
Committee Meeting

of

JOINT COMMITTEE ON THE PUBLIC SCHOOLS

“Commissioner of Education, Dr. William Librera, will make a presentation of the New Jersey Quality Single Accountability Continuum proposal”

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

DATE: June 17, 2004
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Ronald L. Rice, Chair
Assemblyman Craig A. Stanley, Vice Chair
Senator Thomas H. Kean Jr.
Assemblyman Bill Baroni
Assemblyman Patrick J. Diegnan Jr.
Assemblyman Joseph R. Malone III
Assemblyman Joseph Vas
Assemblyman David W. Wolfe



ALSO PRESENT:

Melanie M. Schulz
Executive Director
Joint Committee on the Public Schools

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

I'm going to act like church here and ask for silence in my house. I want to thank you very much for your cooperation.

I just wanted the minister to know how it's run down here. I want you to know we run it like church here.

To my colleagues, it's good coming back together. I know that we'll be breaking soon -- probably after about 47 hours past June 30. It was 37 last year, right? Maybe we'll do 47 this year.

I also wanted to thank the Commissioner for clearing his schedule to be here. I think it's very important that we talk about the QSAC legislation so that our Committee can have an understanding of what this legislation is, what it's intending to do; and there will probably be some compromise as we go down.

I also want to indicate that I've lived the experience of school takeover. Unlike many, many things in government and in life, some things are what we call *necessary evils*. But we can refine some of those necessary evils and turn to the tools that we need to get the job done. And one of the areas that we need to refine -- the tool of necessary evil -- is takeover.

It became clear to those of us in the Legislature, and those of us in the administration, the State of New Jersey should not be running school districts, because, to be honest about it, we cannot run school districts. Our job is to go in and help school districts with their problems, once we identify them, and define the cause of those problems, and move forward. And so the QSAC legislation is intended to do just that, to intervene.

Some places -- before the Commissioner speaks -- in the legislation, we continued to use the word *takeover*. Those words need to be eliminated. I never liked the word *takeover*. And it's not takeover legislation, it's intervention. So even when we have to actually run a department, or a unit of the local government -- education system -- we still shouldn't use the word *takeover*, Commissioner. You need to find another word for it, okay? Look in Webster's. If not, we'll make up one that Webster's can use.

Before I let the Commissioner speak, I want everybody to repeat after me. Say *happy*.

RESPONSE FROM AUDIENCE: Happy.

SENATOR RICE: *Birthday*.

RESPONSE FROM AUDIENCE: Birthday.

SENATOR RICE: *Commissioner*.

RESPONSE FROM AUDIENCE: Commissioner.

SENATOR RICE: *Librera*.

RESPONSE FROM AUDIENCE: Librera.

SENATOR RICE: Happy birthday, Commissioner. (applause)

COMMISSIONER WILLIAM L. LIBRERA, Ed.D.:

Thank you, Senator, especially for organizing this session today on my birthday.

I really appreciate that. (laughter)

SENATOR RICE: Commissioner, why don't you--

First of all, let me just see if any of my colleagues--

Why don't we do a roll call of who's here.

MS. SCHULZ (Executive Director): Senator Rice.

SENATOR RICE: Here.

MS. SCHULZ: Assemblyman Baroni.

ASSEMBLYMAN BARONI: Here.

MS. SCHULZ: Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Here.

MS. SCHULZ: Assemblyman Diegnan.

ASSEMBLYMAN DIEGNAN: Here.

SENATOR RICE: Others may be coming in, and we'll introduce them as they come.

Do any of my colleagues have any comments you want to make, prior to the Commissioner?

ASSEMBLYMAN WOLFE: Happy birthday. (laughter)

SENATOR RICE: Commissioner.

COMMISSIONER LIBRERA: Since I'm not under oath, my opening comment will be that I'm pleased to celebrate my 40th birthday today. (laughter) And when you're among friends, we all exaggerate on one another's behalf. And so I appreciate that.

And, again, Senator Rice, for organizing this session today, on my birthday, was especially appreciated.

And I know that your schedules are very busy in June. So this opportunity to talk about legislation, which we think is very important to public education in this state, is something that we are pleased to have an opportunity to present, and to respond to your questions, and listen to your concerns.

We certainly understand that nothing in its original form ever, or usually, emerges exactly in that form, and that part of the work that we're going to do, and are doing, is to find the best way to communicate what it is that we

know we need to do with the overall purpose of this legislation. And the overall purpose of this legislation is to integrate all of the issues in and around quality that come from our own code, that come from Federal law and its requirements, that come from the Abbott requirements, that come from the State intervention. And I do like intervention better than takeover. And there's different versions of intervention. So we don't need to go to Webster's. We can substitute -- if it is the pleasure and the conclusion of everyone working on this -- that that's what will better communicate what we're doing, we'll be pleased to do that. And we are here to explain, and to work, and to try and find the best possible language to encapsulate and to communicate what it is that we are seeking to do.

So we begin with, this is our way of putting the single system together. Instead of having a separate set of requirements for the Federal law, a separate set of requirements for our own monitoring, a separate set of requirements for Abbott schools and those who are in various forms of intervention, we think the best way to administer support for schools and to provide oversight correctly is to have one system that encapsulates everything. That's what this is.

That's why, when we started to work on changing the State takeover law, we soon recognized that to do that in isolation did not make sense; that what we needed to do was develop standards and to have a clearly identified system that says, "These are the measures, and the standards, and the areas upon which every school and district shall be judged." The relationship that that district has with the Department has everything to do with how

effective they are judged to be in the five basic areas, because there are five basic areas here.

