R: Mr. Chairman, Members of the Sub-Committee, my name is John C. Kerr. I live in Manasquan, New Jersey.

I have a prepared statement I would like to read that I believe will be pertinent and relative to the facts that we are looking for.

Whatever the Governor and the Legislature might believe were the reasons for their recent election, the dominating reason was the anger over the spending of the previous administration. Extravagance breeds waste and error, and it is running rampant throughout the State. For the short time they have been in office, it is apparent they have failed to get the real message, and have adopted a policy to outdo the spending of the previous administration. They have apparently sold out to the major pressure groups, who were a big factor in their election. Their introduction of JET LEGISLATION is something new and bewildering to the people in New Jersey.

The State Constitution of 1947 requires that a thorough and efficient education shall be provided every child in the State. Twenty-seven years have elapsed, during which time great strides have been made in the structure and implementation of our statewide public school system. The educators and boards of education are deserving of the credit for the progress that has been made in working toward thorough and efficient education for every child.

Last December, 1973, the New Jersey Department of Education released a draft on "thorough and efficient" education, that, in simple terms, is a state take-over of all the school districts in the State. Shortly thereafter the Botter decision presented the ways and means by which a take-over by the State could be accomplished. Both plans have made money the major factor for providing "thorough and efficient" education.

Since 1947, no specific definition has been presented for "thorough and efficient". In the dictionary, they are defined as "perfect and complete", which definitions are ambiguous and synonymous, and have created a tempest in a caldron. In the final analysis, any other definition for these words will mean what any person or persons want them to mean. . Existing means by which a complete evaluation of the public schools in the entire state, should be completed. It should be thorough and might show a number of school districts providing education that satisfies the definitions. It is, however, very clear with so much emphasis being made on the huge sums that must be provided, that it is the intention of the State to take over the public school system, and saddle our people with back-breaking taxes, with the help of the Botter' decision, N.J.E.A., and the plan drafted by the New Jersey Department of Education. The end of the current fiscal year will find the State with a surplus of \$300 million. Add to this the \$30 million extracted from most of the communities in the State as the result of reducing the school year by 3 days and we have a balanced budget. The latter bill was the product of N.J.E.A. and was Jet Legislation at its finest, taking 3 days from date introduced until it was signed by the Governor. They are also credited with the introduction of a bill giving teachers the right to strike! Both of these acts, at the State level, in no way relate to "thorough and efficient". A law giving the teachers the right to strike in Wisconsin, was passed last year. As a result of a dispute between the board of education and teachers in the small town of Hortonville, The Wisconsin Teachers Association wasted no time with their threat to call out all the teachers in the state on strike.

The plan which has been suggested by the New Jersey Department of Education, which is to cost this huge sum of

money, will, if approved, completely eliminate all control of public school from all local boards of education. Referendums for school budgets and construction of new schools will be eliminated, and all decisions on these two subjects will be made final by out State Commissioner of Education, to list only two proposals. Last week the Governor announced the need for \$500 million for education, and last Sunday he staggered everyone by combining education, the courts and welfare in a request for \$1 billion.

The U.S. Department of Commerce and the Tax Foundation have recently reported that the population for the nation, under 5 years of age, peaked in 1961; the peak for the 5 to 9 year age group was 1966; the peak for the 10 to 14 year age group was 1971 and the peak for the 15 to 19 year age group will occur in 1976. This means all school population, after 1976, will decline each year for approximately another 15 years. They conclude that two benefits should result from this trend, namely an increase in the quality of education should take place and a lessening of the property tax burden on the property owner. The State Board of Education last year estimated there would be a drop in the number of public school students this year of 8,700, whereas there is an actual reduction of approximately 18,000, which includes every county in the State.

It would seem quite evident that the N.J.E.A. and other teacher groups are fully aware of these facts and will do everything possible with Jet Legislation before 1976 to expand the school system and take over and run the entire show.

The State of Ohio is a modern and progressive State, with a per capita income which compared equally with the State of New Jersey. Their General Assembly passed a State Income Tax in 1970, for the purpose of

paying for public education. The income tax went into operation in 1971, and the State, that year, spent \$643 million for school operations. They spent \$763 million in 1972, and \$858 million in 1973. Despite these continuing sharp increases the local school districts still pay 59% of the school costs from local property taxes, as compared to 36% from State aid. The Ohio Association of School Administrators, on April 15th last, said to the people of Ohio that school superintendents may have oversold the income tax as a cure-all for school finance problems in urging passage of the income tax.

The time is long past, for the Governor and the Legislature to start to demonstrate fiscal responsibility to the people of New Jersey, at a time when taxes and inflation are breaking the back of every wage earner and salaried person in our State. It is high time that we start to recognize mistakes that are being made in New Jersey and other parts of the country and profit by them.

The State budget for the year 1974-75 should be frozen at the same level as 1973-74, and a complete re-organization of our state government should be done, with the elimination of the waste and overstaffing in every state department. This should start without delay. Any attempt by the elected officials to run rough shod over the people of New Jersey with reckless irresponsible spending and taxation will be met with a taxpayers rebellion. If the Governor and Legislature take it upon themselves to adopt a state income tax, for many, it will be the end of their political careers. This is the mandate of the people! It is time we had a government of the people, for the people, and by the people.

SENATOR WILEY: Assemblyman Ewing?

ASSEMBLYMAN EWING: Do you represent yourself or do you represent a group?

MR. KERR: I represent myself.

SENATOR WILEY: Senator Dumont?

SENATOR DUMONT: Mr. Kerr, I understood you to say that enrollments were declining in every county in the State, is that correct?

MR. KERR: No, I did not. I said it was declining throughout the State. What I meant to say was throughout the State.

SENATOR WILEY: Are there any other questions?

(no questions)

Thank you very much, Mr. Kerr.

Our next witness will be Mr. William R. Fuller.

W I L L I A M R. F U L L E R: Thank you, Mr. Chairman and Members of the Committee for letting me speak.

I am William R. Fuller, a retired Certified Public Accountant, residing at 300 Prospect Avenue, Oradell, New Jersey and, too, a former school board member and, regretfully, the founding father of one of our regional school districts, who does not envy you the onerous and exacting task that has been assigned to you. Before going into detail on some of my thoughts related to the problem of a "thorough and efficient" education for New Jersey's children, let me say that I believe those of you who are members of the Legislature should immediately return to your legislative duties and get on with the task of passing SCR-3, which would nullify Judge Botter's decision re. property taxation and extend the time period allotted for proper determination of what is a "thorough and efficient" education and how it may be best financed, and ACR-28, which would provide a "Homestead" insurance program for all senior citizen homeowners in New Jersey.

Both of those resolutions bear heavily on a final solution to the problem assigned to you.

As to more specific thoughts on the problem: Having heard your Vice-Chairman, Assemblyman Burstein,

expound on the problem at an April 29th meeting in Dumont, I must agree with him that Chapter 18A of the New Jersey Statutes requires a complete rewriting.

Specifically, I would recommend the section dealing with higher education and a "Chancellor" be completely deleted.

Those applicable to the State Department of Education should be revised to provide for a "Commissioner of Education", under whom would be two Deputy Commissioners, responsible for (a) elementary and secondary education, and (b) higher education - 2 year and 4 year colleges.

The sections pertaining to the school year and day should be revised to provide for: A school year of 52 weeks, consisting of four 13 week terms. Each term should have 11 weeks of classes followed by 2 weeks vacation.

The school day should commence at 8:30 A.M. and end at 4:30 P.M., thus providing for six one hour class periods and one and one-half hour "free," or lunch period, from 12 noon to 1:30 P.M.

Students would be required to attend four days per week, Monday through Thursday, or a total of 176 days of 8 hours each, while instructors would attend five days; Friday being devoted to in-service training, re-defining objectives, re-evaluating methods of instruction and its results, revising curriculum and raising the standards for admission, retention and graduation.

Further, all instructors would be paid on the basis of a 5 day, 40 hour week for 52 weeks per year. Therefore, Statute 18A:29-7, providing for a statewide salary guide, should be deleted and replaced with the following guide, which provides for hourly rates of pay:

Degree Status - No degree, and those instructors engaged in practice or training, \$4.00 per hour; those with a BS or BA degree, \$6.00 per hour; those with an MS or MA degree, \$8.00 per hour; those with a Ph.D.

degree, \$10.00 per hour.

Such a salary schedule should be computed, effective from September 1, 1969 and carried forward each year thereafter with the following provisions: (a) Mandatory increases equal to one-half of the annual percentage increase in the net national product; (b) Merit increases for the remaining one-half percent, if approved by the school principal and the chief administrator. The resulting 1974/75 salary schedule would be:

	<u>'69 Base</u>	<u>'74/'75 salary with increases</u>	
		<u>Mandatory</u>	<u>Merit</u>
BS/BA	\$12,480	\$15,042	\$15,779
MA/MS	16,640	18,971	19,874
Ph.D.	20,800	25,069	26,297

Anyone on the instructional staff being paid in excess of the above computed rates would not have been entitled to any increase other than the "merit" increase during the '74/'75 school year, as these rates for 40 hours per week and 52 weeks per year are well above the national average for a "head of household" taxpayer employed in private industry.

We should limit the field for the Ph.D. to the 2 year and 4 year colleges and provide for their elimination from all elementary and secondary schools within 2 years from the date of adoption of the aforementioned schedule.

The proposals relating to Tenure as suggested by the N.J.E.A. and excerpted as follows from the Record should be adopted.

(a) Instructors in all of the State's schools shall be observed at work four times each year for the first five (5) years. Each evaluation to be followed by a written report submitted to the instructor with the opportunity for a follow-up conference.

(b) A guaranteed hearing before the district's Board of Education for an instructor discharged prior to

receiving Tenure status after 5 years of service.

(c) Tenure shall be considered a fair procedure which guarantees that an experienced, qualified instructor will not be discharged from his or her position without due process and just cause.

Particular attention should be paid to revisions of the Statutes, so that our children will be provided with:

(a) An instructional staff of well-trained, dedicated people who have growing, inquiring minds, capable of imparting knowledge that will awaken the minds committed to him or her and force them to learn the activities that people carry on in "our Country U.S.A.", such as producing, saving, spending, paying taxes, for the purpose of satisfying their basic wants for food and shelter.

(b) A program in which the local community, school board, administration, instructional staff, all working together, will have set up, in simple written terms, goals that are reasonable and attainable, unhampered by Legislative or State restrictions.

In my opinion a fair and equitable method of financing the public school system can be provided by:

(a) The State contributing to each school district an amount equal to the past 5 year average of the "tuition" rate such school district would have charged as "tuition" for an out-of-district student, as computed under the present State formula for determining such rate. In no case shall the contribution be less than \$1,200 per pupil; the amount Acting Commissioner Kilpatrick testified to the Sears Commission as being, in his opinion, sufficient to provide every child in New Jersey with a "thorough and efficient" education.

(b) The funds for the State's contribution to be provided from Lottery, Sales Tax and State operated casino

revenues.

(c) Should a school district budget exceed the amount of the state contribution, upon approval of said budget by the registered voters in the school district, such excess would be raised by the imposition of a local property tax, with the local property tax also used to finance municipal and county operations.

(d) All new construction or rehabilitation of school buildings in any district would be financed by a 25 year issue of State Bonds, with the annual interest and principal amortization to be assessed against the school district in which such funds are expended.

I will close, gentlemen, with a quotation:

"Actually the key to public acceptance of a new system is education. Over the years polling experience has shown that when a measure is strongly favored by the best informed group, even though little known to the public as a whole, sooner or later it wins general acceptance."

One other thing, I have with me copies of an article that I came across recently about a look behind what has caused the crisis in our schools. I will leave enough copies for each of you. I would recommend your reading them.

Thank you very much, gentlemen - and lady.

SENATOR WILEY: Thank you. Are there any questions? Senator Dumont.

SENATOR DUMONT: Mr. Fuller, you started out by saying that you were regretfully the author, or father, of a regional high school district. Would you mind telling us why you regret it?

MR. FULLER: Because in the interim, in the 15 or so years - or 19 years - that have passed since I signed the papers, here in Trenton - right down the street - making the Riverdale Regional School District legal, I

have come to believe, from looking at what has happened, that we would have been better off building our own high school and setting our system up on an 8-4 basis, rather than going from Elementary through 6 and then Junior High, 7 through 9, and High School, 10 through 12. It is a very inefficient system and has grown in to being a monster with a \$4 million budget - far above what it needs, in my opinion.

SENATOR DUMONT: And you would have saved money in your own municipality by building your own high school, is that what you are saying?

MR. FULLER: I believe we could have, yes.

SENATOR DUMONT: Thank you.

