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# *Committee Meeting*

of

## JOINT COMMITTEE ON THE PUBLIC SCHOOLS

*"Education Commissioner Lucille Davy will discuss the issues of long-term substitutes, the recruitment and retention of teachers, and what the Department is doing to assist school districts in rectifying these problems. The Commission will also discuss the issue of school superintendent contracts in context with the new Department regulations. The Committee will also hear a presentation regarding the implementation of the 2007 Articulation and College Credit Transfer Legislation"*

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**LOCATION:** Committee Room 6  
State House Annex  
Trenton, New Jersey

**DATE:** June 10, 2008  
11:00 a.m.

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

Senator Ronald L. Rice, Chair  
Senator Dana L. Redd  
Assemblywoman Amy H. Handlin  
Assemblyman Joseph R. Malone III  
Assemblyman David W. Wolfe



### **ALSO PRESENT:**

Melanie Schulz, *Executive Director*

Sharon Benesta, *Chief of Staff*

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

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**SENATOR RONALD L. RICE (Chair):** We're getting ready to get started in one moment. So if everyone would get seated.

I just have to confer here with staff on a matter.

Okay. Once again, good morning.

This is a meeting of the Joint Committee on the Public Schools.

For the record, my name is Ron Rice, and I'm presently the Chairman. We have to have another election. We thought we'd have it today -- but it won't be today -- to address the vice chair -- the statute -- which may be the co-chair if we designate.

So we're going to move right through the agenda.

Melanie, why don't you give me a roll call?

**MS. SCHULZ (Executive Director):** Senator Rice.

**SENATOR RICE:** Here.

**MS. SCHULZ:** Senator Redd.

**SENATOR REDD:** Here.

**MS. SCHULZ:** Assemblywoman Handlin.

**ASSEMBLYWOMAN HANDLIN:** Here.

**MS. SCHULZ:** Assemblyman Malone.

**ASSEMBLYMAN MALONE:** Here.

**MS. SCHULZ:** Assemblyman Dave Wolfe.

**ASSEMBLYMAN WOLFE:** Here.

**SENATOR RICE:** Very good.

Is the Commissioner here?

**COMMISSIONER LUCILLE E. DAVY:** Yes, I'm here.

**SENATOR RICE:** Do you want to come on up, Commissioner?

(affirmative response)

Good morning, Commissioner.

COMMISSIONER DAVY: Good morning, Senator.

SENATOR RICE: I'm going to give you an opportunity to introduce the people with you.

I would like you to, as per our agenda, discuss with us this morning the recruitment and retention of teachers and substitutes. I know in my district, I've talked to teachers, I've talked to administrators. But I have spent a lot of time talking to the youngsters. In fact, I'm known by the young people in my district. When they see me, they say hello. I say, "How are you doing in school?" And one thing about young people, they will tell you things.

And I have met with some parents whose children start to have some degree of problems. And I took a look at report cards. And I found out that youngsters in the Abbott districts were doing very well. And then, all of a sudden, there was a problem. The grades went down, and the kids stay in all kinds of trouble, in terms of just being incorrigible.

And it was the relationship I was looking at. So when something is wrong-- And I was actually talking (indiscernible) in one case, I asked the kid, "Well, what's the problem here? You're mother is saying one thing, but I think your mother may be part of the problem too by misadvising you." He said, "Well, they give me detention, then lunch behind some screen. And I have a substitute so much that they don't do anything. So you don't get a chance to get any real work."

And I'm looking at the grades, and I see where a good student is going bad. Then I start to check around, and I'm finding out that -- at

least in my district, which I think reflects other Abbott districts in particular -- we have a lot of substitutes who are not permanent.

And then the question was raised by one parent -- that the substitutes can't test the students. I'm not sure if that's true. If they can't test, then I just got confused about what a substitute is supposed to do besides babysit now. And the question is: How long are they supposed to stay in a classroom before somebody becomes permanent? And these kids are totally lost -- and how that relates to the whole curriculum, and us meeting the QEA indicators in our districts, and No Child Left Behind, and all these rules and regs that are put together.

So why don't you try to enlighten us? And then my members will raise questions bounced off pretty much what you said. And then we will go into another theme. Okay?

COMMISSIONER DAVY: Yes, thank you, Senator.

We have multiple staff members here, because the two topics on the agenda require really different members of our staff.

The first topic with respect to the substitutes, the four of us here will be involved in. All the way to my left is Deputy Commissioner Willa Spicer. Sitting immediately to my left, I guess to your right, is Assistant Commissioner Jay Doolan. And then on my right, your left, is James McBee, who is the Director of the Office of Abbott Services, working with the Division of District and School Improvement. And then going to the left, I guess on your side there, Assistant Commissioner William King, from the Division of Field Services, will talk about the contract issues and regulations; Assistant Commissioner Katie Attwood for the Division of Finance, also involved in contract review and the regulation development.

And I think you all know our Legislative Affairs Director, Jessica de Koninck.

So we will first have Assistant Commissioner Doolan speak a little bit about the issues around recruitment and retention of teachers. Because in many cases, the reason why a substitute is required in a classroom is because we don't have enough teachers to fill those classrooms. So we've been hard at work to address the pipeline issues so there wouldn't be a need for substitutes on a long-term basis. Jay will talk about that. And then Jim McBee is going to talk a little bit about some of the specific issues around substitutes in some of the communities for which I know you have concerns.

Jay.

**A S S I S T A N T C O M M I S S I O N E R J A Y D O O L A N :**

Thank you, Commissioner; and good morning.

Senator Rice, we do share with you some of the concerns you just raised. But before we address your questions specifically, I want to give you a brief overview of the recruitment, and retention, and our general guidance regarding substitutes, just to give you a sense of what the full impact of the issue is.

I've prepared a report. I'm just going to briefly go through that and highlight some of the key initiatives.

Let me start by saying that teacher recruitment, retention, and the use of substitutes is primarily a local district issue and responsibility. But at the Department, we feel strongly, and have regulated through State Board of Ed regulations, provided guidance to districts about retention of

teachers, which is a critical issue, and how substitute teachers should be used.

We've also taken a very proactive stance in the role of actively recruiting teachers and school leaders to work in our schools in New Jersey. I just want to briefly review the report that we've provided.

Teacher shortages is a nationwide concern. And over the next couple of years, with many of the baby boomers retiring from the profession, it will become increasingly difficult. Right now, in New Jersey, we have documented shortages in several key areas, primarily in some of our high-need school districts. They're in the areas of mathematics and science. We have shortages in special education teachers, also those teachers that serve our English-language learners -- bilingual education and English-as-a-second-language. We also have some issues in world languages, because we do teach world languages from Kindergarten through grade 12. And there are some reported shortages in the early childhood area as well.

Because of this, we have taken a proactive role in trying to stimulate teachers coming to New Jersey, not only working with our colleagues and universities across New Jersey, but across the eastern seaboard and, indeed, most of the country in trying to get teachers to come here.

One of our most innovative recruitment efforts was New Jersey HIRE, which is an online virtual recruitment strategy. It's been in operation since the year 2000. What this system allows for is school districts to post their vacancies online on a regular basis, and most importantly, it allows educators who are interested in finding a job to post their resumes on line.

The data at the bottom of Page 1, I think, is fairly significant. Since the 2000 school year when this was implemented, we've had about 205 million hits on the site, which gives you a sense of the interest in this, not only on behalf of districts who are searching for qualified candidates, but for candidates themselves who are looking to come to New Jersey or who are interested in finding another job -- employment in New Jersey.

I think it's significant that, on average, about 11,000 positions are advertised on a monthly basis, over 69,000 resumes have been posted since 2000, and about 167,000 applications have been submitted online. We also note that there is a growing number of district recruiters, some 3,115 that use the system, and they are active school district personnel who are interested in improving and enhancing teacher and school leader recruitment.

On Page 2 of the report is a graphic design. The first graph looks at the new recruiters that are using this, by year. And you can see that since 2005, there has been an increase in the usage. But the graph on the bottom of the page, the new applicants that are focusing on this online, has maintained a steady rate really since 2002. In 2008 -- that's data only for a half of the year. So that will obviously increase as time goes on.

In addition to the online hiring capability, we've sought grants. And we were successful in getting a Federal Teacher Quality Recruitment Grant from the U.S. Department of Education. And since 2005, we've been using about \$4 million to work in this area. We partnered with the College of New Jersey, and we've looked at innovative, research-based strategies to recruit teachers, but also to prepare and induct teachers into our schools, particularly in the urban districts.

We've had work at looking at how, again, technology -- district technology can improve their hiring practices. And we've piloted with the District of Trenton, Pemberton, Ewing, and Vineland to specifically look at how they can enhance their recruitment efforts by getting important information about the district online, as well as how they can -- applicants can actually apply online and follow the entire hiring process.

Most important, though, we focused on grow-your-own strategies. The first is to engage high school students in interesting them in teaching professions, particularly in the urban areas. Since 2005-2006, we've had a cadre each year of 40 high school students who have been given an aggressive series of training sessions on what it is to become a teacher, especially what it is to become a teacher in an urban setting. That's been so successful that we have, in the pipeline at the College of New Jersey, 90 students who are in their freshmen and sophomore years who are in a teacher preparation program.

The experience has been so successful that we are looking to replicate this in colleges in the northern part of the state and in the southern part of the state so that we can take this model and utilize it in other parts of the state as well.

In addition to this -- because we believe so strongly that we as educators have a responsibility to involve and encourage young people to go into our profession, we've reinstated the Future Educators of America, which is a chapter that is in high schools. And so far, we've had about 40 school districts in the state work with us to develop this strategy in their high schools, to work with young people in high schools that are interested in going into the teaching profession.

Up until this time, we haven't done a really good job in encouraging young people to go into education. In fact, in our career and technical education programs, education positions have not really been implemented across the state. We've made that a priority career cluster and are encouraging our vocational-technical schools and our comprehensive high schools who have career and technical programs to institute career clusters that involve and interest young people.

In addition to those efforts, we do have a very small staff at the Department involved in recruitment strategies. We have a full-time urban recruiter working with us from the College of New Jersey, a full-time recruiter on staff in our Office of Licensing, a full-time Troops to Teachers recruiter. I'll talk about that in a minute. They hold job fairs across the state. They go to job fairs across the eastern seaboard and the Midwestern states to encourage students who are preparing to be teachers to come to the State of New Jersey. Our own recruiter works with the U.S. Department of Education to offer incentives, such as Federal loan cancellation or deferment programs. And we have a number of teachers who are currently involved in that.

The Troops to Teachers program has been in existence essentially since 1994, to encourage our young men and women who have served in the military to enter an interesting profession back at home -- essentially a teaching profession. We have a full-time recruiter who works with our military here in New Jersey, Delaware, Pennsylvania, and New York to encourage young people to come to the state.

We've had an estimated number of 1,200 young people, and of course we look to increase that number. There is Spouses to Teachers as

part of that. And we've had a number of spouses -- some 50 -- that have been encouraged. It's not a sizable number, but we look at every possible source.