I want to echo what the Senator said, because I've said this before. And he and I have talked a lot about this. And this is not different from any of the things that I have said about State takeover. It is easy for us, some 16, 17 years later, to act as if we now know all the problems that should have been understood 17 years ago. It does not work like that.

I am not here, we are not here, to criticize the original bill -- done when it was done, why it was done. We have no issue with that. Our problem with the State takeover legislation is that from 1987 to today, we have had almost no responses, and changes, and no mid-course corrections. There's very few things that I know that I've done in 17 years, or any of us have done, that wouldn't require some mid-course corrections. But, for a lot of reasons, that was not done.

And I want to also reiterate what is the essence of my position, and certainly those of us in the Department. The major problem with State takeover is that it assumes that a department of education can run a school district for a long period of time, and that simply can't be done. That can't be done by this Department, and in my view, can't be done by any department of education in the country. Because what it does, if it's not very temporary, is, it puts the Department in a position of taking the place that is rightfully the community's, and that can't happen.

And so we want to deal with principles, as we think about the changes in this. And the principles that we think make sense are: same standards for every single school district in the state, and that we work with a

lot of people, and will continue to work through the regulatory process of refining those standards. But every district gets judged by the same standards.

When there are five areas -- and we have five areas that, we believe, constitute a well-functioning district, that districts need to be evaluated in each of the five. And if they are judged to be proficient, making satisfactory progress in all five, the involvement of the Department will be very small, as it should be. When a district has problems in one of the five, that's where our attention needs to be, not in the other four.

Following that logic, we would apply that in terms of our present three districts who are in State-takeover status. Because I can tell you, in advance of anybody looking at the standards and doing the monitoring, I would be shocked if those three districts don't represent, minimally, at least one to two, and maybe as many as three and four areas where they're already performing such that they should be able to have responsibility. We should be able to do that.

We should not have to do an all-or-nothing-at-all kind of system, which is what our present system has. Designed always as being temporary, we are -- and you know this as well as anybody -- we are 15 years in Jersey City, 11 years in Paterson, and 8 in Newark, with no end in sight if we don't make this change. We have to.

Conversely, we have other districts in the State of New Jersey who are having problems in certain areas. Problems are not the sole province of urban schools, suburban schools, or rural schools. Our schools have problems -- very few of them do, mandating intervention -- but they do. And our point is, intervention ought to happen faster, and it ought to happen in a way where

we're coming in quickly, after giving the district a chance to correct their problems, so that we can correct these problems before they get bigger; and that the intervention always has to be with the sole purpose of helping the district identify the problems, so the Department can get out and the district can do their work -- because the district can't. The district can't be run by the Department over a long period of time. That, on its face, is wrong.

We have two parts to QSAC: one is legislative, and the other is regulatory. The regulatory part -- which involves a public process where what we will do is establish all these standards, and take testimony, and work through this, and be able to be flexible about that -- that was probably going to take us someplace between six months and a year. But there's no conflict between us passing legislation on the big policy issues as to how we're going to deal with intervention, how we're going to deal with an accountability system, and then allowing us to work through our public process involving people, through the State Board, who have things to say. And that has worked well for us. We can do that again, we want to do that again.

What we're proposing is -- and we have districts present with us today who have expressed an interest -- that while we're working through the regulations, what we will do is have as few as 10 pilot districts, and maybe more, who want to operate under the new system that we're proposing; because that will enable us to get on-the-ground experience while we're talking about what needs to be done.

I think that we can include the three State-takeover districts in that pilot status, as well. Now, we would have to do that a little differently, but I'm sure that we can work that out. And most of the issues that would have to be

resolved are in and around governance. And I think we -- though not able to use exactly the same approach in each of the three, because they are different -- I'm confident that if they'd want to be in this pilot status, we can do it.

So we're here today to say that we want to simplify the system. We want to put a system together that integrates all of these issues. It gives us the opportunity to integrate the Federal government's requirements into what we think is best, as opposed to having to do something because the feds told us to do something -- to get involved in things before they become huge problems, to do that quickly, and to do it in such a way that we, hopefully, would never again be in a situation where we would be confronted with the need to take over an entire district. Because our experience -- and hopefully we've learned a lot over this period of time -- tells us that that doesn't work. What we had hoped would be temporary hasn't been temporary at all.

We've had some other opportunities in the last five years that haven't been able to be implemented for a variety of reasons. We think the time is right for this. We think that districts ought to be judged by governance, by student achievement in curriculum, by personnel, by operations, and by facilities and finance. And we think that districts ought to be evaluated independently in each of those. And where they do well, whether they're State takeover or whether they are any district, they ought to have the ability to continue to do what they do well. Because, ultimately, what we're interested in is providing responsibility by giving districts the opportunity to be accountable for their own decisions, because the Department can't do that, because the Department can't be any community, for any length of time. And that's really what we have learned.

And we're here to talk with you about how -- what it is that we've proposed, and what it is that you think takes us towards those ends that I think we share.

Joining me today are two people who have worked countless hours with me: To my right, and to your left, Gloria Hancock, Chief of Staff; and to my left, and to your right, Dwight Pfennig, who's Deputy Commissioner. And at different times, I'll answer questions and they will. We're prepared now to answer your questions, hear your concerns, and work with you as we can move forward on this.

SENATOR RICE: Thank you, Commissioner. The members have some questions for you.

Why don't we start at the far end and work our way this way.

ASSEMBLYMAN BARONI: Commissioner, I have a very -- it's really not even a question. I think it's obvious, both from the language of the draft legislation and the presentation, that a lot of work has gone into this, and a lot of effort.