SENATOR WILEY: Are there any other questions?

(no questions)

Thank you, Mr. Fuller.

Margaret Slattery from the New Jersey Action Committee will be our next speaker.

M A R G A R E T S L A T T E R Y: Thank you, Senator, I welcome this opportunity to speak out on the crisis in education in New Jersey.

SENATOR WILEY: Would you start by giving your name?

MRS. SLATTERY: Yes, I'm sorry. My name is Margaret Slattery. I am with the New Jersey Action Committee on Education. I come from Bergen County.

SENATOR WILEY: What is the composition of the New Jersey Action Committee?

MRS. SLATTERY: It's a parents group, with chapters throughout the State - in different areas of the State.

SENATOR WILEY: Thank you.

MRS. SLATTERY: For years our action committee has objected to many Federal pilot programs on an individual basis. I now find all these experimental programs being

seriously considered as part of a "thorough and efficient" education in our State.

These innovative programs are part of a system for planned change, to form, through our school children, the "new man for the new society".

We oppose these programs, some of which are as follows: Behavior Modification, as exhibited in the Skinnerian technique of "Operant Conditioning"; Family Life Programs which put forth information regarding contraception, birth control, zero population growth, abortion, euthanasia, etc.; also programs which include introspection, touch-and-tell, self-confession, self-criticism, group-criticism, role playing and pseudo-psychological testing, and other sensitivity techniques as promoted by the N.E.A., National Training Laboratories.

These programs are totally inappropriate to education and when buried under course titles, such as American History, leave parents completely unaware that these techniques are being used on their children.

Now this Committee and the Legislature will hear - or has heard - many speakers on "thorough and efficient" education from such groups as the N.J.E.A., the State Department of Education, School Boards Association, Legislators, League of Women Voters, Psychologists, Librarians, and even the New Jersey Manufacturers Association. Most of the above have a vested interest in what we call this "new education".

Now it is time to listen to the most interested group of all, the parents whose children, after all, we are talking about and whose money you are planning to spend.

Please consider the following questions from us: When did the parents approve or request the "new education"? When did we give our consent to have our children used in experimental programs in school? By whose authority

does the State usurp control over our childrens' minds? By what right do all the people who claim to be "professionals" have prior consideration to their views when our childrens' future is concerned?

A "thorough and efficient" education is for our local school boards of education, who are subject to the will of the community, to decide. We reject Federal and State control over this matter and expect the Legislature to reject it also, unless you Legislators are willing to state, openly and honestly, to your constituents that you consider our children wards of the State, subject to the dictates of an elite who know better than the parents how best to prepare our school children to serve that State.

If you reject this concept, then let our local boards alone to do their jobs in cooperation with the parents who know what they want their children to be taught and who are willing to pay for only that. Thank you.

SENATOR WILEY: Thank you, Mrs. Slattery.

Are there any questions?

(no questions)

Our next speaker will be Mr. Joseph Piskorowski.

J O S E P H P I S K O R O W S K I: I am going to be brief. My name is Joseph Piskorowski. I am the current President of the Lawrence Township Board of Education, and the immediate past-President of the Mercer County School Boards Association. I intend to be brief; I have to; I have to get home and milk my cows.

(laughter)

Mr. Chairman, Members of the Joint Education Committee. "Thorough and efficient" education can be defined as educational goals achieved to the degree that it is consistent with the individual's willingness and ability to support them. The problem with achieving

agreement on a definition of "thorough and efficient" is, of course, getting the individuals and their goals together.

Mr. Chairman, I have just given you the copy of the goals of the Lawrence Township Board of Education. I believe it is among the most complete and comprehensive, and the most representative, in terms of community participation, that has ever been drawn up. I certainly recommend your reading it.

The definition of "equal educational opportunity" must be restricted to the classroom and must be defined in terms of minimum financial support. If we permit ourselves to consider the education that takes place out of the classroom, we will be encompassing a realm which includes every aspect of every moment of every life, including that education which we cannot define as having occurred. Thus, the only real control that those responsible for formal education have on "education" is through the money that is spent on it in our schools.

Please note that I have just referred to "those responsible for formal education". I did not intend to include legislators, for you must consider all aspects of the lives of our citizens. I view "education" as only one leg of a tripod on which an individual is supported; the others are "employment" and "environment". If one or two legs of this tripod are strengthened, the total support will remain that of the weakest leg. I trust that the legislature will not look to formal education as a panacea for our social ills, and gird it with the taxpayers gold, while the other legs are denied the support they also must have if they are to share the load.

Concerning a solution to the dilemma caused by the "Botter Decision", rather than continuing to try to discern what politicians of the 1870's, or the courts of the 1970's, or members of the current legislature want, or think the Constitution wants, the Constitution should be changed to provide in specific terms what the majority of the voters in the State of New Jersey want. In this fashion, the Constitution would serve the people, rather than the other way around.

I suggest the following Constitutional amendment to replace the "thorough and efficient" clause: "The State of New Jersey shall provide for the education of children to a minimum specific achievement and/or proficiency level, which may from time-to-time be determined by the State Board of Education."

The State Board of Education should be composed of elected citizens, each elected from a specific region. Their functions would be those that the State Board Members now have, plus those of the current office of the commissioner of education, whose position would be eliminated, plus those now served by the offices of the county superintendents of schools, whose positions would also be eliminated.

Rights and responsibilities currently held by local boards of education would continue as they currently exist.

With these changes, those responsible for elementary and secondary education in New Jersey would be directly responsible and accountable to the electorate.

The amount of State funding would be 100% of the average per pupil cost on a current expense budget basis, and be limited to those pupils below the age at which the "minimum specific achievement and/or proficiency level" can be projected to occur.

Classified students should be the full financial responsibility of the State regardless of age.

If I have not answered all of the provided questions with the greatest of detail, it is because I do not wish to lose sight of the forest for the trees.

I have anticipated several questions and I will attempt to answer those before you ask them.

As far as the capital outlay portion of it is concerned, I think that an additional funding, in lieu of support for environment - and when I say environment I mean housing, streets, neighborhood centers and the entire concept that people live in -- Funds could be allocated for capital improvements, since the fiscal schools are a part of the physical community involved.

Why, you may ask, do I propose a constitutional amendment? There are two reasons. Whatever is decided by the Legislature has to go back to the courts. This is not a job for the courts; it is a job for the elected representatives of the people. What can be defined as a "thorough and efficient" education today may not, in the opinion of the courts, be "thorough and efficient" in the future, which would necessitate the repetition of this whole procedure. Thank you.

SENATOR WILEY: In effect, you would eliminate the age requirements that are now provided by law for mandatory, compulsory education; when a child reached a given level of proficiency, that would be the end of it.

MR. PISKOROWSKI: As far as the State is concerned,

yes. This does not prohibit the local school districts from providing additional education if they choose to do so, at their own expense.

SENATOR WILEY: Senator Martindell?

SENATOR MARTINDELL: Would you define what the minimum requirements would be?

MR. PISKOROWSKI: Yes. I think that many of those goals will be helpful in terms of minimum requirements. I think I can be general and say I think it should be functional literacy. I think reading, writing, understanding money and check book balancing, basic history of the American Way of Life and the American people, geography - so they can understand Europe, etc. - these kinds of basic things are essential to anyone, regardless of what occupation he may choose.

SENATOR MARTINDELL: Another question - do I read into what you said correctly, that you think the children learn a great deal outside of the classroom?

MR. PISKOROWSKI: Oh, there is no question about it. Only a very small portion of the education anyone receives takes place in the classroom.

SENATOR WILEY: Would it include such things - on the priority list here - as high priority for ability to identify, solve and evaluate problems; would you see that as a State responsibility?

MR. PISKOROWSKI: Yes, absolutely. That is critical thinking. People have got to learn how to think if they are ever going to solve any problems. I think this is basic. It starts right down - there are some critical thinking processes with which you may not be familiar - at the kindergarten level, teaching children how to define - of course, definition is half the problem - a problem and go about finding solutions for it.

SENATOR WILEY: That is number 21 - "think critically and reason logically." Number 22 is to be able to identify

solve and evaluate the problems.

MR. PISKOROWSKI: Right. There are some sub-goals, really. These were all thoughts of the community that were collated - put together. The basic headings were introduced as those that would be the goals. The others are in there as supportive evidence.

SENATOR WILEY: The community gave the highest valuation to--

MR. PISKOROWSKI: Basic skills.

SENATOR WILEY: All right. Within basic stock of knowledge, the highest was knowledge about government and culture?

MR. PISKOROWSKI: Yes.

SENATOR WILEY: The second highest was knowledge about current social problems, ecology, drugs, etc.?

MR. PISKOROWSKI: Yes.

SENATOR WILEY: Would you mandate that as a State requirement?

MR. PISKOROWSKI: As an individual, were I seated on that particular board, I would say so, yes. I think drug education and society education has to begin in kindergarten. It really should begin before that but that is the soonest we can touch it and, absolutely, we ought to try it there.

SENATOR WILEY: Within mental health, the highest goals, evidentially, were to be worthwhile individuals and to have confidence and ability. Are those things that you feel an educational system ought to stimulate?

MR. PISKOROWSKI: These are lower priority items, in my opinion. Those encompass all the goals. I would not suggest that all of those that Lawrence Township adopted be adopted as State goals, merely those suggestions that need to be taken into consideration in the formulation of the State goals.

SENATOR WILEY: Within ability to work cooperatively,

the highest category was, ability to accept all individuals, regardless of racial or ethnic background; that was 63 on the priority line.

MR. PISKOROWSKI: Yes.

SENATOR WILEY: The category on creative arts didn't rate high. The category on ability to make career decisions - the highest was preparations to enter a vocation or college.

MR. PISKOROWSKI: Yes.

SENATOR WILEY: Do you feel the State should recognize a responsibility there?

MR. PISKOROWSKI: No, that is further down the priority list, in my opinion. I think when we talk about functional literacy and the minimum that the state can do, we have to draw some pretty strong lines and, really, we wouldn't go well up into the goals that the particular township might adopt.

I really do think that the difference between education in a deprived area - or ghetto area, if you will - and an affluent, suburban area is the environment question that I addressed to you legislators to be considered outside the realm of the classroom.

SENATOR WILEY: What was the sampling that entered into the selection of goals, do you happen to remember?

MR. PISKOROWSKI: That is either documented in there or I can get you the information. But we did a very technical survey. We got some opinion research people in to work with us. And the samplings that we did take of the community were those that were recommended to us to be as accurate as they could possibly be.

SENATOR WILEY: Are there any further questions? Senator Scardino?

SENATOR SCARDINO: These goals that Senator Wiley is referring to, or reading from, is it your suggestion that goals like this should be set for each community, but set by them and not by the State?

MR. PISKOROWSKI: In addition to the goals that the State should set, I am suggesting that the State Board of Education - as I have proposed the State Board of Education - should set minimum goals. Yes, these could be defined as minimum proficiency levels once those goals have been achieved.

This does not preclude any individual community from setting other goals,- other standards - and having their students achieve those.

SENATOR SCARDINO: And that is what you have done in this particular report?

MR. PISKOROWSKI: That is correct.

ASSEMBLYMAN MARTIN: I have a question, Mr. Chairman.

SENATOR WILEY: Assemblyman Martin.

ASSEMBLYMAN MARTIN: I notice that you would eliminate the office of the Commissioner of Education and have his functions taken over by elected citizens who would form the Board of Education, is that correct?

MR. PISKOROWSKI: That's correct.

ASSEMBLYMAN MARTIN: Would you have them operate on a day-to-day basis?

MR. PISKOROWSKI: I think that I would prefer to see education handled at the State level the way it is handled at the local level right now. Right now the Board is the policy-making body and the Superintendent of Schools is directly responsible to that policy-making body.

Now, as I am sure you are aware, the Commissioner of Education is responsible for the statutes, the State Board is responsible for the statutes and occasionally their responsibilities overlap. What I am suggesting to you is that the supreme power should be elected State School Board members and that a Commissioner, or whatever

you choose to call your Chief Executive would be responsible directly to that group, rather than to no one, really, as he is right now, with a 5 year appointment. I think when he has that 5 year appointment he becomes a czar. I think when you have elected public officials and you stagger their terms, every year the people get a chance at input. Right now they don't have that opportunity.

ASSEMBLYMAN MARTIN: My question really is, who is going to run the department on a day-to-day basis?

MR. PISKOROWSKI: That would be the responsibility of the policy-making body to dictate. If the policy-making body would choose to appoint a chief administrator - if you wish, you may call him a commissioner of education - he would be the one that would be responsible for the day-to-day operation. Of course, he would have an administrative staff under him and those people would be, likewise, responsible for the day-to-day operation.

