

NEW JERSEY STATE LEGISLATURE
JOINT LEGISLATIVE COMMITTEE ON
PUBLIC SCHOOL FUNDING REFORM

COMMITTEE MEETING
TRANSCRIPT OF PROCEEDINGS
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ASSEMBLYMAN HERB CONAWAY JR., Co-Chair

SENATOR JOSEPH V. DORIA JR.

SENATOR GERALD CARDINALE

ASSEMBLYMAN BRIAN P. STACK

ASSEMBLYMAN DAVID W. WOLFE

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SENATOR JOHN H. ADLER (CO-CHAIR): Ladies and gentlemen, welcome. Thank you.

Senator Wolf, welcome. Thank you.

If you would take a moment to check your cell phones. Actually, to take a moment to stop talking first.

David? David? Hi, David.

If you would take a moment to check your cell phones, turn them off or turn them to silent mode so we don't hear them.

My very respectful admonition, on behalf of my Co-Chair and myself, is that-- We are talking about three bills today. I know there's a great desire to talk about other issues that came out of the Committee report, particularly the school funding formula and impacts on districts, and impacts on different parts of the education community. We're not talking about that today. So respectfully, if you're here for that, you might want to withdraw from the room or at least decide not to speak on those sorts of issues. Because we have three bills which are some of what we want to accomplish in property tax reform for New Jersey in the school context. We want to talk about those bills today and nothing else.

For no particular reason, we'll take A-5 first, Conway-Stack, A-5. And we have a lot a people who signed up to testify, and our form doesn't show what they signed up to testify about.

So if Lynn Strickland is here to talk on this bill -- A-5, do you want to talk about A-5? Is that a yes or no? That's a yes or no?

L Y N N S T R I C K L A N D: Yes.

SENATOR ADLER: Okay.

MS. STRICKLAND: Lynn Strickland, Garden State Coalition of Schools. Garden State had signed up to hit all

three bills at the same time, so this is a different format for us to have to approach.

SENATOR ADLER: If it's faster, do all three bills.

MS. STRICKLAND: It may be. It may very well be.

SENATOR ADLER: Decide now. And if it's faster, do it that way.

MS. STRICKLAND: I think it would be.

SENATOR ADLER: Good. Go.

MS. STRICKLAND: I'm also going to introduce, sitting here with me, two parents from Glen Ridge: Julie Raskin, who is also a board member; and Fran Wong, who is an awesome parent, I was told -- not by herself.

At any rate, I can go this way for you. The accountability bill: transparency is a good thing, accountability is a good thing.

There are some elements in the bill that seem where the Commissioner has some -- is empowered, maybe, with a bit of intrusive powers, and we'd like to see some flexibility in appeal possibilities in there.

The mandate relief bill is at least three years old. We're involved with the Mandate Commission. Of course, we want to see that go through. We think it's symbolic more than anything at this point. It really doesn't get into the larger mandate issues, as you well know. In fact, it moves the accounting of nonoperating districts out, and puts it in, I think, the Consolidation Committee bills.

And on the reorganization, that's the Department's effort, probably at the Legislature's direction, to get squared away to be able to administer to a new day in school funding, and for communities.

And with that, I am just going to say -- I think you probably know this -- we really are concerned about the process. And we would like not to have to participate in-- No, I shouldn't say that. We always want to participate. But having to work on a piece of the puzzle when we don't know what the puzzle looks like or what the picture will be means that, really, testimony may not be very meaningful.

SENATOR ADLER: Lynn, can I ask you a question? On the first bill, you mentioned there were concerns. You wanted an appeal process, you wanted some flexibility. Do you have specific suggestions that we should consider on that bill?

MS. STRICKLAND: The Commissioner has the ability to come in and require certain types of audits -- forensic audits, for instance, things like that. I think that we need to be able to have a clause in there where a district can have a possibility or ability to justify and try to give a status of why it's there. We would assume that that will be done, but we're not certain of that.

And let me also say, I feel a little bit inadequate today to comment specifically on these bills because they only came out a couple days ago, and I may be old but I still need some sleep. It's been tough. And I'm scared that they're moving on second reading without really much --

SENATOR ADLER: I think you made your point.

Julie. I feel like I know you. I saw you on NJN, doing a good job.

J U L I E R A S K I N: Thank you. Good morning, Senator Adler, Assemblyman Conaway, and members of the Committee. I am Julie Raskin, a parent and taxpayer from Glen Ridge. Thank you for giving me the chance to testify this morning.

There was one reason alone that my husband and I moved from New York City to Glen Ridge, New Jersey, 10 years

ago. Schools. New Jersey has so many fabulous school systems and wonderful communities, and we knew that by choosing one of these Garden State gems we would be able to provide our two children with a first-rate public school education.

I know that you have limited testimony today to only a few of the bills that have been crafted as a result of your Committee's deliberations, but I would be remiss if I didn't comment on a broader context of A-7, the bill that addresses elimination of some mandates. While it will undoubtedly save some money to eliminate the position of school treasurer, not to mention the commemoration of Flag Day, Arbor Day, and Commodore Barry Day, there's no mention of the biggest set of state mandates, those concerning special education.

There's been much discussion of the idea for placing special education categorical aid with special education aid that's tied to the wealth-based foundation grant formula. If this happens, mandated special education programs will be effectively underfunded.

SENATOR ADLER: Julie, I think we understand that concept. I think-- That's not on our agenda today. I think we understand the concept, and it is part of what we have to look at with the school funding formula. And I know you took the time to come down from Glen Ridge, and we appreciate that. You and the great parent sitting next to you, Fran, took the time to do that. I assume you're a pretty good parent, too. I feel bad that you didn't get that honor. But today we're just going to talk about these bills. I understand your right to want to talk about the bigger picture. We get that. We've all wanted to talk about it; we have talked about it; we will continue to talk about it. You will be back in this room, if you want to be--

MS. RASKIN: When?

SENATOR ADLER: I'm sure Lynn will be back, I'm hoping lots of times. Really hash this out publically until we have a sense of what we're going to do within a formula, but it's not today. So I don't want to be rude to you, because you took the time, Lynn took the time, Fran took the time to be here, but today is not the day for that broader discussion, which you're correctly inviting-- We also want to have that discussion, so...

MS. RASKIN: Okay. Very good.

Thank you. Thank you all.

F R A N W O N G: Good morning, Senator Adler, Assemblyman Conaway, and members of the Committee.

SENATOR ADLER: Can you use the mike? Put the mike on.

MS. WONG: The green light?

SENATOR ADLER: Red is go.

MS. WONG: Okay. Sorry.

Good morning, Senator Adler, Assemblyman Conaway, and members of the Committee. My name is Fran Wong, and I am a taxpaying empty-nester now, and voter from Glen Ridge, in Essex County. I am grateful to be here to speak on this critical subject this morning.

Thirty years -- my husband and I put down our roots in Glen Ridge 30 years ago. Just as it was then, the core of our town is our schools, which are consistently considered to be among the top in the state, a status we achieved at the cost of \$10,000 per pupil, well below the state average. Our schools produce a great product at an efficient price.

Long ago, we instituted efficiencies that are now being discussed as if they were new thoughts. The legislation under consideration here today contains little if anything to relieve the yoke of excessive property taxes, and ignores the

real threat to our community, the lack of an equitable funding formula.

We love our town. Our schools are a model of both excellence in fiscal efficiency and creativity.

SENATOR ADLER: Fran, let me stop you just for a second. I probably should have said this in the beginning. But today's discussion is not about the school funding formula. Today's discussion is on three bills that are on this particular agenda.

We will have another hearing, or maybe more than one hearing, to talk about the school funding formula and necessary changes in CEFA, necessary augmentations, a different approach to school funding, as you heard in the testimony in the public hearings that led up to the issuance of the report.

But today is not going to be about school funding formulas. I probably should have said that in the very beginning. But for people who've walked in late, let me make clear, we're not going to hear testimony today about the funding formula.

Do you want to talk about any of the three bills that are before the Committee today?

MS. WONG: Could you remind me what those three are? Because I was a little confused.

SENATOR ADLER: One's about accountability provisions, essentially codifying the recommendations from the State Commission on Investigation, which found lots of abuses in the school governance world.

One's about bolstering the capacity of the Department of Education to make it better able to do its job.

And one's about getting rid of some of the mandates

that the Review Commission recognized were superfluous and expensive for school districts.

MS. WONG: Then I would like to say something on accountability, because I think accountability is something that we already exercise in Glen Ridge.

Every April we go to the polls and we vote on our Board of Education members and our school budget. And these individuals all know that they are accountable to the taxpayers of Glen Ridge. If they don't do a good job, if they don't run the schools efficiently, they hear about it and they know they will.

So we feel we already have an efficient, accountable system in place, and we feel that towns like ours should not be punished for already doing things correctly. We do a great job. And if everybody did as good a job as we do in Glen Ridge, we wouldn't be here today talking on this subject.

Thank you very much. Good luck with this.

SENATOR ADLER: Thank you so much.

MS. STRICKLAND: Senator, if I may, I'd just like to ask the people that are here in support of Garden State Coalition to wave their hands if they're here.

Thank you.

SENATOR ADLER: Thank you all for being here and for your commitment to education.

ASSEMBLYMAN HERB CONAWAY (CO-CHAIR): As folks come up -- you mentioned being punished. We pass laws often to try to get at problem areas. And I know that there are those who don't consider themselves to be problems and that don't have problems who will be -- might find themselves put upon, even though the legislation might not be specifically directed to anything that they're doing. But we have a responsibility to make sure that, it seems to me -- that to prevent people from

doing things that are injurious to taxpayers, injurious to students.

So while I appreciate how well Glen Ridge is doing things, it doesn't mean that we cannot take action to deal with those school districts who are not doing what they ought to be doing. And Glen Ridge, and everybody else who is doing well, will continue to do well, even as this legislation goes forward, if there are things in here that you think are injurious, as has been mentioned, I wish you would tell us, because there is an opportunity to make some changes in this legislation. If there are changes that we can make that will not encumber the ability of the government to account for taxpayers' spending in education, then we would like to make them at a time when it's appropriate.