My -- it's not a concern -- my comment in the document -- the summary document you provided us -- where it talks about the purpose. The purpose is to measure students. If I could proffer to you, from a linguistic -- I think that one of the purposes of the new QSAC system, as we move forward, is to build confidence, in non-Abbott districts, in the effort that is going on in the Abbott districts, meaning: you want to have districts like mine, that don't create Abbott districts, to look at what is going on in the Abbott districts and say, "This is good work. This is important work." And I think this system, this monitoring system, can really go a long way to convincing people, as I believe,

that investment in urban education is critical -- that this system can help build that confidence of people who don't have -- who don't live in Abbott districts. And I would proffer to you, this goes a long way towards that. And I think that can continue, and that will help both suburban districts and Abbott districts.

COMMISSIONER LIBRERA: I appreciate, very much, that observation, Assemblyman.

What I would like to do with that is, certainly, think about how we can reinforce that outcome with the right, and the correct, and the powerful language, because we have spent time not so successfully communicating, at every opportunity, that we have some Abbott districts which are performing suburban averages and are making stunning progress. And that's grown.

And, certainly, some language that talks about the capability of all of our districts to do this, as opposed to some sort of artificial categories that really don't have much meaning, in terms of who can achieve, and who can't. Those kinds of things, we will think again about how to say that, the way to reinforce that, because that's absolutely an objective for us.

ASSEMBLYMAN BARONI: I think we both agree, Commissioner. And it's obvious from your dedication that every student can succeed. I'm not someone who believes that any student is destined not to succeed. And I think we can use this moment--

Senator Rice, you've talked about this for years.

We can use this moment to take districts like mine, that don't have Abbott districts, and say, "Look at the monitoring we're going to put in. Look at the check-- It's more than just a cookie-cutter approach. It's a district-by-

district, need-by-need approach.” And that will help really commit more people to the needs of urban education.

And I thank you for your help in this.

COMMISSIONER LIBRERA: Thank you.

SENATOR RICE: Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Yes.

I do not have a question. I just really have a statement.

I have to be in another meeting. I have to leave very shortly.

However, three things I think are very important.

Number one, you did not rush into this. I know this is something that has been planned for a while. I think the fact that you proposed a pilot study is excellent.

The other factor that I think is significant is the flexibility that the plan provides. Any one of those five factors could be, alone, looked at as opposed to the other four.

And finally, I know you’ve included the concepts of the total quality management people. And I know some of them are here today, and I’ve spoken to some of them. I think this is very important that you provide this flexibility in the plan.

So I think it’s a good start, and I think that, hopefully, this will be something that could be a model for other states to follow. And I congratulate you.

COMMISSIONER LIBRERA: Thank you, Assemblyman Wolfe.

SENATOR RICE: Any other members?

Assemblyman Diegnan.

ASSEMBLYMAN DIEGNAN: Commissioner, when do you anticipate the pilot program starting -- this upcoming September?

COMMISSIONER LIBRERA: Yes, if we're making sufficient progress, in terms of the legislation. That's what we would propose, because if you don't start September or October, you have an artificial pilot, and we don't want to do that.

ASSEMBLYMAN DIEGNAN: And in addition to the three intervention districts--

Is that better, Senator?

SENATOR RICE: Yes.

ASSEMBLYMAN DIEGNAN: How will you choose the remaining seven?

COMMISSIONER LIBRERA: We've asked for volunteers. And they're here, a lot of them are here. There's no magic around 10. If 10 more wanted to do it, we'll look to find ways for people who fully understand what this is, and what it means, to participate.

When we have districts that are willing to help us study new systems, we really don't want to say no to them. And so we've asked for volunteers, and many of them are with us today. And we'll just reiterate to others that there still is this opportunity, if they want it.

ASSEMBLYMAN DIEGNAN: Now, you indicated in your testimony that it would take six months to a year to put in place the necessary standards to--

And you know the high respect I have for you. But the one thing that always seems to frustrate me when we deal with problems like this is, it takes so long just to get to the starting gate. I understand this is complicated.

During that year period, do you envision enacting anything on a rolling basis, or would you wait until the year is completed? How would you see that process taking place?

COMMISSIONER LIBRERA: Well, the six to nine months is really the average time it takes us to go through the regulations leading to code. What we did, in the way of preparation for this, is that we spent better than a year working with people so that we think what we have now is close to what will end up being the regulations.

If we didn't do that, we thought the regulatory process would be much longer. And we think that the work that we've done with so many people -- because we've done it with county superintendents, and superintendents, and education groups -- has put us in a position where we may be able to have the short end of the average cycle on regulations.

And I think the message needs to be, to everybody, that we think that the overall idea here is really not in dispute among anybody, and that there's agreement about a lot of this. The changes that will happen are probably going to be refinements that will make it better, but are not going to change the fundamentals in this.

So, therefore, though it is not fully adopted, please take seriously the major ideas here, what we're trying to do, and help us all work together so that this is public, thorough, and not unduly long.

SENATOR RICE: Assemblyman Malone.

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

Commissioner, it's nice to see you again.

I would concur, wholeheartedly, that there needs to be a streamlined system, after spending 32 years of my lifetime in educational issues. Streamlining something is always needed. Just trying to get grants evaluated or going through other processes, vis-à-vis the Department, is sometimes not worth taking the grant to go through the process. So I would urge you to speedily get a streamlined process for any kind of evaluation.

One of the-- Several critics of this have said to me -- and I don't know if it's justified or not -- that this really may end up being a jobs program for ex-superintendents. Do you have a reaction to that statement, that, in essence, we're just having a stable of ex-superintendents ready to go, to go out and have full employment after they retire?

