
Committee Meeting

of

JOINT COMMITTEE ON THE PUBLIC SCHOOLS

"A reorganization of the Committee, followed by a presentation by Education Commissioner Lucille Davy regarding the status of the Paterson School District"

LOCATION: Committee Room 11
State House Annex
Trenton, New Jersey

DATE: March 24, 2008
10:00 a.m.

MEMBERS OF JOINT COMMITTEE PRESENT:

Senator Ronald L. Rice, Chair
Senator Sandra B. Cunningham
Senator Dana Redd
Senator M. Teresa Ruiz
Senator Bill Baroni
Senator Christopher "Kip" Bateman
Assemblywoman Mila M. Jasey
Assemblywoman Joan M. Voss
Assemblyman Joseph R. Malone III



ALSO PRESENT:

Melanie Schulz, *Executive Director*
Sharon Benesta, *Chief of Staff*

Brian Alpert
Senate Republican
Natalie A. Collins
Assembly Republican
Committee Aides

Meeting Recorded and Transcribed by
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SENATOR RONALD L. RICE (Chair): Good morning.

Let me, first of all, hope that everybody had a nice weekend, that the Easter Bunny was good (laughter), that you found -- the ladies found a few diamonds and gold nuggets in your Easter egg hunt.

ASSEMBLYWOMAN VOSS: Yeah, right.

SENATOR RICE: They said gold is going up, right?

ASSEMBLYWOMAN VOSS: A thousand dollars an ounce.

SENATOR RICE: Well, if you didn't, that's okay. We're going to try to make life better for you on the education side through the course of this session, once we finish the budget and know what it looks like.

Let me say it's good to be back in session. It's also good to be back with the Joint Committee members. For those who are active participants at our hearings from out there (indicating), I want you to know that we, today, by statute, must reorganize the Joint Committee. And we have seven new members whom I want you to meet, get to know, because you will be interacting with them in various capacities as it relates to this Committee, as well as the Legislature as a whole.

And so with that, I'm going to ask the staff to, first of all, take a roll call. Other members will be coming in. We have one who got tied up in the budget who can't make it this morning. And as they come, we'll have them introduce themselves.

I do have a couple of veterans back -- not many veterans, but I have a few veterans back, and that's a good thing -- that we have the new, as well as the seasoned.

Melanie, why don't we do a roll call. I know we have a quorum setting.

MS. SCHULZ (Executive Director): Good morning.

I'd like to call this meeting to order. My name is Melanie Schulz. I'm the Executive Director of the Joint Committee on the Public Schools.

Ms. Sharon Benesta, our Chief of Staff, will take the roll call.

MS. BENESTA (Chief of Staff): Senator Bateman.

SENATOR BATEMAN: Here.

MS. BENESTA: Senator Cunningham.

SENATOR CUNNINGHAM: Here.

MS. BENESTA: Senator Redd.

SENATOR REDD: Here.

MS. BENESTA: Senator Ruiz.

SENATOR RUIZ: Here.

MS. BENESTA: Assemblywoman Jasey.

ASSEMBLYWOMAN JASEY: Here.

MS. BENESTA: Assemblyman Malone.

ASSEMBLYMAN MALONE: Here.

MS. BENESTA: Assemblywoman Voss.

ASSEMBLYWOMAN VOSS: Here.

MS. BENESTA: Senator Rice.

SENATOR RICE: Here.

A quorum is seated. Is that correct?

MS. BENESTA: Yes.

SENATOR RICE: Okay.

The first order of business is going to be -- is that I'm going to step down as the Chair of this Committee and turn it over to Melanie Schulz to be temporary chair. I just need a motion to do that. Is there a motion and a second?

ASSEMBLYWOMAN JASEY: So moved.

ASSEMBLYWOMAN VOSS: Second.

SENATOR RICE: Okay. Roll call.

MS. BENESTA: Senator Bateman.

SENATOR BATEMAN: Yes.

MS. BENESTA: Senator Cunningham.

SENATOR CUNNINGHAM: Yes.

MS. BENESTA: Senator Redd.

SENATOR REDD: Yes.

MS. BENESTA: Senator Ruiz.

SENATOR RUIZ: Yes.

MS. BENESTA: Assemblywoman Jasey.

ASSEMBLYWOMAN JASEY: Yes.

MS. BENESTA: Assemblyman Malone.

ASSEMBLYMAN MALONE: Yes.

MS. BENESTA: Assemblywoman Voss.

ASSEMBLYWOMAN VOSS: Yes.

MS. BENESTA: Senator Rice.

SENATOR RICE: Yes.

Melanie.

MS. SCHULZ: Good morning.

The first order of business is nominations for Chair of the Joint Committee.

I recognize Assemblywoman Jasey.

ASSEMBLYWOMAN JASEY: Thank you.

I would like to nominate Senator Rice to chair.

MS. SCHULZ: Do we have a second?

ASSEMBLYMAN MALONE: I'll second.

MS. SCHULZ: May we have a roll call, please?

Oh, excuse me. Before that, is there anyone else for nomination? (no response) Then I will close the nominations.

Roll call.

ASSEMBLYMAN MALONE: No one would dare to challenge Senator Rice. (laughter)

ASSEMBLYWOMAN VOSS: Right.

MS. BENESTA: Senator Bateman.

SENATOR BATEMAN: Yes.

MS. BENESTA: Senator Cunningham.

SENATOR CUNNINGHAM: Yes.

MS. BENESTA: Senator Redd.

SENATOR REDD: Yes.

MS. BENESTA: Senator Ruiz.

SENATOR RUIZ: Yes.

MS. BENESTA: Assemblywoman Jasey.

ASSEMBLYWOMAN JASEY: Yes.

MS. BENESTA: Assemblywoman Voss.

ASSEMBLYWOMAN VOSS: Yes.

MS. BENESTA: Assemblyman Malone.

ASSEMBLYMAN MALONE: Yes.

MS. BENESTA: Senator Rice.

SENATOR RICE: Yes.

Thank you.

MS. SCHULZ: Thank you, Senator.

I'd like to now turn the Chair over to Senator Rice.

SENATOR RICE: Thank you very much.

We have to go through the process of electing a Vice Chair. There is one person who is not here who wanted to be nominated. And so I'm going to, at this point in time, ask the audience to forgive us and do about a two minute recess, and ask the members to come in the back.

(RECESS)

AFTER RECESS:

SENATOR RICE: Okay, we're back.

All right, we have, this morning, with us the Commissioner of the Department of Education, the honorable Lucille Davy.

I'm going to ask you to come up. You can bring any staff you so desire to bring up this morning.

The members will have an opportunity to hear a little bit more about your Department. We understand education in its broadest sense, but we need to know some of the things that you're involved with. And then hopefully you're going to have some discussions with us, in terms of

the progress of the Abbott districts that were taken over by the State -- which are Jersey City, and Paterson, and Newark -- and the status of that. And then the members will have an opportunity to ask questions.

Now, before you get started, I want to thank the members of the Joint Committee for their vote as Chair for the Committee. We will do an additional vote in the future for the position of Vice Chair, as required by the statute.

Also for the members, I've handed out -- we'll be handing out to you -- because I've spoken to most of you individually, if not all -- in fact, I spoke to everybody -- the Subcommittees. I want the public to know that we will continue, under my leadership, to have Subcommittees that are going to be interacting with you in the community departments at various times when the Joint Committee as a whole does not do that. And that will depict to the members who the members are on the assignments, and who is chair of what, and vice chair, etc. of Subcommittees.

Given all of that, let me first of all move to my left and let the members introduce themselves, and maybe tell you the district they represent, and anything else they want to say. And then we'll come back to you, Commissioner.

Assemblywoman Jasey.

ASSEMBLYWOMAN JASEY: Good morning.

SENATOR RICE: Good morning.

ASSEMBLYWOMAN JASEY: Good morning.

SENATOR RICE: Is your red button working? (referring to PA microphone)

ASSEMBLYWOMAN JASEY: No.

SENATOR RICE: No?

Is it now?

ASSEMBLYWOMAN JASEY: Yes.

SENATOR RICE: Okay.

ASSEMBLYWOMAN JASEY: Thank you.

Good morning.

My name is Assemblywoman Mila Jasey, from District 27, which is in Essex County. And I'm very pleased to be on this Committee and excited about the appointment. I served eight years on the school board in South Orange and Maplewood. And through that position, I came to know the districts -- not only in Essex, but throughout the state -- through my work on the State level.

So I'm looking forward to this. Education is my passion. And I hope to be a voice at the table on behalf of the children of all of our districts, but particularly the districts where children are not doing well.

Thank you.

SENATOR RICE: Thank you.

Senator.

SENATOR RUIZ: Good morning.

My name is Senator Teresa Ruiz. I am the Senator for District 29. It's Newark and Hillside, in both Union and Essex counties. I'm the Vice Chair of the Education Committee, and I am excited about what positive things we're going to do collectively here for the children of the State of New Jersey.

Thank you very much.

SENATOR RICE: Thank you.

Senator Redd.

SENATOR REDD: Thank you, Mr. Chair.

Good morning.

I am Senator Dana Redd, representing the 5th Legislative District, which is comprised of parts of Camden and Gloucester counties. And within my district, I actually have two Abbotts: Camden City and also Gloucester City. And I'm delighted to join such a distinguished panel of Assembly colleagues and Senators. And I know we will be considering the matters that are of most importance to our young people, making sure that they receive a through and efficient education. I look forward to working with everyone.

SENATOR RICE: Thank you, Senator.

Senator Cunningham.

SENATOR CUNNINGHAM: Good morning.

My name is Senator Cunningham. I'm representing the 31st District, which includes Jersey City and Bayonne.

I'm happy to be on this Committee, because my district, Jersey City, is an Abbott district. And I'm so proud of the strides that we've made in Jersey City in our school system. And so I'm very hopeful that we can continue to make great strides. And I'm just happy to work with this group in making sure that that continues.

Thank you.

SENATOR RICE: Thank you, Senator.

Assemblywoman.

ASSEMBLYWOMAN VOSS: Good morning.

I'm very happy to be on this Committee, because education, as Assemblywoman Jasey said, is my passion. I spent 41 years in education as a teacher and an administrator. I have a doctorate from Fordham in education.

I'm Vice Chair, at the present time, of the Education Committee in the Assembly. I'm on the Higher Education Committee. And I'm very happy to be part of this. And as I said, education is my passion, and I want to make sure that all the children of the state get a thorough and efficient education, and that the money that we put into districts is spent wisely and well in the best interest of the children.

SENATOR RICE: Thank you, Assemblywoman.

Senator Bateman.

SENATOR BATEMAN: Senator, thank you. And let me congratulate you on your chairmanship, again. It's well-deserved.

I'm Kip Bateman, from the 16th Legislative District, which encompasses most of Somerset County.

I'm excited to be on this Committee. I had requested the Education Committee because, in my opinion, there's nothing more important than the education of our children. I have four children, two in college right now, and one in high school, and one in junior high. And it's just so important that we do whatever we can to make certain that they get the very best education. So I'm looking forward to working with all my colleagues on this Committee, and Chairman Rice, and my friends from the Assembly.

Thank you.

SENATOR RICE: Thank you.

Assemblyman.

ASSEMBLYMAN MALONE: Thank you very much, Mr. Chairman. It's a pleasure to be back on the Committee again. I've served with you in the past. And I'm very much looking forward to continuing this, during this session.

I represent the 30th Legislative District, which covers parts of Ocean, Monmouth, Burlington, and Mercer counties. I've spent 36 years -- 37 years in education as a teacher, then working at Educational Testing Service, and then being in school administration. So I am very much looking forward to hopefully being a reasonable contributor to this Committee. And hopefully we'll be able to see some significant progress in the area of education.

And it will be a pleasure working with you and with the members of the Committee.

Thank you very much, Mr. Chairman.

SENATOR RICE: Assemblyman, thank you, too.

Commissioner.

COMMISSIONER LUCILLE E. DAVY: Thank you, Senator.

Good morning.

We're delighted to be here.

I want to introduce the staff with me this morning. To my left is Bill King. He is the Assistant Commissioner for the Division of Field Services. That is the Division in our office that works with all the county offices. So all the executive county superintendents and all the county offices throughout the state are under Bill's leadership. To my right is

Assistant Commissioner Rochelle Hendricks. Rochelle is the Assistant Commissioner for the Division of District and School Improvement. And that is the area of the Department where we focus on actually providing support, and assistance, and help for districts and for schools where achievement is not what it needs to be. And Rochelle has a staff -- a varied staff focused on areas including leadership and literacy, school change, district reform, etc. And I'm sure you'll hear from her before the morning is over. And then to my far right is Jessica deKoninck, who I'm sure you all know. She is our Director of Legislative Affairs, and works with all of you in the Legislature on matters of common concern.

So I thought I would give you just a brief background on QSAC. I know many of you are new to this Committee. Some of you are new to the Legislature this year, so I will give you a little information. And then we'd be happy to take questions that you have.

The new monitoring system that we've been using in the Department is called the New Jersey Quality Single Accountability Continuum, or NJQSAC. We call it QSAC for short. And it is actually derived from a legislative enactment. Senator Rice was very involved in this.

And it took -- what, Senator? -- maybe three or four years, I guess, to get this thing--

SENATOR RICE: That's correct.

COMMISSIONER DAVY: --finally finished where it needed to be.

SENATOR RICE: Right.

COMMISSIONER DAVY: And we have been implementing it. In essence, it is the successor to the prior State takeover law, which had been on the books since the late '80s. And it was intended to provide the State with two main opportunities. The first was to actually have a way to exit takeover districts. Many had said that although the takeover law took care of taking over districts, it didn't do a whole lot to help us define how we got out of districts. So it's intended to do that.

And then secondly, and perhaps more importantly, going forward, it's really also intended to ensure that the Department has a means of monitoring and working with school districts along the way so that we don't get to a point where takeover -- or a full takeover is required. But rather, that issues that need to be addressed, weaknesses in district performance get identified early enough in the system so that we target in on a single area before problems in that area spill over into other parts of district operations.

