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# *Public Hearing*

before

## ASSEMBLY EDUCATION COMMITTEE

*“New Jersey School Construction Program:  
Problems in implementation and possible solutions”*

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**LOCATION:** Committee Room 16  
State House Annex  
Trenton, New Jersey

**DATE:** July 30, 2002  
10:00 a.m.

### **MEMBERS OF COMMITTEE PRESENT:**

Assemblyman Joseph V. Doria Jr., Chairman  
Assemblyman Craig A. Stanley, Vice-Chairman  
Assemblyman Jack Conners  
Assemblyman Patrick J. Diegnan Jr.  
Assemblyman Rafael J. Fraguela  
Assemblywoman Arline M. Friscia  
Assemblyman E. Scott Garrett  
Assemblyman Joseph R. Malone III



### **ALSO PRESENT:**

Senator Byron M. Baer  
Senator Ronald L. Rice

Kathleen Fazzari  
Theodore C. Settle  
*Office of Legislative Services  
Committee Aides*

Maggie Manza  
*Assembly Majority  
Committee Aide*

Victoria R. Brogan  
*Assembly Republican  
Committee Aide*

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

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**ASSEMBLYMAN JOSEPH V. DORIA, JR. (Chairman):** I'd like to welcome everyone to the Committee meeting and apologize for starting somewhat late, but we are going to take the testimony from everyone who has asked to testify. I want to begin by thanking the members of the Committee, as well as the Senators who are here present. I just want to introduce everyone.

We have the Co-Chair of the Joint Committee on the Public Schools of the Legislature, and that's Senator Ron Rice with us today.

We have Senator Byron Baer, a member of the Joint Committee on the Public Schools.

We have with us also the Assembly Budget Officer, Joe Malone, on the Republican side of the aisle.

We have Assemblyman Scott Garrett.

We have the Vice-Chair of the Assembly Education Committee and the Chair of the Joint Committee on the Public Schools' School Facilities Committee, who will be cochairing this Committee with me, and that's Assemblyman Craig Stanley.

We have Assemblyman Jack Connors, a member of the Committee; Assemblyman Pat Diegnan, a member of the Committee; and Assemblywoman Arline Friscia.

I'm going to be very brief. I'm going to ask all the members of the Committee to make an opening statement. The purpose of these two hearings, today and tomorrow, is not to go back and have recriminations, even though there could be significant recriminations for the lack of action over the past two years since the passage of the school construction legislation, but rather to



get first from the practitioners, the people in the field, the people in the school districts, their comments on what has or has not taken place, and their recommendations on how we can improve the system.

The governor yesterday took a giant step in the proper direction. He called me yesterday morning to inform me that he was going to create this new corporation as a subsidiary of the Economic Development Authority and appoint Mr. McNeill as the Executive Director to try to expedite the process. We know that for the past two years there's been significant delays in even the health and safety issues in the Abbott districts especially. But the problem of school construction is one that has been going on in all the districts, but the Abbotts have been suffering the greatest amount of difficulty because the legislation, as we all know, provided that the Economic Development Authority would be responsible for the construction and renovations in Abbott districts.

The difficulty was -- and we pointed this out during the debate -- I know a number of us on the Democratic side of the aisle pointed it out in the debate on the school construction legislation, which we all felt was important -- that there was no structure in place at the Economic Development Authority. The people there have done an excellent job in economic development. They've done an excellent job bringing jobs and improving the economy in the state, but they had no infrastructure to deal with the issue of construction, and they were not geared up at the time the Legislature passed-- In fact, they were surprised that they were given this authority. They were not originally the agency that was going to be responsible for school construction and only as the bill evolved did this occur.

So what we've had is an agency that's done a great job in one area being forced to take on a responsibility they were not prepared for, did not have the staff for, and then working with the Department of Education and the problems that occur, the glitches that occur in the bureaucracy between two departments working together to try to deal with an issue of great importance, that of providing adequate facilities for students. The end result is that we've had for the past two years almost nothing happening, especially in the Abbott districts where the greatest need occurs.

So why we're here today is to listen to those people who are from the school districts, from the school organizations, listen to the problems that exist, but more importantly to ask them to make recommendations on how we can improve the system so that now that the governor has taken action, now that we do have this new corporation, they will have the input from those who are out there in the field on what the difficulties are and how maybe we can solve them.

Tomorrow we will bring in the Department of Education people, the people from EDA and talk to them and listen to their frustrations and also why they have problems and how we might be able to solve those problems. Obviously, we've taken a big step forward yesterday. The governor did that, but creating a new corporation and hiring someone to run it doesn't necessarily guarantee that all of the bureaucratic snafus are going to be solved. Creating a newer bureaucracy is not necessarily always the solution. Hopefully, it will be. Hopefully, they will have the type of power and the type of ability to understand what must get done, and we can move forward and deal with the

issues that are of importance. So that's where I think we are and why we're having these hearings.

I'd like to turn it to Assemblyman Stanley.

ASSEMBLYMAN STANLEY: Thank you very much, Chairman Doria.

Let me first express my gratitude to you, Chairman, for taking the initiative to convene this hearing. Nothing could be more important to the children of the State of New Jersey than making sure that we fulfill our constitutional obligation. Of course, the children who have been the underserved, the least served with respect to education and the opportunity for an education have been the Abbott children. Unfortunately, even after tremendous court victories, as I'm sure you will hear, we still do not have in place a system of thorough and efficient education for the children in the poorest districts in our state, which make up about a third of the children in our state.

We have come to understand that unless the Legislature is engaged with this process, we will never achieve the type of education system that is needed and that is dictated and that we're constitutionally obligated to provide. One of the first, of course, orders of business of this legislative session was to try to get through the budget crisis somewhat intact. But my hat is off to you, Chairman, that the first matter of business after that was to look at the implementation of Abbott, and of course, the first and most important issue or, I would say, probably the most timely issue, as Senator Rice has brought up, as you have brought up, Mr. Chairman, is ensuring that school construction takes place now, not two or three or four or five years from now,

but with specific emphasis on those health and safety issues that after two years -- two years after ground should have been broken -- two years after these things should have been begun, we're still at a point where probably somewhere between 80 percent or 90 percent of the safety and health issues have not been addressed.

So I thank you, Mr. Chairman. I think that this hearing is so important because we will be hearing from those people who are in the trenches, who have been trying to get this done. I see my superintendent and my business administration from the Irvington Public School system here, and I'm so glad that they came, because I know that we had to really become very engaged in the process last summer to ensure that the safety and health needs just at a couple of schools were done, were taken care of.

So, again, I think this is a very important hearing. I'm so glad that we have a good turnout today, and I'm looking forward to the testimony, Mr. Chairman. And as you said, this is not to point, to assess blame. We've had three or four commissioners. I don't think a commissioner is going to make the difference. I think if we have a Legislature-- I think if we have legislation in place, I think if we have a system in place, I think that we can be ensured that we're going to go about solving the problem and getting these health and safety issues addressed and ultimately getting schools constructed in these Abbott districts.

Thank you, Mr. Chairman.

ASSEMBLYMAN DORIA: Thank you very much, Assemblyman Stanley.

Senator Rice.

SENATOR RICE: Thank you, Mr. Chairman.

Let me too commend you for not spending the summer at the shore community and elsewhere that many of us could have been -- who could afford it -- and instead have taken on the task of moving forward with education. We all know that in September the schools are going to open. We all know that we are backed up in the implementation of Abbott, and I just want those who are here to know and to understand that we have the Assembly Education Committee, but when it comes to Abbott, the Joint Committee on Public Schools is statutory. It was intentionally put there to oversight Abbott and to work along with the other two education committees.

The one thing that is starting to become disturbing to me is that in January when we took office, the Department of Education moved forward and of course, the Joint Committee was not reorganized at that time on the Senate side even when the Assembly had moved forward. And then I read about how we're going to delay school construction for a year and many, many other things, but no input from this collective body. That disturbed me because we kind of lost control of getting information.

And then what disturbed me is that a couple of weeks ago I was speaking with the Commissioner of Education about a meeting, which he agreed to, and only to pick the paper up to find out that he was visiting my city with my school district and my people, in terms of board members and others, to talk about how we're going to give the schools back to the districts. Well, that offended me because I never got a courtesy call, not that he has to call, but that's the way it's always been up until this time and say, "I'll be in your district. You don't need to be there for these reasons."

Now, if you recall, Mr. Chairman, we are just reorganized, which means the Trachtenberg Report was just handed out, which means that the Commissioner was already in front of us without us having questions about whether the Trachtenberg Report is good or bad. So I expressed to the Commission that it's going to be incumbent upon the Legislature -- and I agree with Assemblyman Stanley that regardless of the commission, it is our responsibility, statutorily, to kind of lead and not to follow -- are meant to work with and be cooperative in expediting this process.

The courts have already spoken. And so as I've told the commissioner, at least from the Joint Committee on Public Schools perspective, as Chair, we're going to slow him down. I never knew that the Governor was appointing someone to -- Mr. McNeill or whatever-- I'm glad to know that you got a call, Mr. Chairman, because I would have been a little bit more offended if you didn't, because I have not heard from anyone. Once again, whatever Mr. McNeill is going to do has a direct relationship to what the Assembly and Senate Education Committees must do and what the Joint Committee on the Public Schools must do.

So I want to commend you for these two hearings because it is important that the contractors and the school board members and the superintendents and others involved and have been involved let us know what the barriers have been. We've got to remove those barriers but not forgetting that the Attorney General has some very serious concerns about accountability and integrity in the process, because there's so much money. But that concern about integrity and accountability in the process should not mean a lot of paperwork and documents sitting on a bunch of folks' desks to be reviewed.

It means that we should keep with the integrity, deal with security, but expedite the process.

Finally, it does not make any sense for EDA to finally get the bumps out of the road in terms of approving projects. They know that you can approve it now and get a roof by September. Unfortunately, approval is now and in September, there's still no roof because on this side, something is happening that we have to identify and we have to correct and we have to correct right away.

So once again, thank you. I'm here to listen. I'll be here tomorrow to listen. I can assure those who are here that not only will the Assembly and Senate Education Committees be meeting actively on this subject, but those of us on Joint Committee will be meeting also. The Joint Committee is broken down into four subcommittees now. The new subcommittee is one that is very important to us as it relates to the time frame at hand, and that, once again, is chaired by Assemblyman Stanley, and that's Construction Facilities.

So I want to thank you again and commend you very much, Mr. Chairman.

ASSEMBLYMAN DORIA: Thank you, Senator Rice.

Senator Baer.

SENATOR BAER: Thank you.

First of all, I wanted to say I think that you and Assemblyman Stanley have very eloquently identified why this is so important, and I wanted to thank you for inviting Senators to come to this meeting. I cut a vacation short so that I could come here. I want to thank you for making this available

on the Internet so that citizens all over the state and, in fact, out of the state can follow these proceedings. There is no doubt that education, particularly relative to the Abbott districts is the largest unfulfilled challenge that state government has before it, of many challenges. I know that you have long focused on education and the sincerity of your concern, whether that was through your leadership role as Chairman of the Assembly Education Committee and in the various leadership roles of a partisan nature that you had in the Assembly and as Speaker, you've always put education in a special category of responsibility. I'm glad that there are so many people here who reflect similar thoughts on that.

I won't say anything further except that I'm waiting eagerly to hear the witnesses at this hearing.

Thank you.

ASSEMBLYMAN DORIA: Thank you, Senator Baer.

Assemblywoman Friscia.

ASSEMBLYWOMAN FRISCIA: Thank you very much, Mr. Chairman.

I am very pleased that you have called for these hearings this week. Even though it's in the middle of the summer, I think it's very important because we do have another school year coming about. I have been very concerned since the enactment of this law in 2000 that the Legislature has really heard very little from EDA. I believe our Oversight Committee has had one, possibly two meetings with the EDA, and I'm even more concerned when I look through their chart to see how many vacancies there are in the chain of



command for this construction project. So I'm very happy that we're having this hearing. I think it is most important.

I have seen what moneys can do to renovate old buildings in my own district in Perth Amboy. State money has done a magnificent job to these buildings. We have extremely old buildings in that district with only one new building, the Robert Wilentz Elementary School which opened last year, being the newest building. But the other buildings are all old, old buildings but have been renovated. Some of them have been renovated and a beautiful job has been done on them. So I'm hoping that we can move ahead, get this construction project underway and get our kids into facilities that are conducive to learning, because it means so much.

I know you have a education background, Mr. Chair. I was a teacher for about 17 years in old school buildings, and I know the difference it can make with kids. So I'm very excited about this whole project, and I hope this helps move it along.

Thank you.

ASSEMBLYMAN DORIA: Thank you.

Assemblyman Fraguela.

ASSEMBLYMAN FRAGUELA: Yes. Thank you, Mr. Chairman, for inviting us to this meeting. I believe it is very important as a school principal, as my main function during the day, I believe that construction of schools is very, very important.

I live in a town where one of the schools was built in 1865 at the end of the Civil War. That building is still being used by students. We have improved a lot the conditions of the building, but a lot more needs to be done.

I have to agree and echo some of the words of my colleague, Assemblywoman Friscia, for saying the fact that we need new facilities, and we need them fast. So I don't want to be repetitious, and I want to thank you for calling this meeting and having so many people here ready to testify. So I'm eager to listen to what you have to say too.

Thank you.

ASSEMBLYMAN DORIA: Thank you.

Assemblyman Diegnan.

ASSEMBLYMAN DIEGNAN: Thank you, Chairman.

As a new member, I wasn't here during all the deliberations. My only observation is clearly the system isn't working and hopefully during the next two days we can come up with some solutions that will make it work.

Thank you.

ASSEMBLYMAN DORIA: Thank you.

Assemblyman Conners.

ASSEMBLYMAN CONNERS: Thank you, Chairman Doria.

Thank you for calling this meeting. I have to commend everybody, so many folks for being here.

I am also on the Tourism and Gaming Committee. So I must confess that I get nervous when I see everybody here and not at the seashore resorts spending a lot of money helping the economy of New Jersey.

We are here though to talk about something very important. I have an Abbott district in the district that I serve. Burlington City is an Abbott district. And I think as some of you have had the experience during, I guess, before the budget-- I've had a lot of school board administrators,

school board members come in to see me. I had my business administrator of my Abbott district come in to see me with some board members, and he came to see me out of just, I guess, complete utter frustration because he wasn't having any success. He would send paperwork in. He would find out that they didn't get the paperwork. There were all kinds of things happening, and he was just completely frustrated and came to me for help.

And also, it had to do with health and safety issues. We were talking about schools where I don't think any of us would come in here and sit in this room if we thought the ceiling was going to collapse. But that's what we have in some of our Abbott districts and some of these old buildings where we expect children to go in and sit in rooms, and teachers -- in rooms that we wouldn't sit in ourselves. So it doesn't make any sense, and that's why it's so important.

It's my hope too that the school corporation will help. But I agree, Chairman, you said that it may be another level of bureaucracy. It will be, but it is my hope that they take some efforts to straighten it out. There are so many issues in addition to Abbott. We could probably have a hearing every day just on special education, as an example. But it is important that we get this Abbott problem fixed, and we get it fixed soon, and we get on with the construction that will, literally, possibly keep our children from getting hurt, let alone get an education. So let's get both. Let's make sure that the health and safety issues are addressed and that our children get a good education. I look forward to this hearing.

Thank you, Mr. Chairman.

ASSEMBLYMAN DORIA: Thank you.

Assemblyman Malone.

ASSEMBLYMAN MALONE: Thank you very much, Mr. Chairman, and I also congratulate you for convening this hearing.

As one of the prime sponsors on this piece of legislation two years ago, it has been an extreme disappointment that this thing has not moved along faster than it has. I have heard some not so complimentary stories about what is going on, especially in the urban school districts with things not being implemented as quickly as possible. I am very interested in hearing today really what is, in peoples' opinions going on, what the difficulties are. I remember quite vividly during the discussions and the negotiations on this piece of legislation that I was a strong advocate of having a different entity run this school construction proposal. I fought to the very bitter end when we were drafting this piece of legislation to have that entity in place along side of the EDA in using this operation.

I haven't seen the particulars of the Governor's proposal on this, but I would have to say, on the first blush, I think I tend to agree with the governor that we need to implement something a little differently to get this particular piece of legislation and the implementation of it off the ground as quickly as possible. We cannot continue to have substandard building conditions in urban areas in particular and in some rural and suburban districts that are also classified as Abbots and throughout the state in general.

So I am very much looking forward to this. I think that we as a Legislature have implemented a number of pieces of legislation through the school construction, through the bidding processes, and the changes in the bidding laws that this thing should be able to be handled in a clear, concise,

efficient, and quick manner. I just hope that this doesn't end up like a lot of other meetings and a lot of other bureaucracies and end up churning and churning. Something has to be done and done quickly.

The respect I have for the Chairman of this Committee -- I think if Joe puts his mind to something and really gets on it, and all of us, in a very nonpartisan way, start pushing the bureaucracies, the Governor, and whatever other entities are necessary to get this thing moving, it will happen. But if we sit back and we let it become mired in bureaucracy and politics, it will just be another boondoggle and cost us a lot of money and eventually not get a lot of things accomplished. So I am encouraged by this. I am encouraged by what I saw just briefly with the governor making his pronouncement of trying to get this thing off dead center. I will do everything I can to make sure that this thing happens, as I expect, in a precise a fashion as possible.

Thank you very much, Mr. Chairman.

ASSEMBLYMAN DORIA: Thank you very much.

Assemblyman Scott Garrett.

ASSEMBLYMAN GARRETT: Thank you, Mr. Chairman.

As you know, Mr. Chairman, you and I spoke about the necessities of these meetings during the summertime, and I agree with you that just as your legislative office heard an outpouring-- Can I use the word complaints? How about concern? How about that word? Concerns about what was going on throughout your area and throughout the state as well. I certainly hear the same concerns or complaints up in my district as well. We only have a month to go or so before the school year starts. You folks in the school board

profession know better than I whether it's realistic to get things actually up and running by that time. I certainly hope that it is.

Speaking as one here, maybe the only one here on the panel who had reservations with regard to this overall legislation going forward, I do know that some of the reservations were that the overall scope or the magnitude of the project that we were trying to do with this legislation, the initial legislation, could possibly lead to a couple of problems down the road. One was the magnitude leading to your bureaucratic log jam, and the second problem being so much money being thrown out at one time leading to cost bids going up, escalating beyond what anyone anticipated and, therefore, having to go and rebid projects.

What we're maybe finding out is that the first problem has occurred. The second problem has occurred as well, but the first problem is, perhaps, now magnifying or exacerbating the second problem as the delays are causing school boards to find that as they wait for the rebids to come back in that they're only getting rebid at a higher price for any of the programs that they're looking at anyway.

So I applaud you for taking this step during the summertime to get it done. I hope that we have all the answers from the audience now to make this thing done before September.

Thank you, Mr. Chairman.

ASSEMBLYMAN DORIA: Thank you. Thank you very much.

I just want to remind anyone who has not taken the opportunity to, please, if you want to speak -- we have almost 30 speakers -- to please fill

out one of these forms and hand it to the staff. Kathy Fazzari who is our OLS team leader will take these, and we'll be happy to have you testify.

We'll ask everyone to try to keep their comments concise and hopefully not repetitious. We ask you to present what issues you see and, if possible, any solutions. I just want to emphasize that this is a public hearing and such. There will be a transcript available after the public hearing by the Office of Legislative Services. In addition, this is going out live over the Internet. So, when anyone testifies, I ask them to please make sure that the microphone is on and that they speak into the microphone.

I'd like to call up as the first witness David Sciarra, who is the Executive Director of the Education Law Center, who has been intimately involved with the issues related to Abbott districts and specifically the construction issue.

Make sure you turn on the mike. The red light should be on. I know the Legislature does things backwards. Green usually means go. Red usually means not go. Here red means it's on. Some day someone will explain that to me.

David.

**D A V I D   S C I A R R A:** Mr. Chairman, thank you, Assemblyman Stanley, Senators, Assemblymen Malone, Garrett, Senator Rice, Senator Baer, and some of you over here that I haven't met. It's a pleasure to meet you, and I want to thank you for the opportunity to comment on the status of the school construction program in the Abbott districts.

Mr. Chairman, I have with me Henry Arce, who is a new addition to our staff who is working with us with community groups to assist local

communities to become engaged in the planning and design process of school construction projects in order to maximize community participation and ensure that the schools we build not only serve children but neighborhoods and communities.

As counsel to the school children in the Abbott districts, the Education Law Center is charged with ensuring full effective and timely implementation of the programs and reforms ordered by the Supreme Court in the *Abbott v. Burke* rulings. Those programs and reforms were recently called by *The New York Times* the most important educational decision since *Brown v. Board of Education*. So I say that because we are undertaking implementation of programs that are unprecedented not only in New Jersey, of course, but also in the country. I think we have to approach implementation with a lot of humility and with a recognition that what we are doing is in many cases uncharted waters.

As you know, the *Abbott* decision includes the school construction program authorized by the Legislature through the Educational Facilities Construction and Financing Act of July 2000. Since '98, we have been carefully monitoring State implementation of this program. And since February of this year, we've been meeting regularly with the officials in the McGreevey administration through the Abbott Compliance Council (*sic*) to ensure prompt action to correct serious design flaws in the implementation framework among the key State agencies responsible for the program, the Economic Development Authority, the Department of Education, and the Attorney General's Office.



Assemblyman Doria, I would say you're right to focus on solutions to the problem. I would say to you from my experience, though, that one obstacle we've faced, I think, to the implementation of school construction has been at least in part removed, and that's a full commitment by the administration top to bottom. This is a very complicated program that we've never tried before in any area of state government in which a number of agencies have important responsibilities and have to work together in a highly coordinated fashion.

In my experience over the last two years, one of the problems we have had is that the executive branch didn't have the will or commitment at the top to bring all these agencies together to make sure that they were working. I see that now and am heartened by that, that we have a commitment in the executive branch to bring all of the relevant State agencies together and make them work together in a coordinated fashion.

Now it's obvious even to the casual observer that implementation of the Abbott school construction under the prior administration produced virtually no results, even in the face of court-specified deadlines. The McGreevey administration has attempted to move the program forward particularly regarding health and safety projects since the winter with repair work actually beginning in earnest this summer for the first time since 1999.

Some recent EDA data that I have seen -- and you're going to hear from EDA tomorrow, and this data may be out of date because it's changing every day -- shows the following: 83 health and safety contracts have been awarded so far totaling 161 million, only 27 percent of about 600 million in

identified health and safety work. We've got a long way to go in health and safety.

Only one permanent preschool project is under construction -- that's in Burlington City -- with two other permanent preschool projects now out to bid. The design work has been done, and that's out to bid. No new K-12 schools or substantial school renovation projects are in construction today. Three new construction projects which were largely designed before the enactment of the School Facilities Act are now out for bid -- construction bid. I think there are eight school construction projects that are in design now. So we're just beginning to see some movement on the new construction or renovated projects front, and only two parcels for new schools have been acquired, although EDA, I think, will talk tomorrow about sites that have been identified.

One of the problems -- and I know Senator Rice is very familiar with this -- is in districts like Newark land is a serious problem in some neighborhoods. We've got to get about the business of land acquisition and a lot of these predevelopment issues have to be brought up to speed.

It is clear that overall progress in starting and completing school construction projects in the Abbott districts remains painfully and unacceptably slow. There are efforts underway, however, to address many of the problems identified by us, by the Abbott superintendents -- I know you'll hear from them today -- by The Coalition for Our Children's Schools who is here today, the Association for Children, and others that have problems that have plagued this program since its inception.