COMMISSIONER LIBRERA: On my birthday, I can take certain liberties with certain things. (laughter) I'm surprised that we have critics of this bill.

The issue that you're describing has to do with how we think we can enlist talented people to help us. We are not interested in only ex-superintendents. We're interested in teachers, we're interested in anybody who's got expertise and skill, because the Department is long past the day -- and I don't know that the day was ever here -- where we could fully employ all the people with all the skills that need to be done.

And in the interest of speed, when you bring people to a task that don't have expertise and experience, it will always take longer. And you may be lucky, even when it takes longer, that you get the same product.

We're modeling our work on the highly skilled professional, because I think that's what you're referring to -- is how we're doing things with literacy. Those are highly skilled professionals. They're all teachers. And we think the teachers have as much to say about curriculum and good practice as a supervisor does. And so this is not meant just to be for ex-superintendents, ex-legislators, ex-anything. It is meant--

ASSEMBLYMAN MALONE: I'm not interested. (laughter)

COMMISSIONER LIBRERA: That's a disappointment to me.

But you know the point here; that we're interested in enlarging that to include all of the people who've got skills and expertise, including higher ed people.

ASSEMBLYMAN MALONE: I would only ask, Commissioner, that in putting forth the answer you just put forward -- that sounds reasonable to me. I think that, as part of your presentations, you make it quite clear that you're looking for a wide range of individuals to be involved in this process and be an integral part of evaluating and putting forth ideas. And I think that's important, so it doesn't come off like, "Ah ha, this is really what it's all about." So if you could do that--

COMMISSIONER LIBRERA: Thank you. That's an excellent suggestion. We will work harder at that.

ASSEMBLYMAN MALONE: When would you feel, based on your intuitive nature, that this might be fully implemented across the state?

COMMISSIONER LIBRERA: Best case scenario, fully implemented a year from this coming September.

ASSEMBLYMAN MALONE: Eighteen months, tops.

COMMISSIONER LIBRERA: Yes, because I anticipate and hope that the legislation could be successfully passed in September, put out our pilots, get going on the work we're doing, do the regulations -- six to eight months, get all of that in final form -- and then we're ready to get all of it the following September.

ASSEMBLYMAN MALONE: One major concern -- and I had a brief conversation with the Chairman about this-- Doing this legislation now, with what we're going to do in a few minutes upstairs on caps on schools -- wouldn't it be better to implement the QSAC evaluation process, really get a good idea as to what's going on in school districts, before we just arbitrarily implement a cap on school districts and administrations?

COMMISSIONER LIBRERA: My answer to that is, there are a number of ways to get at the issue of what the caps are designed to do. And QSAC is not the only way. I think a full discussion of what we all, I think, understand is behind the capping, which has to do with dealing with property tax increases and the role of education, and how we use resources -- complicated matter. QSAC can help, lots of things can help. That's really something for the Legislature to answer, because my position is, there are many ways to do this, not the least of which is for us to clearly identify -- we're working on this -- what an effective and efficient district is, regardless of how big or how small they are.

ASSEMBLYMAN MALONE: The only reason I ask that is because, if you look at some situations that may come up as part of your review

process through the new QSAC, you may see some differences in school districts. I can give you a couple examples.

Let's talk about Federal Impact Aid and how it's going to be impacted by caps. That's a significant issue that I don't think has been addressed. You may have special needs in special districts, other than Abbotts, that may have a process that's going to be evaluated appropriately in QSAC and say, "You know, a cap is going to devastate their progress."

I just would urge that you as the Commissioner and we as legislators look very carefully at implementing a cap prior to an adequate and proper evaluation process. Because I think we could be devastating school districts prior to an evaluation process, and then have to go back and rethink that whole process of caps. And I would just urge that you advise caution with this cap situation.

COMMISSIONER LIBRERA: I think you raised, as always, a number of important issues. And I'll go back again to the many ways that we can do this. But one of the things that we might want to consider in this full discussion, which I know the Legislature is going to do, is some kind of safety net around unintended consequences of this, via appeals or something like that. Because as you know, there are so many different things, and life does not unfold in a linear way. You can't do this before that, and this before that. But you can put things in here, like appeals and certain kinds of circumstances that allow you to deal with the unforeseen. And maybe in this discussion that the Legislature is going to have, you can do that, because I would promote that as best I could. Because I continue to say, excellence in this district comes in all sizes and in all forms. And that's one of the strengths of this state. And I think

we can have both. We can have the creativity and the diversity, and at the same time the standards that govern all of us, if we also have something else that allows us to catch the unforeseen, for the few, when it happens.

ASSEMBLYMAN MALONE: I just don't want a consequence before an adequate and proper evaluation. And I think that's really what happens if we introduce caps as rigidly, as I understand, they're going to be introduced, without thoroughly evaluating these school districts for potential anomalies and other issues that come up.

With that, I'll conclude, Mr. Chairman.

Commissioner, I've got to go upstairs to Appropriations. But I very much appreciate your input.

COMMISSIONER LIBRERA: Thank you for sharing part of your busy day, along with Assemblyman Wolfe. And thank you for your comments.

SENATOR RICE: Thank you, Assemblyman.

Mr. Commissioner, could you just go through the five categories, the areas, so that there's some clarity to the members who may not be aware of what they are?

COMMISSIONER LIBRERA: Governance: which deals broadly with the manner in which a district is administered by the superintendent, his or her staff, working with the board of education; and how the requirements of law are fulfilled, as well as how the important support for teaching and learning occurs.

I need to say that there really are two basic functions of the Department, and only two. One of them has to do with oversight of what is required by statute and by law. And we have to make sure that people use their

resources as they are intended, and that they respond to law, and they provide for all children and all communities what they're entitled to have. That's the oversight part.

