
Committee Meeting

of

SENATE EDUCATION COMMITTEE

*“The Committee will receive testimony from invited guests
on the ‘New Jersey Quality Single Accountability Continuum’ (NJ QSAC),
the State monitoring system for evaluating the performance of school districts”*

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

DATE: March 24, 2014
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator M. Teresa Ruiz, Chair
Senator Shirley K. Turner, Vice Chair
Senator Nellie Pou
Senator Michael J. Doherty



ALSO PRESENT:

Senator Sandra B. Cunningham
District 31

Anita M. Saynisch
*Office of Legislative Services
Committee Aide*

Osomo A. Thomas
*Senate Majority
Committee Aide*

Christopher Emigholz
*Senate Republican
Committee Aide*

***Meeting Recorded and Transcribed by
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SENATOR M. TERESA RUIZ (Chair): Good morning, everyone, and welcome to the Senate Education Committee meeting scheduled for March 24, 2014.

Roll call.

MS. SAYNISCH (Committee Aide): Senator Ruiz.

SENATOR RUIZ: Here.

MS. SAYNISCH: Senator Turner.

SENATOR TURNER: Here.

MS. SAYNISCH: Senator Pou, sitting in for Senator Beach.

SENATOR POU: Here.

MS. SAYNISCH: Senator Allen. (no response)

Senator Doherty.

SENATOR DOHERTY: Here.

SENATOR RUIZ: I also want to make mention that Senator Sandra Bolden Cunningham from Jersey City -- the second-largest municipality in the state -- is joining us today. And the reason for that -- and also Senator Pou is subbing in for Senator Beach -- was that we wanted to give an opportunity for the State-controlled districts to have their representatives serving on the Education Committee to kind of hear the QSAC process.

(SR-24 discussion and testimony extracted)

SENATOR RUIZ: So next we'll move on. And I want to thank everybody for their patience in starting this morning and, more importantly, for giving time to this Senate Education Committee to start the beginning of a conversation that should have been happening for a while.

I want to thank all the superintendents. And we're going to try to move this as expeditiously as possible. I know that all of you are within time constraints, and it's more important for you to be in your school districts than it is to be here today. So I am honored that you have decided to join us.

I'm going to call three superintendents. I know that you probably have voluminous detailed information that you can share with all of us. I will ask you to be mindful of time and to really just argue the facts. This is a fact-finding mission; it's not about one Administration, it's not about one Superintendent, it's not about getting an opportunity to have political policy conversation. It's about where we were in 2005 when the bill was constructed and where are we today in 2014. And in your years of doing this, what works and what doesn't work? You are the professionals on the ground -- you should be reporting to us to say, "These are the things that make sense; these factors determine strategic improvement plans; this doesn't work." So I hope that all of us will get an opportunity to see where we can move the QSAC bill, if there are needs for improvement, in the ongoing legislative session.

I'm going to ask Dr. Marcia Lyles, Superintendent of Jersey City Public Schools, to come up; Mr. Charles Sampson, Superintendent of Schools of Freehold Regional High School District; and Dr. Gary P. McCartney, Superintendent of Schools in South Brunswick.

And while you're all getting assembled, the Committee made an effort to try and get a cross sector of superintendents in the State of New Jersey -- all of us who have to deal with this actual process, but from a different lens.

The City of Camden and the City of Newark were invited, but for different reasons will not be able to join us today.

Dr. Lyles, when you're ready, the red button is on.

M A R C I A V. L Y L E S, Ed. D.: Good morning, Senators, and thank you very much for this opportunity to speak to you all.

Quite frankly, I was surprised at the invitation. New to Jersey City -- to New Jersey in fact -- I undoubtedly have a very limited perspective of the NJ QSAC process, especially since we are currently in the midst of this process in Jersey City, having completed our self-assessment in November and gearing up for our County review next week.

Subsequently, knowing very well how much we have worked on this, I feel that I can share nonetheless some of my preliminary insights into the process and the value of it for Jersey City.

Now, I have to confess that in preparation for the interview for the Superintendency of Jersey City, I read the previous district QSAC results and the subsequent corrective action plan to have an insight into the strengths and challenges of the District. And, as such, it provided me with a good deal of information -- information that I used as I interviewed, but also as I came in to do an early assessment of where we are and where we needed to go as a District.

