

---

---

# ***Committee Meeting***

of

## ASSEMBLY EDUCATION COMMITTEE

### ASSEMBLY BILL No. 2643

*(Establishes New Jersey Quality Single Accountability Continuum,  
a new State monitoring system for public school districts)*

---

**LOCATION:** Camden Middle School  
Newark, New Jersey

**DATE:** May 25, 2004  
3:00 p.m.

**MEMBERS OF COMMITTEE PRESENT:**

Assemblyman Craig A. Stanley, Chair  
Assemblywoman Nellie Pou  
Assemblyman Joseph Vas  
Assemblywoman Joan M. Voss  
Assemblyman Eric Munoz



**ALSO PRESENT:**

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

Andrew Hendry  
*Assembly Majority  
Committee Aide*

Tasha M. Kersey  
*Assembly Republican  
Committee Aide*

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

---

---

## TABLE OF CONTENTS

	<b><u>Page</u></b>
Dwight R. Pfennig, Ed.D. Deputy Commissioner New Jersey Department of Education	3
Gloria Hancock Chief of Staff New Jersey Department of Education	10
Senator Ronald L. Rice District 28	29
Marion A. Bolden State District Superintendent Newark Public Schools	32
Leonard Anton H. Wheeler Member Newark Public Schools Advisory Board	45
Richard Cammarieri Member Newark Public Schools Advisory Board	48
Paul L. Tractenberg Founding Director Rutgers-Newark Institute on Education Law and Policy	50
Kabili Tayari President National Association for the Advancement of Colored People Jersey City Chapter	57
James J. Dougherty President New Jersey School Boards Association, and Member Lindenwold Board of Education	61

## TABLE OF CONTENTS (continued)

	<b><u>Page</u></b>
Charles Reilly Past-President Legislative Committee New Jersey School Boards Association, and Member Ridgewood Board of Education	65
Steven G. Block Director School Reform Initiatives Education Law Center	67
Brian Baker Associate Director Government Relations New Jersey Education Association	74
<b>APPENDIX:</b>	
Testimony submitted by Marion A. Bolden	1x
Testimony submitted by Leonard Anton H. Wheeler	2x
Statement submitted by Charles Reilly	3x
Statement submitted by Brian Baker	4x

**ASSEMBLYMAN CRAIG A. STANLEY (Chair):** Okay, we'd like to call the meeting to order.

First, let me thank you all for coming out. I'm Assemblyman Craig Stanley. I represent the 28th District and serve as Chairman of the Education Committee. I represent Newark, Irvington, Belleville, and Bloomfield, so basically the whole gamut from Abbott, to State control, to suburban, urban, Essex County districts.

I certainly am pleased to have people from the Department here. And I'm certainly pleased to have so many members of our Committee here.

Thank you, Dr. Voss, Mayor Vas. And Assemblywoman Nellie Pou, from Paterson School District, is here also.

I also want to thank Dr. Munoz for coming up and representing his colleagues who could not be here today. It's certainly easier for you to get here from the University of Medicine and Dentistry.

**ASSEMBLYMAN MUNOZ:** Craig, I'm not sure how many Republicans actually work in Newark, but I do. (laughter) But in any event -- right down the street.

**ASSEMBLYMAN STANLEY:** We're certainly glad to have you.

This, here, is our first Education Committee meeting that we've held off-site. And I couldn't think of a more important topic to bring to Newark, and it's certainly something that concerns Newark. What we're going to be talking about today is Assembly Bill 2643. And what it does is, it establishes a new monitoring system, a new assessment accountability system and intervention system for the Department of Education, with respect to the local school districts.

It's certainly an important issue for Newark. As you know, Newark is under State control right now. And this also -- the bill also speaks to how a district would come from State control to a local-operated district.

Let me say, first, that the bill, even though it's submitted under my sponsorship -- and we will certainly work with the Department of Education to bring forth the best possible system that we can to deal with all of the issues, as we understand them today. When we first -- and I'm glad to have Mr. Tractenberg here, because he was around -- I'm not dating him or anything -- but certainly helped with some of the initial issues with respect to State takeover, and monitoring, and those kinds of things. So we certainly welcome him here to testify.

And I just want to say that the bill that's down there, the bill before you today, is not necessarily the bill that we end up passing out of our Committee. I think the Department of Education understands this is a process. We wanted to make sure we had public hearings so that we could get public input, get as much public input as possible.

I apologize, because we were trying to get the location and so forth, so we didn't get a chance to perhaps publicize this meeting in Newark as well as we could have. So I've actually committed to having another hearing here in Newark. So we will be doing this again, and perhaps getting more public, more community input. But we're certainly glad to have all of you here today.

As I said, I'm not married to the legislation before you. As a matter of fact, we introduced it as the Department gave it to us, so that we wouldn't feel any -- we wouldn't be defensive if people didn't like it. So you're unchained, in other words. You can just fire away.

Certainly, if any of the other members have any comments--  
Otherwise, we can get right into the presentation and the testimony.

We have Dr. Dwight Pfennig and Gloria Hancock, from the  
Department of Education, if they'd like to come forward and give a presentation  
on the New Jersey QSAC, which stands for New Jersey Quality Single  
Accountability Continuum.

Oh, before you begin, let me just announce there's a license plate  
number PTL -- I guess ????. You're blocking cars, and you need to move your  
car.

No other description other than that? (no response)

If your license plate begins with PTL--

Thank you, Commissioner.

**D P T Y . C O M . D W I G H T R . P F E N N I G , E d . D . :** Chairman  
Stanley, thank you very much.

I'm so glad the announcement didn't say SG-something. (laughter)

ASSEMBLYMAN STANLEY: Please make sure you state your  
name and title.

DEPUTY COMMISSIONER PFENNIG: Correct.

My name is Dwight Pfennig, I'm the Deputy Commissioner of  
Education.

Bill Librera is out of town, and he's not here today. He certainly  
would be, as we all would, to talk about New Jersey QSAC.

The evolution of this process has really taken us over about a year  
and a half, and combines some efforts that began when we first moved into  
Trenton about two years ago and were talking about modifying school takeover,

based on some -- based on a number of reports that were made for us, previous reports, certainly that of Paul Tractenberg and others. And then, also, the accountability systems demanded by NCLB really caused us to look at all of these issues and say, "How can we combine them into one single accountability system and not go off monitoring school districts in a number of ways?"

The purpose is to measure students, school districts, school performance in meeting State and Federal standards. The purpose is also to simplify the old monitoring system and integrate all of the requirements of the existing statutes and code, the Abbott mandates, State takeover law, and Federal mandates -- which include IDEA, all of those special education regulations; as well as NCLB.

While New Jersey QSAC -- and we've become very used to that word, and it's kind of a mouthful when you say it in one line -- is new, the monitoring site visit will integrate several State and Federal program requirements, and will take place on the same seven-year cycle that we're involved in now. And we know that -- as we have gathered input from various agencies, and school districts, and superintendents, and a number of folks involved in education -- there was a lot of inquiry about that seven-year period and what were we going to do with that. Well, we're leaving that in tact. The process will continue to include an annual review. However, the quality indicators will be used as a first step in determining effectiveness in school districts.

This is a continuum -- we've talked about that repeatedly -- continuum to all school districts, which begins with little or no involvement by the State Department of Education, if the monitoring and reporting system in

place indicates that they're high-performing; and minimal involvement if the district is regarded as performing at a moderate level; to maximum involvement of low-performing schools. Maximum intervention includes partial State control and full State control.

Therefore, you can see that this is a process that accelerates the work that has begun to support progress in districts, by allowing them to continue their work without the unnecessary intrusions of the Department of Education.

In instances of low-performing districts, New Jersey QSAC provides an expanded authority for the commissioner to intervene earlier and quicker when significant problems occur.

One of the questions that repeatedly is put before us is, when we're within that seven-year cycle -- suppose the district, for some reason, may run into some kind of problem, not in the entire district operation, but in one particular phase of it -- how do you address that without going back through an entire monitoring system and, perhaps, looking at Level II or Level III monitoring? And as we view that, we say, "We need something that let's us go in and gives the commissioner, perhaps, a little more broad-based power to look at finances, to look at operations, to look at curriculum, things of that nature.

Finally, in terms of State takeover districts, the New Jersey QSAC provides clear steps for return to local control in the areas where performance has been demonstrated as satisfactory in certain areas, while continuing to provide assistance in areas where problems still exist.

There are five key components to school district effectiveness governing instructional -- effectiveness in governing. And they include, under the

QSAC model: instructional and programmatic matters, personnel, fiscal management, operations, and governance.

Instructional and programmatic indicators focus on achievement assessments, student behavior -- some things such as dropout rates that we've been looking at for a long time now -- program and curriculum indicators, evidence of high-quality pre-school programs, continuous improvement in services and instruction to special education, bi-lingual, and other students in other areas.

In the area of personnel, the indicators that will be found there will focus on staff training and development, human resource and labor relations. Districts are also going to have to show some evidence of continuous improvement in hiring, assigning, and retaining staff. As you well know, retaining staff is a major quest of all State departments, probably, throughout the nation, but in particular with a State that has a high turnover rate. It's no secret that we lose 30 percent of the new teachers, when they come out, within a three-year period, or maybe even higher in some instances, depending on where that is. And we also have to make sure that recruiting is given its emphasis.

Fiscal management: And the areas of focus in fiscal management include per pupil cost indicators, budget planning indicators, and the annual external audit indicators.

In operations, we're going to review facilities, health and food services, nutrition, delivery of health services, school nursing, transportation, pro-active communication of emergent issues such as parent notifications and community involvement, and the completion of the annual American Association of School Administrators' fall report.

Governance indicators include the compliance with State and Federal guidelines, but also the multi-year equity plan -- making sure that that's been approved; bi-lingual and/or ESL plan that's been developed by the DOE; if applicable, the Early Childhood Program Aid plan that's been approved and implemented; and if applicable, the Demonstrably Effective Program Aid plan that has been approved and implemented.

And, obviously, when we talk about a number of those plans -- which usually result in a number of educational acronyms over the years -- some of those changed, depending on some of the things that are put in place through educational funding.

Also, the governance indicators include district leadership. We want the district leadership to develop and reinforce clear policies and procedures for the operation of a district; the board of education being productive and efficient in dealing with the key issues facing the district; board members who demonstrate respect for confidentiality of information; and that the board meetings are, in fact, productive and that the board business gets done, or the business of the board gets done.

Some other program indicators: Compliance with all community support requirements. We have things such as the seven-year demographic study, their community survey of resources, because they play a vital role in all of the educational programs in any district; and annual review of community and environmental conditions; and collaboration with governmental agencies, community-based organizations, and institutions of higher education.

One of the questions we've had to grapple with: What would be required of legislators in order to implement QSAC? Legislation is necessary to

change the State takeover law, and to expand the authority of the commissioner and the State Board, relative to low-performing districts. And that would be in those areas where we are looking, in this proposal, to go in and not deal with the whole district, but perhaps the key portions where districts are not doing well.

Most of what is in QSAC is regulatory, and therefore will be established through public involvement, hearings, and the process used by the State board in order to change the existing practice and procedures. The current monitoring code is extensive. And if you've reviewed that, that also is going to take some major changes beyond whatever happens, legislatively.

And as we look to that calendar over the next several months, we don't want people to assume that just because the legislation changes, New Jersey QSAC goes into place overnight. Because it does require a lot of code changes.

That's the shortened version of it. We hope that the public dialogue will continue to raise questions, and answers will be provided, and that the input will change this to be a meaningful process by which school districts will be judged.

Here with me today, to answer any questions you may have of us prior to hearing testimony: Chief of Staff, Gloria Hancock; and also Diane Schonyers, who is the Director of our grants program, is here, as well. These are the folks that have been busy writing QSAC.

Thank you very much.