It's really designed to allow all local districts to look at good instructional practices and to ensure that they're complying with the State's laws and the regulations that govern the operation of school districts.

There are five areas that are measured: governance, personnel, fiscal management, operations, and instruction and program. And it is really the fact that we've broken it down into five areas that allows us, in evaluating each of those areas individually -- allows us to go in and look at individual areas where there may be some issues or some problems so that we can target assistance in those singular areas, as I said before, before they spill over into others.

So, for example, there could be some fiscal weaknesses that get identified through the QSAC process. And then, by zeroing in on that, you can address those fiscal deficiencies before they perhaps become issues that then affect the instruction and program in the district.

The performance of each district is measured against a set of benchmark indicators in each of those five areas. And the -- each of the indicators are scored. And then there's a weighting of those scores. Some are viewed to be more important than others in terms of the weight of the indicators, and therefore they have more points associated with them than others.

In accordance with the law, which was adopted by the Legislature back in '05 and then amended in early 2007, a district is considered successful if 80 percent of the indicators in any one area are met. If 80 percent are met, then you're successful in that one area. But we look at each of the five areas individually. If you meet all 80 in all five -- 80 or above in all five, you're considered a high-performing district. And if you meet less than 80 percent of the indicators in any of the areas, then the district is required to have an improvement plan focused on that area, or any of the areas where the score is meeting less than 80 percent of the indicators.

If the district meets less than 50 percent of the indicators in any area, then the Department has a lot of other options to intervene, which are all embedded in the QSAC law. And that could be in the range of having technical assistance from the Department to help them create an improvement plan. It could also be the appointment of a highly skilled professional by the Department to work in the district. And it could also

range to what would be called *partial State intervention* in that area. And that would be a process whereby we would go to court with an order to show cause and ask the court to allow the Department to actually appoint someone to be in charge and to operate one of those five performance areas.

So it runs the gamut. It really-- That then replaces the takeover idea. In a district meeting -- that doesn't meet, rather, at least 50 percent in all five areas, the district would then be eligible for what would be called *full State intervention*. So all five would be under 50. And that would be the equivalent of what was the old takeover. And we'll talk a little bit more about that in a couple of minutes.

The assessment of each district is done, in accordance with the law, through a self-assessment first. The districts self assess. And then our county offices verify the information there. And they do that through a review of the information provided to them. In some cases, they go in and they seek additional information, or they go in and they look for evidence of the assessment that the district has provided to us. And then, finally, those come to the Commissioner's Office for a placement on the QSAC performance continuum. In other words, what percentage of indicators are met. And we do that using the senior staff at the Department. We review what's submitted to us from the county offices.

In accordance with the original QSAC law, 15 districts were reviewed last year -- basically last Spring -- and those results were announced in July of 2007. And those were the three districts that were in State takeover: Jersey City, Newark, and Paterson. There were six districts that were in what was called *Level II monitoring status* under the prior takeover law. And those were districts that were sort of teetering on the

edge of potential takeover. So they were districts where some significant problems had been identified. And then there were also six districts in the first group reviewed that were in district-in-need-of-improvement status, under No Child Left Behind, for the third year. And so we used QSAC as our response to the Federal requirements for district-in-need-of-improvement status.

I think you've all been given the reports that we issued regarding the three State takeover districts. I believe that you all have those. The law required that those districts be reviewed by outside teams and not done by a self assessment the first time around. And so we utilized the -- a contract with Montclair State University. And they provided teams of individuals who went into the three takeover districts. And they actually also did the six districts in Level II monitoring as well. But they provided to us reports on those districts. And then we brought that information into the Department, used updated information that we had in the Department, the latest test results, and other audit reports, and other things that were at our disposal. We used all of that to then make a final determination for each of the districts that were reviewed last year.

This past September -- so at the beginning of this school year -- 126 districts began the self-assessment process. And that was basically six districts from each county throughout the state. They completed those self assessments in November, and then that information was provided to the county offices. For the past few months, the county offices have been reviewing and verifying the information provided to them. The county results are now with the Department, and we are in the process of reviewing what was provided to us at the Department from each of the county offices

regarding the 126 districts. At the completion of that work, we will then provide the placement of each district on the continuum.

Now, there were also 10 other districts that were done this year in the self assessment. And they were districts that were either, perhaps, in the Bacon case that you know -- probably know is going through the courts. In some cases, there were other districts that had been identified for other purposes as districts that we ought to do a QSAC review for sooner rather than later. There are about 10 of them. And we can certainly provide you with a list of all of those districts if it hasn't been given to you already.

Districts that are required to have an improvement plan -- that is under 80 percent -- so anything meeting less than 80 percent of the indicators do an improvement plan. And that is done working with the staff in Rochelle's Division. And Rochelle has different offices within her Division that work on different aspects of QSAC improvement plans. But she's also working with our Deputy Commissioner Willa Spicer -- who, unfortunately, couldn't be here with us today -- and folks from Brown University, from the Annenberg Institute, and people from the MAC (phonetic spelling) Center at -- is it George Washington University? (affirmative response) -- George Washington University. It's a federally funded, school support -- district support center. It's funded by the Federal government. And so she is working with all of those individuals in order to work with districts on their improvement plans.

Once an improvement plan is put in place and approved by the Department, then the district is reviewed as to its -- the way it is meeting that improvement plan and carrying it out every six months thereafter. And then as soon as a district reaches 80 percent of the indicators, basically we

then move that into the meeting performance standards area. So the goal is to be focusing on districts that fall below 80 percent, on the ways in which they can meet 80 percent of the indicators and, therefore, basically get them out of that status of being in need of improvement.

We help struggling districts in different ways. As I said, we work with them to develop an improvement plan. We bring outside expertise to the table in addition to Department staff in working with them. And then, certainly in the case of districts that meet less than 50 percent of the indicators, there's obviously a more significant concern.

In the area of governance, districts that score below 50 -- and we did have some of those, unfortunately -- they're preparing an improvement plan, working with both DOE staff as well as members of the School Boards Association and the Superintendents Association. Oftentimes, when issues of governance arise, when there are problems, it necessitates the board and the superintendent working together differently. And so we've tapped the expertise of those associations, who work with their respective constituents -- whether it's the School Boards Association with the board members locally, or the Superintendents Association with the local superintendent. We've tapped them to work with us to address governance issues.

In the instruction and program area -- obviously, that's the one that really focuses on student achievement and the one about which we are all most concerned. What kind of outcomes are children achieving as they go through the school system? If a district is below 50 percent on instruction and program, we are requiring the development of what we're calling a *long-term* plan. Because, obviously, if your children are not

achieving, this is not something you can wave a wand and fix everything in a few months. It really does require a close and careful look at the factors underlying the reasons why children are not achieving, and then a plan to address those underlying factors. And so we are doing that, as I said, with Department staff -- Willa Spicer, and Rochelle Hendricks, and the staff in Rochelle's office -- as well as the folks from outside the Department -- Brown and the Mid-Atlantic Laboratory.

With regard to the three State-operated districts-- I know Senator Rice mentioned that a little bit ago. You probably, if you've seen the reports, know -- or maybe you've heard this -- that in the case of Jersey City, two areas in Jersey City of the five met the 80 percent or more of indicators. And that was in finance and in governance. And so the Jersey City School District is right now in the process of being returned to local control because the school board has met 80 percent or more of the indicators. And so they are now being transitioned back to being the actual board -- the decision-making board for the Jersey City School District. And that process is underway.

They were not too far away from meeting 80 percent in operations management. And, of course, we'll be reviewing that shortly as well. A little bit further in personnel -- but they're addressing that. And then the one area where Jersey City was still not as close to 80 as we would like to see it would be in instruction and program. And so we will continue to work with them on that area. Although we've seen nice progress in the district in achievement, there's still work to be done. And so we are going to continue our engagement with them on that.

In the case of the Newark School District, the district met the 80 percent or more benchmark in operations. And so in that case, the district has been transitioned back to local control for operations. In the other areas, they were below 80 percent. And so they will have an improvement plan with respect to instruction and program. They've got a plan together for governance. As you probably know, Marion Bolden, the Superintendent of the Newark district for the last several years, announced that she would be retiring and leaving the district at the end of this school year -- back in the fall. And so we are in the process right now of searching for a new superintendent. We are going to certainly work with the new superintendent as well, as soon as that individual is appointed and begins work, so that we can kind of hit the ground running with the new individual on the work that needs to be done in Newark to get them to 80 percent in all of the areas.

Paterson is the only one of the three State-operated districts that did not meet 80 percent in any of the five areas. As such, we recently had a State-board resolution that placed Paterson in what's called *full State intervention*. As I mentioned earlier, that's sort of the transitional state for a district that was in takeover under the old law. Now it's called *full State intervention*. But, like the other two State-operated districts, we are working with Paterson on plans for improvement. And we will continue to monitor their progress so that as areas -- as one or more of the five areas reach 80 percent or more of the indicators, we will then be prepared to transition those areas to local control in Paterson as well.

Just to close out, I guess I would also want you to know that we are using this opportunity -- because this is a new way of monitoring

districts for all of us at the State level, and certainly for people in the field -- and we are using this as a continuous improvement process for us at the Department, as well. Because as we go through this, we learn something new -- as we go through the process with districts.

Since the first 15 districts did not do a self assessment, there were lessons to be learned from this Fall's assessment -- the self assessment by the 136 districts. As a result of some of that work, there are revisions and refinements that we will make to the process. Because, again, we want QSAC to be what it was intended to be, and that is an opportunity to focus districts on targeted areas of weakness, so that they can be addressed so that they don't then impact negatively on district performance or student performance in the district.

We will, as we go through -- and I've made this clear to superintendents throughout the state as I've met with them -- we will be refining this and we will be changing it. When we see that something in our regulations doesn't work as well as it needs to, we will be making those changes. We really want this to be more of a partnership and more of a collaboration between the Department and the districts, working together on behalf of children and to address the student achievement needs in each of our districts.

Our executive county superintendents, the county office staff, and the staff from the Division of District and School Improvement are all working together with districts to improve performance. It's critical if we're to prepare all children for the 21st century that we be doing this as a team, together.

And we'd be happy to take questions that you might have.

SENATOR RICE: Thank you very much, Commissioner.

Let me start the questioning.

I need to go in the back and make a call to a constituent who has a problem with a family member in Maryland. There's one thing about this Committee, we're international. (laughter)

Now, the long-range facility plans for Jersey City, Paterson, Newark-- Are all those plans presently submitted and approved?

COMMISSIONER DAVY: The district -- like the school construction plans?

SENATOR RICE: Yes, just the long-range plans in total, which we could -- all your planning for the county superintendents approvals.

COMMISSIONER DAVY: Well, we have executive county-- Do you mean executive county superintendents?

SENATOR RICE: Yes.

COMMISSIONER DAVY: We have 11 of them approved through the Legislature, through the advice and consent process. And we have seven more, eight more--

ASST. COMMISSIONER WILLIAM KING: Seven.

COMMISSIONER DAVY: --seven more in the process of being ready to be nominated, I think, once the Legislature was back in session. They need to go before the Judiciary Committee and then come to the Senate for a vote. And we are zeroing in on appointments for the last few counties as well and expect to have those before the close of the session, when you complete the budget work in June.

SENATOR RICE: What about the facilities plans? Don't you have to review those too?

COMMISSIONER DAVY: We do.

SENATOR RICE: Are they all in and have they been approved?

COMMISSIONER DAVY: We have plans from all the districts, although they are in varying states of approval, in terms of whether they're preliminary approval, whether they're filed but there is still information we're waiting to receive. We can certainly provide you with a very specific update on the three districts if you would like.

SENATOR RICE: Maybe we should get an update on all the districts.

COMMISSIONER DAVY: I'm sorry, Senator, all of them?

SENATOR RICE: Can we get an update of all the districts?

COMMISSIONER DAVY: Okay.

SENATOR RICE: Primarily, we're back active now. I've got to know what's taking place in Phillipsburg. We have the South Jersey areas where we have some problems and concerns raised by the Committee in the past.

What about the status of this fiscal monitor in Paterson? How long do you anticipate this particular person being there for oversight?

COMMISSIONER DAVY: The fiscal monitor in Paterson-- And there are fiscal monitors in six other districts right now -- as you know were appointed in accordance with the School District Fiscal Accountability Act. The expectation is that the fiscal monitor remains in the district until we are certain that the fiscal discrepancies that led to the appointment of a monitor in the first place are resolved and addressed.

In the case of Willingboro, where we've had a monitor now for I guess almost two years, the monitor's time in the district has actually been cut back to just a couple days a week. In the case of Paterson, I don't think we're at a point yet where we could conclude or say whether or not the monitor will -- we'll be able to scale back the monitor's time in the district at this point. The expectation is that monitors are in and out as soon as they can be pulled out. And that would be once we are certain that whatever it is that led to the appointment in the first place-- The statute requires some pretty serious fiscal deficiencies in a district before a monitor can even be appointed. It's the reason why there are only seven in the state right now. But we have to be absolutely certain that the issues in a district that led to that in the first place are all resolved and won't kind of reappear once we pull the monitor out of the district.

SENATOR RICE: You wanted to -- on that same question.

ASSEMBLYWOMAN VOSS: No, not on that question. Actually, yes, because--

How does the Department get the people who become the monitors? Do you advertise, or-- Who are these highly qualified professionals, and how do they get to be assigned to a particular district?

COMMISSIONER DAVY: The monitors go through an interview and screening process. They have to have experience having been a business administrator. They have to have had successful experience as a business administrator. And they are appointed by us. We try to find someone that fits the needs of the specific district.

ASSEMBLYWOMAN VOSS: I understand that. But how do you initially get people to apply for this? Do you put out advertisements?

Is there something on the Web? Where are these highly qualified professionals coming from?

COMMISSIONER DAVY: I don't believe that we have advertised for them in newspapers, although we have sought--

ASSEMBLYWOMAN VOSS: How do you get them? That's what I want to know.