I don't think-- What I hope you are not reading into this is that the State Board of Education should be responsible for the day-to-day education in the local districts; that's hardly the case.

I do think that the important point here is that the commissioner would be responsible to the board.

SENATOR WILEY: Assemblyman Ewing?

ASSEMBLYMAN EWING: Was this developed from the SIT program the Department has?

MR. PISKOROWSKI: No.

ASSEMBLYMAN EWING: Have you used that in your particular school district?

MR. PISKOROWSKI: No.

ASSEMBLYMAN EWING: Do you know about it?

MR. PISKOROWSKI: No. Not very well, no.

ASSEMBLYMAN EWING: Thank you.

SENATOR WILEY: Are there any other questions?
Senator Scardino?

SENATOR SCARDINO: Did I hear you also call for the abolition of the County Superintendents?

MR. PISKOROWSKI: Yes, I am.

SENATOR SCARDINO: I don't think Senator Dumont was here when you made that comment, so I'd like to know why. I am sure he would ask you this question.

MR. PISKOROWSKI: I think the responsibilities of the County Superintendent can be replaced by \$3,000 worth of secretarial help.

SENATOR DUMONT: I take it then you have either gotten advice you don't like, or no advice at all from the County Superintendent's office?

MR. PISKOROWSKI: No. In my experience in the last few years with the County School Boards Association, I think - I don't intend for this, in any way, to be an evaluation of our County Superintendent - from my knowledge of his responsibilities, there are certain responsibilities that could be handled by people higher up in the state administrative structure, and certain responsibilities that really shouldn't be his. So, I think that the function that he does serve is really a secretarial function and could be handled by a cheap secretary - not cheap, but you know what I mean.

SENATOR DUMONT: Aren't you then suggesting that you get further and further away from local control by placing that responsibility, or opportunity for action, higher in the State Department of Education?

MR. PISKOROWSKI: No. I think if you look, Senator Dumont, at the responsibility of the County Superintendents of Schools, their responsibility to the people is extremely minimal, and their responsibilities really are clerical, not educational.

SENATOR DUMONT: That has not been my reaction, after some 25 years of working with them - it hasn't been

that at all.

MR. PISKOROWSKI: Perhaps you could illustrate what you mean by educational functions that the County Superintendent does that would be responsible to the electorate, and what difference it makes whether he is a county or a regional person.

SENATOR DUMONT: Well, you and I are not supposed to engage in an interchange here. I can only tell you that every time I have called on a County Superintendent for advice and information in the various counties that I have represented - which have been all of the northwest counties of New Jersey - that I have never yet failed to get an answer from them and most of the answers, I found, were very informative.

MR. PISKOROWSKI: I think that the answers that you could have gotten could have been supplied by a secretary.

SENATOR DUMONT: I don't think so.

SENATOR WILEY: Assemblyman Ewing?

ASSEMBLYMAN EWING: What does the Mercer County Superintendent's office consist of?

MR. PISKOROWSKI: What does it consist of?

ASSEMBLYMAN EWING: What is the staff?

MR. PISKOROWSKI: Oh, the staff consists of the Superintendent, several secretaries, a helping teacher, a career education person - that's about it. You have about four secretaries.

ASSEMBLYMAN EWING: Your district does not make use of the County Superintendent's Office then?

MR. PISKOROWSKI: It does in terms of information, but the information that we request from the County Superintendent is merely information that, after shuffling through the papers, is easily obtainable. It requires no decision on the part of the County Superintendent whatsoever.

ASSEMBLYMAN EWING: You have not used them in any course work?

MR. PISKOROWSKI: No course work, no advice that has been relative at all to education in Lawrence Township, or any other township that I happen to know of, has come from the County Superintendent of Schools, because that's not his job, as I said.

ASSEMBLYMAN EWING: How many school districts are there in Mercer County?

MR. PISKOROWSKI: There are 10.

ASSEMBLYMAN EWING: 10 school districts?

MR. PISKOROWSKI: There are 9 school districts, plus the vocational board.

ASSEMBLYMAN EWING: In all of Mercer County?

MR. PISKOROWSKI: Yes.- public school districts.

ASSEMBLYMAN EWING: And how many of the districts do you know?

MR. PISKOROWSKI: Do I know?

ASSEMBLYMAN EWING: You say the people you have talked to have not been the County Superintendents.

MR. PISKOROWSKI: Yes. I have been very close with the Presidents of the other Boards in my capacity as President of the County Association and I have known them as individuals and as Board Members with mutual concerns. The concerns that we have, we resolve amongst other Board Members, not amongst Superintendents.

I think there is a concept that I have tried to address myself to during this whole thing, that the Board of Education should have authority over administrative people and when it filters down through the State Department of Education to us, where a secretary, or administrative person, has authority over us, I think that is wrong. I think we need to have the authority over the administrative people.

ASSEMBLYMAN EWING: How many municipalities are there in Mercer County?

MR. PISKOROWSKI: There are 9 municipalities in Mercer County. If you want to count Princeton Borough and Princeton Township and West Windsor-Plainsboro as two different things, and Pennington Borough-Pennington Township, Hopewell Borough-Hopewell Township, you could consider them, I suppose, municipalities.

ASSEMBLYMAN EWING: Do they have their own form of government in each place?

MR. PISKOROWSKI: Yes.

ASSEMBLYMAN EWING: Do they have their own school system?

MR. PISKOROWSKI: Forms of government-- But there is a Princeton Regional school system and a Hopewell Valley Regional school system that encompass several municipalities. I would guess there are three or four more than ten.

SENATOR WILEY: Are there any other questions?

SENATOR DUMONT: Do you mean that each municipality-- My recollection is that there are at least 12 or 13 in Mercer County. Do you mean that each one does not have its own Board of Education?

MR. PISKOROWSKI: That's correct. There are representatives from several of the regional and municipalities, if you will, to the Regional Boards of Education, but those people do not maintain separate school boards, per se. That's correct.

SENATOR WILEY: They have 10 to 12 regional--

MR. PISKOROWSKI: Yes.

SENATOR WILEY: Thank you very much.

Mrs. Ellen Voyer of South Orange will be our next witness.

E L L E N V O Y E R: Mr. Chairman, Ladies and Gentlemen, I am Ellen Voyer, 372 Charlton Avenue, South Orange, New

Jersey.

SENATOR WILEY: It is nice to have you with us.

MRS. VOYER: Two to three weeks ago I tried, in vain, to obtain the complete so-called "thorough and efficient" plan. I was told that no copies were available, but the plan could be looked at at the local board of education.

To try to read a document of over 350 pages, under those circumstances is short of impossible, as you must know.

It comes as a shock to me to see you hold the required three meetings of public hearings on so short a notice. It might suggest an attempt to ram through these far-reaching plans without the possibility and benefit of a thorough study by the general public.

I have been able to obtain a summary of these plans and found them to be a shocking attempt at a total power grab via a centralized school system, eliminating almost all jurisdiction of the traditionally local elected school boards.

The whole plan is, in fact, a well-disguised rehash of the infamous and unwanted Mancuso Plan. Former Governor Cahill lost his bid for reelection to a large extent by backing and promoting this plan, through the person of Mr. Marburger.

Governor Byrne promised the people, in his campaign, support for home rule in schools and local government. The people of New Jersey will watch carefully who, of our elected officials, is promoting this naked power grab. I predict their life span in the political arena will be a brief one. Thank you.

SENATOR WILEY: Thank you.

I might say the plan that Mrs. Voyer is referring to, presumably, is the plan promulgated under the auspices of the State Department of Education.

MRS. VOYER: I am. And that is, I believe, called "thorough and efficient" and is, in fact, a tremendous document of, I believe, 364 pages, unavailable to the average person. I think this is too important an occasion to have hearings on something that people like myself, and others, are not able to study in detail.

The highlights of this plan are sufficient to raise my hair and I am sure many other people of the State's hair, if they had read it - which I don't think they have done either.

SENATOR WILEY: Well, we have been made aware of it. It is not however, a product of this Committee, nor does it have its approval.

MRS. VOYER: I understand this but it does stand as a document, no doubt, of many hours work, of great expense, and it certainly hasn't been done for the health of the Board. It has been done to influence you, gentlemen and ladies, in deciding what "thorough and efficient" is.

SENATOR WILEY: Thank you, Mrs. Voyer.

I think the notice of this hearing was-- We gave as much notice as we could, after the Committee came into being; something like 2 or 3 weeks. Of course, the notice for the hearings on the 28th and the 5th is longer.

We do recognize our responsibility as a keen one, to hear from the public and get as much public input as possible in the time that we are allowed, which is not within our control. We must do our work within the time, in the present structure, as limited by the court case. With the anticipated call of the special session in June, if that goes through, then we will have to be prepared to speak our minds at that time.

Our next witness will be Mr. John Scagnelli.

J O H N S C A G N E L L I: Mr. Chairman and Members of the Committee, my name is John Scagnelli. I am the

Executive Director of the New Jersey Association for Retarded Children. On behalf of the 14,000 members of our Association, I appreciate this opportunity to present to you our concerns and recommendations related to constitutionally mandated "thorough and efficient system for free public schools for the instruction of all children in the State."

The New Jersey Association for Retarded Children, Inc. is a voluntary, non-profit organization composed of parents, relatives, professionals and concerned citizens. Founded twenty-five years ago, the Association, through its twenty local units, provides direct and indirect services to the retarded in every county in New Jersey. The Association represents the strongest single force in the private sector working to improve the lives of the over two hundred thousand retarded, both young and old, in our State.

During the last several months, the Education Committee of N.J.A.R.C. has addressed itself to the complex question of what constitutes thorough and efficient educational services for the handicapped. The Committee has carefully reviewed the proposed changes in the New Jersey Administrative Code, Chapter 28 and has recommended changes and modifications in this document to the Branch of Special Education and Pupil Personnel Services, State Department of Education. The Education Committee has also recommended changes not covered in Chapter 28 which may require legislative implementation.

The following is a breakdown of the areas of greatest concern to our Association. If education of the handicapped in New Jersey is to be thorough and efficient it must take these critical areas in account.

I. Educational Services must be Non-Exclusionary

- A. In order for education to be both thorough and efficient, it must be for all children as stated in the New Jersey Constitution. This premise has been tested in the courts in a number of sections of the country and has been upheld. The most renowned case being the "PARC Decision" of 1971 in Pennsylvania. As of March 31, 1974 there were 142 children on the waiting list for Day Training in the Department of Institutions and Agencies. These were handicapped children of school age living at home and receiving no educational services.
- B. The responsibility for every child should rest with the Department of Education.

- C. The present exclusionary classification of "neither educable nor trainable" should be deleted and replaced with a more positive classification with the Administrative Code called Mentally Retarded Dependent.

II. Child Study Team

- A. The Association supports the proposed change in the Rules and Regulations which states: "All school districts shall provide the services of a full time school psychologist, school social worker and a learning disability teacher-consultant for each 1,500 students enrolled in the school population. Districts under 1,500 enrolled students must (shall) provide professional services at a minimum of 2½ days a week for each professional discipline. Exceptions to this may be made only by the Commissioner of Education."

III. Early Education for the Handicapped

- A. The New Jersey Association for Retarded Children strongly recommends that pre-school programs be mandated for handicapped children in New Jersey. The State has provided funds for programs on what amounts to a selective and limited basis. These services should be provided to all handicapped children on a statewide basis down to the age of three years old.
- B. Optional services which have been available to the 3 to 5 year old handicapped child should now be extended to the child under 3 years of age. (Chapter 28.-Sub-Chapter 1. Section 6:28-1.1c of Administrative Code.)
- C. A systematic screening and plan for early identification should be established in each school district.
- D. The statement in the Administrative Code "gives advance notice of basic body needs" (Chapter 28: Sub-Chapter 2: 6:28-2.1 Mental Retardation Trainable No. 3.) and "expresses basic wants or needs" (Chapter 28: Sub-Chapter 2., 6:28-2.3(a) should be eliminated as criteria for the admission of a child to special education services. These statements may be interpreted to relate to toilet training. Eliminating children from educational services for this reason is not valid.

IV. Parity of Services

Handicapped children should receive services equal to the services provided to the non-handicapped school population. Specific areas of concern are:

- A. School day: Handicapped children should attend school for the same number of hours as non-handicapped children, unless prescribed otherwise by the child study team on an individual case basis.
- B. Physical Facilities: Classrooms which house programs for handicapped children should be of equal quality as those housing regular classes. The current yearly renewal of emergency approval for physical facilities indicates an unacceptable

exaggeration of the term "emergency". A definite time limit should be placed on this privilege. A possibility might be "either ninety (90) days or the end of that current school year."