ASSEMBLYMAN STANLEY: Thank you very much.

Any of the members have questions?

Dr. Munoz, to start.

ASSEMBLYMAN MUNOZ: I wonder-- I'll try to keep this somewhat simple. Newark is now, or currently, a State-operated district, I think.

DEPUTY COMMISSIONER PFENNIG: Yes.

ASSEMBLYMAN MUNOZ: So this law, if it became effective -- maybe just use this school and this central ward as an example-- How would that-- Would that change anything? How will that work, exactly?

DEPUTY COMMISSIONER PFENNIG: Basically, it would change the ability of the school district to begin to work out of takeover in areas where they were proven to be efficient -- or sufficient improvement and able to move out.

ASSEMBLYMAN MUNOZ: I'm trying to easily-- Pretend I'm a fourth grader. Let me go back.

Is there a way, now, for them to get out of takeover? I mean, I would think-- Or no?

DEPUTY COMMISSIONER PFENNIG: No.

ASSEMBLYMAN MUNOZ: No?

DEPUTY COMMISSIONER PFENNIG: No, because it requires a whole group of things to be done at one time. You can't come out in pieces of it.

ASSEMBLYMAN MUNOZ: So under this law, the Newark school system-- Explain that again. Tell me that again.

DEPUTY COMMISSIONER PFENNIG: The Newark school system, and Jersey City, and Paterson would be able to work out of takeover in the areas where they were showing satisfactory progress.

ASSEMBLYMAN MUNOZ: So they get, like, partially--

DEPUTY COMMISSIONER PFENNIG: Finance, program. If you look at the five areas--

ASSEMBLYMAN MUNOZ: Sure.

I don't want to beleaguer this point. But if you look back over the past -- I'm a little older. And I don't want to say I'm cynical, but I've worked in Abbott districts my whole life. The history of taking over, not taking over-- Just review the last 15 years in Newark, for this area. I know you probably weren't in the Commissioner's Office -- previous administrations--

We take over a district, and then usually that gets returned to local control? Yes, no?

**GLORIA HANCOCK:** Assemblyman Munoz, one of the difficulties, certainly, with a State takeover-- I think that when New Jersey first began this effort, we were really the first in the nation. What was lacking in it was that there was never really a clear exit strategy -- that once you had taken over, how do you exit out of being in State takeover.

What the New Jersey QSAC is proposing, in lieu of the current regulations now in statute that says you have to achieve 100 percent certification in all areas-- What New Jersey QSAC is proposing -- is saying, "We're going to recognize where districts have made progress." And I'm going to focus on Newark for a moment, in terms of them having gotten a qualified audit in recent past, in two consecutive years in a row. Their business operations and their financial practices are looking very good and very promising. And so we believe we should concede local authority back as

performance warrants it. And then you maintain assistance in those areas that still continue to be problematic.

ASSEMBLYMAN MUNOZ: Just stick with Newark for one second. How many people -- and when you take over a district, for example -- actually examine Newark data, and that whole thing. I guess it's folks at the district and in Trenton, right? Is that 100 people, two people? Just give me an idea of the workforce involved. If you don't know--

MS. HANCOCK: I don't know how many there were originally that went in. I was not employed in the Department at the time.

ASSEMBLYMAN MUNOZ: But, theoretically, this would allow us, the State, to return partial control -- which would theoretically be good -- unless people would be needed to oversee.

MS. HANCOCK: That's correct.

ASSEMBLYMAN STANLEY: Okay, Assemblywoman Voss.

ASSEMBLYWOMAN VOSS: I have several concerns. I read the statement of the bill.

How are you determining what districts, because we have over -- almost 600 school districts in the state? How will the districts that you are going to target be determined?

MS. HANCOCK: Currently, now, what we have is a requirement under the No Child Left Behind Act to identify those districts who are performing, and those who are not performing by not meeting their adequate yearly progress targets. So we look at student level -- student achievement data to see how schools are performing. We also look at the ways in which they are

budgeting, and whether or not they're meeting those requirements in that respect.

The current system, now, allows for a seven-year certification cycle. And we recognize that, in New Jersey QSAC, what is most likely, where we have been intervening in several districts now for quite some time, is that you're talking probably less than 20 districts would fall into that category.

ASSEMBLYWOMAN VOSS: Twenty districts.

MS. HANCOCK: Yes, the vast majority would not.

ASSEMBLYWOMAN VOSS: Because one of my questions was, high schools go through Middle States evaluation, and I would assume that those schools that did well in the Middle States would not even be part of this process. Am I correct in that?

MS. HANCOCK: It's a fair assumption in that they would not find themselves, probably, having the State being -- intervening to the maximum level possible. What we are proposing is that you have a single accountability system, because, right now, what you have are multiple accountability systems. You've got one for-- If you're an Abbott district, you're treated one way. If you are receiving Federal dollars under No Child Left Behind -- particularly Title I, which by and large are most of our Abbott districts, but there's also some rural districts in that same category -- they are faced with that also. So you really want to treat everybody the same, in terms of how you are evaluating a district -- a school district's overall effectiveness.

ASSEMBLYWOMAN VOSS: Okay, another question I have is, I saw, throughout the statement, that the people who would be determining what was wrong with the school would be "highly qualified professionals." May I ask

who these highly qualified professionals would be, where they would come from, what would be the criteria by which they would be determined to be a highly qualified--

I have to preface this. I spent 41 years in education, so this is something that's very much of a concern to me.

MS. HANCOCK: Sure.

It certainly comes from the ranks of those of us who, we believe, in the Department of Education, are also highly skilled professionals. We also believe that in the private sector there are people who are highly skilled professionals. Many may come from the retired ranks. We also recognize that there are high-performing and high-achieving school districts. They, too, are considered highly skilled and, therefore, we would want to create the opportunity for them to be able to assist and work with other districts that are having problems and, essentially, transport that practice. It's almost as if these are individuals who will augment the work that you're currently doing now.

ASSEMBLYWOMAN VOSS: My question is, how will they be selected? Will you advertise: "Any highly qualified professional who wishes to be--" I don't mean to facetious, but--

MS. HANCOCK: I'll get right to the point. No, I think your point is very well taken, and your questions are very much appreciated.

They will have to actually complete an application. We have a document now that's in draft that talks about the highly skilled professional program. They will have to complete an application. They will have to demonstrate that they, in fact, have the necessary skills and credentials to be able to work in a school district. And then what we're doing, essentially, is

recruiting them from those ranks. And then it goes into, for lack of a better word, almost like a database. “These are the additional resources that you can use to supplement your support to a school district.”

ASSEMBLYWOMAN VOSS: Another concern I had was, if the State were to take over a district, the State could have a State district superintendent be appointed by the Commissioner of Education. And then as I read on further, it said, “And still retain the superintendent who was in the position prior to the State taking over.” To me, that means you’re paying two superintendents, two salaries to administer the same school district. And to me, that’s not financially a good thing.

And second of all, if the person who was the superintendent was not doing the job properly, why would you retain him in that position?

ASSEMBLYMAN VAS: Or her.

ASSEMBLYWOMAN VOSS: Or her. Sorry. (laughter)

MS. HANCOCK: That’s a very good question. I’m not certain why that’s there. It would seem to me that what you have is-- Let’s say that you are a good superintendent, you’re a State-appointed superintendent, and you are doing a fairly good job, but there are still some areas in which you are experiencing difficulty. Our three State takeover districts right now, despite their best efforts, are still having difficulty at raising the test scores in student achievement. I mean, we all know that.

ASSEMBLYMAN STANLEY: I just want to mention, it’s not that they would retain the superintendent and replace-- I mean, they wouldn’t retain a superintendent and bring in a State superintendent. You would either have the option of-- They would either have the option of retaining the current

superintendent or replacing the current superintendent with a State superintendent.

ASSEMBLYWOMAN VOSS: Okay, that's not what I read in the statement. Maybe I misinterpreted.

ASSEMBLYMAN STANLEY: Now, what they do allow for is the commissioner's designee, which you may be referring to.

ASSEMBLYWOMAN VOSS: If I may, because I have more questions.

Another concern I had was about the-- How can you keep a board of education that allowed a school to fall below the 50 percentile rate for the five criteria? And what I read said that the board of education could stay in its position, as board of education, and the commissioner would appoint three additional members to the board. If the board was not administering the district well, again my question is, why would they be retained? They are appointed some places. They're not always elected.

DEPUTY COMMISSIONER PFENNIG: I think the goal there was to supplement boards, as an initial step, so that folks could assist in a governing process. Because while some boards may appear ineffective, in terms of the results of pupil progress or whatever the element might be, the first step should be to try to build the skills to do that. Also, in cooperation with other agencies that may be available, statewide -- School Boards Association and other folks. But that was seen as a first step.

ASSEMBLYWOMAN VOSS: One more question, and then I'll stop.

What do you predict the cost of these programs, these projects would be, in terms of an overall budget?

DEPUTY COMMISSIONER PFENNIG: In terms of the monitoring system, we projected no additional costs at all, as compared to the way we monitor school districts now.

Obviously, if you have highly skilled educators going into districts to work, that would be something that would have to be paid for. And that's something we don't see as being done with hundreds of people. Obviously, we talked about 20 districts being identified. But most districts that would find themselves in some kind of peril in any of those elements would most likely have to be hiring people to assist them in moving out of that anyway.

ASSEMBLYWOMAN VOSS: If you're going to-- I would assume that more than one highly qualified professional would have to go into a district. Knowing about salaries for per-diem superintendents, we're talking \$600 a day, perhaps, for these people. And how many would there be? That would be a concern, I think, financially.

MS. HANCOCK: That's a very important point. We believe that, now, what we do with our educational consultants-- It's, on average, about \$350 to maybe \$400 a day, a little bit less, not that much more. They're probably-- Depending upon the circumstance, you could have a team of people. It may be led by a highly skilled professional and supplemented by department staff. You could be drawing from the ranks of colleges and universities. You could be drawing from the ranks of school districts with high-performing districts. And then using those practices and using their staff, you could accommodate that through an intergovernmental loan program, which we

currently do now. So there's a variety of ways where we're trying to maintain low costs, and where we can be cost neutral -- be cost neutral.

ASSEMBLYMAN STANLEY: I have a couple of questions that I just want to ask. One is concerning-- And maybe you can clarify my understanding. I was under the impression that it wasn't -- that you couldn't have -- retain the current superintendent and then bring in a State superintendent. Is it possible for you to retain the current district superintendent and have the State come in and bring a State superintendent also? Is that something that you intended?

DEPUTY COMMISSIONER PFENNIG: No, our intention is not to have two superintendents. There may be a brief transition period if that were to occur, if you were going to bring in a State superintendent.

ASSEMBLYMAN STANLEY: Now, the commissioner's designee-- There's information in there about the commissioner's designee. Now, would that exist-- And that would exist with a State-- Even if you had a State-appointed superintendent, you could still have a commissioner's designee to deal with certain issues. Can you elaborate on that position, and why that would be necessary?

MS. HANCOCK: I'm going to go by example, because I always think that that's very helpful. Right now, I currently serve, sort of, as Commissioner's designee in a district that will remain nameless. And I work very closely with the superintendent. They're not under State takeover, but they are a district who are experiencing problems. And so I work as a team member, along -- right with that district superintendent and also with the rest of their

administrative staff. So I'm really there as a support, to be able to assist them and give some sound recommendations.

ASSEMBLYMAN STANLEY: But according to the legislation, I believe I remember seeing that the commissioner's designee would actually have authority-- Actually, their authority would supersede their superintendent's authority. So that's a little more than an advisory type of position. That's where they would actually have decision-making authority in certain key areas.

DEPUTY COMMISSIONER PFENNIG: And I would add one point to that. That is correct. And even under the current monitoring system, there are certain instances where the commissioner has the authority that a designee may use within a school district.