First, the governor just yesterday announced State reorganization of the School Construction Program by creating a schools corporation within EDA, appointing an experienced construction manager to head the corporation, and ordering all relevant State agencies to work under the corporations' umbrella. Such restructuring is long overdue. If implemented carefully, and I emphasize if implemented carefully, will go a long way to ending the interagency turf wars and lack of coordination that has clearly stymied progress on school construction projects at the State level over the last two years.

Second, the administration has formed a Facilities Work Group in response to a recommendation from the Abbott Compliance Council. The work group consists of representatives of stakeholder groups and facilities experts, people from the field, superintendents, architects, contractors, parent, and community groups who have been meeting since May on a number of very thorny policy and regulatory problems that everyone agrees must be quickly resolved. Indeed, if you read the governor's executive order yesterday, he affirmed the administration's commitment to implement these polices and recognize the efforts of the Facilities Work Group to address the details of how to implement them.

I've handed around a mission statement of that work group, which is available on our Website, with a list of the membership of that work group, so you get a sense of who these folks are. I think some of these people -- the members of the group are here today and will testify before you. The work group is really meeting around the details of implementation and considering the following critical questions: How to decentralize tasks to the districts to

expedite the process and empower lower stakeholders, especially in the area of predevelopment activity such as site acquisition and project planning and design. Many of us agree that one way to expedite the process is to delegate under strict standards and EDA oversight a lot of the predevelopment activities that really should be done at the neighborhood and community level anyway, such as design, architectural design of schools, site acquisition, issues so forth and so on, to districts to do under EDA oversight.

That will accomplish two objectives. One is to speed things up, which is important, but also it will help engage local stakeholders in the critical process of design and planning of schools, which they're not right now from a policy point of view. Secondly, what capacity, expertise, and staffing is needed in Abbott district central offices to effectively handle appropriate implementation tasks in partnership with the State.

Now let me make a point here. There was a lot of discussion -- and Assemblyman Malone knows this -- about centralized management and the whole issue of the capacity of Abbott districts to undertake school facilities project tasks. I think there's agreement that we went a little bit too far with State and central management and that we now need to create an appropriate balance between what should districts do under appropriate EDA oversight and what should EDA do. A lot of conversation in the work groups is going on about the details of how to delegate responsibilities to districts that are appropriately handled there because we want districts involved, and more importantly, we want neighborhoods, communities, and parent groups involved. So that's a thorny question which the work group is considering, and

we need to get some clarification on and some regulations and guidelines in place on.

The other issue is how to advance and promote active local participation among stakeholders -- teachers, municipal officials, redevelopment groups, neighborhood groups, parent and community organizations -- in the process of planning and designing new and renovated schools. I have to tell you one of the frustrations I have and have had is that we have no policies in regulation, in EDA or DOE, that require community input and participation in the design and planning of schools. We can't have that. We have to make sure that as these schools or as these projects are designed -- they're not designed in a back room or designed in Trenton -- that there is a process in which we engage local stakeholders to make sure that the schools are designed in ways that address local issues like historic preservation, like neighborhood redevelopment issues.

I like what was done in the Lord Stirling School in New Brunswick, which I knew that many of you had visited, where a school has been designed and built in conjunction with a larger neighborhood redevelopment plan and so forth and so on. We need policies embedded in this program that will not just encourage it, but require that kind of community engagement, and we don't have them right now.

The work group is also considering the question of how to engage inclusion of needed community features in all new and renovated schools, how to harness alternate funding sources to pay for those features, and how to link schools to larger community development efforts. I know there are people here, like Karla Spivey and Joyce Harley, who are going to talk a lot about this

issue. We've got to have policies in place that require the consideration of community features for every school. If we're going to build these schools, they ought to serve the communities for the next-- They've got to serve the communities for the next 30, 40, 50 years. The consensus among facilities planners is that schools need to serve not just kids 9:00 to 5:00 or 8:00 to 5:00, but really take advantage and become community anchors, so that gyms, libraries, and other community space are open to adults, younger residents, younger children, so forth and so on.

How to rationally and collaboratively plan for new preschool facilities with meaningful opportunity for nonprofit providers of Abbott preschool programs to be identified in district long-range facility plans? This is one of the most thorny policy issues I think we confront in this program. How do we have a rationale planning process around pre-K construction when we have a collaborative program that includes not just district-run schools, but community-provider schools? Should community providers have the opportunity to expand with construction dollars? Under what circumstances? Under what criteria? How do you do that? How do you bring communities together to have a conversation around that? None of this work was done over the last two years. It's really got to be done because we have to have a rationale planning process by which districts can make those decisions around pre-K.

Oh, and the other issue I would say, that the work group is dealing with now and should have recommendations on soon are pre-K facility standards. We have no standards for pre-K facilities, facility standards. We

have to have them. There's a group -- a subcommittee is meeting now. A lot of work is being done on that, and we need to get those standards in place.

And lastly, how do we maximize opportunities for local business participation and employment in the Abbott school construction projects? I'll have others speak to that. I don't profess to be, and we don't profess to be at ELC -- have expertise on that, but there are people that do. We expect that the work group will by the end of August begin making recommendations on these issues, which will then lead to the issuance of emergency guidelines by the new schools corporation and DOE in September, especially regarding community participation and preschool facilities planning. We expect the work group to continue well into next year leading to the adoption of new regulations by EDA and DOE. Since the schools the State builds must serve the Abbott communities for decades to come, it is essential that policies promoting full community engagement be embedded in the State's regulatory framework.

In closing, we commend this Committee for holding this oversight hearing. I can tell you this is a program that is very difficult to implement, and we need your vigilance to keep the administration on track. I would urge that this Committee -- that out of this hearing the Committee get recommendations -- the summary of key recommendations that come from this testimony -- and get them to the new schools corporation, to the governor, and to the Facilities Work Group and to us, so that what comes out of this Committee can help inform the discussions that are going on as we speak.

It is also unclear from my point of view -- now others may have a different perspective on this -- whether legislative amendments to the Facilities Act are needed to remove obstacles to effective implementation. We haven't

really tried to implement this program yet. I mean, really implement it. So I'm not sure. Some will tell you that the 500,000 limit on construction contracts to districts ought to be increased. Well that may be what we need to do. There's a lot that we can do anyway to delegate responsibilities to districts in the predevelopment activity that falls within that 500,000 limit. So I'm not sure what amendments are needed. But this Committee needs to stay engaged not only to keep the administration on track, but to assess the progress of implementation so that if we need legislative amendments, if obstacles come out of this or that are legislatively -- require a legislative fix, we can get those to this Committee and get amendments moving through the Legislature quickly, because we need the Legislature to be a partner if that's to happen.

I would urge this Committee to reconvene no later than December, maybe sooner, to continually assess the progress of implementation, to hear from EDA, to hear from other stakeholders and from us and continually ask the question, how are we doing? Are we working hard? Is the commitment still there? Are we tackling this thorny problems? What progress are we making on health and safety, preschool, so forth, and so on? What obstacles are there, and are there any legislative barriers in which the Legislature needs to weigh in on?

So with that I thank you, and I'd be happy to answer any questions.

ASSEMBLYMAN DORIA: Thank you very much, Mr. Sciarra.

Let me just ask one question. I'm not clear. This working group facilities mission statement.



MR. SCIARRA: Right.

ASSEMBLYMAN DORIA: This group is an outgrowth of EDA or is it part of the Education Law Center, and does it have any authority, or is it just an advisory body that hopefully will have some impact?

MR. SCIARRA: This really comes out of the Compliance Council that the governor created in February, which essentially was-- What it is is a requirement that the parties to Abbott, us on behalf of the children and State officials, meet regularly to assess progress in State implementation. Now, one of the things that we insisted on was that there are a lot of design flaws in the Abbott program, not just school construction but preschool and others. We wanted to move away from what the prior administration had done in implementation which was to have State officials sort of sit in their offices to try to figure out how to implement programs that are very complicated to implement and move to a situation where stakeholders, superintendents, principals, teachers, community groups, people in the field are brought together to work with DOE, EDA on how to solve these problems.

So the Facilities Work Group is an outgrowth of the Compliance Council. It was set up by DOE and EDA to make recommendations for policy changes at both EDA, or the new schools corporation now, and DOE. I will tell you that in the pre-K area the administration looks to the work group as the place in which it's going to develop its policy changes. It is an advisory -- it has no authority, but I will tell you that we will be very unhappy and dissatisfied if the work of these groups is ignored. So far, we've insisted that the recommendations that come out of these work groups really form the basis

for new regulations, new guidelines, and new policies. And so far, that's been happening, particularly in the pre-K area.

I don't know if that answers your question. I hope it does.

ASSEMBLYMAN DORIA: Well, what it seems to be then is advisory, but because it's part of the compliance group its recommendations are taken seriously and are moving toward implementation.

MR. SCIARRA: That's right. Because really, it's not only about effective implementation. This is also about how do you comply with the court order. Look, we want to avoid being back in court on a constant, recurring basis in the implementation of these programs. One of the things we've said to the administration, if you want to do that, you've got to bring people together from the field who know about these programs to develop proposals for change. Those proposals have to then become, assuming they're appropriate and we have the best people around the table to do that, the basis for policy change. That's the idea there.

ASSEMBLYMAN DORIA: So this would hopefully be then implemented through regulations?

MR. SCIARRA: That's right. That's the point.

ASSEMBLYMAN DORIA: I agree with you that at this point it would be premature to look towards legislation. I do think that at some point based upon these hearings and further input from this group and other groups, that if there's a need to go beyond regulations, we may have to do amendments to the piece of legislation that became law in the year 2000. But I think at this point the \$500,000 issue is one that a lot of us have thought about already.

MR. SCIARRA: Right.

ASSEMBLYMAN DORIA: But I do think that right now we first see where we're at and then move forward. It would be premature to talk about amendments at this point.

MR. SCIARRA: Well, what I would say even on the 500,000 issue is really -- let's get the program moving and see, especially because I do think a lot of-- We've heard a lot from the districts, and I know they'll speak for themselves, but what we hear is a lot of the predevelopment issues they'd like to really -- they think they can do and are in a better position to do with proper EDA oversight. Like, for example, architect contracts for design of schools and can engage local (indiscernible) better. Well, if we have policies, regulations that require that under strict standards we may not need to amend the 500,000, although we may get to a point where there are certain things, like preschool, where we might want to do that. I just don't think we've had enough experience with the implementation of this act to know right now. But listen, I'll defer to others who are going to come up here and may have other thoughts on that.

ASSEMBLYMAN DORIA: Well, I appreciate that, and I think that's why we're here, because I don't think we know where we're at--

MR. SCIARRA: Right.

ASSEMBLYMAN DORIA: --because there hasn't been enough implementation and because there are a lot of questions on how we should be approaching this. I think there's a lot of frustration, at least that's what I'm hearing from the local districts, even on the predevelopment phases where they feel that they're not given enough leeway and even in site selection, for example, which creates problems.

So I thank you very much.

Any members of the Committee have any questions?

Assemblyman Malone.

ASSEMBLYMAN MALONE: Mr. Chairman, thank you very much.

Mr. Sciarra and I have had a number of conversations on various issues. The first one -- it was quite highly noted several months ago when you agreed to delay implementation of the Abbott situation for a year. How do you think that plays into what we're talking about here today and any slowing down of the implementation of Abbott construction or Abbott in general?

MR. SCIARRA: Not at all. I mean, the school construction program was not part of that. I've said, and I'll say this to this Committee, the problems with school construction is not money. You know, Assemblyman, there's a bond cap of 6 billion now for the Abbotts. EDA has only bonded 500 million. I'm told they're prepared to go out for another bond issue of the same order.

The problem with the school construction program is not a financing problem. You've authorized the financing. The problems we've had are implementation problems, the details of implementation that I've just discussed. The coordination among State agencies. Nothing in the application before the Supreme Court has to do with school construction. And, in fact, most -- virtually all-- That's a subject for another day about that. But that application from our point of view was designed to protect and expand key Abbott programs operationally, such as preschool parity level funding with suburban districts and foundational funding, so forth, and so on, and fix

implementation problems in Whole School Reform which another work group is working on right now, by the way, in time for next year. So that's a subject of another hearing which we ought to have.

ASSEMBLYMAN MALONE: Through you, Mr. Chairman. Given the startup delays and problems that I think we all acknowledge, what would you estimate, given what you've just said about this new entity that's going to be created, your involvement in various issues, what do you estimate will be the amount of completion of projects and/or initiatives in six months and in one year? So, if we came back here a year from now, basically what are you anticipating will be completed by a year, given these recent changes?

MR. SCIARRA: Boy. I think that's a good question for EDA when they're here tomorrow. Look, I mean, we had no implementation, virtually none, up until recently. What I've seen over the last two months is that there has been a commitment on the health and safety side. And finally, we've seen contracts in significant chunks be let, even in the last couple of weeks. Would I be able to tell you what this new school's corporation, when it's restructured, what its sort of maximum sort of capacity to let contracts and move contracts forward is? I don't know that. I think we're going to learn as we go when we get experience.

I also think that Assemblyman Garrett pointed out, there probably are and others may speak to this, structural issues that will impede upon pace, the amount of contractors and work out there, so forth, and so on, that I don't have a handle on, but others do. I think that's a good question. I don't have an answer to that. I don't think we have enough experience to begin even with a full-bore implementation of people working hard, reorganized, focused to

know. But that's a question that you ought to come back together with us to talk about.

Because the other question is too we have keep in mind, it's not just a question of pace, especially when you get to new construction. Obviously, we want schools built quickly, but we also don't want a repeat the experience, say, of public housing in the '50s or '60s where buildings were plopped into neighborhoods with no sense of community -- how they would relate to communities. As I've said, we've got to get these buildings right, too. This is a shot. These neighborhoods have one shot for this investment. They're going to have to serve these communities. So we also need to make sure that we're doing it quickly, but we're also doing it in accordance with best practice and with full community participation to the maximum extent possible. That's what I would say to you.

ASSEMBLYMAN MALONE: So it would be your estimation that we should see-- Well, there's two issues here really. Number one, how much of the stuff was in the pipeline that's coming out now? That's number one, and we should get an answer from that from Caren Franzini tomorrow. But also, you should have an expectation, as basically you and Gordon MacInnes being the poster child, really of what's happening with Abbott and your face is really identified with it as being the lead person statewide, I would think. You should have and be able to tell us what your expectation is and as to what you want to accomplish by this time next year. So, if it's been a dismal amount so far, or taking into account what was in the pipeline and what's coming out right now, from this time point on, the people in this audience ought to have an expectation of an amount of work to be accomplished

between now and next year. What would you estimate as percentage of what needs to be done should be accomplished within this next year to be satisfactory to yourself, the Law Center, and to the Abbott school districts?

MR. SCIARRA: I think that's a really good point and a good recommendation. We ought to -- it raises the thought of, when the new schools corporation gets up--

ASSEMBLYMAN MALONE: Because somebody has to be responsible.

MR. SCIARRA: That's right.

ASSEMBLYMAN MALONE: And somebody's face has to be on it. Are these people from the Abbott districts -- are going to come not peaceful, they're going to come in riot gear because they're going to be tired of listening to the political rhetoric.

MR. SCIARRA: I think your suggestion is well taken, which is that we ought to have one-year, a two-year, and three-year goals, district by district. What do we reasonably expect to get done? And those should be taken out to the community so that the community understands. The community can also can begin to prepare to become engaged so that they can see which schools are in the pipeline coming in the design phase, so forth, and so on. I think that's a great idea.

Look, the governor yesterday said he wanted 90 percent of the health and safety done by the end of the year. It raised my eyebrows. Maybe he knows something, and EDA knows something that I don't know. I think that's a good question tomorrow -- is that reasonable? We're at about 30 percent from what I see. That's a pretty good chunk of work between now and

December. I take it he had some information on which to make that. I haven't seen that information. It's a good question to ask EDA tomorrow.

ASSEMBLYMAN MALONE: Thank you very much, Mr. Chairman.

ASSEMBLYMAN DORIA: Any other Committee members?  
Senator Rice.

SENATOR RICE: Just right quickly.

David, I'm always sitting, and I'm sitting a lot of years and listening to speakers indicate to us different things. You made mention that the working group, and I look at some of these folks I know -- and I know. My concern is when you said we should be doing certain things and that the working group is really kind of advisory but would be somewhat disappointed if things aren't taken seriously more or less, and I direct quote. Let me say this to you and to the working group. As much as I respect some of these people, most of them in terms of their abilities, they're here to communicate with us. I just believe communication is good. And there's only one of me and one of each of my colleagues, which means it's not difficult. But if folks think they're going to come in with some package because of who they represent or whether they're on this list that I can see, and they've been around for a while most of them, and the governor is just going to run with it, and we're not going to have any say so. I just want to put you on notice. You're wrong, at least when it relates to this Senator and decision. I believe before we legislate, we should give the administration opportunity to have a little bit of discretion, but I'm getting concerned about how much discretion we're going to be putting over there.



And also, all this conversation, you need to take it back to your colleagues since you are “kind of the poster child,” as indicated, but it’s all legal stuff. Because in your arguments that I read, at least the quotes, is that there needs to be remembered a strong emphasis, not only allowing local participation as it was to do some basic things. I mean, you can have a roof wait until September when we know Joe can put it on yesterday. He’s been doing it for years, and it has been approved for years. Okay. But we also need to make sure that the emphasis is, and this goes for everybody out here, on minority and local participation. I’m going to emphasize minority primarily because the legislation said there will be that kind of participation. We know it’s going to be a union contract job, and we know how they operate sometime with the exclusion. It was me who led the caucus fight on our side that said would not get a vote unless that language was put there. It was Senator James who happened to be African-American, and Senator Bryant who made certain that the language was there.

But every time, when we talk about moving forward, we tend to kind of assume or want people to forget. A lot of the barrier to what we do legislatively by implementing, hopefully, at a more accelerated pace is going to actually create more problems, if the process slowed down because grassroots people in these cities are not going to be employed by some of these folks. And that’s why I’m waiting to talk to this McNeill guy, because I know Turner Construction. (indiscernible) on what they do and what they don’t do. I understand their politics. So I just want to be on record because this is going to continue to come up, and the Joint Committee is going to be meeting and it’s going to come up and it’s going to come up, because I’m going to be one

of the lead advocates in saying, “Let’s implement it. Let’s do it right. Let’s get accountability. Let’s get credibility, but let’s get substantial minority local participation where feasible at all levels.” Period.

MR. SCIARRA: Great.

ASSEMBLYMAN DORIA: Anyone else?

ASSEMBLYMAN STANLEY: Yes, just one quick question, Mr. Chairman.

ASSEMBLYMAN DORIA: Yes, Co-Chair Stanley.

ASSEMBLYMAN STANLEY: I know that the organization that was established at the Education Law Center agreed-- As a matter of fact, one of the things that we thought would have been good was that the -- and this was going back a ways -- was that the Supreme Court would perhaps have a special master where all the sides would come together and talk about where we need to be headed with respect to school construction and all the other components of Abbott. And now that the administration has embraced Abbott and has embraced the Education Law Center also in terms of coming together and working coordinating the effort, that certainly seemed as a good thing, in terms of not having to deal with constant contentious dialogue or the adversarial relationship that we had seen in the past.

Now that the administration has sort of included the Education Law Center at the table with respect to implementation of Abbott, we understand that there are some things that aren’t happening as fast as we would like them to have happen. Six months is not enough time to really gauge where an administration will be a year or two years from now. But at any point at all, do you see yourself being put in a position where, perhaps, the

administration and the Education Law Center will part company or do we-- And if so, at what point does -- when does that occur?

I know it's not an easy question and I know it's something that everyone is concerned about. But I tell you, I'm at a point where I just want to see implementation. I think that if the Legislature is engaged, I think there's a better chance of seeing that happen. If the administration is "willing," that's also a good thing, but then you get into things like legislative will. You get into things like administrative will. And sometimes, even though they want to, their hearts are in the right place, so to speak, but you still run into the problem. That's one of the problems with not having a special master. As much as I think that you have to have three coequal branches of government, and as much as I think that the Legislature should be in a position to make things happen and the administration should be, it doesn't always happen like-- What's your thought on that?

MR. SCIARRA: Boy, Assemblyman, this is more of a global point, but I'll make it since you asked it. I think we have to realize that -- try to begin to get our minds around the fact that we are in a very different phase of *Abbott v. Burke*. What I'd like to say is that we won. Most of the funding, not all, but most of the funding is there or it's been authorized, as in the case of the school construction program. The Court has said repeatedly now it's done all that it's going to do. It's now up to the agencies, the State and districts to implement Abbott.

We've asked for a special masters twice. They've said, "No." But they said, "We want the parties to meet and talk about compliance and implementation on a regular basis," which is all that we're doing. It doesn't

mean we can't go back to court if things fall apart. That's really what we're trying to do. I think we have to change the way we approach these things because we are in a new phase which is about -- how do we take these court orders, which have given us the opportunity that no other state in the nation has had, which is to implement a series of programs at very high quality standards backed by adequate funding -- pre-K, school reform, school construction -- over time. So the issue really has to be is -- we want implementation. As we get into implementation, what we're going to find is there are a lot of barriers, capacity barriers at the State level, at the district level, so forth, and so on, that we're going to confront. Expertise that we need that we don't have. The State is not organized in the right way so forth, and so on.

What I urge people to do is to start to think more instead of one year, but two years, three years, and four years. The question we have to ask, are we making sustained progress in improving implementation and alternately improving student achievement? We've got to begin to gather the data and the information that we can answer that question on an ongoing basis.

I think it's true for the school construction program, why I'm urging the Chairman to meet regularly. We need the Legislature to stay engaged around the details of implementation, to both keep the pressure on and to be available to do legislative work, if needed, because this is going to be an ongoing process. We have to learn as we go, because we're into a lot of areas that no other state has gone before, a lot of policy areas that, as I said, are uncharted, breaking new ground. A lot of capacity problems that we face.

Organizational problems that we face. We've got to be honest about those failures and learn as we go.

So I guess that's how I'd answer your question. Now, in terms of our work with the State, we've had some difficult-- It's a day to day. It's day to day. We work every day. We keep pushing them along. They've been responsive so far. Things are moving along. People are working hard as best as they can. There are a lot of capacity problems that the State agencies have, as you well know. They don't have enough talented people, the right people in place. They're not organized in the right ways. So it's a day-to-day thing. We just have to keep pushing.

ASSEMBLYMAN STANLEY: I agree with that. I appreciate your work in the past and your continued support of the Abbott districts. We've been through many of these fights for a long time now. I think that communication is going to be key.

MR. SCIARRA: I agree with that.

ASSEMBLYMAN STANLEY: We need to stay abreast of what things are going on with respect to you and your clients. We also need to be kept abreast of what's happening in the administration as well.

MR. SCIARRA: And this picks up on Senator Rice's point. A good point tomorrow to ask the administrative officials and I've been raising, is there communication efforts around these implementation details? The DOE is not an organization, as you know, that's used to communicating pretty much with anybody. Now they have to communicate now that we're into this, where they've got to be communicating with a wide range of audiences about what they're up to, about who they're working with, about what's being rolled

out, and there's a whole communications issue that's got to be addressed, and I would urge you to push them on that.

ASSEMBLYMAN STANLEY: Thank you.