However, I believe the best accountability measures improve performance, not only measure and rank it. I am not sure QSAC meets that standard.

My District colleagues tell me that this is a new, improved, and streamlined version -- much less burdensome -- and I can only say "thank you." I also have to say I believe we have a way to go. We spent hundreds

of hours reviewing materials and preparing documents, and it was nonetheless primarily a compliance activity and, to some extent at the very least, redundant and very close in some instances, to double jeopardy.

A prime example of redundancy would include the mandatory comprehensive audits that assess our fiscal operational and personnel operations that we already participate in annually. We pay a hefty price for this mandate and it yields important data in real time -- or almost real time. Nonetheless, we engage in the same process when we go through our QSAC information. The data is real, the data is important, but the data, obviously, is something that we are already collecting.

And as we speak of data, perhaps one of the greatest redundancies is pulling down this information from NJ SMART. That very data is what I also believe represents for us double jeopardy. We already are subject to the sanctions for not meeting the ESEA waiver targets in some instances, and then we lose points and are again subjected to sanctions through QSAC. More importantly, as a District under partial State control, it is not clear to me the role our QSAC results will play in getting out of that status.

Jersey City has been under some form of the State control for decades, and although we have recently gained control over key areas, does QSAC performance adequately measures our readiness to return to full control? Questions abound for me. What is the magic score for control? What is the passing score? Do we need 5 out of 5, 4 out of 5? Is it an average? Did this conversation take place after the last review? Do we have to wait three more years following this for the conversation to take place?

Ironically, the QSAC process does not capture the key components of our core work -- preparing our students for college and career. It does not

take a look at how effectively we assess the efficacy of our programs, policies, and practices. It does not capture the quality of our partnerships to improve student achievement. It does not move us towards effective planning.

It does, though, provide us with some insights; however, I think the statement of assurance that we go through every year would provide that same kind of insight and help us to keep on target.

As I said at the beginning, I am very new to the QSAC process, but these are many preliminary understandings and feelings about it.

Thank you very much.

SENATOR RUIZ: Thank you, Dr. Lyles. It's interesting that even though you're new, while you are highlighting some of the elements several Superintendents are nodding their heads. So the indicators that you're showing for redundancy appears to be something across the board.

I will ask you, if you get a chance to -- if you have not -- to share your testimony via e-mail.

DR. LYLES: I will forward this.

SENATOR RUIZ: Thank you very much.

Any questions or comments from Committee members for Dr. Lyles?

Senator Cunningham.

SENATOR CUNNINGHAM: Good morning, Dr. Lyles. It's nice to see you -- first time I've seen you in Trenton.

DR. LYLES: Good morning.

SENATOR CUNNINGHAM: Good to see you here.

You know, I just wanted to ask you, when you look at the QSAC scores from three years ago and you look at what you're doing in Jersey City

now, do you see a difference? Or do you in any way interpret what they did for QSAC three years ago was adequate then?

DR. LYLES: Well, very definitely our QSAC scores are -- from our self-assessment-- As I said, we undergo the County review next week. But from our self-assessment, our QSAC scores are improved in every single area -- and even from the self-assessment from the prior review. So very definitely we have made progress. I guess part of the question that I have put to my staff is: Was it based upon QSAC scores, or was it part of what we knew had to be done? And, quite frankly, I don't believe that the QSAC necessarily guided that, although clearly if this is an indicator of our getting out of the status we want to do well on the scores.

SENATOR CUNNINGHAM: Thank you.

GARY P. MCCARTNEY, Ed. D.: Good morning, Chairwoman Ruiz and esteemed members of the Committee.

My name is Gary McCartney, and I bring you greetings from South Brunswick School District, where I have the good fortune to serve as Superintendent of Schools.

In the interest of full disclosure, I also want to mention that I have two volunteer capacities that I serve in. I serve as President of the New Jersey Association of School Administrators, and as well I serve as the President of the Board of Trustees of the Middle States Association of Colleges and Schools.

I share this information only with the hope that you won't interpret anything I say as anything other than forthright.

Let me begin by providing a piece of perspective, if you will. We've been through QSAC a couple of times, as well as with the Statement of

Assurance process in the interim years. And going through it, we've been through it in its original 350-item form that it was originally designed as, and in the revised form of 50 items. In both instances we came away from that process being regarded as a high-performing school. I share that so that you don't have any sense that we are upset with the process because of the outcome.