In addition to these formal strategies, we work continuously with the colleges and universities in New Jersey, encouraging them to market their teacher education programs and to also guide the students who go into those programs into the areas where we have particular shortages in math, and science, and all of the other areas -- that we're working with them, as do all of our school districts -- work with the colleges and universities that are in their areas.

Let me switch briefly to the retention of teachers, because we know, based on national data and information, that a sizable number of teachers who get into the profession do leave the profession by the end of their third or fifth year. And we're trying to do everything we can to encourage teachers to stay in teaching. We believe we know some of the reasons why they've had some difficulty. And we're looking to shore those areas up.

Let me say that our Alternate Route to teacher certification is really a key pipeline to urban district recruitment. This has been in existence since 1985. And right now, over the last three or four years, about 40 percent of new teachers each year come from the Alternate Route. That's 40 percent. That's a sizable number of the new teachers coming into the profession in our state.

We do know a couple of things from a study that we reported on this past February. We know that the Alternate Route attracts teachers to our urban districts. And many of the new teachers that are coming into

those areas come through the Alternate Route. So that is a very healthy and supportive pipeline.

We also know that the teachers coming into the Alternate Route are very diverse people of color: Latinos and other minorities, who are obviously providing a healthy diversity to the educators in our state, and particularly in the urban areas.

We've made strong use of this model. And we also know that teachers of math, science, bilingual, and special education are also going in through the Alternate Route. Four years ago we opened up the Alternate Route to bilingual and English-as-a-second-language educators. We also opened it up to special education teachers. It had not been available to them. So we have been able to encourage new teachers to go into these areas, as well as general education teachers who might like a job change and go into the area of special education if they feel so inclined.

We want to make a couple of improvements to the Alternate Route. The report focuses on that.

We also have one of the strongest mentoring programs in the state -- in the country, let me say. It is a mentoring program that is regulated by the State Board of Education. It requires all districts to develop a mentoring plan and to provide training specifically to teachers who are going to mentor teachers that are new to the program. We have lots of successful districts that are utilizing this. We've worked with the National Staff Development Council to create an induction tool kit, which many districts in the state have employed.

We do know that the mentoring of teachers, as well as the mentoring of school leaders, is a key component of helping teachers and

school leaders stay in their classrooms and central offices. The Legislature appropriates \$2.5 million in State funds to offset the cost of mentors. It doesn't pay for the entire cost, but it pays a little bit more than half. And I know some of the districts also support this.

We've had critical shortages in the area of special education. But for the past four years, we've again worked with the federally funded National Center for Special Education to work with a number of key school districts in facilitating the use of community-based resources, grow-your-own strategies to try to encourage teachers to go into the special education area.

Not only does my Division work in this area, but the Division of District and School Improvement -- the former Abbott Division. They have held meetings with Affirmative Action officers to focus on the topics of recruitment and retention, particularly in the urban areas. Beginning with this past Fall, they've responded to a survey of former Abbott superintendents to convene a series of meetings on issues of importance to them. And one of the topics will be teacher recruitment and retention. I know that staff in that Division -- Jim McBee and others -- work directly with districts when they identify a problem, such as what occurred in Trenton. And we collaborate directly so that we can ensure that any of the licensing requirements that we have for substitutes, for new teachers don't get in the way, in terms of getting qualified staff into the classrooms as soon as possible when there is a problem.

The last area that I want to focus on is the area of substitutes. We've indicated that the use of substitutes is a local issue. When districts have problems with this -- in other words, if there are substitutes that are

staying beyond their limit, we want to work with districts so that we can get qualified personnel in those areas -- in those critical content areas as soon as possible. We mainly regulate this area. The last couple of pages focus on the number of credits that a substitute candidate needs to have. It's about 60 credits, so it's about an Associates degree or less. Many regular teachers who retire or who leave the profession have a substitute credential. And a number of regular classroom teachers also substitute.

There are limits on the amount of time that a substitute can stay in a particular classroom. Holders of the substitute credential can now serve only 20 instructional days in the same position in one district during the school year. That's renewable up to 40 days upon the approval of the county superintendent. So we try to provide regulation on our end. Of course, we monitor that as part of QSAC and other areas, and keep the county superintendent directly involved in giving the district permission.

Holders of a certificate of eligibility or a certificate of eligibility with advanced standing -- those are provisional teachers -- may serve as substitutes for up to 60 instructional days. So there are a couple of variations on this, depending upon the background and the certificate status of the teacher.

Beyond these limits on substitutes, we expect the districts will employ certified personnel in the area. We constantly monitor that through the certificated staff report, which we look at -- which we collect every Fall. And we match that against our licensing information and work with the districts every Spring and Summer to identify areas of concern -- in other words, whenever there is a person listed on the certificated staff report that does not appear to be fully certified, we work directly through the

county superintendent to address those issues in a timely manner. And over the past three years, we've been very successful in addressing those, and the districts have worked with us in doing that.

We don't really collect data on the number of substitutes. We could probably get a tally by county superintendent. We do know that, annually, about 20,000 substitute credentials are issued. So over a three-year period, there are about 60,000 credentials in effect that have a substitute credential. We estimate that, on average, there are about 110,000 to 115,000 certified teachers that are employed in the district. So that gives you an idea of the range and the comparison.

I think that gives you a background on where we are in terms of hopefully trying to address problems that Trenton and other districts may encounter in terms of a shortage of staff, with recruitment, retention, trying to encourage staff who come into the profession and stay in the profession; and substitute regulations and guidance, which give districts certainly clear information about the fact that substitutes are temporary. We don't expect them to be in classrooms for more than regulated.

Commissioner, I'll turn it back to you.

COMMISSIONER DAVY: I'm going to ask Jim McBee now to speak, Senator, if it's okay, about the specific substitutes, unless you want to talk about this general area first.

SENATOR RICE: Why don't we talk about the general area first. Our members may have some questions.

You and I have had some conversations, and I have received some communications, because my concern-- I didn't realize that the same concern I raised was raised in an article in Mercer County, which tells me

the problem is throughout the state. And in your communications to me, you indicated that our expectation in your Department, however, is that substitute teachers are responsible for the teaching and learning that is conducted in the classroom while the primary teacher is absent. But yet there are contradictions, because we're saying they really don't teach while they're in the classroom. And then you're telling me they're 20 hours. And then I have documentation that says -- and you just articulated -- that after 20 hours or so, you expect them to have, to some reasonable degree, that subject matter certification.

And then there's confusion because substitutes allegedly can't test, can't do a lot of things. And therefore they don't give grades. And that's what I was told by one of the parents I was speaking to. And I spoke to the youth. And I said, "What happened here?" The kid said, "We didn't get a grade." I said, "How come you didn't get a grade?" "We had a substitute." "Didn't you have a test?" "They don't give tests."

But now I'm sitting here reading this Mercer County article that was put on my desk here, where someone in Mercer County -- in fact, on May 22 -- was saying the same thing.

And so I have a problem with that. I have a problem when you say it's local -- but we're a state. We go in, and we take over districts. We cut their budgets like crazy and never replace dollars. And I'm never going to let the State forget they ripped off \$7 million in Newark and never replaced it. And they came in and reduced the budget after that. But Marion did a good job trying to get it back.

But no one seems to care that a substitute is not testing, is not teaching -- whether they're required after 20 hours or not. Because you're

telling me you can't monitor that. And if you know you can't monitor that, I would suspect that the Department knew (indiscernible) not so much can't be done.

I find it interesting, when we send letters you come back and tell us, "Well, we don't really track that." Well, we know you don't track it. It seems to me way back then somebody should have said, "We should be tracking that."

And so when I pick the paper up and the question is: Is it fair to say that Abbott districts are basically improving, in terms of education? Do you at least agree with that -- the indicators?

COMMISSIONER DAVY: From the indicators, several districts are improving.

SENATOR RICE: Yes. And so then it seems to me that where we're being questioned and battered around by your Department and the media -- and having wealthier districts and suburbanites thinking that we're wasting dollars-- Has anyone decided to maybe tell them that there are some problems that are not that of the district but of the State? Because we haven't paid enough attention to substitutes, what they're doing -- to put that in perspective. Because maybe if there were a lot of long-term substitutes in some of these classes -- that the same student that was doing well at one level may continue to do well at another level.

Do you think that's a reasonable perspective?

COMMISSIONER DAVY: Senator, I think -- I believe that, as Jay indicated, it is the district's responsibility to staff the classrooms. The Department of Education can't ensure that every classroom is staffed one by one. That's why districts have administration in each district.

The issues that a district has with respect to using substitutes is a decision that the district is making locally. It shouldn't be using people in those classrooms more than 20 days, and they shouldn't be using people who don't have the appropriate credentials. If a teacher is a math teacher -- a retired math teacher or someone who doesn't choose to work full time, and chooses to substitute-- And there are individuals who could be teaching full time, but choose to substitute instead. Those individuals could certainly replace the teaching that would go on if there was a regular certified teacher that -- the full-time employed teacher in that classroom on any given day.

I think the issue that you're raising with us, and one that we're also concerned about-- Frankly, we're working with Trenton on this directly, and I believe we've been working with Newark as well. It's the place where there's not a credential -- you know, certified teacher in a subject area. So I have an elementary certificate perhaps, or I'm working toward an elementary certificate. I'm not fully finished with the program. And I go in to substitute in a biology class in a high school or an algebra class -- may or may not be then prepared to teach those classes. And I think that's the area of concern that you're raising and that certainly presents a concern to us.

I think what we talked about is the fact that we do not -- we are not able, and we do not collect data day-to-day on how many substitutes there are in classrooms in New Jersey on any given day. We do monitor this through the QSAC monitoring. I think Jay described the matching that we do with certificated staff reporting to us, as well as matching up against

our credentialing data system. And there is an element of QSAC that looks at how many substitutes are used in a district.

This is one of those areas where, when it bubbles up as an area of concern-- It's one of the pieces that a district has to focus on as they work to address the shortcomings that are identified in QSAC.

SENATOR RICE: I guess my concern-- You need to make a note on this, because you really need to go back. And I have no problem doing legislation once I figure it out.

I'm real concerned that the Department -- the State Department of Education can be concerned about everything we do in the district -- you come rolling in, take over if you have to, but not concerned about the number of substitutes at any given period of time, in any school district, any classroom -- and not monitoring that in a way that we can identify, with the technology we have, that maybe a sub is in too long. And then wait until the end of the year to get some report, if we get one at all, to determine the loss of the kid the whole year because we didn't monitor.

COMMISSIONER DAVY: Well, I think I--

SENATOR RICE: And it's good to say that it's the local district's responsibility. But most of what the local district is doing is their responsibility, and we monitor it. Because we talk about the money they spend. We talk about Keansburg giving out all this money. We talk about all kinds of things. But we never seem to be talking about the kids until we find out the kids aren't making it, and we're fighting for dollars. Then you want to blame the locals.