And again, by example, where I've been working as the Commissioner's designee in a school district, we have the authority, under Level II, to restructure the organization of the administration, and we've been doing that.

ASSEMBLYMAN STANLEY: One of the issues -- or one of the concerns, of course, is capacity, with respect to all of these highly trained and highly skilled persons. I know we have a lot of very intelligent people throughout the State. But one of the things that I'm hearing is that districts are, in fact, having trouble getting and retaining superintendents and/or highly skilled people. So it seems that this is another area where, you know, whether we have the capacity or-- So I think those costs-- I think the costs that Assemblywoman Voss talks about could be very high, because if there's a capacity problem -- just like with fuel. If there's not enough around, the price kind of goes up. So the cost is, certainly, a concern. And as a result of that, the issue of shared costs

between the State and the districts -- which I'm not sure we could keep. I think we may even have to say that the State -- if it's a State intervention, maybe we need to protect the district from those costs, because they could, conceivably, be very high costs. And in some districts, they may not be able to provide that additional cost. With respect to shared cost, how much are you considering, or is it going to vary from situation to situation?

DEPUTY COMMISSIONER PFENNIG: I think the answer is that it would vary from situation to situation, depending on the highly skilled educator who was providing that service for a district.

Where we've had some experience is people who are on loan to the State Department of Education and are working in districts. That is not necessarily a shared cost for the district. That is something that the DOE is paying. We've had other instances where folks are working in districts that the district is paying for. So I think it does vary. But we have tried to keep it lower, and we've had a sufficient amount of -- I'm going to say -- fortitude and maybe luck in keeping our consultant fees a little bit lower than what is the standard superintendent consultant fee, which the Assemblywoman was absolutely accurate on.

ASSEMBLYMAN STANLEY: Thank you very much.

Mayor Vas has a question.

Assemblyman Vas.

ASSEMBLYMAN VAS: Would it be fair to say that the objective of this legislation would be to create the criteria that would be used to determine what specific areas a school district needs, the assistance of the Department of

Education in taking over those areas, and also establishing the criteria by which a school district that's currently under takeover could exit takeover?

It would seem to me, if that's the case, that one of the strongest incentives that we could provide to the school district to get out of a takeover situation is to have them improve in that identified, weak area. And one of the things that I think probably should be considered is that any cost involved in the State providing assistance should be charged against the school district. And specifically in a Abbott school district, not charged against the State aid portion, but rather, the local minimum fair share. Because I think that will create the community concern and interest to get more involved in the schools, hopefully, to improve in those areas. And I think the objective of this program is well-intended. I think what needs to be thought out is how we provide the local incentive -- not the statewide incentive, but the local incentive -- to have communities understand that they need to take an active role in improving the quality of education.

We always think it's either the State, or the board of education, or the superintendent, or the faculty. But in reality, the key ingredient in making schools work are the families and the parents of the students, and the students themselves. And they also have to take an active interest in improving the quality of education.

And I think some incentive can be created in this QSAC. And probably the strongest incentive we could provide is the financial cost to the takeover in this specific area. I don't know if the Department has any opinion on that.

MS. HANCOCK: I think that it's a good recommendation. I think that it is precisely what is being proposed. When we talked about shared cost, we, sort of, felt, "Well, we can, sort of, split the cost between the State and the district." But if what you're proposing is that serious consideration be given to having the districts then absorb those costs as a way to, sort of, incentivize them to, kind of, do the good work that needs to be done, then I certainly would welcome that opportunity.

ASSEMBLYMAN VAS: We all know that at the end of every -- or the beginning of every budget cycle, there's a list of supplemental aid that most of your Abbott school districts are applying for, in the hundreds of millions of dollars. And it seems to me that that would be a better investment by the State to invest in school districts that are performing well, as opposed to investing dollars to repair the mistakes of others. And I think the State should have a regulatory role in making sure that school districts are performing, but should not have the financial responsibility to make sure that it's done. I think that belongs in the hands of the local school district, and I think it belongs in the hands of the local taxpayers. And I think when you dig in the pockets of the local taxpayers, the residents come out, they express an interest. There's going to be outrage if there's a tax increase associated with the board of education. We hear about it every day today. And I think that's one of the incentives that we can provide.

MS. HANCOCK: Thank you.

ASSEMBLYMAN STANLEY: Assemblywoman Voss.

ASSEMBLYWOMAN VOSS: Thank you.

As I walked in the building before, I saw a sign on the wall that said, "Parents must be involved." And one of the components I didn't see in this bill is any parental involvement.

There was a very good editorial in the *Bergen Record*, I think the day before yesterday, by James Ahearn, linking status to school success. And one of the points he makes in this is that, the more parents get involved in their children's education, the better the child will learn. Maybe that's one of the things -- another component that needs to be addressed in this legislation -- that if the districts are having problems, then as the Mayor -- as the Assemblyman said, people will react when they're hit in their pocketbooks. But they also should know that a way to, maybe, remediate this is to become involved in their children's education.

DEPUTY COMMISSIONER PFENNIG: Our intention is to have the parent component included under the governance section of this particular bill and this plan. We are in agreement with you.

Where we've had any modicum of success in working with the few districts over the last two years, it's been where that parent involvement has either been enriched or brought forward. And we've had some partners in assisting us with that -- some of the educational organizations -- in getting parents better organized.

So we are in agreement with you, and that would come under the governance section here.

ASSEMBLYMAN STANLEY: Assemblywoman Pou.

ASSEMBLYWOMAN POU: Thank you, Mr. Chairman.

I'd like to go back to the earlier testimony. I think Ms. Hancock had mentioned the No Child Left Behind law. I'd like us to just, kind of, take a moment to go over that piece for just a second.

It's my understanding -- and this might have been in response to Assemblywoman Voss's question -- with regards to, how do you define a school that may be in need of a particular takeover, or how did they come from Phase I to Phase II and move on forward, and eventually they're very on their own.

You mentioned that you go based on the No Child Left Behind, and that evaluation process is what dictates how -- what category or status they would be in. If you would please describe to me, for my benefit-- If you would describe to me what our current understanding of the No Child Left Behind, as it is -- as it stands currently for the State of New Jersey. Where are we with that, what benefit, where has the Federal government provided us with the necessary resources? How do you evaluate between a school that has performed well under the standard of the No Child Left Behind, or that of the standards set forth by the State Department of Education, that will indicate when a school has been evaluated, as performed -- as a good -- in its proper standing?

I'd like, then-- If you will, take me from that process to the type of testing that is being used, because it's my understanding -- and I perhaps am just, kind of, skipping over a little too far ahead-- But it's my understanding that the testing level is what has really indicated -- or let me rephrase that -- that the failure of the necessary funding resources have provided a difficulty for many of the schools in being able to receive the necessary -- or meet those necessary criteria under the No Child Left Behind law.

MS. HANCOCK: Thank you, Assemblywoman Pou.

We are currently in our second year of implementing No Child Left Behind. The final Federal regs have been in. We have submitted our accountability workbook. We've also gone back and asked for some additional revisions based on some of the flexibility that the United States Department of Education has recently provided.

When we talk about a school not meeting adequately yearly progress, what we're really saying is that, for two consecutive years in a row, either a particular sub-group of students has not met the benchmark -- in other words, the cut score that you had for the Language Arts Literacy Test, and also for the math -- in the same content area.

So let me just use, by way of an example -- you're looking at your African-American sub-group population. In the first year, perhaps, they did not -- the number of children did not meet that benchmark. So they're below the proficiency level. That was one year that they failed to make it in the Language Arts Literacy content area. If that performance continues the very next year -- those students haven't been brought up -- then the school is deemed as being in need of improvement because it did not make adequate yearly progress -- the annual benchmark that was established.

ASSEMBLYWOMAN POU: If I may just interject and stop you right there for just a second. Based on the example that you've just given, is there-- At that point in time, is there any loss of funding to that particular school as a result of their inability to meet that criteria?

MS. HANCOCK: No, there is not.

ASSEMBLYWOMAN POU: Okay.

MS. HANCOCK: And then-- So let's say that a school, for two consecutive years in a row, has not made adequate yearly progress. They are deemed in need of improvement. They're required to submit what is called a School Improvement Plan, which is akin to a corrective action plan -- that we're all familiar with and used to.

If they continue in the third year, let's say in the same content area, or in the sub-group population, then the school continues to have the unfortunate label of being deemed in-need-of-improvement status. Then it's required to not only do a School Improvement Plan, but also to provide supplemental education services.

If that continues in another year, then they have to provide school choice, as well as supplemental education services. They're in corrective action status. They still haven't lost any money. And then you move on to -- if you're still continuing not to improve -- where you can have a reconstitution of the school. So that means that you may employ different people in the school, because it's often found with leadership and the teaching staff.

And then the fourth year, what you -- I'm sorry, the fifth year, you would find yourself then having the school being closed down. And then you can, sort of, re-open up. But no state, so far, has gotten to that point with No Child Left Behind.

ASSEMBLYWOMAN POU: Has there been any less funding to any of the schools, therefore, not being able to meet some of those testing requirements that, indeed, then prevent them from being able to meet the criteria that you've just described?

MS. HANCOCK: There is funding that comes through the United States Department of Education that passes through the Department of Education in the form of either entitlement grants or discretionary grants. Those entitlement grants are based on a formula. So it is conceivable that if I have a reduced number of children receiving free and reduced lunch, then probably my appropriation that I receive for that particular title may be less. If I had an increase in the number of children who are eligible to receive free and reduced lunch, then I might see an increase. And it works the same way with the respective titles.

ASSEMBLYWOMAN POU: Through the Chair. So it doesn't have -- so it's not based upon an individual's educational ability or educational indicator. It's based on an economic criteria. Is that what you're--

MS. HANCOCK: Yes, that's what the Title I funding is based on. And the only way that the sanctions would apply to any school district is, the school district would have to be receiving Title I funds. It does not apply to school districts that do not receive Title I funds, at least the sanctions.

ASSEMBLYWOMAN POU: Is it true then that the State of New Jersey, and some of the schools, have lost some of their funding as a result of that?

MS. HANCOCK: I'm not aware of a significant number of schools losing their funding. It is something that goes up and down, depending upon, again, the percentage of the students who either are below poverty or who are receiving free and reduced lunch, because that's the requirement for Title I. So even if I did receive a reduction because the numbers of students who are enrolled in my school are less, then I might have received funding based, let's

say, in Title IV -- is also a funding formula. So I might have received an increase in there, depending upon what's going on in my school. So it really does vary.

ASSEMBLYWOMAN POU: Thank you, Mr. Chair.

ASSEMBLYMAN STANLEY: Thank you, Assemblywoman.

I just want to just conclude by thanking the Department. I am-- We are very concerned about how we make adjustments to this. And I'm pleased that Senator Rice has joined us.

We in Newark-- And I was born and raised in Newark, and I remember when the State took over Newark. And I remember some things that happened after that. Some of them were not so good -- not such good things. We remember \$90 million -- just no accountability -- not knowing what happened there. And this was under State control and State operation with professionals that were paid by Newark taxpayers.

So I'm just a little bit-- I just get a little bit concerned when people start putting the focus on local taxpayers and that, and putting the burden on them, when a lot of them are already in dire straits with respect to their ability. And as a matter of fact, that's why a lot of the Abbott districts are Abbott districts, because of the hardship. And if we put an undue burden on them, it further destabilizes the communities. You have more people going into foreclosure. And the community itself-- And that's one of the things that Senator Rice and I have always argued. It's that you have to stabilize the community. And that's one of the great victories in the Abbott decision -- is that you have to stabilize the community, you have to do more than just make sure that a teacher is in the classroom. You have to also, sometimes, undertake

a supplemental program, an after school program for tutorial, or even recreation where you have a lot of gang activity. You have to make schools available for other things.