The teaching and learning part is providing support for districts to teach better so kids can learn better. That's the not the sole province of the Department. But the Department's got to work with districts to do that.

So governance has the same two functions. It's got: how well they are meeting their legal responsibilities, how well they are functioning, and then how well they are organizing resources to help kids achieve and approve.

The second one is personnel, and that has to do with, again, the legal side of this: making sure that people are certified; making sure that people are supervised as they must; making sure that children are taught by people who are certified to teach them; making sure that recognized and established procedures of posting positions, and interviewing people, and selecting best candidates are in place so that's likely to happen; and managing a system so that you don't have too few or too many people in order to do what you need to do for children.

Now, what I'm doing is shorthanding this, just to give us some sense of: what do you mean by?

Operations has to do with how a district functions in the broadest sense of the word, in terms of how it uses resources and how it is filing reports, and how it is making sure that there is a connection between dollars and buildings, and just the basic functions of providing reports to us, providing reports to the community, providing reports to the Federal government in such a way that things are not in jeopardy.

Finance and facilities are how you manage your resources, how you're dealing with audits. Facilities: how you are seeing that your facilities are at standard, or that you have long-range facility plans that make sense, and that you have plans in place to continue to maintain as well as improve facilities, as are necessary.

The last one is, certainly -- and none of these are regarded to be more important than the others, although, if pressed, you have to say that student achievement in curriculum is really the end of all of these other areas, and that is: how well are students achieving, how well are you organizing your resources to do that -- and that goes back to personnel -- and then, do you have clear plans for how kids can learn, and do you have -- that's called *curriculum* -- do you have clear plans for looking at results and analyzing them so that you can make adjustments in how you teach.

None of those are discrete items. There's always something that you can see that comes across a couple of them. But they can be separated, in terms of the standards. Because what the QSAC proposes, and what we'll work through on regulations, is that we'll have standards in each of the five areas.

We spent a lot of work with practitioners, and county superintendents, and superintendents, and DOE people, trying to get as close as possible. We're borrowing, through all of our work, from the great study that was done on takeover in this country by Paul Tractenberg -- and Brenda Liss, who's with us. We're trying to integrate all that stuff.

Those are the five areas. We'll have standards in each, so that a district can be judged to be fully successful or proficient in this area -- in governance, or in personnel, or in facilities -- and finance still has some areas

that need to be improved in this area, called *student achievement*, or operations. And then, once you do that, then we talk about, what's the role of the Department, with the district, in order to do this. But the end of this always has to be upholding standards and then helping districts solve their problems in such a way that you're there -- if you are going to intervene -- only when absolutely necessary and only for the bare minimum amount of time, to help people get oriented, to get going in the right direction. Again, because we have to see that the right direction is followed, we have to see that those areas are attended to well, but we can't do that for the community. Never could, never will. That can never happen. And that's, on its face, why State takeover, in my judgement, must be avoided almost at all cost.

SENATOR RICE: Can you discuss the relationship between our QSAC legislation -- discussions we have had, Assemblyman Stanley and others have had with you, with -- if there's any at all, to No Child Left Behind legislation?

COMMISSIONER LIBRERA: And I'll try to do that briefly, because we can either do that briefly or take weeks to do that.

SENATOR RICE: Well, I'm speaking in terms of intervention. Just narrow it down to intervention.

COMMISSIONER LIBRERA: Sure.

There are parts of No Child Left Behind which speak to intervention after three or four years. What we are trying to do is not take, verbatim, any of the suggestions that the Federal government has given us and, instead, continue to petition them by saying, "This is how New Jersey will adhere to this need for an intervention."

One of the things we've done is to provide the model of QSAC, the draft of QSAC to the Federal government and to people who advise people in the Federal government, because our continued position about No Child Left Behind is that the goals are right; their very prescriptive requirements, thus far, are wrong. They should tell us, "Here's what the end result ought to be." And as long as we produce, they ought to allow us to show them different ways of doing it.

We think our proposals on intervention are superior to what the Federal government requires. We also think that if QSAC is in place, we ought to reduce to an absolute minimum the number of places who are subjected to potential Federal requirements five years from now. That's really what we want to do, because we think a New Jersey plan to implement the goals of No Child Left Behind is exactly where we need to be.

Where we don't need to be is to take the Federal government's plans and foist them on this state and do it that way, because that's narrow, and we think it won't work here. We think there is a way we can make it work. We want to talk to them about our experience over 16, 17 years on State takeover.

Like I've said to all the chief state officers when we talk about takeover-- I've said to them what I've said to you today and said to others. "You can't do this well. Make sure you put things in the interim that allow you to do what needs to be done so you never have to get to that point." That's the whole idea of this.

SENATOR RICE: One final question.

And Assemblyman Stanley has a few questions for you.

When you mention, under the five key components, personnel, you mention the words *certification* and make certain that they're certified. Where are we, at the State, with moving the certification expeditiously through the State? A lot of the certification problems have been at the State level. Where are we with that?

COMMISSIONER LIBRERA: I'm going to ask Deputy Commissioner Pfennig to provide more specific information after I offer this first observation.

When we started some two-plus years ago, we had a minimum six-month backlog with a system that couldn't be fixed, in our judgement. And so what we've done is kept that system alive until we have a replacement. We have one now. It's taken longer than we would like. We've gone from six months to two, and we think that we're getting closer to having two reduced, maybe, in half, because even two is too long, but six was dreadful.

Dwight, can you speak to the things that have been done? And in particular, what, presently, is the status? And what's the status going to be in September?