And so you need to make a note, Commissioner -- and I'm saying this publicly -- and I want staff to send a letter -- that perhaps

through the Joint Committee -- and we can share with the Education Committee-- I need a plan of action, whether it's the county superintendents or the State. And if you need money, we have to find it. Someone needs to monitor these school districts, particularly the Abbott districts. We're not going to keep taking the rap when we realize that people aren't learning, and then there are breakdowns because of subs -- and it may be some areas, and maybe not. But we don't know. But I have a feeling there's a correlation there. And that's my point to you.

The national teaching problem -- I'm aware of that. But you indicate there's a program to get young people involved in teaching the schools. And you indicated that was maybe roughly 40 school districts. Can you send those districts where those programs are located, through the Chair, to this Committee? I'd appreciate that so we can just see where that is.

You also indicate that there's a serious shortage throughout the state, probably the country, in math and science. I really think that's important to know, because when your message goes out to the districts, you're not telling the districts to go -- the urban districts or the Abbott districts are doing a lot better since you funded them. So don't get angry because you fund them. But we have a problem. We can't get scores up in certain areas because we are short in math and science folks. And you may be doing better in your area of math and science, you may not be. But we're working on it. And there should be a plan of action besides just some youth program -- waiting 10 years for somebody to graduate -- to get some math and science people in. I mean, it's just that simple to me. It may not be easy to get them. But if there's no plan, and the State says it's the locals'

responsibility-- It's not a local responsibility. It's a State and local responsibility.

So you need to make a note -- you can send a letter on this -- to give us a plan of action beyond what you're doing to identify math and science people who can go into these local districts, these Abbott districts in particular, to help get the scores up.

Would you do that for me, Commissioner?

COMMISSIONER DAVY: Yes.

SENATOR RICE: Okay.

COMMISSIONER DAVY: Senator, if I could, we have other partnerships with colleges right now. I believe there are five of them that are working to recruit. In fact, Montclair State University is one of them, I believe.

Is Rowan?

ASSISTANT COMMISSIONER DOOLAN: Rowan and Rutgers.

COMMISSIONER DAVY: And Rutgers.

We are working on that. And I guess in presenting this testimony, we didn't note everything we are doing.

We certainly understand the recruitment and retention issue around teaching to be a State and district responsibility, without question. We did not mean to imply that it wasn't. And there are other efforts.

The issue I think that we have is, as a nation, we're not producing math and science graduates, overall -- whether they are going into teaching, or going into industry and business. I think that the armed services actually have a very significant program in materials world modules

in order to attract young people, even in small numbers, into the armed services. Because they're also looking for engineers and others interested in mathematics and science.

This is a challenge for us as a nation. And it's something that we're not going to figure out alone, here in New Jersey, that-- We are working with lots of other partners to address this.

If I could also just go back to your issue about substitutes. I want to be clear: The Department is not unaware of where there are issues. And in districts where students are not performing at the levels that they need to be performing at-- As we work with them on their improvement plan, the question of: What's the staffing in those schools-- That's all part of the review that goes on. And so if, in a school where student performance is low, the review turns up evidence that, in fact, there are many, many substitutes, that's the area that also gets addressed among all of the other issues. I don't want to leave you with the impression that these are not issues that the Department is already concerned about and already working on.

When student performance is not where it needs to be, we're looking at every potential cause and working with the district to address every potential cause. What I said was, on a whole -- on a statewide basis, we don't have any -- we don't have a daily report of: in how many classrooms are there substitutes on any given day. But when we zero in on districts that have academic issues, we zero in on those kinds of causes. And the certification of teachers and the type of staff in those classrooms is clearly an element of that review.

SENATOR RICE: Two more points on that, then my members can raise some questions.

Number one: Me, personally, rather than the district -- being here 22 years, many governors, watching the route that the Abbott districts take -- and in many cases, justifiably so -- but we're not rapping non-Abbott districts -- should be some raps too, that you all never talked about. We'll be talking about it over the year. We're going to point them out and expose them.

I don't have the luxury of time, and I don't believe my members who are willing to say I have the luxury of time for us to wait for a report when it comes to substitutes. Because, once again, if the student is starting school today, and you're not collecting data, and that kid is doing reasonably well overall, but they're hung up throughout that school year with subs, and you don't know it until the end of it, there's a problem. The problem is, that student is not going to reflect, for the district that's trying to improve, an improvement that should be reflected -- the true improvement that could be reflected had they had that subject taught properly.

Number two: It's not doing the youngster any justice, because they start to feel bad when they're scolded, or their scores don't come up to where they should be. See, I have a problem with that. Because your letter said that, "In response to your specific concern, the number of substitute days budgeted cannot be calculated and let the (indiscernible)." Well, you're not saying it can't be calculated. You're just saying (indiscernible) know what you need to go. And so I'm suggesting -- and I'm asking staff to

work with OLS and our staff -- to draft legislation to mandate that the Department has to collect that information on substitute teachers.

You also indicated that the ratio of substitutes to teachers varies daily in the school district. The Department does not collect this information. The legislation should require to collect that too. Because it's important that we do it.

Now, if government-- If you tell me you don't have the personnel to do it, then I don't -- maybe because I spent too much time in local government. I always ask workers, "What do you need?" And the Governor might say he doesn't have any money, and I can always say, "To hell with you, Governor. We'll put money in the budget for it." So don't be shy to say what you need. It doesn't mean you're going to get it. But at least let us know. But to say, "We don't have, we don't have--" Just say, "The only reason we don't have it-- We would like to have it; we think it is important." If you show that there is no importance, as the Commissioner -- if that's the impression that I get, then I get upset. If you're concerned, then ask. Don't dodge these bullets. I don't care about the Governor. You work for him. But we need it for these kids. Because I'm tired of these hits. And I'm tired of seeing failing districts -- improving districts that continue to get raps as failures. It's costing us money.

Let me leave it there and go to my members for questions.

Assemblyman, Senator, Assemblyman.

ASSEMBLYMAN WOLFE: Thank you, Commissioner.

Jay, thank you.

I have a number of questions. I'll try to be as brief as possible.

A number of years ago, the *Star-Ledger* had a little piece of information about the actual number of teachers in New Jersey at the moment and how many were going to retire within the next year or the next five years. Do you have that data available off the top of your head right now?

ASSISTANT COMMISSIONER DOOLAN: I know it's a sizable number.

ASSEMBLYMAN WOLFE: Well, I do too. But this was like four or five years ago. Do you know how many teachers there are?

COMMISSIONER DAVY: I do not. But the other thing I would say is, based on some of the looks that I have done at the staffing in some districts-- Just because they're eligible for retirement does not mean they retire. We know first hand that the city -- district in Newark, for example, has several people well into their '60s and '70s still teaching in the classroom. So those numbers are numbers related to who is eligible to retire, but not necessarily who would be retiring.

ASSEMBLYMAN WOLFE: All right. Well, through the Chair, could you get that for us?

COMMISSIONER DAVY: Yes.

ASSEMBLYMAN WOLFE: And the other questions I have, have to do with the issue of the-- You said, right now, there are currently 20,000 certified substitutes per year that are continually being--

ASSISTANT COMMISSIONER DOOLAN: Yes.

ASSEMBLYMAN WOLFE: --certified. And there's about 110,000 full-time--

ASSISTANT COMMISSIONER DOOLAN: Full-time teachers.

ASSEMBLYMAN WOLFE: --full-time teachers.

ASSISTANT COMMISSIONER DOOLAN: Yes.

ASSEMBLYMAN WOLFE: And you mentioned the shortages.

I know we just went through a series of school board elections, and we're talking about property tax relief and raising taxes. The fixed costs of the salaries are important.

I recently read, in Florida -- in a three-county district in Florida -- obviously we have county school districts. But in three counties in Florida, the average starting salary was between \$30,000 and \$35,000 for a new teacher. Do you know what it is in New Jersey -- what the average would be?

ASSISTANT COMMISSIONER DOOLAN: It's between \$40,00 to \$45,000, the starting salary of a novice teacher.

ASSEMBLYMAN WOLFE: Thank you.

I have heard -- and again I can't document who said this to me -- but districts tend -- some districts tend to be reluctant to hire Alternate Route teachers, for what reason I do not know. Are you aware of that?

**DEPUTY COMMISSIONER WILLA SPICER:** There are districts that are reluctant to hire Alternate Route teachers because they believe that the experience that they bring in doesn't give them enough contact with children before they start to teach.

The fact of the matter, however, is that some of the Alternate Route teachers have shown excellent results, and some have not. You can fire teachers at the end of the year, and sometimes that's what happens

when you take an Alternate Route teacher or non-Alternate Route teacher who doesn't work out well with the children. But the fear is related simply to the experience.

ASSEMBLYMAN WOLFE: Now, the Alternate Route program, I've heard, sometimes costs between \$17,000 and \$24,000. Is that correct?

DEPUTY COMMISSIONER SPICER: For a student?

ASSEMBLYMAN WOLFE: Yes.

ASSISTANT COMMISSIONER DOOLAN: The Alternate Route program, in terms of, essentially, the training.

ASSEMBLYMAN WOLFE: Yes.

ASSISTANT COMMISSIONER DOOLAN: Oh, for the training program. Yes, that's about right.

DEPUTY COMMISSIONER SPICER: That's about right.

ASSEMBLYMAN WOLFE: So say a person comes with a math and science background, are they getting math and science courses, or are they getting -- what do you call it -- pedagogical?

ASSISTANT COMMISSIONER DOOLAN: Pedagogy.

ASSEMBLYMAN WOLFE: Pedagogical, pardon me. Spell check.

ASSISTANT COMMISSIONER DOOLAN: The 200 hours of training--

ASSEMBLYMAN WOLFE: Pardon?

ASSISTANT COMMISSIONER DOOLAN: The 200 hours of training is pedagogical training. It gives the teacher the methods and techniques of teaching, but also goes into areas of assessment, looks at how

to work with diverse students, special education students. There's a whole series of professional standards that the training has to address.

I would also add to what the Deputy Commissioner has said. The study that we just conducted indicated that school district superintendent satisfaction with the Alternate Route teacher was the same as the traditionally prepared teacher after about four or five years. So there was not an appreciable difference between the traditionally prepared teacher or the Alternate Route teacher after the induction program and that sort of thing.

I know, Willa, you--

DEPUTY COMMISSIONER SPICER: No, that's fine.

ASSISTANT COMMISSIONER DOOLAN: Okay.

ASSEMBLYMAN WOLFE: That's okay?

Thank you very much.

SENATOR RICE: Senator Redd.

SENATOR REDD: Thank you, Mr. Chairman.

To our Commissioner, I want to thank you very much for your presentation here today.

I have several questions. And the one question that I think Senator Rice has asked in a different variation deals with the QSAC reporting and the personnel indicator area.

If we have identified a national issue, in terms of teacher recruitment and retention -- and obviously we've drilled down that issue to the State of New Jersey. My question is: How is that weighted within the QSAC sub-indicators under personnel, if a district has attempted to recruit

teachers, retain them, but there's a high turnover -- which I suspect is in many cases related to the Alternate Route?