And just for those people, also-- There are a lot of people who are not used to the way we do things here. But we have bills on the agenda, we post them, and we always confine our testimony to the things within the bills. It allows the Legislature to think, if you will, about how we proceed with things. We take testimony on those things which are before us, and we wait to take testimony on those things which may be before us in the future.

So just an admonition: We will cut you off if you go astray. But we're talking today about accountability in schools, we're talking about the reorganization of the Department of Education, and we're talking about mandates in education.

You might say that we need to do another bill. Fine to mention that, but please stick to the issue of mandates on schools.

Next, let's have Edwin Carman and Roger Butler.

E D W I N G. C A R M A N: Good morning, Senator, Assemblyman, members of the Committee. Thank you for this opportunity to address you this morning.

My name is Ed Carman. I'm with the New Jersey School Boards Association. I'm here this morning with Roger Butler, who is the Chairman of our School Finance Committee. And we will be brief and not take up a lot of your time.

We have a prepared statement which I'll be providing you with. And, of course, we'll answer any questions you may have.

R O G E R B U T L E R: Roger Butler. I'm Chairman of the School Finance Committee. I'm also a board member of Burlington Township, where I've been a board member now for almost eight-and-a-half years.

I come to this Committee today to offer testimony on the bills that you've offered today for discussion. I believe that-- First, I'd like to thank the Committee. I think you've taken on a hard job. I think you're taking on a job that has to be done, that has to be looked at, and I commend you for actually taking the time and effort that you've had to put in over these last few months to do that. And I appreciate many things that you're trying to do in this bill.

I think one of the things that you're trying to do, to some extent, though, is trying to legislate good management. And I think that's probably one of the hardest things to do.

I think you try to set up the parameters, and the rules, and the guidelines, and the policies; but making sure that they get implemented properly is always very tough, as it trickles down into the local districts.

I believe that there are a number of things that these bills do that I think are very good. Many of the things, I think, most districts already do.

And what I would like to make sure that doesn't happen is -- that we continue a dialogue on many of the issues that you ask, and want to touch the surface on, in implementing -- in this testimony -- are in these bills. I think we have to really work. As they say, the devil is in the details. I think that there are still many things in the details of how you want to implement these things; that you really have to let boards of education work with you in helping you to develop many of these things that you want to accomplish.

Many of the things that you want to look at are-- Like in Section 6, where you talk about the early termination of superintendents. I believe -- after going through a search for a new superintendent just recently, and going through the time of having to look at our management staff in many cases -- this is something that most boards don't take very cavalierly. This is something that takes a lot of time.

There are a lot of triggers in the system that currently exist that do mandate reviews. And even the pension system will take a review when you go to make a termination notice -- that they will get the settlement packages, and they look at that elimination, so they are -- that it conforms with all the legal regulations and all of things that have to go on, at least with pensions.

And although I don't have any problem with the DOE getting involved, I think we really have to work out what their involvement is going to be and what the criteria will be, as long as we can move forward. Because I don't think it's a situation that anybody wants to be in.

But like I said, it's good management. And boards have to look at this, sometimes, as what's the best management for our children and what we get the most effect out of. And sometimes we have to move forward in a situation that may not be pleasant, but we just need to know what is the criteria for this review, what time is it going to take, how long does it take. These are the types of things that we need to know in order to implement some of the recommendations.

Also, you talk in Section 8 about the travel standards. Many of the travel issues have already dramatically impacted a lot of boards. I know, as a member of my board and wanting to be educated -- and we actually are mandating some training. Many of the travel restrictions that you are implementing are very restrictive on travel. I don't get paid to be a board member. I do a lot of things out of my pocket. When I have to come, like today, and testify, I take off of work. When I go to training, I take time from work. I take time -- more valuable time away from my family in order to ensure that my children and all the children, not just in my district-- But when I do school finance, I'm worried about all the children of all the districts that go to school. And I lose a lot of time. And some of the restrictions on travel, while I understand accountability, I think you have to have a touch of flexibility with the way you implement some of these things and mandating training.

Whereas, I've been trained. I believe training is one of the best things you can do, and I think most boards do. I've gone through 40 hours of extra training since being a board member, and have received a master certification in boardsmanship by attending extra classes -- many in the mandated fields that you're requesting in this bill -- because I wanted to be knowledgeable of what I was doing as a board

member. And I take it to great -- I take great personal satisfaction in knowing that the more knowledge I get the better I can represent my kids and my district.

So I think those are things that we need to-- While I don't have any problem with trying to prevent corrupt systems of travel and things like that, I just think we have to look at that system and make sure it's fairly and uniformly implemented.

And as far as -- like I said, some of the mandated education -- I believe education is always good for board members. But I think you have to -- it's a fine line between mandating it for a job where we don't always get paid. I think we have to be very careful when we mandate certain things.

Where we have one bill, that I think you're going to be looking at today, to help eliminate state mandates; we have another bill that we're looking at right now which is going to increase some mandates and increase efficiencies in districts.

Right now, I'd like to say, our district is one of more efficient. Many of the things that you ask for in this bill, refinancing debt, I've done. We've gone out and we've become a member of a consortium to buy energy -- we've done. We do everything that we can to enforce efficiency in our district and get our kids the best amount-- We are one of the lowest cost-per-child districts in the state. But we have more -- harder time doing, efficiently, these things through our management or our administration, because we don't have the personnel to always keep an eye on the market.

When you refinance, just like when you refinance your house or your mortgage, you have to make sure that that refinancing level is falling to a threshold that makes it worth your while to refinance.

I would like to say that by doing that and following those things, we were able to save our taxpayers probably \$150,000, at least, by refinancing our issues. And so those are good things.

You are on the right track. It's just a matter of making sure that we have the tools and that all districts have the tools, management-wise, in order to implement them.

ASSEMBLYMAN CONAWAY: Just to interrupt you for a second. Just to get to the -- some of the specifics. In Section 6, then, you would suggest that we add language in here that would require the Commissioner to make a decision on the contract within a certain time frame, so that you're not left sort of hanging as you're trying to get a contract done -- which I think is your suggestion.

MR. BUTLER: Right.

ASSEMBLYMAN CONAWAY: You mentioned the training. And just by way of background: I mean, you know, a lot -- these recommendations in this bill have been developed from testimony and really are in response, in many ways, to things in the headlines. You live in my area -- and Burlington Township schools are wonderful; but we've had neighboring schools where we've had problems with superintendents. We have a situation in Camden where increments were passed on by the board and there was no review. So these kinds of things, you know, taxpayers demand that we address them. We cannot allow a situation like this to happen again. And while I understand that there are boards who are doing excellent work and board members who are doing excellent things, there are board members who have served a number of years who haven't gone to one or two of the courses that you have done. And when you see that there's failure, then the question becomes, should the government say, "Well, there is education training

there. You need to take advantage of it so that you can do a better job of managing the fiscal affairs of the district or managing the educational programs."

So it's great that you're doing that, but we would like to see, at least-- I'll speak for myself on this. I'd like to see everybody who is a school board member doing the things that you're doing, and we're trying to put that in legislation. People think that that's a bad idea. I don't know if you do or not. I don't know if you've said that. Then they ought to tell us. But that's where we're headed with this legislation now, because we feel that one of the keys to raising accountability in districts is to raise the skill of board members who are charged with overseeing those districts.

So, timetables in 6.

In terms of paying the districts, aren't those courses that you take -- they're paid for by the district, is my understanding. Do I have a misconception about that?

MR. BUTLER: No. They are paid for by the district. You're right.

ASSEMBLYMAN CONAWAY: So it's not coming out of your pocket in that instance, when these courses are done. Okay.

I'm sorry.

MR. BUTLER: Once again, I commend the Committee. I think you're trying to do a good thing. I think you're trying to fight the good fight.

But it is hard, a lot of times, to legislate good management. And I think, to some extent, that's where you have to have -- we have to develop a partnership. And some of the things that we've talked about, like I said, that we've raised in this bill, are good things. I just think we have to

really hone them down to be able to make sure that we can implement them, and that we have the tools to implement them. And if we want to mandate the educational services, how do we do that when you realize you have a lot of people that would like to go, but because of restrictions of their job and because of restrictions of not getting paid -- that how we do work out that kind of training?

I think those are the types of things that we have to look at. I said the primary thing is we're supportive, but we'd like to get, I guess, more details and more ways of working with you as a school board association and as board members, so that we can help craft this together, how we actually implement it. I think it's important that we work together on those issues.

ASSEMBLYMAN CONAWAY: Thanks for your testimony.

And that last suggestion you made, we've done that with some of the things in hospitals recently, out of my other committee, and that is what we need to think about having the school boards do -- some of this stuff online, or going on the road to get some of these things done that might help accommodate the schedules of board members with very busy lives.

Anything else you want to tell us?

And just be mindful we have a lot of people who want to testify.

MR. BUTLER: Just two other quick things.

The audits that we have to do, I think that they speak for themselves. I think we have a lot of those things in place. I think that we should work with the Committee to define and itemize the things in the audit that we think we need to publicize and maybe get out to the public.

I know when our public comes to see our audit, they're probably more confused. We have to announce it in public. We have to issue it to everyone. We have to review it. We have, probably, more questions than answers, because we have two different systems.

We have a State system that we have to do an accounting for, and then there's a GAAP system, Generally Accepted Accounting Principles, which sometimes-- When you account for money, it doesn't always show up in the same column, and we end up with a lot of confused public that -- we have to take over, and we have to run through, and go through it real quickly.

I think if we can work together on some of the things that we would like to see in those audits that make it more -- I guess more friendly to the average person, that they can understand the finances of their district, then we've done a good job with that.

And, again, with the -- we question the authority. If you assign a State monitor, I believe, once again, we have to make sure that those monitors are effective, that they go into the district and they help improve management.