So I just get a little bit concerned when I see shared responsibility, in terms of paying, because if you're going to up people's taxes more than they can afford to pay, you're going to destabilize those communities. And there's nothing to say that there's not an incentive, sometimes, for the State to come in. And I'm not necessarily casting any aspersions for this administration, but you can -- people can come in under State takeover and put people in place, give their friends jobs, etc., and then you have a disincentive for the Department of Education to get out. They may want to stay in and put some people on. So I think we have to be very careful when we start talking about those issues.

But I certainly want to recognize my good friend, Senator Ron Rice, who is here as Chairman of the Joint Committee on the Public Schools, that's going to have a hearing on this later on -- well, actually next month -- and certainly give him an opportunity to ask questions and say a few words.

**SENATOR RONALD L. RICE:** Thank you, Mr. Chairman.

I don't really have any words to say. I want to listen. But I do want to indicate that (indiscernible) June 17.

And one thing to this Committee, and to my colleagues in Trenton -- the one thing we emphasize -- speaking with the Commissioner -- is that I'm the sponsor of the Senate legislation. But by the same token, I've always argued that the takeover districts need to be given back.

This legislation is meant to be a statewide policy for intervention where it's necessary, as well as a plan to get out of districts. But the takeover districts do not have parity under this bill.

And so I'm going to listen. But I can assure folks that the debate is going to come when I start to amend the legislation, indicating that I want the districts that want to go back, give them back full control -- back to the district, such as the Newark district. And that will put us at parity with legislation as to how you go in, when you get out, etc. So I need to be clear on the record with that from the Senate perspective and my perspective on the bill. But I want to listen.

Assemblyman Craig Stanley and I have been working very well and hard together over a number of years on this stuff. We don't know where it's going to take us. But I'm just so happy you're holding the hearing.

I want to thank the Committee for coming to the city of Newark on behalf of the Honorable Sharpe James, the Mayor of this great city, and your Senate colleague.

ASSEMBLYMAN STANLEY: Thank you very much, Senator.

Assemblywoman Voss.

ASSEMBLYWOMAN VOSS: I just have one more comment.

Because I've spent so many years in education, the most important, I think -- one of your five points -- is the instruction component. And I think that if you would just address -- and as I said, I haven't read the bill, all 50 pages of it -- but I think that what we need to do is have the teachers schooled so that they can motivate the children.

The most important thing is that these children should want to come to school, should find that learning is a pleasurable thing, that learning is the key to success in their lives. But you have to have people in the classroom who have a passion, who want to be there, and who are not just going to be the chalk-and-talk type teachers. This doesn't work.

I'm sure you're familiar with the work of Howard Gardner, who wrote the seven levels of intelligence. We have to address those seven levels of intelligence. And these paper and pen tests that we inundate our children with, I don't think are the only assessment tool that we need to use. And I just, as an educator, had to put that on the table before you.

MS. HANCOCK: Thank you very much.

ASSEMBLYMAN STANLEY: Well, thank you very much, Commissioner.

Anybody else have any comment? (no response) I don't think so.

ASSEMBLYMAN MUNOZ: Let me just make one comment following up what the Senator said. I'm a visiting member of this Committee, so I would plead, actually, with -- and support what Assemblyman Stanley's doing, and Senator Rice.

If you look at -- and I've worked in Abbott-- In medicine, it's called *underserved*. I work at the hospital about three blocks from here. You come in this weekend, and I can show you some things that you won't believe. You're in the school system-- And I really implore both the Education Department and this Committee to try to do whatever they can to make these kids and help these kids get a proper education, because we still have some

progress to be made. I'll leave it at that. Just read the paper. But we still have progress to be made.

ASSEMBLYMAN STANLEY: Thank you very much, Deputy Commissioner. We certainly appreciate you coming and testifying. I don't know if you're going to be around. We may want to ask some other questions, because I really want to try to get to Superintendent Bolden. She has an advisory committee meeting to go to.

Thank you very much, Commissioner. You're going to be around for a minute or two?

MS. HANCOCK: Yes, we will.

ASSEMBLYMAN STANLEY: Okay, maybe we'll call you back.

MS. HANCOCK: Thank you.

ASSEMBLYMAN STANLEY: Right now, I'd like to call up the Superintendent of Newark schools, Marion Bolden.

Thank you very much, and we're certainly happy to be in your great city here.

Superintendent.

**MARION A. BOLDEN:** You want me to just start?

ASSEMBLYMAN STANLEY: Yes, absolutely.

MS. BOLDEN: Okay, well good afternoon.

And I welcome an opportunity to discuss the new legislation. I think that what it's attempting to do is probably very good, but I do have some very serious issues and some reservations about some pieces of it.

When I read the legislation-- And understand that I am a State-appointed Superintendent, have been such for five years. I was there when the

first State-appointed superintendent came in. I knew how the process was implemented. I would have made lots of suggestions at that time, in terms of a better way to have done it. And I see that this could lead to some of those same kinds of strained relationships that do not allow districts to progress. And I think that that's what we want as the end result of this legislation.

I guess one of the areas that concern me -- and I looked at the five areas that would be assessed -- and that there's no total State takeover, which is probably a very good thing. But even the way that this is written, it does not allow for due process. It doesn't allow for a process of appeal for school districts. And I think as much as we may all love the Commissioner, it empowers one person too much, in the opinion of a State district superintendent.

It also talks about the highly skilled professionals. Now, I've lived this. We've had a number of individuals who have been identified, who've come into the district. And in many ways, they have been helpful, and in many ways they haven't. It all depends on how they came in.

We have had some individuals who have been assigned to the district-- And, again, I am a State-appointed Superintendent. And I guess my question would be: If you have a superintendent who you feel -- and you have a board that is not performing -- it creates tension. If you leave a superintendent and you bring someone in who is going to usurp their authority, or there's going to be issues that cannot be resolved amicably-- Those are some of the immediate concerns that I saw.

There's also, to me, the issue of finances, because although you have five different categories: governance, academic improvement -- if you have

one individual who is assigned to a district because it has been assessed as not being able to handle their finances, the decisions that that individual makes impacts every other area. So someone who comes in-- And I have this problem with my home BA -- that they would love to cut, cut, cut, cut, and not understand the impact of the instructional program. So you're going to have competing minds dealing with issues that, at the end of the day, probably do not empower the district to move forward.

Now, I know that there was a lot said about who pays for the highly qualified person who comes in. We have always paid, Assemblyman. It doesn't mean who you want to. But we've had folks who have come in to help us with finance, we've had folks who've come in-- And, actually, finance has been the only area where we have been given assistance. But it's one of the areas that we struggled with in Newark. As the second appointed superintendent, the deficit was there when I got there. So, certainly, the area of need at that time was to have people with financial expertise come in. It is not just highly qualified folks that were sent to the district. We had Pricewaterhouse, we had three or four auditing firms that also came into the district to assist us.

In reading the document-- You also were talking early about the community. And in some ways, this does disenfranchise the community. And I'm not offering how to rewrite the legislation at this moment, but I did offer that we will look at it, and we would like to send some written recommendations. Not to change the intent of what is here, because if you have school districts that have been deemed to be abusive, if you have school boards that are self-serving, there needs to be a way to deal with it. But I don't

necessarily think that by empowering one commissioner, and assign professionals, that it is going to work, only because I have lived it for five years. And I've had individuals come in, and they have had such an attitude of disrespect that there was nothing gained by the conversations.

Where I have seen differences -- and I think the assistant commissioner was talking about low-performing schools. Well, we have several low-performing schools. And the collaboration of the Department and the school district has been one that was productive. And it has been productive because there has been a mutual respect and regard for the individuals that work in a system.

Unless people are criminals or crooks -- then you send somebody in with the attitudes that I have seen. But if not, what we're all attempting to do is work collaboratively. Very often, school districts appreciate an outside, objective opinion of someone who comes in. But I'm telling you that it is a very heavy-handed way. It will serve no one.

I am not just speaking for my -- well, I am speaking for myself. But let me say this, I have had conversations with the other State-operated superintendents, and we all feel the same way.

Those issues that have been cleaned up, cleared up through the efforts of the district and the Department have been ones where we sit down and we work very collaboratively.

This may not have been written to intend to sound like it's going to be contentious from the onset, but it will be if we are not very careful in how we write the legislation. In fact, in paragraph after paragraph it says: either a superintendent, or the State district superintendent, or any other person

designated by the commissioner. I mean, that's something that, already when you read it, creates an issue in terms of how do you make this work.

So when I said I wanted to come and to at least testify, I understand the intent. But the way that we read it, it does not seem to us that it is in the final form that would be something that all of us would be willing to accept.

ASSEMBLYMAN STANLEY: Thank you very much, Superintendent. And I certainly welcome the opportunity to receive some amendments, some proposed changes that we can make to satisfy some of your concerns.

I do want to ask you just a little bit about the process and how -- perhaps how -- maybe how subjective or, perhaps, not enough due process is included in this proposal, as opposed to what we have down.

MS. BOLDEN: Well, I think all of us need to see the indicators and how those five areas are going to be assessed. Because, certainly, if you have a score of 80 to 100, you're proficient; 50 to 70, there's a corrective action plan. But if you're 50 percent below, then you are going to have some kind of intervention. We need to know exactly what that is. And it can't be subjective. Well, I mean, to some degree everything is subjective. But it has to be very clearly defined.

The other issue that I have, especially in terms of the finance, is that very easily -- and there are new regulations circulating, too, for Abbott school districts -- that if you take the two documents and couple them together, it almost turns over the total financial administration and authorization to the

commissioner and the State. And that is not local control, that's anything but local control.

There needs to be issues of accountability. I'd be the last person to suggest to you that we shouldn't all be held accountable. But we also need to understand that there are certain decisions that should be localized and be -- continue to be localized.

So when I look at this piece of it, I say, "Well, we have to be fair. We have to see what all of the indicators are." Now, I did see a very early version, maybe in August. But I understand that that has been changed in terms of what would define governance, what would define the financial pieces, the requirements. So I think all of us are very anxious to see what those barometers of success really look like, because, other than that, it can become very subjective.

Look, as-- And I know how folks feel about the Abbotts, and I know how they feel about supplemental funding. But I know that I probably feel differently. I think that there needs to be an issue of accountability, but there needs to be additional resources in Abbott districts. Should they be held accountable? Absolutely. I think most of us have spent three or four months in court trying to show -- or to make a case -- that the moneys that we spend have been used very prudently, and that there are very positive results to show as a result of it.

But if I have regulations that are not even approved yet, and you take that and that now becomes the barometer that you use in Abbott districts, then I feel that there's some unfairness. So I guess that's part of what I'm challenging.

ASSEMBLYMAN STANLEY: Well, that's certainly an issue that I'm concerned about. I know Senator is, and Assemblywoman Pou and all of us -- even Mayor Vas -- concerned with respect to what's currently happening with supplemental program funding assessment. And, hopefully, we'll see our side, sort of, taken into consideration and won over.

But I do want to thank you for coming, because if anyone can give us information about monitoring, or about State assessment of school districts, or any of those things -- State and local, returning to local control, and some of the issues that we need to be dealing with -- certainly you can.

So, again, I welcome your formal statement that you'll be getting to us later on, and your proposals and so forth, because I think they'll be very valuable to this Committee.

Is there anyone that has any questions? (no response)

Okay, thank you very much, Superintendent. Certainly, we appreciate--

MS. BOLDEN: No one has any questions? (laughter) I'm so disappointed.

Thank you.

ASSEMBLYWOMAN POU: Actually, Superintendent--

ASSEMBLYMAN STANLEY: See that, you almost got away. Be careful what you ask for.

ASSEMBLYWOMAN POU: If you absolutely insist, I do have a question. I'd like to get your opinion, of course through the Chair-- I'd like to get your opinion.