I can tell you -- I come from the 5th District. I have two Abbots -- or former Abbots, depending on which paradigm it is. I have Camden and also Gloucester City. We have experienced a scenario where many get their experience in urban areas like a Camden. And after three years, yes, they migrate out. Whether they're migrating to charter schools or private schools, they're taking the experience that they obtained on the ground level, but we're losing them because we're not able to retain.

So again the question was: How is that weighted or given consideration under QSAC?

DEPUTY COMMISSIONER SPICER: It's given great consideration. I don't know the exact number, but I can get it for you. Each of those items are weighted with a number, but I don't have them -- I don't have those numbers. But there's a good weight behind them.

SENATOR REDD: But you would say it is taken into consideration?

DEPUTY COMMISSIONER SPICER: Yes.

SENATOR REDD: Because, again, if it's a national issue, we shouldn't penalize some of the districts that are trying to improve.

COMMISSIONER DAVY: Well, none of this is intended to be penalty either. The idea is that under QSAC we identify the areas that need attention and improvement. And when the staff -- when Willa and her staff, and Rochelle Hendricks, and Jim, and the folks in District and School Improvement -- when they work with a district on the improvement plan, those are the things they zero in on.

Willa.

DEPUTY COMMISSIONER SPICER: I'd like to respond a little bit to the issue of the substitutes and the local-State relationship. Because, in fact, there are districts around that are doing some excellent work on substitutes and ways to retain -- to get good substitutes in the classroom. Because I think that Senator Rice is absolutely correct. If you don't find some way to do it, it's a real burden for children.

And both the *Times* article and the *Ledger* article mark some of the things that the districts do. And I think we ought to recognize them, because they're very important things. They're using some of the electronics, some of the computers, and things of that sort to allow the teacher to prepare in advance and for a master teacher to work in more than one room. And you can see that some places, which is really excellent. And then there is, in almost every high school I know, a teacher -- or even middle school -- a teacher who is prepared in math, who will take an extra subject. He'll take an extra class. He'll be paid for it. But he will do that rather than put another substitute teacher into the classroom.

These things-- There are schools that are mentioned here, but they're all over the state, where there is work with the local colleges to find substitutes. "Send us your students who are almost prepared, but not ready." And they're ready for a greater internship. If we were really good at internships, we would be able to do better internship work with teachers so that they got -- they could work as substitutes in preparation for going into the classroom at a -- sometime soon. That's going on also. Sometimes they're even giving a stipend to the teachers -- the preparing teachers -- to encourage them to come into the schools and work as substitutes.

In the best of all possible worlds, there would be lots of people who were looking for internships, and came into the schools, and worked as substitutes. And for the school systems who have found those people, that's an excellent substitute source.

Trenton reports today in its paper the search for those things and the relationship with the new -- with the college. And I'm sure that Jim, who has been working with them rather regularly, has seen those committees work to try to build those methods of dealing with substitutes at the local level.

SENATOR REDD: Thank you.

Thank you, Ms. Spicer. Through the Chair, if you could share some of the information with me on those districts who are doing great things with substitute teachers and how they're stabilizing the classroom environment. I share a great concern, as do my colleagues Senator Rice and others who are on this Committee, in that there needs to be the stability for our young people to grow and to learn, especially in the areas of math and science.

I can tell you, and I'm certain many of us here on this Committee could speak to workforce development and a lot of the concerns of the business community in the up and coming generation -- the areas where they're lacking, if you will, again, that math and science that we all had, whether we attended a public school, private school. We had that foundation. And that is a great challenge for urban centers, centers like Camden, Newark, and other areas.

COMMISSIONER DAVY: Senator, if I could, I agree with you.

I met this morning with the presidents of the independent colleges and universities for a brief period. And one of the things we talked about was this whole idea of the pipeline, because they're hearing it from the corporate and the business community as well -- that they're seeking these kinds of graduates. And, frankly, they're challenged by this too. At the college level, we don't have nearly the people in math, science, engineering, technology pipeline that we need, not only as a state, but as a nation.

But I want to go back to something you said earlier, because I think it's another very important point to make. And that is this idea around retention. When a district like Camden has teachers who decide after three years they're going to leave and go teach somewhere else, and not leave the profession, that is a different issue. That may have more to do with work conditions and other issues that also need to be addressed. And certainly in the work that we're doing with the districts, we're trying to look at those areas as well.

Many people leave the profession. It's often not having anything to do with salary but having to do with work conditions and the difficulties that person has, whether it's in job satisfaction, or feeling supported, or feeling like they have enough materials to work with to do the job, and having support from parents or the school community itself -- the principal's support, the administrative support, the superintendent's support, the board of education's support.

So these are challenges to me. We're producing lots of teachers who go in right out of -- right into the classroom early on. It is this turnover that we have to address at the same time, which is why our efforts

are not only on recruiting more teachers, but also on retaining teachers. Because if we lose 30 to 50 percent of them in the first three years, that's just rapid turnover where we're continuing to fill the bucket and there's a whole in the bottom of it. So that's a piece of this work that needs all of our attention, as well.

Jim, do you want to talk about the substitutes at all in greater detail?

Jim's got a little more detail about what they're doing in Trenton, which might give you a feel for the work that we've done with the district over the last few months.

SENATOR RICE: Hang on a moment. Everything should go through the Chair. I'm in charge.

I think the Assemblyman has some questions and issues. And I think they were directly related to -- with this speaker here.

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

Commissioner, Deputy Commissioner, and so forth, look-- Having spent 36 years of my life in education -- coming up with simple solutions on how to resolve teacher retention, teacher recruitment, and substitutes, and trying to do that in an hour or two hour discussion probably does not do justice to the complexity of the problem.

This whole problem is a very complex issue. It deals with salary; it deals with what's becoming now, in my opinion, the bludgeoning of the teaching profession by the media as to some of the things that get put on the TV and radio about teachers; and every atrocity in the world

that befalls teachers. And it may be one-tenth of 1 percent that do some things, and they get showcased repeatedly on TV.

So trying to come up with simple solutions to this is not going to be possible. I think that-- And a lot of it really is -- with all due respect, Chair -- it's not on the State Department of Education. It's really on the local school districts to come up with creative ways to go out and recruit teachers and retain teachers. That is a very difficult task today, especially in the math and science area, where we have competing interests in industry.

Both of my sons graduated with math degrees. The chances of them going into teaching are slim to none because of opportunities in industry. And to get people who are young and are looking at what's ahead of them in education, it is really a very difficult task to convince young people to do that.

I think there is more success in the Alternate Route, with getting people who have done many years of work in industry, who may want to do something, and be a little more civic minded, and go back into teaching.

I had the opportunity to work with all of the staff that I had where I was -- actually were all alternate method people who had worked in industry. They were phenomenal teachers, because it was not a subject matter area concern. They knew their subject area. They just felt they needed a little bit of interaction with the students.

Those of us who have spent time in a classroom-- And if you've never been a substitute teacher or had to supervise a substitute teacher, you have no idea -- especially in an urban school district -- the living hell that

you go through on a day-to-day basis. It is not fun to be a teacher, regardless of whether you're a full-time or substitute teacher, in an urban school district. I taught for eight years in New Brunswick back in the real tough times in the '70s, when things routinely happened that wouldn't normally happen in a lifetime. My wife has been a teacher in Philadelphia for 35 years. She's constantly calling home to grandmothers, aunts, other kinds of individuals, who are trying to work in the household to get these students on a particular focus, which is almost next to impossible most of the time.

Look, what's the average starting salary for a teacher in New Jersey now? Do we know approximately?

COMMISSIONER DAVY: In the \$40,000 range. I mean, they vary. Some may be just under 40, some may go up into the high 40s. I think there's a few districts that just this year broke the \$50,000 barrier. But I think it's probably somewhere in the low- to mid-40s range.

ASSEMBLYMAN MALONE: What's the average salary, daily rate for a substitute teacher?

COMMISSIONER DAVY: Yes, \$100 to \$120 a day.

ASSEMBLYMAN MALONE: That's not in all districts. There are some districts that are--

COMMISSIONER DAVY: I think there may be some at \$85.

ASSEMBLYMAN MALONE: Yes. So to go in and subject yourself to what may be a very, very difficult day for \$85, they could go out and work someplace else -- probably do that.

What I think would be great in this area in particular-- Rather than asking the State -- Department, why don't we get superintendents

and/or building principals who have to deal on a day-to-day basis with the experiences of teachers and/or substitute teachers, and have them come in and explain the absolutely difficult situations of this. How do you make up a teaching staff if you have the flu, if you have other difficulties in the school, or you have whatever? And you've got to have, on some occasions, 10 to 20 percent of your staff out for some reason -- that you've got to make up those individuals and have a school function.

The students look for the days they get substitute teachers, because it is like shooting fish in a barrel. They know that the teachers do not know their names. And the biggest problem for substitute teachers is knowing students' names, knowing the staff they're working with, knowing the school system, and just generally knowing how it functions.

And I would strongly recommend, especially in the Abbott school districts, if you really want to have continuity, that you look at having, on staff, full-time individuals who you pay a regular salary to as substitutes, who get to know the students in the building, get to know the staff, get to know the expectations of the teachers, even though they may not be subject matter experts within that area they're subbing in. But at least they know all the other parameters, so when they go into the classroom they know what Johnny or Mary is doing. "Johnny and Mary, you know me. I'm Mrs. Smith. Look, I know your parents, I know your grandmother. I can call up. Look, I want you to do what you're supposed to do. I know Mrs. Johnson is not here today, but I know you as well as Mrs. Johnson does. So I want you to shape up."

Ninety percent of the problems, especially in urban school districts, has to do with knowing the students and knowing the

environment that you're in. It's not quite as bad in suburban districts. But I think it's really incumbent upon us to look at this picture holistically and have a better understanding of it. If we just go push it onto the State Department of Education for them to come up with a magical answer for 618 school districts, we will be here until I'm a great-grandfather. I will be long dead. There won't be any more -- any better solution than there is today.

I would urge, Mr. Chair, if you could bring in some of the people who have to deal with this issue on a day-to-day basis. Then they're going to give you the straight answers, Chairman. They will give you the real deal as to what they have to deal with. And then after we get the real deal, we can talk to the Commissioner and talk to the Governor about what is necessary, especially in the urban school districts, in having a coherent, comprehensive plan to deal with substitute teachers.

I don't know what we're going to do as far as retaining and recruiting of math, and science, and subject matter teachers in -- no matter what school it is. But I think the substitute issue is something I think we need some first hand experience on.

So I would urge that we do that as a follow-up to this meeting, Mr. Chair.

That pretty much concludes everything I had.

Thank you very much.

SENATOR RICE: Assemblyman, I intend to do that.

In fact, Commissioner, I will be in touch with you. Because I'm concerned about the QSAC performance continuum.

And the issue, Assemblyman, wasn't so much how we deal with these substitutes initially in the classroom -- get them there. The State has a tremendous role, whether we like it or not, to identify data. Because the city of Newark -- the Newark district is not going to identify data for the 600 others. There is something happening out there in the 600-some districts. And when the State says they don't collect the data to determine how long substitutes stay in the school system, and whether or not they stay in the same class, that tells me I can't properly analyze the data to determine where I have problems, where I don't have problems. So therefore I can't come back to the legislative body and say, "How are we going to fix those problems within those districts with the need?" There may be some uniqueness about them, there may be some commonality. But to not have data, to me, is just not right.