Most cases, it's not the kids; it's the management. And we've got to make sure that these monitors come in with a charge that they're going to go in, and they're going to go in there and they're going to make the district more effective and more management-- So that the dollars are getting to the children, and that the programs are being implemented and they're being evaluated; and good programs are left in place and nurtured, and bad programs are eliminated, and we cut the waste in the funding.

But this monitor can't just be going in and sitting there. We have to define what the monitor would do, and make

that monitor more effectively so that these districts can become good management districts.

Thank you very much.

ASSEMBLYMAN CONAWAY: Thank you very much. I appreciate you taking the time in helping us with this legislation.

SENATOR ADLER: Wendell Steinhauer of NJEA.

W E N D E L L S T E I N H A U E R: Good afternoon. My name is Wendell Steinhauer, Secretary-Treasurer of NJEA, speaking on behalf of the 196,000 members.

I thank you for this opportunity to testify about your accountability measures tied to your proposals for school funding reform.

For the sake of transparency, we urge you to grant the public more time to review these bills -- most specifically, A-5/S-44 -- and provide more detailed input before taking further action on it. In the meantime, I'm prepared to offer the following comments:

On A-5/S-44, it provides for various school district accountability measures. NJEA supports maximizing district participation in programs like ACES, the Federal Universal Service Program, the E-rate, and the ACT Telecommunications Program.

The Association also supports requiring districts to refinance outstanding debt when they can realize a savings of 3 percent.

I have to say that many of the accountability measures incorporated in A-5/S-44 may be based on unfounded perceptions or beliefs that all districts operate inefficiently and wastefully, and are not in compliance; and that's just not true. Saying that, NJEA is strongly opposed to using noncompliance with these requirements as an excuse to

deny districts their State aid. It is certainly the responsibility of districts to use taxpayer dollars wisely; but it isn't the core mission of districts to use taxpayer dollars wisely. The core mission is to educate children, and we must never forget that. Sanctions should be aimed at increasing compliance with efficiency measures, not punishing children for the decisions of adults.

NJEA is deeply concerned that many of the provisions of A-5/S-44 interfere with the collective bargaining rights of school employees. For example, the bill makes mandatory changes in school district policies regarding travel and expense reimbursement, without recognizing that many of those -- that many existing contracts already address those issues.

We also have major concerns about provisions of this bill that would expand the circumstances under which the Commissioner can appoint a State monitor for a school district. We believe the criteria for when a monitor should be assigned ought to be revisited. Further, we contend that the bill should identify steps that must be taken before the Department of Ed moves into such a costly process.

We also object to the requiring that the district pay the full cost of the monitor. Once again, it will take away money from educational programs and services for children in order to sanction a district for poor fiscal management practices. We think that's just bad policy.

Moving on, NJEA supports A-7/S-43. This legislation eliminates various mandates imposed on public school districts. It effectuates the recommendations included in the final report of the Education Mandate Review Study Commission.

Finally, NJEA is pleased to support Assembly Joint Resolution 10 and Senate Joint Resolution 59. My only concern is that I would encourage the Commissioner to invite the

public to be part of that evaluation process. School districts rely on the Department of Education for services and guidance. Hearing what education stakeholders have to say regarding their needs may be very valuable to the Department's evaluation and reorganization process.

I thank you for your time today.

And NJEA, as always, looks forward to working closely with the Legislature in an effort to bring about meaningful and fully transparent accountability for the public schools of New Jersey.

I've shortened up the four pages into what I think is two pages, and structured it so it hopefully takes care of any questions, Senator.

SENATOR ADLER: We do appreciate your brevity and your insights. Thank you.

MR. STEINHAUSER: Thank you.

SENATOR ADLER: Next is Brenda Considine from Hopewell. (no response)

Michael Egenton, from the New Jersey State Chamber of Commerce does not want to testify, but has indicated his support for all the bills and resolutions on the agenda.

Barbara DeMarco and George Malanga from the New Jersey Child Care Association.

Is Barbara DeMarco here? (no response) Going, going.

George? (no response)

Peg Kinsell from the Statewide Parent Advocacy Network. Peg Kinsell? (no response)

Gerard Thiers of ASAH. Gerard? (no response)

Is this on? (laughter) (referring to PA microphone)

Kathleen Witcher of the Education Committee of the NAACP. Kathleen Witcher? (no response)

Is there free food down the hall? (laughter)

Where did the people go?

Okay, I know he's here. Dr. Barry Galasso, maybe with Maria Lepore, both from the New Jersey Association for School Administrators.

B A R R Y J. G A L A S S O, Ed.D.: Good afternoon. Thank you. Maria Lepore is our Chief Counsel, and Maria will do the testimony for us this afternoon.

M A R I A M. L E P O R E, ESQ.: Good afternoon, Senators, Assemblymen. Thank you for allowing us to come and speak to you today. We represent the New Jersey Association of School Administrators.

As you know, our organization represents superintendents and upper level administrators throughout the state. We have representatives in virtually every district in the state. And we're in the unique position of understanding the problems that you face, and we'd like to be part of the solution. And we're here today to try and offer you some solutions.

While I was sitting in the audience, Senator, I heard you ask for -- you wanted solutions. And we're here to give you our commentary and give you our solutions, where we see some possible.

With regard to S-44 -- and that's what we're here to testify to today -- Section 2 requires districts to publicly report detailed contract and benefit information with regard to central office administrators, superintendents, assistant superintendents, and business administrators. We support this initiative. NJASA supports transparency for benefits and compensation for all public employees. And in that respect, our suggestion is to expand this to include all public

employees, so that the taxpayer knows where their tax dollars are being spent.

With respect to Section 6, we welcome the involvement of the Commissioner where the Board seeks to terminate a superintendent's contract early. And in fact, we ask that the Commissioner be given the power to intervene and try to help the parties find a solution, rather than have to engage in litigation or acrimony. We've always felt that the Commissioner could play a role here, and we would welcome the Commissioner playing a role in helping solve the problem.

With regard to Section 7, we are concerned about taking due process away where there is some misconduct of any administrator. Currently, the Commissioner has the power to make these recommendations to have a certification withdrawn or revoked where there is misconduct.

Currently, the party would be brought up on tenure charges. The party would be given the full and fair right to a hearing, where evidence would be presented by the board and the employee. And the Commissioner would review all of that. And based upon the evidence presented, the Commissioner then decides to make the recommendation to either revoke the license -- and she passes that recommendation on to the Board of Examiners -- or she would dismiss the charges if there isn't sufficient evidence. So we would suggest that, basically, due process is already there. This procedure is already in place. And where the employee is not tenured, the board already has the obligation to report misconduct directly to the Board of Examiners.

Now, if the Committee -- I know, Assemblyman Conaway, you mentioned earlier about another situation. If the Committee -- the Joint Committee feels very strongly that it is necessary for the Commissioner to be involved in this

way, and the Commissioner, based on information she receives, passes along her recommendation to the Board of Examiners, then we would suggest that that be expanded to all school employees, to protect the safety and the welfare of the children.

With regard to Section 12, we urge the Joint Committee not to penalize the superintendent where a board fails to complete the superintendent's evaluation. We think that school boards should follow the law. We know that the SCI recognized that some school boards are not evaluating superintendents, and we think it ought to be done. We think, though, that this problem will be solved with the QSAC legislation, because part of the monitoring in the QSAC legislation -- of the governance -- is whether or not the board is regularly evaluating the superintendent. And where that's not being done, I believe the QSAC legislation permits the Commissioner to intervene, in the way she feels necessary, to make sure that the governance structure is fixed.

With regard to Section 11 of S-44, we commend the Joint Committee for requiring additional school board member training on QSAC, and also advanced member training upon reappointment. We would suggest, however, that an inter-organizational training be placed in the bill. There's already a model in existence, and I'm going to ask Dr. Galasso to talk about that.

There is a model in which -- the Wallace Foundation is funding it, and several organizations are undertaking this training with some success.

DR. GALASSO: Yes. Thank you, Maria.

In the last two years, we have developed, with the New Jersey School Boards Association and NJSPSA, an inter-organizational model to go out and train school board members,

and superintendents, and the management teams. Why this is significant is that we finally piloted with three districts this year, and just on Monday with the Commissioner -- I'm sorry, on Tuesday with the Commissioner, we identified this as a leading, cutting-edge type of interagency training for the governance team. Now, we do know the McREL research that just was printed -- a think tank out in Colorado -- talked about the significance of the governance team and its effect on student achievement.

And since we are spending over \$20 billion a year on the public school students in New Jersey, we think it's incumbent upon this group to legislate the fact that it ought to be inter-organizational training -- so that we can develop strong governance teams, so that we can provide the student achievement piece, which everybody in this room really wants.

So we would suggest that you would think about incorporating this model that has now been proven to work effectively, and is now being readied to be implemented in the State of New Jersey.

MS. LEPORE: The last commentary we have on S-44 is that we would like to commend the Joint Committee for recognizing the effectiveness of the ACES program, and including it as a program that school districts must consider. ACES, as you now, is an example of how several educational organizations -- NJASA, New Jersey ASBO -- together with the lead agency, New Jersey School Boards Association, have, over the years, developed a very effective model that has saved school districts money. And we continue to work to do that. And we thank you for recognizing that. And we ask that you consider expanding that sort of a model to some of the other issues that we've presented to you today.

And Senators and Assemblymen, in the interest of being brief -- we've tried to be brief, we know how busy you are today -- we have some written testimony we're going to submit to you. It's a little bit more detailed.

SENATOR ADLER: Assemblyman.

ASSEMBLYMAN CONAWAY: Just one thing. On this question of denying State aid, aren't there many -- doesn't the Commissioner have broad powers to deny State aid for a number of situations?

Here, we're talking about -- I mean, the one section of the bill where I thought there would not be any objection -- forcing districts to go ahead and do cost-saving measures that have been shown to work everywhere they've been used. And yet we have some objection over this possibility of State aid coming into play.