ASSEMBLYMAN DORIA: Yes. I agree with you.

Thank you very much. Thank you.

MR. SCIARRA: Thank you, Mr. Chairman.

ASSEMBLYMAN DORIA: I'd like to call Mayor Douglas Palmer.

**DOUGLAS H. PALMER:** Good morning.

Thanks, Mr. Chairman.

ASSEMBLYMAN DORIA: Thank you, Mayor.

MR. PALMER: You have to excuse me. I might not be as fluent as usual. I just now came from the dentist where I had root canal, so I still have--

ASSEMBLYMAN DORIA: Not a pleasant experience.

MR. PALMER: My mouth feels like it's out here. But they asked me what would I rather do, come here and testify before this Committee on school construction or have root canal. I said I rather do both. I'll cut my remarks down a little bit.

First of all, I want to thank this Committee. I also want to thank Governor James McGreevey for his unwavering commitment to education, particularly his commitment to urban education and his unqualified support of the implementation of the *Abbott* decision. I want to be really specific in talking about the city of Trenton if I could. I see some people from Trenton here. I'm glad to see them in the audience.

More than four years ago, in anticipation of school facilities legislation, the city of Trenton, through the Trenton Board of Education, established a Blue Ribbon School Facilities Committee to develop a school facilities plan and to obtain input from stakeholders throughout the city concerning what school facilities in Trenton should look like. The committee, under the leadership of former Board of Education President Alexander Brown (phonetic spelling), who is here, has been meeting regularly ever since.

The Trenton school facilities plan was submitted to the Department of Education and approved several years ago. By December 2001, predevelopment work for 10 new schools or major renovations was complete and submitted to the Department of Education, who approved those projects and transmitted them to the Economic Development Authority in February of 2002. Building new schools throughout the state is a major undertaking. To get all the work done in all the Abbott districts will take cooperation and communication on all sides.

My concern, recognizing that some ramp-up time is essential in getting new projects underway, is the time delays in the process. I'll be specific. Typically, predevelopment work on a large project such as a new school takes about 200 days. That is the amount of time it would have taken the Trenton School district and the Trenton Development Agency working in partnership to do the predevelopment work on their own. The city and the Board of Education working together could have built two schools with the rest underway in the time that has elapsed since the Facilities bill was enacted.

Utilizing the existing process, the predevelopment work for the Trenton Abbott school district has taken more than twice as much time as

customary. This dramatically increases both time and cost at the current rate, more than five years to build each school in city of Trenton. This means that a youngster beginning a three-year-old program this September will not even have the possibility of entering a new school until the third or fourth grade.

Suburban schools do not face the same hurdles as Abbott schools. In the year since the facilities legislation was enacted, many suburban schools have taken advantage of school facilities funding to build much needed schools. Because Abbott districts are not permitted to build their own schools, cities like Trenton have fallen behind their suburban counterparts in school construction. Therefore, I applaud the provisions in Governor McGreevey's executive order designed to speed up the school construction process, particularly that portion which will facilitate districts undertaking projects of \$500,000 or less.

We want to utilize the capacity that we have in New Jersey at every level of government to get schools built. I am encouraged that these bold steps on the part of this administration will permit construction of those projects approved by the DOE in February to get underway.

Finally, we must reaffirm our commitment to hiring minority women and local contractors in every aspect of the school construction process. These stakeholders have the greatest interest in making sure that our city schools are quality schools. We cannot recapture lost school years for any of our students. A high school full of students has graduated since *Abbott* required new facilities. What we can do is make sure that from this day on the process moves forward quickly and that new and renovated schools are in place



for the children not only of Trenton, but for all the children in the Abbott districts as well.

Thank you.

ASSEMBLYMAN DORIA: Thank you very much, Mayor. We appreciate the comments, and obviously, they reflect the frustration that exists in many school districts at the present time.

Any comments or questions from the members of the Committee?  
Senator Rice.

SENATOR RICE: Yes, through the Chair.

Could you maybe have one of your staff just fax us some copies of your comments, through the Chair.

MR. PALMER: Sure. They'll probably be clearer than what I was saying anyway. (laughter)

SENATOR RICE: You did well.

MR. PALMER: I did all right? Because I stopped and changed some words.

SENATOR RICE: Go get some rest so we can work on budgets.

MR. PALMER: All right.

SENATOR RICE: Thank you.

ASSEMBLYMAN DORIA: Mayor, Assemblyman Stanley has one question.

ASSEMBLYMAN STANLEY: I really want to thank you for coming. I understand Trenton is really ahead of the curve in terms of the amount of projects that have been proposed and even approved. Do you expect any projects to be starting in September at this point?

MR. PALMER: I don't think so. I want to say we've been working well with Caren Franzini and EDA, but I just think it's incumbent that we implement them and that we really look towards working with the local jurisdictions because we know how to get projects done. No disrespect to EDA or anyone else, but we've been building buildings and hotels and those kinds of things, and I think it makes the process easier. You can have oversight if you want but the purpose of the funding is to get the schools built and not to have the bureaucratic red tape. It is very, very frustrating. Quite frankly, I don't have to make a speech, all these people know. Our kids deserve better from all of us.

ASSEMBLYMAN STANLEY: No question about it. And as a testimony to the work in the district that you have gotten so many projects poised to be built, and it's really the failure of the administration -- not this administration, but administrations passed and the Legislature and the Legislatures passed that we haven't seen more progress. But I thank you so much, Mr. Mayor.

MR. PALMER: And like I said, Dr. Lytle, our Superintendent, is fantastic. Our board works well. We have committees that work well. That's the thing. People really are working together. When you work together, great things can happen. I just think we all should not look at the past but just move forward and get these schools built.

ASSEMBLYMAN STANLEY: Absolutely.

MR. PALMER: Thank you.

ASSEMBLYMAN STANLEY: Thank you.

ASSEMBLYMAN DORIA: Thank you.

Dr. Pablo Clausell, the Superintendent of Perth Amboy.

What I'd be asking is everyone, as the Mayor just did, keep their comments brief, five minutes. We have over 30 witnesses, so we want to make sure everybody has an opportunity. I'm going to go with more of the people from the districts right now rather than the organizations, and I'll get back to the organizations. I want to get some administrators, some teachers, and some parents up here, and school board members.

Yes, Dr. Clausell.

**P A B L O C L A U S E L L, Ed.D.:** Assemblyman Doria, Legislators, thank you for this opportunity--

**ASSEMBLYMAN DORIA:** Speak into the microphone. (referring to PA microphone)

**DR. CLAUSELL:** Red. Yes.

Assemblyman Doria, Legislators, thank you for this opportunity to address you this morning.

In preparing for this we have received from, I guess, the Assembly Education Committee services sort of a boilerplate number of questions to respond to, which, in our presentation that is coming around to you, we attempted to respond in the most concise manner. We realize that you are pressed for time with over 30 speakers, and I just wish to address some of the issues that were raised this morning, and hopefully, bring to life others that maybe of assistance down the line as the Committee continues to address this issue.

In addressing the questions that the Committee raised, they asked-- One of the questions was, what was the most difficult or frustrating

aspect of the school construction program which the district has faced? If you take a look at Page 4 of the handout -- that is responses to question 5, the first bullet. I have to go back with our first priority which is the assumption by your State officials that Perth Amboy cannot manage its own construction program, when in fact the district and the city have an exemplary record of implementing an \$80 million renovation building program prior to the enactment of the Educational Facilities Construction and Planning Act.

I realize that you're pressed for time, but bear with me. I have pictures of schools that were built during the past decade prior to the Facilities Act being enacted. Renovations have taken place. As you will note, some of those works that took place, renovations and improvements, in the appendices to this document was cited by, for example, *The American School University* magazine, which provided us with an award, the New Jersey Building Contractors Association, and many others.

The point that I'm trying to make here is if you're going to look for alternatives, one of them that you may want to look at is -- take a look at the school districts that may have been successful in attempting to address their facility needs through the years and that have had experience in regards to the acquisition of property, the contracting of different services that are needed, and so forth and so on, to deliver a final product. And I know that Assemblywoman Friscia has been, and Assemblyman Doria, to our district where we have buildings that have been renovated and have evolved as a result of city, board of education, and community effort working in collaboration.

At this point in time, I can tell you that prior to the enactment of the Facilities Act, we were on target to build four new sites. One of them was

an early childhood center which was projected to be built by September of 2002. As a receiver, we were allowed to be able to place aside funds for that purpose. The city working with the Board of Education had actually acquired the properties to be able to move forward at that point in time.

I can tell you that in the past three years, and as of today, 16 properties still remain idle. Now they look like -- the roof, as a result of-- Glass that has been broken, we constantly have to go back and put them up. One of them was originally set on fire where a fireman got hurt, because we haven't been able to move anything forward during the past two-and-a-half years. It has been unfair to the district. It has been unfair to the students. Therefore, a solution that I can put up front from the beginning is -- please, take a close look at districts in which you, the legislative service's auditing system has actually visited us in which our auditors have reviewed the finances of the district and give us an opportunity to look forward and continue what has been laid on the side for the past three years.

Jack Rodecker has been the Business Administrator with this district for close to 20 years. I'm at the point at this point in time when I really try to concentrate on the structural ends, and Jack has been the point person with the Economic Development Authority, the New Jersey Department of Education, the Department of Community Affairs. It's most frustrating every time that I saw Jack sometime about 1:30 after meeting and meeting and meeting and meeting, when he said, "Would you believe it? The guy that was sitting on my left did not know what the guy was doing even though they work two buildings apart." I mean, it's really a-- I cannot explain it.

I just saw David Sciarra outside in the hallway. I said, “David, I guess the flow chart just expanded with this new organization.” I’ve been looking for one for the past three years to realize who is responsible for whom, what forms I need to have so at least I know that if I am moving within six months, I need to do X, Y, and Z. I can’t have that. We sit down at meetings, and we go from meeting to meeting learning what the next step may be, or what was the next step that had to go through the Attorney General’s Office or was rejected. I had to go back to EDA to get a new report from the Department of Ed to come back to EDA, and meanwhile we are in between with a Board of Ed resolution and visiting somewhere else. Rough. Very, very hard.

Jack, is there anything you can add at this point?

**JOHN M. RODECKER:** I think part of the frustration is being from a district that has done over \$80 million worth of construction in the past 10 years and have all that momentum that was started with the additional projects to be done come to a screeching halt and to have, as the Chairman mentioned earlier, an organization that really doesn’t have experience in school construction now calling the shots. It’s basically an organization that is learning and putting policies together basically on the fly, and it’s just something that is difficult for a school district to deal with when, for the last three years, you can show no progress in the building plan that was adopted three years ago, and you can show no progress -- and you see empty vacant lots sitting with houses that have been abandoned, and there is nothing you can do about it. There is absolutely nothing you can do about it, even if the district were to take of its own initiation steps to, at least, begin something.

We have been told flat out that there is no regulation, no provision for any reimbursement to the district so that the district would be spending taxpayers money, local taxpayers money on its own just to show some progress.

DR. CLAUSELL: Short-term solutions may lie within the school districts. For example, EDA's short-term solution was to put 25 trailers in the district to be able to house three- and four-year-olds. Well, three years ago we were ready to go to begin building and be ready for this. As a result of that, one of the last schools that was built, the Willard (phonetic spelling) School mentioned earlier, there were two smaller schools built late in the 1800s that we're now utilizing for pre-kindergarten services. City fathers, the Board of Education are very much opposed to developing trailer parks, which just remain for a long, long time.

I can tell you from experience, I began teaching at No. 16 School in Jersey City back in '71, and I began in a trailer. I can tell you at this point in time if you all visited Jersey City, the only difference is this: Since the State takeover of Jersey City, three more trailers have been added to the school yard. There's no more school yard there for children. And that wasn't going to happen in Perth Amboy, and I'm real happy that the City Council and the Board of Ed and the people in the community came out to fight that. And as a result of that, the downside is we have children in substandard facilities in those two buildings, but we need to move forward.

Assemblyman Malone, you mentioned what could you do within six months. You can make some major changes within six months. You give us the opportunity and the people to work with, and I can tell you I can take you there tomorrow -- Jack can take you there tomorrow -- and you can come

back in six months and you will see the difference, if we are allowed to move forward.

ASSEMBLYMAN DORIA: Yes. Assemblywoman Friscia.

ASSEMBLYWOMAN FRISCIA: Dr. Clausell, I want to thank you for your leadership in Perth Amboy. I know you were in Assemblyman Doria's district before. His loss was our gain in the 19th District because you've done a fabulous job.

DR. CLAUSELL: Thank you.

ASSEMBLYWOMAN FRISCIA: I would also like to offer the services of my office to you and Mr. Rodecker. I'd like to be kept apprised of any progress or lack of progress that is going on, and if I can be of assistance, I certainly will help you because I want to see things move in Perth Amboy.

DR. CLAUSELL: We certainly will do that. And we heard that Senator Rice mention that earlier, and we were talking in the back. We are going to ask you to sit down with us quite often.

ASSEMBLYWOMAN FRISCIA: Please do.

DR. CLAUSELL: Thank you.

ASSEMBLYMAN DORIA: Anyone else?

Yes, Senator Rice.

SENATOR RICE: I was reading your comments, and I find it interesting some of the statements, which by the way, happen to be accurate from my perspective.

DR. CLAUSELL: I can't hear you, sir.

SENATOR RICE: Happen to be accurate from my perspective. You indicated that we were led by State government officials whose ideology



towards the Abbott district proved incorrect in court. Then, the legislative policy, which translates into action by the same government officials. You are correct, and I think it's something that the administration needs to address. If you've listened to the speakers before, today from this group, they think that's the direction we're moving in. I'm not sure that's the direction you are moving in. I'm not even so sure of the some of the people in charge, even with this administration, or the districts see things the way we see it. I can say that from experience, so without calling names.

But as we move, I think that is an important point for the Committee to keep in mind because if, in fact, we cannot -- and legally we cannot control the personnel in the administrative side, we certainly can legislate if we have to to kind of make them walk the walk -- fine lines. I would really hope that the governor's administration pay attention to this language too and remember that the same folks who never wanted us to go forward have been the same folks, in essence, who are responsible for doing some of the things that need to be done.

And finally, this emphasis I know is going to continue to come up on letting local control participate a little bit more by keeping integrity. I think we did pay close attention to that. And if the administration does not see it that way, and I do believe there are some people in the DOE that do not see it that way, then we may have to respond with legislation. So I just wanted my colleagues to be clear where I'm coming from because I'm getting a little tired of the rhetoric as well. I know that we don't have a lot of time.

But I want to commend you also for the work you're doing, but just to sit here and listen to you -- and I listen to a lot of people -- but to sense

your frustration. I mean, your frustration clearly came out, even though you may not have intended it to. And that's what we're getting -- at least I am as I move around the districts and up and down the state, is almost like grown people who are really passionate about what they have to do and accomplish for our young people really want to cry, what we feel as men and women we can't cry. And that's the way it was coming through. I really sense real deep pain there, and I hope my colleagues sense that pain as well.

We're going to respond if the administration doesn't very soon, at least from my perspective.

DR. CLAUSELL: Thank you, sir.

ASSEMBLYMAN DORIA: Thank you.

Assemblyman Stanley.

ASSEMBLYMAN STANLEY: Thank you, Mr. Chairman.

Dr. Clausell, I, as Senator Rice, feel your pain today. I'd like if you could -- is there a procedure or any kind of road map that you got when we first started this thing or maybe you got six months later or maybe you got ten in a matter of twelve months? Do you have any documentation in terms of what the process is? How long it's supposed to take? Have you gotten anything like that from the administration over the last couple of years or even within the last year or-- Because you explained that you were pretty much walking in the dark, that's what it sounded like when you tried to deal with some of these issues.

DR. CLAUSELL: Assemblyman, right when your legislation first was enacted, I remember I was sitting down-- We have a structural committee process in the Board of Education whereby we have the facilities committee

personnel, instruction committee technology, etc. So the first thing we wanted to do was to sit down with Jack and the facilities committee to go over the legislation and what were the ups and the downs at 300,000, what can you do at 500,000, etc., and so forth.

One of the very first meetings that we had at the Board of Education was a request from us for a table organization, very simple. A table organization, names, phone numbers. Is there a flow chart somewhere? Someone had to sit down and put something on a board that indicates what happens to this district when they go from point A to B to Z. If that doesn't work out, what happens, etc.? That has never been provided. And the most frustrating part is that you have very well-intended people as part of this organization who come in, and as we begin to discuss what should have been provided from the beginning, and they go back and begin to dwell into some of the areas that are covered within the district, they find that their hands are handcuffed because they are also learning and they are frustrated by the situation and they have to get clarification from one organization, another organization, etc.

So, no, the answer has been -- we have been learning. It has been like the typical little toy that you see on the avenue in our towns that they sell where it backs into one side and then it goes the other way and then it backs into this one and it goes this way. I think there is a word quattroversal for that -- quattroversal. You know, with policies being developed by bumping into something and moving in a different direction. You bump into that and then you take a new one. Hopefully, something comes out at the end, but the bottom line is it's going to be three years and very little has happened.

ASSEMBLYMAN STANLEY: Thank you very much.

Thank you, Mr. Chairman.

ASSEMBLYMAN DORIA: Thank you very much, Dr. Clausell.

I just want to say that I've known Pablo a long time, and I know the type of job he wants to do and the frustrations he's facing. I appreciate it. It's a very comprehensive report which will be very helpful to us, and we very much appreciate your having provided this to us, and hopefully, we can call upon you as we move through the process to give us additional input as we discuss the possibility and feasibility of legislation in the future.

DR. CLAUSELL: Thank you, sir.

ASSEMBLYMAN DORIA: Thank you.

DR. CLAUSELL: Thank you for this opportunity.

ASSEMBLYMAN DORIA: Thank you.

Next, Marie Hakim, President of the Clifton Public Schools, together with Assemblyman Peter Eagler.

**ASSEMBLYMAN PETER C. EAGLER:** Good afternoon.

ASSEMBLYMAN DORIA: Assemblyman, welcome.

ASSEMBLYMAN EAGLER: I'd like to thank the members of the Committee and of the Assembly and the Senate for meeting at this historic summer session on this very important issue.

I had the opportunity yesterday of attending the governor's press conference. One of the main issues that were discussed there was while it's very encouraging to see the educational empowerment of our communities, it's also very important to see the economic impact and that if-- The governor was very positive on making sure that the people that the neighborhood schools are

being built that the people in those neighborhoods are the ones that are helping to build those schools if additional legislation is needed to put more teeth into that. I think that this Committee should go with some recommendations to make sure that the minority and women-owned corporations and companies have a positive impact on the building of these schools.

But I'm joined here this afternoon by Marie Hakim, who is the President of our Clifton Board of Education and Dr. Barberi (phonetic spelling) from administration, to discuss their concerns at it implements the funding for the various districts.

**MARIE L. HAKIM:** Thank you.

ASSEMBLYMAN DORIA: Make sure the mike's on. (referring to PA microphone)

MS. HAKIM: Yes. Thank you.

And before I begin, I apologize for some of you receiving a copy of my testimony with Page 2 as the first page instead of the second page.

Distinguished members of the Assembly Education Committee. I am Marie Hakim, President of the Clifton Board of Education, and I am happy to be joined by our Assistant Superintendent Dr. Barberi and our good Assemblyman and Freeholder Peter Eagler.

We thank you for this opportunity to present the views of the Clifton Board of Education, particularly on the problems associated with the implementation of the Educational Facilities Construction Financing Act, which is not just about Abbott districts. The geographic location of some communities has a direct impact on facility needs, especially when they are

located next to Abbott districts. School systems bordered by Abbott districts have many of the same characteristics found in these special needs districts.

Additionally, the upper mobility of students from Abbott districts is to move into neighboring non-Abbott schools, thus impacting these schools with increasing enrollments and expansion of programs needed to meet the instructional requirements of these students. Clifton is such a district with Paterson, Garfield, and Passaic -- three Abbott districts bordering us. The demographics of Clifton are directly impacted by this proximity, particularly our schools that are located in attendance areas bordering these communities. These are the schools that are crowded with enrollment growth faster than our other schools due to multi-unit housing found in these areas.

Additionally, these schools are older and do not have the facilities that are required to meet such growing needs. A brief profile of our facilities shows that of the 16 Clifton schools, 13 are aging, student-occupied buildings, 3 built in 1905 to 1913, 6 built between 1921 and 1929, 3 built between 1930 and 1948, 4 built between 1953 and 1962. Our youngest building is 40 years old.

A provision of this act, C18A:7G-4, Part *L*, states, "By July 1, 2001 the Commissioner shall provide the Legislature with recommendations to address the circumstances of districts which are contiguous to two or more Abbott districts. The recommendations shall address the issues of the financing of school facilities projects and the funding of educational and other programs required within these districts as a result of their unique demographic situation."

Clifton's recommended parameters for additional aid to non-Abbott districts, which have unique similarities to special needs districts, was used as the basis for this amendment. However, that was three commissioners of education ago and a year and a month ago this month.

The following is the recommendation of the Clifton Board of Education for preparation of guidelines for the administration of that provision of the bill enabling districts bordering Abbott districts to receive funding above the 40 percent threshold. One, the school district is bordered by more than one Abbott district. Two, 30 percent or more of the students enrolled in the attendance area shall be eligible for free lunch based on the last ASSA or 15 percent or more of the districtwide basis are eligible for free lunch. Three, proposed construction is intended to address unhoused students that shall be remedied as a result of that construction. Four, at least 7 percent of the residents residing in the attendance area served by the proposed construction shall be eligible for local property tax reduction as a result of their income level, or on a districtwide basis, the percentage population of persons 65 years and over exceeds the New Jersey statewide percentage population of 65 years and older by one-third. The attendance area to be served by the proposed construction has a student population eligible for Title 1 program aid.

Overcrowded, aging facilities, high concentrations of students eligible for State and Federal aid programs and students in need of various remedial or special programs are characteristics of schools in Abbott districts. They are also characteristic of many non-Abbott school districts.

The Supreme Court decision to require state-supported construction will revolutionize the quality of education and school facilities in

Abbott districts. Surely, school systems impacted by many of the same issues due to their bordering of Abbott districts need additional consideration as well.

Again, we thank you for this opportunity to present the views of the Clifton Board of Education, and I'll be happy to answer any questions that you might have.

ASSEMBLYMAN DORIA: Thank you.

I just want to point out, the staff has pointed out, that that section of the legislation that was passed was never implemented.

MS. HAKIM: No, it wasn't.

ASSEMBLYMAN DORIA: And I just wanted to make clear that's what you're saying that it has not been implemented.

MS. HAKIM: Exactly.

ASSEMBLYMAN DORIA: More than a year later, no study has been done, and obviously, your recommendations are that these five provisions be recommendations that would then allow districts that are adjacent to more than one Abbott district then to benefit from increased aid for school construction. I think that's an important issue.

And again, the issue of those districts that are adjacent to Abbott districts and the impact in the future is very important for all of us to deal with, not only as it relates to school construction, but also as it relates to educational programs for the future which are going to be issues that we're going to have to deal with in the future.

So, I thank you very much. I think your point is very well taken.

MS. HAKIM: Thank you. We did have a more detailed report recommending various percentages above the 40 percent, all the way up to 100



percent, depending on the meeting of all of the criteria, as opposed to one or two pieces.

ASSEMBLYMAN DORIA: If you could give us a copy for staff, we'd be happy to have that.

MS. HAKIM: Most definitely, I will.

Thank you very much.