COMMISSIONER DAVY: From the professional organizations, the business-- They have to be certified school business administrators. So we have asked the School Business Officials Organization, we've asked county superintendents, we've asked superintendents in the field to provide those -- to provide names of individuals that they would recommend. In many cases, they come through a recommendation to us from other individuals. And then, of course, we screen them very carefully to ensure that they have the background and the knowledge to address the areas of deficiency that exist. And the districts often have different kinds of weaknesses. As I've said, we've tried to match individuals that have particular experience that works well with the district in which they're being placed.

SENATOR RICE: I'll get right with you, Senator.

I need to get back on Paterson.

And then I'll let the Senator come back and ask some questions.

First of all, Senator Girgenti has sent a letter. He could not be here. He wanted to be here this morning to listen. But he indicated that he is concerned, for the record, that Paterson is the only school district in New Jersey that has been placed under full intervention upon the results of the

New Jersey QSAC evaluation. It's his hope that the Joint Committee will continue to fulfill their statutory obligation by scheduling public meetings to hear the progress of this district and inform the legislators on the status of not only Paterson, but Newark and Jersey City school districts, as well, as they begin their transition from full State intervention to local control.

We also have here, speaking after you -- and maybe you want to stick around to listen -- Assemblywoman Eleese Evans, who represents the district of Paterson. And I know we have several residents here -- and I just want to welcome them -- from the Paterson community who are very much concerned. And we also have their local representatives. I know that we'll be hearing from Councilman William McKoy. But I'm also told that Councilman Jones has come in.

Is that right, Councilman? How are you doing Councilman?

C O U N C I L M A N J E F F E R Y J O N E S: How are you doing, Senator?

SENATOR RICE: Do you want to speak this morning, or are you here to listen?

C O U N C I L M A N J O N E S: I think my colleagues and the Assemblywoman are perfectly fine.

SENATOR RICE: Okay, fine. We just want to welcome everybody.

C O M M I S S I O N E R D A V Y: Senator, could I just respond on that?

SENATOR RICE: Yes.

C O M M I S S I O N E R D A V Y: The only reason why Paterson is the only one at this point is -- that's out of the first group of 15. It's the

only district out of the first group of 15 that did not meet 50 percent of the indicators in all five areas. And that's what the law provides for. That isn't something the Department decided on its own.

Secondly, as we go through this process of reviewing the rest of the districts in this state -- as they go through QSAC, other districts that fall below 50 indicators in five of the areas will also be eligible to be placed in full intervention. Because Paterson was already a takeover district and didn't meet the 50 or above in any -- or 80 or above, rather, in any of the areas, as the law provided, Paterson is not eligible, at this point, to go back to local control. It's one of the things that we are working on with the district to address. Because we all know that the purpose of what we are doing is to get districts out of the old takeover or out of State intervention and to have them be districts capable of operating on their own, on behalf of the children in those communities.

SENATOR RICE: The reason I raised that is because, during this whole process of QSAC, one thing we did -- Commissioner Librera, the former Commissioner of Education; myself; then it went to the Joint Committee -- was to make sure that not only did we keep the public -- the education community -- particularly aware of where QSAC was and what the expectations were going to be; and, while going through those processes and actually identifying what the indicators would basically look like, we had districts start to do self assessments. And we kind of paid attention. And we were under the impression, from our evaluations -- which are kind of -- not expertise with a lot of information -- but it appears that all three of those districts, at least at the initial stage, would probably reach any place from two to four -- pass two to four of the indicators. And that appeared to

be the situation until the evaluations came down. And we already had the discussion about Newark, where I think they should have been passed. But that's okay. It's minor, and we'll get there.

But I thought Paterson was going this way, and we wind up going back this way. And so-- But then it comes to my attention there are many articles that are starting to be published of information that we're not as much familiar with, from some of the other local papers; or hearing that there have been some situations of violence in the district at JFK High School in Paterson.

And so the question to you is: How is this situation being addressed? And are you aware of any other incidents of this nature in the other schools, particularly in Paterson right now, where we're going through transition?

COMMISSIONER DAVY: Well, we've been working closely with Paterson, because we are concerned about the fact that the district does not appear to be making the kind of progress that the other two State-operated -- or formerly State-operated -- districts have been making.

But Rochelle Hendricks and Willa Spicer have been working closely on the situation at the high school, because that is a major concern to us. I'm going to ask Rochelle to speak about that -- what we've done.

A S S T. C O M M. R O C H E L L E H E N D R I C K S: Can you hear me?

SENATOR RICE: Yes.

ASSISTANT COMMISSIONER HENDRICKS: In terms of--

SENATOR RICE: Is your red light on? (referring to PA microphone)

ASSISTANT COMMISSIONER HENDRICKS: It is on.

While we've had some interaction with the leadership team and the district in on-site visits, follow-up conversations, one of the things I'm looking forward to developing, going forward, is putting together an intervention team, which will be primarily for the purposes of support.

Because the district is also in transition with leadership, not simply because of the QSAC findings, we find that it's terribly important that we can develop a collaborative relationship with the district's leadership team, but also, quite frankly, with leadership in the community, as well.

The way our Division is structured, we're in there now working with them on the mapping process. The mapping process will allow them, with all stakeholders involved, to identify some of the challenges in the district, many of which are apparent to everyone; but others, quite frankly, to get at root causes, to revisit what is the bold vision that the district has, what is the disconnect between what the challenges and the problems are with that bold vision, and to revisit what kinds of strategies are already in place and what strategies, perhaps, ought to be put in place. So they can come away with a much more comprehensive look and understanding of what is going on.

Our goal is to be a partner in that change process, less of the heavy hand that many are used to. But it's a new way of doing business, and we're just beginning to set the stage for that. As you probably have gathered, it's a new Division, and new offices, and new leadership. So we've had to kind of catch our breath. So while we're in there and we have a

presence, we want that presence to be much more of a -- as I indicated -- a partnership.

We have an interagency group in this new Division who has been on the ground. And some of the names you know -- they've been interfacing with people in the community. And I've said to several people just this morning, as well as prior to this morning, that we really want to bring as many of the key players in Paterson to the table.

Our understanding is that this is complex work in communities with real issues and challenges, and also with a political setting. Given that, the work that lies before us is not only challenging, but it cannot be effective unless we do it together.

SENATOR RICE: Well, my concern is that we're not meeting the indicators, and that is something that needs to be addressed. And I think that there is a way of doing it, because we have shown, in Jersey City and in the city of Newark -- regardless of what is -- the reflection is on your evaluation. On other evaluations, we have shown that we can meet those criteria, and we can move forward, and that's what we're doing.

My concern is the retrograde movement of the Paterson School District. But the greater concern right now is when I pick up articles and read that students are attacking teachers. I mean, this is not just a push and shove. This is violence where people are being harmed. I'm concerned about this thing spilling over to students starting to do harm to each other. And I just need to know how, working with the local community, and the parents, and government -- how to get a grip on that. We need to know that that's an isolated situation at JFK, and not beyond.

We don't have enough Joe Clarks to put up there, and I don't believe we need Joe Clarks in the districts with baseball bats and chains. That's just always been my opinion.

ASSISTANT COMMISSIONER HENDRICKS: Here, here.

SENATOR RICE: We need parents' involvement, but we need government cooperation and understanding.

And the final question I'm going to ask, then we're going to send this over to Senator Cunningham -- then I'm going to ask Assemblywoman Voss to just chair for a moment, because I have to make a call.

We talk about the superintendents. Now, I'm one of the persons who have spent a lot of time with regs and helped author QSAC. It is my legislation, in terms of sponsorship in the Senate. And the intent of a transitioning of the superintendents was that, prior to a Marion Bolden leaving the district, we are supposed to identify a person. And that person is supposed to be in the district -- not to come in to change the progress we've made, but to know where we are and move it forward. Because the problem in the past has been, every time we seem to be moving in the right direction, the politics of it is that we find someone that nobody in the community knows -- from outside the state, at best -- to come in. They don't like what we're doing, and want to change everything, and don't want us involved.

My concern is that we know that the Newark Superintendent is leaving. We have no one in place. What is the process to make certain that she stays in place long enough -- and gets paid -- to have the new superintendent -- once we identify one and collectively agree on it, and not

the local politicians -- agree on it, where there's this transitional period? Because you don't learn what happens in a district in 30 days. You don't learn after school is closed.

It's the same thing in Paterson. You know, I read these articles about the superintendent may be there, may not be there. And you're looking to replace-- Then I guess we have a little different situation, because you don't have to worry about a transitioning, because they're back into intervention -- total intervention. Is that correct?

Then I'm concerned about what happens in, say, a Jersey City or a Newark in transition. Because if, in fact, Marion leaves, say, July 1 -- I just use that as a date -- and we don't have a superintendent, or one is just coming in, then there wasn't what the intent of the legislation was -- for two "superintendents" -- or at least two bodies be there at the same time, with harmony.

Can you kind of explain where we're going with that? Because I think we're going to be in violation of the statute, or at least the intent of the statute. Because I wrote it. I helped write it.

COMMISSIONER DAVY: Well, Senator, I think the transition to local control is different than a situation of the fact that we have a superintendent who is leaving the district. If Marion were not leaving the district -- the district could be going back to local control, and we wouldn't be searching.

The QSAC statute -- in a regular district being transitioned, like Jersey City, the board is deciding what to do about the superintendent. And that's written in there. They have to make a decision within a certain time frame, and they're doing that. And that board is doing it.

The difference in Newark is that Marion is leaving. The QSAC law doesn't speak about a superintendent who leaves the district. It's just like a vacancy in that district. Now, I think it's also premature for us to talk about what happens, because I believe-- I mean, there's a search committee process going on. And we are interviewing -- we'll be interviewing candidates shortly. And an individual will be identified. There's a very significant community-based search committee involved in this process. The advisory board -- the elected advisory board is also involved in the process. And of course, those of us at the Department are also involved in the process.

So I think it's a different issue. The idea of whether or not we need some continuity and transition is a separate question which, I think, can best be answered when we know exactly who the individual is who is selected and what the timing is for that sort of baton passing.

SENATOR RICE: Fine.

I'm going to ask staff to go back, and I'm going to go back to other staff. We're going to research that, because just as here-- And I'm telling you, the intent was transitioning of superintendents. And the idea was that once we appoint a new superintendent, prior to the State superintendent going out, one was supposed to come in. And they were supposed to work collectively on transitioning so that I would know exactly where we are, etc. That was the intent of that legislation. I argued it, I insisted on it. And whether it's written clearly -- it is implied. That's why we talked about the transition period. That's why I was talking -- the district of Newark, for example -- that we have to hurry up and start this search before Marion leaves.

And so go back and check that. I won't belabor that. But if that's not the case, then we have a problem based on what my intent was. And we're going to have some real serious discussions. Because given the politics of placing superintendents in place in this state -- mostly from out of the state -- given the politics of the streets of Newark right now -- what I'm hearing -- given the fight about who is for vouchers, who is not for vouchers, there are some real serious concerns. And that's why I say I want this process to be transparent. And this Committee is going to make sure they are transparent in all aspects throughout the state, not just the takeover districts -- QSAC in itself.

With that, let me pass it over to Senator Cunningham.

Assemblywoman, would you just chair until I come back from this phone call, please? (affirmative response)

SENATOR CUNNINGHAM: Commissioner, I just wanted to ask a question about the QSAC reports that you've given us. In looking at this, personnel and instruction and programs go hand in hand, correct?

COMMISSIONER DAVY: They are closely connected.

SENATOR CUNNINGHAM: Okay. I'm looking at Paterson, and it says here that personnel met 60 percent of the indicators, but instruction and program was only 22 percent. That seems to be a pretty wide margin. How is that determined?

COMMISSIONER DAVY: Well, let me explain. They're not directly connected. I mean, obviously the personnel is about the staffing of the districts. It's about whether or not folks have the proper certifications. So I'm teaching math, and I'm properly certified. I'm a school principal,

and I'm properly certified. It also focuses on what kind of professional development opportunities are afforded to the staff in the district.

Instruction and program is focused more on the performance of students, both across the district's span, as well as subgroups of students. And it also focuses on the curriculum -- the specific curriculum and the instructional materials that are being used. So you could have certified teachers, but not have a curriculum aligned to the State standards. Therefore, you could do well in personnel and not do well in instruction and program. So they're connected in a way, but not such that the scores should be parallel or close together.

SENATOR CUNNINGHAM: But in evaluating this, does the-- Do you take into consideration if you have a certified professional teaching, but their ability to actually teach-- Is that part of the consideration?

COMMISSIONER DAVY: Not under personnel. The outcomes are measured in instruction and program. The personnel section -- and if you don't have them already, we can certainly provide them to you. They're on the Web. They're on our Web site. The indicators that are included in personnel are focused on the individuals that are there, and they're qualifications, and also the kind of professional development that those individuals receive, and the kind of preparation that they have to teach. Instruction and program gets more at the outcomes. How are students performing in meeting the State's Core Curriculum Content Standard expectations?

SENATOR CUNNINGHAM: Thank you.

ASSEMBLYWOMAN VOSS: Senator Ruiz.

SENATOR RUIZ: On behalf of -- just speaking from Newark's perspective, in the phase that we're in now-- I don't ever want to think that it would be premature to think ahead. I mean, we know what the realities are. We are in search of a new superintendent, which means we have to be prepared whenever and whomever that individual is. And so all I want for the students of the city of Newark is the most qualified, the best candidate that is going to bring excellence back into education.

With that being said, there has to be a transition component. I don't know if it's part of the legislation. I don't care if it's part of the legislation. It's the responsible thing to do -- to have a catch basin, transitional component so when the new individual comes in-- Because March is over. And I know that Thursday was the last day to accept applications or inquiries for the position, which means that if we do due diligence in interviewing all the candidates that were interested in the position, it will probably take at least a month. That puts us in May. June, school is done with. We need someone who is going to not guide the individual to follow the same practices, but guide them to understand what is at the core of the school district. And so I want to be sure that those responsibilities -- that they shouldn't have to be legislated -- that those responsibilities are in place.