We're going to legislate. That's it. You might as well start that now. You can use the regulations you want to. And I'll get the votes for that, I guarantee you. Because we need it.

But in terms of the Assemblyman asking you to come back-- And I intend to call the superintendents -- and we had that discussion for a couple of days and this morning. And it goes hand-in-hand with the continuum-- Before I get to you -- I'm not ignoring you.

But Superintendent, let me just say this to you so you can prepare your staff. At a subsequent meeting-- I'm concerned with the 2007-2008 placement -- the continuum placements that are starting to come in now. You're evaluating them. And someone is going to have to tell me how I can have, say in a district--

Well, Keansburg is a good example. Keansburg happens to be an Abbott district. Let me make that very clear. But how can I have 59 percent in instruction, but yet if I go across to fiscal, fiscal is 93, operations is 100 percent, personnel is 90 percent, government is 88 percent? It appears as though everything in the district is right, and instruction is failing.

Now, the question is: Is that because I've got substitutes running around, or is it because I'm managing my money and my operations right, but I didn't put it in the classroom? I'm giving it to-- I don't know. Because if you go to other districts, such as Washington Borough, for example -- which is not Abbott -- you get instruction is 59 percent, but fiscal is 96, operation is 100, personnel is 100, government is 88. And then you go to other districts, and you'll see in the middle everybody is doing well, but government is failing like 32 percent and instruction is 32 percent. So you think there's a relationship between governing and instruction, since everything else seems to be performing. But then in the other districts where you have these 100 percents, you're saying, "Well, where are the relationships? Things are going so well except for the instructional part of it."

I don't know. And we need to know. And that's why, guys, it's important to determine: Is there a problem we have failed to look at because we weren't aware of it? Because we have data now, and we can analyze this data and break it down into areas that are digestible, academically, that make some sense to us.

And so we will be coming in with that, because that may be part of my problem with those numbers and it may not be. The other part

of the problem may very well be -- is that people are throwing money away, like indicated, in some areas. I don't know.

So with that, why don't we move over to the next speaker, Commissioner.

But just be prepared to subsequently meet and start to look at this data and analyze it.

Thanks.

Melanie, would you make certain that all this information -- that the members of the Joint Committee have it well in advance, with a little note as to what it means and what it is? (affirmative response)

COMMISSIONER DAVY: I'm going to ask Jim McBee to talk a little bit about what we're doing in Trenton right now.

Jim.

And Newark, I guess.

**J A M E S M c B E E:** Good morning.

**SENATOR RICE:** Good morning.

**MR. McBEE:** With regard to some of the situations that you've heard about in Trenton, I've been working very closely with the Superintendent and the district administration to come up with corrective actions and a plan for how to make sure these kinds of things don't happen again.

Unfortunately, the situation -- if we're talking about the Kilmer School, for instance -- had to do with mathematics teachers who-- The district had been trying to fill the positions but hadn't been able to fill them. And then on top of that, we had a teacher who left early in the year.

So they had started the year with a teacher, and then you had someone leave because of a personal situation.

And Kilmer is not unique -- was not unique to the district. I mean, they have these similar kinds of issues in all the districts. I think part of what happened in this instance really had to do with the difficulties in figuring out grades for students.

And so in terms of talking about that, one of the things that we've identified, and are working with them to make sure it happens in the future, is that the literacy and math coaches -- the master teachers in the buildings, which each of the buildings have, would get more involved with the substitutes when they bring them in so that they would provide an orientation to the school, an orientation to the subject. They would make sure that the -- I call them *sub packs*. I remember when I was teaching, I would have to leave substitute packs with the administration so that when a teacher came in, if I was out, they would have assignments. Make sure those sub packs are there.

Among the other things they've done-- They started in January with instituting a Web-based program called Study Island for those youngsters. And part of what this does is, it's this interactive program, that the kids really enjoy, that they can also do at home -- work on at home -- which is a skill builder. They're using other programs like First in Math. They've also started some after-school and before-school enrichment programs so that students who have these long-term substitutes can come in either before or after school, if the parents allow that, and receive additional tutoring. They've put into a place a number of what I would call *clubs*, which are enrichment clubs -- things like a math and chess club, a

homework club, lab, a Study Island club, and then there are also obviously the Summer school for these youngsters. So those are some of the supplemental things that they're doing.

In terms of trying to really make sure that the students are getting what they should get during the course of the day-- One of the things that we're proposing is that they buddy -- when a substitute comes in, in a long-term situation -- that they buddy them with a qualified teacher in the building so that that substitute then will have someone to work with, in terms of lesson planning, someone to ask questions to, someone who can, along with that master teacher and coach, work with them on a regular, day-to-day basis to help them develop their lessons and make sure that the instruction that the youngsters are receiving is appropriate.

I think that those are some of the things that are happening in Trenton.

In terms of the kinds of things that go on in Newark, and go on everywhere -- as the Assemblyman spoke of and the Commissioner spoke of -- is just having regular teachers, subject matter teachers, teach an extra period and provide them with a stipend for doing that. And in many cases, in the high-need areas of math and science, particularly at the secondary level, this is happening in the middle schools and the high schools -- that these kinds of things are being offered, along with--

Districts are developing lists of substitutes which I guess you call *highly recommended* substitutes. So if, as a principal of a school, if I've been working with Mr. King here, and Mr. King has been coming in, and I note that he is doing a good job -- that as opposed to just having a random recruitment of a substitute on a particular day-- As a principal, I can make

my request, then the district people who are doing the substitute replacement would go after Mr. King first. So it's those kinds of things that the districts are identifying and trying to do to deal with this situation. But it's very tough when you're talking about mathematics, science, special education, bilingual education, ESL.

One of the other things that a number of them are doing now is trying to encourage creating partnerships with the local colleges and universities to encourage not only the paraprofessionals who work in the district to pursue that higher education, but also the individual teachers who may not be qualified but may be interested in pursuing an additional certification in areas like math, science, language. So those kinds of programs are going on.

For instance, in Camden, there is a situation where bilingual education, ESL teachers are very much in need. And so the district has been providing additional classes for, I believe it was, about 15 teachers who have been substitutes who have come in and didn't have enough credits. They were provided additional classes, because there's a written examination and a language examination that they have to pass in order to earn their certification in that area. So working with them on that area -- so that they could try to improve their chances and their skills so that they can pass these tests. So there are things like that happening throughout the Abbots.

SENATOR RICE: Thank you.

Let me just ask a couple of questions here.

The stipend-- One of the problems with stipends, which I support, by the way -- you pay for what you get -- is that every time we have

to spend money on education, the politics comes in -- that we're throwing money away, particularly where it's needed. And there's no accountability. I think when it comes to teaching, you can get accountability. At least you can measure it out.

And I like the idea, if we're short -- rather than a sub for the sake of a sub -- that there's a teacher who has actually dealt with the subject -- probably even known by the students in the school, just don't have that particular teacher. But how do we get them into the extra hour? We don't have a sub come in during the day and just sit there and baby sit, and then pay the people for the hour, do we? How does that work?

MR. McBEE: This mostly happens in the secondary arena, the high school and middle school arena, where the students are moving from class to class. So if I'm a typical-- A typical teacher will teach five periods, let's say, out of the eight, and then have a planning period -- lunch, etc. So what we might do is ask this teacher to -- if they were willing to give up their planning period and actually go into the classroom to teach a subject. And many of them do that for the entire year. For one, it works for them because it enables them to pick up additional income, but it also really works for the students, because then the students get this highly qualified teacher as opposed to the substitute.

SENATOR RICE: Is that something that's in place now? And if so, how wide -- district spread, particularly in the Abbotts?

MR. McBEE: My experience has been that on the secondary level, this is very widespread. I know it's done in Newark. I know they're trying to do it in Camden, and Trenton, and many of the other districts. I

couldn't tell you exactly, but I could find that information out for you if you would like.

SENATOR RICE: What about the lower grades? That's where it seems to be-- My middle school people seem to be having problems. Do we have a program in place for middle schools? And if not, are we encouraging them?

MR. McBEE: Yes, we are. And the places that do that also do that for grades six through 12. Because in those grades, as well as in high school, they require highly qualified teachers. So if you're looking not just for the day substitute, but if you're looking for the long-term sub -- you know someone is going to be out for three weeks, or you know someone is going out on some kind of health leave and going to be out for a number of months, then, yes, they do that. They would recruit from inside. Many of them do that first.

SENATOR RICE: Okay. Would you just check the districts and find out, and send it to us -- what districts have these programs and how substantial programs are -- and get it back to us for my members?

Also, Commissioner, here is one of the problems I have with the Department of Education and the media. The media spins the articles you send them. I know, because I see the articles. When you send them an article, we get a copy of each article. Some edit, some don't. But when it comes to a Camden, a Newark, an Abbott -- even some non-Abbott districts -- where there are problems-- I mean, if you tell me, for example, in Camden there's a big problem because there's a real need for bilinguals, because there's English as a second language -- problematic. That should be spun in your article as a bargaining tool. It gets spun as a negative in these

articles. “The poor Abbott district, they don’t have enough bilingual teachers,” like somebody is not looking for them. The article should kind of read, “It’s so great to see improvements here. And there’s a great need for bilingual teachers.” And it should be spun in such a way that I say, “I’m going to go there. I can get a job.”

We don’t do that. And I just want to caution you on that. Because I keep telling the Governor.

The last piece for the superintendents here -- we’re getting ready to move to that subject. You talked about Keansburg. It’s an Abbott district. We know that. But the subject wasn’t about Abbott districts, the subject was about superintendent contracts and other people. You didn’t say state, you had to say Abbott. You didn’t have to put that in there. And it got played. And that’s why I want to look at these QSAC districts that are non-Abbott, to find out what they’re doing with their money. So if they have a problem with those superintendents, you caused it. I’m going to look. If there’s a problem, we’re going to deal with it and make it public.

And so I just wanted to at least raise that.

Any questions to the speaker we had?

COMMISSIONER DAVY: Senator.

SENATOR RICE: Yes.

COMMISSIONER DAVY: Can I respond to that?

SENATOR RICE: Sure you can. That’s why I brought you here.

COMMISSIONER DAVY: When I speak to the media, not everything that I say gets put in the paper.

SENATOR RICE: I understand.

COMMISSIONER DAVY: I was very clear when I talked about the Keansburg contract, saying to people on the radio interviews, and I also said it to print interviews, that I don't believe that that's a problem that's limited to Keansburg, or what are called *Abbott* districts. I said that I thought we might see that. And that's one of the reasons why we're looking at contracts across the entire state. I was very clear about that.

And if an article is written a certain way, that's not within my purview. You would not see me writing something, and issuing something in writing that way, nor do I speak about it that way. And I think, in fairness, that needs to be put on record.