ASSEMBLYMAN DORIA: Thank you. Thank you very much.

ASSEMBLYMAN EAGLER: Thank you Assemblymen and Senators.

ASSEMBLYMAN DORIA: Next, I'd like to ask Michael Bloom, the President from the Irvington School Board.

ASSEMBLYMAN STANLEY: Actually, I think it's Michael Steele -- is also there. I think Dr. Smith is also here.

ASSEMBLYMAN DORIA: Dr. Smith is here also.

ASSEMBLYMAN STANLEY: Yes.

ASSEMBLYMAN DORIA: No.

ASSEMBLYMAN STANLEY: And Michael Steele.

ASSEMBLYMAN DORIA: Why don't you all come up and introduce yourselves.

**MICHAEL G. STEELE:** Chairman Doria--

ASSEMBLYMAN DORIA: Hit the red button. (referring to PA microphone)

MR. STEELE: Chairman Doria, Assembly legislators, and Senator Rice and Assemblyman Stanley, and the Committee members--

ASSEMBLYMAN DORIA: Why don't you introduce yourselves first.

MR. STEELE: Oh, sure. Thank you for having us here today.

My name is Michael Steele. I am the School Business Administrator for the Irvington Public Schools. With me is Mr. Vic Demming, who is Assistant Superintendent for Finances, and Mr. Mike Bloom, who is our Abbott Project Consultant for the Board of Education.

I'm going to speak very briefly from a personal standpoint being the facilities person for the district, and I'm going to turn it over to Mr. Bloom who has a prepared recorded statement for you, and will provide that with you momentarily.

School construction in Irvington is nothing new to us because we have been involved from 1989 to 1995 in a \$60 million school bond issue which we financed through lease purchasing. Also, if you recall, there was a one shot pool of money that, in fact, EDA was involved in between 1993 and 1995 where the Irvington School district received \$1.7 million, and that was well appreciated pool of money that helped us fix a lot of our roofs. So we've had experience with EDA.

I'm going to be somewhat redundant, perhaps, to the moment, because my good friend, Mayor Palmer, spoke I think adequately about how many of us feel in the Abbott districts. It's been two years in an Abbott district, and two years is too long for us to wait for certain things to be done, when we're used to trying to have things done in a more expedient manner.

For example, in the beginning of the process, as you recall, DOE initially worked with the DCA. And being a practitioner on a day-to-day basis

working with folks, it's frustrating to meet with a group of people who are indicating that they're the ones who are going to help you change your district and do all the things that are necessary. Six months later, they're removed and another organization comes in. I'm very happy, though, to say that we've been working with EDA since 2000, roughly around January of 2000.

We recently had a meeting with Caren Franzini, and there's been some activity possibly speaking in terms of things taking place. Over this winter, we had five schools receive brand new roofs. We currently, right now, are in the design and construction phase of our health and safety issues wherein we're hoping that trucks are going to start rolling in Irvington somewhere towards the end of next month of September to conclude about \$14 million in health and safety issues. The concern, though, is that these same health and safety issues were on my drawing boards two or three years ago. We also had our own board architects. I convinced the Board of Education six years ago to hire two architects to represent the board. We have 12 schools and 5 satellite offices. Each of those architects were responsible for 6 of those schools. The importance of that is that many of the designs were already done by these architects working with the board.

When DOE and EDA came in, many of those designs that we paid for, the taxpayers paid for, were discarded. Those designs were done with professionals just as EDA had selected to do for us at this point in time. I'm concerned about another issue that Mayor Palmer talked about in terms of local input, local contractors, local architects, etc.

While we currently have nine schools involved in our health and safety issues currently, we have two architectural firms. One firm was given

five of the schools to do, and one firm was given four of the schools to do. One of those firms comes out of the state of New York. That's all well and good because they're a very, very confident firm, but there are some things that are somewhat different in terms of procedures and structures within the state of New York. And in my conversations in dealing with them, we're finding those things out as we're walking through the processes together. That becomes so cumbersome because some of the laws, legislation, as I'm sure you can imagine is somewhat different within the state of New York.

So I'd like to see us focus more on -- fulfill that commitment to having a local -- and put from our professionals within the State of New Jersey. Also, I find that the process has been cumbersome in terms of the procedures, the procurement of the architects firms, the selection process, and particularly our ability to have input with the appropriate folks. The pool process has been somewhat cumbersome, and Mr. Bloom is going to speak to that specifically in a moment or two.

But two years have lapsed, and for me in Irvington, two years means a difference between a small leak in my roof and a roof collapsing and me having to abandon classrooms, which is taking place as we speak. Two years means the difference between my boiler malfunctioning and me being able to repair it, and me now having two schools that are literally without boilers. I've got to bring portable trailers with furnaces to pump the heat into our schools at an additional cost of about \$100,000 per school. That condition will go on until EDA or DOE gets to the point in time where that now becomes priority on that list. So far, we're at health and safety issues.

At one point in time, there's a month or so where we were dealing with semantics. Was it an emergent problem or an emergency problem? To me, if I have a hole in my roof, it is an essential problem that has to be taken care of. I don't have the time for semantics. And those are some of the things that we've been dealing with over the last two years.

As I said before, though, the process seems to be waning itself out, and it seems to be moving forward. But I can tell you that we have because our past experience has been very specific in terms of our needs and our direction. I think one of the Committee persons asked, "How long would it take for certain things?" We could tell you that in Irvington we have multiple projects on the drawing board, and we are ready to go on multiple ends. We know -- and most of land that we have in town we already own.

I could also tell you that we have met with the local governing body, the mayor and council. We have had several subcommittees involved in the Board of Education, mayor, and council. In fact, when I leave here today, we're going to the planning board to submit to them recommendations for a site plan to put up a new middle school, which is part of our overall \$173 million school renovations suggestions.

So we feel we have accomplished quite a bit working with DOE and EDA, but the process has been cumbersome, and there's still some quirks that have to be worked out. But we are at a point in time now where we have to have a little bit more local input and local control on our destiny. So far, EDA has determined that we're first going to do roofs and now we're going to do health and safety. But because of time lapsing, many things now have to

change. The process has to be flexible so those changes can occur in a time frame that is conducive to our schools getting the remedies they need.

Let me turn it over to Mr. Bloom, perhaps, who will be a little more specific.

**MICHAEL BLOOM:** And I'll try to be brief. I just want to make a baseline of where we started. The first health and safety job in Irvington was new roofs. And at the first conference meeting with them, I asked, "Well, what's the insulation value that you're going to put on the roofs?" And we were told, "We're not going to put insulation on the roof." At that point, I knew we were in trouble. Things have been going on just about like that for two years.

I do have some positive suggestions without going through a bunch of terrible history. Procedure is the problem. There are two directions you can take. Let the schools do the building. They've been doing it for years. Most of them are very experienced with it. There are checks and balances within the system to create the proper project. That would be the easy way out. It might be, quite frankly, the most productive way out.

There are very good systems in place for other than Abbott districts. Why should Abbott districts be that different? Item two, if you're going to be stuck in this quagmire of the EDA doing the work and the DOE doing the work-- Everybody is mentioning the EDA. I've always looked at the EDA as sort of a constructive force and the DOE as the educational force. As the regulations are today, the district has very, very little control. The EDA hires the architects. The EDA does all the preliminary predevelopment work.

They say that the town has input or the school board has input, but, in fact, we find that it's very minimal, and it is time consuming.

We've had a vocational school which has been under rent. We've been renting it for an elementary school for several years and that has been approved on a long-range facility plan to purchase. This was two years ago, guys. Okay. Nothing has been done. We have not been told anything about any offers made to the county to purchase that building. We sort of got our list, and Mike has referred to it, together as a proactive plan. I met with Caren Franzini on some of these harder subjects. We have five subjects. She very properly answered each one and said they would be activated on. So I am hoping that it's August that the procurement of that will at least start.

To make you aware, the DOE has a list of 19 items or something that has to be checked off and done properly before you purchase a site. The EDA wants to do that work. I think this is the work that should be done in predevelopment. It should be funded by the EDA, and the individual school districts can do that work. They can do it a lot faster. It takes a month to six weeks to get an engineer hired for a survey. You can get three adequate proposals in a week from qualified people to do that and have them on the job giving us answers as to whether this particular site is appropriate or not, instead of this waiting.

The predevelopment stage should be handled by the districts as far as total planning. An Abbott district is not like building one school. It's like renovating your entire house while you're still living in it. It's a difficult task. It takes planning. It takes movement. Curricula has to be always addressed, where these kids are going to live while this is being done and what to do first.

It requires an implementation plan -- a whole war plan on how the district should be built. This has never been a part of the EDA task. I've been asking for it for a long time. We've been doing it in Irvington by ourselves, and I think it's been working. And Caren finally came around a couple of weeks ago and said, "I think you're right. Maybe we should have one guy. Allow the district to hire one guy to handle this very complex problem." At that point, we can do a complete schematic drawing for the school and the ed spec. Right now the EDA is doing the ed spec. That's ridiculous.

So, if the school puts in the ed spec to the DOE and the full schematic drawing and the DOE approves it, and they will approve it on the basis of educational requirements just like they approve every other school district in the state, then it's just, "Grind it out, boys." You give it to the EDA and let them grind it out, and they don't have to pay for schematic drawings. They can hire any architect they want as long as they follow those schematics. The government should be satisfied, the district should be satisfied, and that would be a win-win for everybody.

My emphasis is on procurement and predevelopment funding. Predevelopment funding should be funded directly to the districts so they can procure their schematic plans, their surveys, and make proper decisions.

That's all from me.

**VICTOR R. DEMMING:** Hello. Yes. One of the concerns I have is that I believe, more often than not, folks here in Trenton underestimate the ability and the quality of people that you have in your Abbott districts. You've heard both Mikes address a lot of the issues that Irvington and most of the other Abbott districts are faced with, so I'm not going to belabor the issue.



My main concern is something that has been voiced earlier by Senator Rice, is the economics of this whole Abbott issue. Economics in the sense that all of the decisions are being rendered by EDA. Local control is completely out. And the truth of the matter, folks, is that local vendors-- And when I say local vendors, I'm not strictly alluding to the vendors that are in Irvington. I'm talking about vendors in the neighboring communities that have provided service for the Irvington Board of Education. I've been left out of the loop.

It also creates frustration on our behalf because those vendors who already have put together all of the design work that the district needs in order to move forward is put to the side. What's happening in all of our urban districts, to include Irvington, is that we're now sitting there, and we're waiting for work to be done. As a result, those health and safety issues -- and I think Mike Steele alluded to that -- are sitting there in abeyance. What does that do for any urban district? Well, first of all, there are insurance costs that we have to concern with because health and safety is not only for the children, but it's also for the administration. It makes folks having to come into the district to work feel very ill at ease. When you look at our per pupil costs and you take into consideration all those factors of additional costs that we have had to pay out because of these health and safety issues, there has to be some concern.

I would just like to sum it up by saying that I really believe that this Committee should recognize that the Abbott districts are indeed folks who are capable to perform a lot of the services that have to be done as well as making sure that we are able to proceed as expeditiously as possible to get many of these projects completed.

Are there any questions?

ASSEMBLYMAN DORIA: Yes.

Assemblyman Stanley.

ASSEMBLYMAN STANLEY: Thank you, Chairman.

Are there projects now that you're poised to go with, but for one reason or another have not started yet but need to be completed by September if it's going to be done before kids get into school? Do you have any such projects that you are--

MR. STEELE: I alluded to the \$15 million in health and safety projects. Some of those projects are going to start next month. Some of the those just can't physically be done while the kids are in the school. For example, had they started in late May, early June or as soon as the kids left in June, we could have perhaps gotten through with the summer. Two of our schools are getting new laboratories throughout the buildings. The laboratories are 70-some years old, the original fixtures, etc. We obviously can't do that while the kids are in school. We discussed that with the architects and might possibly try to do it over the Christmas break, but that nine- and ten-day span might not be sufficient.

So we're now looking at the summer of 2003. The kids leave in June, hopefully the trucks roll in. Those are the kinds of decisions that have to be made on a day-to-day basis.

ASSEMBLYMAN STANLEY: So then we have a senior class that's not going to have the benefit of having that laboratory or those laboratories. Now another group graduates without. A lot of us have said throughout the course of this that this is somewhat criminal what we're doing,

but what we're not doing for these children. I just want to know, for instance, if tomorrow or Thursday we were able to get whatever you need to get in order to start some of these things going, could we complete that by September and are we ready to go on some of those things. This is absolutely ludicrous that we are talking about things that can be done, should be done, must be done. If they're not done, kids are ill-served, ill-equipped. We have it in our brass, our power to get it done. And just because the right hand doesn't know what the left hand is doing -- it's not getting done. I mean, it's absolutely insane.

MR. STEELE: Well, the other items that will be started next month and go into the school year are items that should be done in the summer as well. We're talking about new windows. We're talking about fire doors. We're talking about fire alarms. We're talking about intercom systems that are totally shot. These are fire safety situations.

It means disruption in the classes. Each building principal has to work with me each day to give me up a class or two. Our windows we can put in in a day, each section, but classroom space has to be forfeited. So I have to have a meeting with my principals next month to say this is what is going to happen once the contracts are let out. And from September now to perhaps Thanksgiving, maybe Christmas, the next three or four months, nine of my schools have to work very strategically with me to make sure that we get these jobs done.

MR. BLOOM: There's a 12-to-20 week wait for windows from the manufacturing section, and that was alluded to by a whole bunch of buying going into the market place. So that's going to delay things. I've been -- and the district has been corresponding with the EDA about a boiler in the high

school for two years. Mike Steele alluded to this. This has been a very frustrating process. I think because of our meeting with Caren last time it will be resolved, but it's being resolved that we're going to be ending up putting in a temporary boiler which is not the greatest thing for the kids and it's not the cheapest thing for the State. It's costing a lot of money.

MR. DEMMING: Actually that will be the second situation where we have a truck in the lot that will pump heat into the building. The reason they cannot fix the heating system at the high school this year, which is something Mr. Steele alluded to they should have done two years ago, is because there's asbestos. Therefore, they have to wait until next summer in order to plan on how they're going to remove the asbestos and then fix the boiler.

MR. BLOOM: We've been trying to do this for two years, two and a half years.

ASSEMBLYMAN DORIA: Thank you very much. We appreciate your comments.

Senator.

SENATOR RICE: Let me just make a comment first of all because I'm not sure, Mr. Chairman, that the person from your district is here, but I know there's a contractor from your district that was approved to do work and told by EDA that it has to be completed by August 31 but can't get permits. It has nothing to do. The response from people in EDA, "Well, we're going to have to look into that, and we may have to extend that." My response was, "Yes, but it's going to cost you more money."

My concern is that -- you take a city like Newark where in the district the State said it was mismanagement of funds. They come in, they rip us off twofold, and they'll replace it. You get into a situation in school construction and the State said we want to make sure that we don't go beyond costs or spend more money than necessary, but yet they enhance the course through delays. I'm going to suggest that at least the Joint Committee -- and I think Melanie is here someplace or another -- make note that we want to bring in, after we deal with EDA and DOE, we need to talk to the Attorney General because I think everybody is losing sight that it's the Attorney General. We indicated, and rightfully so, that his concern was that there's going to be major corruption possibilities with this kind of money and unscrupulous contractors who can't do a job or want too much for it and needs checks and balances.

I believe part of the problem is is that there has to be too many approvals, whether they're verbal sign-offs on some of this processing. Now, coming from a security background and law enforcement, I really believe that reasonable people today could put enough checks and balances on protecting the process against "organized" family influence as indicated by the Attorney General and/or unscrupulous contractors without frustrating people. I believe that Caren Franzini, from my perspective, and the people I've talked to as an individual is doing a good job. Her problem is that her decision has to be made around other people and this whole process and the administration. We've accepted and faced those realities and run interference on it.

By the same token when you look at the process over there, EDA did not want to do this initially. The legislators said we were going to EDA,

because EDA, if you recall, had a better track record on affirmative action than any other agency. And then we came and measured the affirmative action aspect of this right now, because those are questions I'm going to be raising also tomorrow is tell me if you spent \$23 million in Paterson -- I don't care what it was for -- you tell me how the local people participated. I want to reemphasize it was myself and a Senate Democratic caucus that said that there will not be a vote for this program of funding unless there's local and minority participation of contractors, vendors, those who are trained, untrained, unskilled workers, etc., were feasible, which does not mean that a local contractor be -- that contractor minority or nonminority, who cannot do the job, cannot qualify to do certain things should be given the job. That's not what we're saying.

So this whole process of tying us down with the State is not working. I knew it would not work because the State could not even come into the city of Newark or Jersey City or Paterson and deal with a smaller problem, as far as I'm concerned. So I just wanted to indicate that -- and I look at the comments that I got from DCM and I understand those kinds of things. But I think what Assemblyman Stanley was alluding to-- And by the way, this is part of my district and Assemblyman Stanley. If there are things right now that's being bogged down -- and that from anyone here from a district -- that you know if you have to prove it tomorrow you can get it done in a timely fashion and in terms of school, we need to know that right away in writing, because it may mean that not a hearing, but we may have to collectively, individually go to the administration and say, "Look, get this process moving. Make an exception here and get this thing moving," because it is our kids.

The final thing is that those of us who are elected have enough sense to know by now, and if you're fortunate enough not to know, you're going to learn very soon, that when Mike Steele cannot put a (indiscernible) in and the people expect it to go in, you know who's blamed for that? Get rid of the superintendent, get rid of the BA, get rid of the locally elected officials. In the meanwhile, they're sitting there saying, "But it's not our fault." Residents don't want to hear that. They want to know that the process is moving smoothly. They understand that there are dollars to make things happen for our children and for our school district, and that's the problem. So we give advice because of what's taking place.

This whole thing at the State, as far as I'm concerned, and I will tell the governor, and I will tell anybody else who wants to know, it's not about the State doing it better. There is no monopoly on brains at the State level when they bring in people. It's about relationships, family, and friendships. Now to me, fine, that's the way America is. I have no problem with that as long as they're capable. But the bottom line is, is that the locals are going to have relationships and people there working with over the years also and family and friendships. So don't try to isolate who's doing the work under the guise that these people are better, because that's not the case. Someone needs to say it, so I'm saying it. That's why I'm glad we're having this hearing because the administration inherited a lot of things, but I think this administration needs to remember what was said to them by the taxpayers and voters in these urban districts and these schools districts in general and what we committed to do.

The time has come for us to keep some commitments. The

campaign is over, and there's going to be some of us who are Democrats who are going to be just as vigilant with this administration as we were with the Republican administration, because it's not about partisan. It's about these children now, and we're frustrated. So I just want to go on record with that and ask you-- The question really is not to be answered. The question is, are there issues that's not being addressed here? And if they are, get them to us in writing. Get them to me in writing right away so I can pull some people to the table.

ASSEMBLYMAN DORIA: And I think that that's extremely important, and that's true for anyone in this room. If there are projects that you know can get accomplished before the opening of school and you find frustrations in the bureaucracy, if you can get it to us and the Committee, we will try to then deal with EDA or with the appropriate people in the Department of Education to expedite those projects. So I just wanted to confirm what Assemblyman Stanley and Senator Rice have said.

MR. BLOOM: Can I say one thing more?

ASSEMBLYMAN DORIA: Yes.

MR. BLOOM: Mr. Chairman, I think that's a very good thing to say and act on, but there's a procedure here that is broken, and I think we should keep our eye on that ball. If we keep chasing little things that are broken, the overall picture won't be fixed. This is a huge project. The procedure is not that complicated, the correct procedure.

ASSEMBLYMAN DORIA: I agree with you, but unfortunately we're not going to be able to solve the procedural issues in it's totality over the next week or two, but we can maybe deal with some of the little issues quickly.



MR. BLOOM: Very good.

SENATOR RICE: Mr. Chairman?

ASSEMBLYMAN DORIA: Yes.

SENATOR RICE: Through you, right quickly. Let me be clearer. Okay. And I'll be parochial. I represent Irvington. We're going to make those changes. We're talking about the stuff that's long-term and immediate. That has to be done regardless. But I'm telling you right now that I'm going to be pretty damn mad and angry if I find out there are issues I can address where I need to at least try to address in any of these districts, that can be resolved before school opens. That's for the record.

So I understand what you're saying. We understand you. I didn't say that we're forced to play games like the past with other folks to ignore and keep putting consultants on the other crap. The other stuff is where our priorities are, but there are some immediate needs in Jersey City -- I happen to know that -- in Newark, in Irvington, probably Passaic, in Camden, in Trenton, and every place else. I'm telling the folks here with the authority and the ability to do that to do it. If you don't issue a loss, you'll be waiting until we finish this process or putting things in its proper perspective to get results. And that's all I'm saying.

Once again, I represent the 28th. I'm the ranking person up there. And if it's information, I want it.

MR. BLOOM: Oh, you'll get it.

SENATOR RICE: Oh, okay. I just wanted to be clear. All right.

MR. STEELE: Thank you, Committee, and Chair. Thank you.

ASSEMBLYMAN DORIA: Thank you.

Assemblyman Craig Stanley, one final thing.

ASSEMBLYMAN STANLEY: Yes. I just really wanted to kind of reiterate what I said and Senator Rice kind of went on about afterwards, but that's right. We've got to work together to make sure that the things that can get done, get done. Also, I want to make sure if Senator Rice remembers the Black and Latino Caucus also took a stand on minority involvement, etc. I don't want you to think it was just the Senate Democrats that were working on behalf of that, Victor, so that you know.

But thank you so much for your testimony. We're going to definitely do what we can to make sure it happens.

Thank you.

ASSEMBLYMAN DORIA: Thank you.

Next, I'd like to call up some parents from La Casa De Don Pedro in Newark, and that's Martha Antunas, Donna Jackson, and Patricia Jelly, have them come up.

**PATRICIA JELLY:** Chairman Doria, Co-chairman Stanley, Assembly persons, and Senators, my name is Patricia Jelly. I am Coordinator of Community Organizing in La Casa de Don Pedro, a community-based organization in Newark. We have been working for the last two years with parents, particularly in the eight schools in the north part of Newark. We're working with the students here, one of whom you see present.

We are also part of a citywide effort in which in January we met with Caren Franzini. We were 200-plus parents. In April, we met with William Parrish (phonetic spelling), who was the regional project director before he went into the Newark School district. We are part of the State

coalition as well too, in which we are attempting to have strategies together with many of the school districts which have been present this morning.

These coalitions represent parents, community leaders, and community organizations. The parents and community people with whom we are connected are interested in assuring that the health and safety repairs will be completed by December of this year as declared by Caren Franzini, Director of the Economic Development Authority.

Twenty schools in Newark are in the Phase I of the new facilities plan; six of which are in our area in the north part of Newark. The land for one of these schools, First Avenue School, has been in danger of being lost to private housing, and this is the only site from the vantage point of both the school district as well as the parents which is suitable for the new school.

I'd like at this point to introduce Mrs. Antunes, who will speak as well as her son Manny.

**MARTHA ANTUNES:** Hi. My name is Martha Antunes. I'm the Vice-President of the PTA of First Avenue School. This is my son, Manuel Antunes, Jr., and I'd like to give him a chance instead of me. He would like to speak since he's involved with the school a lot.

Thank you.

**MANUEL ANTUNES, JR.:** Thank you.

**ASSEMBLYMAN DORIA:** Do you have the red light on?  
(referring to PA microphone)

**MR. ANTUNES:** Yes, I do.

Hello. My name is Manuel Antunes. I attend the First Avenue School in Newark, New Jersey. I have lived in Newark all my life. I also have attended First Avenue School for about eight years now.