And my understanding is that State aid -- or the withdrawal of State aid, withholding of State aid - is peppered throughout the Commissioner's powers across a broad range of areas.

Am I wrong about that?

DR. GALASSO: No, you're not wrong about that. But we're not in favor of that particular part of the bill. I mean, we're not testifying against that particular piece of the bill.

ASSEMBLYMAN CONAWAY: I know that. But I just want to get some clarification, since you are sitting there.

Thank you.

SENATOR ADLER: Thanks.

MS. LEPORE: Thank you.

DR. GALASSO: Thank you.

ASSEMBLYMAN CONAWAY: Gregg Edwards, President of the Center for Policy Research in New Jersey. He's the president of that august organization.

Next on deck is Rosie Grant of Paterson.

G R E G G M. E D W A R D S: Good afternoon. Thank you, Mr. Chairman.

The Center for Policy Research is an independent, not-for-profit that examines public issues facing New Jersey.

I want to spend the briefest of time talking about accountability issues, but before I do that, let me just say that I think that any mandate relief is good relief. I'm a bit of a contrarian on this issue. I think that if you look at some of the biggest cost drivers that you have in local government, whether it's school district, municipal, or county, it's not for the fact that there's too much home rule; it's the lack of home rule, in many instances.

And I think if you give local officials the ability to do things in different ways, and not mandate the way they have to be done, you'd, in fact, achieve a lot more efficiency in government, not less.

I want to talk about the accountability issue, sort of from the top floor of the building, and not wade into the particular of the bills, largely because I think that while I respect the fact that the sponsors in this Committee are well intentioned with respect to achieving greater accountability in school districts, I think that these measures will be largely ineffectual.

And I say that for two reasons. First of all, we are building on a model that basically has failed. Secondly, I think we have to put a lot more focus on issues of student performance and educational accountability. Fiscal

performance is important, but it's not the only thing that happens with respect to school districts.

We are in the process, in these bills and in the recommendations of the Committee, of investing a lot more authority in the Department of Education; in my opinion, an organization which has consistently shown that it's resistant to using any of the authority that you give it. So giving it more is not going to achieve any different result than we have today. If it's part of the problem, it really can't be part of the solution.

Let me give you some examples. The takeover law, I think, is generally perceived by most to have been a failure. I think it's largely been a failure because the Department did not take its role seriously in administering those districts.

And I'll just use one small example. The previous Commissioner couldn't muster the resolve to tell his State-appointed superintendent in Jersey City that he was going to have to choose to be either the superintendent of that school district or a State legislator, but not both -- couldn't have two feet in two branches of government, which in my opinion is unconstitutional. Couldn't do that.

Well, then we get the Quality Single Accountability Continuum, QSAC, as it's called. That's going to be the successor. And somehow DOE is going to do a better job with that regimen than what it could do with the takeover law. It's going to be broader. It couldn't do it with three districts, but now we're going to broaden it to a lot of districts and they're going to somehow do a better job.

Well, I recall the hearing that this Committee had with representatives of the Department to talk about the law. And those representatives spent quite a bit of time talking about how they couldn't implement the law. And I remember

Senator Doria remarking to them, "Well, weren't you the folks who wrote this? Wasn't this your proposal?"

And he was dead on; it was. And I think that for them to come back and say, "Well, we can't do it until we get all these changes," suggests that they really don't want to be involved in this.

Another example I'll use is a situation -- the very sad situation we have in Camden. I haven't talked to anyone, who looked at the report or read press accounts of the testing scandal there, who hasn't looked at that and said, "The response to the Department was largely a whitewash. Why couldn't they hold the culprits accountable? Why couldn't they find out who the wrongdoers were and hold them accountable for what they did?" I don't know why. I'm just concerned that they won't be doing any better work by giving them more authority.

I also point-- Another situation was brewing in Camden at the same time, with regard to student enrollment. The school district of Camden reported to the Department of Education it was going to see a 3,000-pupil increase in enrollment; 3,000 pupils. No one in the Department of Education -- and there's a whole agency that just looks at Abbott districts -- no one looked at that report and said, "Come on, that's absurd."

And again, to make my point, I don't think that you're going to see any changes.

Finally, I'd say that the very good work done by the SCI on superintendents' contracts was, in fact, done by the SCI, not by the Department of Education.

Now, I've done a lot of griping. So what are my proposals? I offer two.

Most significantly, I think that we need to look at these accountability standards and find ways to make them self-effectuating. Let's not rely on a government agency to have to fulfill its obligation when it doesn't want to do it. I can't think of a more beneficial debate that could happen within this committee and the Legislature, than if legislators took time to talk about what ought to be the minimal student performance criteria we should be basing the school districts on. And when schools can't meet those criteria, there ought to be immediate consequences. And we're not talking about tomorrow; we're talking about with No Child Left Behind, five years before serious consequences happen.

Yet, I don't think anyone could really describe what consequences are going to happen in the many school districts in this state that will be in year five soon, and I think that is a great tragedy.

Now, we close public charter schools without much difficulty. And for the life of me I don't understand why we can't impose similar sorts of standards on failing, regular public schools.

How can any of us look a parent in the eye, who has a child in one of these high schools where less than 30 percent of the children are graduating -- using the exit exam, less than 30 percent -- how can we look at them and say, "Well, we're doing the best we can for you." We're obviously not.

Now, I understand that self-effectuating laws are hard, but I think the time has come to really buckle down and try to do it.

And the second suggestion I make, is that no school district we have a real problem with, whether it's Camden or the three takeover districts -- maybe we should add to that

Asbury Park-- I would advocate the creation of maybe one new bureaucrat. And that would be an ombudsman, somebody who parents and taxpayers can go to with complaints.

The fact is, is that most of what happened in the City of Camden was revealed through just that kind of work, hard work by parents and taxpayers who saw wrongdoing going on and came forward and reported it, not because the Department of Education was doing it.

And I think if we had individuals who reported directly to the Commissioner of Education -- whose job was to do nothing more than be available to hear those complaints, and do honest investigations of them, and then bring those forward to the Legislature and to the Governor and the Commissioner -- then we'd finally have a situation where you might have true and meaningful oversight.

Mr. Chairman, I thank you for the opportunity to provide this testimony.

ASSEMBLYMAN CONAWAY: Ms. Grant, Paterson Education Fund.

R O S I E G R A N T: Good afternoon, Assemblymen and Senators. Thank you for the opportunity to address you today. My name is Rosie Grant, and I'm Program Director of the Paterson Education Fund. And I'd like to address the bill, Senate Bill 59 and Assembly Bill 10, around the reorganization of the Department of Education.

Your bills state that the Department has had some challenges with management and accountability in overseeing the districts with which it's charged. And I see quite a number of places in the bill where we will require some student demographic and student achievement information that is currently not readily available.

I'm here to talk about the availability of data and how the Department handles data, and ask that, as they reorganize, you ask them to develop, fully, a student-level database that provides the information that they need to make the decisions that they'll have to make.

There has been research and development work already completed on the student-level database. I served on the task force for measuring student achievement beginning in 2002, and I know that the Department is now implementing some watered-down version of NJ Smart, which is what was developed by that task force.

I am here to ask that NJ Smart be fully implemented. Because of bureaucracy, it was stuck on a shelf somewhere and pieces of it are now being piloted. It's set up in a way so that a unique identifier is used for each student. Every student's data can be entered, and then it can be used to fill in the report to meet the requirements, to administer evaluation to the districts. Right now we're using aggregates, and averages, and totals. And I know that this testimony is not about an actual funding formula, but if we do come up with a funding formula that's linked to the students, there's going to be no way to implement that unless we have a student-level database. We can't implement it based on the data that we have now that uses totals.

I looked up the NJ Smart Web site, and I encourage you to take a look at what is there on the Department of Ed's Web site. And I ask you to mandate that this study comes back off the shelf and that we take a serious look at how best to implement it in the context of this reorganization that is being mandated. We cannot have efficiency until we have accurate, reliable, timely data.

I'd also like to ask that the process of the DOE's reorganizing is open and transparent. We'd like the opportunity for the public to have some input there. I recommend that we keep the Abbott designation and that Abbott accountability requirements remain in effect. I think this is mandated by law. It is not mentioned in the reorganizing bill.

As we move forward, there are policies that have been working, including the preschool and the high school reform policies, and we ask that you keep that.

As the Department evaluates itself, I have some questions. They've been unable to evaluate the Abbott program for seven years now. Last year, the Assistant Commissioner in charge of the Abbott districts said, "I'm sorry, we just didn't have the capacity." And even though it was court mandated, there has been no evaluation. And so I question how the Department will evaluate itself if it hasn't been capable of evaluating the programs that it's put forward. So I recommend that there be some expert assistance to make sure that this evaluation is complete, and is completed in a timely manner.

Thank you.

ASSEMBLYMAN CONAWAY: Thank you.

Thank you for your comments.

The student-level database is something that came up in our testimony, and it may be in this. But I think you're going to see that in separate legislation, because there is a concern about the data, and that the decision making that we make in the future on it be data driven.

And, of course, in terms of being fair and open, whatever they produced, it's very likely it's going to be in legislation, which will be -- it's going to have to be in

legislation which, of course, will be a published thing; and there will be testimony on that and there will be plenty of time for public input.

So thank you very much for your testimony.

MS. GRANT: I will submit written testimony. I changed it while I was here, in light of the bills that you are hearing.

ASSEMBLYMAN CONAWAY: I appreciate very much your input.

Tom Yarnall.

T O M Y A R N A L L: I only brought several handouts, one for each Committee member.

Thank you for this opportunity. As you know, I've been pestering both of you to be heard, and here's my chance.

I wanted to testify on Bills A-5 and S-44. Frankly, I guess I'll surprise you by saying that I think every section in this bill is good. Some are excellent. I'm very happy. I didn't expect this of the Committee, and I'm very pleased that you did such a good job.

ASSEMBLYMAN CONAWAY: Is there a "but" coming?

MR. YARNALL: Yes. The "but" is on your desk right now.