COMMISSIONER DAVY: Senator, I'm sorry, I may have misspoken or been misunderstood. There is a requirement for a transition plan in each of these cases. We're in the midst of doing it right now with Jersey City. We will certainly do the same thing for Newark. And we will be very conscious, because Newark doesn't have governance back yet. And so Newark is still -- in the governance area, is still a State-operated district.

We'll be very conscious of that, and we'll be very specific to ensure that that happens.

What I meant was, it's premature for us to say we're going to name such-and-such an individual to take that role. We are certainly as concerned as you are that we have a smooth transition. We certainly also want to identify, as you said, the most qualified, most capable individual. There are no-- There's no room in the 21st century to err. Our children are competing with kids around the entire globe now, not just kids in neighboring communities. And we have to have the best for each and every one of them. And so we've got to make sure that we identify the most capable candidate to lead Newark and to lead Paterson, as well. It is very important for the future of the children in those communities.

ASSEMBLYWOMAN VOSS: I would just like to go back to something that disturbs me very, very much. Because we want to make sure that the children in these districts get the very best education.

I was under the impression that the SRA diplomas were going to be phased out, that these diplomas are not doing well for our children. They are not preparing them properly. They should not be having, in certain districts, 70 or 80 percent of the students graduating with these diplomas, which do not, I feel, prepare them for the 21st century. And so what are you doing? I mean, why are the SRAs still in place? What is the rationale behind that? And why do we have such large numbers of children receiving them in some of the districts where we really have to have the best instruction, the best qualified teachers so that the children are prepared?

COMMISSIONER DAVY: The State Board of Education adopted a resolution at its meeting last week to actually rescind its prior decision from early in '05--

ASSEMBLYWOMAN VOSS: I know, that's why I'm asking the question.

COMMISSIONER DAVY: --to eliminate the SRA.

First of all, it's not a different diploma. Children get the same diploma. It is having met the State's -- having demonstrated proficiency in the State's content standards through the special review assessment, as opposed to the more traditional HSPA exam, the standardized, more timed, end-of-course -- I mean, not end-of-course -- single, standardized test in mathematics, language arts, and science.

What the Board has done is -- and we've been working very closely with them about this because, in all candor, there's a lot of emotion on the other side of this issue, as well -- that eliminating that safety net for some students-- And for those of you that have heard me talk about this, you know that I don't believe, in any community, 70 percent of the children should need the SRA as an assessment. It's a means of demonstrating their knowledge and their skills.

But that said, we do feel quite strongly that we need a safety net for some small subset of children. Now, QSAC has an element in it about the district's use of SRA for students using -- you know, exiting out of the high school system with a diploma. And there are expectations for districts to be reducing their reliance on that test. And for those districts that are going to be doing an improvement plan for instruction and

program, that is a part of the focus -- to address the fact that there are, in some cases, 50 percent of the students using the SRA.

I will also say this: For the past two years, the numbers of children using that SRA exam to meet the State's standards has been declining, and in significant numbers. And so we want to see that progress continue.

We're also changing the way the SRA is administered, both the time frame and how it is scored. And we believe that in changing the way we do an alternate assessment -- in other words, giving students a different way to demonstrate their skills and knowledge -- we believe that that's appropriate, but that it has to be such that it really does show evidence that those children have acquired those skills. I have said many times before, giving a child a piece of paper that says, "You graduated from high school," may keep them in school for another year or two. But if they have no skills to back that up, they're going nowhere in the future. They're not going to college, and they're not going into the workforce and keeping a job. And so it's incumbent upon all of us--

What we have now is a limit of no more than 10 percent of the students using the SRA. And in districts where more than 10 percent of the students -- beginning right now -- use the SRA, there has to be an analysis of why that is occurring, what is causing that to occur, and then how the district is going to address changing those outcomes.

ASSEMBLYWOMAN VOSS: I would like to see, personally, what percentage of the children are getting the SRAs -- at this point, how it has declined. I mean, I can understand that 10 percent of children in a district may need an alternative, but only 10 percent. And I know that I

have read that, in certain districts, as many as 93 percent of the children are receiving these SRA diplomas. And if they are basically testing the same skills, then these children who get the SRAs should be perfectly competent to go out into the work world. But that's not the case, as far as I can determine.

And so we really need to do more in terms of preparing these children, and not giving them a *safety net*, as you call it. Because I don't consider it a safety net. I think you're drowning them, in terms of their educational-- (applause)

COMMISSIONER DAVY: It's a safety net only from the perspective of: if they're not good at taking a timed test. And I think we probably all know people for whom a timed test is not the best way for them to show us what they know. Then it's appropriate. I would agree with you that that should only be in a very limited set of circumstances. And that's what our work is aiming towards.

ASSEMBLYWOMAN VOSS: That's why I want to see what the percentages are right now of the children. I want to see if there is a decline. I want to see if it is going down 5 percent each year or-- It should go down much, much more than that.

COMMISSIONER DAVY: We'll provide that.

ASSEMBLYWOMAN VOSS: We have to start preparing our children in elementary school, so by the time they get to the high school they don't need the safety net.

COMMISSIONER DAVY: Assemblywoman Voss, we completely agree with that. And, frankly, the outcomes that we see in the elementary schools, in terms of progress that's being made in closing the

achievement gap, is very encouraging to us. The problem that we have is, for those children who are in high school right now, whose skills are not where they need to be, that is a much trickier proposition. But I agree with you, and we all agree with you at the Department. The idea of giving a child a piece of paper that doesn't represent that they really have mastered high school skills does that child absolutely no good.

ASSEMBLYWOMAN VOSS: What are we doing to remediate those children in the 9th, 10th, 11th, 12th grades so that they are better prepared? Are we doing remediation for them? Are we giving them assistance and not just passing them through?

COMMISSIONER DAVY: Well, many of the districts are working right now on secondary education reforms. And they're focused on both ensuring rigor for all children in a district, across the board, not just the kids that we think belong on a college track, but for all students. Because that's what the 21st century demands of them.

We're also looking at, and working with districts on, personalizing the learning experience. So doing what you're saying: identifying a child who may be behind, based on the results that we see from middle school, for example -- and working to focus them. In some cases, districts are creating what's called a *9th grade academy*, where you focus on real skill development -- high school skill development in the 9th grade -- zeroing in on that, so that then kids can move to the higher level high school courses that we know they need to be able to master in order to succeed in the future.

I don't know if Rochelle has anything to add to that.

ASSISTANT COMMISSIONER HENDRICKS: I certainly concur with what the Commissioner has just said. The other focus has been on the transitions: the transitions from the early grades to middle school, middle school to high school. We've been looking more in terms of -- and many school districts are already implementing things like extended day. They're doing more before- and after-school programs; more targeted, if you would, professional development; and certainly spending a lot more time in terms of making sure they look at the data so they understand the data and what the real needs of the students -- so that if you're providing professional development, it's targeted to meet the real needs of where the challenges are. And those are sort of foundational pieces that are in place at this point.

ASSISTANT COMMISSIONER KING: May I add something here? I think we can't emphasize enough the importance of QSAC as the overarching monitoring of the school districts. And I think that impacts on SRA, it impacts on transition, it impacts on all that we're doing within the Department.

I've been an educator for 42 years. And I've gone through all the cycles of monitoring. And, by far, this is the most powerful instrument that we have. And if we're patient with it; and we sit back and really self-evaluate ourselves as districts, and as a Department, and whatever, I think we're going to see some amazing results. We're going to see a prescription of the direction we have to go in order to correct some of these things that we're concerned about. And they're legitimate issues that you bring up.

But I think we have to be patient, and I think we have to have confidence in this tool that took a long time to develop. So I'm very

supportive of that. It's not going to solve all our problems, but I think we're headed in the right direction.

SENATOR RICE: That's it, Assemblywoman?

Assemblywoman.

ASSEMBLYWOMAN JASEY: Thank you, Chairman.

If this is not an appropriate question, just let me know. I have not yet read the reports that we received this morning, so this is a more general question about capacity.

In looking at instruction and program, and talking about the fact that it's connected to personnel, my question has to do with what, if anything -- or what is the plan to recruit and retain the best and brightest to teach our children? Because I think it's easy for us to say, "You," -- the collective you -- "need to do this, and you need to do that." But, in fact, if we don't have highly qualified, inspirational, motivated teachers in the classrooms in the appropriate subject areas with our children, then all the monitoring in the world isn't going to make a difference.

So I guess my-- One of the areas that I'm curious about knowing more about is, what, if any, relationship or plan do we have with our institutions of higher learning to recruit, train, and then retain excellent teachers going forward? Because I know there's a looming shortage with more experienced teachers retiring. And I don't -- I'm not aware of any real efforts, statewide, to recruit highly qualified and motivated individuals to replace them.

COMMISSIONER DAVY: Well, we're working very closely with the colleges and universities, both in the area of just overall preservice preparation to ensure that as young people are in college, they're being

prepared to be teachers in the 21st century: using technology, teaching the Core Curriculum Content Standards, which is different than it probably was when many of us went to school. Teaching is a different craft today than it was 25 years ago -- how to deal with diverse learners in a classroom. So as students are prepared in college, they need exposure to all of that.

And then, of course, there are the issues around classroom management, and dealing with parents who have questions, or motivating parents to become engaged in their child's education.

So we're working with the colleges on the overall general preparation. We also have several grants that we're using from -- using Federal money that we've been allotted -- several grants that are partnerships with different institutions around the state that are aimed at teachers -- recruiting and retaining teachers in hard-to-staff areas. And I think there are four or five of those. We can certainly get you more information on that. It is an effort that is underway, because we do understand how important that is and that we do have to have a pipeline, particularly in hard-to-staff areas like math and science, special education. You know, the highly qualified requirements under No Child Left Behind raise the bar for teachers. And certainly it does become more difficult. And, quite honestly, people in the science, and math, and engineering fields have a lot of other career options today, given the competition around the globe for people in those fields. So to encourage young people who are interested in mathematics to become teachers, as opposed to going into the business world somewhere, is definitely a challenge. But there are dollars that we've received that we have used in very targeted ways to help improve that. I think the elementary school pipeline is not as much of a concern. In

fact, it doesn't appear that there is really a shortage in elementary school teachers. But certainly at the secondary level -- and I would say *secondary* meaning middle school, where you have curriculum areas -- you know, content area teachers -- going right up through high school. We definitely need to keep working at that. And we're going to continue our efforts, not only in the areas that I've already described, but we are always on the lookout for additional ways. In fact, there are a couple of things we're working on right now to improve that pipeline and to recruit more qualified teachers.

ASSISTANT COMMISSIONER HENDRICKS: I just wanted to mention that one of the things that we're doing -- because sometimes it's good for you to hear very concrete things. Future Educators of America has not been one of the things that we've really played up in New Jersey. But we've been much more aggressive, and we've had conferences around this, with national speakers. And we're beginning to see some real growth in the number of chapters that are coming up in our secondary schools. And we're even looking at academies -- career academies that focus on teaching and learning in that regard. So we're beginning to see some real inroads as a result of that work.

The other is, I recently reconvened our Affirmative Action officers around the state. And one of the things that we're finding out -- there's some best practices taking place, and we're looking for ways that we can connect these officers around the kind of work that you can do to recruit and sustain a diversified staffing pool.

And then finally, the thing that I would mention is that the Department is revamping the Alternate Route. And the Alternate Route

certainly holds the potential to attract and retain some of the students -- the teachers that we hope to place in not only hard-to-place communities and districts, but more importantly in hard-to-place -- in fine fields.

So those three are things that we have currently underway that, I think, hold real promise of being able to meet our needs going forward.

And the other thing I think that they do -- at least we hope that they do -- is restore the image to teaching so that people see it as a noble profession. Because part of what you have to do is make it attractive, not just with money, but the respect that it deserves in the communities at large.

ASSEMBLYWOMAN JASEY: Thank you.

SENATOR RICE: Any questions from the members? (no response)

I have a couple of others, and then we're going to bring up some speakers, and then we're going to try to get my members home safely -- or at least get them to lunch or something. Okay? (laughter)

Getting back to Paterson: I'm reading an article. In the State of New Jersey, lunch periods for the children are only 20 minutes? Apparently, according the article, the students had -- get a 20-minute lunch and then a 20-minute study hall. I remember when I was in school, 20 minutes only got me to the door. Then I didn't like the lunch, so I couldn't even go outside to buy it. (laughter) Can someone answer that for me?

COMMISSIONER DAVY: The scheduling, Senator, is a decision that is made locally. It's possible that that's one of the factors that's contributing to the issues at JFK High School in Paterson. It's one of the things that the district's administration needs to look at. But that's

usually a local decision. In some cases, they split the group in half so that half go in to buy their lunch at one time, and the other half have an opportunity to study or chat with friends, and then switch them off just for the ease of the lunch line. I know when my children were in middle school, that's how the middle school worked the lunch time too. But we'll certainly be happy to look into that and provide you with information in more specific detail.

SENATOR RICE: Well, I'm not just concerned about Paterson now. Just listening to you, maybe I shouldn't have raised the question. I have a real serious problem with asking young people to rush, regardless of what the schedule is like, who set the schedule -- to rush into a feeding time, have indigestion in the process of trying to get food -- if, in fact, there are holdups in the cafeteria because of cooks, chefs, students, what have you -- never get a chance to complete the meal. And it's bad enough, particularly in the Abbott districts, where these kids don't even get a breakfast or a meal going to school in the first place.

We need to look at the whole policy. Get me information on that. But I'm telling you, for this -- I'm not even asking, I'm telling you -- for this Committee, somebody needs to come back and take a look at how the State of New Jersey looks at revising that policy. Children need to eat. And they need to do it where they don't have heartburn, or tummy aches, and all those kinds of things. That doesn't make any sense to me at all. Okay?

I'm sorry. I saw a hand some place.

Assemblyman, and then Assemblywoman.

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

This issue came up -- the lunch period and recess issue came up. And I have a piece of legislation in.

Senator, you may want to look -- to go with Senator Singer on this.