I have come all the way from Newark to speak about Block 1968. This block, which is still in the hands of private house developers, has been assured by Caren Franzini for the new school. This hasn't happened yet. I have been to many meetings about this block. I have spoken to Caren Franzini. I have even gone to Washington, D.C. to speak about this matter. Yet, nothing has been really done. My community really needs this school.

Our school, which is really old and really small--

ASSEMBLYMAN DORIA: Take your time.

MR. ANTUNES: It is supposed to only have 500 children. Right now, 800 children attend my school. Many of these children are being taught in closets. Our gym is also a cafeteria. Our auditorium is used for storage and classes. There are about 30 children in a classroom that's about less than half the size of this room right now. Also, most of playground space is taken up by temporary classroom units, also known as TCUs, and parking space.

From the school district's point of view and the community's point of view, Block 1968 is the only possible site for a school in the area. I hope you can find it in your hearts to assure that this land is set aside for the First Avenue School.

Thank you.

MS. JELLY: We need to know the timeline for this school as well as the others in Phase I, the 20 schools in Newark. The timeline is essential because the community organizations, the parents, and the other community

representatives need to work with the school district representatives, particularly the local principals and representatives of the professional staff to investigate the interest and the nature of community schools. This has already been mentioned about by Mr. Sciarra.

In the neighborhoods of the six schools in our area of North Newark, there are a number of critical needs that community schools could satisfy. The universal denominator is the need for open space and recreational facilities. This is really wanting in the north part of Newark. Community schools can be an effective input with parental community input, and we do need this.

So I think that we ask you at this particular point in your talks tomorrow with the Economic Development Authority and as well as the local school district to see what the time line is to implement Phase I of the School Facilities plan. We ask you to focus on this in a particular way. So, that again, we will do our part in assuring that there is community and parental involvement, but we need your participation in this as well.

We thank you for this time. Any questions or comments?

ASSEMBLYMAN DORIA: Thank you.

Any questions?

We want to thank you, young man, for your presentation. You did an excellent job.

MR. ANTUNES: Thank you.

ASSEMBLYMAN DORIA: Yes. Assemblyman Diegnan.

ASSEMBLYMAN DIEGNAN: I just want to get a sense of this. How long ago was this lot identified or this parcel?

MS. ANTUNES: About two years ago.

MS. JELLY: Well, it was right in the beginning it was identified. It was one of the few places -- few schools that-- It was the only lot that was available.

ASSEMBLYMAN DIEGNAN: And there has been a general consensus that this is an appropriate parcel to build upon?

MS. JELLY: That's correct.

ASSEMBLYMAN DIEGNAN: And from that point to the present, nothing has happened? Has due diligence taken place? By that, I mean has there been environmental studies, surveying, anything of that nature?

MS. ANTUNES: There was supposed to be. They promised us by the end of August there would be all that done, and they would acquire the land and everything. So far, nothing has been done.

ASSEMBLYMAN DIEGNAN: So, to your knowledge, have professionals even been retained to do appraisals on the property? Has anything taken place?

MS. ANTUNES: Not that I know of. They were supposed to-- Everything was supposed to be--

ASSEMBLYMAN DIEGNAN: Is that just your supposition, or are you pretty certain that nothing has been done to date?

MS. ANTUNES: I'm not really sure, but from what I heard, nothing has been done.

MS. JELLY: See, the difficulty with this is that the land had been sold by a private developer to another housing development. All of the

investigation was in the process of being done for that when both the school district and the city realized that this land was precious for the school. But to my knowledge, that it is still in the hands of the private developer.

ASSEMBLYMAN DORIA: May I ask a question? Eminent domain has not been exercised by the school district or the city?

MS. JELLY: No. It has not.

ASSEMBLYMAN DORIA: So the property is still held by the private developer, and because of that then the due diligence wouldn't have taken place if it's still owned by the private developers.

ASSEMBLYMAN DIEGNAN: It's crazy. Okay.

Thank you. Thank you very much.

MR. ANTUNES: Thank you.

MS. JELLY: Thank you.

MS. ANTUNES: Thank you.

ASSEMBLYMAN DIEGNAN: I'm sorry. Where is this parcel located?

ASSEMBLYMAN DORIA: By First Avenue School, right?

MS. ANTUNES: That's correct. It's called Block 1968.

ASSEMBLYMAN DIEGNAN: Block 1968. Okay.

ASSEMBLYMAN DORIA: Block 1968. And what street is it?

MR. ANTUNES: Between First Avenue, Second Avenue and--

MS. ANTUNES: No. Between 7th Street and 6th Street.

ASSEMBLYMAN DORIA: Okay. Thank you.

MS. ANTUNES: Thank you.

MR. ANTUNES: Thank you.

ASSEMBLYMAN DORIA: I'd like to call next -- maybe we could have the President of the Newark Board of Education, Marianne Bey (phonetic spelling) and another member of the Board of Education, Evelyn Williams from Newark, if they would come up together. Marianne Bey and Evelyn Williams. Are they here yet? No, they're not here yet.

So we'll move on. At this point, I'd like to move to Karla Spivey, The Coalition for Our Children's Schools. Karla.

Again, I remind everybody, five minutes if you can.

**KARLA R. SPIVEY:** Good afternoon.

Thank you, Chairman Doria, Vice-Chairman Stanley, Senators, and members of the Assembly Education Committee for giving me this opportunity to testify on the problems and issues associated with the implementation of the Educational Facilities Construction and Financing Act. My name is Karla Spivey, and I am the Executive Director of The Coalition for Our Children's Schools.

I would like to briefly give you a background on my organization's missions and accomplishments. The Coalition for Our Children's Schools was convened in early 2000 to address the public debate surrounding the Abbott school construction program. It's mission then and now is to coordinate the advocacy capabilities of civic, educational, governmental, children's and business organizations to make sure that the State of New Jersey responds efficiently and effectively to an obligation to provide not only safe and adequate, but outstanding educational facilities under the mandate of New Jersey Supreme Court's *Abbott v. Burke* decision.



Currently, the coalition's members boast of over 90 organizations throughout New Jersey. And I can say, some of our esteemed organizations are here and have testified today. Our organizations, who are members, are the Education Law Center, Hispanic Directors of New Jersey, the Paterson Coalition for Our Children's Schools, the New Jersey Institute for Social Justice, and other groups and individuals, like I said, throughout the state.

Our members subscribe to five guiding principles, and they're included in your package. We feel that schools should be flexible to meet and accommodate changes in enrollments and technologies. We feel, secondly, that school should be designed and built to strengthen neighborhoods and communities. Thirdly, we think that the Abbott schools construction program should provide the greatest possible training, employment, and subcontracting opportunities for businesses and individuals in the Abbott school districts. Fourth, we think that the planning design of the Abbotts schools should include all stakeholders in the local neighborhoods. And fifth, we think that the Abbott school construction should be paid for with new State funds.

Now I should underscore that our work is solely centered in the 30 Abbott districts. Since our inception, we've held forums throughout the 30 districts. We've published user-friendly assessment of the act. We've published various issue briefs. We've had press conferences, and we've done a wide variety of work throughout the 30 Abbott districts. We've worked with the Vice-Chair, Assemblyman Stanley, to host a forum in his school district of Irvington. Chairman Doria, as previously stated, the purpose of these hearings is to outline the current problems to implementation of the School Construction Act.

I should start by saying that this month signals a critical time. We have just marked the second anniversary of the enactment of the law, and the coalition remains cautiously optimistic and looks forward to working with the McGreevey administration and Legislature to get quality school facilities built in the 30 Abbott districts. But as mentioned by David Sciarra at the Law Center, we are distressed at the lack of progress thus far. Over the past two years, not a single, not one school has been constructed in the Abbotts, and out of an estimated \$600 million of health and safety projects, only about 27 percent of those jobs have been awarded.

The coalition recognizes Governor McGreevey's strongly voiced commitment to better education for public school students throughout the state and to implementing the Abbott remedies in particular. We applaud his most recent executive order establishing the schools corporation, and we welcome his appointment of Alfred McNeill as CEO. We do believe that streamlining the process is a good first step, but these administrative rearrangements cannot ensure that the State of New Jersey respond efficiently and effectively to an obligation to provide not only safe and adequate, but outstanding educational facilities under the mandate of the State's Supreme Court *Abbott* decision.

The coalition believes that the McGreevey administration is sympathetic to our goals of building schools that serve as neighborhood anchors. We hear what the governor says, as he did yesterday, that this administration is committed to streamlining the process. It is truly cumbersome and inefficient and the flaws are embedded in the statute as it is passed. The results are serious delays in implementation. We believe that the

McGreevey administration understand the importance of including parents and stakeholders of the planning and design of their neighborhood schools. We believe that this administration--

ASSEMBLYMAN DORIA: Karla, I just want to-- I would ask because we have the time frame--

MS. SPIVEY: Time. Okay.

ASSEMBLYMAN DORIA: If you could just basically summarize it, because we have the statement here. Just summarize. We all appreciate the McGreevey administration, but we don't need to overdo it.

MS. SPIVEY: What I'll do is I'll put -- okay. Well, what I want to do is say that I think, and it's included in the back of your packages, that what we're saying is that administrative remedies are not going to solve the problem. We look to this Committee to look at keeping the door open to amend the legislation, and we have in our work analyzed the legislation and have divided into five parts. I said it's included in your packages.

ASSEMBLYMAN DORIA: That would be important, so why don't you tell us the five amendments you suggested, yes.

MS. SPIVEY: Okay, five. The first one is we think there is an amendment to facilitate the construction of community schools, multiple use, and mixed use of schools. Secondly, we have amendments to improve the efficiency and flexibility of the school planning design and construction program. Third, amendments to improve the community planning and resident participation in the school construction program. Fourth, our amendments to address early education needs, and fifth, amendments to address local work force development and contracting.

In the area of amendments to facilitate the construction of community schools, multiple use, and mixed use schools, I just included in the testimony that there are three areas that you could look to, but there are many more. One is to provide, where feasible and educationally appropriate -- school projects should be designed for suitable use including facilities both inside and outside the school structures for multiple and community use, that school projects should incorporate and be integrated with complimentary facilities such as public recreational facilities, health-care clinics, and early childhood facilities operated by community providers. That instead of there being a designation for demonstration projects, all school projects eligible for funding under the act should be given the opportunity to include community designed features and their eligible cost and that the provision for demonstration projects should be repealed. Thirdly, you should authorize districts to submit projects for approval containing blended revenue sources included but not limited to public funds, federal, state, corporate, and foundation grants.

The second area of amendments is to improve the efficiency and flexibility of school planning, design, and construction process authorizing the department to delegate the responsible to plan, design, and construct the school districts that submit construction management programs where the commissioners by the district and its construction partners have the capability to carrying out the program and to have submitted a realistic plan for carrying it out in a timely fashion and provide, like Mr. Bloom said, provide flexibility and efficiency for site acquisition predevelopment costs relating to the site acquisition and utilization of school projects.

Thirdly is -- and I'm not going to get into it, because we have time is of the essence -- is that community participation and resident participation is very key in this process. We have a lot of districts and a lot of -- our community is saying we want to participate in the process but how are those costs going to be reimbursed back to the district? So we're saying that participatory community school planning should be appropriate predevelopment cost. It should be part of the predevelopment cost, as a reimbursable item, and that EDA should provide clear language to the school districts and have the municipalities and school districts work together to conduct community outreach and seek community input in all stages, such as site acquisition, design, and planning.

Thirdly, a reporting should be made to the public from DOE, EDA, and the new school corporation, and it should be done on an Abbott, on a district by district basis and also identify school by school. Four is there are amendments in your packages to address the early childhood education needs. And as the Law Center has testified this morning, is that the DOE should adopt facility standards for early educational facilities. Also, the DOE should conduct assessments in each one of the districts of all the early childhood providers in that district, and that should include community providers and Head Start programs.

And lastly, there should be -- we have amendments for work force development opportunities, and there should be an inclusion of affirmative action and local hiring and subcontracting plan as part of the contractor selection process. Also, data should be collected on that process and report it

back out to the community. There should be mandating, the inclusion of apprentices on these Abbott projects.

So, with that, I again thank you for this opportunity to give testimony and look to work with the administration and the Legislature to make these, the Abbott schools, a reality. Like I said, the amendments in the school text are included in your packages.

ASSEMBLYMAN DORIA: Thank you. Thank you very much.

Next Joyce Harley, Executive Director of the New Jersey Multi-City Program.

**JOYCE HARLEY, ESQ.:** Good afternoon, Mr. Chairman and Mr. Vice-Chairman and members of the Committee and the Senators, particularly Senator Rice. I'm Joyce Harley, Executive Director of New Jersey Multi-City LISC. LISC stands for Local Initiatives Support Corporation. We're an intermediary. We operate in 14 cities here in New Jersey from Paterson, our northern most part, to Camden and Vineland and Bridgeton and Millville and Pleasantville in the southern part of the state, with stops in Perth Amboy and Asbury Park, Neptune, Long Branch, New Brunswick, and Trenton in between.

We are the largest provider of funding for predevelopment and construction work for preschool facilities in New Jersey with the community providers in New Jersey who have Abbott contracts. We're very committed, and I have my testimony here. So I'll circulate it so that you can have it. We're absolutely committed to the *Abbott* decision and the school construction legislation, particularly as it applies to preschool facilities.

We are extremely concerned that absolutely nothing has been done in the two years since this law was enacted. Assemblyman Malone, you talked a little bit about disappointment. Well, it's more than disappointing, it's disgraceful that this has been allowed to occur. You talked a little bit about criminal. Well, it's absolutely criminal because there has been a very broad-based contempt for the Supreme Court's decision that said every single three- and four-year-old in the Abbott districts should have access to high-quality preschool education. The legislation certainly included the community providers that we fund.

Our own Department of Education which has shown and demonstrated by both word and deed that it is unable to fully implement the legislation that was enacted -- our own Department of Education has predicted that there will be an increase of over 10,000 preschoolers in the Abbott preschool programs in the year 2002-2003 school year. Total Abbott preschool enrollment will rise from nearly 30,000 to nearly 40,000 with an increase in every single district. It is our contention that not only has there been a misunderstanding of what their roles and responsibilities are with respect to the legislation and with respect to these children, but there has been a lack of will, both of the Department of Education and the Economic Development Authority to see this law fully enacted and fully implemented.

You've heard testimony from mayors, from superintendents, from school district personnel, from Legislators, and from each other that this is not just an education reform opportunity. It's an economic development opportunity. In the districts that we serve, the 14 districts for LISC brings financial and technical assistance and support. You couple the Abbott decision

with welfare reform and you recognize the very people whose jobs depend on their ability to work and the very economic revitalization which their cities depend on having these people work is hampered by the fact that there is no high-quality preschool education for three- and four-year-olds. And that really is what's criminal about it. Because remember, you're only three once. You're only four once. From our vantage point, preschool construction is kind of like justice. In order to be effective, it's got to be both swift and certain, and that has not happened here.

And as we looked at the legislation as it was initially being enacted, everybody hailed New Jersey for its foresight and for its commitment to its children. We said our Supreme Court were New Jersey children's best friends and yet we run the risk-- And I'm so glad Assemblyman Doria that you called these hearings. We run the risk of being the laughing stock of the nation for having squandered this important opportunity because there is empirical data that everybody agrees with that says if you educate and start with your three- and four-year-olds, not only do you educate them but you give them the opportunity to be self-sustaining adults in our society.

So I hope, as we're very happy to see that this new schools corporation has been formed, but we also hope and urge you-- We at LISC urge you to be as vigilant and diligent as we plan to be to make sure that we're not mired in another bureaucratic boondoggle.

Thank you.

ASSEMBLYMAN DORIA: Thank you very much. Your comments are well taken. Thank you.



I'd like to call next James Nichols, former Director of the Department of Education, Division of Facilities.

Mr. Nichols.

Before you begin, I'd just like to recognize here in the first row in the audience Assemblyman Smith from the 11th District, and we thank him for being here with us today. A former educator, a former mayor, police chief, involved in many areas, so we're happy to have you here, Assemblyman Smith.

**ASSEMBLYMAN TOM SMITH:** Thank you, Mr. Chairman.

**ASSEMBLYMAN DORIA:** Yes, Mr. Nichols.

**JAMES NICHOLS:** Good afternoon, members of the Committee. I should start by saying I'm really here in my capacity as a private consultant, and I'm really limiting my remarks to a specific issue that has become apparent actually since the time I've left the Department of Education that I thought it would be of value to the Committee in the context of the topic of its hearings, and that is the need for districtwide technology planning as part of the school construction initiative.

The need for districtwide technology planning, as an eligible cost for one or more school facilities projects, has been extremely apparent in the first two years of implementing EFCFA. Although many school districts have made significant progress installing computer technology in the classroom, providing Internet connectivity, teacher training, and other ingredients for successful technology-based learning -- much of it subsidized by State and federal funds -- these efforts have not been coordinated with the scope of building construction that is getting underway as a result of EFCFA.

And the reason for that is based on a strict interpretation of the language and the statute the Department of Education has been unwilling to authorize the professional services required to perform districtwide needs assessments for technology and to set districtwide standards for voice, video, and data, because the scope of such services encompasses more than one school facility and thus does not meet the strict definition of a school facilities project in the eye of the Department of Education.

While some non-Abbott districts may have the resources to initiate and fund such studies, other districts do not. In particular, Abbott district's requests for such funds in their annual budgets have often been reallocated to other purposes during the budget review process. And as a result, the benefits that would arise from districtwide coordination of the technology components of individual school facilities projects, including efficient utilization of instructional resources districtwide, ease of maintenance and repair, intra-district connectivity become difficult if not impossible to achieve. In addition, the possibility for coordination of educational computing systems, district management systems, and smart building technologies for security and energy efficiency may be neglected.

By making districtwide technology studies eligible costs pursuant to EFCFA or by authorizing the expenditure of funds directly by the EDA under the broad authority granted to it under the statute, enormous educational benefits will be realized by students and cost savings will be realized by State and local taxpayers.

Thank you.

ASSEMBLYMAN DORIA: Thank you.

I think you bring a very important issue to the forefront, the need to tie in the technology development as part of the construction process. It's an important point.

Anyone have any questions?

Yes, Senator Rice.

SENATOR RICE: Let me concur because if its not really put in during the time of school construction, it's going to be more costly. But my question is really to Assemblyman Malone, he may know. Under the act, was that interpretation, was that eliminated intentionally or do you know why the interpretation of--

ASSEMBLYMAN MALONE: No, I don't. About the technology inclusion?

SENATOR RICE: Yes.

ASSEMBLYMAN MALONE: I think it was probably one of the lower levels within the-- I think it was reduced as one of the lower levels in the piece of legislation. I would concur that this is a critical aspect. We do a lot of it where I am, and we actually go back and have had to retrofit our buildings to make sure that they were all both fiber wired and hard wired with conventional wiring.

As has been mentioned, I would be very much interested in participating in some amendment process in this piece of legislation as we move forward, and I think I said that on the floor during the debate. I thought that there would need to be amendments made to this legislation as we moved forward because it was such a massive undertaking that I think that we're

starting to see some of the warts and some of the unpleasant aspects of something so big and massive as this piece of legislation.

I was very impressed by this young lady's very, very strong concern about moving forward on this legislation. So, if there's something I can do, through you, Mr. Chairman, or anyone else, in helping support amending certain aspects of this legislation that may be necessary, I would be more than willing to participate in that process.

SENATOR RICE: Mr. Chairman?

ASSEMBLYMAN DORIA: Senator.

SENATOR RICE: Yes. Through you, Mr. Chairman, and to you, because you also chair the Assembly Education Committee, you indicated before that-- I kind of tacitly, to some degree, concur that they need not do "amendments" until we try to figure out where we are going. But I said tacitly to some reasonable degree, I think that it constitutes some interpretation or definitions. We may have to do some amendments because the worse thing that could happen is whether they're going to retrofit perspective on ways addressing bringing schools up to date on new construction that the resources are not really there to deal with technology, and the school district will have to find another resource to make that happen, or the Department say, "Well, if you don't install the technology or do the things you have to do to make it work in the 21st Century, we're not going to approve your planning projects." It's almost like a contradiction to say build a new school or retrofit or bring a new school up to where it should be in our time. We have all this money for you to do that but we're not giving you money to do the piece that's going to

make the difference in the district buying all this stuff that they're talking about.

So, I wanted to raise that because if, in fact, on the Assembly side, the Assembly members are willing to sponsor any amended legislation to deal with technology and definitions I'm certainly willing to sponsor it. I'm certain -- I can't speak for them -- but I'm sure that Senator Baer and others would sponsor it in the Senate side. But this we really need to look at. This is going to hurt all of us if it's not addressed.

ASSEMBLYMAN DORIA: I agree with you, Senator. And obviously, as a result of these hearings, if we see any pressing issues that need to be taken on, I think we will. I agree with you, because this is something that I was not really fully aware of. I didn't realize it had been pushed down that far in the priority listing in the Construction Act.

ASSEMBLYMAN MALONE: I think it bumped down to the fourth, I think.

ASSEMBLYMAN DORIA: So it's fourth, Assemblyman Malone says. But again, we need at the end of these two days of hearings to sit down and maybe spend a little time reviewing what may necessarily be an immediate set of amendments that may have to be done. Again, we want to make sure that we can get the implementation of the building program as effectively as possible and as quickly as possible.

Thank you.

MR. NICHOLS: Thank you.

ASSEMBLYMAN DORIA: Next, Councilman Jeffery Jones, Paterson Education Fund.

ASSEMBLYMAN MALONE: Just while we're waiting, Mr. Chairman, I think that before we move forward on the technology, we may want to get in some technology experts because of the potential of going wireless with some of these computer integrated aspects that we may not have to hardwire schools in the relatively near future. So for us to maybe go ahead and spend that kind of money to hardwire schools, it may not be necessary three to four years from now.

ASSEMBLYMAN DORIA: I think the issue becomes -- the various elements. The Internet you don't have to wire. There's some other things you might have to wire. Part of the wiring process is obviously the Internet. Part of the other part of the wiring process is the internal system so that, I think you're right. We need some technology people to talk about this.

Councilman Jones.

**COUNCILMAN JEFFERY JONES:** Thank you for allowing me to come and present, in terms of the testimony, regarding the construction implementation concerns regarding Abbott schools, and particularly to the city of Paterson. I also, in the capacity of the Paterson Education Fund in Paterson -- has been a 19-year organization with experience in advocacy around educational issues in Paterson and has become a member of the coalition.

My concerns to be presented are based on Paterson communities involvement and concerns into this process, or lack of the communication and involvement of the community in the design and planning phases and the inclusion of certain community amenities either by legislation or regulation. What was just recently stated by Senator Rice lends itself that, perhaps, there

needs to be some new considerations with respect to amendments that allow for certain amenities to be added.

I'll start by saying that I led the charge at the Paterson Education Fund in hosting six community forums. Those forums were to give the community an opportunity to talk about what was pending with respect to school construction. What we found was that most of the information that we felt residents should have had was never made available. For the record, I've also brought for each of you a copy of the six individual ward reports. On the back page, you'll find, and at your leisure -- and I believe she'll be handing those out to you shortly -- you'll find what we took from the Paterson Public Schools report expectations of the various schools and what was going to happen to them.