I had a few questions about some omissions. I think it's great as far as it goes. And let me cover them quickly, please.

The first question I have revolves around -- the bill requires school districts to submit, with their annual budget, the documentation that has to do with the eventual buyout, I guess, of a superintendent -- if I read it correctly. I think that the bill is too flexible, contrary to what someone else just testified to. I think that someone who mentioned the word self-effectuating -- is aided and abetted

when you put into the law specificity. Because if there is a cloudy part of the law, then it's not self-effectuating. And therefore I am here to try to get some specificity into this bill, as good as it is.

Also, I happen to feel that the ombudsman that we need is sitting in this room and is on this Committee. I think our Assemblymen and our Senators are our ombudsman. And if we have something as a citizen that we seek to have addressed, I think you're the excellent conduit.

So let me get to the other points.

I think you should put in, specifically, a min/max, if you will, of what the buyout specifications are that you are going to allow or enable. It's not in the bill.

Secondly, how is accountability for IDEA and No Child Left Behind -- how is the funding for that addressed in these bills? I have labored for 18 months down in Cherry Hill trying to get my arms around: How are people monitoring how the spending is taking place and how the funding is taking place? And you have an excellent opportunity with this bill to include that kind of language that will lay out a guideline, really a path to follow. I think that the Board of Education experience that I've had, in watching the different boards operate, has lacked being able to follow a concrete guideline. I think when they turn to the law -- and I've tried to turn them to the law many times -- they have stumbled because it's not clear. And if you would specify the limitations as to what they should or should not follow, as they do in Utah, with regard to what is funded by the Federal government, and therefore what they're accountable for, I think it would go a long way toward aiding and abetting good property tax reform.

The third item is, how is accountability for the implementation of the Core Curriculum standards addressed in this bill? We have lost our way. We have a document that's 260 pages thick that lays out, in esoteric form, what the Core Curriculum is in the State of New Jersey.

And really, it's not followed. It isn't even understood with regard to what it costs to do each of the nine areas in that document. And I think that this law gives -- this bill that you have drafted gives you an excellent opportunity to come up with a definition of what the per-pupil cost allocation standard should be.

And this now leads us to a standard for all schools. We don't have to have Abbott districts, and this district, and that district. All we need is a specification, if you will, that tells us what is acceptable with regard to what we should be spending on these types of children: Preschool, elementary, middle school, high school.

I sat through the testimony, and they have ample information guidelines that you can include in the bill.

SENATOR ADLER: Mr. Yarnall, at the risk of losing your vote, since you're a Cherry Hill resident, I'm going to try to remind you what I admonished other people about earlier in the hearing today. Today is about these three bills.

I understand when you say the word *accountability*, and the word *accountability* is in one of the bills today. That doesn't necessarily give you license to talk about *accountability* in a school funding context. So I'm going to ask you, with great respect for you, and I hope for the witnesses when they follow you, to try to tailor your testimony to give us your wise opinions on the bills we're considering, and what changes we can make to these specific bills.

There will be more discussion by this Committee on special education. There will be more discussion by this Committee on school funding reforms. There will be more discussion about looking at outcomes and trying to make sure that kids get what they deserve throughout our state. But today it's these three bills, which are relatively narrow bills. They're a first step for what this Committee wants to accomplish for the taxpayers and children in New Jersey. So if you can just tailor it along those lines.

MR. YARNALL: Thank you for the reminder. Thank you for the feedback. And I think it's a difference in what we call or define as accountability. This is an accountability bill. That's what I understood A-5 and S-44 to be. Maybe I misunderstood something, John.

SENATOR DORIA: I just want to say, the accountability you're talking about, as it relates to Core Curriculum standards; and then the standardization as you go on to the next section on TAG -- TAG is a higher education program.

MR. YARNALL: I understand.

SENATOR DORIA: None of this applies to the three pieces of legislation we're reviewing today. And I appreciate your comments, but I would have to support the Chairman here. We're talking about these bills specifically. You can come back and speak about the additional concepts when we do the funding bill, because these would all tie into the funding bill. And I think -- and TAG wouldn't even tie into anything, because TAG is higher education. That would be an issue that is separate and distinct from anything we're discussing.

So I appreciate your input, but really, I agree with the Chairman: Let's try to stay on these three bills.

MR. YARNALL: I take it then that the bills before me and you, A-5 and S-44, that accountability does not include anything to do with the curriculum?

ASSEMBLYMAN CONAWAY: This bill that we're addressing is not addressing accountability of curriculum itself. We're talking about board members, school leadership, travel expenses.

The things that you're addressing, are talking about, may be in other bills. And, you know, our practice is to deal with the bills that are on the agenda and discuss those points.

MR. YARNALL: I understand.

ASSEMBLYMAN CONAWAY: You've made some very good-- You know, your first point about buyouts. I've already talked about that, and we're going to address that. And I think your last point on the training -- if you have some comment about that, that portion of the bill, we're going to look at that as well.

MR. YARNALL: How about the standardized accounting for specific programs. Is that in another bill?

Do you follow my question? Number 5, where I was trying to find in the bill-- Dr. Conaway, I'm just talking about accountability. And as I looked at the bill, I thought it was great. And I didn't find in there the requirements that fit in with NJQSAC, where you would have standardized identification of accounting codes for programs, not just line items.

SENATOR DORIA: We have that already, because the GAAP program, at least if every school district follows it-- Some districts, unfortunately, haven't yet implemented the GAAP program. But the GAAP program establishes standard accounting procedures for all of the various programs within

the school district. And it's a State established program with accountability required. So if a district is following the State guidelines, that exists right not.

MR. YARNALL: Fine. I'll send you some e-mail that will help you realize that it's not being followed.

SENATOR DORIA: I don't do e-mail. Fax me.

MR. YARNALL: Fine. I'll fax you.

And last but not least, Number 7, I think it refers to accountability, John. I saw the reference to training; I didn't see the reference to implementation. And what I meant by that is, as far as accountability goes, I studied the QSAC packets, and I hope that that's not what's going to be implemented in January. Because they are thick, labor-intensive, many minions in the DOE, requiring more expenditure. And it seems to me something has to be in the accountability area that spells out how you're going to implement QSAC and how it's going to be measured.

Thank you for the time.

ASSEMBLYMAN CONAWAY: That's also another bill. But I appreciate your--

Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Yes. You mentioned something -- Senator Doria just piped in on the same thing -- and that was the GAAP program, which I believe I was a sponsor of that bill years ago, and perhaps you were also.

The goal was that we have, in every school district, the same accounting process. I have been told over and over again that it is in place. You said it's not. When we had our hearing in Newark, one of the gentlemen testified that that was not the case -- there are many school districts that don't comply with that. So really, it's not part of our legislation.

But I wondered, if there's anyone here from the Department, what punitive action or what happens to a district who just basically does what it pleases in terms of its accounting process? We as lay folks and as legislators can't really tell. Even Senator Doria probably couldn't tell what's being done in one district as compared to another district in terms of the process. So if there is a requirement that the districts follow a procedure and they're not following that procedure, what is the consequence for those districts?

ASSEMBLYMAN CONAWAY: You know, there's a suggestion there. And perhaps we should specify compliance with the GAAP. But we have, as you know, a number of triggers for oversight by the Commissioner, related specifically to a number of fiscal matters. And we can review those and see whether or not we have covered those, in the standards that we've outlined for intervention by the Commissioner, for failing some fiscal issues.

So perhaps there is room for tightening up and making that more specific, and we can discuss that.

ASSEMBLYMAN WOLFE: I'm glad you mentioned that, because this is, as I said, the second time we've heard that.

ASSEMBLYMAN CONAWAY: Thank you.

Chris Emigholz, NJBIA.

C H R I S T O P H E R E M I G H O L Z: Good afternoon, Chairman Adler. Good afternoon, Chairman Conaway.

Good afternoon, Senators and Assemblymen. On behalf of BIA and our almost 24,000 members across the state, we're very supportive of today's agenda, an agenda focused on accountability, an agenda focused on efficiency. And that's what we need more of in our schools.

We're in a crisis. We're in a tax crisis. We're in a crisis because we've seen the recent SCI report.

We're in crisis that needs to be addressed, because over one-third of the state's budget goes towards education. And we know how much property tax goes toward education. And businesses and residents are leaving the state because of the lack of accountability, because of the lack of proper spending, because of the lack of efficiencies, because of a lack of quality as well. And these bills all are a good first step towards addressing that. So I thank you for that.

The accountability bill, the first one, all kind of makes sense, pulled right from the SCI, the Abbott efficiency standards -- are common sense for making efficiencies in utilities, making efficiencies in health care, making efficiencies in how you deal with finance. Again, we need to do more of that.

The reorg of the Department of Education -- I look forward to it. I think Commissioner Davy and the Department are actually taking a lot of good first steps right now. I think there are a lot of good things going on there. Is it enough right now? No. There are school districts that are -- we've heard a lot of good actors that have testified today, but there are school districts that we all know that are not good actors, that are not efficient, that are not accountable right now; and we need more from the Department of Education to intervene in the few that are not. And anything that that reorg can do -- and I look forward to the report from her, and to see what further steps they're going to take.

And lastly, the mandate bill is a very commonsense bill. BIA is for increasing quality, lowering cost. There are some mandates that might take some time, might take some cost, might take some resources that don't actually affect the quality. Get rid of them. We're not going to hurt the quality of schools, but yet we might save some resources for

districts -- very common sense. And I know Senator Adler is on that committee. It's a good first step at looking at the mandates in schools that we can get rid of without actually hurting the quality.

So thank you again. I think this is a fantastic first step, and I look forward to addressing you in the future as we go forward.

SENATOR ADLER: Thank you. You're welcome to come back and praise us anytime you want. So thank you.

David Sciarra.