There's a large movement in the State of New Jersey now -- by parents, PTAs, everything -- because of this lunch issue and the lack of students being able to get a meaningful lunch period with some degree of recess or exercise -- that is creating some of these serious problems we have. I have asked, in the legislation, to form a -- basically a commission to take a look at this issue as quickly as possible so that we might be able to move forward.

I had the privilege of speaking at a school in Robbinsville this past Fall, in which the kids were going to lunch at 10:30 in the morning. And if you go to lunch at 10:30 in the morning, and you get out at 3:00, there are all kinds of problems that the kids are actually -- their behavior in class. I mean, adults can't sit still for as long as we're making 7-, 8-, and 9-year-old kids sit still.

So I think this is an issue, Mr. Chairman, that is well within your scope to look at and possibly work with the Commissioner in coming up with some reasonable guidelines. Because I think it's being -- I think kids are being abused in school about this issue. So I would appreciate any support you can in trying to get this legislation through.

SENATOR RICE: Okay.

Assemblywoman.

ASSEMBLYWOMAN VOSS: I'm signing onto that bill, because I read it already. And it's very important that kids have physical education and recess. (applause) A lot of physical education gets all the energy and the stress out.

But the reason that many of the schools have these 20-minute-- I taught in a school where -- when the student population got so large, the cafeteria could not accommodate that many children in the cafeteria. Many of the schools have closed lunch periods. And so, consequently, that was the only way that the kids could get food and everybody would be served. Otherwise, there would be a logjam.

Just one other thing I wanted to bring up, because it's a big concern of mine. Having supervised teachers for a long, long time-- Alternate Route is something that is good in terms of making sure people have command of their content area. But it doesn't mean they know how to teach. And one of my problems, before I retired from education, was the fact that I'm getting these Alternate Route teachers in. I'm staying until 6:30 at night trying to tell them how to teach, because they put them in a classroom, and then two nights a week they were going to learn how to teach. You learn how to teach before you teach. Otherwise, you're going to have all kinds of problems, whether it be in content or discipline. No discipline, no learning. And so you have to prepare these people to go into a classroom. And just by virtue of having a degree in mathematics or English does not qualify-- To me, teaching is an art form. And if you don't have the talent, you can have all the degrees in the world and not be meeting the needs of the children.

COMMISSIONER DAVY: Assemblywoman Voss, we just received a report. It took far longer than it ever should have taken. As you know, the Alternate Route started back in the '80s. It hadn't been reviewed in 25 years. We just received--

ASSEMBLYWOMAN VOSS: Awful.

COMMISSIONER DAVY: --a report from the College of New Jersey that we had commissioned. And it provides to us recommendations, some of which are directly connected to the points that you are raising about how teachers are prepared, not just in the content, but in the pedagogy, and in the classroom, and other management skills that are required. And as a result of that, we're going to be making changes -- recommending changes to the State Board, to our code, and to the requirements. In some ways, this report just begins to scratch the surface. We'd certainly be happy to share it with you. It's posted on our Web site. But we can provide, to Melanie Schulz, the link so that you can all take a look at it. It has some very interesting information in it. It also talks about the fact that mentoring of Alternate Route teachers is falling far short of what mentoring has to be providing to them, in terms of supporting them.

And so I think we're going to look, immediately, to make some changes short-term, and then also some longer-term changes to strengthen the program. Because there's no question that in a state that has 30 to 40 percent of its teachers coming through the Alternate Route, we cannot shut that door. We certainly want that option. I'm actually a teacher who went what would be considered Alternate Route today, I guess. I was not an education major in college. I was a mathematics major. But I did take the education courses and did student teaching that allowed me to become a

certified teacher. I guess one could say that, in college, through my coursework, I took the minimum State requirements back in the '70s. That was a way of becoming certified without being an education major, per se.

But we need to look at how we tighten this. We certainly need Alternate Route teachers, but we want them to be successful. Because it is that revolving-door process of teachers recruiting -- I mean of districts, rather, recruiting teachers, having them come in for a couple of years, and then leave, only to have to recruit all over again. That is not productive, from an academic achievement standpoint or from the district's fiscal standpoint. It costs money to recruit and bring new teachers in.

So we've got to ensure that we do the best job possible. I think you'll find the report quite interesting. And, certainly, we're already in the process of taking action on the recommendations in the report.

ASSEMBLYWOMAN VOSS: I never understood how people majored in education. I mean, that was something you did in addition to what you majored in. So to have a degree in education -- what does that qualify you to teach?

COMMISSIONER DAVY: Well, some of that has changed too, because now there is a requirement that they have a content area.

ASSEMBLYWOMAN VOSS: I would hope so.

COMMISSIONER DAVY: What I'm saying is, back when I went, you were actually in the school of education. I was in the school of arts and sciences, and focused on an awful lot of math classes. But I did get the pedagogy in coursework, as well. I think that's what we have to make sure -- is that young people entering through the Alternate Route have appropriate complimentary coursework and instruction before they enter

the classroom so that they don't have a situation where they may know how to teach the science, but they don't know how to keep 21 children well-managed and engaged in the learning that they intend to take place.

So it's a challenge that I think we recognize, frankly, because we have so many teachers who come in through the Alternate Route. It is something that we have to strengthen.

SENATOR RICE: Commissioner, this is the final question from me to you, then we want Assemblywoman Evans to come up -- I know she has to leave -- and her colleague.

And this is a question that has disturbed me, because it came to me recently, and people are getting a little upset now in my district -- or in my towns. And it became clear to me that it's probably a reflection of other school districts.

The township of Bloomfield-- Let me back up. The State of New Jersey and the majority of us in government have pushed for all-day Kindergartens throughout the state. We recognize the importance of it in the early stages of a child's development, academically. And it's pretty much a mandate, to some degree -- even though it's a little short of it. And then the Governor's budget message depicted just that. And all the new school fiscal restructuring and school formulas indicated that.

Bloomfield has a lot of problems, even though they got some help in this new formula. They have a half-day Kindergarten. But, for some reason, they have actually got the budget and everything -- plans approved by the county. They included in there all-day Kindergarten, which those working parents and others need and want for those kids. And they are being told by your Department they have to go on a ballot

question -- second ballot question, which doesn't make any sense. Because it's not like starting a new program, to be quite frank. You're expanding something that's already in place.

And so I need to know from you, under what authority -- other than yours -- I'm talking about statutory authority -- that mandates that this becomes a second ballot question? Number one, it will create some problems I believe, given the problems in the district already, and it may create a problem not even having an all-day Kindergarten that's basically needed.

See, you give me the statutory authority that says that this cannot be as it is in the budget on the first question. Why do you have to go second if it's a program in place already?

COMMISSIONER DAVY: Well, it's inside the Core Act, which was adopted by the Legislature in 2007 as a result of the work that the Joint Committee on School Funding did as part of the joint session on property tax reform.

There are very specific guidelines as to which programs get funded within the districts' regular budgets and which ones go outside of that. And we can have Jessica provide you with the specific information on that, Senator. But full-day Kindergarten is not a requirement in New Jersey. And it's required programs that get placed inside, and things that are not that are-- And I agree with you. We certainly encourage districts to do that. But it's not a requirement. And certainly that could be changed. But it is not, at present.

SENATOR RICE: So there's no discretion -- it has to go in a second question? If you're expanding the program, and you got it approved

by the county, I don't understand why your Department has forced it to be a question.

COMMISSIONER DAVY: Well, you know, it's always difficult to answer district-specific questions without having all the information.

SENATOR RICE: Okay. Why don't we do it this way? Go back and take a look at Bloomfield. Call the Superintendent. I can talk to you. I'm tired of parents calling me, I'm tired of the local government calling me. I think there's some discretion there. Because the difference is: If it's a new program, I won't quarrel. Go to question. If it's a program in place -- I don't care if it's large or small -- we should be building on it. If we're building on it, it shouldn't have to go to question. I believe it's coming down to how your Department defines or interprets what's there versus what's not there. But go take a look at it, get back to me right away. You have my page and my cell. I've got to know today. I'm getting ready to go home and get the bricks thrown at me. (laughter) And I don't have a problem with that.

And then, in the meanwhile, we need to go back and take a look at what you have in place under the Core, to think about whether we need to address the language for things like full-day Kindergarten that are in place. Because we can't encourage something and then be the barrier, indirectly, by putting the people, locally, as the real barriers to stop something that is sorely needed. That doesn't make any sense to me.

I want to thank you very much, Commissioner, for your participation. I would encourage you, if you have a couple of minutes, to just sit around and listen to Assemblywoman Evans, in case there's

something you may have to take a note on or respond to; and Assemblyman -- excuse me, Councilman McKoy, William McKoy.

And while they're coming up--

Assemblywoman, Councilman, come on up.

While they're coming up, let me acknowledge the presence of -- and I should have done this earlier -- of Senator Baroni, who is here. And let the record reflect that we have nine members present.

Anyone else come in after that? (negative response)

Senator, do you have any words of wisdom for anybody?

SENATOR BARONI: No, Chairman. Thank you.

SENATOR RICE: Okay.

Assemblywoman.

A S S E M B L Y W O M A N E L E A S E E V A N S: Good morning.

Thank you, Senator, and thanks to the Committee for allowing me this moment.

I want to recognize we have Councilman McKoy with us. We have Councilman-at-Large Jeffery Jones, and Councilman Rigo Rodriguez, and we have Councilman Anthony Davis present; we have school board members Mr. Hodges -- Dr. Hodges, Ms. Willa Mae Taylor, Danilo Inoa, and Ms. Waheedah Muhammad; and we have the Director of Paterson Recreation, Mr. Wimberly; and the President of the National Council of Negro Women, Ms. Dolores Sykes; and we have numerous parents in the audience who are particularly interested in hearing this report today. And I will say, and go on record saying, that State takeover does not work. State takeover does not work. (applause)

The State took over Jersey City 19 years ago. And I remember when the State Legislature put that bill -- it was supposed to be a five-year transition and back to the -- 19 years, Paterson 17 years, and on, and on. It's a monumental problem.

But the technical assistance that should be given by the State to these districts is not there. I don't think the Commissioner has the staff to provide that.

And I just want to go off to tell you about SRAs -- it's happening because youth are not taking it seriously. The kids are saying, "Why should I take the tough test when I can take the little one and still get my piece of paper?" (applause) That's what's really happening.

The city of Paterson has been under State takeover since 1991. Numerous problems -- we've had five superintendents. There has been so much interference, and up and down in Paterson. And it's gotten worse instead of better. The district has gotten worse since the State took over Paterson than it was prior to the takeover. (applause)

We talk about local control and giving the district back. At the rate Paterson is going-- Now we're going to start this new venture for a new superintendent, supposedly. We have a State monitor. From my understanding, the State monitor is not supposed to be making academic decisions. The State monitor is overruling the superintendent. The State monitor -- which was told to me by the union-- The one we have in Paterson is really actually there counting sheets of paper. The principal said to me they order paper. The State monitor -- they put it in, in the beginning of the year. And let's say they order 500 cases. The State monitor decides how many pieces you use per day. And he is actually

counting the sheets of paper, and he's holding the paper. They're running out of paper in the schools. I don't think-- Whoever this gentleman is, whatever his background is, and wherever he came from-- I'd like to see his background, what made him qualified to have this position, and what is going through his head when he makes these decisions. (applause) How can you spend your valuable time counting sheets of paper? That's a waste of time.

And he's the State monitor, supposed to be monitoring the fiscal operations of the district, not making decisions on who goes on class trips, and who goes to this, and making all these different improvements. That needs to be seriously looked at. It has created and bottlenecked the operations of Paterson. It has made it worse.

If you're going to have a State monitor in there, a fiscal monitor, the fiscal monitor is to watch over and observe what is going on with the finances, not to be involved in the daily operations of what decisions are being made about students, and curriculum, and all of these things.

And I briefly mentioned this to the Commissioner. And she had said, once we got through the whole situation with the school -- new formula that we would talk about it. Because that is not -- certainly not his job.

And we want to know, now that our Superintendent is leaving, what is happening, what is going on. The community doesn't know anything yet. I don't know what -- the decision that the State has made.

But, ladies and gentlemen, Paterson needs some stability. (applause) The only way Paterson is going to be successful-- You can't

continue to change the head. That's why I'm saying to you State takeover does not work. Whatever goes on -- sometimes there is political interference with whatever -- whomever we get as superintendent. That's being interfered with. The decisions are being made -- you remove the superintendent, or you create such a problem that the superintendent cannot function. (applause) To have all these different superintendents-- Each superintendent comes in with a different style of managing, and we know that.

Now, this Superintendent we have we've had less than two years -- less than three. What about the children? (applause) We pretend we care about the children. And this Committee needs to read the KPMG report, which states that Paterson -- the takeover of the district -- the State has not provided sufficient technical assistance to support the need to improve the Paterson district.

There are so many serious problems. I could keep you here for days. And we need-- What is the level of technical assistance being given to the district? What is it? What is the role of the State fiscal monitor? That needs to be addressed immediately because, I'm saying to the Commissioner, there are some serious issues there.

The unions came to me when it was time to order the books. The teachers put their order in, in August. He cancelled the order and said he didn't think they were needed. So that meant when he found out in September that kids had no books, the order went back in for books in October. So by the time the kids got the books, it's November. And you want to know why Paterson is not progressing? You tell me.

There are so many issues. We need to have this discussion on the local level, where we can put the quality time into talking about Paterson in particular, since we're talking about full State takeover. Full State takeover means what? You took the district 17 years ago. What else do you need to do? That means that we don't need to hunt for a superintendent, that the State Board -- State Commissioner will come in there themselves and run the district. That's the only thing left. I don't know what else is left for you to do, other than continue to provide technical assistance -- which, had it been given to the district prior to takeover, we would have never had this bill. School takeover costs the State of New Jersey millions of dollars -- wasted millions of dollars. And it's not providing the quality that it intended for the children. There's too much getting bogged down in too much minutia, there's too much interference, there's too much of everything going on.