You've mentioned something with regards to, if there is a school that has low performance, and 50 percent of that indicator-- There is a proposed section in the Commissioner's -- in this piece of legislation -- that talks about a change of governance and certain appointed positions. I'd like to get your feedback. How do you see that type of a structure, governing structure, helpful to the return of local control? How do you read that particular -- those appointments? I believe it's three, three, and three: three from the commissioner, three from the local municipality, and three elected. Whoever knows--

MS. BOLDEN: You mean with the appointment of the school board.

ASSEMBLYWOMAN POU: That's correct.

MS. BOLDEN: Well, very--

ASSEMBLYWOMAN POU: And do you see that as a benefit to someone like yourself that is under school control -- pardon me, State control?

MS. BOLDEN: We had something very similar to that implemented two years ago -- that the Commissioner identified three, yes three, additional board members. The difference was, they were not voting members.

I had a retreat, an advisory board retreat this past Saturday. They were very bothered by the addition of three non-elected members being added to the board, because that could create some issues. They feel that they have been elected by the community.

So it's very hard for me to answer that question. I know that when the Commissioner was trying to get what he felt were people that could come in and not be prejudiced by politics, not be prejudiced by their own self-serving

interests, not one of them -- well, that's not -- if I say that, I get myself in big trouble, because three people eventually did-- It was very difficult for him to get people to agree to do it. So it puts those people in a very precarious position. And I think that's more the issue than anything else.

I do know that there are models like that in Massachusetts that have been very successful. But until you see it operate-- It did not operate -- work very well for us. We had one member who almost never showed up, a second member who came half of the time, and a third member who was there, I guess, most of the time, and I think would have liked to have been asked to stay over, but wasn't. So we really didn't get to see it become an effective practice in Newark.

However, in Paterson, they said that it worked very well, because the board members valued the expertise of who sat there. So I guess the critical issue becomes, who do you select to sit there. They need to be somebody from the community that is highly regarded from all of the constituents. And then you have someone who has the integrity to make suggestions and to vote.

ASSEMBLYWOMAN POU: Would you go on-- Through the Chair, would you go on to say that there ought to be some source of criteria set forth for those members to be considered, or do you feel that it -- one of the reasons why it didn't work in Newark was because they didn't have authority or the power of having the ability to vote on that?

MS. BOLDEN: One said that. One said, "Why do I sit here and I can't weigh in on any decisions?" So, yes, that's what they said.

And understand the circumstances in Newark, at that time, was a political firestorm. So whoever was there is going to be in a God-awful situation.

ASSEMBLYWOMAN POU: If I may -- and I know that you are on a time-sensitive-- I know you have some other location you have to go, so I don't want to keep you any more than what-- But you did ask if I had -- if there were any questions. I'd just like to, kind of, redirect your attention or focus on a different area. That is those five indicators that the assistant commissioner spoke about. Those five different indicators-- In your opinion, what do you feel are those areas that you think are -- would work really well within the -- with the current system? Or what areas, in your opinion again, you feel that needs to be further redefined and given very, very clear, definitive direction before we move on? Or is that going to be part of your proposed statement?

MS. BOLDEN: We'll address all of them. But when you look at curriculum and instruction, in some ways what we have begun this year deals with that one. And I think that has worked well, because we do have defined-- When low-performing schools are identified, there is a team that comes in, that meets with the district. There is a highly skilled person from the Department, someone who is identified from the district. We sit down, we plan together, we write an action plan, and we move forward. So, to some extent, the curriculum and instruction piece has already begun. That's for Abbott school districts. This is going to be, certainly, across the State of New Jersey.

I think the issue of finance becomes critical, because-- I guess my concern is, I can get a certificate of excellence for my business and finance

practices, but I could have a different barometer defined by the Department of Education that says that I am not functioning because of the criteria that has been established.

And I don't want to throw up flags or anything, but we have an issue with our food services. So for one-- And we've been struggling with it, and we've been getting a lot better at reducing the deficit. But suppose in that legislation it says, "If your food services deficit is too high, you're going--" I mean, there are a whole lot of things that concern me.

So I think that, yes, we need to sit down and say, "What are the indicators? How are we going to be assessed? Is it fair?" And let everybody else weigh in, as well. This is the first time I have seen this document, even though, as I said, early on I saw at least a profile of how the levels of intervention would occur. And overall, I do understand the need for the legislation.

ASSEMBLYWOMAN POU: Thank you very much.

Thank you, Mr. Chairman.

ASSEMBLYMAN STANLEY: Yes, Dr. Munoz.

ASSEMBLYMAN MUNOZ: I respect, a lot, what the Commissioner is doing, the Superintendent.

Let me just make a statement. It doesn't actually-- My district is a suburban district. It's about 10 miles west of here. And there are really a lot of different issues out there. But the people in the suburbs actually -- I'm trying to think of the right word -- they see the cities as being in some degree of turmoil, whether that be the schools and in general. And I think that we have

to show them that the cities can properly educate people, have a proper functioning society. We're really in the middle of that.

Now, when you go through all the little spins of what that means-- But I think that most of the people in my district have never, ever been out in front, in the street. They never have, they never will. They just read the paper. So I think it's endemic on us to make sure that we do what we want to do.

MS. BOLDEN: And I have no argument with that whatsoever.

ASSEMBLYMAN STANLEY: Yes, Senator.

SENATOR RICE: Superintendent, I know you received a lot of this information at the last minute from both Assemblyman Craig Stanley and myself. So I know it's going to take a lot more time. And we're going to be meeting on this with other participants, too. Because I do think that everybody has to weigh in, whether we agree or disagree with them.

But how soon do you think you would have a reasonable analysis and recommendation of the legislation? I'm holding a hearing June 17, and I don't want to fast-track the legislation to the degree that it's harmful to New Jersey's school districts. But I do know it's very necessary. And I also need recommendations as to how the Newark district, and hopefully the other two -- if its their will -- how do we come out of this mess before this legislation becomes law? Because I'm a firm believer that the Newark district -- and I won't speak for the others, because I don't want to say the wrong thing -- but I know that the Newark district should actually come back under your control and control of the board with the intervention pieces there, because if you look at the legislation -- the way it's set up -- we intervene and certain things happen.

And so I don't see why we can't get the district back and still get to the pages on intervention, where we should basically be at, in terms of (indiscernible) or working with us, and things of that magnitude -- weak area.

So if you can answer that, I'd really appreciate it.

And before I shut up, I just want to remind Doc that this legislation is very necessary, because he is right, New Jersey's suburbanites and wealthy districts think that we're in chaos here. But I happen to know that it's documented that they're going to be very shocked. This legislation is needed to intervene in our districts. They have some problems in the wealthy districts, and we know that, particularly in the financial area. And they're going to be in denial when we pass this legislation, believe me.

MS. BOLDEN: Probably, for us -- probably by next Friday. I wouldn't dare say this Friday -- would not be properly addressed. So probably by next Friday.

And just as concluding remarks, on my part, I want the suburban districts to come and visit Newark. And any data that I have, I am glad to share it with you. Our finances are -- my house is in order, is what I'm saying to you. And we have also demonstrated that our test scores are increasing, and it is not, in any small part, unrelated to supplemental funding. It has made a difference. It only helps us if our case is represented by showing that we are efficient, we are doing the things that we need to do.

So I would come back and testify as many times as you would need to hear from me to make the case. I can't speak for all of the Abbotts, but I can speak for Newark, New Jersey.

ASSEMBLYMAN STANLEY: And let me, again, thank you, Superintendent, and just say that there are so many tremendous things that are going on in Newark schools right now. And very little do we hear about -- or very seldom do we hear about them, but they are. As a matter of fact, walking in, I met one of your teachers here at Camden Middle, Mr. Gregory. And he told me about his civics group here at Camden Middle -- eighth graders. They took number one in a statewide civics competition. And that wasn't competing with the takeover districts, that wasn't competing with Abbott districts, that was a statewide-- All of the districts in the state had an opportunity to compete, and our students right here in Newark were first place. I'm going to try to get over to the advisory committee meeting to congratulate them.

But I just want to say, I think you're doing a great job. I appreciate your coming before us today. And we're certainly going to take your recommendations into consideration.

Thank you very much.

MS. BOLDEN: Thank you.

The only thing we need, to do a better job, is PR. (laughter)

ASSEMBLYMAN STANLEY: As a matter of fact, you know we've committed to coming back to Newark again with this hearing so that we'll have a better opportunity to get the word out to the community, and make sure we get as much community input as possible.

I know we have a Newark Public School Advisory Board member here, who's--

SENATOR RICE: Two.

ASSEMBLYMAN STANLEY: Oh, two. Well, one definitely has requested to testify. I don't know if the other one has or not. But I certainly want to give them the chance to come forward and to speak, because I know they have an advisory board meeting today.

Leonard Anton Wheeler.

Thank you so much for coming.

**LEONARD ANTON H. WHEELER:** Good afternoon. Thank you so much for having me.

Good afternoon, everyone. Welcome to our city.

I just would like to speak to you briefly, not as long as our Superintendent did. She spoke so well, and voiced most of our concerns on the Advisory Board with regard to said legislation as it stands.

The overall concerns that we do possess with the said document is just its nature and the wording of it. It can be perceived as disparate in nature, because it creates a notion of local control; but in reality, when there's an in-depth study of the language that it's using -- that's used within the document -- it only promotes local control in name only.

Before you, you have some brief talking points that I'll touch upon. But it was my concern that the reality to it is, it gives the State absolute governance, because it provides outlets and, I guess, intervention in matters of fiscal conservancy and areas of that nature, which in turn may control the district -- can control the district.

The legislation should provide full local control and not partial control, with key areas such as finance being run by officials loyal only to Trenton. Being an elected member by the community, and being able to work

with a Superintendent -- although State-appointed -- was -- there was an overwhelming mandate, because of her abilities and what she's been able to do, by the community to keep her there. I think it disenfranchises our roles as leaders in this community, and the people that we are entrusted upon to represent their children and work with their children in this community, to have such an effect take place.

The legislation allows the commissioner, in the case of a vacancy, to select a superintendent for two to three years. In most districts, the superintendent is hired by the board. Instead of allowing the superintendent and the board to make decisions for the district, the legislation grants the commissioner's appointee the ability to make critical decisions with a local tax impact.

The designee can determine whether to issue -- can determine the issuance of bonds and/or raise the local levy to make up for shortfalls in the district's budget. The district has to pay for the assistance from Trenton, since the cost of the salaries of the highly skilled professionals shall be shared -- shall be a shared expense to the school district.

And under the proposed legislation, the commissioner is also authorized to radically alter the board of education's self-governance obligation by adding three voting members. Now, the way it's worded in the legislation, as it stands now, is that at some point in time, when it is deemed feasible and appropriate, board members' terms will end, as opposed to a referendum that is set up so the community -- on how they should proceed in electing members or appointing members of the board. To me, that's a disenfranchisement to the

community, individuals who do care about their family, that care about their children, and care about how they're educated.

The overall nature of the wording, in every other paragraph, says either the commissioner or the commissioner-appointee. It says nothing about the board. It doesn't empower the board to make decisions about the community and the constituents that they were chosen to represent, especially given the nature and the fact that we're in touch, day to day, with the children and the parents of the children that this commissioner's appointed designee would be charged to make decisions about.

Those are some brief concerns that I have. Quite naturally, we'll be working more in depth with the Superintendent to bring forth to you our concerns, with other suggestions for the proposal of the legislation.

But in our opinion -- and in my opinion as a father, as a parent, as a community activist, as a person that has the potential to be an educator themselves -- the notion of local control is only a theory. But it is -- the notion of local control is only a theory (indiscernible) absolute governance of the State. You want time lines and different criteria to try to relinquish control. But if I'm not mistaken, the State should know where the rights and wrongs are, because they've been here for nine years. They've been here for some time to be familiar with what's going on in the district.