D A V I D S C I A R R A: Co-Chairman Adler and Conaway, and members of the Committee, thank you for the opportunity to be here. As you know, the Education Law Center, since 1974, has been advocating for equal and adequate educational opportunities for all of New Jersey's public school children, and in particular those in our disadvantaged communities. We also serve as lead counsel to the 325,000 children, mostly poor African-American and Latino, who attend preschool and K-12 schools in our state's poor urban or Abbott districts, and I present this testimony on their behalf.

We became aware only yesterday of these bills and the intent to consider them today. This is a short and, I would say, unreasonable time frame that makes it difficult to comment. Others have made this point before. So we would urge this Committee to hold off taking any action on these bills today, and schedule another hearing with ample notice and opportunity for stakeholders and concerned citizens to provide input on these measures. We also recommend the Committee immediately refer these bills to the standing education committees for review, input by those committees. Virtually all of the proposed measures amend or implicate laws developed and approved by those standing committees.

For example, this past Monday, the Education Committee--

SENATOR ADLER: Excuse me. As long as you're here, why don't you talk about the bills that are actually before us, please? The Senate and the Assembly are not going to vote on the bills today, but we're here to have you tell us about the three bills. So if you could focus on the three bills that will be enormously helpful to us.

MR. SCIARRA: I appreciate that. I just wanted to make the point, though, that--

SENATOR ADLER: I understand your process point. We actually want to hear about the bills, though.

MR. SCIARRA: Okay.

SENATOR ADLER: Thanks.

MR. SCIARRA: I would offer the following general questions and comments on this package of proposals.

First, we cannot support establishing even more mandates on local school districts that will then have to be monitored by the Department of Education -- statewide requirements for travel policies, board training, preparing user-friendly budgets, etc. -- especially at a time when the Department is just beginning to implement QSAC, and there are already serious concerns about the Department's capacity to handle this system.

Before considering any more compliance mandates on local districts such as these, I would urge this Committee to carefully review the recent report issued by the Rutgers Institute for Law and Education Policy, if you haven't already done so. That report evaluated DOE's efforts to implement QSAC -- the QSAC monitoring system in several pilot school districts around the state earlier this year. The report raises serious concerns about the ability and capacity of the

Department to handle the multitude of compliance requirements it already has under QSAC.

In other words, we ask you to stop placing even more requirements on local districts such as these, most of which concern details which have little to do with the critical issues facing our schools today, and simply pile more paperwork on already strapped local educators -- at least until we gauge how DOE performs the daunting monitoring tasks it already has under QSAC, not to mention its responsibilities to ensure implementation of the Abbott reforms, the fiscal monitoring law, the charter school law, and I could go on.

ASSEMBLYMAN CONAWAY: Wait. Where is QSAC in the bill? We did a QSAC bill over in Craig's committee. Where is QSAC in this bill?

MR. SCIARRA: I'm making the point, Co-Chairman, that--

ASSEMBLYMAN CONAWAY: The Chairman made a point that we're talking about what's in this bill.

MR. SCIARRA: These mandated directives on the districts, to do certain things, are going to have to be picked up in the QSAC monitoring process. It's as simple as that. And so when you say you've got to have these policies in place or those policies in place, or you've got to do this or do that, that's a mandate on a local school district concerning governance and other types of issues that the Department is ultimately going to have to deal with in the context of the QSAC monitoring system or some other way.

So my point is that QSAC itself covers many of these, deals with many of these issues. More of these -- you're now putting on more on the Department. And my only point is a simple one. Is that before we go down this path any further, let's stop. Other speakers have talked about

this before me. We have a Department that clearly is incapable of handling the responsibilities it already has. So let's figure out whether they're capable -- and we have a report, by the way, the only actual evidence that we've seen of the Department's handling of responsibilities such as these, in the pilot process in QSAC, that raises serious and substantial concerns about the Department's capacity to do this work. So I'm simply saying to you, hold on. Enough is enough.

Let's look at that report. Let's -- and I would make this recommendation. One recommendation I would make to you, in terms of the related legislation, would be to direct the Office of Legislative Services to commission an independent evaluation of the DOE's handling of QSAC, frankly, some other responsibilities such as the fiscal monitoring laws that are implicated in these amendments -- similar to the study that was done by Rutgers -- with an appropriation of, I would recommend, up to a million dollars to pay for that evaluation. I'm talking about an independent evaluation.

SENATOR ADLER: Let's go back to the bills that we actually have before us. Which of the provisions on this first bill, A-5/S-44, which of the mandate aspects of that bill don't you like? Every mandate's bad?

MR. SCIARRA: No, no.

Let's take something like travel policies, okay? Now we're going to mandate that every district go through a process of having a travel policy filed with the Department. I assume, you know, unless we're talking about simple paperwork requirements that are going to sit on a shelf, somebody's going to have to look at that. They're either going to have to look at that in the context of QSAC or

they're going to have to assign personnel or other people -- and they're going to have to--

SENATOR ADLER: You understand the purpose of that travel ban that we're talking about or the travel limitation that we're talking about? There have been instances around the state where board members have abused the public trust, taken local property taxpayer dollars, or State taxpayer dollars, or some combination of the two to go to exotic places that were clearly not primarily education-related trips. We, as the taxpaying public, shouldn't tolerate that. So we, as the representatives of that taxpaying public, are saying, you can't do that unless there's truly a bona fide, valid education enhancement opportunity for an employee or board member.

MR. SCIARRA: And in the rare instance when -- in the occasion when that happens, in the occasion, anecdotally -- because we don't have any research on the extent to which that problem is widespread, right? It happens. It comes up once in while. And in the occasion that that happens in a particular district that's gone astray, the Department and the Commissioner already have substantial power to step in and stop it.

The point was made earlier by Mr. Edwards, and correctly so, you can mandate these requirements, but what's the Department's capacity to actually examine what's going on on the ground, and then take the steps necessary to stop it?

SENATOR ADLER: So your position on the travel mandate is we shouldn't do something.

On the superintendent salary issue, the buyout issue, what is your opinion about whether we should take an action on that one? Because you seem to say we shouldn't do any of these mandates that we want to do, and we think we

should do these things, to help protect the taxpayers in ways we probably should have done five years ago and 10 years ago. We're now catching up on behalf of the taxpayers, a little bit -- probably a little bit too late in some instances.

On the superintendent buyout issue, tell me what your position is on this.

MR. SCIARRA: You can mandate-- If you want to do another mandate, mandate that they prepare -- present all this to the -- present the superintendent's contracts and all of that. There's nothing in here to suggest that there's any standards for the Department to evaluate that. Go ahead and mandate it. It's going to be another pile of paper that's going to go down to the Department of Education with no standards for evaluating it. And you know what? It's only when somebody raises a stink about it, in a particular place where that happens to be a problem, that anything is going to happen.

So, you know, my point is simply this. We have a lot of mandates like this already. And the Department has no capacity to implement them.

Frankly, the other problem in terms of the travel policy, I would say, and even the superintendents contract issue, these aren't-- There's no evidence or research that shows that these are widespread problems around the state that now require us to layer these on to all school districts across the state, and require people to spend a tremendous amount of time producing a whole set of other paperwork -- around travel policies, superintendent contracts, so forth and so on, user friendly budgets -- which are all going to go down to the Department which we know doesn't have any capacity to do anything about it.

ASSEMBLYMAN CONAWAY: Let me just say this. The Department has promulgated these travel rules already. This is policy. We're taking policy that has already been promulgated and putting it in the statute so it doesn't slush around all over the place, so we can fix a problem that people identify. And I have to tell you that if it happens in some districts, it's important. If it happens once, it's important. And it seems to me the government ought to have a response to it.

Now, certainly, people have voiced a lot of concern about salaries of superintendents that make more than the Governor. People have said this time and time again.

MR. SCIARRA: My point is this. Look, you can mandate these things. And if you do, look at the Camden -- the Camden situation has been talked about. You know, the Camden situation makes my point.

SENATOR DORIA: You know, can I say something? I just want to agree with you. I'm going to agree with this, to a point. We're passing all these things. But unless there's a department to enforce it-- So I'm going to say, and I'm going to say to my colleagues -- I've said it in caucus, and I will say it again. All of this is make-believe unless we get a Department that, number one, has people who are paid properly with enough staff. We keep on cutting staff. They have to cut staff again because we're going to cut again. We've got -- we're spending \$21 billion in the State of New Jersey on education; \$21 billion on elementary, secondary education. And we have a Department that cannot enforce its regulations.

Now, we're going to pass this, Mr. Chairman. We're going to pass this, and I think we need to pass this. But you know what? If we don't give them the tools to be able to then

go and review these things in a timely manner, and follow up, whether it's QSAC, whether it's travel regulations, whether it's curriculum, we are wasting our time and spinning our wheels. I'm going to keep on saying that.

So I agree with you, David. I think we should do these bills, don't get me wrong. I think we should do these bills. But we're fooling everybody if we think that by doing these bills we're going to solve any problems. And unless this Legislature, and this Administration, and all of us -- Republican and Democrat -- say, "We need to make sure there's Department that does the job, that has the proper staff," and the staff has the proper training, and the quality of staff -- and as long as you're paying superintendents in districts for 500 to 1,000 students \$160,000 to \$180,000, and you're paying a county superintendent \$125,000, and you're paying people in the Department 100,000 or less, that are supposed to go out and supervise these people who are in the districts -- who in many instances have more expertise than they do, more qualifications, and won't work in the Department because they're not getting paid right. And I'm not here shilling to pay people more. I'm busy telling everybody the truth. And the truth is that, pure and simple, that's the truth. And that's what we've got to say, and we've got to say that in our caucuses, Mr. Chairman. And we've got to say that publicly, and I'll continue to say it publicly. Because if we're not, we're lying and we're just passing bills that nobody -- nobody -- is going to enforce.

That's my comment that agrees and disagrees.

SENATOR ADLER: Senator Cardinale was next.