The district elects a school board. Well, maybe some of them shouldn't be there. They elect all of us. Maybe some of us shouldn't sit here in the State Legislature, but we're here because we were elected by the people to be here. (laughter)

So I'm saying, if now Paterson moves back and is allowed to have an elected school board, what's the point? What is the point? The board can't govern this. Who is going to govern it? The superintendent can't. The Commissioner can't come to Paterson every day and sit there. And I think the Commissioner would be happy if we remove the State takeover law. We need to remove it. It does not work.

You can look at these districts, you can watch the districts. I would challenge you to go around the state and look at some of the districts

that you have not taken, and measure, by the same indicators, and tell me what you come up with. (applause)

But it's important that we know -- understand what the role of the State monitor is. We need to see his background. How did he get into Paterson? He needs to be removed. (applause)

ASSEMBLYMAN MALONE: Mr. Chairman, can I ask a question?

SENATOR RICE: Let her finish first, Assemblyman.

ASSEMBLYMAN MALONE: Sure.

SENATOR RICE: Yes, Assemblywoman.

ASSEMBLYWOMAN EVANS: What is the new State superintendent search progress? We need clear and public (indiscernible) for the new superintendent. The community and the legislators need to fully understand what are the performance goals by which these new superintendents will be evaluated. And can I obtain a sample of a superintendent's contract -- what's in it, what's the expectation? We need to know. Our State -- the colleagues from my district, from the 35th Legislative District, where Paterson is located, are very concerned about the new process, very concerned about the lack of Paterson to move ahead. I can tell you, there's been too much interference and not enough technical assistance. (applause) The evaluations that go on-- Sure, they spend a lot of time in Paterson, sure there are problems. But there is so much interference politically, and we need to listen.

We talked to the union. And when the union brought the issue to me about the books-- How can a State monitor make -- cancel the order

if teachers order books in August? He cancelled the order and decided not to order them again until some time in October. That's ridiculous.

Yes, sir.

SENATOR RICE: Through the Chair. (laughter)

Assemblywoman, through the Chair.

ASSEMBLYWOMAN EVANS: Through the Chair, I'm sorry.

ASSEMBLYMAN MALONE: She's ready to go.

SENATOR RICE: I want the public to know that Assemblywoman Evans is new to Trenton, but not new to the process. I think you determined that, right? (applause) The process of politics -- process of the Chair, yes--

Assemblyman Malone.

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

Assemblywoman, thank you very much.

Look, it is very distressing to hear you come today and basically say the kids aren't getting books, the kids can't get paper, and there's all kinds of interference, and there's a lot of wasted money. I mean, does anybody have a handle on where the money is -- if it's not providing books, and it's not providing paper, and there's all kinds-- Where is all this money going?

ASSEMBLYWOMAN EVANS: We should ask the fiscal monitor.

UNIDENTIFIED SPEAKERS FROM AUDIENCE:
(indiscernible)

ASSEMBLYWOMAN EVANS: Excuse me, folks.

SENATOR RICE: Hello. Hang on a minute.

Now, my brothers, and sisters, and others from Paterson, you know I love you. I've been there many times. This is not a city council meeting. As a local council person, I know how we come to council meetings. Think of the State House as Congress.

Now, Assemblywoman.

ASSEMBLYWOMAN EVANS: The reason you have a State monitor -- that was supposed to be his job, not count sheets of paper. And I think the Commissioner could answer that question. Because I'm saying, you're paying the State monitor over \$100,000, I'm sure -- because nobody makes less than that -- to come to Paterson to do the monitoring. And it wasn't because money was being flaunt. We had \$50 million disappear, and they didn't see the need to send a State monitor in there. They still haven't done anything. A lot of people have not gone to jail for that \$50 million that disappeared from Paterson.

I don't know where it's going. We have to ask the State.

ASSEMBLYMAN MALONE: Look, let me--

ASSEMBLYWOMAN EVANS: Yes.

ASSEMBLYMAN MALONE: Are you convinced that it's not getting to the kids?

ASSEMBLYWOMAN EVANS: Absolutely.

ASSEMBLYMAN MALONE: And if it's not getting to the kids, I think it's incumbent upon all of us in the Legislature, because this issue comes up during the budget hearings-- I've been in the Legislature now 15 years. I've been on the Budget Committee, Education. This is the

very issue that goes to the heart of the discussion about school funding. People want to know, throughout the state, where the money is going.

If I have to come up and sit with you up in Paterson, I'd be more than glad to do so. But I just think everybody deserves, in the State of New Jersey-- If you feel it's going someplace other than to the kids, then we need to find out what's happening, where it's going, and who is getting it. Because it's obvious that if you don't have books, and you don't have paper, and you say there is political interference-- Is it local political interference, is it State political interference? Maybe you can explain that a little bit better. I mean, I understand no books and no paper. But I just need to understand better the mechanism as to why these things aren't getting to the kids.

ASSEMBLYWOMAN EVANS: When the State came in and took over Paterson, they claimed they could do a better job than the local people. They took full control.

We need to ask the Commissioner to explain to us why it's not trickling-- I know you have a superintendent. But if we keep changing superintendents in Paterson-- The one we have now, supposedly, was doing a much better job academically. Yes, there are some serious issues that occurred this year, this school term. Okay? But it was moving ahead. It was starting to trickle down.

Then we got the fiscal monitor that was supposed to come in because, supposedly, they listed something wrong in their audit report every year. So Paterson got a fiscal monitor. Now, the monitor that they put in there -- this gentleman is creating a bigger problem for academic reasons. If

the children don't have books -- that's a good example. If they're not getting books, and they're not getting the material--

ASSEMBLYMAN MALONE: The money hasn't decreased, as far as I know.

ASSEMBLYWOMAN EVANS: No.

ASSEMBLYMAN MALONE: And the thing is this: It can't be one monitor that is -- the money -- that monitor is not spending the money. Somebody has got to--

ASSEMBLYWOMAN EVANS: That monitor is overseeing the spending of the money. And that monitor made the decision -- that's my frustration -- to say kids don't need books. Something is wrong with that monitor. If the teachers put the orders in, in August -- he cancelled the orders. How are you going to get books in October that the kids should have had the first day they came into school? And how do you-- According to what I'm being told, he ordered the paper -- and this is coming from the union and the principal. He ordered the paper. If I order-- If I'm a principal, and I need 500 cases-- He ordered the 500 cases, but he has paper stacked up all over the district. Because he is saying to you, when you get ready to say you need -- "You don't need but so many sheets. You only need 100 sheets, you don't need 500 sheets for real. I'm going to give you 100 now. When you run out of that, you come back to me." And he is actually counting sheets of paper. In the meantime, the teachers are telling me, and the principals, that they don't have paper for the students.

ASSEMBLYMAN MALONE: You mean one monitor is worrying about-- I just find--

Look, I'm going to come up and personally deal with you. (applause) I can't imagine one monitor is worrying about what one teacher gets, as far as whether they get 50 sheets of paper or 100 sheets of paper.

My wife has taught in Philadelphia for the last 35 years. I understand the stories that she tells me about some of the things that go on. But I just can't imagine one monitor in Paterson is worrying about what teacher gets what number of sheets of paper. I think there has to be something more going on than this. And I don't need to--

You and I can talk privately.

ASSEMBLYWOMAN EVANS: Right.

ASSEMBLYMAN MALONE: I'd like to make an arrangement to come up and visit with you.

ASSEMBLYWOMAN EVANS: I think that there are some serious-- That's why the community needs to know what is going on when we bring in the next superintendent. Enough is enough. Every time we bring a new superintendent in, then they change the way things are going. We had a superintendent -- \$50 million was misappropriated. They took him out, brought him down here, stuck him in the Department of Education to serve out his time so he could draw his pension. They put an interim in. So now that changed. Then, when they take the interim out, they bring this superintendent in. And now they decide we need to put in a monitor. When we had the \$50 million is when we should have put the monitor in there. But that's neither here nor there. But if the monitor is there, the monitor is supposed to make sure that it's being spent correctly, not creating decisions that the superintendent should be making.

SENATOR RICE: Assemblywoman.

ASSEMBLYWOMAN EVANS: Yes, sir.

SENATOR RICE: We understand your frustration.

Do you have any more questions, Assemblyman?

ASSEMBLYMAN MALONE: No.

I'm going to talk to you personally.

SENATOR RICE: Let me say this, and then certainly the Assemblyman and all the members are free to, on your own volition, go visit the district.

I already assured the Assemblywoman that once we get reorganization, I was going to ask the Subcommittee for State Intervention to go hold a hearing up there.

It just so happens, Assemblyman, that's -- you and I had a discussion. That's one of the committees I've asked you to be a member of. (laughter)

ASSEMBLYMAN MALONE: Thanks. I should have kept quiet, right?

SENATOR RICE: Assemblyman Diegnan chairs that Committee, and Senator Baroni is the Vice Chair of that particular Committee. And I'm on the Committee, also. And just for edification, Senator Ruiz is on that Committee, Assemblyman Vas.

And so what I need to do is -- and Assemblyman Diegnan is not here -- so maybe I will reach out -- or the Vice Chair will reach out. We need to get a date, maybe some time in April, to go in there and take a look. And maybe we can set it up in such a way with staff -- we'll help arrange it where we can come and maybe do a little touring, then hold a hearing; or hold a hearing, then do a little touring. Somebody needs to talk to us.

ASSEMBLYWOMAN EVANS: Okay.

SENATOR RICE: I've also assured you that as Chair of the Legislative Black Caucus, that I'm asking Assemblywoman Jasey, under that Subcommittee, to come up with her committee to have some brotherly love and sisterly affection talk (laughter) with the people of Paterson to make certain that all the information is coming through. Because there may be things that people won't say to those of us collectively on the Committee -- that they may say to us, recognizing that we represent the same background, in terms of the urban districts and the needs from a grassroots perspective.

With that, I saw two hands.

Senator Baroni, then I saw Senator Cunningham's.

SENATOR BARONI: Thank you very much, Mr. Chairman.

And, Assemblywoman, as always, your passion for your school district--

And for those of you who have not had the opportunity to see the Assemblywoman at work here in Trenton, you do not have a better and more passionate advocate than the members of the Assembly from your district, who care very passionately.

I have sort of a philosophical, almost theoretical, question. I do not represent any districts that are Abbott districts. And the folks who I represent read the stories in the newspaper about the \$50 million and what have you. And they say we should have a State monitor, and we should have a fiscal monitor, because clearly there are some issues. And you read the KPMG, as you pointed out--

Isn't the point-- And you're talking about -- it was the paper, and books, and all this. Although, I'm not sure who orders books in August for September. But what do I tell a constituent of mine who says there should be fiscal monitor? That's exactly why. I mean, with the amount of money going from the State Treasury to Paterson. Theoretically, what's the answer? Why shouldn't there be a fiscal monitor?

ASSEMBLYWOMAN EVANS: Mr. Chairman.

SENATOR RICE: Yes, Assemblywoman.

ASSEMBLYWOMAN EVANS: We're not objecting to a fiscal monitor, we're objecting to this particular individual.

And I'm saying -- who orders books in August and needs them in September? Teachers. And when would you order them? You have to order them-- If they put the order in, in August, the books would be ready by September 1. But you can't cancel the order because you don't think they need them and wait until-- I guess the gentleman is very frugal. You have to count every pen and pencil. So I don't know if he waited to go through the building and count all the books to see how many they exactly needed. But on academic issues of this sort, I'm saying it's outrageous that you decide you're going to cancel the order. Now, this is coming from the union. Because, at first, they blamed the superintendent for it. And the union said to me, "No, this was the fiscal monitor's decision to cancel the book order." And then when he realized at the end of September the kids had no books, he put the order back in. And look how late the kids got the books.

SENATOR BARONI: Yes. On the issue of books, it's obvious it's a significant point that they had to go back. But as someone who

teaches and does order books-- I mean, I teach at the higher education level. But you don't order them a month in advance, you order them six months in advance. But I don't know the particulars of this.

But one final point, Mr. Chairman.

You made a point about being frugal. I think we want the fiscal monitor to be frugal. I'm not saying this particular person. I don't know this person. I'm looking forward to our Subcommittee coming up and visiting. But I think we want a fiscal monitor to be very frugal. They have to do it in a responsible, academically based way. But we deserve -- all the taxpayers in New Jersey, and the people of Paterson, deserve a fiscal monitor who is both frugal -- but also understanding of what goes on in the classroom. And I think we need to -- this Committee needs to go up and spend time in Paterson and come up with ways. But I actually believe the Commissioner of Education very much has the good of all the students of New Jersey at heart. And I think what we need to do is make sure that the information between Trenton and Paterson is flowing effectively and correctly.

ASSEMBLYWOMAN EVANS: Mr. Chairman, let me say, I am compassionate about the tax dollars that are going into Paterson. I served on Paterson's school board for six years. And we were about -- finally got one control, because you had dual control, and were making a difference to turn the district around when the State came in and took Paterson. Okay? And I know what it takes. But to have someone who is pennywise and a dollar foolish is ridiculous.

Because what I'm saying to you is: Yes, they probably should have ordered the books six months ahead. But it would not have mattered. He cancelled the order.

And I'm-- We're not objecting to a monitor. You need someone with superintendent experience, who can understand the curriculum; someone with the background in an urban district and what is needed. No one objected to the fiscal monitor. My question is on this particular person. And the next superintendent we get, hopefully -- that I intend to watch very closely. The last time I did not. I went to some of the hearings. But the point of it is, it's the State's responsibility to search -- to work with the local community to find a superintendent. If you get one that the community can work with--

Now, I know our superintendent is resigning, but he's resigning because of all of these issues. What I'm saying to you -- every time-- Paterson will never go back if you continue with this disruption and interference. And we know, in a corporation, every time a new CEO comes in, he changes the direction the company goes in. You don't throw it all out. But everybody has their own style. And what we're saying is, we need some stability in Paterson so that we can take back control. And I'm saying, when you look at the measuring, other than governance, and talk about what is there-- You go to any of these districts throughout the state that are not under State takeover, and you'll probably get the same measurement. You will probably get some of the same measurements.