So at this time, I'd just like to thank you for allowing me to speak before you. In working with the Superintendent, we'll be able to reach out to you in the future.

Thank you.

ASSEMBLYMAN STANLEY: Thank you very much. I know you won't be shy about giving us more information, in terms of what you feel we need to be doing with regard to this legislation.

But thank you so much.

MR. WHEELER: Thank you very much, Mr. Chair.

ASSEMBLYMAN STANLEY: Appreciate you coming.

I want to recognize just a few other board members that are here. I know they have to leave, but Dr. Maat is here; newly elected board member Patrick Council is here; and board member who's been on the board for a while now but is certainly doing a great job, Richard Cammarieri, is here. We thank you for coming. And we certainly welcome your testimony and your thoughts about the legislation.

**RICHARD CAMMARIERI:** Thank you, Assemblyman.

Good afternoon, everyone.

I haven't had a chance to fully digest the entire package of materials, although one of the things that does -- did jump out at me -- and I assume every district should be concerned or want more details about this -- is exactly the way that the scoring will be done.

In looking through-- On Page 5 of--

ASSEMBLYMAN STANLEY: I'm sorry, can you state your name for the record, just so that the--

MR. CAMMARIERI: Richard Cammarieri. Do you need address or anything, or just name?

ASSEMBLYMAN STANLEY: No, that's fine.

MR. CAMMARIERI: I'm not allowed -- being able to speak this much. I go to too many city council meetings.

Thank you for your time.

One of the things that jumped out at me, in terms of looking at the - And this is dated final -- stamped final draft, March 17, this year. I don't know if anything's been done since then. It's the QSAC revised document.

This one here, on Page 5-- It notes that the conversion of raw scores from the checklist of school district effectiveness to the QSAC performance continuum ratings will determine the placement of school districts on the continuum and will determine the level of intervention to each district.

What I don't see in any of the documents so far is some real detail on exactly how this scoring will be done. This is something that could be -- could wind up being relatively subjective, and I would certainly like to see a lot more information about how that's going to be conducted -- the scoring, the analysis, the grading. Because that, after all, will determine where the districts are in terms of this intervention or nonintervention status.

That's the major thing that jumps out at me at this point. I'll be happy to return to another hearing to speak, probably at more length, about the rest of it. But that's something that, I think, everyone -- needs to be very tightly configured and fairly administered if this is going to make sense.

Thank you.

ASSEMBLYMAN STANLEY: Thank you very much.

I'd like to ask Paul Tractenberg from Rutgers-Newark Institute of Law.

Thank you, Paul. If anybody has any insight on this issue, I'm certain it is you. I understand you haven't had a chance to really digest the full document. And we certainly welcome your coming forth in the future and making us aware of anything that you feel we need to--

**PAUL L. TRACTENBERG:** I certainly will.

And, Assemblyman Stanley, members of the Committee, I'm pleased to be here.

This is, kind of, a place holder. I want to say a few things, briefly. I actually liked Superintendent Bolden's schedule. So I would undertake to get you much more detailed reactions by a week from Friday, and hope that's timely.

Some of you know, but I should say I've had a long and quite deep involvement in the issues that are the subject matter of this bill, A-2643. Actually, under a contract with the State Education Department, the Institute on Education Law and Policy at Rutgers-Newark -- my colleague Alan Sadovnik is here, as well -- we were two of those who authored a very long report submitted almost two years, to the day, from today in 2002.

We anticipated a lot of the issues which are covered by the bill, tried to deal with them in a way that would enable New Jersey to vault where it belongs, to the national leadership on this issue, as it has vaulted to national leadership thanks to the *Abbott* decision.

There was, as you may know, a working group convened by the Commissioner of Education on State takeover. Alan and I; and Steve Block from the Education Law Center, who is here; and a very diverse and committed group of people served on that working group. We issued a report, a bit over a

year ago, in which we made seven key recommendations and described, quite specifically, a procedure for reestablishing local control in the three State-operated districts.

So I support the concept of this bill. I think it is important to embody, in legislation, a much improved system, both for State-local interaction, generally, and for State intervention where necessary, and in particular for reestablishing local control. Because President Bush is not alone in searching for an exit strategy. We've been searching for an exit strategy from State operation for a number of years. And I appreciate Assemblyman Stanley's and Senator Rice's efforts in sponsoring the bill.

Having said all that, I fear I have to add my voice to those other voices that have suggested the bill needs a lot of rethinking and a lot of reworking. I think, partly, the problem is, it's disembodied. I thought it was instructive that Dwight Pfennig and Gloria Hancock both spent most of their time talking not about the bill, but about broader intersections between the bill and important other education developments, and then talking about details that are not part of the bill, namely the quality performance indicators, which are crucial. They're really at the heart of this whole system.

Let me just say a few things -- first impressions about the difficulties with this bill. First of all, I think there's a procedural problem. The working group, when we submitted our final report back in March 2003, were told, specifically, that as thinking evolved toward a bill, the working group would be reconvened and we would have an opportunity to weigh in on some of the issues that are involved in the bill. That never happened. As far as I know, neither the working group nor individual members were involved in any meaningful way in

the process of translating that report into this bill. And I think it's, therefore, not surprising that the bill, I think, falls much short of reflecting most of the key recommendations that this group struggled with for many months and, I think, came to a reasonable consensus on.

That procedural problem, in not really coming back to the working group, I think would have been less significant if the substance of the working group's effort had been embodied more fully. But I'm afraid that's not the case. It's true that the concept of the single quality accountability continuum really emerged from the working group's discussion -- and certainly we support that aspect of it -- but, unfortunately, important other elements did not appear. And as I said, at the heart of the accountability system are these five key components, subject areas; and then, more importantly, the quality performance indicators, which are standards for each of the five key components. That's where the rubber meets the road. That's where it's determined whether districts are effective or not.

I'm not an advocate of building enormous detail into legislation, but I think there are some important values that the working group felt very keenly about, which the legislation could reflect, without going into precious detail.

Let me mention a couple. Probably the key one was that the system of State accountability, and oversight, and -- if it came to it -- intervention should focus on local capacity, both in terms of whether a district is performing adequately, or whether a district, having had State intervention, should be permitted to resume local control.

It seems so obvious, you would say, “Why hasn’t it been done?” It has not been done. If the State assumes some responsibility, partial or full, for the operation of the local district, it ought to be about building local capacity. It ought to be about cooperating with the local district. The model we use, dating from 1987 -- and it was the country’s first takeover statute, so we were plowing new ground. But we should have learned something in the last 17 years from that exercise. The model was a model in which the State supplanted the locals. It basically said to the local district, “You haven’t cut it. You can’t do it. We’re going to come in and do it for you,” with no attention at all to an exit strategy, which, in this area, means making sure local capacity develops to the point where the district can take over the operation of its own schools.

That may be part of what the indicators will deal with. It’s not part of what the bill expresses. So one value is local capacity. Another is -- really has to do with the tone of the State interaction with the district. It ought to be a cooperative tone, not an adversarial tone. For example, one of the recommendations of the working group was that the State’s monitoring function should be separated from its technical assistance function. Indeed, there might be a separate agency that did technical assistance to avoid, to minimize the chance of this adversarial relationship between State and local. You can’t very well monitor and enforce on the one hand, and provide technical assistance in the spirit of real cooperation on the other.

I think a third value has to do with the function of local boards. And we spent a lot of time in the working group talking about the kinds of responsibilities that local board members should have, the kind of training they should receive to be able to exercise those responsibilities, the kinds of ethical

standards that they should have to commit themselves to, as part of assuming that very important responsibility. I don't know whether that's any part of the State's design. It's not part of the bill, and it ought to be.

Finally, the interaction which was mentioned between this important bill dealing with accountability and other incredibly important things happening at the State and local level-- We have No Child Left Behind, and we need to make sure that this works in harmony and conformity with No Child Left Behind. But we have Abbott implementation -- which is at an absolutely crucial stage -- beginning to take hold, beginning to show progress, beginning to show the kind of progress that might even persuade suburbanites in this state that this is a worthy expenditure of money. We need to make sure this bill harmonizes fully and respects Abbott, even if it might deal with a broader coverage.

The achievement gap is one we're devoting enormous attention to -- not, unfortunately, with enormous progress. But that's another thing that's got to be dealt with and recognized as a part of this effort.

Just a final word. As I read this bill -- and I only had a chance to read it quickly -- it appears that for all but perhaps the 20 or so districts that the Department has already targeted as "problem districts," this bill seems to provide for a paper process. That is to say, the determination of what percentage level a district achieves in each of the five areas is based on a self-assessment by the district. There is no external evaluation, there's no State Department evaluation. Each district gets to say how it rates on each of the indicators. And Rich Cammarieri said, "Well, do we know how the scoring is going to take place?" I would suggest to you there are crucial differences

between a score of 79 percent and a score of 80 percent, and even more crucial differences between a score of 49 percent and a score of 50 percent.

To the extent the scoring is left to the local district-- Boy, you're going to be hard-pressed to find a local district that's going to score itself a 79 instead of an 80, or a district that scores itself a 49 percent instead of a 50 percent, because enormous consequences flow from that. If you're 80 percent, you're a high-performing district, you're free of any particular State oversight for seven years. If you're at 79 percent, you're subject to corrective action plans. If you're at 49 percent, you're guaranteed State takeover, either partial or total.

So it seems to me, the substance of those indicators and how they are to be scored, and whether there is any real oversight over the 600 districts that will be left to their own devices to rate themselves, I think, is the core of this. And how it plays out will have a lot to do with whether this bill succeeds or fails.

Let me just finally say, I think these are issues of enormous importance. In 1987, we were there first with the State takeover law. I think we've learned a lot in the intervening times in New Jersey. We've learned mostly what doesn't work in New Jersey. But we can look outside of the State and learn what has worked significantly better in some other places -- not many, but a few. That's the exercise we went through in producing the report. That's what the working group spent a lot of time discussing. And I think it's crucial that that be brought to bear on this bill.

So I think it is a start. A lot of work remains to be done. And as you've already heard from the several speakers, there are a lot of people ready, I think, willing, and able to weigh in.

Thank you very much.

ASSEMBLYMAN STANLEY: Thank you very much.

Do any of the Committee members have any questions for Paul Tractenberg?

I do want to reiterate my initial comment that the bill is presented today as it was submitted from the Department of Education. And we're certainly very open to any recommendations that come forth out of this process. We'll work with members of the community, with the Department of Education to make sure that our finished product is something that everyone is comfortable with.

I think I speak for the Senator when I say that we're not married to what's there on print right now. And we will certainly be working on making those changes.

So, thank you, again.

MR. TRACTENBERG: I appreciate that.

If it's something we get to do once every 17 years, we should -- like these bugs that are descending on us -- we should do it right. (laughter)

ASSEMBLYMAN STANLEY: Thank you very much.

I'd like to call forward a gentleman that's been waiting very patiently, helped us open up the place, Kabili Tayari. He's the President of the NAACP Chapter in Jersey City. As you know, Jersey City is currently under State operation. I thank him for coming and, certainly, appreciate your taking the ride over the bridge there.

**K A B I L I T A Y A R I:** Assemblyman, thank you very much for contacting us. It was good to take this ride, since we were the guinea pigs of this

implementation for the entire nation. And I must say, unjustly so, unfairly so, and even racist so, because I've listened to many of the testimony today of the experts, and it's very funny that parents throughout this state were saying the same things in 1987, '88, and '89. As much as people talk about parental inclusion, we were just parents. We didn't have Ph.D.s, and we didn't have titles for folks to recognize. So the first thing I would suggest is that you need to understand that if you look back at history, parents took the time to do the research and tell you many of these things that you're sitting here hearing today.