D P T Y. C O M. D W I G H T R. P F E N N I G, Ed.D.: The new system -- the data on the system was converted onto the new system approximately a month-and-a-half ago -- all of it, which amounted to, in terms of New Jersey, roughly 10 million records, in our estimate. And we may be up or down from that.

We are well aware, and I know you are, of the problems we've had in the backlog of certifications. Just this week, we kind of worked out some of

the last problems that we had. And just this week, we printed over 1,700 certifications -- this week.

Now, I don't want anyone to think that that's going to be what happens every week, because we were catching up. But certainly, that is something that is taking on a much faster route. And by the time we get to September, it should be about a two-week period.

The other piece that is going to happen, and be very visible -- because the visible piece is what everyone wants to see. And when we fielded questions on the information for folks, we know how frustrated they get, how frustrated our folks get, how frustrated legislators get, in terms of the complaints that they have.

But it will be on-line. We'll be the only system in the United States, that we know of, where teachers can apply on-line. And we expect that to be up in the September-October time period. Also, people will be able to track where they are in the system. Because of all the questions we get, the most frequent is, "Where am I? Why haven't you evaluated me? What has been looked at?"

And, finally, we run into problems from time to time, which are time consuming, in payments for certifications. And we'll have something very much like we see in modern banking circles, and buying items on-line, and the ability to do that over the Web.

The most important piece is, how our people can work to get the job done within DOE. Because, as frustrating as it is for the folks looking at it from the outside, certification was a very unhappy place to be employed. And we think that we've done some things now to make it better.

Number one, we don't have certification specialists anymore, which caused a great deal of the backlog that happened in the past. If the person who did -- for example, child study team members -- was not there for a period of time, or even if there were two people, certifications got backlogged endlessly. And there were some that got backlogged as much as a year in specialty areas.

When we retrained the current nine examiners -- they've all been trained to do every kind of certification. So it's no longer a system that specializes, but a system that assigns the work to folks and ensures that that load stays even across the nine people.

And, finally, the last piece of that, that I think has made the biggest difference in the workplace, has been the ability to scan all the documents and look at them at one time. The old system only allowed our examiners to look at one document at a time, probably over about 10 databases, and that took an enormous amount of time.

So we're still a bit frustrated. We see tremendous improvement, even in this last two-week period, that often doesn't get put out there in the public. But by September, it will be very public that the changes have been made.

COMMISSIONER LIBRERA: Thank you, Dwight.

One thing that I'd like to add is, for the last seven months, as I've been going throughout the state, I've been saying to superintendents, "It's gone from six to two or three. But if you have a situation where you have somebody where it's absolutely critical, and they've waited more than two months, I want you to call us, give us the name, and we will chase that down." And we've done that.

In instances where we've gotten that, what we found is that 80 percent of those cases -- that is, 80 percent of the people waiting for more than two months -- were waiting because they had incomplete applications. The problem is, they didn't know. And you can't fix what you don't know. So putting this on-line gives people an ability to track where their application is, and gives all of us an ability to communicate to people quicker, "You're lacking this."

Pennsylvania does this, we're told, in three weeks. That's the standard, not two months, not three, not six -- three weeks. That's where we ought to be.

SENATOR RICE: Assemblyman Stanley.

Let me also, before the Assemblyman speaks, just acknowledge that Senator Tom Kean came in, but he had to go back to Appropriations. And to those who visit from the various cities, that Appropriations -- nothing works down here. So any time they send money, we send them out.

Assemblyman Vas is here, and also Assemblyman Craig Stanley, who's going to speak to you now.

ASSEMBLYMAN STANLEY: Thank you, Chairman.

Mr. Commissioner, it's always good to see you. Certainly, we can never question your dedication to the children of our state and the school districts in which they learn.

This is, certainly, a good step in the right direction. We have to minimize State intervention. We need to empower the districts, we need to empower the -- we have to increase the capacity of the districts. These are things that we have to move toward. And this is, certainly, a means to do that.

In dealing with states all over the country, one of the issues that we talk about, or that seems to rise when you look at intervention, is the need for the community to view intervention as assistance, to view themselves as stakeholders and equal partners. And I think that's--

We need to make sure that as we move forward, we learn from mistakes of the past. There's nothing like -- and I'm glad we don't use the word *takeover* anymore, because that, in and of itself, had very negative implications. And I think Mr. Malone was not necessarily on target, but there are those who thought that perhaps it had become a jobs, kind of -- jobs bank, so to speak, for many people who were, kind of, brought over from other states, and so forth, and worked in districts.

So I certainly look forward to working on the time frame that you've laid down here. We want to make sure that it's delivered to -- that people have an opportunity to understand what's going on, because-- And I certainly concur with Senator Rice. We need to look at some things. We need to, maybe -- pilot projects are certainly the way to go with anything that we're going to undertake of this magnitude.

It's so important that the public has an opportunity to review the legislation, to understand what we're doing, what our intentions are. I always-- I was reading-- One of our students in the state wrote letters to a bunch of CEOs and got back advice from these CEOs on what's the best -- how do you succeed. And one of the CEOs said, "Always expect the best. Always expect that everyone is operating under the best of intentions." And I said, "Well, I always do that. I always think everybody's the nice guy, and want to do the best things." But I would put a little P.S., "But watch your back." (laughter)

I certainly hope that you'll be -- and the Senator, and all of our members -- don't rush. But I think September, I think early October is certainly enough time to get hearings in the other intervention districts, such as Paterson and Jersey City, which I think is very important that we do. And also, to other districts throughout the state, because as we said, this is not just about districts that are State operated, but it's about all of the districts of this state. And we have to make sure that they, too, have an opportunity to weigh in. But we don't have any-- I certainly don't have any problem with that. I think the Assembly will probably have a few more hearings, the Joint Committee, and maybe we can even invite the Joint Committee, the Assembly, the Senate to all come to these hearings so that they can -- so that everyone is allowed the opportunity to hear the information that's being given, and most importantly, the feedback from the public.