SENATOR CARDINALE: Thank you, Mr. Chairman. My voice is not in good shape, so you'll have to bear with me a

little bit. I never thought I would be defending Mr. Sciarra.
(laughter)

He makes a good point. And I think there is a remedy that's relatively easy, in a very slight alteration of the bill. We've placed the responsibility for monitoring, with some sort of nebulous ability to penalize, under the Department of Education. We have some pretty specific requirements if travel is going to be done. Why not make it a crime of some degree so that it can be enforced by the Attorney General in the event an individual violates these provisions? Because, you see, what is going to happen if the Department discovers that someone went to Afghanistan to become familiar with their educational system and spent \$15,000 on the trip, the biggest penalty I think the department would ever impose is to pay the money back. And then, of course, Mr. Sciarra is right, we won't find every instance where it's occurred. We need to put a penalty in here that dissuades people in the first place from violating the spirit of the policies that we're trying to put in place. And I think you've got to make it criminal, or establish, perhaps, if you don't want to make it criminal, some sort of specific civil penalty for violating the clear terms that we are setting forth as being what we would like to see.

I support these travel restrictions, no question about it. I said so when we were discussing that in the meeting. But we need to have a better remedy than just say, nebulously, the Department has to enforce it in some unspecified fashion.

SENATOR DORIA: I'm going to oppose any criminal penalties. If we're going to make everything criminal, we might as well forget about people working in--

SENATOR CARDINALE: I didn't say making everything criminal.

SENATOR DORIA: I think what you do is you put a fine in. I have no problem with a fine. I think enforcement of fines -- I mean, we create -- I mean, there's examples of total stupidities that we've created by making some crimes. I mean, after a while, nobody is going to want to work in government, nobody is going to want to work in school districts; they can do better someplace else. I mean -- you know, we're getting absurd here with the Legislature. We're getting absurd in the State of New Jersey. We're kowtowing, we're playing games. Let's be honest where we're at. Let's deal with the reality. Let's try to get these children educated and stop playing games. Unfortunately, we in the Legislature, Senator Cardinale, are more -- we're perpetrating fraud to the public on a continuing basis, because we pass these things because we've got to do it to make ourselves look good. Let's try to deal with education.

ASSEMBLYMAN CONAWAY: I'm not going to -- I have great respect for you, Senator Doria, as you know. But I-- The thought that we're sort of standing up here and not doing what we can to respond to the needs of the public, who have been very clear in saying that they are sick and tired of the waste that they see in the paper every day, people behaving and performing badly every single day, and the struggles they have just keeping their head above water every single day, with property taxes being the one, two, and three issue-- Now, we can sit and try and do nothing, as is being suggested, and continuing on with things going awry; or we can try to respond, as representatives should, to the call and demand that people have made that we take action to protect their

hard-earned money and to make sure it works in the way they intend.

Mr. Stack.

ASSEMBLYMAN STACK: I agree with a lot of what Senator Doria said.

And, Joe, I like to see that passion in you; I really do.

I agree, David, with what you're saying, and I agree with most of what Senator Cardinale said, as unbelievable as that may be. I know we haven't agreed on a lot, on this Committee, but I just see us putting a lot of -- a lot more work on the Department of Education that they can't do already. What happened to the evaluations that the court has ordered, this legislative body has ordered of the Abbott districts, to go back and evaluate them? Let's see what works in the Abbott districts. Let's see what didn't work. We haven't done that yet. So to go out there and continue to expect the DOE to evaluate themselves is wrong. It should be an independent review. We should use the money. It's money that's well spent, to go out and have an independent review of what the DOE has done so far. Let's get that done. If we're going to be honest and sincere with the public, let's go out and get the right job done. It doesn't matter what side of the aisle you're on -- Republican, Democratic -- it really doesn't matter. Let's go out and do it for the children's sake. If there's something wrong we're doing in the Abbott districts, if it's in Union City, I want to know about it. If it's in West New York, if it's anywhere in the state, or any school district, for that matter, let's go out and be honest with ourselves and get this cleaned up once and for all. But I agree with Senator Doria. The more we put -- the more work

we put on DOE and not give them the tools to do it, we're just grandstanding; that's all we're doing.

ASSEMBLYMAN CONAWAY: Mr. Wolfe.

ASSEMBLYMAN WOLFE: I think the heavens are opening up here, because I agree with what Brian has just said, and also with Joe. And it goes back to what Joe and I said previously, what the Senator and I have said previously about the accounting process in the schools, that are not being followed in some of the districts. I mean, the question is, if we're going to continue to ask things be done, how can we be sure that they are being done and what are the consequences if it does not happen?

I mean, when David was talking about these travel requests coming into somebody's nebulous office in Trenton, I mean, I can just imagine somebody being paid to go through -- how many schools districts are there today, 500 and some?

SENATOR DORIA: 601.

ASSEMBLYMAN WOLFE: You know, pieces of paper, and what do you do with it? I mean, what really would be done with these authorizations for travel requests?

I'm sure we're going to ask the Commissioner to sign off on each of these requests. You know, it's--

ASSEMBLYMAN CONAWAY: What the bill does is, it establishes a policy, and that there's a process for people violating that process -- for people to come in-- So let's be clear what it does. This is -- this policy has been established after review in the Department. We are putting that in the statute. And it is certainly in response to what the public has said is a problem, that there seems to be inappropriate travel.

Now, some folks seem to think that one or two folks that go and travel inappropriately -- that we shouldn't do

anything about it. I happen to disagree with that. And I happen to think that when you put policies in place and you have good people involved in things, that people tend to follow the policies that they put there. So while it would be nice -- and we're going to address the Senator's suggestion and the Senator's suggestion, putting some penalties in here. You know, the nice thing about human beings and people who are involved in these things is that they're going to try to follow the policy. And that's going to get compliance or better compliance, even when we can't have a Department that's so huge that we can get in there with somebody standing behind the shoulder of-- You know, we don't cross the street, jaywalk because there's a rule; we don't speed, perhaps. There are a lot of things that people do because they want to follow the rules, which is why I think it's important to put these things in policy.

You disagree, and apparently a policy coming down from the Department -- that they've already made, that people are going to adopt with some changes -- is a huge undertaking. I happen to think that it is probably not a huge undertaking, and no bill is 100 percent.

Now, to think that someone would suggest that we should not have people be more aware of what goes on in budgets when they're paying for them, that we shouldn't make them available for people to see and review so that taxpayers can be a part of the accountability process that we're trying to create -- that that is a terrible thing, as you suggested -- I find that to be, in this day and age, to be an extraordinary suggestion, I have to tell you.

MR. SCIARRA: I didn't suggest--

ASSEMBLYMAN CONAWAY: You said the requirements for budget mandates shouldn't be done. Didn't you say that?

MR. SCIARRA: I'm just making the point-- I didn't--

ASSEMBLYMAN CONAWAY: What did you say about the budget? What should we do about budgets?

MR. SCIARRA: I'm simply saying -- I'm making this point. It's the point that Senator Doria made, and it's the point that Assemblyman Wolfe made. You can pass these things.

First of all, I'm not sure, for example, that we know enough, other than some anecdotal problems in terms of travel. Let's take travel. We have, you know -- we have some districts in which -- some anecdotal evidence or stories about particular districts where that's a problem. There's been no -- no one's come to this body and said, "You know, we've looked at this problem, it's a systemic problem across the board, now what we need to do is put in place a regime for the entire state."

I don't know -- I don't think that's true. And, you know what? The Commissioner already has the power, already possesses the power.

And I take the Camden situation. We've had -- the Department of Education -- this is one that's near and dear to my heart, because I represent the interests of all those kids in Camden. And we've had the Department of Education sitting in there with intervention teams now for four, five years. And when these things come up, when somebody mentioned the test score problem and so forth and so on, I'm standing there going, what in the world has the Department been doing, and what have we been paying them to do? -- if you want to talk about the taxpayers money. And when you have really clear problems, why aren't they acting?

I'm just making a point. I don't want to be characterized as objecting to any of these things. I'm just

simply making a more fundamental point, which is: you can have these and you can add more, but until we come to terms with the fact that we don't have the apparatus to deal with this, it's not going to amount to much in terms of, you know, making any real difference; and it's going to cost a lot of bureaucratic time and effort in the Department of Education and in local school districts.

But I want to make another suggestion about what we can do. And it goes back to the Department and the evaluation of the Department. I have to say that directing the Commissioner of Education to conduct an evaluation of their own department and propose yet another reorganization plan isn't going to address these fundamental and long-standing problems with the Department. And I speak from real experience, trying to move the Department along in the Abbott districts. It's like asking an engineer to design the plane while flying it.

We've been down this road before. We sued the Department of Education a year ago to ask for a management plan for Abbott. The Department gets \$15 million of parity money which you take off the top -- money for the kids, take off the top, give it to the Department of Education to supervise and manage the Abbott reforms. We've been calling for some kind of strategic plan and budget for how they're going to spend that money and how they're going to take care of their responsibilities to these kids for four years. We went to court. A judge said to the Department, "Do you plan"--

SENATOR ADLER: David, I don't want to be disrespectful. You've already said this. Like, 20 minutes ago you talked about how we should have OLS hire an independent body. So you've said this. We heard you. It's

written down and we've heard you say it. We're going to go a different route. But we respect the passion that you're sharing with us on this topic. So we've heard you about the mandates, which we're probably going to vote for despite your opposition. We've heard you on the reorganization, which you think is critically necessary to make the Department do the job which all of us agree needs to be done for all of us, for the citizens of the state.

Anything else you want to share with us?

MR. SCIARRA: I would simply urge you, in terms of directing an evaluation of the Department, since we're all talking about this and all concerned about it, that you not simply direct the Commissioner to do it. Take some money from the Abbott budget, go out and hire independent--

SENATOR ADLER: Now, this is the second time you said that already. I said it once, in between your two times. We get it. We understand your testimony.

MR. SCIARRA: And while we're doing it, we should independently evaluate the capacity of this Legislature.

SENATOR ADLER: That's up to the voters to do that.

MR. SCIARRA: No, no, no. I'm talking about the capacity of this--

SENATOR ADLER: Anything else on these bills?