And the school board is just there. The school board is not a board that can make the decision, because the superintendent can override them in this. So there have been some problems. And we had a school

board member who just got a year sanction. But the problem is, we're in -- voting -- the people vote these people in. And if we're going to move toward stability and try to get this district back where it belongs-- I think the district would come back. With the proper technical assistance from the Commissioner you would see a great school district. (applause)

SENATOR RICE: Senator Cunningham.

But let me say this -- a couple points you made. I don't want to forget. QSAC-- Unfortunately, Paterson was already under State takeover under the old law, which could never work. QSAC, we believe, has a better opportunity of working. We have to measure it out, because it's still new in its inception of the novice stage. The problem with Paterson is that, because you were already there under the old law, the new law just basically started to keep you there.

But we're hoping, under QSAC -- unlike the past law -- that, once we implement it, there will not be total takeover the way we know it now in Paterson, etc., Newark, and Jersey City. And that's why we have to come up and see what's going on. Because the greatest concern that those of us who have been watching this, and those of us who represent the urban districts-- Because we're keeping our eye on Camden -- the Senator will tell you that -- because we don't know what the State's going to do, how it's going to happen, even though we know we need help. Those of us in Jersey City -- our greatest concern happens to be the fact that the State took it over. In other words, the issue raised is not an issue of monitoring, it's who monitors and what are they supposed to be monitoring. I mean, I wish they would go in and monitor the city of Irvington, not just the board of education in Irvington. The city needs monitoring now. But you don't

need someone to overstay or someone who is being nitpicky. They're not doing their job, because they want the job.

And so the issue becomes: Wait a minute, if you're telling me that we have monitoring, and there are still problems -- we have this -- the question is going out, in this case to the Assemblywoman, the locals as though -- what are you all doing? I think everybody is missing the point. It's the State running the district. Let me say it again. Whatever problems are there, regardless of whether they're right or wrong, it is the State running the district. In Newark, it's the State running the district. In Jersey City, it's the State running the district. So what happens is, when the front page of the media, or the cameras say, "Well, Paterson has this problem." Legislators -- not those here, but most -- and people in government forget -- they come to the locals and say, "Hold it. You all need to get rid of some people." We can't. It's the State running the-- We don't go to the Governor and say, "What the heck is going on up there with our money?" (applause) That's where the problem is.

And so that's what needs to be addressed and changed. And we need to get up there, because--

And then the final thing I want say, before Senator Cunningham comes on, is that the QSAC -- the intention of it -- and I see the Commissioner is still there. I know she has to leave. The intention of QSAC was, yes, to help us find a way to transition out of takeover districts and districts intervene-- But the true, believe it or not, intent of QSAC was to keep the politics down, to get into other districts. And I expect, this year, for somebody in the Department of Education to tell this Committee that we're going into some wealthy districts and some mostly wealthy

districts, some place besides urban, and say, "We did the QSAC evaluation under the indicators, and we're doing great, or we have some problems, etc." Because if not, it means that we're going to spend the life of New Jersey always watching urban districts -- whether the urban districts are majority white at the time -- because you know we (indiscernible) change majority black and Latino. It isn't going to make a difference. It's always going to be urban -- as though there are no fiscal problems in some of these other areas that have come to our attention. And so I want you to know that.

Senator Cunningham.

And is there any other member who wants to speak before we close out?

Senator Cunningham, Senator Ruiz.

Oh, then we have the Councilman, then we'll close out.

SENATOR RUIZ: Thank you, Senator Cunningham.

I just want to excuse myself from the meeting, because I have a problem with a high school in my district. So I'm going to go try and resolve that as well. But as a member for -- a member on the State Intervention, I look forward to going into Paterson with the Committee and to really getting at the core of what's happening.

To the parents and everyone here, thank you for your commitment to the community. (applause)

Thank you, Senator.

Thank you, Chairman.

SENATOR RICE: Thank you, Senator.

If you need some help with that school, let me know.

SENATOR RUIZ: Stop by, please.

ASSEMBLYWOMAN VOSS: With a baseball bat. (laughter)

SENATOR RICE: Senator Cunningham.

SENATOR CUNNINGHAM: Assemblywoman, how many superintendents have you had in Paterson since the State took over?

ASSEMBLYWOMAN EVANS: Five.

SENATOR CUNNINGHAM: Five?

Why are they leaving? What is the-- What's causing the turnover of superintendents?

ASSEMBLYWOMAN EVANS: Most of the superintendents feel like their hands are tied and they're getting bogged down in more minutia. We know the State--

I'll tell you, I've never seen people work so hard now. The progress -- the Commissioner monitors them -- and whatever technical assistance they're giving-- These people work 7:30 in the morning until 8:00, 9:00, 10:00 at night. Principals, superintendents -- people are working hard. Okay?

Now, people get frustrated. Their hands are tied. For instance, the QSAC standing-- The QSAC did the evaluation. And I need some answers to that, and the Commissioner can answer me. She doesn't have to answer me today, she can get that to me. According to what we were told, the standards that they evaluated and rated Paterson with were much higher. But it goes to the Commissioner, to the Department of Education-- Supposedly it would change. I don't know if that's true. I ask her if she would get that information to me to dispel that once and for all.

But their hands are tied. They can't operate. You have no local board to deal with. You deal directly with the State. And all of the issues --

you go from Paterson to Trenton, or Jersey City to Trenton. So all of these issues are creating a backlog on local -- how you run your district and some of the things that you can do. It just creates too much minutia, which I think is creating a monumental task for the Department of Education.

SENATOR CUNNINGHAM: Does the Superintendent report to the School Board? What is the relationship between your Superintendent and the School Board?

ASSEMBLYWOMAN EVANS: In Paterson--

SENATOR CUNNINGHAM: In Paterson.

ASSEMBLYWOMAN EVANS: --the relationship with the School Board is good. The relationship with the Paterson School Board and the Superintendent is a good relationship. But the governance piece -- and I don't understand, and I asked to see that information -- where they're saying that, I guess, the School Board can't run the district. That's one of the indicators that they evaluate to determine to return the district. If the School Board has an 89, then they can get the back -- the management has an 89 -- you just need to get 81, not all the others. And what was the purpose of State takeover? If you're saying, "We're going to fix this, and all these problems are going to go away because now the State is going to run your district, and it's going to be perfect--" Seventeen years -- you haven't proven it yet.

SENATOR CUNNINGHAM: So 17 years it's either gotten worse or stayed the same.

ASSEMBLYWOMAN EVANS: It's gotten worse.

SENATOR CUNNINGHAM: It's gotten worse.

Now, what about the superintendent that supposedly absconded with \$50 million?

ASSEMBLYWOMAN EVANS: He's retired. He was allowed to come down to Trenton and spend his years so he could get his pension.

SENATOR CUNNINGHAM: Was there an investigation to prove or disprove it?

ASSEMBLYWOMAN EVANS: There was an investigation, and one gentleman -- one of the maintenance people got into some trouble, and a couple of small-time people, but that's it.

SENATOR CUNNINGHAM: So supposedly a maintenance person, then, stole the \$50 million?

ASSEMBLYWOMAN EVANS: Well, he took some gifts and whatever.

SENATOR CUNNINGHAM: Fifty million dollars worth?

ASSEMBLYWOMAN EVANS: Fifty million dollars. We never-- The community has not gotten an answer to that yet.

SENATOR CUNNINGHAM: And when did this happen?

ASSEMBLYWOMAN EVANS: This happened four years ago?

C O U N C I L M A N W I L L I A M C . M c K O Y: Right, under the prior administration.

ASSEMBLYWOMAN EVANS: Right. And they brought him here. They put an interim in to run the district until they hired Dr. Glascoe, who we've had for the last two-and-a-half years.

SENATOR CUNNINGHAM: Okay. Thank you.

SENATOR RICE: Okay. Thank you, Assemblywoman.

The answer to-- Yes, the State of New Jersey--

And Melanie and staff, if you could help assist us in getting information for the Assemblywoman.

When the evaluation was going on with the indicators, I know in the city of Newark district, the professional -- just as capable, just as qualified -- independent consultants and some other groups came from the national, etc. -- were watching Newark and the indicators. And the indication was that it was better than what the State alleged it was. When Commissioner Librera left here, we felt that self-assessment -- they would probably pass three to four of those indicators. It was the State that took away points. Some of us appealed, and they gave a few points back.

We really believe that that was to prolong control of the districts until they could jockey in the kind of -- what superintendent they wanted. Now, the State would deny that, but that's our personal opinion. And I'm saying it for the record. And so I wouldn't be surprised if the same thing happened in Paterson and Jersey City. But we have to move forward some kind of way and say, "We're going to come up there."

In terms of the \$50 million -- it was \$70-plus million in Newark, by the State -- represented this, regardless of what happened to it. And that superintendent wasn't moving the district any place. She is now in Florida, I believe it is, doing a wonderful job. And it took a Marion Bolden, who they kept trying to get rid of, to bring Newark to the way it is. She did an excellent job without even replacing those dollars and with the shortfalls. And so with that, we know the State can't run education. You're right, leave it to the local people. And let the State get accountability and enforce laws against criminal activities.

Councilman.

COUNCILMAN McKOY: Thank you, Senator Rice, and to the Committee. I certainly want to extend my thanks and appreciation to you for this opportunity to address you, and for the serious issues that you are considering today.

Just in the way of background, I'm a former president of the Paterson Board of Education. I served as one of the principal developers of the E-Rate -- a young man who graduated from John F. Kennedy High School and participated in the free lunch program. So I come to you with that background. I also happen to have spent 21 years in Verizon -- Bell Atlantic, New Jersey Bell, whatever you call it -- as a manager and as an auditor. I have an accounting background from William Paterson University. And I currently work for the Jersey City Board of Education. So I come to you from both of those districts' perspectives.

And I must tell you that, in Paterson, the confusion that you see is very difficult for us to wrestle with and move forward. Because it appears at times that we're not getting the assistance that we need. The Commissioner has expressed, and I think sincerely, that she's working with the local community and the local board. But I must tell you that I'm pained by the letter that was issued in August with respect to the superintendent. It is our opinion that that letter was sent out unadvisedly, having not formerly reviewed -- evaluated the superintendent. And the letter put in place a series of events that you're seeing now with tragic outcomes. It is the letter -- which two of the tenets were most troubling. For all of the problems that we have had with political interference, for all of the difficulties that we've had with union arrangements and the working conditions under which teachers and the administration work -- to have two

of the primary tenets of that letter being that the superintendent must cooperate with local stakeholders, political officeholders, was troubling. The fact that he was advised to reduce grievances and cooperate with the unions at a time when it was a contract negotiating year-- And I served as one of the first parents who were on the contract negotiation team. And I must tell you how difficult that is. That letter set in motion a series of things that led to the superintendent expressing his intent not to renew his contract. He felt that he was not receiving the support of the Commissioner and that they simply did not understand the work that's being done.

I must tell you that having seen all five superintendents and having worked with them as a local individual, this was among the best that we had. The focus on children first-- He did not engage in political gamesmanship or games. And his direction was to have everyone working together to bring about educational reform. You don't get education reform or improvement by not breaking a few eggs. The notion that he ought to cooperate with the union, I think, was a failed one. And it led to an insult of a professional, having not been evaluated, to receive that kind of letter.

Now, this is the backdrop that we're in -- where, in my opinion, the State is responsible, primarily, for a thorough and efficient education. And financially we ought to be prudent and conservative in doing that. How do you get a superintendent to come into an environment, when the one we have now-- We did a national search. We got three candidates, one of whom withdrew before the interview took place. The second person withdrew the night of the interview. We've got one person that showed up to an angry crowd and was able to respond to their questions, assure them

of his credentials and his qualifications, and he got the job. That was Dr. Glascoe. He is now one of three finalists in another electoral process that looked at 65 superintendents. We're not talking about an institutional -- or educational midget. This young man is capable and was about doing the job. (applause)

We are dismayed that we are now put into this situation where two of the State-operated districts are in need of a superintendent. And it's never premature to do adequate planning or to anticipate problems and issues that come about based on the plans you've put in place. The changing of a superintendent is one of the most difficult and delicate acts that we could undertake. And if you don't have proper transition, you're looking for a train wreck.

We believe that the environment has been contaminated when you're looking, now, for two superintendents in two districts. We had a hard time finding one person when we were only looking for one. And we are in March. April is upon us. How do you have that happen between now and then? I don't think it's possible. And I think those decisions ought to be reconsidered. This was deliberate, in some regards. We had choices in how we go about--

Firstly, one should evaluate an individual. To act against me, without an evaluation, without an independent instrument that we can all agree on -- where are my shortcomings, or my strengths, and my weaknesses -- I think is a failure. And I don't know what prompted that letter. I regret that it was ever issued. And I regret the damage, unfortunately, that has already been done to those youngsters in that community, to my children, as a result of that.

The superintendent -- the Commissioner has not met with the local board of education, the local representatives of the school district that have been duly elected. And I must tell you, I did that job both as a member and as president. It's the most unrewarding job in the sense that it's the most difficult. You can't go to the barbershop or to the supermarket without being accosted by a parent who is concerned about their child and their circumstance. And they believe you were elected to represent them. You call yourself the president of the board of education -- you ought to have some influence, you ought to have some impact.

We're being called, now, *advisory board*. When I was there, I refused to be classified as advisory board. The advisory board was prior to the board being elected. And I don't know where the term has been resurrected, but I think it's falsely being used. Those individuals are the board of education. They should be respected, and they should be given every courtesy for doing a very difficult job. By not meeting with them, by not consulting with them, you disenfranchise them, you pull the rock from under them, and you allow their work to be viewed in a diminished way. They are less than, in your eyes, because they're not treated with the full respect that the citizens of that community gave them. And I did it, and I know what it feels like. That's all you have -- is a lunch at the meeting and the reward of making a difference.

And the most important thing that a Commissioner of Education could do is to meet with the local board of education. It sanctions their position, and it says that they are a partner in a process. The only way you can partner with me -- we have to do it together. We

can't partner from Paterson -- I'm in Paterson, you're in Trenton -- that's not a partnership. And so it is critical -- important.