SENATOR RICE: No problem. It's on the record. But I have had copies faxed to me of what went to the media from your office. Maybe it's your office people, not you personally. And that's okay. I just want to make sure one day we're going to outline this problem. You blew it up on the front page.

Questions on the substitutes before we move on to some of the other areas, because I want to get my members out.

It is my understanding-- There are a lot of people who are finishing college that want to go into the public education system. Now, I don't know if it's -- and I'm not sure if my other members had this experience -- because they call me and wind up, instead -- because they said, "We applied, but we can't go in." That's why I get confused. I mean, if you're saying there's a teacher shortage-- I know people in my area that keep saying, "I can't get into the system. Can you write a recommendation?" I say, "I'm scared to write letters, but I will do it." So if you live in Newark, you can't get in Irvington, you can't get in Newark,

can't get in Orange, can't get in East Orange, can't get in South Orange. And you keep telling us there's a shortage of teachers, and I'm saying, "Well, how do you analyze these teachers coming in?" because I'd rather have a newcomer that's certified and let them grow in the system, then have a person who is subbing, and may not even go on to an alternate education, etc.

But I know that they're going to the charter schools. And then I found out -- because I also know that there are some charter school teachers who decide to go into the public schools -- but given the "politics" they were afraid that some people were going to beat them up in my district, like they always do, and get them out of the system. And they were concerned about the tenure they picked up in charter schools. So I put a bill in to deal with the tenure. But when I called the Department of Education, I found out that in the charter schools -- and most of them are failing, by the way. You give out your money-- I keep saying, "I don't know why Shirley won't release my bill to put a moratorium on that stuff."

But in charter schools, you start to develop teachers who want to be in the public school system. And they finally get an opportunity to leave. And I found out from the Department of State that I really don't need the bill -- even though I'm going to move the bill anyway to give clarity -- that the tenure goes with them. Is that correct? And there's a reason I'm asking that.

COMMISSIONER DAVY: Senator, I do not believe the tenure goes with them. Tenure is done with your time in a district.

SENATOR RICE: That's what I'm saying.

No, let me correct that. In other words, if my charter school is in Newark, and I stay in the Newark school district and go to -- I don't know -- you know the schools -- Peshine Avenue, it stays with me. I'm not talking about crossing lines in our districts. But I always thought that as long as it's within that district-- Just because I'm in a charter school, it doesn't mean that if I went to Bergen Street School -- that I don't lose my tenure. Someone sent that to me. I have it in writing. And I said, "Oh, well I don't really need the bill."

COMMISSIONER DAVY: Senator, I believe that it's considered a different district, because the charter schools are considered a single district. They're not within the oversight, administratively, of the district. The children come from that district, and they're public school children. It's considered a public school program. It is not within that district. We'll verify that to find out.

SENATOR RICE: Check it. I got it in writing from your Department, because I put the bill in. And I said I really didn't need the bill. I said, "Well, I'm going to put it in for clarity anyway."

COMMISSIONER DAVY: Well, maybe Melanie can send it to us.

SENATOR RICE: Now, the reason I raised that is because that's the one area where we have the math and science teachers that have grown to do very well, who really don't want to be in charter schools -- and I don't blame them, because we have free, public education -- but we made them a part of it. And we know what that's about. But the point is that at least if that ability is there-- If I'm teaching in Newark anyway, and my dollars are really coming from my "Newark public school system," I see it as

one system. So just because I remove myself from “charter” and go across the street to what we identify as the true public school, and I’ve been teaching for five years, I shouldn’t lose my five years. Because that’s stopping people who want to come into some of these systems where we really need them -- with the tough kids -- willing to deal with the tough kids -- is a barrier. But take a look at that. Because I got it from your Department, and it’s in my office.

But I was raising that because I wanted to make sure. My next question was going to be -- if you had said yes -- is that you make sure you notify all the charter schools that they have to advise their teachers that they don’t lose anything if they stay within that district. Because the way they told me, in writing, it’s as long as you stay in the district. In other words, if I was in Newark, I couldn’t go into East Orange and expect to retain that tenure or whatever term.

But look into it. I just thought you’d have an answer here.

COMMISSIONER DAVY: Well, if you send us a copy of whatever it is that someone from the Department sent--

SENATOR RICE: No, why don’t you research and send me another copy, then I will break out my copy to see what your people are doing. It’s called *checks and balances*. Okay?

Can we move to the next subject real quickly, primarily because of time? I know you have to go too. I know you’re getting kind of late.

That’s the subject dealing with-- We need to have some conversation-- I know the Education Committees in both Houses, I believe, had some conversations around the issue of teachers -- superintendent contracts. Keansburg kind of raised that.

Can you just kind of bring us up to date on where we are, let the members ask questions, and tell us what that's all about?

COMMISSIONER DAVY: Yes. We've taken-- We've gone to court with a declaratory judgment action on the Keansburg contract with respect to the provision that provides basically a severance -- although it's not a severance, because it's just the end of the contract. So there's not really a termination of the contract -- not an early termination, but a one-month breach of service in the district. We are asking the court to declare that that's violative of public policy. And that case is currently pending before the court. And I think it's set down for -- Order to Show Cause hearing in early July.

In the meantime, we have called for the contracts -- the existing contracts of every superintendent in the state. And we've received them into our county offices. The county offices are currently reviewing all those contracts and looking to identify whether we have similar kinds of provisions in existing contracts that would rise to the level of violating public policy, understanding that, to this point, the Department hasn't had the authority, nor have we ever reviewed the contracts of these individuals. These were negotiated contracts that were entered into between school boards and individual superintendents. And no one has really looked at those before and looked at the provisions included in those contracts. So we'll do that review and be able to provide the findings in that review at the same time, in accordance with the provisions that are contained in the CORE Act from last year.

We are in the process of promulgating regulations that set forth the review process, going forward, in the county offices. And we're trying to

set forth some parameters that will make it clear to school boards, and superintendents, and other top-level administrators whose contracts come under review -- make it clear to them the kinds of provisions that will not be acceptable going forward.

I'll give you a couple of examples. We are now saying that a superintendent can't have a provision that allows the district to pay for something that gets deducted from the salary. For example, the pension contribution. The superintendent can't be reimbursed for that. If it's a deduction, it has to be a deduction out of the pay. In addition, there can't be any provisions that attempt to override the travel restrictions that the Legislature placed on school districts, also as part of the CORE legislation last year.

We talk about provisions regarding unused sick and unused vacation time as needing to be consistent with law. As you all know, when you did CORE last year-- Although it says that there is a cap of \$15,000 going forward, anyone in the system was grandfathered. And therefore, there are sick leave payout provisions that will be in excess of \$15,000 going forward, because the law grandfathered those provisions.

So we will look, as we have been, at newly entered into contracts under these parameters. The review that we're doing of existing contracts, of course, is separate and apart from that.

SENATOR RICE: Okay. Commission, you mentioned regs.

I've been reading and I've been hearing, in talking with superintendents-- And there are some questions that come to mind that everybody needs to have answered, including the superintendents. What is the specific authority that guides you to issue these emergency regulations?

And I guess I raised that because -- my understanding, they may not be going through the rule-making procedures in the process.

COMMISSIONER DAVY: The Legislature, in the School Funding Reform Act, and in CORE -- in different parts of it -- gave the Department emergency rule-making authority for the short-term. And then we'll go through the regular administrative procedures act process so that there will be a normal expected comment period and response, etc.

However, Senator, we have been taking comments, even though it's not required, from the stakeholder group, because we are concerned about input from them and want to make sure that what we are promulgating is clear and understandable to those who are going to be impacted by the regulations.

This is a difficult process, because there are things that we are now doing, things that we are now regulating, that we have never regulated before. And much of it emanates from CORE and from the School Funding Reform Act, both of which have been adopted by the Legislature within the last year. And so it is imperative for us to do this very thoughtfully and with input. But clearly-- For example, I'll put the travel piece out there. The stakeholders are not at all happy with any restrictions on travel. And so there's no way that when we take comments we're going to be able to do what the comments say. The question is just making sure that we're clear about what those limitations are and why kinds of documentation would be required in cases where the travel was permissible.

But we certainly want to take input. The regs have been in draft form. They were posted on our Web site on April 30. We took a lot of input -- significant amount of input. We issued another draft of regulations

last week. We continue to take input. We've had meetings with folks on these. In fact, I have a meeting later this afternoon with the leaders of several of the education organizations to talk about the draft regulations, as well. From our perspective, the input is very important. It's a question of having this -- these regulations in place for the start of the next school year and the next fiscal year, which is July 1.

SENATOR RICE: Let me follow up on that. First of all, I always tell people sometimes I can read better than I can hear. Would you send me specific authority in CORE and other citations that gives you the authority to do emergency regulations without going through the rule-making process? And I need that by yesterday. Because it's my understanding, I believe, that Wednesday your regs went, and I think comments have to be in by Friday. Is that correct?

COMMISSIONER DAVY: As I indicated, the regs have been out there now for more than a month. We've been taking comments throughout that time period. We are getting ready to promulgate four subsections of a much broader set of regulations because they deal with this issue around contract review, which we think ought to be out there in effect as quickly as possible.

SENATOR RICE: Let me be clear. I really think this problem with "these kinds of dollars" needs to be addressed. But I'm dealing with the process and procedures, because I've seen this State -- and I've been here a long time -- violate processes and procedures. It's good politics, but sometimes it's not fair. And I need to know just what we are saying. Because when we speak to the public or we speak at hearings, we shouldn't say we have the authority without citing the authority. We can't say the

authority is CORE unless we know where in CORE we can find it. Okay? And you happen to be an attorney, so you know that better than anyone else. If you were litigating right now, you would be very offended if someone would just say, "Well, we have the authority." You'd say, "Excuse me? What authority?"

COMMISSIONER DAVY: Senator, we'll provide that.

SENATOR RICE: Okay. Just make sure I get it. Okay?

I also want to know the authority that you rely on, under New Jersey statute Title 18, that deals with limited paid sick leave and vacation stuff as it applies to superintendents versus someone else.

If you can get these things to us, we'll probably have some more discussions. I will let my members ask questions. But I need to know what we are addressing. Because everything is on a fast track. And I just think that's the Governor's politics. I think the reality of what occurred needs to be looked into. And that should be done expeditiously. But there's a way to get that done. And it's not just urban. That's what really bothers me.

Why don't we do this: Anyone have any questions toward this right now?

Assemblywoman.

ASSEMBLYWOMAN HANDLIN: First, let me just say that I was pleased to hear the Commissioner's comments. I think they make sense. I think they're moving in the right direction. I'm hopeful. I know that this subject is going to be taken up in the Education Committee on Thursday as well. So I know that we'll hear more.

Also, just a thought -- and it's just my own opinion -- but I do believe that there's a relationship between topic number one today and

topic number two, in that if I were considering entering the teaching profession -- alternatively, if I were considering whether or not I should leave the teaching profession -- one of the things that might well play into my thought process is the perception of unfairness to the degree teachers in the classroom think that these deals are being given to top administrators in a way that's unfair and, by the way, drives up property taxes and makes it so difficult for teachers to live in New Jersey, even if they're passionate about the profession.