- C. Location of Facilities: Programs for handicapped children should be housed within the regular school building in the same areas as the other classes. They should not be relegated to basements, churches or what amounts to other segregated facilities.
- D. Ancillary Services: All services such as art, music, physical ed, etc., provided to the regular school population should be provided to the handicapped population.
- E. Library Service: The School library should be a place where all children receive an opportunity for enrichment. Libraries should contain sufficient material for handicapped children such as high interest low level reading material.
- F. Sports and Extra Curricular Activities: Where schools are providing sports programs and extra curricular activities for children, there should be provisions to provide similar programs for the handicapped.
- G. Continuing Education: When a School district or municipality provides continuing or adult education to the community, provision should be made to provide similar services to the handicapped people in that community.

V. Parent and Family Involvement

Provisions should be made for on-going communication between educators and family members in order to insure understanding of the evaluation and classification process, and of educational goals and strategies. This will afford a carry over of the educational processes in the home.

Specifically parents should:

- A. Receive a copy of the Law and Rules and Regulations that apply to Special Education. This material should be explained and the parents' questions satisfactorily answered by a member of the child study team.
- B. Be informed of the system of redress available to them should they be in disagreement with the evaluation and classification. Should a parent wish to challenge the classification and placement of their child through the Branch of Special Education and Pupil Personnel Services and/or the Division of Controversies and Disputes, New Jersey Department of Education, this disagreement must be resolved within a period of not more than 60 days.
- C. Be involved as participants in the evaluation and classification of their child.
- D. Be informed of the classification and the recommended educational program and education prescription at a conference with one or more members of the basic child study team and in writing prior to placement.
- E. Have access to all records concerning classification, placement and other aspects of the educational process affecting their child. These records will be available for inspection and copying.

VI. Alternatives to the Special Class:

Continuous efforts should be made in seeking and evaluating alternatives to special class placements. Resource centers, supplementary instruction and special assistance programs may hold the key to the transition of the handicapped child into the mainstream of education. Also, the handicapped child must be integrated into the regular school program wherever possible. Our schools prepare children to function in our society. The handicapped individual must also function in the society in accordance with his capabilities. The society is integrated and he must be prepared.

VII. Professional Educational Training:

A. Teachers and Administrators in the Regular Program.

At least one course in Special Education should be required of college students seeking a teaching or administrative certificate. With greater efforts being made to bring the handicapped into the mainstream of education, more and more teachers in the regular programs will be coming in contact with the handicapped child.

B. Special Education Teacher:

Clearly there now exists in New Jersey a need to re-evaluate the certification requirements for teachers in our special education programs. The present across the board certification (except visually and auditorially impaired) has to often lead to a teacher who is unprepared for a specific disability being assigned to teach just that type of a class.

Perhaps a system of certificate renewal every five years with a requirement of upgrading of skills should be considered. A study of the area of teacher certification in special education should be undertaken by the Department of Education immediately.

VIII. Public and Professional Information:

School districts should have plans and procedures to inform their personnel and community as to what they are attempting to accomplish in special education and why.

IX. Plan and Evaluation:

For any system of education to be "thorough and efficient" and remain so, there must be a written plan and procedures for the operation of that system, a mechanism for evaluating the functioning of the plan and procedures, and an agent responsible for the evaluation with the authority to bring about changes in areas that may be deficient. This plan shall include:

1. Philosophy, goals and objectives
2. Identification of handicapped children
3. Classification procedures
4. Diagnosis and assessment
5. Program development
6. Curriculum development
7. Instructional staff
8. Pupil personnel service staff
9. Administration and Supervision
10. Instructional resources
11. Physical facilities
12. Community relations
13. Budget for Special Education and Pupil Personnel Services
14. Regional and cooperative agreements with other school districts
15. Evaluation procedures

- a) Student progress based on established behavioral objective:
- b) Educational programs
- c) Curriculum

The responsibility for evaluating this plan and the manner in which it is carried out should rest with the Branch of Special Education and Pupil Personnel Services, State Department of Education. This in-depth evaluation of special education services shall look at compliance with the law and quality of educational programming. A basis for evaluations might be "A Guide for Self Study and Evaluation of Special Education Programs and Related Pupil Personnel Services" prepared by the New Jersey Department of Education. Evaluation of district special education programs should be made available for anyone who might request them.

Again, on behalf of the 14,000 members of our Association, I wish to express our gratitude for this opportunity to appear before you and share our views. Your courtesy and cooperation are appreciated by the New Jersey Association for Retarded Children. If you have any questions, I'd be very happy to respond to them.

SENATOR WILEY: Are there any questions? Assemblyman Newman?

ASSEMBLYMAN NEWMAN: In this you address yourself to the parent or the local school board, what responsibility do you see on that level? You talk about professionals, State Department, State agencies - what do you see there?

MR. SCAGNELLI: Well, I think as I am relating our experiences as a State agency, we are also a very active local group of parents who make every effort to monitor what is presently happening in our public schools, in terms of special education.

Our parents are deeply involved. Many of them do serve on local boards of education and are, in many ways, constantly hoping to improve the present system.

It is our feeling that in order for any education to be "thorough and efficient" that it must apply to all

individuals in the State, which, at the present time, it does not.

We do have a segment of our population that is denied education because they are classified as being neither trainable or educable. It is on that basis that we feel that they must be for the compliance of "thorough and efficient" education of the State; this must come to bear fruit, hopefully, in the near future.

SENATOR WILEY: Are there any other questions?

(no questions)

Thank you, Mr. Scagnelli, we appreciate it.

Our next speaker will be Mr. Edward T. Magee of Jersey City,

E D W A R D T. M A G E E : Gentlemen and Mrs. Martindell, my name is Edward T. Magee, I am Chairman of a Subcommittee of the Federation of New Jersey Taxpayers, located at 241 Union Street, Jersey City, New Jersey.

I am in my 39th year as a teacher of French in the Dickinson High School in Jersey City. I have an A.B. degree from Manhattan College and an M.A. in French from Columbia University. I also hold an M.A. in Education from Teachers College, Columbia, and a certificate in French from the University of Paris.

On April 27, 1974, State Treasurer, Richard C. Leone, said: "Superior Court Judge Theodore I. Botter. . . mandated a change in the revenue formulas to provide the 'thorough and efficient' education system set forth in the State Constitution. . .

"It's the most complex issue I ever dealt with. What is thorough and efficient education? That people can argue about almost endlessly. . . The court really said it could not say what 'thorough and efficient' was, and left that up to the educators.

"But it knew money was involved somehow."

Consequently this "most complex" problem involves first of all a determination of what "thorough and efficient" means as regards education. The Random House dictionary defines "thorough" as, "executed without negligence or omissions; complete or perfect in all respects." It says that "efficient" means "performing or functioning in the best possible and least wasteful manner; competent; capable; satisfactory and economical to use."

Webster defines the former as "carried through to completion or attainment; painstakingly exact or careful about details." "Efficient" is explained as "careful" and as "competent."

Applying these dictionary criteria then, I for one, do not understand why it is so difficult to determine when the educational process is thorough and efficient. Certainly competence in the three R's can be rather objectively determined by testing the children in these disciplines. Likewise it can be said of the high school education in English, history, foreign languages, mathematics, the sciences and vocational subjects, that there is no great problem in measuring the degree to which the pupils have succeeded in performing or functioning in the best possible and least wasteful manner. In other words, the extent to which they have approached perfection in their studies, or have endeavored to pursue them painstakingly and economically.

Recently however, the N. J. Department of Education prepared a draft of its understanding of the meaning of "thorough and efficient" as regards the Botter decision. The report is over 300 pages in length. That the educators required so much space and language to define what the dictionary does in 6 to 8 lines reveals that they do not limit themselves to the meaning of "thorough and efficient" as understood by the great majority of the people of New Jersey.

I submit therefore, that what the educators mean by "thorough and efficient" as applied to education can best be understood, not by their 300-page dissertation, but by an examination of what the public school system has accomplished under their direction and control.

I maintain further that because the educators are the architects of the pragmatic and relativistic philosophy that obtains in the public school system, thoroughness and efficiency are precisely those characteristics it seeks to avoid. As suggested above, "thorough and efficient" imply objective standards, but central to John Dewey's philosophy, the reigning public school orthodoxy, is the notion that there are no universal or absolute standards. According to him, all the children in the public schools determine their own norms and values and how they will go about implementing them. In his 1953 book, LET'S TALK SENSE ABOUT OUR SCHOOLS, Paul Woodring finds that the result of this has been

...to leave the child, particularly the child of average or less than average intelligence without a set of values.

In the ENCYCLOPEDIA OF EDUCATIONAL RESEARCH, we read:

School Purposes and Specific Objectives.

...The aim of the school is still to prepare children and youth for life.... A most recent

trend substitutes TEACHER-PUPIL GOALS — objectives which represent meaningful goals selected and pursued by pupils and teachers co-operatively in a real situation — FOR AIMS AND OBJECTIVES SET UP IN ADVANCE BY AN ANALYSIS OF ADULT ACTIVITIES. (Emphasis added)

In other words, since the ascendancy of Dewey's philosophy in the 1920's, the public school has shifted its objective of character development through proficiency in the 3 R's in the elementary school, and the academic, commercial, and vocational disciplines of secondary education, to the adoption by the pupils of a relativistic morality to live by. Incidentally, there are many who believe that this change to permissiveness and the denial that there are objective criteria for judging behavior is responsible for much of the malaise, violence, and lawlessness of contemporary society.

Indeed Albert Lynd in his book QUACKERY IN THE PUBLIC SCHOOLS, observes that the American people were not consulted about this fundamental change, and that furthermore, if they had been, they would have rejected it forthwith.

Woodring makes the point that in a democracy the public schools belong — or ought to belong — to the people, but that the people now feel they no longer have an adequate part in establishing basic policy because the professional educators have taken them over. He also contends that the philosophy of the new education is unacceptable to a large number of Americans.

Our conclusion must be therefore, that since the educators deny there can be any consensus as to the meaning of "thorough and efficient," the court's decision to let them determine how the state takeover of the schools shall be implemented results in an unsolvable conflict between them and the overwhelming majority of the people of New Jersey.

That the educators' conception of "thorough and efficient" is unacceptable to most Americans, and by implication to the people of our state is the thrust of a contention made by Arthur E. Bestor in his 1953 book, EDUCATIONAL WASTELANDS. He wrote:

The charge which this book advances is that the professional educationists, in their policymaking role, have lowered the aims of the American public schools. And because the sights have been lowered, NO POSSIBLE INCREASE IN PEDAGOGICAL EFFICIENCY can ever enable our schools as currently administered to reach the target which the American people originally set up for them. (Emphasis added)

Another illustration of the hostility of the educators to thoroughness and efficiency in the public school system is their unwillingness to have the achievements of the pupils measured. Last year the State Department of Education administered tests to certain elementary school pupils and to 12th year pupils in high school. The N. J. Education Association tried its utmost to prevent having the test results made public.

Why are the educational theorists so much opposed to testing the pupils? Because they fear, and rightly, that a poor showing by the pupils on the tests will disclose their lack of concern about things like thoroughness and efficiency in the educational process, and this will lead to demands by the public that there be a restoration of emphasis on teaching the fundamentals of traditional education.

But if we reflect for a moment, we will see that the educational process in the schools is being evaluated all the time, and also that the findings are causing great concern among the American people. Under the title, "Are We Becoming a Nation of Illiterates?" in the April 1974 Reader's Digest, Vance Packard wrote:

...seven million school youngsters have SEVERE reading problems....

A survey by the Louis Harris organization found in 1971 that close to 19 million Americans over the age of 16 had difficulty coping with minimal measures of literacy....

For late-teen-age students as a whole, the most dramatic evidence of decline in literacy emerges from the Scholastic Aptitude Test (SAT).... FOR TEN STRAIGHT YEARS THE AVERAGE SCORE HAS BEEN DROPPING. Over the past decade it has dropped 35 points, or about seven per cent.

Among the reasons Mr. Packard advances for the decline are automatic promotion, what he calls "the egalitarian concept that every youth who can drift up through high school...is entitled to have a try at college." He gives another reason as, "A revolt against rules and established ways." This last, I maintain, is what I have described above as the shift by the educators in educational goals from the attainment of proficiency in the traditional subject disciplines to the adoption by the pupils of a relativistic code of morality for living their lives.

In the Jan./Feb. 1974 issue of the N. J. School Leader, Grace Heckinger refers to the findings of the International Association for the Evaluation of Educational Achievement, which is a study based on data from 9700 schools in 19 countries. She noted that while the upper 9% or 10% of American seniors came out first in reading comprehension, "when all American high school seniors are tested... the American performance slipped severely to 12th place." In other words, our seniors came out in the bottom third!