Good afternoon. First, I want to thank Assemblyman Craig Stanley for having this hearing in the city of Newark. And second, I want to thank Assemblyman Craig Stanley, Chair of the Assembly Education Committee, for inviting me.

In 1989, when Jersey City was the first city in the United States to have their school system put under the control of the State government, I was one of its original State-appointed board of education trustees, appointed by then-Governor Thomas Kean. Let me also inform you that I was vehemently opposed to State takeover, and I'm still opposed to it.

State takeover advocates throughout the state claim that State takeover would guarantee academic quality, administrative accountability, parental inclusion, high levels of academic achievement, instructional accountability, and the highest level of governance integrity, which included management scrutiny.

I knew, as an active parent in the city of Jersey City and the state, that what had failed was the lack of strict monitoring and evaluation by the county superintendent's office, who is the New Jersey Department of

Education's official representative. Also, as we debate the scoring, the county superintendents' office -- all 21-- should be held responsible for doing the scoring.

Also, there was a lack of enforcement and punitive action for a lack of *unwillingness* -- and that was the term that was used by Democrats and Republicans, *unwilling* and *unable* -- a lack of *unwillingness* by guidance counselors, principals, classroom teachers, superintendents, assistant superintendents, supervisors, board of ed members, and other education staff to provide a thorough and efficient education, equivalent to Mountain Lakes, Cherry Hill, and other I and J districts. Because we are poor does not mean we cannot perform at the highest level of standards.

Under the present monitoring system, a school district is on the Level I monitoring. If the district fails Level I, the district is then placed under Level II for corrective action and technical assistance. If the district fails Level II, then the district is placed under Level III for more intensive and in-depth corrective action and technical assistance. If the district fails Level III, then a comprehensive compliance investigative review is conducted, which inevitably, somehow, automatically leads to State takeover.

Under Level I, II, and III monitoring, there are several components of the 10 indicators, which are: special education; Federally funded programs, such as Title I, ESL, bilingual ed, and etc.; community parental inclusion; governance; fiscal; and affirmative action, just to list six or seven of the 10 indicators and the specific components.

From my experience and research as a parental inclusion advocate, a former 12-year member of the Jersey City State Takeover Board of Education

from its inception, and a high-standards evaluation advocate, I recommend that parental inclusion should not be a part of governance or any other component, but an absolute stand-alone component.

I want to read what I think Section 4 of this proposed bill should say. It reads, "Section 14 of Public Law 1975, c.212, is amended to read, as follows: 14b. (1) When a district enters Level II monitoring, the commissioner shall establish procedures whereby parents, school employees, and community residents may meet with the commissioner or the commissioner's designee to discuss their concerns; and the county superintendent shall appoint an external review team whose members shall be qualified by training and experience to examine the conditions in the specific district." Instead of *may* meet, I strongly recommend that it should say *shall* meet.

In all monitoring, the issue of unable -- that also came from the 1987 bill, which became law -- must be addressed. A district may not have the mandated, required, essential, financial, technical, professional, instructional resources to change the educational process for the highest level of achievement. State takeover did not change any of this, because each district that was targeted: one, had a black superintendent -- that's what I meant by racist; two, there was no due process; three, local-controlled municipal union patronage was replaced by State-controlled municipal union patronage; and four, disenfranchisement was implemented, whether it was a Type 1 elected or Type 2 appointed school district.

I support the removal of unwilling and inept administrators, educators, and board of education members. But I believe in both due process and taxation with representation. This is the 50th anniversary of *Brown vs. the*

*Board of Education*, and approximately 35 years after *Robinson vs. Cahill*. And New Jersey is in the third most segregated state in the United States of America, and is one of the most affluent states in the United States.

Therefore, the former Assemblywoman Mildred Barry Garvin, who is deceased, is still waiting to be answered. Does New Jersey have the political will to educate all of its children?

I close by saying: One, all districts in New Jersey must be held to the same instruction and academic performance standards as the I and J districts. I want to repeat that. Poor does not mean that you do not have the ability to excel.

Let me give you a good, personal example. In 1968, I graduated from Dillard High School, in Goldsboro, North Carolina, a segregated school district. I had no physics lab, I had no chemistry lab. But when I came to New Jersey City University, and Princeton University, I competed against honor students from Livingston and Cherry Hill, who did not have trigonometry, did not understand logarithms, and did not have calculus. But thank God for Mr. Parker and other teachers who believed in academic excellence. I graduated with all those skills, and I was not an exceptional student in my all-black, segregated high school in Goldsboro, North Carolina.

Also, number two, affirmative action must also be a stand-alone, quality performance indicator for evaluation.

I thank you.

ASSEMBLYMAN STANLEY: Thank you very much, Kabili. I appreciate your testimony, appreciate your coming out.

Did anyone have any questions for our former board member from Jersey City, President of the NAACP? (no response)

Well, thank you very much.

We have now James Dougherty, President of the New Jersey School Boards Association.

Thank you very much for coming up. We appreciate your trip up to Newark.

**JAMES J. DOUGHERTY:** Thank you, Chairman Stanley. Good afternoon, and good afternoon to members of the Committee.

My name is Jim Dougherty. I'm a member of the Lindenwold Board of Education in Camden County, and I'm the newly elected President of the New Jersey School Boards Association, a nonpartisan federation representing all of New Jersey's school districts.

The New Jersey State budget allocates more than \$5 million each year to monitor the performance of public school districts. Yet, the true significance of the monitoring system goes far beyond that price tag. Monitoring is a vital component of our State's effort to carry out its constitutional obligation to provide a thorough and efficient education.

Mr. Chairman, bill A-2643 would change the way that the State monitors school districts. As with all proposals for change, the devil is in the details. The New Jersey School Boards Association's concerns about details, or lack thereof, will be my focus today.

A major detail missing from the bill revolves around what Assemblywoman Voss pointed out earlier, the concept of the highly skilled professional. As now written, the bill states that the commissioner may appoint

one or more highly skilled professionals to oversee those areas in which a school district has failed to comply with monitoring standards. Yet, the bill lacks even the most generalized description of where the State would draw such highly skilled professionals from, or what their qualifications would be. The highly skilled professional would play a key role in the inner workings of the proposed New Jersey QSAC monitoring process. This would be a publicly funded position, and it would be in the public's best interest if the bill gave some indication of the academic, administrative, and business credentials needed by those who would serve in this capacity. Additionally, the legislation notes that the State and local school district would share the cost of the highly skilled professional. Yet, there is no indication of the breakdown of that cost or how, in fact, it would be shared.

We do not expect legislation to provide the explicit detail that normally is set through the State Board of Education's regulation process. But certainly, for the sake of discussion during the legislative process, the bill needs to provide some direction on the essential concept of the highly skilled professional.

That raises the issue of the process the State will use to establish a new monitoring system. That process needs to be deliberative and public. Important legislation as this will affect school districts and their students for years to come. Yet, as now written, the bill requires no adoption of policy or regulation by the State Board of Education. That, we feel, is a mistake. Inclusion of the State Board of Education's administrative code adoption process would allow for full review, discussion, debate, and public comment. For this reason, NJSBA proposes that a significant bill such as this one require

the State Board of Education to use the administrative code process to adopt the New Jersey QSAC indicators and standards.

NJSBA also seeks a hold of one year or more in the implementation of New Jersey QSAC. This grace period would permit full discussion and understanding of the issue, and allow school districts and the State Department of Education to introduce the new system efficiently and effectively. Today, we are all picking up the pieces and the unintended consequences resulting from the hasty enactment of the Federal No Child Left Behind Act. We certainly don't want this repeated on the State level.

NJSBA recognizes the State's authority to intervene in the management of a local school district under certain circumstances, after due process has been followed. Therefore, A-2643 should allow school districts to retain the same due process rights prior to a State takeover that they have under the current system. Such due process includes the right to appeal a State Board of Education decision on partial State control to the Appellate Division of Superior Court.

Finally, New Jersey QSAC should be consistent in its implementation. As now written, the State Board of Education must issue an administrative order to place a school district under full State control. Yet, beyond that requirement, the State Board's role in this process is sketchy. Members of the State Board of Education are appointed for rotating terms of six years. State Board involvement in the takeover process, at the beginning and at the conclusion, would provide consistency and soundness in applying a long-term State policy, such as by New Jersey QSAC. Therefore, NJSBA believes that the bill should require the State Board to finalize the decision to return a school

district to partial State control, or to designate it as performing or highly performing.

In closing, our Association supports the overall goals of A-2643. We look forward to working with the Legislature to address these concerns. I thank you all for your time. And I, as well as members of our staff, are here to answer any questions you may have.

Thank you very much.

ASSEMBLYMAN STANLEY: Thank you very much.

Members of the Committee, any questions? (no response)

Even though the bill does not really speak to the process, the Administrative Procedure Act, we will make sure that that certainly would be in there. I don't think the Department has any problem with that being included.

MS. HANCOCK: That's the next step.

ASSEMBLYMAN STANLEY: But that certainly would be included in the legislation. That's something I can assure you we'll have.

I'm sure we will be working with you in the future as we work through this legislation. I certainly appreciate you coming up to testify.

MR. DOUGHERTY: Thank you very much.

ASSEMBLYMAN STANLEY: I have Charles Reilly here, from New Jersey School Boards Association, to testify, as well.

**C H A R L E S R E I L L Y:** Good evening.

My name is Charles Reilly. I'm a member of the Ridgewood school board in Bergen County, and former President of the New Jersey School Boards Association. And I'm honored to be here.

Chairman Stanley, I'm pleased to see you as Chairman of this Assembly Education Committee.

And I also want to express my congratulations to all the legislators in the hard work their doing here this afternoon.

You have my talking points. I will not repeat the statement made by my colleague, Jim Dougherty. I only wish to point out that I think this process of QSAC has a real possibility of improving the certification process that currently exists in New Jersey.

Currently, it's a very driven -- paper-driven process, trying to prove we've dotted every *I* and crossed every *T*. But I think this process, going forward -- if adopted by the Committee and by the Department -- will, in fact, focus on achievement, upon performance, and upon making sure that districts are providing the kind of education that should be provided for all the children in their district.

So we very much appreciate any effort to move forward in that regard. We, as a district -- and many districts in New Jersey -- know the Department has many things to do, but there are many high performing districts that are doing very well. And we want to make sure that they can continue to do that without unnecessary interference. And we think there's a possibility, with this legislation, that that can be achieved.

I, myself, have been working in a working group that has been formed -- among five that have been performed -- are put together by the Department. I've been working on a transition working group. And I appreciate the opportunity the Department has provided in enabling me and my superintendent from Ridgewood to participate. And one of the things we've

recommended is there be a pilot process involved here that, over the next year -- that, in fact, the indicators that exist in the legislation, and those that exist in the working paper -- which are, obviously, much more detailed -- be put in place and that, in fact, your legislation not take effect in total right away upon enactment, but at least we incorporate some kind of a pilot process so that we see how this works for every district, and we see what the bugs are, what can be done to reform it, and improve what we think would be the improved product for the State.

And we thank you very much.

ASSEMBLYMAN STANLEY: Thank you very much.

Any questions by members? (no response)

Next I have Steve Block, from the Education Law Center. He has requested to testify.

Thank you for coming over, Steve. We appreciate you coming forward and helping us with this very important legislation.

I also want to just recognize the President of the Newark School Board, Mr. Ramos. (phonetic spelling) Mr. Ramos is here.

Thank you very much. We appreciate you coming by.

Thank you, Steve.

**STEVEN G. BLOCK:** I want to thank you for coming to Newark, and I especially want to thank you for meeting here at Camden Middle School which, as some of you may know, is a school that is near and dear to the heart of the Deputy Superintendent of Newark -- where, for many years, she was a legendary principal in this building. So thanks for being here.