I think all of that is part of the package. And it makes little sense for us to try to address one piece, like the various recruitment and retention programs -- many of which I think are exciting, and innovative, and have great promise -- without taking responsibility for the fact that property taxes are so high that no one can afford to live in New Jersey.

Having gotten that off my chest, I just wanted to ask a question about the -- two quick questions related. One is the role of the new superintendents in the review of the contracts. And the second is, I'm a little worried, because I assume that they either do play an important role, or they will play an important role. And the last time, Commissioner, when you had spoken to the Education Committee about them -- that group -- there was a big concern, because so many of the jobs hadn't been filled. And obviously we can't have those folks doing what they need to do, in terms of reviewing the contracts, if they're not there. So if you could just fill us in on those things.

COMMISSIONER DAVY: Sure. It is the executive county superintendents that have the authority, under the law, to do that. And they will be reviewing the contracts. We actually have lots of people in the

pipeline. They're not necessarily getting out of the pipeline. But one of the provisions that we're including in the regulations is for--

Well, first of all, the law allows the acting executive county superintendent to do the review. And so we'll probably put some folks into the position of acting executive county superintendent so that they have the statutory authority. In cases where we do not have someone that we want to place in the acting role, we're going to have the Assistant Commissioner for Field Services, who is the supervisor of all those executive county superintendents, kind of be the fallback. So the county office might review it, but it would be the Assistant Commissioner for Field Services that would actually issue a decision if we were rejecting or approving a contract.

If I could also say that, Senator, one of my staff has handed me the authority in CORE. It was in Chapter 58 of Public Law 2007, Chapter 63. It says, "Notwithstanding any other provisions to the contrary, the Commissioner may adopt immediately upon filing such rules and regulations as the Commissioner deems necessary to implement the provisions of Sections 42 through 58." And there's also a similar provision in the School Funding Reform Act.

SENATOR RICE: Okay. Just make sure we get that in writing.

Make sure you write it down, Melanie. Pull copies of it. Give a copy to all of us. Because one thing we know about legal language: You read it on the surface and you think it says one thing, but if you really-- You have to read it a certain way. *A* goes with *B*, unlike other things. So we want to make sure that's the correct interpretation. And also we want to make sure we're not dealing with interpolation. The lawyers understand the difference.

Were your questions answered, Assemblywoman? Did you have another question?

ASSEMBLYWOMAN HANDLIN: If you could-- Do you know how many of those jobs are still opened? I know you mentioned that you have people in the pipeline. Do you know an actual number?

COMMISSIONER DAVY: Well, 11 are actually serving already. Three more have been confirmed. Five more are pending confirmation--

UNIDENTIFIED SPEAKER FROM PANEL: Actually six more.

COMMISSIONER DAVY: Six more are pending confirmation. And there is one vacancy basically that still remains, Sussex County. There is someone there who is presently in a job that is leaving -- not in the executive county superintendent job, but he was in the former county superintendent job, and he is leaving. So we'll be working to fill that.

ASSEMBLYWOMAN HANDLIN: Okay. Thanks.

Thank you, Senator.

SENATOR RICE: Assemblyman Wolfe, then Assemblyman Malone.

ASSEMBLYMAN WOLFE: Thank you, Mr. Chairman.

Commissioner, it's good to hear you again.

COMMISSIONER DAVY: Thank you.

ASSEMBLYMAN WOLFE: The three of us are going to hear you again on Thursday.

Maybe not having the information right now, but maybe by Thursday you could-- When a school superintendent's contract is signed,

that obligates that board, I guess, in that community to fulfill that contract. So people who are not on the board in the future, I would assume -- not being an attorney -- would be obligated to that.

Now, Keansburg, a former Abbott district -- no longer an Abbott district -- receives money from the State. So is it possible to extract how much of that settlement, that was set for that individual, is coming from the State of New Jersey as part of the Abbott moneys that go to that district?

COMMISSIONER DAVY: Well, I think the only thing we could do would be to calculate what their State aid percentage is, and then look at the amount of the severance.

ASSEMBLYMAN WOLFE: The reason I'm asking that-- You know, we've heard a lot today about Newark. Newark this, Newark that, Newark this. But when we were looking at the School Funding Formula, we had a hearing at the New Jersey Institute of Technology. And there was a mother from Newark who got up and pointed her finger at all the legislators who were there, called us racists, and said to us, "Why don't we provide money for the schools in Newark?" And I was dumbfounded by what she was saying. But what she really was saying was that the money wasn't getting into the classroom to the kids. And I think that's really-- That's the crux of, really, the issue.

I mean, whether it's going to Newark, or Brick Township, or Toms River, or wherever it's going, I think as legislators we need to know it's going into the classroom. And so as a preview, let's say, for the Keansburg discussion -- I'm sure it's going to come up on Thursday -- if it's possible to extract, again, what State moneys, as an Abbott district, went

toward that settlement. I don't know if I'm saying that correctly, but that's what I'm asking.

Thank you.

SENATOR RICE: Assemblyman Malone.

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

The question-- I don't know if it's legal to do it, but I may do it anyway -- or if it's constitutional -- to go back-- And what you're trying to do with the Keansburg contract is to void that contract based on the fact that it's just against public policy, and it's just flat unreasonable, and it's a -- in my opinion, it's a misuse by those taxpayers -- or those school board members of public funds, especially State funds. And I think that there should be-- If board members are going to be that foolish with large amounts of State funding that they're being given, there should be some legal recourse against these board members for malfeasance -- I don't know what term you want to put on it. For them to agree to contracts like that, whether it's in Keansburg or some other municipality, somebody ought to be held responsible for the fact that incredible buyouts that basically rival corporate mismanagement need to be -- have a legal recourse. Because unless something is done, people find creative ways, no matter how much we try, to get around it and do some sweetheart deal to stick it to the taxpayers. And this thing-- It wouldn't be so bad if this woman had not come to an education hearing -- a budget education hearing a couple of years ago in a white stretch limousine. It almost-- There's a history here of arrogance and indifference toward the children and the taxpayers of the

State of New Jersey by this superintendent that goes beyond belief. And I imagine there are others in the SCI report that pointed out some atrocities.

But people have to be made -- to be held accountable, both superintendents for advising the boards that these are good deals, and board members for being stupid enough to sign off on the things. And any other entity that allows this kind of stuff to happen should basically find themselves in some serious legal, financial, and criminal kinds of proceedings.

So if there is some way to do that, Commissioner, I would be very supportive in making it hurt when they go and misspend public money like this.

Thank you very much.

COMMISSIONER DAVY: I think that we would need to have some authority to do that other than what we're doing.

ASSEMBLYMAN MALONE: You tell me what it is, and I will sponsor anything that needs to be done to make this kind of stupidity go away. Because we shouldn't even have to be spending time, with all the critical needs we have, and all the time you need to spend in the Department on real educational issues, to have to be spending your time on front-page headlines in the newspaper because some school district and its board members have been profoundly stupid in doing this. You shouldn't have to spend your time. And what we have to do legislatively we should do to prevent this atrocious waste of money and time.

COMMISSIONER DAVY: Thank you.

SENATOR RICE: Commissioner, let me ask you a question. Have you directed the executive superintendents to invalidate the provision of any contracts -- whether they were approved and executed?

COMMISSIONER DAVY: I have not directed executive county superintendents to invalidate. They have no authority to do that.

SENATOR RICE: Okay. Then are you aware that the executive -- some executive superintendents have contacted people -- contracts that were previously approved and telling them the contracts must be changed?

COMMISSIONER DAVY: Senator, you may be referring to contracts that are currently under review as part of the post-CORE world, in which case the executive county superintendent does have the authority to tell them that a contract which they may have agreed to between the board and the superintendent is not a valid contract until -- under CORE -- until the executive county superintendent has given sign-off.

I thought you were referring to the sort of broad-ranging review that we are doing statewide, right now. We do not have authority to invalidate contracts that were entered into in 2003, and 2004, etc.

SENATOR RICE: So it would be just the ones presently under review.

We'll have another subject on executive superintendents, because you know I've always had my problem with that. I eventually gave the vote, as long as we could sign off. But I know in Essex -- and you can put a flag on it -- they recall that one person was recommended into the system, and I get a call because they live in South Jersey, they're going to put them down there. Then I get a call that they would get someone who

lived up there, who ran the Cranford District, with no urban experience at all. And I have a problem with the way these superintendents are coming about. Maybe it's what somebody wants. They probably (indiscernible) somebody -- a political friend (indiscernible).

Just make a note that the person they sent to me, I'm not interested in at this point, just given the background. We have a real serious district up there. We're talking about bringing in a new superintendent. The Governor is trying to get somebody from out-of-state, which I oppose. I just believe New Jersey is big enough to find someone that can run our district. The last time Newark went out-of-state to get a superintendent, she came in, they blew \$70 million of State money, asked the State to take over as superintendent. And we had to go back into the system to bring up Marion Bolden to take a deficit system and make it what it is today, a great system that's moving forward.

So just make a note there needs to be some conversations, on county-by-county, with people in the Legislature about some of these people who are coming on board. Because you haven't filled all those positions yet -- not you personally, but the Governor hasn't. And I don't know how many of my colleagues have the super superintendents yet. But I just want to put them on notice that I made the legislation where the Senators have, I believe, some silent authority on these people. And we don't know on the Assembly side; we can check that out. I think that's in there. But you need to talk to your colleagues to kind of force somebody to sit there and say, "How are you doing? Here is my background," or whatever, and ask the right kinds of questions.

That's just a note.

Any other questions for the Commissioner, anyone on this subject? (no response)

We're getting ready to conclude the meeting. I think there was a brief issue I wanted to bring up.

Where is my agenda here?

The articulation agreement-- Is someone here to speak on articulation? (affirmative response)

Commissioner, thank you very much. I know you're going through a lot, your staff is going through a lot. Unfortunately, you're probably going to be coming before us quite a bit. There are a lot of questions and things up in Paterson, non-Abbotts, school construction -- which is over on one side, but you got a little piece of that. And we're going to be a very active Committee. We have to be, because we're oversight.

And we thank your staff too.

COMMISSIONER DAVY: Thank you very much, Senator.

SENATOR RICE: Thank you. Have a good day.

Our next speaker, and last, is going to be-- Is that Dr. Edward Yaw?

**EDWARD J. YAW, Ed.D.:** Yes.

SENATOR RICE: Yes?

DR. YAW: Yes.

SENATOR RICE: Okay. Come on up, doctor -- from the County College of Morris, and the Chair of the Presidents' Council -- college presidents.

And to the members, we're not going to be much longer. I want to thank you for coming.

I'm sorry.

How are you?

We asked you to come in today to kind of bring us up to date with where we are with articulation.

I'm going to hit your light. (referring to PA microphone) Just give me a chance to--

This is not my normal meeting -- committee room.

DR. YAW: Good afternoon.

SENATOR RICE: Good afternoon.