The Commissioner did come to Paterson, on the insistence of the Paterson Education Fund and other stakeholders, and met with us. I was at that meeting. And one of the concerns we had was, would she meet with the board. And she emphatically told us that she had no intention of meeting with the board or the superintendent and that her staff would do some of that work. As of this date -- I may be mistaken -- but the Commissioner has not met with the board to inform them (*a*) of the decision not to renew the superintendent contract; or the superintendent search -- when it will begin, what is the process, how it will be laid out, or any of the terms and conditions under which the new superintendent would be elected. I find that to be troubling. Because unless we have some buy-in from the local community, from the local board -- with coming to the realization that a change in the superintendency was required or necessary in the first place, they need to have that response. I don't believe that-- I don't see it, as a Council person, as a person. I do not see the need for the letter that would revoke the contract of the superintendent.

And I tell you, as a professional, I've seen it in Bell Atlantic, where they offer a buyout. And their intent was to get rid of the dead wood, the folks that were a drag on the corporation. So they offer them money to leave. Well, you know what happened? The dead wood remained the same, because they had no options. It's the bright people that can find other jobs that took the money and left. And now you have a brain drain. That's similar to what we have here -- situation.

If you insult me, as a professional -- if you insult my qualifications and my commitment, I do not have to take that, because I have options. I can be one of three finalists in Virginia, or Washington, wherever. This man has come with qualifications and resources that we have not seen in Paterson. And I think it's a travesty that we're losing him and that we're looking for a superintendent at a time when we have fiscal difficulties, we have budget shortfalls, and we are rating ourselves as not being academically robust.

Who will come to Paterson with that environment having been created? Where can you find a talented, qualified, energetic superintendent when we tell him that, "You must behave yourself relative to the local politicians --" and I'm a political person -- "You must behave yourself relative to the local union. Our union has policies and agreements, and you must reduce grievances when--" I'm not too sure which member of the panel underlined this score that says, "You need to have talented teachers, certified in their particular discipline, where their discipline is needed." That's what this superintendent did, and it led to a plethora of grievances. Because, "As a teacher, I felt I'm obligated to stay in the school where I am for the last 10 years. And how dare you move me from School 5 to School 15, even though my math certification is not needed in School 5 because we already have five certified math teachers. But you need me over here at School 20, where there is no certified math teacher. Because you moved me, I grieved it." And the Commissioner says to the superintendent, "You have too many grievances." What is the basis for the grievance? That's not important -- just reduce the number of grievances. Well, that's not right. That it just not right.

I get overwhelmed. (laughter)

SENATOR RICE: We'll slow you down and--

COUNCILMAN McKOY: Thank you.

At the time I participated on the teachers' contract-- That's what I wanted to bring out, my personal experience. The language of the contract says, "You will meet with parents for a maximum of once per year." Listen to the language.

ASSEMBLYWOMAN VOSS: Maximum?

COUNCILMAN McKOY: That's what I said. For a maximum of one. Now, how much do you have to do before you reach this ceiling? So we were able to negotiate for a minimum of three meetings, because I was there. And they hated me. And I stayed until 1:00 in the morning, 2:00 in the morning, and still had to go to work. We changed that language.

Some of the grievances that we have in Paterson are that you cannot call a meeting of the teachers or anyone else on a Friday if there is a holiday on a Monday. And you must give five days advanced notice to a meeting. So if you came in on Tuesday, Monday being a holiday, and you would like to have a meeting on an emergent issue, you can't have it for that week without being grieved. The building principals called a meeting on a Friday to introduce the new principal coming to the building. That generated grievances because it was called on a Friday and that Monday was a holiday.

Those are some of the silly things that sometimes raise to the level that you find there is a real disconnect. And if you're not knowledgeable of the issues, you slide over the most important things.

I must address the budget issues. The budget school formula does not address the opening of new schools. We shan't discuss the \$3.25 billion that was -- or was it \$8 billion -- that was lost as part of the school construction program. I'm not going to talk too much about it. I think we're all shamed by that event -- that we got no schools out of it. But we know that we needed new schools in Paterson. We got one that will be opening up, the International High School.

There is absolutely no money in the school formula to address new school openings. A couple of us bogarted into the Governor's meeting at Passaic County Tech and reminded him of that issue. And he gave us his personal commitment that there would be separate funding in acknowledgement of the fact that there is no money in the budget -- in the school formula for new school openings. That will be a separate funding stream to address those issues. And we were delighted to hear that response.

SENATOR RICE: Excuse me, Councilman. Let me ask a question here, and we're going to wrap up. Okay?

COUNCILMAN McKOY: Yes, sir.

SENATOR RICE: When you said no money in the budget to address school openings--

COUNCILMAN McKOY: New school openings.

SENATOR RICE: New schools. What moneys are you talking about specifically? I mean, say from a line item perspective, what kinds of things are you talking about?

COUNCILMAN McKOY: All of those -- the new teachers, the new books, the new desks, the new furnishings -- all of the things that would begin to open up a new school.

SENATOR RICE: Okay.

COUNCILMAN McKOY: The funding formula addressed the current existing operation within the budget based on a per-student formula that was developed to come up with that money. It did not address the fact that in this district, we're opening up one or two new schools, which would require additional personnel, additional resources, additional funds.

SENATOR RICE: All right. The reason I raised that is because the question came to me from the kids, when they went to demonstrate at City Hall the other day about the new school -- I know (indiscernible) is going to be opening. That's going to happen. And they kept telling me there was no money there. And I said, "No, there's money there. We're going to finish the school. It's in the ground." But they kept saying, for furniture and other stuff. I said, "Well, you can't open a school without furniture. We're not going to bring park benches in, so there's got to be money some place." But to say it's not in the budget concerns me, which means that we need to find out exactly where the dollars--

Now, we're going to have subsequent meetings. We're coming to Paterson. We're going to have subsequent meetings to address school construction and budget stuff. I just want you to know that.

Why don't you wrap up now, because I need to get members out, get people out. And a lot of this is going to come back to us once we hold the hearing in Paterson.

COUNCILMAN McKOY: Let me just say that -- quickly -- there was a budget hearing recently in Paterson, and I attended it. And the discussion was, we must now eliminate all school -- after-school based activities that are in our schools, because we don't have the money -- a million dollars-plus -- to pay for the extra custodial and security that might be needed. So after-school programs that have been running in a number of our schools, that have been principally responsible for maintaining and improving educational programs, are now being threatened to be eliminated. And the reasons for that are, there is -- the opening of International High School -- the cost of that is now being inserted into the regular budget of the district and displacing the moneys that have been placed there for a lot of other things. We have an after-school program for youngsters that speak Arabic and those who would like to understand the Arabic language, on Saturdays. That program is being eliminated. And a number of our after-school programs are being shut out.

What I suggested then, and I say here, is that given the Governor's commitment to us to separate the opening of new schools from the regular program, that should be a supplemental budget that would be submitted to the board of education to address those areas and allow for the regular school budget to go forward with the funds that have already been identified. The fiscal monitor and the business administrator have not chosen to do that. And so you're having a disparate impact on the operational dollars of the district, due to this artificial requirement to fund the new school opening. That is not the same level playing field that every other district is being faced with.

SENATOR RICE: Why don't you do this, and let me make a point on that--

First of all, whatever suggestions you have, get them to the Committee, and to Assemblywoman Evans, and Senator Girgenti so we can discuss them while we're going through these deliberations on the budget. Number one, I would appreciate it, and my members would too.

Number two, when I first came, in 1986, I thought I was going to be the kids' champion, the education community champion, because it was clear that playgrounds, when we grew up, were open. All of a sudden, they were closed. And I'll never forget. Commissioner Ellis was here. And he fought me and said, "I don't believe that the State should be responsible for opening playgrounds and things of that magnitude. I don't think it's a part of education." And I said, "Why do you think we build the playgrounds?" And so I put a bill in to mandate that we open these playgrounds, statewide. The bill never went any place. Lavallette, New Jersey, told me they didn't want to open playgrounds, because they have all these wonderful things to do after school and they didn't want those things closed. I said, "Fine. Don't hurt me. I need help."

Then the Abbott districts rolled around, and I said, "Maybe I will get smart and I'll mandate that they open the Abbott districts." I did that, and I couldn't get the bill passed. Nobody wanted to spend money. So I said, "You know what? To hell with this." One thing about the community I represent -- I don't care how bad we're doing, when it comes to these kids, contrary to what the State thinks, we're going to do the right things if we have to. So I put a bill in that said, "I don't want your State money. All I want is for you to pass my bill to make sure that it's clear that

the municipality gets with the board of education, determines how many after-school--" because we were paying for this in Newark anyway -- "how many after-school programs we want in how many schools, up to no more than \$2 million." And that bill says that you would make that determination, working together -- the kinds of programs you want. Then you go out in the community, and you hold two public meetings to describe to the public what you are putting in, and where they're going to be, and how much it's going to cost, and then you go referendum. And I'm not even a firm believer of referendum. I said, "Okay. Then you go referendum in November and let your taxpayers vote on it." Because I know Newark residents, for example -- regardless of how bad we're doing -- will vote two pennies, if that's what it takes to get to two million; or one penny -- that's what it takes on a million. But I also said, "Whatever we're spending you can't take out." So you don't slide a million in and then take it out. I also said people were going to be held accountable and this is dedicated money. Well, the bill got hung up in the Assembly in the last session.

And so I wonder, sometimes, if the State really wants to help. Now, the bill is back in, by the way. I had to kind of change it from SCC now -- districts -- to SDA districts. But the point is that some things we're going to have to pay for ourselves. But it has to be outside of the cap. Because we can't say that these kids are obese and not getting the exercise, we can't say that parents don't have the ability to help these kids, and we're not putting support systems in the schools and after school for the parents and the students, and cry about dollars. We just can't do it because it's costing us more.

And so hopefully we can move that legislation through. But in the interim, we have to figure out, in this budget -- and this is the worst fiscal year, I believe, we have faced since I have been here. And I can defer to Assemblyman Malone who has been here just as long as I have. We went through some tough ones, but I'm not so sure about this year. And this is not going to be easy. And we're going to get whipped, regardless of how we cut this mustard. Okay? And so we're going to be on it.

If I can take the liberty of the Chair to conclude this, now. I think your points are well-taken. We will be hearing from you again. We will be coming to Paterson as soon as the Chairs -- the Chair and the Vice Chair can arrange this through the Committee. And I'm asking staff to reach out to Assemblyman Diegnan to let him know that I need this done right away, and Senator Baroni. And then they'll give us a call.

Any other comments from the Committee before we close this out? (no response)

Let me thank the members.

To the new members, this is just an intro into what this Committee is all about. We're going to have a lot of meetings in between meetings. So I always tell people, "If you don't want to work, don't be on this Committee, or any committee that I Chair." (laughter)

Senator, did you want to say something?

SENATOR CUNNINGHAM: I just wanted to say -- I wanted to thank the Assemblywoman and certainly this Council person for the information they've given us today.

And I would implore you, Senator Rice, to please invite the Commissioner of Education to come back to this Committee. I think some

of the things that were brought out today certainly seem to contribute to the negativity that's appearing in Paterson. And I think that-- I'm sorry that the Commissioner left, because I think I'd like to hear her response to some of this.

SENATOR RICE: Senator, let me close out by saying that I see someone from the Department here. I personally made it clear to the Commissioner that this Committee has been very kind to her Department. Because the veteran members know that we have spent a lot of time -- and we had to, to be quite frank -- really addressing SCC, getting accountability, getting them on point. I think they're doing a tremendous job. We did a lot to put accountability there. Now we just have to move forward and get these schools going, and take it a day at a time.

As we're going to -- that I explained to the Commissioner that she is going to be coming before us quite a bit, and she needs to be prepared for that. There's no ducking on that. And we're going to hold her accountable, because there are a lot of questions and a lot of areas to ask-- We still have to know what's happening in these other districts. When we talk about funding and that magnitude, there are non-Abbott districts that we have a lot of questions about, in terms of what they have to pay and what they shouldn't be paying. And things like in Phillipsburg -- what's really going up -- not just school construction, but what kind of education takes place in Phillipsburg if you have 30 trailers sitting up there. And there's confusion about what is going on.

And so we'll be back.

But I have a question to-- Could you make a note on this, unless you can answer before we dismiss? The Councilman said something

that I meant to bring up to the Commissioner. To my understanding, there was a search team put together to search for this superintendent of schools. But it was one search team to search for all the superintendents. Now, have we gotten to the point where we've changed that? Because I know when that first came out, I said, "Hold it. What do we do, fight? Who gets first choice, who gets second choice?"

You can answer that? Come on up. Put that on record for me, okay?

Just identify yourself again.

ASSISTANT COMMISSIONER HENDRICKS: Rochelle Hendricks, from the Department of Education.

UNIDENTIFIED SPEAKERS FROM AUDIENCE: We can't hear you.

ASSISTANT COMMISSIONER HENDRICKS: Rochelle Hendricks, from the Department of Education.

There are two separate firms for sure. Newark, as you probably know, is being handled by PROACT. It is the search firm that was identified. Paterson -- we just issued an RFQ. So the search firm has not been identified, but it will be a separate process. And, in fact, we're hoping to meet with the board in order to talk with them about that process and to make sure that stakeholders are involved in it, in very much the way we have been able to conduct the search in Newark to date.

Is that helpful?

SENATOR RICE: Yes. Thank you very much.

I'm glad that that finally got straightened out. It didn't start that way. (laughter)

To the staff, send a letter to the Commissioner from the Chair, on behalf of the Committee, respectfully requesting that she meet forthwith with the members of the Board of Education of the Paterson school system. We recognize it's not going to be an easy task. But remind her that one thing I can say about Commissioner Librera, as tough as it was, he came into every fire den you could think about and just took his licks. And you can cc the Governor on that one, and the Committee members.

That adjourns this Committee meeting.

Thank you very much.

(MEETING CONCLUDED)