I want to also identify pretty fully with the comments of all those who spoke after the Department folks who spoke. Except, as you will see, my remarks are little bit more extreme. I've very serious criticism of the bill in its current form.

Introduced three weeks ago, this bill seeks to reform the State takeover statute through a new State monitoring system for the public schools. Unfortunately, the bill fails on both accounts. In short, the bill dramatically increases the discretion of the Commissioner of Education, with no standards, limitations, mandates, or language to address the many issues created by State operation of local schools. These amendments, if enacted, will only intensify the very problem we have all lived with in the more than 15 years State takeover has been a factor in New Jersey. Simply put, the statute and process of State control of local school districts has come to mean the substitution of State political interference, for what had been local political interference, in the operation of public education.

For example, when the State was preparing to take over the Newark schools, pupil achievement in Newark in 1995 was labeled as "abysmal." Yet, that very year, the tiny district of Orange, also an Abbott district nearby, had identical test scores and was fully State approved. The difference was, that, the Whitman administration's determination to flex its political muscle against the largest school district in the state. The absence of standards, limitation, mandates, or language in the takeover statute facilitated and encouraged the State's political agenda.

Another example: When the Commissioner put the superintendencies of Newark and Paterson in play two years ago, there were no

independent, written evaluations of the performance of either sitting superintendent to assist the local boards in reaching a good decision. Absent any standards or procedures requiring such evaluation, local politics alone dictated a board majority in support of the Paterson superintendent and in opposition to Newark's superintendent. Fortunately for Newark, a new board majority was elected. In Paterson's case, it took the discovery of a \$20 million misappropriation more than a year later and a new board majority to set a change in leadership in motion. Nothing in the takeover statute or normal State operation led to good results in either community.

Professor Tractenberg, as we've talked about, and his colleagues at Rutgers completed a study of State takeover and made many thoughtful recommendations two years ago. In addition, as was mentioned earlier, Commissioner Librera convened a representative workgroup to study the problem of takeover which also made many thoughtful recommendations, some of which overlapped the Tractenberg report. Yet, virtually none of this work is reflected in Assembly Bill 2643.

In the future, if the State were to take over any other district, we advocate that it must do so with strict standards and with far greater State capacity to assist a struggling district. This bill provides neither. We further advise that, as the State prepares to restore local control, it must do so also based upon adherence to strict standards of performance, ongoing assistance to build capacity within the district and the community, and a much improved Department of Education. Once again, this bill addresses none of these matters and, instead, provides absolute commissioner discretion. One need only review

the history of *Robinson* and *Abbott* over these past 35 years to recognize that total commissioner discretion inevitably translates into State policies.

Finally, at its core the bill is premised on the wrong assumption: that deficient education is a local problem, and that the State is in the best position to judge and to order such deficiencies to go away. In fact, the deficiency is largely on the State's shoulders. Under our constitution, the State of New Jersey has the constitutional obligation to assure that every child receives a thorough and efficient education. Local school districts are creatures of the State. That means the State should provide or assure the direction, human and fiscal resources, and expert assistance necessary for local boards of education, their staffs, and communities to succeed. If they do not succeed, it is ultimately caused by the failure of the State to provide standards, give appropriate direction, assure the necessary resources and expertise, and monitor local performance before such performance reaches a crisis. That the State historically shirks this responsibility is another fundamental lesson of the *Robinson* and *Abbott* litigation.

In conclusion, Education Law Center, on behalf of the 350,000 pre-K to 12th graders we represent in the ongoing *Abbott* litigation, strongly recommends that this bill be pulled and that the Assembly Education Committee convene a group of representative educators, community leaders, and experts to help draft a bill that would actually solve, rather than intensify, State and local education problems. As we approach 15 years into State operation of Jersey City, 13 years in Paterson, and nine years in Newark, the Legislature must do a far more thorough and efficient job in reforming not only the takeover statute, but the Department of Education, as well. Given the

amount of time that has passed, there simply is no urgency that requires quick adoption of the current bill.

Education Law Center stands ready and able to assist you in this important task.

ASSEMBLYMAN STANLEY: Thank you very much. We certainly-- I think you need to stick around. We have some members that have questions.

But we certainly appreciate a lot of the work that you've done, the Education Law Center has done. And we'll certainly welcome your testimony. If you can give us your written testimony now, that's fine; but also any amendments, anything that you think we can do to strengthen the legislation, certainly, by all means, we welcome it.

Senator Rice.

SENATOR RICE: Thank you, Mr. Chairman.

I'll be brief.

I just want to say that I want to commend you on the work the Law Center is doing. I think you know me well enough now that-- First of all, there are some good things in the bill. And I'm going to grant you the administration put the bill together. But I sat at the table prior to this bill, with some things I was concerned about in the intervention process that are there. But there are many things, like giving the district back, that are not there.

But I don't want you leaving here-- I don't know what the Assembly is going to do, but the Senate bill -- I'm not going to start to put together all these wonderful folks you have identified. That's all we do. We move a bill to put more wonderful folks together who agree/disagree -- put more

wonderful folks together. I'm so tired of meeting with educators that the State and all these different people put together.

I like this process, because one thing about the Newark district, and the Paterson district, and the Jersey City district, they were intervened, if you will. And so we've learned so much over the last 17 years or so. We learned some good things, some bad. We don't have all the answers, but we certainly have the foundation -- I mean, collectively, those of us in the community, those of us in the system, those of us who legislate and govern. And so that idea is a good suggestion. But please don't walk away thinking this bill is going to be hell for the next year or two, while these districts stay in takeover.

We are going to clean it up. Any input that the speakers, as we move up and down the state, can give us that make good sense-- It's not a barrier to progress for these young people in these districts. Because I'm tired of being criticized in Newark, Paterson, and Jersey City about what we're not doing when we know we're making progress in some areas.

I'm tired, as Dr. Munoz said, of suburban folks being confused. They're not really confused. They want to be confused. That's the bias setting in, as Kabili was talking about. They're not confused. But by the same token, they know as long as the State spends time playing around and mismanaging money in Newark, and Paterson, and elsewhere, they'll never spend time investigating all the wrongdoing that's taking place in our districts. And that's why this bill is important. It's intervention.

But the State is smart. Rather than taking over suburban districts, and wealthy districts that may need taking over, they want to intervene and take

components of it. Fine, I have no problem with that. Just make me whole. And that's where we're going.

So we're going to take your comments. And I'm going to have a hearing on the 17th. You'll be aware of it. But I just don't want anyone to think, from Senator Rice's perspective -- I am the sponsor in the Senate -- that I'm going to keep putting people together to do what we get elected to do, holding hearings, getting input, putting our staff, etc. I like to think we're as bright as anybody, our networks are as bright as anybody we can put at the table. And that's what we're going to do. We're going to have good, urban minority and some suburban participation in this bill.

MR. BLOCK: Senator, if I can just respond this way. The subtotal of the comments you've heard today, and perhaps others that you will hear after I sit down, is that you understand, as I think you do, that we need to scrutinize the Department of Education as much as we scrutinize local districts; that the Department of Education, historically, has gotten away with an awful lot. And it's time that we started to focus on their performance, and what they do and don't do as part of the mix of what's happening locally. And I would hope that when we strengthen this bill, we would include some provisions in that regard, as well.

ASSEMBLYMAN STANLEY: Thank you very much.

One of the things-- And I want to excuse Assemblywoman Voss and, perhaps, give her a chance to make a departing comment. I know she has to get to another meeting up in her district.

ASSEMBLYWOMAN VOSS: I was very gratified to hear the comments made by everyone, because I think you share my concerns when I

first read the bill. And I hope that we'll all get an opportunity to work together, because I think there's a lot of work that needs to be done on this bill.

And I'm very sorry. I have to go to Paramus to a health and professional meeting with the nurses of Bergen County. So excuse me. And thank you for your attention, and I look forward to working with you.

ASSEMBLYMAN STANLEY: Thank you very much. We certainly appreciate you coming and attending.

What I wanted to add to, certainly, Steve Block's testimony from the Education Law Center -- and, certainly, Senator Rice is, certainly, on point. We do not want to necessarily or unnecessarily hold up legislation that we think is very valuable and very needed. But by the same token, we do not want to rush legislation through without the necessary changes and community input, and professional input from folks that we know and have had a lot of experience in dealing--

I can thank Assemblywoman Pou for helping us, in terms of making sure that we were deliberate in dealing with this legislation. And I thank Senator Rice for asking that the bill be held at the Senate Education Committee last week, because we want to make sure that we get it right.

As Mr. Tractenberg said, we do this so rarely, we want to make sure that we get it done right this time.

Right now, I want to ask Brian Baker, from New Jersey Education Association, to come up and give testimony.

**BRIAN BAKER:** We're actually going to save our testimony to the next--

ASSEMBLYMAN STANLEY: I'm sorry?

MR. BAKER: Assemblyman, we're going to save our testimony for our next session. We're going to have one of our statewide officers do it.

ASSEMBLYMAN STANLEY: Okay, very good.

And I think that's it. I don't think anyone else has requested to testify.

I want to thank all of you for coming. We certainly appreciate your input. As I said, we will have another hearing in Newark, and we will also be having a hearing at some point in Paterson, as well.

Thank you very much. I appreciate your coming forward.

Any closing remarks by any of the members?

Senator.

SENATOR RICE: I just want to welcome, once again, the people into our district, as well as the city of Newark.

I also want to thank Assemblyman Craig Stanley for the leadership role with Education, and particularly in making certain that these hearings start within the community and not necessarily the State House.

And I just want to commend everybody for -- the Assembly persons -- for being so patient. You know, they're used to walking in and out. And that's not the case here, because it's a very important issue.

Thank you very much.

ASSEMBLYMAN STANLEY: Thank you very much, Senator Rice.

Assemblywoman Pou.

ASSEMBLYWOMAN POU: Thank you so very much, Mr. Chairman.

I, too, want to thank you, Chairman, for making sure that we had the opportunity of having this hearing together.

As it already has been mentioned by the Chairman, is-- One of the things that we have continued to discuss, and we'll continue talking about, is the need for us to make sure that, once we have this legislation, that it's the piece of legislation that's really going to get us in the direction that we want to go. And, ultimately, we're all here for the same reason: making sure that our children are educated and are given the best possible education.

In that very same (indiscernible) I look forward to seeing all of you at our next hearing, which we will hope to have sometime in the near future, as the Chairman has said. We will be having that in the city of Paterson. It's very important for us to be able to get feedback from both the professionals, the people involved, but also the community who are so greatly affected by everything that we do, both on this side of the table, as well as on that side of the table.

Thank you very much, Mr. Chairman, and good evening to all.

ASSEMBLYMAN STANLEY: Assemblyman Vas.

ASSEMBLYMAN VAS: Chairman Stanley, I, too, would like to express my thanks to you and to Senator Rice for igniting the discussion about this critical issue. I don't know that there is a more important issue in our country than the public education policy. And, certainly, the area that we're really touching upon now is a critical issue to this state.

I want to thank the members of the Department of Education. A lot of times they come under fire. They make their best effort to put forth a plan that generally addresses the concerns that they've heard.

I think by taking these hearings out into the community, we hear the very specific and real-life issues that boards of education and people in the trenches have to deal with every single day.

And I particularly want to thank you, Chairman, for taking this discussion out into the community. I think that what we need to do is, hopefully, try to identify the areas that are of priority to us right now. I like the notion that, perhaps, we need to look at some type of a pilot program before we go full tilt on this, because I think something does need to be done. And I don't know that we're ever going to get it perfectly, but we need to make our best effort to move as expeditiously and judiciously as possible.

ASSEMBLYMAN STANLEY: Thank you very much, Assemblyman.

I thank all of you for coming. We appreciate the Department coming and testifying. We certainly look forward to the interaction in the future and certainly want to get this done, but get it done right.

Thank you very much.

**(MEETING CONCLUDED)**