A community that's waiting and has been waiting for new school construction to occur to get copies of this report, only to find out that it gave little or no detail, is quite alarming and creates a great deal of concern, particularly when you start hearing things like swing space and things like this, things that our folks are just putting on the table with no definitional detail. So we have made it our goal, our priority, to go out and make sure that folks are aware of all those details, all those descriptions, all those definitions, all the places that we felt they needed to go in order to understand the impact of school construction.

One of the things that just kept resonating time and time again was even in doing so this dual communication both from the district and the EDA just was not there, has not been there. It's been very difficult to hear and pin down exactly what to expect, when to find out what's going to occur, and

so forth and so on. We feel that without this communication, without the community being actively involved at the time of design only through planning that it will probably not reflect -- those new schools will not reflect those needs and those concerns the way the community are expecting and would like to have.

We don't know if, in fact, or how we can ensure that this happens. And again, that's one of the reasons that we're here to make sure that this is presented that it is a concern. I'm certain, and though I can't speak for every other community that's an Abbott district, but I'm certain that is their concern as well, that they have the opportunity to have their voices heard, their considerations met, and perhaps much more open dialogue.

Another item was and is, in fact, one of the vehicles that exist in the EDA that's used to keep the community abreast and informed of the various issues. In most cases, it was either inaccessible or was outdated in terms of the information, which again does not allow for a community that's interested in being active participants, is the ability to follow along. So we would ask that any changes, particularly those that have been announced by the governor yesterday with this new construction program, that communication be one of the first considerations of ongoing, regular scheduled opportunities to engage the community so that there would be crossed-off and open dialogue.

I'll sum up and move to my last point which is particularly of great interest to those of us in Paterson, and that is that (a), as we're an Abbott district, we're the third largest city in the State of New Jersey. We're also a distressed city. One of the problems we're having is we have one single solitary



swimming pool. And while that may not be an issue, it becomes an issue if you take a look at many other communities who are facing many of the same problems -- the asbestos, the health concerns, the lack of green spaces and such. So when we start talking about building new schools, particularly community-type schools, as opposed to schooling, having those kinds of amenities, that in particular being pools, becomes critical for the life-blood, for the future generations, for the communities themselves.

So we'd ask that you would consider this particularly as for pools to be included in or added to this process would require some amendment to the legislation. Again, that's to the point that Senator Rice made, and it's definitely something that we would hope that you would consider. It was also presented to us that in Jersey City, who was very successful as being creative, both prior to this process, but had the benefit of placing 12 new pools in their community. What that has done has allowed the community, particularly its kids and its neighbors, to receive those benefits as the non-Abbott districts and non-Abbott communities have -- full recreational advantages, and an opportunity for good clean health and a few of the other issues that make up this quality of life that we all see.

I thank you for allowing me to come and speak to you. I am certain that I will be back time and time again. The city of Paterson does, in fact, need as much help and support as we can, particularly around our schools. We feel that once our schools are on the road to recovery that our community, our homes, will just be a step away.

So I thank you very much, and if there are any questions.

ASSEMBLYMAN DORIA: Thank you.

Any questions? (no response)

Thank you very much.

MR. JONES: Also, please enjoy the license plates. They say, “I want new schools.” (laughter)

ASSEMBLYMAN DORIA: Thank you.

Tom DiGangi, Building Contractors Association.

**T O M D i G A N G I:** Thank you, Chairman Doria and members of the Assembly Education Committee and others for the opportunity to address you today. My name is Tom DiGangi. I’m the Director of Government Affairs for the Building Contractors Association of New Jersey.

The BCANJ represents general building contractors and construction managers in New Jersey. Members are responsible for billions of dollars in commercial, industrial, and for the purposes of today’s hearing, institutional construction projects annually and employ tens of thousands of skilled craft workers statewide. The association is committed to raising the standards of construction in New Jersey through quality, integrity, skill, and responsibility.

Several years ago when a bill to address the school construction needs in our state was first drafted, one of the greatest concerns among those in government was guarding against squandering the State’s resources. To that end, protections were written into the bill to require many checks and balances for school construction, particularly where the projects managed by the State through the Economic Development Authority. Developing procedures for qualifying consultants and classifying contractors, as well as the inspector general evaluating the moral integrity of these businesses, have proved to be

substantial undertakings. However, they will in the long run bring about the quality of school buildings and the integrity of process that taxpayers and the elected officials demand.

There are other major elements that the Educational Facilities Construction and Financing Act required -- affirmative action standards, safety guidelines, and local training programs have taken some time to create. Government officials demanded enhanced responsibility in the form of these important programs.

Further, creating the structure of systems and personnel for running a program of this magnitude is a daunting task. All of these issues combined have slowed the process for building schools in the Abbott and over 55 percent funding districts.

Are new schools desperately needed in the Abbott districts? Yes. Do Abbott school officials and children deserve schools now? Yes. Would our association, and other like contractors, like to see the program run smoother and faster? Yes. But the reality is this program is huge. I don't expect it to be able to turn on a dime. For it's size, it's actually moved fairly quickly. We all must be patient if we're to gain well-built schools for New Jersey's children.

Thank you for your consideration.

ASSEMBLYMAN DORIA: Thank you.

Any questions?

Mr. DiGangi, thank you.

SENATOR RICE: Yes, I have a question.

ASSEMBLYMAN DORIA: Yes, Senator Rice.

SENATOR RICE: I work very well for your organization, and your statement was really brief and some points were made. I would suspect you're telling us the difficulty of moving things along. But when you say things and you're right, there are other major elements that the education school construction in Paterson required and you alluded to the affirmative action standards safety guide lines, are you implying that affirmative action standards are slowing the process?

MR. DiGANGI: I just mean to suggest that all of the elements of the legislation are requiring a long time to set it up. Each one of those regulations just takes time. I think they're important regulations to deal with.

SENATOR RICE: I just want to make sure, because one thing about affirmative action, we've been working on that so many years that we could do this and have it in place. It's supposed to be in place anyway. The problem with affirmative action is nobody is supporting us against contractors and others. I do think when we look at amendments, the one thing we need to do is look at how to make sure that there's strict enforcement of the affirmative action clause and the concerns we have and the intent, where feasible. Once again, I always use the word, where feasible. But I've been around in business too long in my urban cities to know what some people don't want to do that we can consistently do. I just wanted to be sure. I just wanted to make sure you weren't anti.

MR. DiGANGI: No.

SENATOR RICE: I just went out in the shade the other day, you know. (laughter)

MR. DIGANGI: The association supports the affirmative action program.

ASSEMBLYMAN MALONE: Just a quick follow up, Mr. Chairman.

ASSEMBLYMAN DORIA: Yes.

ASSEMBLYMAN MALONE: Tom DiGangi and a whole host of other people representing labor unions, contractors, and everything else, I met with them on many, many occasions to iron out difficulties. One of the things that they insisted upon which does have me concerned -- I mentioned it to you, Senator -- was a provision to provide funding for apprenticeship training primarily for individuals in urban areas. It is my understanding both last year and this year those funds were cut out by the governor to provide those kinds of trainings for individuals in urban areas. I will follow up and double-check that, but I think that is a major concern. Because as we move forward, we need to have young men and women of color involved in training programs so they are prepared over the next 10 years to fully participate in these work projects. If we start taking funds away from those training programs, we have seriously limited their ability to partake of those benefits of those programs. So I'll be getting information on that.

ASSEMBLYMAN DORIA: Let me just say, Assemblyman Malone, that was one of my concerns as we did this legislation and pushed very strongly on the Democratic side of the aisle as you remember for the apprentice programs, because we want to get young people, especially in urban areas who don't have the opportunity to get into well-paying union jobs. Unfortunately, I think it has been cut out in the past. This year's budget I

can't speak for, but I think all of us would join together on that, and Senator, I'm sure you will and Assemblyman Craig Stanley and all the members of the Committee, Assemblywoman Friscia. This is something we all are very concerned about and it's something that if there is a problem, we need to deal with immediately.

SENATOR RICE: Mr. Chairman, through you, let me concur. This is the first I was hearing of it. I blame all of us who are concerned for not minding the process and also blame our caucus because I think that if we're going to have a Black and Latino Caucus, those are the kinds of things we should be very adamant about. If the governor goes up in the State, or any legislator indicating that they support these kinds of actions, and that's true on the big vote to get elected, I think there needs to be some accountability. So I'm not going to prejudge the governor or his administration, but I can say this to you. That's something I hope we find out real soon because I won't wait for us to determine what amendments. I would do that right away and make it public and fight the administration on that issue. So we are in the same boat as that.

ASSEMBLYMAN DORIA: Maybe what we can ask for is staff to check. Kathy tells me that it isn't funded this year, so we should put together -- we'll ask for a bill to be drawn up to make sure that we put a funding bill in to do that with bipartisan support of the Assembly and Senate. You would like that in the Senate?

SENATOR RICE: Yes.

ASSEMBLYMAN DORIA: So, if we can have that drawn up immediately. I agree with that.

ASSEMBLYMAN STANLEY: Thank you, Chairman.

ASSEMBLYMAN DORIA: Thank you. Thank you very much.

MR. DIGANGI: Thank you very much, Mr. Chairman.

ASSEMBLYMAN DORIA: Steve Gardner from New Jersey Laborers.

**S T E V E N   G A R D N E R:** Good afternoon, Chairman Doria and members of the Committee. I appreciate the opportunity to discuss this important issue today. I am Steven Gardner, the Assistant Director of the New Jersey Laborers Employer's Cooperation and Education Trust. It's a long name but it really means a labor management fund representing both the laborers and contractors, of which Tom DiGangi and the BCA are some of our members.

I guess you've heard a lot of testimony today expressing frustration about the bureaucratic process of EDA and sort of how things have been moving. We've also had some concerns but have been pretty supportive of the EDA and their methods. It's taken a long time. It's a very big project, a very significant role they had to take on. So we've been reasonably supportive, but concerned. We think that a big step was taken yesterday with Governor McGreevey's announcements on creating an organization within the EDA to streamline the process and just focus on school construction. We think that's a big deal. We think that's significant.

From the construction industry standpoint, sort of our biggest concern in this whole process is not only getting the work out on to the street but ensuring that good quality contractors are able to bid the work and are able to get the work. Because when you have good quality contractors bidding

these projects and building these projects, you get local residents involved. You get health and safety concerns answered. You have good safe work sites. Prevailing wages are paid to the workers, so you're not fighting to make sure that the contractor is paying the right wage rate. Overall, you get a much better project with good quality contractors.

We worked very hard with Assemblyman Malone in the drafting of this legislation to ensure that the bidding -- that the way the bidding would be done would ensure those quality contractors. We've been reasonably happy with the way that's going. We look forward to working with the governor and the Legislature in ensuring that as they move forward now with a new corporation that we get the money onto the street and we can get the work going. As the private work now starts to dwindle a little bit, this is a good time for the industry. They can pick right up where we left off on the private side and keep construction going for the next 10 years at least in New Jersey.

That's it. Thanks.

ASSEMBLYMAN STANLEY: Thank you.

Any questions by any members of the Committee? (no response)

Thank you.

I'd like to call Marianne Kunz from the New Jersey School Boards Association. I had to do a double take on the organization, even though you did tell me.

**MARIANNE KUNZ:** Thank you, Co-Chairman Stanley. We go back a long way. Good afternoon, Co-Chairman Stanley, Senator Rice, and members of the Committee. I am Marianne Kunz, Assistant Director of Government Relations for the New Jersey School Boards Association, a



nonpartisan organization that represents more than 600 school districts throughout New Jersey. I will be brief.

The New Jersey School Board welcomes the opportunity to discuss school construction and thanks this Committee for its focus and sense of urgency holding these hearings as promised last May at the Mario Drago School. At that time, you heard Passaic Board of Education President, Nancy Everett, in telling this Committee they had passion, energy, and commitment. What they didn't have was facilities, facilities, facilities.

NJSBA concurs with Chairman Doria's opening remarks with regard to involvement of at least five State agencies in the process without a clearly defined or empowered lead agency. In his budget comments, State Education Commissioner Librera stated that school projects have been subjected to much more bureaucratic procedure than is warranted. NJSBA concurs with the Commissioner's observations.

In September of 2001, the Association conducted a survey of school boards on implementation of facilities act. Some areas of concern brought to the Association's attention at that time include: The State continually requests information previously submitted and changes the procedures and requirements. The State should be more clear regarding documentation required for approval of a project. There needs to be an appeal period with the State after determination of non-eligibility of preliminary funds.

More than one district sought the help of their legislative representatives. One school business administrator noted that after two to three phone calls plus mail to the county superintendent we were able to have

our five-year plan approved. One of the most common problems seems to be logistics of the long-range planning process. Delays are unacceptable if time lines cannot be met, especially for mandatory programs such as the Abbott districts.

In July of 2000, the Association publicly applauded passage of the act. The Facilities Act has given school districts hope for relief from crumbling, overcrowded, and unsafe schools. After passage, the act encouraged more school districts, especially those not previously eligible for facility funding, to seek voter approval of construction plans.

NJSBA observed that after passage of the Facilities Act there was a marked increase in voter approvals. In fact, the approval rate rose to about 75 percent in the past two years. This is up from 54 percent in 1997 and '98, the first years that NJSBA began tracking school construction data. The largest increase in approvals took place in low and moderate income districts. It's significant to note that almost twice as many voters have turned out for school construction referenda than for the annual school budget elections. Considering the state of the economy and its budget, it is clear New Jerseyans understand the need for school improvements and are willing to pay for it both at the State and local level even in the worst of times.

Attached to my testimony are letters NJSBA has received from some school districts around the state. We anticipate receiving more letters which we will pass on to you. The first letter from Ridgewood in Bergen County documents some of the cumbersome problems with the application, which is 150 to 200 pages.

The second letter from Greenwich in rural Warren County is more dire. Under the new system, the district is no longer permitted to sell bonds for the total amount of the project and invest the funds to earn interest to reduce the burden on taxpayers. In addition, the release of any and all funds depends on completion and approval of the grant agreement for a project already approved by the State. After several months of attempting to comply with the requirements, Greenwich is still receiving daily requests for additional information, including amendments of contracts issued in September 2001. The school was scheduled to open in September 2002, yet the State, and in this case the EDA, has not yet scheduled a visit, a requirement prior to payment of funds. Greenwich has received no funding and has spent the entire local share. In July of this year, they were unable to pay their bills.

A third letter from a school in Morris County states, "It takes forever to get anything approved. The system simply has to be streamlined." That's the crux of the problem. An additional letter, which is not stapled, we received this morning from Branchburg in Somerset County, points out the additional problems of the long-range plan. They will also be out of funds in November. They expect the contractor at that time to walk off the job.

In closing, NJSBA appreciates your commitment to public education and your elevation of this critical issue at this hearing and stands ready to work with you in these efforts.

Thank you.

I would like to take this opportunity to introduce Richard Sullivan, the former business administrator in the Camden County school district of Brooklawn for two years. Richard has just joined NJSBA in the position of

Associate Director of Government Affairs (*sic*), and he has direct experience with the Facilities Program and is available for any questions that you might have, as I am too.

Thank you.

ASSEMBLYMAN STANLEY: Richard, would you like to add anything to that testimony, in terms of your professional experience?

**R I C H A R D S U L L I V A N:** Well, listening to most of the conversation that went on this morning, we were not quite in that bad a situation. Number one, we went under the waiver situation, so that cut down some of our problems. But it started out simply, it was the fact that not everybody was geared up to handle the work. We had to talk to somebody in the Department of Education, and then we had to talk to somebody in EDA, and then there were a couple of people to talk to at EDA. It got to be a process that they were still trying to get their personnel on staff at the same time we were trying to get our program off and running.

Subsequently, now that they have some people on board and they did identify somebody that we could talk to directly, that became an important issue -- being able to talk to the same person directly all the time. We were able to make some moves. The program should be completed by November. We did get about \$700,000 from the EDA recently to help meet our finances, so we didn't have quite the same problem that you had here. Also, we didn't have to go through EDA to have the architect or the design work and so forth. We were underneath that threshold. So using our outside people to do all the work in most of the Abbott districts we're talking about, I think, helped to expedite our situation.

ASSEMBLYMAN STANLEY: Thank you.

Any other Committee members have any questions, either Marianne or the superintendent? (no response)

Thank you very much. We appreciate it.

MS. KUNZ: Thank you.

MR. SULLIVAN: Thank you.

ASSEMBLYMAN STANLEY: Let me call on Creighton Drury from the Paterson Coalition.

**CREIGHTON DRURY, ESQ.:** Good afternoon, Chairman Doria, Vice-Chairman Stanley, honorable members of the Assembly, and Senators Rice and Baer. Thank you for the opportunity to address you this afternoon. My name is Creighton Drury, and I am the Vice-President of New Jersey Community Development Corporation in Paterson. Today I'm also representing and speaking on behalf of the Paterson Coalition for Our Children's Schools, which is a Paterson-based coalition of community organizations that was formed more than six months ago for the express purpose of engaging our community, and particularly our parents, in the school construction initiative in Paterson.

The Paterson Coalition for Our Children's Schools is a proud member of the statewide coalition and adheres to the same principles, as outlined earlier by Ms. Spivey. Briefly stated, the Paterson Coalition seeks to ensure that community residents, those who will certainly be most impacted by the more than \$735 million in construction that's anticipated for Paterson, will have an opportunity for meaningful participation in the school construction process.

I will try to shorten my comments to be as brief as possible, given the time constraints we have. Well, let me just say that as an organization, we felt it was very fitting, if not poetic, that Governor McGreevey made his announcement yesterday from the sweltering hallways of East Side High School in Paterson -- fitting for a couple of reasons. One being that just like a lot of the testimony you've heard earlier today, we agree and praise Governor McGreevey for boldly recognizing that the system is broken. Like other Abbott districts, there's been no construction in Paterson. So I won't elaborate any further on that, but to say that's certainly something that is not evident in Paterson.

(indiscernible) like the governor's announcement yesterday to form the new school corporation and to streamline the health and safety construction process was applauded, but with the important caution that this newly formed corporation must be closely monitored to ensure the fulfillment of its highly touted promises. The other reason and the reason I really want to speak to today why it was fitting for the announcement to be made in Paterson was because of the emphasis that Governor McGreevey made in community participation in the school construction initiative, particularly in districts like Paterson. Not only is such a concept inherent in the third and fourth principles that he said were stated were going to be the principles behind this new schools corporation, those that called for increased district involvement in project planning and implementation of efficient and innovative schools, but that he also clearly spelled out in his executive order. And I quote, "He directed that the NJEDA, the New Jersey Economic Development Authority, in all school districts developing school facilities

projects are strongly encouraged to provide opportunity for the community at large to have meaningful participation in the site selection process for schools facilities projects and the design of school facilities.” He proclaimed this well-received intention in the midst of a Paterson community that is already prepared and eager to play a meaningful role in how our schools are designed, constructed, and renovated.

Councilman Jones elaborated at a little bit earlier about the initiatives that have taken place so far in Paterson. I have handed out an interim report of the Paterson Coalition for Our Children’s Schools which highlights the concerns, the ideas, the questions that residents of Paterson provided at these six ward by ward meetings that we had and one districtwide community forum.

Indeed, the Paterson community is energized and ready to engage in real conversations about our needs and our concerns and how they relate to the schools that are going to be built. It simply makes sense to involve the community in the process relating to school construction, whether it be in providing input as to site acquisition, school and community design elements, or neighborhood economic development and local hiring plans and practices. Everyone agrees that the Abbott school construction initiative has the power to transform not just schools but entire neighborhoods.

While the Paterson Coalition believes the governor has taken an important step toward effectuating the type of community involvement that is necessary, we remain vigilant that still more can and should be done. Everyone from Legislators to executive branch officials to local school administrators should support the governor’s initiative in this regard and strive

to promote the general importance of community participation so that everyone involved gets the message.

We agree with David Sciarra, as his earlier recommendations, that clear policies be embedded in the construction program through regulations that require community participation in design and planning of the schools. One practical way to promote such measures is to require the new schools corporation, and in particular local school districts, to extend themselves through meaningful public forums. Through such forums, strategies for effective and efficient community involvement and planning can also be developed. In this way, we also support making community school planning an appropriate predevelopment funding cost under the legislation to be used by the Economic Development Authority, the new schools corporation, and the local school districts to engage the local community in planning meetings early on in the process.

Another way is through development of systems and reporting mechanisms designed to make pertinent information available to the public. Until now, it has been next to impossible for community organizations and citizens such as the ones we're working with in Paterson to obtain critical information or data relating to school construction. Oftentimes, community members are incapable of ascertaining information to specific questions such as the status of health and safety construction projects, a listing of specific construction projects, their descriptions, and where they are situated on the construction time line, and so forth and so forth.

The consequence is that a well-intentioned community often feels left in the dark, and frustration can then lead to antagonism. However, if



everyone begins to see and understand the value of community involvement at every step of the school construction process, and if these types of practical gestures to encourage and promote communication can be made-- For example, by requiring the new schools corporation and local school districts to make certain pertinent information available on Websites and/or through regular and specific reporting requirements, then schools and communities will be better able to forge the true partnerships that will lead to the state-of-the-art school facilities that we need.

Thank you very much.

ASSEMBLYMAN DORIA: Thank you.

Any questions? (no response)

Thank you.

The next is Mr. Thomas Jannarone of the New Jersey Association of School Administrators.

**R. THOMAS JANNARONE:** Good afternoon, Mr. Chairman and members of the Committee and Senator Rice. My name is Tom Jannarone. I'm the retired Superintendent of Schools from one of the Abbott districts, and I currently work as a consultant for urban affairs for the New Jersey Association of School Administrators. In that capacity, I work with the urban superintendents around the state, not just Abbotts, but all urban districts.

Rather than read through this statement to you, there are several points that I'd just like to emphasize. Virtually all of the points I wanted to make to you have been made by others this morning. So I'll just skip through and emphasize a few.

The health and safety projects, of course, has been a real frustration to the people that I work with. You must remember that the Department of Education started announcing, and at times with grand fanfare, in October of 1998 the list of projects that were approved. In order for the Department to approve those projects in October of '98, they had to have been planned for and submitted to the Department prior to that. So you have a situation where you heard some of our urban superintendents this morning talk about situations where projects were of an emergent nature prior to 1998 and still have not been completed.

I don't know whether Dr. Clausell mentioned to you earlier this morning that they are not running summer school in some of their buildings this summer in order to attend to some of those emergency projects and then he was informed in the end of June that they're not going to get to them this summer as well. At New Brunswick last year, the same thing happened where the summer school was canceled because they went out to bid to do emergency projects and then they, for one reason or another, were not accommodated.

So, ironically, you have a situation where emergency projects enumerated prior to 1998 have not been completed as of this date. I'm happy to say that in looking at the new data that a good number of them are in the works now, yet they're not going to be completed prior to the beginning of school this September.

A second point that I want to mention is the acquisition of property. Happily, in some of our urban areas, the financial picture is improving, which means then that the value of property is increasing, which means then that it's also then more difficult to obtain and more costly to

obtain. And throughout this lengthy process -- you've heard testimony earlier -- that the acquisition property has not gone forward or has certainly not gone forward to the extent that it should and obviously new facilities are not going to be constructed until we get past the hurdle of acquiring property. The current legislation doesn't really allow for a streamline acquisition of land, although I must say to you that some of the problems that you've heard this morning I would strongly recommend be accommodated through change of regulation and policy within the framework of the current statutory framework, rather than trying to delay and wait to-- There are revisions in the current law.