On Aug. 9, 1959 the N. Y. Times quoted Admiral H. G. Rickover as having said:

In 1957, 1,600,000 secondary school graduates in Russia passed an examination which only about 2 per cent of American high school graduates would have been able to pass.

...our educationists keep lulling the American people with the threadbare statement that "our schools are the best in the world."

They will not face facts, they will not answer questions.
They simply malign those who take issue with them.

Before we determine finally the meaning of "thorough and efficient" let us ask ourselves if our schools are better now than they were, say, 50 years ago, or at the turn of the century. How can any thinking person answer that question in the affirmative? As recently as Feb. 14, 1974 a United Press International story declared:

The traditional ABC's now also stand for something else in our classrooms — assaults, burglaries and crimes of almost any other sort. All are driving school officials right up the blackboard.

On March 19, 1974, in an editorial captioned "A Blackboard Jungle?" the N. Y. Daily News wrote:

New York City schools are...beset by hell-raising student hoodlums and terrorists...official figures show school crimes are increasing in number and viciousness...

When State Treasurer Leone said that while the court could not say what "thorough and efficient" was, "it knew that money was involved somehow," he thereby made the fact of the declining N.J. school population relevant to the "thorough and efficient" discussion.

On March 10, 1974 the Newark Star-Ledger wrote:

The public schools of New Jersey are at the brink of an enrollment plunge which could result in nearly a half-million fewer children in the state's schools within a decade....And the plunge will continue.

If there are to be one-third less pupils within a decade, the present annual per pupil expenditure of about \$1200 in New Jersey will have become \$1800 without any overall increase in the funds provided. Incidentally, for many years New Jersey has been third from the top among the 50 states in its annual per pupil expenditure. This is far above the U.S. average.

One final point. Before there can be any satisfactory agreement on the meaning of "thorough and efficient", on which the case for more spending relies, there has to be a rapprochement between the educators in charge of the schools and the people of New Jersey on the matter. Somehow the public must be represented officially on the committee studying the question.

Before we acquiesce in yet another huge increase in educational funding, let us remember the the U.S. pupil population tripled between 1900 and 1972, but that the cost of the operation increased more than 240 times! Since World War II the New Jersey budget increased more than 40 times as much as the population! The imposition of yet another heavy tax burden would be unconscionable.

Thank you.

SENATOR WILEY: Thank you, Mr. Magee, we appreciate it.

Are there any questions?

(no questions)

Our next speaker is Mr. David Holms of Princeton, New Jersey.

D A V I D H O L M S: I am David Holms. I am representing the Association for Schools and Agencies for the Handicapped and Dr. Sobolvitch is as well.

I'd like to - before I begin what I am going to say - also say that it was very difficult to get hold of "thorough and efficient". Those agencies and private schools that are represented by the Association were able to get it only through the "back door", so to speak.

SENATOR WILEY: "It" meaning what, the Administrative Code?

MR. HOLMS: Right. I just wanted to throw that out because it was very difficult to get that.

We will be as succinct as possible by addressing ourselves to specific portions of "T & E"; precisely, we will make reference to Chapter 28 - Special Education - as our concern is the handicapped youngster. I'd like to preface these statements by saying that copies will be available to the Committee within 3 days. We will be sending them out to Legislative Services.

In general the Association is concerned about the seeming primary concern of "T&E", that being the "thorough and efficient" administration of education, rather than a "thorough and efficient" education, demanded by all children in New Jersey and the nation. Excuse me, I meant to say a "thorough and effective" education demanded by all children.

We consider interest in the child as most important, rather than the convenience of the schools. We have

found that parents of handicapped children have no recourse defined for them in the event that they disagree with the educational placement, goals and objectives for their child.

Professor Goldberg, at Columbia Teachers College, adamantly states that parents must be involved in the process of decision about educational goals and objectives for their children.

The implications made in Chapter 28 are that there are children who are neither educable nor trainable; this is unconstitutional. Bryan Segal states that the issue is whether the individual has the right to be deviant. The professional field of Special Education affirms that he has that right and that it is society's - and specifically the schools' - obligation to accommodate to the child. The relevant concept is zero rejection, not "neither educable or trainable".

Parents should be given a means of recourse when considering the education of their child. Dr. Sobolvitch will present the Association's position on this matter as he describes a means of arbitration whereby a parent has the right to differ with the public school system when his child's education is under scrutiny.

I'd like to just go through a few points of specific objections which the Association has to Chapter 28. I'll try to do this as quickly as possible.

On page 33 of the Administrative Code of Chapter 28, it states that all children are classified by the basic child study team and should be evaluated in such a manner that an individual educational program, related to the handicapped, can be specified. Actually, there is no special heading for this and it looks as though it is part of the classification of the visually handicapped. The Association believes that this should be placed under its own heading - Specification of Programs.

On page 34, this is Subchapter 2, paragraph 2, Disability Diagnostic Examination B & C, -"A parent should be present when possible. . ." This should be changed to read, "every effort should be made to notify the parent or guardian so that they can appear" - this is at the classification hearing.

Also, on the same page, paragraph 3, letter g.7 the way g. currently reads, it appears to deny parents the right to have access to a child's records, as they apply to classification, recommendations for placement, and educational programs. It further tends to indicate that a parentally signed record release to a private, professional, agency would not be honored by a school system if the parent wanted to use the private practitioner or agency to evaluate the child, in an effort to rebut, or contradict, the basic child study team's findings, and/or recommendations in any contested classification.

The Association feels that it should be rewritten to include, "parents or guardians should have the right to question classification and have records forwarded to those deemed appropriate by the parents, in order to promptly expedite these matters for both parents and the Department of Education." Arbitration procedures should also be established. Parents currently do not have any right to appeal, outside of traditional channels.

On page 36, letter k. - I think I should read that so we know where we are. "The child who cannot give evidence to the child study team. . ." - this is going back to the neither educable or trainable statement - ". . .of understanding, or responding in a positive manner to simple directions expressed in the primary communication of that child and who cannot, in some manner, express basic wants and needs, due to mental retardation, may be classified as neither educable or trainable." The

Association believes that this statement tends to allow public education to abdicate its responsibility, and, of course, this is unconstitutional. We have also talked about the zero rejection idea.

On page 38, Subchapter 3, paragraph 3, in terms of placement - The statement, as it currently reads, indicates that the placement of handicapped pupils shall be the responsibility of the chief school administrator, or his designated agent, for the Board of Education and shall be based on the recommendations of the basic child study team employed by the local board of education. This would indicate that parents must accept placement without recourse. A section deleted was, - and this is in parentheses - "or the findings of a clinic or child evaluation center, whose services are purchased by the local board of education." This was deleted in the revision.

Does the deleted section mean that the outside professional service can no longer be purchased and that only child study team services, from teams employed by the local board of education, are the only ones which can be used? If so, this implies that parents contesting child study team findings and recommendations may not seek, at personal expense, an unbiased opinion. Again, arbitration could be implemented here.

On page 38, Subchapter 3, paragraph 4 - Operation of Programs. The following statement was eliminated and should be reinstated - this is letter a. - "Handicapped children may be served in an appropriate educational program on any one of the following bases, but not necessarily in the order named". The sending school district should be allowed to make the determination in reference to placement and program. In this manner, the child's best interests may be served, rather than paying homage to the concept of mandatory special education, as provided only through the public school sector.

Steps 1, 2, 3 4, etc. should be deleted. We strongly recommend that this be done through legislative revision.

On page 44, Subchapter 10 - Individual Home Instruction - Individual home instruction evidence shall be submitted to the State Department of Education. A minimum of 5 hours of home instruction will be received by the child per week. Parents shall have the right to request private placement prior to home instruction, as well.

That concludes my statement. I think Serge Sobolvitch will be talking about arbitration.

SENATOR WILEY: Thank you very much. Dr. Sobolvitch?

S E R G E S O B O L V I T C H: For the record, my name is Serge Sobolvitch and my address is 96 Jefferson Road, Princeton, New Jersey.

I should like to speak to only one highly specific point, the resolution of controversies relating to special education that arise between parents and local educational authorities, or between these local authorities and the State educational authorities. This is a problem of particular importance in the education of handicapped children.

Serious disagreement arises as to placement. There are frequent cases of disputes between the child study team, employed by the local board, and the experts engaged by the parents. The fact is, diagnosis is not usually very easy. There are a great many borderline cases.

Parenthetically, may I add that the Association of Schools and Agencies for the Handicapped essentially endorses section 5 of Mr. Scagnelli's report - The New Jersey Association for Retarded Children - on parent and family involvement, even though these were prepared

quite independently - I heard this one for the first time today - it could have come out of our own meetings and deliberations.

Now if the parents are to be involved, they must have some kind of recourse in case of disagreement. There are several reasons for disagreement - doubts in diagnosis, as I have indicated - but also a tendency of local school boards and local authorities to opt for the cheapest education, rather than for the education most appropriate for the child. It is often - to be specific - difficult to distinguish between a retarded child and a disturbed child, and it costs considerably more to educate a disturbed child. So, many children have been shoved into the retarded category, against the advice of specialists; in some case that I can remember, in fact, against the advice of the school board's own child study team.

Finally, there is a tendency of educational authorities to ignore parental concerns and wishes in favor of their own feeling of efficiency. In all of these cases the needs of a child are subordinated to something else, and the needs of the child should be paramount. This has to be the basic rule of education, and of special education.

In Chapter 28, for instance, of Title 6, relating to special education, there are four specific areas, some of which were raised by Mr. Holmes, in which disagreements can arise, but no clear mechanism is provided for their resolution. Usually the mechanism is legal action. Legal action is extremely long. It is expensive and it discourages the parents from any action. Of course, you must remember also that in these cases, time is of the essence. I know of cases - all of us know of cases - in which legal action was won but the child was too old to benefit from it, he had aged 2 years and those two years were crucial.

The present system, in other words, is cumbersome, is expensive, it discourages the parents, and is loaded in favor of the local educational authorities. What the Association for Schools and Agencies for the Handicapped proposes - the proposal will be mailed to you - is that, instead of legal action such disputes should be adjudicated under the auspices and jurisdiction of the American Arbitration Association. This is an existing body which deals mostly with labor disputes and contractual disputes and which can handle this sort of matter as well.

Any party seeking to have a dispute arbitrated must file the necessary petition of arbitration with the American Arbitration Association, no less than 30 days after a final decision of a board of education, or, in the event a dispute arises between a private school and a department of education - another field of dispute, but a less common one - within 30 days of a final decision of a department of education.

Rather than take up your time and try your patience by reading the entire proposal, let me summarize it. It is, in fact, not one proposal but several alternate proposals, all of which are acceptable to the Association of Schools and Agencies for the Handicapped.

Under one proposal the Arbitration Association would recommend the hiring of experts, since they are not experts by definition - it is made up entirely, as you know, of lawyers - and would render a judgment that would be binding on all parties.

Under another proposal, such judgment would not be binding and further appeal would be permitted. However this would allow a rapid first step to be taken.

The Association does not stress either proposal, it would be satisfied with either.

One paragraph of this proposal, which is based on a plan in operation in Massachusetts, would put all expenses

incurred by parent, guardian, or student, during arbitration, upon the State. These expenses are a \$200 fee, which is required by the Arbitration Association, plus whatever fees are charged by experts and by legal counsel, which may, but need not, necessarily, be present. We would consider this to be the ideal case. Many parents have been deterred by cost alone. However, again, if it is judged that this is not a practical solution, or that the State cannot raise the funds for it, we would be satisfied to see the State eliminated from it. This, as you see, gives four different proposals and we would be satisfied with all of them.

We do feel very strongly that disputes, especially in the case of special education of severely handicapped children, arise frequently, deserve to be ruled upon in a somewhat less cavalier manner than is now the general rule, and to be arbitrated rather than be subjected to legal procedures. Thank you very much.

SENATOR WILEY: At present, to what degree does the county personnel - out of the county superintendent's office - get into contested cases?

MR. HOLMS: I don't know what the statistics are but that is another level of recourse. In other words, if a parent disagrees with the local school board, they can, in turn, go to the county superintendent's office and then, in turn, go to the Department of Education - the State Department of Education.

SENATOR WILEY: At what point are you proposing to short-circuit that?

MR. HOLMS: Well, it is not a matter of short-circuiting. That area of redress is fine but, at the same time, it still puts the decision in the hands of those that the parents have not selected. In other words, it still does not give them any kind of recourse, above and beyond what has been established already - what

has been established in "T & E", so to speak.