I don't want to be a stickler, but I think you're disrespecting our gentle admonition, although I may have understated it earlier on.

MR. SCIARRA: I think these are directly related to these bills. Reorganization of the Department -- and I'm simply making this fundamental point. Until we get good, comprehensive, independent evaluations of these issues, we're not going to get anywhere.

ASSEMBLYMAN CONAWAY: I hear your point. Thank you.
Thank you so much.

MR. SCIARRA: You're welcome.

SENATOR ADLER: Anna Taliaferro, New Jersey
Association of Parent Coordinators. (no response)

When you call their names, they're here. What's
with that?

ASSEMBLYMAN CONAWAY: I'm lucky, I guess, Senator.

SENATOR ADLER: Jonathan Hodges, Paterson Board of
Ed.

Jonathan Hodges. (no response)

David Abbott, Garden State Coalition of Schools,
Marlboro Township. (no response)

He waved to us earlier, I guess.

Sheila Brogan, Ridgewood Board of Education. (no
response)

Mark Bombace, Ridgewood.

Yes, sir.

M A R K B O M B A C E: Good afternoon, Senator Adler,
Assemblyman Conaway, and the rest of the Committee. My name
is Mark Bombace. I'm the President of the Ridgewood Board of
Education. We are a J District in Bergen County. I'm here to
make an appeal to you and an offer, and it's all relevant to
districts like Ridgewood.

My appeal is rather simple. Education has become
one of the most regulated entities in the United States; and
even more so in New Jersey, with some of the proposed changes
you are considering in A-5, S-44, AJR-10, SJR-59, dealing with
travel expenses, training for board of education members, and
even superintendent contracts.

Your intentions are well-meaning and, in some cases,
even justifiable. However, in some of the cases they're

unnecessary and can have a negative impact. The ultimate accountability, in my opinion, is when the citizens of this country, state, and town vote for elected officials such as ourselves. When you create more accountability, you lose transparency, especially for the public.

In my position as a career fire captain with the Ridgewood Fire Department, I've worked hard and studied hard to be a good leader. My experiences have led me to strongly believe that sometimes accountability is not accomplished by blanket policies or statements that encompass the masses. I hated, as a firefighter, when the administration came out with a new policy instead of holding an individual accountable for their actions, almost like I myself was guilty of the infraction.

Ultimately, the situations continually arise. A policy manual can become a room full of dos and don'ts; overregulation can be real. I've witnessed that this can develop into situations of indecision because of just the sheer volume of the policies, and that they also stifle creativity.

As a leader and officer, I've chosen a more difficult process of holding individuals accountable for their actions. It is a more difficult and time-consuming approach, but it is one that is respected, and ultimately pays a dividend when my firefighters are willing to go beyond the boundaries of their duties. More does not always necessarily mean better.

My appeal to you is to do the same in your deliberations and decisions for education. Deregulate education for the good of education, whenever possible, and especially in districts that are already self-accountable, like Ridgewood.

Ridgewood Public Schools' mission is maximizing the unique potential of every student. These are not just words to me, the rest of the board, the administration, our teachers. For us, they are our strong conviction, our belief that we are on the cusp of accomplishing just that in Ridgewood. I appeal to you to do the same with school district accountability. Differentiate accountability and the mandates. A district like Ridgewood needs your support, but your regulations and mandates are stifling the creativity and the ability of our teachers and administrators.

One of the good qualities of a good fire officer is to make sure you have the right resources in case a crisis deteriorates; otherwise, lives can be compromised. I'm here to say to you, you have an opportunity and an obligation in the decisions you will shortly make that will affect not only education, but every child. May God help you decide and govern well.

My offer is this: I submit that we should model the practice of how we allow universities and colleges to be the proving grounds for new advances in sciences and health, to let districts like Ridgewood become the same proving ground for public education. Let us be the lighthouse districts that advance the boundaries of our existing knowledge of education. Then make us accountable to assist other districts to raise the standards of education. But before you do, you must free us from the shackles of regulation and mandates which we are drowning in.

There are districts that are accountable to a higher authority, and that's one that exists within ourselves. Please honor that.

Thank you for listening.

ASSEMBLYMAN CONAWAY: Thank you.

Anybody else on these three bills?

Anyone care to comment?

And there's one of them in my-- I'll just say, no legislation is perfect. And I just simply do not think it is acceptable to wait on a department to staff itself up and to get all the money it needs from the State budget to do the job before putting in commonsense changes that good people, by and large, will follow, and which I think will improve the accountability for spending in our school system. Which is why I support moving forward with these pieces of legislation, even given the things which I've pointed out -- which I don't entirely disagree -- even with the infirmities that are in the system that might prevent these things from working as well as we all would want -- I hope we all would want.

So with that, are there any comments that any of the members want to make?

David. Mr. Wolfe.

ASSEMBLYMAN WOLFE: Yes. Before we vote, I'm going to be--

ASSEMBLYMAN CONAWAY: We're not voting, just to be clear. These bills -- we have heard testimony. This is not a standing committee of the Legislature, so that we do not have the power, therefore, to vote on bills and send them to the Legislature. The Speaker and the presiding officer have the power to do that, as regards our legislation, and they're going to take--

ASSEMBLYMAN WOLFE: So are these bills coming to the Legislature for a vote?

ASSEMBLYMAN CONAWAY: Yes, they are.

ASSEMBLYMAN WOLFE: Without a vote from us?

ASSEMBLYMAN CONAWAY: That's right.

ASSEMBLYMAN WOLFE: So since I'm not going to vote--

SENATOR DORIA: (indiscernible)

ASSEMBLYMAN WOLFE: If we're not going to vote, then I can say something.

SENATOR ADLER: I think we want to have discussion on these bills, because it's very likely we'll vote on these bills on the Assembly floor. So let's get them right today and shortly thereafter.

ASSEMBLYMAN WOLFE: I agree with the content of the bills. However, the one bill about the reorganization or evaluation of the Department-- I agree with what Assemblyman Stack has said, and that is that an independent evaluation of the Department of Education and the possible reorganization should be done by an independent, outside authority. I'm not saying the Commissioner couldn't do that, but I think they've got enough other responsibilities to do. So, I mean, the concept of evaluating that Department and reorganizing I think is great, but I think to expect the Commissioner to do that within four months -- I mean it's four months from today, and God knows when we're going to vote on this thing or when it's going to be voted on by the Legislature -- I think is kind of like a reach. So that's my comment. Thank you.

SENATOR DORIA: Mr. Chairman.

ASSEMBLYMAN CONAWAY: Mr. Doria.

SENATOR DORIA: I'd like to agree with Assemblyman Wolfe. I'd like to go a little further. I agree with David Sciarra. I don't think that the Commissioner, given the reality of politics in government and the fact that the Commission must respond to the Governor, where everybody is talking about cutting, will actually be able to do a good job in developing what the actual operations of the Department should be, and what should be the actual organization of the Department. I'm not saying that anybody will have undue

influence, but saying that there is the possibility that that exists. So I do agree that we should have some kind of outside expertise -- whether it be OLS, whether it be some other type of expertise -- that would be allowed to be brought in. I think four months is too short. Six months would be more realistic. But I do think we need to look at that because, number one, it just puts more of a burden on the Department, which they already are -- resources are limited. And I think we do need to look at some outside expertise, some more time, and some other people -- experts from other states, other areas, who can tell us whether my rants are legitimate or not; and could tell us whether or not we do need to organize differently, and what kind of personnel and organization we need. So I think we should look at changing that resolution to be reflective of that.

ASSEMBLYMAN CONAWAY: Mr. Stack.

ASSEMBLYMAN STACK: Just once again, I appreciate Assemblyman Wolfe's comments, and Senator Doria's. I also agree it should be some type of independent outside review; take it out of DOE's hands. And I'm not saying that they can't do it, also. But I think they have enough work, and I think they could use the outside, independent review to help them to do even a better job than what this Committee was charged to do.

I'd also like to see, at some point, the evaluation done of the Abbott districts that was promised, and pushed by the Court for the last six years. Finally, let's see that.

I also would be very interested to see, as I'm sure every member of the Committee would be, the report that was put together by Augenblick -- finally to see some type of report come forward. Here we are giving the DOE more work, and we still haven't gotten a copy of that report and the

Abbotts still haven't been reviewed and evaluated. And I think we can even make them better than what they are. So I definitely would like to see that also.

And I'd like to see something incorporated in these bills where we do say it is an independent, outside review, not by the DOE.

ASSEMBLYMAN CONAWAY: Mr. Cardinale.

SENATOR CARDINALE: Thank you, Mr. Chairman.

To the extent that these bills go, I can agree with the provisions. I'm unclear -- I thought I heard you say that you would be making some alterations, with respect to perhaps putting some sort of teeth into this travel restriction. Is that correct?

ASSEMBLYMAN CONAWAY: We're going to have those discussions and--

SENATOR CARDINALE: Because they're on our board list for Monday, as I understand. So there's a very narrow time frame for that to occur. And I would encourage that, and I would think that it makes the bills better.

The question -- you know, I'm in agreement with the others who have said some outside counsel to the Department would be very valuable. Having said that, though, I think you must look for areas other than Augenblick or like companies. You should look to people who reorganize business operations, because it is the business operations of the Department, not the educational operations of the Department, that need to be reviewed.

I have a very low opinion of Augenblick, which has been reinforced by some of the testimony here. I know that's not exactly on the bills. But, I think it was, three board members from districts that are doing very well, at around \$10,000 a pupil per year, came before us and they talked about

those kinds of numbers. And I said to myself, "There is a very sound argument for using the successful schools approach." We have many successful schools in New Jersey and we ought to be modeling after them, not modeling after someone's pie in the sky.

That's as far as I will go on that topic. And I thank you for bearing with my voice, which has never really failed me as it's failing me today.

ASSEMBLYMAN CONAWAY: Thank you. Thank you for coming.

And committee members, we need to have a little talk, so please don't run away.

(Hearing adjourned at 1:55 p.m.)