DR. YAW: I'm Ed Yaw. I'm President of the County College of Morris, and I currently serve as Chair of the New Jersey Presidents' Council for another 21 days, but who's counting. (laughter) But it's been a wonderful experience working with my colleagues in both the two- and four-year institutions, independent and public as well.

I wanted to start, Mr. Chair, by thanking you for your support of this -- and sponsorship of the legislation that was enacted and signed by the Governor, along with Assemblywoman Lampitt. And I see Beth here representing her, as well. And I thank Assemblymen Wolfe and Malone for their support as well. This was landmark legislation that we've enacted. And I want to give you a brief update of where we stand, in terms of developing a comprehensive, statewide agreement; a little conversation about some outstanding issues that we still have; and, of course, respond to any questions or comments that you may have.

And if I start drifting or go on too long, I won't be insulted if you bring me to a screeching halt. But I did want to give you a brief update, if I could.

Following the adoption of the legislation, the New Jersey Presidents' Council did adopt a comprehensive, statewide transfer agreement in December of '07, which addressed a number of issues.

First and foremost, some of the general principles, which I think were incredibly important and supported unanimously by the Presidents' Council, was that any student who completed an Associate of Arts or Social Science degree would be able to transfer fully to a public, four-year college with exactly half of their credits accepted toward their baccalaureate degree, and all of the general education courses required by the baccalaureate institution would also have been satisfied, and they would have junior standing at that institution.

There are a number of corollary principles, as well. But those were the two primary ones which were very important. And those of us at the community colleges were very pleased with that.

In addition, there are some corollary principles: that the four-year college would have to identify any remaining requirements at the time of admission, so when a student is enrolled, if there are any outstanding requirements in addition to that, they need to be notified of that in advance. The agreement also dealt with the issue of prerequisites. If a student had not completed a prerequisite that's required for graduation at the institution, the first step would be to try to fit that prerequisite in within the exactly half the credits that remain. And if that weren't the case, they might have to take an extra course or two. But the first course -- we try to do everything within that remaining half for the baccalaureate degree.

Of course, the students -- the same would be true if there were any specific graduation requirements. For example, some institutions --

some senior institutions require that all students complete a foreign language requirement. If the student coming from a community college does not take any foreign languages, they too would have to meet that graduation requirement. But again, they would have to try to do that within the remaining half credits. So the general principle would be the overriding principle there.

The agreement also talks to the need for dialogue between faculties at the two-year colleges and the four-year colleges, particularly in some of the majors that are more problematic. It's important that all of us, the faculty in particular, work together to try to resolve whatever differences we may have to make sure that our curricula line up in a most efficient way.

Accreditation could be another issue, again, if there are certain requirements (indiscernible) based on accreditation. For example, schools that are accredited by the Association of Business Schools, AACSB, or the NLM for nursing, or for the various teacher education requirements -- again, those issues would have to be resolved.

Again, community college students would be expected to meet the same requirements as native students, primarily. And the first effort would be to try to do that within the remaining half courses that the institution -- that the student was taking.

The same is true for D grades. Students would be treated the same as students from the senior institution. If, for example, a student at the senior institution gets a D in Composition I and is allowed to take Composition II, then the same should be true for a community college student. If, on the other hand, the native student's D grade is not recognized and the student has to repeat it, the community college student

should be treated the same way. Our emphasis was that, in fairness, community college students should be treated the same as senior -- as native students who started out as freshmen.

Those are the primary principles dealing with students who complete the degree. There is also a stipulation -- and this was included in the legislation -- that this agreement would apply to students who had not completed the degree as well. And here, the emphasis is on course-by-course evaluation and trying to make sure, basically, that students who take courses with the same name and same general subject matter have those courses accepted fully at the senior institution.

The other thing that was important here -- and this is going to be a challenge for the institutions -- the senior institutions -- is that students should receive notification of exactly how many credits are accepted in transfer within 30 days of their admission to the college or university. So hopefully students will know what they're going to be expected to take and what they're going to get credit for before they actually enroll. This has been a challenge for many of the senior institutions, but it's one that we all felt was important to try to accomplish.

The other thing dealing with equity between transfer and native students has to do with admission into certain programs. For example, some senior institutions require students to have a B average in order to be accepted as, let's say, business majors or perhaps even education majors in the junior year. Well, if a B average is required for native students, the same should be true for community college students. And so that's another provision that's included.

We're doing a lot of work in the general education area. Community colleges and the four-year institutions -- refining our general education. The agreement specifies general education requirements in communications, math and science, technology, diversity, and so forth. And we're working hard to get some consistency between the community colleges and consistency, in turn, with the senior institutions as well.

There is a fair amount of effort in the agreement for assessment of the success of this program. The Presidents' Council and the Commission on Higher Education, according to the legislation, share responsibility in this area. And in that frame, we've established -- the Presidents' Council has established a standing committee for dealing specifically with the issue of transfer. The committee is equally represented by two- and four-year institutions. And we've specified as well that at least the majority from each sector should be presidents, and the others should be academic officers who deal with the issue of transfer. So it's a high-level committee, and they'll be working with the Commission to define the data that will be collected to be sure that the system in place is being adhered to.

And finally, institutions are expected to identify an individual in their institution that has primary responsibility for transfer, and that that be clearly articulated to students both in catalogues and Web sites so that they know who to go to if any issues should arise.

There are two other issues, one dealing-- In the agreement, we had outlined an appeals process. The appeals process that we devised involved considerable amount of consultation between institutions when students run into difficulties, and outlined a specific track for them to follow.

The final step of that process was the resolution by the Presidents' Council. When we transmitted our transfer agreement to the Commission on Higher Education, they naturally had that reviewed as well by the Attorney General's Office. The Attorney General's Office gave the opinion that that provision that gave the Presidents' Council the final authority resolving appeals and differences was -- did not have legislative authority, and we didn't have the authority to do that. And they suggested that the final authority, because it was an academic matter, should rest with the senior institution. We were not pleased with that result and so we -- that is we, myself; Jane Oates, Executive Director of the Commission on Higher Education; an attorney from Rutgers; an attorney from the community colleges tried to come up with a dispute resolution process that would assist in resolving differences and, hopefully, in a collegial way, to try to resolve these issues before they became serious. We submitted them and had calls with the Attorney General's Office. Unfortunately, my understanding is -- I haven't received formal notification yet. My understanding is that that, too, is not deemed to be appropriate, that still the final decision for the institution -- for the student, rather, would rest with the senior institution. We could go ahead with the dispute resolution process on an informal basis, but it wouldn't have any authority to impose. So that's an outstanding issue that we need to resolve.

The final issue I wanted to mention that needs to be resolved is the issue of New Jersey Transfer. I'm not sure how much any of you are familiar with New Jersey Transfer. But it is an electronic system that determines the equivalency of courses between the community colleges and the senior institutions. All the public senior institutions participate, almost

all of the independent colleges participate. Students are able to put in -- and their advisors, and the guidance counselors from the high schools, frankly -- are able to put in courses that they are planning to take, and find out exactly how they're going to be transferred at the senior institution, whether they'll be accepted as general electives, as requirements, whatever the case may be.

Regrettably, the funding of this program has been problematic for the last three years. Two years ago it was not included in the State budget, except for licensing fees for the software. The Presidents' Council had some residual funding, so we were able to step up and fund the program for that year, two years ago. This year, it also was not included in the State budget except for the licensing fees. We went to the institutions individually to make contributions. And we got enough of them to contribute to make it whole again. But this year again -- in this year's budget -- it's not included in the budget except for licensing fees. It's about a \$350,000 item. We have about \$82,000 for licensing fees that is in the budget now. And of course we have people working in this area, and they're working at Burlington County College. It's a contract between the Commission and Burlington County College to provide this service. I can't tell you how valuable this service is. Not only does it provide the transfer information to students and counselors, but also they provide electronic transcripts, which saves the colleges tremendous amounts of money, in terms of postage, and paper, and so forth, because we can transfer transcripts electronically between the institutions. And some institutions have even been able to develop software that puts those electronic transcripts directly into their database so that they can do the evaluations

very expeditiously. So this is a serious concern that we have. And we don't have an easy answer right now.

Those are the things that I wanted to bring to the attention of your Committee. I appreciate your time. We'd be happy to respond to whatever questions you might have.

SENATOR RICE: Thank you very much for coming and for your patience.

One of the issues that we're working on that came to our attention was the articulation agreement for nursing. And I think we're working on a whole piece of legislation. Because it's something that you're going to have to address that, in some kind of way, didn't get in the mix. I'm not sure why. But we're going to continue to move forth with the articulation.

The appeals process-- I'm asking staff to start to prepare legislation and make sure the authority is there. Because if the authority is not there, and it's just the four-year institutions, we're right back where we started, I believe, with some of the intent. The Legislature, when we did articulation-- It was hard enough getting everybody together to agree that we were going to go forward. And so we need to say that.

And the final thing is that-- How much-- You said that there was no funding put in. How much was the funding that was missing?

DR. YAW: The cost of the program -- the current budget is about \$350,000. And the amount that's in the budget for the Commission on Higher Education is \$82,000 -- \$350,000 versus \$82,000. That's the amount of money that's -- that's the difference.

If I could just go back to your issue about the appeal process, you're absolutely right.

SENATOR RICE: Hang on a moment.

DR. YAW: Sure.

SENATOR RICE: I'm going to-- This is probably going to be a debate, probably a fight. We may not be able to get you passed this budgetary piece. But we need to do legislation to restore those dollars. We probably won't be able to do it in this budget, unless there's another way for them to do it. But we need to at least legislate it in such a way that the dollars are somewhat mandated to stay in there, within reason. But we'll work with OLS on that.

Go ahead.

And talk to also Assemblyman Malone. I know Burlington County is his district. He may have more information on that.

DR. YAW: That would be greatly appreciated.

I just wanted to return for a moment to the appeals process. Because as the sponsor of the Senate bill, you remember very clearly that the legislation did require an appeal process, both for individual students and for institutions, and that's what we're trying to accomplish.

SENATOR RICE: Okay.

Assemblywoman, what bill is in--

You said somebody had a bill in.

MS. BENESTA (Chief of Staff): Lampitt, 2109.

SENATOR RICE: What does that do?

MS. SCHULZ: It's the appeals process.

SENATOR RICE: That's the appeals process. Okay. I just wanted to know what it is.

There's no Senate version?

DR. YAW: Originally there was. I think Senator Rice did sponsor, originally, a companion bill.

**BETH AUERSWALD:** Not the appeals process.

DR. YAW: No, not a separate bill on the appeals process. It was part of the original Lampitt legislation.

SENATOR RICE: Okay.

MS. AUERSWALD: Right. This is the one that would clarify the appeals process.

SENATOR RICE: Okay. No problem then. We'll put it on the other side. Okay?

Thank you very much.

Assemblymen, any questions? Assemblywoman, any questions?

(no response)

Thank you very much for the work you are doing and thank you for keeping this process moving forward.

That ends our meeting.

I want to thank the members again.

The meeting is adjourned.

**(MEETING CONCLUDED)**