I think that we are implying that the parents do need, for example-- Let's say they disagree with even the State Department of Education. Now, granted, cases of this sort are few and far between but, at the same time, if we are basing this on the consumer - meaning the child and the parents - we feel the parents should have more say, and if we allow them more say, then this would also imply that we should allow them the ability to develop their own, for all intents and purposes, child study team, through private practitioners.

Do you want to say anything more, Dr. Sobolvitch?

DR. SOBOLVITCH: Essentially, I think, the answer to your question is that it would come just prior to it being submitted, under the present system, to the Department of Controversies and Disputes. It would be placed in that particular step.

This, incidentally, has been discussed with members of the State Department of Education, who - those we talked with - were generally favorable to this plan, since they agreed that legal action is cumbersome and does not do the child any good and that this would probably satisfy the parents far more, even if the decision were the same. There is a certain aura of arbitrariness about decisions handed down from Olympus that can make life extremely difficult.

SENATOR WILEY: Are there any other questions?

ASSEMBLYMAN NEWMAN: Do you think there are experts in the field who will serve as arbitrators?

DR. SOBOLVITCH: No, sir, the arbitrators would be members of the American Arbitration Association. They would be lawyers.

ASSEMBLYMAN NEWMAN: Are you satisfied with that?

DR. SOBOLVITCH: Yes. They would call expert witnesses but they themselves would not be experts.

ASSEMBLYMAN WORTHINGTON: Could you give us a

dramatic example of how delaying a prescriptive treatment for a youngster would, in fact - say for a year or two years - negate the whole treatment after that?

DR. SOBOLVITCH: In the case of emotional disturbances the sooner the child is taken care of the higher the chance of success, by a very dramatic factor. We also advocate starting schooling for disturbed children at an earlier age. This is, of course, a part of Senate Bill 441.

There will be other members of our Association testifying in Paterson and Glassboro to other parts of our program.

Now under the present program, such a child has to wait until he is 5 years of age before he gets into the school system; there is no mandatory education before that age. Let us assume that legal action delays it by another two years. He is 7 by now. If he is severely emotionally disturbed and he is 7 before he gets into any educational program, his prognosis is extremely poor. At 5 it is better. At 3 it would be much better. It is quite a dramatic change.

ASSEMBLYMAN WORTHINGTON: Isn't that also the one area that is most maligned - the emotionally disturbed child - and where they are really not taken care of; they are put in with retarded children and they are really not given the kind of prescriptive treatment that they need?

MR. HOLMES: That is administrative efficiency, supposedly, in terms of cost - cost benefit analysis, or what have you - to place a child who is emotionally disturbed and have a child study team rework the definition to say the emotional disturbance is secondary, rather than primary, that child can be placed in a retarded classroom. Of course, he is not benefitting, necessarily, from the retarded classroom.

Now we are making generalizations here, needless to say, but I think there are specific cases which

warrant this redress system. For example, we are talking about classification but we are also implying placement as well. In other words, a child can be, for example, placed, or given homebound instruction, we are saying, a minimum of 5 hours a week. Now homebound, as it stands right now, can be 2 hours a week. A teacher can go into the home for 2 hours, work with the child, and then another teacher will go in the next week, so you don't have any continuity. In those two hours, more often than not, you find the teacher saying to the parent, just leave me alone for the two hours. The parent doesn't know how to follow up on any of this. So, for all intents and purposes the child is not receiving an efficient or an effective education on that basis.

SENATOR WILEY: Thank you very much, we appreciate it.

Our next speaker will be Mr. John J. Howell.

J O H N J. H O W E L L: Mr. Chairman, Committee Members, I am John Howell of Hopewell Township and I am appearing as an individual. I am not speaking on behalf of any group. I am simply a citizen, taxpayer, and interested member of the body politic.

SENATOR WILEY: Nice of you to come.

MR. HOWELL: I am also not going to speak at any great length and I do not have any prepared statement to read to you. I am going to speak from notes. I am going to hold back what I might have to say about educational finance and possibly appear at a later session of the Committee on that subject. So, I am going to speak mostly about the "thorough" component of the term "thorough and efficient". This will be my own definition, as I see it after listening to some of the testimony, in fact all of today's testimony. I have heard several parts of this in the presentations of others but I think it may be useful to put together some of the thoughts and, perhaps, some

of the things I say are a little bit new or different.

In the first place, a thorough education, to me, means that nothing essential may be omitted. In the second place, a thorough education - I think it was Mr. Magee, or someone else, who made this point - cannot really be equated with a minimum offering of any kind. It must represent either better than average or, perhaps, as good as the best, at least reasonably comparable with the best - somewhat in the ballpark, if you will, with what is generally accepted and regarded to be good. Now the standards for that may be taken from the reputation of systems, such as those in other states, which are subject to some kind of a ranking - a quality ranking - as good systems of education at that time.

I don't know whether your Committee has had the benefit of this report, which was recently put out by Education Commission of the States. If you have copies of it, it speaks more to the financial part of it and I have made some analysis of it, but I won't discuss that at this time. But I do think that the idea of looking at statewide systems, which are defined or generally accepted to be "thorough" education systems, may provide a reasonable standard for determining whether a particular system, under scrutiny, is on a par with those which are generally accepted to be "thorough".

I would like to say that the list of what should not be omitted, I believe, should include, besides the basic skills - and those definitely, as many have emphasized, should be included - learning to learn or, you might call it, love of learning. That is one of the parts of the definition of "thorough".

Critical thinking has been mentioned. Physical development must be included as part of a "thorough" education. Willingness to accept responsibility; desire to preserve and exercise one's own rights, tempered with due respect for the rights of others; appreciation of

literature, art, music and dance and an ability to express oneself in some medium.

I think these are, perhaps, not an all-inclusive list of the things that should not be omitted but I would feel that an education lacking any one of these ingredients was less than thorough.

Now, we might say, how will we determine whether a thorough education has been provided? I have jotted down some of the measures that I would propose and this is not a carefully researched list of measures, some of them might have to be further defined. But I would think that there should be, in the evaluation, some measure of basic skills. There should be a measure of physical development in physical education and there are some excellent tests that I worked with in that field, put out by the Association for Health and Physical Education.

I think there should be a way of evaluating students, or pupils, critical thinking, and in doing this, I would recommend that some kind of an essay format be used. Although this is not the popular means of evaluation in this day and age, in other countries there are approaches to evaluating critical thinking, as in the Cambridge Ordinary Level Examinations in England, or the Advanced Level Cambridge Examinations. Also, I believe that this is probably included in the Advanced Placement Tests put out by Educational Testing Service, as one of the elements. Work has been done on how to evaluate critical thinking and a very good job can be done.

There should be some kind, I believe, of an analysis of the sequel, or the consequences of school leaving. By school leaving I mean we should include both drop-outs and graduates of the school. You can tell whether you have a thorough education by looking at what then happens after people have left the school. I think it would be important to distinguish for school drop-outs

whether they dropped down or up. It is quite possible that someone, in some stage of his education, has dropped out, but that doesn't mean, necessarily - although it may very often be an index - that he is lost forever to his own education. He may drop out of school in order to do something even more worthwhile. He may resume his education at a later time. So, I think we need to know, in the case of drop-outs, whether that meant that the person drifted around, did nothing, was unemployed, got involved in anti-social activities, or whether it meant that he, or she, went to some constructive activity.

Also, I think that in terms of the graduates of the schools, you have to look and if they have been "thoroughly and efficiently" educated the consequence then should be that they continue to either pursue further education or pursue constructive lines of activity and make themselves socially useful and lead really reasonably satisfying lives.

I think perhaps I have talked long enough. I am talking from notes. I would say that some of the negative indications that we might be concerned with are measures of alienation, such as alcoholism and drug abuse, vandalism, pollution, non-voting, absenteeism, etc.

I think with that, I will leave it and, perhaps, come back to you another time on the question of finance.

SENATOR WILEY: We certainly will welcome you back.

I see that you are connected with New Jersey Educational Research, is that correct?

MR. HOWELL: Yes.

SENATOR WILEY: What is the nature of that organization?

MR. HOWELL: New Jersey Educational Research is the name that I and some of my colleagues take when we do particular research projects in New Jersey and get compensated for it. When we do our work for free - which we sometimes do - we don't bother with it.

SENATOR WILEY: You are not going to send us a bill today, are you?

MR. HOWELL: No, therefore it is really not under New Jersey Educational Research. If you paid me, I would call it that.

SENATOR WILEY: We thank you very much. Are there any questions?

(no questions)

We appreciate your coming and giving us your thoughtful advice.

Mrs. Edwin Fisher, Jr.?

(not present)

Mrs. Guise?

(not present)

We have reached the end of the list. Is there anyone else in the room who wanted to be heard and who has not been heard?

(no response)

I see no hands and hear no voices. We express our gratitude to all of those who have now left us and to those who have waited faithfully through this proceeding. If we can benefit from all of the thoughtful advice we have received from the citizenry as effectively as we should, the State will have moved the ball ahead a little bit today.

Are there any comments by any of the Committee members?

(no comments)

We have a committee session, then, scheduled for next Tuesday at 10 A.M. in the Assembly Lounge and then we have a meeting of the Committee at the State Board of Education meeting room in the afternoon. That will be an important meeting and I hope that we can encourage all of our Committee members to be with us at that time.

This hearing will now stand adjourned.

CITY OF JERSEY CITY

FOR RELEASE: THURSDAY, MAY 9, 1974, IMMEDIATE

Mayor Paul T. Jordan, M.D., announced today, the first of a two part program for meeting the State Supreme Court's mandate for development of a "thorough and efficient" school system. The four-point proposal for school capital construction, as contrasted to school operating aid, calls for the following:

- Immediate State assumption of local school district debt service for prior school construction;
- Full State responsibility for financing future school building construction;
- Development of a State-wide capital improvement program process to determine school construction needs and priorities;
- Creation of a New Jersey Educational Capital Construction Commission consisting of (4) members of the legislative leadership, (4) members of the State Board of Education, and (2) members of the Governor's cabinet;

PRIOR SCHOOL DEBT SERVICE

Under the Jordan plan the State would assume all local school district debt service which existed at the time of the Supreme Court decision and such portion of debt service incurred after the Supreme Court decision but before legislative action on a new funding program this year as the newly created NJECCC determines was necessary to provide children with a "thorough and efficient" education. Since total school debt payments in 1974-1975 were \$175. million and present State construction aid is now \$40,000,000, the net additional cost to

the State is \$135 million, an amount which local school districts would save.

FULL FINANCING OF FUTURE BUILDING

The second point of the Jordan proposal is full assumption by the State for the costs of all public school construction and capital improvement projects approved by the NJECCC from and after July 1, 1975. This proposal would aid both urban centers with aging facilities and also rapidly growing suburban and rural communities. This point is highlighted by the fact that of New Jersey's ten most indebted districts, only four are the older central cities, while six are growing suburbs. The same urban-suburban balance would, undoubtedly, continue in the future.

AN EDUCATIONAL CONSTRUCTION PLAN

A key factor in the assumption of State financing of future school construction would be the requirement that local boards of education prepare an annual ten-year capital improvement program. This local capital improvement program would be reviewed by local planning boards and would then be transmitted to the State Department of Education. The State Department staff would review local projects and proposals and consolidate them into a State capital proposal which would assign priorities to each project and recommend approval or rejection and funding or non-funding of each

project.

The draft program would be transmitted to the State Board of Education which after review and modification would adopt and promulgate the State educational capital program and transmit it to the to-be-created New Jersey Educational Capital Construction Commission.

CHOOSING PRIORITIES - THE COMMISSION

The New Jersey Educational Capital Construction Commission will be the body to determine school construction priorities. The Commission will represent the Legislature, the Executive and State Board of Education. It will review the program submitted by the State Board and approve, or modify and approve, the State educational capital construction plan and transmit the same to the Governor and Legislature for inclusion in the annual budget process. The annual budget would contain a sum of money to fund the plan.

LOCAL INITIATIVE PRESERVED

Upon adoption of the State budget, the State Board would notify local boards of education which projects have been approved and which projects have been funded. Upon receipt of such notification, local boards would take such action as is necessary to complete the project funded. Local boards could use the monies allocated to them for any projects approved in the State educational capital program.

In addition to any State funding, local boards would be permitted to spend annually a sum of money not to exceed 5% of each project's cost for preliminary planning and design or for building improvements which would allow it to meet the unique needs of its school children.

CONCLUSION

Education is a process intended to unleash the talents of each child and let each become all he or she is capable of being. We must now embark on a process to provide equal educational opportunity to every child so that each has a fair chance in life.