One of the issues that people raised was the issue of, I guess, not necessarily recourse, but a process by which a district, if they thought they were not -- they should not necessarily be in a case for an intervention -- felt that this was not the way to go. And I don't know that we have a process in place, but do you have any recommendations as to what might be a proposal?

COMMISSIONER LIBRERA: Yes, we do.

And thank you for your kind remarks as you began, Assemblyman.

My answer to recourse, and by way of appeal, is a very general one. We shouldn't do anything that denies people that opportunity to be heard before you act. That should be in everything we do. And those all have to be general rules of standard operating procedures.

We have spent a considerable amount of time already on trying to gather many points of view, put this together in a way that's sensible. And I think the issue for us, always, is to be thorough and be timely. Thorough, which causes us to work for five years on something, causes another set of cynical responses about what we're able to do. And so this tension that we have, always, about, "Let's do it well, but let's put timetables together that enable us to produce something better than what we have" -- that's the struggle for all of us. And we're willing to do whatever's necessary to help the Legislature do their part to satisfy what you believe is thorough, and what needs to be done.

I would like Gloria -- Ms. Hancock, Chief of Staff, to talk to you, very briefly, about what's happened up until this point, who the working groups are, and what the regulatory process will include, so that you can keep those things in mind and mesh them with hearings and the work that you need to do. Because we'll never be able to do things timely if we don't understand one another, and don't integrate and coordinate. We don't want to duplicate things.

Gloria, would you please--

G L O R I A H A N C O C K: Sure.

Thank you, Commissioner.

Good afternoon.

As the Commissioner had indicated earlier, the process began over a year ago, where we had a concept document that was issued. We solicited input from the various education constituency groups. The Commissioner had gone out and spoken at 21 county roundtables, in which this was one of the topics for discussion, and then solicited broad-based input in that regard.

There were featured presentations where the Department participated in various conferences and public forums in which we were asked to present on NJ QSAC and what it meant, and the purpose, quite frankly, for why we were doing so.

We then moved to presenting before the Legislature, certainly going before the Assembly Education subcommittee, at their invitation, and also the Senate Education subcommittee. And then, certainly, Assemblyman Craig Stanley, at your hearing that you had last month in Newark, and then certainly here before the Joint public Committee.

There are five working groups. The people who are represented on these five working groups include, but are not limited to, district level superintendents of schools across the state, local boards of education representatives -- also serve in this capacity -- representatives from the various educational associations and organizations, and then prominent researchers in the field, as well as some of the Department of Education staff.

It was recognized that there had to be standards for the five areas of district effectiveness that Senator Rice spoke to earlier. We believe they are best represented in the regulations. So there is a committee who is working on developing the draft regulatory language as we speak. And they have been doing so for quite some time now.

There is also a committee who has been working on the rubrics and making certain that we're all very clear about what the particular standards are going to be and how that evaluation process will unfold. There is a work group, also, who is looking at: how do you transition from an old system to a new system; as well as, if you've been in State takeover mode to the existing

legislation, how do you transition into the new monitoring evaluation system, known as QSAC.

And then last, but not least, is also the need for training. There has to be training for the staff who are actually going out and doing the review and assisting the districts in their own self assessment. And then there needs to be training that is done at the district level so they understand what this new system is.

And then the last piece is just the review manual itself. There needs to be a manual that people can point to, and look to, and understand how they're being evaluated and assessed.

ASSEMBLYMAN STANLEY: Thank you very much.

We certainly have had a number of things, and that's certainly not questioned here. As a matter of fact, the reason I kind of skipped the earlier part--

I really was working on helping some of the folks in our district, Senator Rice. We've got to make sure that this budget is almost near completion. So I felt it not robbery to work on that as opposed to hearing the Commissioner's great presentation, which -- it certainly is good. But I've heard it a couple times already.

But we, as legislators -- and Senator Rice will agree -- we have to make sure that people understand what it is that we do. The regulatory process is a lot less visible than the legislative process. And so in a lot of cases, this will be the opportunity for the public, sort of, to weigh in as far as what we're doing here and make sure that there's no misunderstanding, and get them on board. Some people think that this process should be contentious. I think that maybe

there are some people who view it that way. But the bottom line is-- No intervention is successful unless the community embraces it. And the people who you are operating under, who's benefit you're operating for, understand that to be the case, and that it's not a hostile situation.

So, again, I thank you for coming. I think you're doing a great job. Let no one misunderstand my intention, which is to help you succeed on behalf of all of our children.

COMMISSIONER LIBRERA: Thank you very much, Assemblyman. That is, certainly, understood by those of us in the Department, me in particular.

Thank you.

SENATOR RICE: Assemblyman, do you have any comments before I close out? (no response)

Let me also thank you. I know that there are going to be some concerns, probably sent to you in writing. The authority of Title 18 versus some of the authority of the legislation -- you need to strike some real balance there to make sure we stay within the authority of 18. We're not trying to change 18, per se. And I think everything else can be worked out.

Hopefully, we'll set up a couple of hearings. I'm going to ask the members of this Committee, if they want hearings to let me know right away so that we can expedite those hearings, because I want this to be an expeditious process. I don't want to be delayed. We're never going to agree 100 percent on legislation of this significance. But I lived through the years of the first intervention. I know what it's about. The priority of this legislation has to be to make the takeover districts--

ASSEMBLYMAN STANLEY: Don't call them *takeover*.