The preliminary cost applications and work that can and should be done by districts rather than waiting for EDA to do all of it. Currently, there is a difficulty in reimbursing local districts, and you heard that from some districts earlier, for preliminary work that needs to be done. Unless they go out and spend the money themselves with no assurance -- as a matter of fact with statements that they would not be reimbursed for it, they have to sit and wait for EDA to go through a process in some cases which is very rudimentary. In some cases, some districts have a great deal of experience in doing it.

Perth Amboy, you heard, has done \$80 million worth of projects prior to the statute going into effect. Yet, they were brought to a screeching halt in that process because a law was passed supposedly to enable them to continue the work. They had a preschool project that was on the drawing board that they haven't been able to proceed with. You heard Dr. Clausell talk about the 16 vacant properties that are sitting there abandoned with squatters sitting in and so on. So that's another area that needs some attention.

The construction projects under \$500,000. I think more flexibility needs to be given to local districts to undertake those projects for under the \$500,000. Currently, in order to do that, the district has to file an application which can be lengthy and time consuming in order to get permission to do projects that are very small in nature. In today's standard, \$500,000 sometimes isn't enough to replace the boilers or fix the roof, and Lord knows, it isn't enough to replace windows in a building. So the \$500,000, while I believe it's in the statute and, perhaps, that a revision that could be made, I think there also should be some flexibility given to the districts within the \$500,000 limit to enable them to go forward right from the get-go, and that would speed up the process.

Other issues that you heard mentioned this morning about the preschool facilities, that needs to be dealt with, particularly with the relationship with the community providers. The efficiency standards -- you haven't heard anything about this morning, but that needs some attention and the enrollment calculations.

The other point that I wanted to mention to you, James Nichols mentioned to you, and I had done a lengthy letter after having discussions with a couple of firms that do technology and do analysis of technology infrastructure in that there is no provision for the corporation of districtwide technology assessment of infrastructure. So the way it is now on a project-by-project basis, a district submits an elementary school as a project, there is an incorporation of technology in that individual project. But in order to deal with the districtwide infrastructure, there is no mechanism for them to gain approval for that and to work on that on a districtwide basis.

As Assemblyman Malone said, some of it is wireless, some of it is hardwire, but there is no vehicle right now to hire a consulting firm that has the expertise to come in and make recommendations to the district about the whole district kind of plan.

So my purpose this morning was to get you to sense some of the frustrations from your opening comments. I know that you've already sensed that you've had discussions with individual school districts so you know some of what the problems are. And in short, anything that can be done to improve the timelines to give districts greater flexibility and to do projects themselves and to speed up the acquisition of land are steps in the right direction. I and my colleagues are optimistic but they're also frustrated. We're optimistic because there is a commitment on the part of the administration and the Legislature to move forward. I think the emphasis that Governor McGreevey has placed on it by his announcement yesterday, perhaps, is a step in the right direction.

My compliments to Assemblyman Malone for spearheading this piece of legislation over the recent years, and it's a significant and massive kind of project, and obviously when it's proposed, there are going to be glitches and problems in trying to get -- overcome the inertia to get it moving. I'm very happy to see that there is a bipartisan support to make some changes so that we can turn the corner and get some of this work accomplished. It's a great undertaking, and we need to move forward with it.

Thank you.

ASSEMBLYMAN DORIA: Thank you.

Any questions?

ASSEMBLYMAN STANLEY: Sure. Mr. Chairman.

ASSEMBLYMAN DORIA: Yes, Assemblyman Stanley.

ASSEMBLYMAN STANLEY: You mentioned the \$500,000 figure probably being too low. What do you think is a realistic figure to have down at the local level?

MR. JANNARONE: I thought about that, and I'm not sure whether I can answer that. I know that there are some people who could answer it, but when we first-- This is a multi-year process that we've gone through here and \$500,000 today may not be-- It may be a million dollars or 750 or whatever, just to grab a couple of figures out of the air. I think conceptionally, though, to give the districts the flexibility to undertake some projects-- You have some districts that have the expertise and were well on their way before and could undertake a great deal more than perhaps some other districts. So maybe it's not so much the figure that's important as it is the ability to say, "Hey, Perth Amboy, you go ahead," or "Irvington, you go ahead," and maybe some of the smaller urban districts don't have the expertise to move forward.

ASSEMBLYMAN STANLEY: Thank you.

ASSEMBLYMAN DORIA: Thank you.

Lynne Strickland, the Executive Director of the Garden State Coalition.

ASSEMBLYMAN MALONE: Just to answer your question, Mr. Chairman.

ASSEMBLYMAN DORIA: Yes.

ASSEMBLYMAN MALONE: Just to answer your question on the technology issue, it was Tier 3, and it was moved to Tier 4.

ASSEMBLYMAN DORIA: Moved to four.

ASSEMBLYMAN MALONE: Right.

ASSEMBLYMAN DORIA: Thank you.

Lynne.

**LYNNE STRICKLAND:** Good afternoon, Mr. Chairman, members of the Committee. I'm Lynne Strickland, Executive Director of the Garden State Coalition of Schools. As such, I represent approximately 120 school districts throughout the state. GSCS is composed primarily of suburban schools with student enrollment of approximately 290,000 students.

We applaud your recognition of the need to expedite school facilities construction so that all children and their communities may be well served. We'll just make a brief couple of comments today. It's the position of Garden State Coalition that the school facilities aid program today is the single most effective way to give property tax relief to all districts throughout the state. On average, GSCS districts and many more support their local school budgets 85 percent to 95 percent through local property taxes and receive approximately 33 percent of their total project costs through the school construction program.

Given the current state of the economy and the revenue deficit in the State budget, stable aid for school facilities is more important than ever. Also, our member boards of education have certainly too often had to struggle with cumbersome procedures while school construction has been delayed throughout the cumbersome process. While this process has improved in

recent months, the governor's executive order signed yesterday in East Side High School in Paterson -- and I was there sweltering along with the bunch -- consolidates the several layers of bureaucracy and does create a single office, a one-stop shop. Hopefully, this management restructuring will streamline the process and allow school districts to expedite realistic long-range facility plans to ensure that each child will learn in a safe and educationally adequate classroom.

We look forward to working with our legislative leaders and the McGreevey administration to continue making needed school facility improvements for our students. It's really encouraging that you all have held these hearings together, and it's clear that there's going to be a mesh between the branches of government because the concern is universal and nonpartisan. We really appreciate that. We hope to be at the table in helping with the things you need under the next stage. We will be watching the process closely.

Thanks.

ASSEMBLYMAN DORIA: Thank you, Lynne.

Any questions?

Yes.

ASSEMBLYMAN STANLEY: I have a quick question.

ASSEMBLYMAN DORIA: Assemblyman Stanley.

ASSEMBLYMAN STANLEY: I believe that it is sort of the general consensus or general knowledge that perhaps some of the impediments in some of the Abbott districts have come up against has not necessarily been manifested in the schools that you represent for the most part. Can you give



me a little bit of an idea as to what the difference is in the way the facilities program is being implemented?

MS. STRICKLAND: The Legislature itself bifurcates the approach to districts. You have the 55-and-over districts -- are required to go through the EDA, have the EDA do all the design work and really the school building and site development, so on, and so forth. Whereas, those that are eligible for less than the 55 percent are allowed to go off on their own, but they can choose to go under the EDA umbrella if they wish to. There's basically been no room, so I don't think too many districts have tried that, although they may have wanted to, some of them.

So you have the bifurcated process. Those that are outside of that that don't go with EDA generally choose to go for a grant application so that the aid they receive is given through a grant rather than an annual debt service. The grant application in itself is cumbersome and has been really a very time consuming process and very frustrating to those districts.

I was just speaking to one yesterday that was-- They've been trying to do a roof for a long time -- just to do a roof -- couldn't get the final stamp of approval and probably will go ahead this summer at the cost of the taxpayers because they can't afford not to have this roof done before school opens. So there are problems that they face and frustration as well.

But clearly when you don't have to go through the authority, the EDA, to have the job done, essentially, you have more flexibility and a freer hand in design, and I think the community comes in more naturally as a result of that too, which is an interesting point really because a community is such a valuable resource. You need their support to move these things.

The other aspect may be in terms of Abbott, most of these school communities have to have a bond referendum. So they have to work with their community and present it and get the ideas and really be in concert before they actually put it to a vote, or it's highly likely that vote may go down. So the referendum requires education of the public, and it's a two-way street there, and it's more positive.

ASSEMBLYMAN STANLEY: Just a quick follow up. Do you have any idea how much in terms of construction, health and safety improvements, as well as construction has actually begun and is taking place in the school districts that you represent?

MS. STRICKLAND: I think you'll hear that much more precisely tomorrow from the EDA, and I was looking forward to them helping me out with those kinds of numbers. But I think first off again, most of our districts -- the health and safety is going to be wrapped in the project. It's not separated out, which is been to their benefit obviously and have been able to move ahead. I understand from talking to Caren Franzini yesterday in the terms of funding, there's about 100 million that is actually "out on the street," which really means in the district's bank account. So there has been that problem of getting the money to the districts even though we were hearing things as of a year ago that over 326 million was going to go out more in the suburban districts because of the retroactive waiver, the districts that have been waiting. But literally, the money actually getting to those districts was minimal until just the last couple of months. It's begun to go a long-- There's still that 500 -- probably means the 400 million is still sitting there actually to be distributed. So you will hear more.

So, yes, we've been fortunate in that regard, and we can sympathize more with the Abbott districts than we already do, because I know their frustration, their need is outstanding and really help pull us along in the legislation.

ASSEMBLYMAN STANLEY: Thank you, Lynne.

ASSEMBLYMAN DORIA: Thank you.

Douglas Wicks (phonetic spelling). Douglas Wicks not here.

Paulina Alvarado.

**PAULINA ALVARADO:** Alvarado.

ASSEMBLYMAN DORIA: Alvarado. I'm sorry. Alvarado, the Director of the Hispanic Directors Association of New Jersey.

MS. ALVARADO: Hi. I'm with the Hispanic Directors Association of New Jersey, a member-based organization of 30 Latino nonprofits throughout New Jersey who service over 600,000 people throughout New Jersey. I would like to thank you for the opportunity to express some of our concerns regarding the implementation of the Educational Facilities Construction and Financing Act.

Currently, there is a serious facility shortage in New Jersey which will result with the denial of access to preschool programs for hundreds of children throughout the Abbott districts. The Latino community in particular is effected by this facility shortage. Therefore, we would like to respectfully make the following recommendations: The child enrollment process must be linguistically and culturally sensitive. We have had many parents who have attempted to enroll in preschool programs but have encountered several barriers in the school districts. To begin with, they have been told that they

cannot enroll unless they have a social security number. Other barriers that they have encountered have been that they've been told that they have to bring a notarized letter from their landlord to be able to enroll into the preschool programs to ensure that they actually are residents.

Other demands have been made on parents also, and we have some parents who actually have been on waiting lists until their children have been too old to attend preschool. Some districts have also held preschool enrollment sessions during working hours denying parents who work access to enrolling their children in preschool programs. Other Latino parents have also been told that they should come back on other days when there is somebody in the school district who speaks Spanish that would be able to service them.

The result has been a low Latino enrollment, and it has given the impression that Latinos do not want to participate in this program, which is false. The solution is stronger partnerships with nonprofit organizations and with the community. A true partnership must be developed between school districts, community providers, Head Start programs, and the State. We must build on existing resources and expand existing facilities and programs. This is particularly important since 70 percent of children throughout the Abbott districts are currently serviced by community providers and, in fact, replacing them would be a very timely and costly process.

Existing and future community-provider Head Start programs that are ready to and able to build must be able to build as soon as possible. Several of our members are actually ready to build right now, however they've been delayed indefinitely for a variety of reasons. Number one, school districts do not want to amend community providers into their long-range facilities plan

because they do not feel they have any guidance from the school districts outlining the collaboration process, what the selection criteria for community providers will be, how they must be amended into the long-range facilities plan, what their liability will be for the preschool provider programs, and/or what impact will one-year contracts with providers have on facilities relationships of 20 years.

Banks will not lend money to providers without a monetary commitment from the State or an amendment of the long-range facilities plan from school boards. This makes it impossible for community providers who want to get a step ahead to be able to purchase land and be ready once the regulations for community providers are actually promulgated.

In addition, community providers who purchase a parcel of land without a monetary commitment or an amendment of their long-range facilities plan put themselves in great financial risk. The provider will have to pay for the mortgage without a source of income and funding.

Community providers also have a great deal of trouble negotiating the acquisition of parcels of land because they do not have existing monetary commitments from the State. Thus, ideal parcels of land that are in ideal locations to service the community are being either bought by other individuals or because the owners want to sell to the highest bidder who can purchase the parcel of land immediately.

All of these issues can be resolved through regulation and a more flexible interpretation from the Attorney General's Office. Otherwise, if we go into amending legislation, the delays will be endless. I say that because we've been waiting since August of last year for the regulations for EDA to be

promulgated pertaining to community providers. It's been about a year. And, in fact, they've now been delayed again until the Abbott Council makes its recommendations for the implementation of the Educational Facilities Construction and Financing Act.

Now when we speak about the Abbott Council working groups, I would also like to know that although we support strongly the mission and objectives of the Abbott Council working groups there are some flaws in the process. To begin with, there is no real parental involvement because most of the working groups are held during work hours making them inaccessible to working parents who really need to have input in this process. In addition to that, the decision-making process is unclear. Once the groups make the recommendations-- I haven't found one person who knows exactly how they're going to make the decision as to what is going to be incorporated into the final report. No timeline has been set for when the implementation of these recommendations will be put into place. In addition to that, all of the comments and points of views of the participants in these working groups are not included into the official records and minutes of the working groups.

Early education and full-day, year-round programs have been implemented for many years by community schools such as community providers. Our community providers have not only educated children in quality programs, but they have also had extensive experience addressing external factors such as poverty, health, nutrition, and housing, which impact a child's ability to receive a quality education. This is why the inclusion and the collaboration and partnership with community providers is critical.

In order for one adult with one preschooler to maintain self-sufficiency in the various New Jersey counties, she or he must earn between \$29,000 and \$39,000. This is why we cannot afford to continue delayed the involvement of community providers. It is critical that we partner immediately and that we begin to implement a plan to move now and not wait another year until more children are too old to participate in this program.

Thank you.

ASSEMBLYMAN DORIA: Thank you. We appreciate your comments.

Any questions? (no response)

Thank you.

Next, Mr. Philip Chianetti (phonetic spelling) from Sal Electric Company. Mr. Chianetti? Not here.

Ellen Brown, the Institute for Social Justice.

**E L L E N B R O W N:** Good afternoon. Mr. Chair and Committee members, I want to thank you for this opportunity to speak with you about a very important topic. My name is Ellen Brown, and I'm the Director for Strategic Initiatives for the New Jersey Institute for Social Justice. The institute is an urban research and advocacy organization founded by Allen Lowenstein (phonetic spelling) and we're one of the founding fathers of the Coalition for Our Children's Schools, which spoke to you earlier. We're also the sponsor of the Essex County Construction Careers program, a preapprenticeship program which was formed through a collaboration among six school districts, the Essex County Building Trades Council, and local

community-based organizations. This program prepares local young urban residents for long-term employment in the construction trades.

We're testifying before this Committee because of the potential that the \$8.6 billion school construction program, the largest public works program in the State's history, offers to produce both 21st century educational facilities for our children, as well as to serve as a catalyst for the revitalization of the communities that surround those schools. This is achieved through maximizing access to employment for minority women and local residents, access to contracting opportunities for small and minority and women-owned and local businesses, and also through producing tangible benefits for the neighborhoods where these schools will be sited.

The Committee has asked for recommendations as to how to improve the operation of the State's construction program. I'm here to stress that while a number of early steps have been taken that hold promise for maximizing the potential of this program much more can be done. Some of the initial promising steps include the aggregation of the one-half of 1 percent of this construction expenditure toward the training of minorities and women. This will result in up to \$30 million that can be used for training.

The development of pilot preapprenticeship programs that ensure local residents are prepared to take advantage of these opportunities is a second development. And the passage of enabling legislation that allows for the use of project labor agreements, if appropriate, that includes the hiring of apprentices, use of targets for hiring women and minorities, and tracking the progression of those individuals toward journey worker status, along with



minimum contract size requirements to ensure that small contractors are able to avail themselves of these opportunities, are also positive developments.

Yesterday's announcement about the establishment of a single-purpose entity to streamline the construction process also appears to be a good first step on early review. But I raise the caution that streamlining should mean clear, efficient, and understandable systems to ensure that local employment and local contract and opportunities are made available. There shouldn't be a reduction in these aspects of this program in the name of streamlining.

There are other issues that remain a concern to us, though, which are further detailed in the written testimony. I'll just focus on three of them here. The first is that the proposed programs designed to increase the access of minority and women-owned and small businesses to school construction, including items like early information on the bidding processes, streamline certification processes, access to capital, particularly equity capital, mentoring, bonding programs, technical assistance, breaking down of contracts to a level that allow additional access, and other supports, those programs remain incomplete. They need to be fully developed and coordinated and provided with adequate funding and other resources on a long-term basis in a fashion similar to what's been done for the employment training programs. The initial outline for those programs has been sort of on the books for over a year.

Second, the effective operation of these programs require and can only be determined with adequate information. In that regard, we recommend the development of data collection systems and monitoring systems for the affirmative action hiring and contracting programs and that the result of that

monitoring be made publicly available and that it be made publicly available in a timely fashion.

And finally, we recommend that the contractor selection process include the affirmative action hiring and contracting plans, and that those plans be waived in the contractor evaluation process. In addition, that process can recognize unions and contractors that hire graduates of State funded preapprenticeship programs.

We think these steps will provide critical building blocks to ensure that we generate not only high-quality schools but also economic revitalization for the communities that surround them. As I mentioned, there's more detail in my written comments.

I thank you for this opportunity to speak and would be happy to take questions.

ASSEMBLYMAN STANLEY: Thank you very much.

Senator Rice.

SENATOR RICE: Yes. I need to say to you as one who is a strong supporter and have been of labor over the years, and that's wages and health issues, etc. Unlike a lot of people, to be quite frank, unlike a lot of minorities who understand but are too ashamed or too afraid to stand up and say what's right because project labor agreement was wrong. The reason I did not vote for it is not because I'm anti-labor. I did not vote for it because project labor agreements are going to hurt the minorities in our urban cities. I don't care how you cut it. I do think if there's going to be a reality that we have to insist on the apprenticeship.

But when you talk about training, let me just say this. The unions can be very slick when it comes to us. Number one, they said we don't read nor write well enough to get a book, so even if we train. Some of us may not ever read and write at the level they want us to read and write, but yet we may be a better (indiscernible) than everybody they have in their union. That's the majority of what you find. Then there's some folks who used to be union members and still carried books who don't want to work with unions for whatever reason. Union contractors or maybe union contractors are small, but to find they do better without it. So we better be very cautious. We have to insist that if project labor agreement is going (indiscernible). We cannot let project labor agreement or our brothers and sisters that we support in the Democratic part in the unions bar us from being able to stand up and say that you're not going to exclude those who don't choose to participate in your programs or your labor, particularly if they live in our towns and their kids go to our system, and they're products of that town.

That's the biggest problem that I have. It's wonderful for the labor unions to come and get organizations like yours and other people and network and say, "We're doing this wonderful thing for you." But remember, that's what they told us in 1964, "They were doing this wonderful thing for us." It's always, to be quite frank, African-Americans in particular, that everybody is doing a wonderful thing for. And if we don't like the wonderful thing, we have a fight on our hands. So I just want to be clear that-- The journeyman process, for example, I tried to help some locals. And they said, "Well, you have to take a journeyman with every four or five apprentices." They said a journeyman is like an the instructor and an oversighter. By the time they get

ready to do a job, they come back and said, “No, we meant to tell you have to take five journeyman for one apprentice.” Well, that doesn’t make any sense. Why do I need five teachers for one person? I understand in that journeyman area, okay, there are more dollars involved, and we’re not the journeyman person doing the instructions.

So there’s little things like that that Joe Citizen or the average worker or even people maybe from your perspective is not aware of the interworking of labor and the impact they can have on us. The majority of these major projects are going to wind up being in my estimation to some degree union jobs, but it cannot be at the exclusion of local residents. I don’t care if it’s pushing a wheelbarrow or being a carpenter, and there shouldn’t be the union criteria, “You’re not in my program,” or “You can’t read and write,” because these are prevailing wage jobs in most cases anyway.

So I want to be on the record with that because politically legislators agree with me. They say, “We’re going to run next year, and they’re going to run us out.” Well, if people don’t run you out if you’re doing the right thing. If you go to the street for the people not working, they’re going to be the one to support you in the first place. So it’s got to be a balance more for labor. Project labor agreements one-to-four in terms of its intent is not the best thing for those of us of minority and urban dwellers.

ASSEMBLYMAN STANLEY: Thank you, Senator. I appreciate your opinion.

Can you tell me a little bit about your program and whether it was successful? Also, you mentioned something about your funding and whether you received any funding from the State with the program?

MS. BROWN: I'd be happy to. Of course, it depends on how one defines success, but we're now in the fourth cycle of classes of individuals coming through our preapprenticeship program, and what it offers is exposure to the 15 building trades in Essex County and instruction by many of the members of those trades. But also, specific preparation for the union exams that have -- and I appreciate what Senator Rice is saying -- have in the past barred us from joining the apprentice programs that unions offer. Those four cycles have trained about 125 people now. Our placement rates are improving with each cycle. We began at about 25 percent. We're expecting that in this next class that will graduate in August that will be somewhere around 60 percent.

I'm sorry. There was something else that you asked me?

ASSEMBLYMAN STANLEY: In terms of funding.

MS. BROWN: Oh, that's right. Funding is a very important question. We just received funding from the Department of Labor under their pilot preapprenticeship request for proposal. It did take a very long time to receive that funding. That will support the program over the next year at which point we would expect to apply for an expanded program based on good experience over this period.

ASSEMBLYMAN STANLEY: Thank you. Thank you very much.

ASSEMBLYMAN MALONE: Mr. Chairman, I just have a couple questions.

ASSEMBLYMAN STANLEY: Yes.

Assemblyman Malone.

ASSEMBLYMAN MALONE: You had mentioned the union exams. Maybe you have a different understanding than I do. What union exams are they giving to minorities that would be-- Do you know what included in those exams?

MS. BROWN: The exam is a sort of basic, adult education level exam and includes math skills and it includes locating information and reading skills. That exam -- different unions use different exams but they give them across the board.

ASSEMBLYMAN MALONE: Are they using the work keys exams?

MS. BROWN: Work keys or the tests.

ASSEMBLYMAN MALONE: The amount of funding-- How many students do you usually generally work with in a period of a year, let's say or--

MS. BROWN: Well, over this past year, it will total about 125.

ASSEMBLYMAN MALONE: Okay. And how long are they usually with you in the program?

MS. BROWN: About eight weeks on average.

ASSEMBLYMAN MALONE: So it's sort of an exploratory thing.

MS. BROWN: It's an exposure program with the direct instruction on the exams.

ASSEMBLYMAN MALONE: What age group of students do you usually work with?

MS. BROWN: Our target is recent high school graduates and young adults. So the majority of our students are somewhere between 17 and 25, but we have had students that are in their mid-40s.