The educational capital construction process and funding plan proposed herein is intended to do just that. New Jersey is not overburdened with school debt. The net annual local school debt of \$135 million can easily be consolidated on a state-wide basis and the burden redistributed more equitably. This debt payment assumption by the State will be of minor impact upon any overall revenue-raising program, but will go far to lighten the load now borne unequally to create our present school facilities.

The second part of Jersey City's educational finance reform program, touching on aid for school operations, will be announced within the next two weeks.

SUBMITTED BY R. L. SOLYOM

The People's Mandate -

No Income Tax
No Statewide Property Tax
No Increase In Sales Tax
CUT SPENDING

- - - - -
The Press Can't Bury It
Political Chatter Can't Bury It

April 9, 1974

To Members of the New Jersey Legislature
Trenton, New Jersey

Gentlemen:

As a citizen and taxpayer, I write to urge that the Legislature cast off the control of the educationist dictatorship which has dominated the Legislature and governor for years. New Jersey has an integrity crisis which is the result of the failure of education. This failure is now generally acknowledged. It is time for the Legislature to resume the constitutional function which it abdicated long ago and take back control of education.

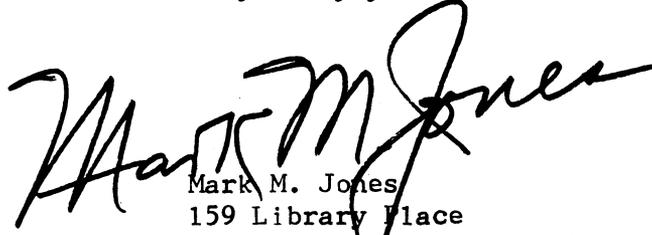
Education in New Jersey in recent years has been fashioned first to serve educators and last to serve children and the public interest. The chickens of such folly have come home to roost in the form of degeneration, demoralization, crime, violence, vandalism, and particularly a raging inflation.

The Botter decision is not the answer. It sets up a constitutional crisis because it is an attempt by the judiciary to usurp legislative and executive functions. It also serves as a red herring to cover up the real problem, which is the kind and quality of education.

There is a mandate of the citizens of New Jersey that is of long standing. It is no income tax, no statewide property tax, no increase in the sales tax, and cut spending. Governor Hughes and Governor Cahill were forcibly served with notice of this fact. There has been no change in the people's attitude since.

The answer in brief is for the Legislature to require the development of a program of education along the lines of the enclosed. It must provide society with leaders who have integrity and are willing to assume their necessary responsibilities as citizens in a free society. It must give us the kind of education that will prepare the individual to get a living, to live a life, and to mold a world in an era of science and technology.

Very truly yours,



Mark M. Jones
159 Library Place
Princeton, New Jersey 08540

EDUCATION AND NEW JERSEY'S INTEGRITY CRISIS

Inflation, corruption, degeneration, and malfeasance in government, in politics, in education, in business, and particularly in the law have a common cause - the failure of education. A whole generation of individuals who have become our leaders have been denied the kind of indispensable preparation for life that our distinctive system of freedom requires. This was brought about by the systematic subtraction of integrity from the educational process by what has become the education dictatorship. This has culminated in the crisis which now seriously threatens the scale of living of all of the people.

The cornerstone of our system of freedom is integrity. Individuals with integrity cannot come to maturity through education if there is no integrity in the process of education. Integrity does not just happen. It must be caused - developed.

The elimination of character-formation and moral and spiritual values as cardinal features in the program of education of the United States began about 1934. It, too, did not just happen. It was caused by the National Education Association under the leadership of its president, Willard E. Givens, and by the Social Frontier movement in Teachers College, Columbia University. Harvard College had an important stimulating and guiding role. All such forces derived inspiration and guidance from the Fabian Society of Great Britain under the control of Beatrice and Sidney Webb.

Education is a principal feature of the integrity crisis in more ways than one. It paved the way for inflation in the United States. Because of this, we no longer have a legal and durable store of value in a monetary sense. Among the results, more than a trillion dollars of the values in life insurance and savings alone have been destroyed in a little more than two decades and the value of the dollar has been knocked down to less than 20¢.

The people of New Jersey are now paying over three billion dollars a year for education that does not educate. For the United States, estimates indicate that over \$94 billion will be poured on the raging flames of inflation this year in the name of education. And remember all the time, it is for education that is not what is needed - education in which there is no accountability. And over all, it is education that has a mighty effect toward carrying out Stalin's objective of making Capitalism pay for its own funeral.

Will There Be A New Jersey Watergate?

As one result of the foregoing, the people of New Jersey now confront the prospect of a New Jersey Watergate and a cover-up that makes the original Watergate seem like a fly speck in comparison.

The attempt at cover-up is being made by using the Botter decision and the New Jersey Supreme Court decision as red herrings to make people believe that the problem of New Jersey is more money for education, when it is not. The problem is the kind and quality of education - education that does not educate.

The press has led the public to believe that as a result of the two court decisions, we can no longer finance education with property taxes. The Botter decision does not say that.

However, the effect of the Botter decision is to take for granted the slogan of the Socialist educators - that there is nothing the matter with

education that more money won't cure. It slickly sidesteps the fact that the failure of education is the underlying cause of all of the degeneration - education that has resulted in widespread politicalization of the economy at the expense of productivity.

The Botter decision and the Supreme Court decision brought forward a meaningless and hypocritical propaganda shibboleth - "thorough and efficient education" - in an effort to divert attention from the real need. The first and foremost need is to define the kind and quality of education now required to provide leaders who will maintain the scale of living of the people instead of undermining it deviously.

Then there is a contributing factor toward continuance of our no-integrity education. It is the fundamental change that occurred in the legislative process during the past generation. The Legislature has largely ceased to represent the people who elected its members. The effect is for it to consider citizens, taxpayers, and the public interest last instead of first. This is because it is now almost entirely controlled by self-interest pressure groups.

The education lobby has been the leading force among the self-interest pressure groups which increasingly have dominated the Government of New Jersey for a generation. It has had all necessary control of the legislative and executive branches for years. It has built up a prodigious empire and has become a virtual dictatorship. Now it is making its boldest move. Having succeeded in brainwashing six judges, it has brought the judicial branch under its control. It is now attempting to use the prestige of the judiciary to stampede the legislative and executive branches of the Government of New Jersey. The primary aim of this stampede is to cause the legislative and executive branches to ignore or cover up the colossal failure of education.

The judges have been so misled into going along with the education dictatorship that they have stepped out of line to do it. They have made new law - to legislate instead of interpret. They have put the cart before the horse by putting money ahead of the kind, quality, and results of education. Whether wittingly or unwittingly, the effect is the same as if they were being used by the education conspiracy.

Moreover, these court decisions also are being used to further the constant striving of the education empire builders to remove control of education from the local community by means of changes in their administrative code. The changes to be put over behind the smoke screen of the two court decisions will further subtract from home rule and increase centralized power in the Trenton bureaucracy. So the educationist dictatorship will be complete - with control over the legislative, executive, and judicial branches of the State Government, plus control over local governments and boards of education.

In The Public Interest

If the legislative and executive branches of government in New Jersey discharge their constitutional responsibilities, they will disregard any mandate alleged to reside in the decisions of the six judges. They might even advise the judges to mind their own business and stay within their constitutional functions. It will be necessary for the Legislature to resume its function and to take reasonable time to design and develop the fundamental and far-reaching change in education that is so long overdue.

Traditional thinking about education has been obsolete for years. The

subjects which should compose the curriculum require drastic reconsideration. We are in a totally different world from that for which today's education was developed. The basic problem is to develop education which will enable the multitudes to realize and enjoy the fruits of science and technology. Prevailing educational policies were developed for a pastoral civilization. The requirements of a science and technology civilization are vastly different.

There should be three different kinds of education. The first should be government education. The second should be public school education. The third should be private education. Public school education of today is misnamed. It should be called government school education.

First consideration must be given to the establishment and maintenance of order. Next there should be a logical rationale for participation in the gradual development of a going-concern economy.

A rationale for delimiting the three kinds of education should be developed and implemented. Accordingly, it is proposed that a new program of education be prepared for the government schools of New Jersey. Such a program at this time should emphasize relevance, motivation, discipline, and accountability. It should be classified in two parts. The first should cover curriculum items that are mandatory and must be financed on a compulsory basis through taxation. The second should cover items that must be financed otherwise than through taxation.

1. The stated purpose of government education in New Jersey should be to prepare normal individuals for responsible participating citizenship in a constitutional republic predicated on self-government, private enterprise, and individual responsibility. Abnormal or subnormal individuals should be the objects of a separate policy and program which not only includes the foregoing purpose for normal individuals, but also the distinct and different means necessary to deal with the abnormalities or subnormalities of the people involved.

2. Only that part of government education which is absolutely essential for the preparation of normal individuals to be responsible participating citizens, as above outlined, should be financed henceforth on a compulsory basis through taxation. Public school education, as above differentiated, should be financed from non-tax sources on a cooperative basis and through philanthropy, without reliance upon income derived compulsorily through taxation.

3. Inculcation of integrity, fidelity to trust, and the fostering of moral and spiritual values essential for character-formation in a system of freedom should be mandatory in all forms of education. Every normal individual should come to maturity prepared for responsibility and equipped with the moral equivalents of steering wheel, brakes, and speedometer.

4. Discipline must be re-established in all education and should be based on fostering self-control, self-development, self-reliance, self-restraint, self-protection, and personal responsibility.

5. Universal free compulsory education up to the age of eighteen has been discredited by experience and should be replaced by preparation of normal individuals for responsible participating citizenship.

6. Every normal individual should be equipped with a practical understanding of the meaning of responsible participating citizenship in a local community. This should include an awareness of the power structure and how

to be a representative of a voting constituency in political processes.

7. A fundamental change should be made in the program of education for government schools so that the development of vocational schools and vocational skills is given first consideration, and especially for those not interested in college. Conversely, education to prepare for college without regard for the prospective relation between supply and demand for college graduates should be modified and curtailed.

8. Preparation of the individual for family life as spouse and parent, including how to manage a family and its leisure time in modern community life, should be a cardinal feature of the program of education.

9. The individual should be prepared for care of self as a physical being, including special emphasis on nutrition.

10. Understanding of how a private enterprise economy should operate, how the process of capital formation should work in a going-concern economy, and how to manage money should be inculcated.

11. Athletics should receive last and least consideration in government schools.

12. Every normal person should be given the necessary understanding of the function of religion in a system of freedom.

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Among basic policies necessary as the matrix of a sound program of education are the following:

A system for consultation of the citizens and taxpayers before government school budgets are prepared. This should be articulated with a system for annual accountability for results and costs.

Control of education no longer should be in the hands of educators. The expert should be on tap and not on top. This does not mean that teachers should not do the teaching. Education in New Jersey no longer should be run first for the benefit of educationists and teachers, and last for students and the public interest.

Taxpayers should be required to pay no part of educational expenditures for welfare purposes or for education of the abnormal and subnormal through government schools.

The citizens in every government school jurisdiction should have the absolute and final control of government school education in that jurisdiction and the amount spent on it.

There should be at least a 50% reduction in the amount paid on a compulsory basis through taxation for education in New Jersey within three years.



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STATEMENT
OF
PAUL L. TRACTENBERG
DIRECTOR, EDUCATION LAW CENTER

JOINT EDUCATION COMMITTEE

PUBLIC HEARINGS

MAY 14, 1974

107 a

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Robinson v. Cahill has been correctly perceived as an important judicial statement about the constitutional sufficiency of New Jersey's system for financing public education. But it is much more than that. It is a clear statement of the State's responsibility, by whatever means necessary, to ensure all children in New Jersey an "equal educational opportunity" to become effective citizens and competitors in the labor market.

Robinson v. Cahill is, therefore, a mandate to the legislative and executive branches which must lead to an examination and evaluation of the fundamental premises undergirding our system of public education. A precise understanding of its requirements is essential to a satisfactory response. The touchstone will be a determination of what constitutes a "thorough and efficient system of free public schools."

By its focus in Robinson on the State Constitution's education clause, rather than the federal or state guarantees of equal protection of the laws, the New Jersey Supreme Court bound itself and the rest of the State government to pursue the elusive definition of "thorough and efficient." Beyond that, the State must develop a system designed to ensure that educational theory is transformed into educational reality. The Court was explicit in stating that every child in the State is constitutionally entitled to a thorough and efficient system of free public schools, not merely to the promise of such a system.

The Court's approach requires a multi-faceted response from the rest of State government. At least the following elements must be included:

1. The State must define "thorough and efficient." Conceptually this must come first. The Court pointed out several times in its opinion that a clear constitutional failing of the Bateman Act was traceable to the absence of a definition of "thorough and efficient. At one point the Court said:

...the State has never spelled out the content of the educational opportunity the Constitution requires. Without some such prescription, it is even more difficult to understand how the tax burden can be left to local initiative with any hope that statewide equality of educational opportunity will emerge. 62 N.J. 473, 516 (1973).