SENATOR RICE: Excuse me, intervention districts in our new legislation -- give it back to local control, which means there's going to be some give and take to get that done. If not, to me, the legislation, to some degree, is meaningless. That process cannot be delayed. The longer the Joint Committee, overseeing the Senate and Assembly Education Committee, delay that process with the various interest groups-- They should have input, but it should not be the kind of input that becomes a barrier. We're never going to satisfy all the particulars of the Education Law Center, the teachers' organizations, maybe some of the school districts. But some place in the middle we should be able to meet, expeditiously. And then if there's a problem with meeting time frames, let me know, and I will try to, with this Committee, intervene to strike a compromise on moving the process out of Committee. Regulations have to be done, and that's why this process becomes very important -- because they go hand in hand. And I know that. That's from years of experience.

And I want to thank, again, the people from throughout the state here -- particularly those from the 28th District and the urban districts who happen to be residing in these intervention districts, if you will. I know what your priority is, and we're going to try to make that happen for you.

The final thing I want to say is, that Assemblyman Vas, who is also the Mayor of Perth Amboy, is the Chairperson of the subcommittee on early childhood education, Abbott. And I'm going to ask if you, if you can find time -- when we finish running around to national conferences and all breaks-- See, mayors are always around, so you can call on them.

But we really need to have some early childhood education meetings. There's a lot happening in that area very fast. I'm going to ask you to work with Melanie and staff to pull those together. You pick the time frame and location for them so we can be brought up to date on early childhood education. And I would attend those meetings as part of the Committee. I'm on every subcommittee, to keep balance there and to make sure that I'm aware of what's going on.

With that, Commissioner--

ASSEMBLYMAN STANLEY: Can I just ask one question?

SENATOR RICE: Sure, then we're going to a press conference. I don't want you late for the press conference.

Go ahead, Assemblyman.

ASSEMBLYMAN STANLEY: Thank you, Chair.

There are a couple of very important items that are coming before the Legislature right now. Of course, the budget is one, and the issue of co-pay for early childhood education. I'm not exactly sure where that is. I know that some of the providers had expressed some concern over the implementation of this particular process. And there are a number of issues, especially related to persons who may be undocumented, people whose children are in the school system. We had an issue about undocumented children going on to college and paying in-state tuition, as opposed to out-of-state tuition. And we have a number of children in that scenario.

The issue with the early childhood education is this: These things -- and this criteria that we're laying down is supposed to be means tested, and some of these other things. There just seems to be many unintended

consequences that we may be looking at if we continue -- if we try to implement this in September. Can you respond to that?

COMMISSIONER LIBRERA: Yes, I can.

As you know, that's a DHS initiative, that's not the Department that's doing that.

ASSEMBLYMAN STANLEY: Way to go, Commissioner. That's my guy. (laughter)

COMMISSIONER LIBRERA: But let me add to that. Though I understand what it is that they're trying to accomplish-- I understand it. It is very hard to do well. So that's one of those areas. And what I have said privately I'll say publicly. If we're going to do that, for reasons that I can understand, we have to be so careful to be sure that we don't load that up with all kinds of unintended consequences falling on people of the least means and their children. It can't be that. And so I would, and have, offered caution at every step in that.

ASSEMBLYMAN STANLEY: Thank you very much, Commissioner. I appreciate that.

Thank you, Chairman.

COMMISSIONER LIBRERA: I'd just like to say that, first, Senator Rice, Assemblyman Stanley, I think it's common knowledge that the two of you are sponsors of this bill in your respective Legislature. We appreciate your counsel, your leadership, the assertive manner in which you're pursuing this, and the measured way that you're doing it.

We have talked a lot about intervention, and it's on the minds of a lot of people, and certainly on the minds of the people in the Department, me in particular.

What I haven't said enough, and so you're advised about -- making sure that you emphasize certain things more than others. What we really need to all be understanding is, that if the QSAC works as we intend it to work, we will have minimal acts of intervention, because this is loaded on prevention. The best intervention is a system that is designed to make sure that you take all kinds of steps that are fair, measured, communicated clearly so you don't have to get the intervention. And that's where letting the community know we have problems we have to get fixed, before we resort to more severe measures-- We are not interested in being in the intervention business. None of us are. We're interested in removing the conditions that make that necessary. And that's what I think this bill presents for us and the regulations, as well.

SENATOR RICE: Once again, we thank the Commissioner. And that's the way we need to go.

I was here during the first intervention of the districts. And Newark, my city, should have never been intervened. And the reason being is that we were never at Level III. We were at Level II. And believe it or not, the district had already put their education plan together, which was approved by the superintendent at the county and approved by the State. But for some reason -- and the arrogance of some there during that period of time -- they were never implemented. That's all that was requested, and a couple of corrections in small areas. And they hit Level III -- then the politics set in. It was a takeover.

And so you're right, the whole idea is prevention, not intervention, which is the second step. You always do *A* before you do *B*.

Let me wish you happy birthday, once again. I hope you enjoy the rest of the day. Hopefully they give you all the money you need in your education budget, because it's your birthday. You need to go Appropriations.

COMMISSIONER LIBRERA: I'll stay up all day for all these kinds of things. (laughter)

SENATOR RICE: And I want to wish everyone, who has actually traveled to Trenton today to be with the Legislature, a safe trip home. And if we don't see you in between, enjoy your summer. I'm sure the Legislature -- some of them will enjoy theirs, and some of us will be working.

Thank you very much.

This meeting is officially adjourned.

(MEETING CONCLUDED)