ASSEMBLYMAN MALONE: The reason I say that, through you, Mr. Chairman, I've been an apprentice coordinator in Somerset County now for 17 years. I've worked in vocational and technical training now for nearly 30 years. We have made some very strong efforts to work towards recruiting minorities in a number of programs that I have. What we have found is there has been for a variety of reasons a reluctance of minorities to come into programs because, and I think it's just basically as maybe the Senator -- a little bit lack of trust that they just don't believe that they're going to be treated appropriately or fairly. Hopefully, those kinds of things will change, but there is such a demand in some of the technical trades, especially with a lot of this work that's going on that we have actually gone out and I have actually had all of my brochures printed in Spanish to go out and try to recruit in the Hispanic community.

We have made some -- we are hiring a marketing firm to go out and look towards other groups that can come in and fill the jobs that we don't have enough trained students to go out and fill, be they in a typical apprenticeship program or a completed higher trained and technical skill. So I wish you the best of luck. Keep plugging away. And if there's something I can do from my other employment standpoint in Somerset County, if I can be of assistance, I'd be more than glad to do so.

MS. BROWN: Thank you.

ASSEMBLYMAN DORIA: Senator Rice.

SENATOR RICE: Yes. Is it possible -- you mentioned Essex County. Is that correct?

MS. BROWN: That's right.

SENATOR RICE: Is it possible you can send, through the Chair, a list of participants who have graduated so far and where they basically live? And let me say this to you. I've talked to labor, and they've said, "Well, you know, our training center is down there. We won't provide transportation to the job because they have responsibilities." Well, that's wonderful to say, but you can't do it yourself unless you have some income, etc. So little things that need to be tightened up in this whole process -- and I just want to at least indicate that. And there's distrust, and then there's this question about a person's background. Well, a person's background shouldn't be a barrier if you've worked in outside in many cases. New construction is going to start from the ground up. So there are a lot of things that unions don't want to come to grip with. Some claim they do, but it's like anything else that's not labor -- labor leadership depend on those (indiscernible).

But I just want to make you mindful of that because if you're in Essex and you're arguing the case, I'm going to be there trying to support the kinds of things we're talking about -- the project labor agreement and working with the unions. But I don't want it to be naive and be used as minorities in the process to deny the majority of our people, the majority of our people who want to work and that's capable of learning these skills or may even have some skills, but not the folks who are going to be coming into project labor agreement. They'll be the ones to be denied. I can assure you that. You see them on the street corners every day, and they don't trust because labor is not



giving them a reason to trust. What they have done was identify one or two of us that can go out there and say, "I wanted this for me," and then be an example for the others.

ASSEMBLYMAN DORIA: Yes. Senator Baer.

SENATOR BAER: Someone had asked a question about these recommendations which are very interesting and which attempt to reconcile minority opportunity and affirmative action and diversity goals with labor goals such as project agreements and other labor objectives. Aside from these recommendations, where can one get information about where there has been practical success in reconciling these things on a working basis so that one has not just the recommendations but one can point to success in achieving this?

MS. BROWN: There are several -- well, one of the things that we're doing at the institute is assembling a series of examples of good uses of project labor agreements that have resulted in the kind of employment objectives that we are looking for. But there are examples in Seattle, in Philadelphia, in Washington, D.C., in Hartford, there are many-- I use those last three because they are similarly situated cities to what we might find in our older urban areas in New Jersey that have developed the appropriate language and mechanisms to monitor and enforce the provisions of these agreements, and we'll be putting that together.

SENATOR BAER: Thank you.

Could you provide that to the Committee, through the Chair or the staff, so that could be distributed to the members?

MS. BROWN: Yes.

SENATOR BAER: Thank you.

ASSEMBLYMAN MALONE: Just one clarification, Mr. Chairman?

ASSEMBLYMAN DORIA: Yes, Assemblyman Malone.

ASSEMBLYMAN MALONE: There seems to be some dialogue here that associates apprenticeship only with unions. That is not really the case. I have the majority of my registered apprentices which are registered Bureau of Apprenticeship Training apprentices are nonunion. So your county vocational school in Essex County can train and register apprentices if they're fully employed in that particular trade. They can go to the county vocational school and get an apprenticeship program there and become a journeyman. So it's not just with the union.

MS. BROWN: No. It doesn't have to be with the unions. I think that in Essex County--

SENATOR RICE: The politics of Essex in the state.

MS. BROWN: --we may be focused there because of the prevalence.

SENATOR RICE: Of politics. (laughter)

ASSEMBLYMAN MALONE: There's no politics in Essex County.

ASSEMBLYMAN DORIA: Thank you.

On that note, than you very much.

MS. BROWN: Thank you.

ASSEMBLYMAN DORIA: Thank you.

Nancy Stultz, Parents and Community Education, Camden Chapter.

**N A N C Y S T U L T Z:** Thank you very much, Chairman, for the opportunity to speak, and I'd particularly like to thank the staff for making my appearance possible today. Now you will hear from a part of the state where there is no politics. (laughter)

ASSEMBLYMAN DORIA: None whatsoever, we know.

MS. STULTZ: None whatsoever.

ASSEMBLYMAN DORIA: None whatsoever.

MS. STULTZ: I'm a resident of Camden. I have been working with the City of Camden for more than six years on implementation of the Camden empowerment zone, which is a success, we are happy to say, in terms of actually producing economic development, housing, strategic planning, and human service programs in the city when we weren't supposed to be able to do that with a grassroots board and with an opportunity to work with local residents.

I've talked to many local residents and have been part of a group now for about six months concerned with community participation in the school facilities. I also am an official member of the Camden Board of Education School Facilities Committee, which does meet on a monthly basis. We expressed the same frustrations that you've heard before. We are particularly delighted that the Assembly may consider additional money for apprentice programs. I would like to not duplicate but add a couple items that we think are critical.

One, in our city, drivers licenses -- having a driver's license clean and ready to go is a problem. I am participating in a small demonstration project very minimally funded to help Camden residents recover their drivers

licenses or get them where they've never had them. I think that will be an important part because almost all apprenticeship programs require driver licenses. The issue of insurance in the inner city, that comes up. In that regard, I would like to say I hope that they will be keeping a significant amount of control, if you will, but certainly oversight and monitoring at the State level because I think that many, particularly the Abbott districts, the regular-- Only \$7 million is generated by property taxes in the City of Camden. Seven million dollars, that's all in a year.

We also have one of the poorest cities in the nation at this time. I believe we're second on the list now. Sometimes we're in first. We have an extremely young population. The population of Camden is over 50 percent under 25 years old, and a very significant portion of that not born in the United States. So that when you're talking about outreaching to Camden residents, we want to do it, we want to participate.

Your average Camden resident that is an activist is probably also on 15 or more boards. I will say that as a relatively new resident in the city, I'm already on about 4. So we're stretched to keep in touch and to participate fully in all the processes of government, and we try to do that. That's one of the reasons this project is so important to Camden because it gives an opportunity to make the community habitable to people who can participate on all levels. We are working with everyone who will work with us to do that.

We're talking to a lot of people who've been neglected for a long time. There are a couple things mentioned today that I hope you can consider. One is welfare reform has had a dramatic impact, and one of the ways it's had an impact has been that people have been outreached to you that maybe

government hasn't touched in a very long time. Two, some very positive results. So far people who have been outreached do want employment. They try mightily, and we've heard today quite a few of the obstacles to the implementation of that, but the unemployment rate is maybe half of what it was when welfare reform started. I applaud those efforts of the government too. I believe it's mostly because of the interaction with government agencies and actual residents. That hasn't happened in a very long time.

On the apprenticeship programs, I encourage there to be some consideration that some of that money be able to be spent in jails and prisons because you have no more captive audience that you can clearly identify as being residents of some of the Abbott districts that are incarcerated, and that would be an ideal time to do some training that could lead to some real life changes for people who could have employment when they come out of incarcerated facilities. There's no use of wasting that time to help people improve many skills, get drivers licenses, be able to participate fully.

The three things that we hear constantly about implementation of the school facilities are the jobs and employment opportunities are very critical to residents. We're starting to talk about project labor agreements and what that might mean. I think that we're really -- and to echo what Senator Baer said, we're really only at the very beginning of how that's going to work out. I will say focused State attention to Camden would be very important in that regard because essentially we are rebuilding the South Jersey Building Trades Council, which most construction work in South Jersey has not been lenient outside of Atlantic City. I believe we have some unique opportunities in Camden and our other Abbott district, which I should mention, Gloucester

City, which is right next door, to help rebuild a working relationship with residents and with the labor unions, whether it be currently existing unions.

We have been working all alone with our apprenticeship coordinator at the county level and with the New Jersey Department of Labor to try to figure out how these programs can fit. It's difficult, and it's taken us several years to get a trust level with all those levels. So I think we also realize that this is going to be a process of three to five to ten years. We also do not want to tell residents that their homes may be taken for construction when that construction may not yet be set to occur. That's the other problem about timing. You have timing with when you purchase the land, because it's not fair to a 75-year-old woman today to say, "We may take your house to build a new school," when, in fact, that's not going to happen for ten years.

The real work of getting to the community and talking to the actual residents -- Camden has a problem because we're only nine square miles. In many cases, the neighborhoods that are growing and developing are not the -- there probably will have to be some taking of houses because there just isn't any room to put the school and a parking lot. We're a small community actually in length. In that regard, I think we have tremendous amount of potential and want to be seen again as a gateway to South Jersey. I think we're very important to the whole economy of the region, and we look forward to working with this Committee and EDA and any of the groups to come up with some new and innovative ideas.

If something new is going to be started, it probably will be started in Camden because we have no where to go but up. We really appreciate your hearing from us today, and I will be meeting-- There's a meeting on Thursday

night. We would have had our residents here. I found out about this meeting yesterday and felt it was very important that Camden be represented. Again, I want to thank you for the opportunity to speak.

ASSEMBLYMAN DORIA: Thank you very much. We appreciate your being here and waiting. Obviously, we thank you for coming.

Next, Judith Cambria.

Yes, Senator Baer.

SENATOR BAER: I just wanted to say I'm going to have to leave now, but I will be following every word of the remainder of this meeting on the archived audio version from OLS from the Web for the rest of today's meeting and tomorrow's meeting.

ASSEMBLYMAN DORIA: Thank you very much. Thank you, Senator Baer, for being with us.

SENATOR BAER: Thank you.

ASSEMBLYMAN DORIA: We thank you. Thank you very much.

Judith Cambria from the League of Women Voters of New Jersey.

**JUDITH CAMBRIA:** I want to just before I started off -- I just want to thank all of the Committee members who are here today. By my watch, it's four-and-three-quarters hours that you have been here and listening attentively. I've been to many other hearings where this is not the case when I'm late, and maybe there's one or two people left. Thank you very much. I really do appreciate it. I really do.

As I say, I'm the Education and Fiscal Policy Specialist for the League of Women Voters of New Jersey, and I'm also a member of the

Steering Committee for the Coalition for Our Children's Schools who testified earlier. The League strongly supports the positions and legislative changes that were outlined by Karla Spivey for you earlier. And also, she's left now, but also the first Executive Director, Joyce Harley, who just did a magnificent job in working up a variety of position papers and things like that.

I wanted to say -- perhaps it's very good that I'm the last because my testimony is going to be slightly different than other peoples. I have been doing this for 33 years for the League. So I've been around since this all started and have been involved in it. I'd like to remind all of us to think that this isn't a 4- or a 6-year problem. This is over a 30-year problem.

The first court case in 1973, *Robinson v. Cahill* -- the courts said at that time, "Facilities were an issue of constitutional import, and we needed to do something about facilities in the poor districts." That was in 1973. We're almost three decades later. From 1973 to 1990, we really didn't have any serious effort whatsoever to address the facilities needs in our poorer urban school districts. Schools were more overcrowded and the conditions affecting the children got much worse. In addition, our expectations of the kind of education that children should have just ratcheted up during that period of time. But the facilities available to those children in those kinds of things were not there.

I happened to work for NJIT during that period of time, and we worked with many of the school districts there, particularly for precollege programs. They didn't have laboratories. They didn't have libraries. They don't have the things that are absolutely essential, and that hasn't changed. That hasn't changed. So we continued on.



In 1990, the Supreme Court spoke again in *Abbott II* and it repeated, “There are constitutional implications to the issue of school facilities.” They were part of a thorough and efficient education, but they said they couldn’t act because they had no record upon which they could act.

From 1990 to 1996 there are attempts, serious attempts, to increase the amount of State aid for school facilities. Because I participated in, and I’m sure some of you did too, but we were mainly unsuccessful. We did manage to get some from the economic development when we worried -- when we were in the recession there, we managed to put some money in, but basically, very little money and virtually none for the poor Abbott districts.

And then we had in 1994 a freeze on facilities aid at the ’92 level which lasted for five years. And by the end of that time, facilities aid going out was less than 50 percent of what the districts were eligible for. Okay. We came from ’94 to ’96. We studied how we were going to have a new school funding system. It took two years. I listened to, I testified, multiple meetings. We got to what? We passed it. You passed it. The governor signed it in December 1996, and they didn’t do anything about school facilities. Nothing.

Immediately thereafter, the Education Law Center went back to court again. The League of Women Voters, as it had done since 1985, entered as an amicus, but this time, at my urging and through the League of Women Voters, we said, “Those millions of children going through that, the school districts there, cannot get a decent education without school facilities.” So it was the League of Women Voters who developed the record that the court needed to act on. It was the League of Women Voters that came up with the constitutional reasoning as to why the court could and should act under the

new school aid law. And indeed they did in May 1997. That's more than five years ago. Elation. Joy. Fantastic expectations. I'm now filled with outrage and sorrow because five years later, there isn't a single school built in those districts.

Even worse, in 1990 the court said, "You must do something about safety and health conditions." It's now 2002, and they're just beginning to get them done. In 1998, the court really ordered and spoke again. What went wrong? Why were we in such a mess? I think I cannot possibly add anything to the testimony you have heard today from the people in the districts about what they are facing and how difficult it is and how they just feel total frustration and inability to carry out their responsibilities.

I can say that I think I know some of the reasons why and what I think you have to do and what has to be done in order to get passed that. Unfortunately when this legislation was passed, I and others knew that it was nothing but a recipe for gridlock and inability to actually accomplish anything.

The Coalition for Our Children's Schools did a study when it first got started based on under the best possible scenario -- what was the soonest a school could be built in an Abbott district. Best possible, three years, best possible. It's two years later. That scenario is now out to five years, because we built in multiple layers and overlapping layers in a bureaucratic nightmare. We haven't solved that problem at all, yet. First of all, we only thought there were two levels of bureaucracy. We thought it was going to be the Department of Education and EDA. It ended up that the Attorney General's Office ended up having a veto power that nobody anticipated that kicked in and stopped everything dead and sent it all back to square one again.

So it's very very upsetting. So we that, and I think that we should recognize -- and after the testimony you've had today, I think you do recognize it. But let's act on it. That the reason we've failed and in the drawing of that legislation was because there was a -- what can I call it -- continuing attitude by the administration of mistrust and distrust of the people in the school districts. By that, I mean the pay people and, obviously, also their boards of education. And because of that, they designed a system that did not accept, mistrusted what they said, ignored their experience, and left two competing organizations with none of the interaction that was necessary.

I think we recognize, all of us now, how bad it's been and what it has done and that it's pushed up our cost immeasurably because it's taken so long to do it, and it's crunched everything together. The League of Women Voters is very pleased that the governor put out his executive order yesterday. The points that he makes seemed to address many or most of the issues that we've been concerned about. But the thing that you must now look at and you must be pushing for and you must be sure of just one thing, and that's to ask this question. Does that plan in its implementation provide sufficient power and sufficient change to break down and break through the immense barriers and barricades that were set up by the legislation?

If it does, then we have an opportunity to get past this and to get those schools built and children where they belong in high-quality schools where they can get the kind of education they need to become productive citizens. If it doesn't, you, the Legislature, the governor's got invested in this -- you, the Legislature, have got to be the watchdogs and the pushers to say, "It isn't happening. It's not working." Let's make changes in the legislation, and

do whatever is necessary to move this process forward. We've lost five years. We can't afford to lose any more.

Thank you so much.

ASSEMBLYMAN DORIA: Thank you.

Are there any questions for Ms. Cambria?

MS. CAMBRIA: Thanks.

ASSEMBLYMAN DORIA: Thank you very much. We appreciate the efforts of the League of Women Voters in New Jersey. They've always taken a lead in these issues, and it's very important.

We have one more witness. Alexander Brown, Chairman of the Facilities Advisory Committee, Trenton School District. Is he here? No he is not.

We want to just take this opportunity -- I'll ask the members of the Committee if they want to make a closing statement -- but I'd just like to take this opportunity to thank everyone for their patience. It's been a very long hearing, but I think it's been a profitable one. We've learned a lot. I know I have. I want to thank all the members of the Committee, the Senators who are here present, and the members of the Assembly Education Committee, Co-Chair, Assemblyman Craig Stanley for their attendance and participation and attention. I think it is very important.

Tomorrow we will be hearing from EDA. We will have a number of people here present, including Caren Franzini, the Commissioner of Education, Commissioner Librera, and we've asked for a representative from the Attorney General's Office, and also we will have someone from DCA. So

we will hopefully be able to have a lot of the questions that were presented today answered tomorrow.

The meeting will be at 12:30. I want to thank Kathy Fazzari and her staff for the great job they did, and of course, OLS and the people who are here today taking the minutes for this meeting. We thank them all.

Would anyone--

Yes, Assemblyman Malone.

ASSEMBLYMAN MALONE: Well, will Mr. McNeill be here tomorrow, since he's going to be sort of playing a major role?

ASSEMBLYMAN DORIA: Honestly, to be honest, we only found out he existed yesterday afternoon. So we have not invited him. I don't know if we can get him for tomorrow. I don't even know if he's begun yet. If we can, we'll ask Kathy and see if she can get him.

ASSEMBLYMAN MALONE: Or somebody who can interpret--

ASSEMBLYMAN DORIA: I don't know if we'll be successful. Hopefully, people from EDA can help us to understand what took place yesterday.

ASSEMBLYMAN MALONE: Okay.

ASSEMBLYMAN DORIA: Maybe we could have the governor explain it. (laughter)

ASSEMBLYMAN MALONE: Be good. (laughter)

ASSEMBLYMAN DORIA: And Senator.

SENATOR RICE: Yes. Let me once again thank you for bringing this meeting together today. As you know, as chair of a joint committee, I have requested that the Joint Committee meet and had that happened, it may

have been a little later in the time frame. These issues brought out today gave us a chance not only to listen but to make it clear to the organization that's obviously involved and will be involved long term with whatever interest they may have, some of our feelings about the things that maybe they have never heard from us.

It is clear to me that two things are imminent in terms of possible changes, that there definitely has to be monitoring through this whole process. And one is to a process that makes sure that everything happens a lot more expedient with the proper oversight and keeping integrity in the process. And the other thing that's clear to me, if no one else, is that we're going to have to really watchdog and be on a regular base of accountability for minority women and local participation as this process goes, recognizing the importance of project labor agreement, but also recognizing the pitfalls of project labor agreements and attitudes of some leaders who indicate they want participation, when in reality they don't.

I'll be here tomorrow. I'm going to try to stay the whole day. I know I have to leave town for my wife's sake, but I will be here. And then for the members of the Joint Committee, I want to thank you for having us come along. We will be meeting. A memo went out to the Joint Committee or will be going out. Hopefully, we'll meet as a joint committee at least once a month if we're serious about this and hope those subcommittees can meet prior to or after so that we can get a lot of work done on this whole Abbott situation.

So once again, Mr. Chairman, thank you very much.

ASSEMBLYMAN DORIA: Thank you very much, Senator Rice.

Yes.

Assemblyman Stanley.

ASSEMBLYMAN STANLEY: Thank you, Mr. Chairman.

Again, I too want to thank you and congratulate you on holding this hearing. One of the things that I think was invaluable is the fact that district people could come and actually share with this Committee without fear of reprisal the truth about what is going on currently with respect to school construction and give us an opportunity to assess the situation and take corrective action if need be. I think probably one of the most immediate benefits that will come out of this hearing is that some of those projects, that perhaps a word from myself or Senator Rice may be able to break a logjam or two and maybe some of those kids who would not have gotten that laboratory or those windows put in or those things that need to be done will, in fact, be able to get those things in time for the coming school year.

But again, Mr. Chairman, I thank you. I think this has been invaluable. I'm looking forward to tomorrow. And thank all the members of the Committee who participated, and particularly the Joint Committee personnel as well. Thank you.

ASSEMBLYMAN DORIA: Assemblyman Connors.

ASSEMBLYMAN CONNORS: Mr. Chairman, thanks very much.

It's been a very interesting day. I think I was particularly impressed with the Irvington presentation, because at the beginning you were asking not only for people to recite their problems that they're dealing with, but also to come up with some suggestions on resolving them. I think Mr. Bloom and Mr. Steele -- and I forget the other gentleman's name -- came up with some great suggestions that I've been reading through. But the one

gentleman, I don't what his name-- It was Mr. Bloom, Mr. Steele, and I don't-

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SENATOR RICE: Victor Demming.

ASSEMBLYMAN CONNORS: Victor. He talked about the quality of people. I think where he was coming from is that the people are -- they're there. They're in Burlington City that I represent that's an Abbott district. There are tremendously qualified people, just as there-- I know there's people in Camden that we talked about earlier, and I know there's people in Irvington that can do the job, that can get it done.

I have the feeling that EDA -- somehow that it's implied that because you're an Abbott district that you're inferior, there's something wrong with you, and you can't do this. You can't get the job done. But in my opinion and in my dealings with my-- And by the way, Craig, you and Senator Rice had talked about, "Come to us. We can help." I was looking here.

The Abbott district that I represent, Burlington City, they did come to us. Bill Ryan, the BA. We had board members come. They sat down with Herb Conaway, and they were actually desperate. They said, "Is there something politically that we can do? What do we have to do to get this done?" If you note in the Education Law Center testimony in here, only one permanent preschool project is under construction in Burlington City. Okay. That's because we took Mr. Ryan-- We sat down with Gordon MacInnes. They had some folks come in from EDA. We begged and groveled. It looks like we made a little bit of headway. Something is happening. We -- meaning the Legislature -- can make a difference. We have to get this fixed.

Thank you, Mr. Chairman.



ASSEMBLYMAN DORIA: Assemblywoman Friscia.

ASSEMBLYWOMAN FRISCIA: I think today was very, very interesting and very informative. I think that we have some serious questioning to do of EDA tomorrow. I listened to the gentlemen from Irvington. I also listened to Dr. Pablo Clausell from Perth Amboy talk about his frustration. I saw what Perth Amboy could do without the intervention of EDA on the State level. The schools that have been rehabilitated are absolutely magnificent, and now he's been at an absolute standstill for three years and can't get anything done.

So I think we've learned a lot. We have a lot more to learn tomorrow, and I'm very optimistic that we can do something legislatively to get this on the right road.

ASSEMBLYMAN DORIA: Again, thank you. Thank you very much, Assemblywoman Friscia.

I just want to say and commend the members of this Committee. We had every member of the Committee present, plus the Senators who joined with us on a day in the middle of the summer. Tomorrow I know we will have the same. I think it just says how important this issue is, and hopefully, we can get some answers tomorrow and we can help the governor to implement the new policies and get the construction program moving, especially the health and safety elements which should be moving as quickly as possible.

So again, I thank everyone, and we look forward to seeing you tomorrow at 12:30.

**(HEARING CONCLUDED)**