The answer, said the Court, was for the State to "define in some discernible way the educational obligation" (62 N.J. at 519). Only then could the school finance system be more than a "patchy product reflecting provincial contests rather than a plan sensitive only to the constitutional mandate" (62 N.J. at 520).

The Court did not indicate who, among the State's agencies and officers, should undertake the responsibility of defining "thorough and efficient." The Constitution speaks of the Legislature providing "for the maintenance and support of a thorough and efficient system of free public schools." N.J. CONST. Art. VIII, Sec. IV, Par. 1. Thus, the Legislature could surely develop

the definition. But it need not do so. Legislative powers can be delegated to administrative agencies and officers so long as there are sufficient guidelines provided. The prevailing pattern in public education is for the Legislature to delegate substantial powers and duties to the State Board of Education and Commissioner. Such an arrangement would be constitutionally permissible and educationally sound in the area of defining "thorough and efficient." By its nature, that phrase is a complex, evolving concept better suited to detailed treatment by the State's educational experts in the form of administrative regulations and policy statements.

The Legislature, then, should enact a set of broad guidelines and explicitly impose on the State Board and Commissioner the obligation to implement those guidelines. This is not to suggest, however, that the State's educational experts have some mystical knowledge which should be exercised in majestic isolation. The tradition of public participation in educational decision-making must be especially guaranteed throughout the crucial process of defining "thorough and efficient."

Although the Supreme Court did not provide specific guidance in Robinson about who should define "thorough and efficient," it did provide guidance about what the phrase means.

a. "Thorough and efficient" connotes a high level of education. The trial judge, Theodore I. Botter, said;

The word 'thorough' in the Education Clause connotes in common meaning the

concept of completeness and attention to detail. It means more than simply adequate or minimal. 118 N.J. Super. 223, 268 (1972)

The Supreme Court agreed implicitly with that view by its emphasis on the kind of education "which is needed in the contemporary setting to equip a child for his role as a citizen and as a competitor in the labor market." 62 N.J. at 515.

A high qualitative level of education for all students, coupled with the requirement of equality of educational opportunity, emerged as a clear constitutional requirement from the Supreme Court's decision. This differs from the result that would have flowed from a pure equal protection decision. For example, in the California case, Serrano v. Priest, which was decided solely on state equal protection grounds, the trial court recently stated, "If...uniformity of treatment were to result in all children being provided a low quality educational program, or even a clearly inadequate educational program, the California Constitution would [still] be satisfied."

b. "Thorough and efficient" is to be defined ultimately by output measures--the requirements of effective citizenship and competition in the labor market. The Supreme Court defined "thorough and efficient" to require that all children be provided with "equal educational opportunity" to achieve those results--the ability to function effectively as citizens and as competitors in the labor market. Put another way, the Court focused on the equality and adequacy of educational inputs and process to produce the

required outputs. The Court used dollar input as a measure of the quality of the educational opportunity provided, but did not exclude the possibility that other criteria, input, process or output, might also be appropriate. Presumably, if a substantial percentage of all students graduating from New Jersey public schools were unable in fact to function effectively as citizens and competitors in the labor market, that would give rise to a strong presumption that the educational opportunity afforded them had not been equal to the constitutional mandate.

c. "Thorough and efficient" requires differentiated inputs and process to meet educational disadvantages. In focusing on equality of educational opportunity to achieve certain outputs, the Supreme Court suggested that differential inputs might be required to meet educational disadvantages. At one point the Court said:

Although we have dealt with the constitutional problem in terms of dollar input per pupil, we should not be understood to mean that the State may not recognize...a need for additional dollar input to equip classes of disadvantaged children for the educational opportunity [required]. 62 N.J. at 520.

In a footnote to that statement, the Court referred to the case of Lau v. Nichols, where the federal courts considered whether non-English speaking Chinese students were entitled to be provided with bilingual compensatory education. The United States Supreme Court, after the decision in Robinson, held that they were. Justice Douglas, writing for the majority, said that:

"...there is no equality of treatment merely by providing students with the same facilities, text books, teachers and curriculum; for students who do not understand English are effectively foreclosed from any meaningful opportunity." 94 S. Ct. 786, 788 (1974).

d. "Thorough and efficient" includes capital expenses. The New Jersey Supreme Court expanded the definition of "thorough and efficient" to include capital, as well as current operating, expenses. The Court said; "The State's obligation includes as well the capital expenditures without which the required educational opportunity could not be provided." 62 N.J. at 520.

e. "Thorough and efficient" must be continually updated. The New Jersey Supreme Court made explicit the need to continually update the meaning of "thorough and efficient." After quoting with approval from an 1895 case, Landis v. Ashworth, which had dealt with the meaning of the constitutional phrase, the Court said:

Landis could be misread if it is not kept in mind that when Landis was decided (1895), secondary schooling as we know it today was not generally available.... It was not then an attribute of a thorough and efficient system of public schooling, and for that reason Landis found the constitutional requirement was not offended by the fact that "higher education" was not available for all children. But Landis held that the education comprehended by the constitutional obligation must be met by "securing the common rights of all." And Landis of course did not say the common rights were those of 1875 or 1895. Today, a system of public education which did not offer high school education would hardly be thorough and efficient. The Constitution's guarantee must be understood to embrace that educational opportunity which is needed in the contemporary setting to equip a child for his role as a citizen and as a competitor in the labor market. 62 N.J. at 515. (Emphasis added.)

2. The State must determine the dollar expenditures necessary to ensure a "thorough and efficient" educational system throughout New Jersey, and must provide a funding system designed to guarantee that such expenditures are made. The Supreme Court found in Robinson that dollar input or expenditure was the only viable criterion before it for the measurement of equal educational opportunity. The existing pattern of expenditure showed such marked disparities, as a result of differences in local taxable wealth and deficiencies in the state aid program, that the Court found some students had been denied equal educational opportunity.

The solution required by the Court, subsequent to the definition of "thorough and efficient," is for the State either to "compel the local school districts to raise the money necessary to provide that opportunity" (62 N.J. at 519) or to provide needed funds, in part or in whole, through state aid. Implicit in that requirement is the determination of statewide expenditure levels.

The State must also establish a mechanism for raising and distributing state aid designed to insure that every district actually has available to it and expends the required amounts. There are many ways in which this can be accomplished. The New Jersey Supreme Court did not mandate a particular method. It did, however, express doubt whether continued heavy reliance on disparate local resources would work. Said the Court, "The discordant correlations between the educational needs of the school districts and their respective tax bases suggest any such effort

[to rely upon local taxation] would likely fail...." 62 N.J. at 520.

It should be noted, though, that the Court found no constitutional right to equal tax burdens. The only constitutional right it accepted was that of students to a "thorough and efficient" educational system. Of course, as a practical matter equalization of tax burdens might be necessary to full equalization of educational opportunities, and the Court was aware of that reality.

Another reality is that equalization of the opportunity to attend a "thorough and efficient" school system cannot occur instantaneously. The Court gave the State until December 31, 1974 to enact a plan which would be effective by July 1, 1975. Nevertheless, actual equalization pursuant to the plan will have to take some additional time. The Court did not indicate how much would be proper, but it did endorse the constitutional view that until all students are being provided with a "thorough and efficient" system of instruction, no district can provide more to its students. This proposition had been clearly stated in the Landis case when the court there said that the school laws must secure "the common rights of all, before tendering peculiar advantages to any." 57 N.J.L. at 512. The Supreme Court in Robinson specifically endorsed Landis, and went further to state that, "A system of instruction in any district of the State which is not thorough and efficient falls short of the constitutional command." 62 N.J. at 513. The Court also was careful to point out that:

...if the State assumes the cost of providing the constitutional mandated education, it may... authorize local government to go further..., provided that such authorization does not become a device for diluting the State's mandated responsibility. 62 N.J. at 520. (Emphasis added.)

This view--that all children in the State must receive a thorough and efficient system of education before any children can be provided with "peculiar advantages"--is derived from the concept of a thorough and efficient statewide system. It is manifestly inefficient, in implementing a statewide system required to provide equality of educational opportunity (at least up to a substantially high level), to permit some districts to provide more than the required level of educational opportunity while other districts may be striving vainly to reach the required level.

3. The State must assess and evaluate the results of the public education system to determine whether a "thorough and efficient" system is actually being provided. No matter how diligently the State proceeds to define "thorough and efficient," to translate it into dollar input levels, and to develop responsive revenue-raising and distribution mechanisms, there can be no assurance that the constitutional mandate is being met unless the State evaluates the quality of the educational program actually being provided and makes adjustments as needed. The trial judge explicitly stated this obligation of the State to monitor the education system throughout New Jersey. The Supreme Court's approach also made clear the need for assessment and evaluation. The Court said:

A system of instruction in any district of the State which is not thorough and efficient falls short of the constitutional command. Whatever the reason for the violation, the obligation is the State's to rectify it. If local government fails, the State government must compel it to act, and if the local government cannot carry the burden, the State must itself meet its continuing obligation. 62 N.J. at 513.

There is no conceivable way in which the State can discharge the obligation unless it develops a method for identifying educational deficiencies. Moreover, a monitoring system is essential to the updating of "thorough and efficient," which the Court required.

4. The State must require the elimination of deficiencies in educational opportunity. If the monitoring process indicates that some districts or some schools are providing less than a thorough and efficient educational program, the State is obligated to correct the situation. As the Court's statement, quoted above, indicated, the State may first require the local district to act. If that fails to correct the problem, the State must itself act.

Again, there are many approaches which could satisfy the Court's interpretation of the constitutional mandate. The following is one such approach, which would preserve sufficient amounts of local control:

a. The State Education Department, after reviewing assessment data for all districts, would notify each district of any specific deficiencies it may have.

b. Districts with deficiencies would be required to submit a corrective plan to the Department. If approved, the plan would be implemented, and the Department would provide technical assistance and other support.

c. If the local district failed to submit a plan, or were unable to carry out satisfactorily an approved plan, the State might:

i. Issue an administrative order requiring specified corrective action;

ii. Convert the administrative order to a court order through an expedited procedure;

iii. Suspend local school board members and either designate a "receiver" or take over operating responsibility for the district until the deficiencies are eliminated; or

iv. Remove the board members and require the selection of new members through local processes.

At any stage of this process, the State might determine that experimental programs should be tried in the district as a means of correcting educational deficiencies, and that district might be authorized to carry out such programs with State assistance. Additional state financial aid might be appropriate in that connection as well as other forms of assistance. Withholding of state aid, which is the primary sanction for local district failures under the current law, is counterproductive and should be eliminated. This will be especially true as the percentage of State aid increases.

The development of responses to Robinson v. Cahill along the lines suggested here should clearly satisfy the constitutional mandate of a "thorough and efficient system of free public schools for the instruction of all the children of the State between the ages of five and eighteen years." It should also, more importantly, make New Jersey a national leader in the quality of public education.

Submitted by Judy Wolfersberger

In the search for "thorough and efficient" definition, I would hope that the elected officials will respond to the mandate of the electorate and in sincerity, request a "thorough and efficient" definition from those who must fund education and whose children are privy to such education -- the parents and citizens of N. J.

Among the many theories of education, methods of education, purposes of education and responsibilities of education, one can find seemingly endless ideas. One has been titled "The Doctrine of Social Experimentalism".

I quote from Foundations of Modern Education by Elmer H. Wilds, and Kenneth Lottich, published by Holt Rinehard and Winston.

"Experimentalist belief suggests that schools and teachers alone cannot furnish all the education needed to prepare for social planning. The community must be used as a laboratory."

Much of the Doctrine of Social Experimentalism can find parallel in the State Department Draft for T & E. Quoting again from the same book, page 375, "If the goals of the social experimentalist are accepted, teachers must abandon traditional classroom methods."

This certainly reflects the present trend in education. The question is, are the people willing to accept this imposition, or further, will they even be allowed the alternative of accepting or rejecting it, let alone fund it?

Many parents, unfortunately, have been oppressed by the "educated" to the point of intimidation and total acceptance of any practice, theory or philosophy.

If the legislators of this state truly represent the people who elected them, now is the decisive time to so prove it. Allow us to influence the trend of education. Give us equal time, at least, to the special interest lobbies who have to date so guided the government of the State.

In closing, I again quote an education expert. . . Jacques Barzun in his book Teacher in America, published by Little, Brown and Company, Boston.

"No one in his senses would affirm that schooling is the hope of the World. But to say this is to show up the folly of perpetually confusing education with the work of the schools."

Thank you.

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