I do want to talk for just a couple of minutes about several items that I believe are what would be considered user outcomes or user observations of the process. And I understand what the statute says: the statute regarding QSAC talks about making sure that all districts are operating at a high level of performance, and likewise that the capacity of each school district can be measured with the five areas of performance that are built into the system.

So let me begin with that as a backdrop and provide you with a couple of -- three -- user observations.

Number one: QSAC is a cumbersome process to accomplish. It involves the self-evaluation; it involves a team visit, written reports, and extensive Department of Ed review. Let me share just our most recent experience from a chronological point of view.

We had to do a self evaluation, which seems very pertinent, and we did that. And we put it together and submitted it to the County in November of 2012. We hosted a team visit tied to that self evaluation in June of 2013. And we received a letter from the Department of Ed in January 2014 indicating that we had succeeded in the process. And in February of 2014 we received certification from the State Board of education that, indeed, we were proclaimed as a high-performing district.

With over 600 districts in the state, I understand that this is a very challenging process. At the same time, I think that lack of timeliness detracts from the outcome in getting meaningful results.

A second point that I'd like to share is, the one size fits all approach is both counterproductive and counterintuitive. What I mean by that is that assistance should be focused where it is most needed. School districts designated as high performing should be handled differently from those that are in need of more intensive assistance. And if I could draw a parallel, I would just suggest that when we talk about supervision, Dr. Allan Glatthorn of the University of Pennsylvania -- formerly -- had a differentiated supervision process -- that he suggested that those more in need of help shouldn't be supervised the same way as those less in need. And I would suggest that the resources of the Department of Ed could probably be better utilized in circumstances where they focused on the districts that most needed the help. And I mean that with no slight at all. I believe that there are resources that can help all districts. They ought to be applied in measures that are appropriate to the need that exists.

And the third and final point that I'd like to make is that much of QSAC, by design, is of a compliance nature. I believe a better and more focused approach would be for school districts to work in the arena of school improvement. I believe that that's what all school districts need. Abraham Lincoln, perhaps, said it best when he said, "The largest room in any organization is the room for improvement." We all recognize and accept that.

I would hope that the Commissioner would provide options for school districts as we move forward so that schools could apply more of

their time to the area of school improvement. The Department of Ed would not have to investigate that process. They wouldn't have to provide the field work to make it happen or monitor it; and nor would they have to house the work from it electronically. And, at the same time, the DOE would have real-time access to review district progress if, indeed, they had the option to have school districts working in the arena of school improvement.

Now what I mean by that is, there is a strategic planning option that's available to all New Jersey school districts, and it's currently used by many of them. It's commonly referred to as school accreditation. And it's available through several providers. And earlier, when I was forthright in my disclaimer of indicating that I was with the Middle States Association in a volunteer capacity -- there are other accreditation providers. So I'm not suggesting that only one provider would be able to help schools. But every one of our schools and colleges need to have accreditation. It sends a very clear message about the standards that the schools have met and how they met them through a series of indicators. I believe that if we spent more of our time working on achieving the standards that are related to school improvement, that all of our districts would be better situated.

Now I will stop at this point, acknowledging that there are many colleagues who also want to share their thoughts on QSAC. I only hope that, in my commentary, that in some way I may have provided you some insights on this process.

I thank you again for the opportunity to share my thoughts.

Thank you.

SENATOR RUIZ: Thank you.

And what I want to remind everyone is that this has been -- in just the short timeframe, at least, very helpful and eye opening to me. But if you do have solid, concrete-- For me, this is the beginning of a conversation. What I want to do is encourage all of you in your capacities as professionals. You know exactly what can work and should have worked. So in your ideal venue, what would this process look like to you? And feel free to send that information to Osomo Thomas and to my office so that, when we start collecting material to overhaul some of the policies that are in place, we really see it from the lens and perspective of stakeholders and the officials who are on deck all the time.

DR. McCARTNEY: Absolutely.

CHARLES B. SAMPSON: Thank you, Chairwoman Ruiz and members of the Senate Education Committee, for allowing me the opportunity to provide testimony regarding the New Jersey Quality Single Accountability Continuum.

I will shorten some of my remarks because they echo the sentiments of my colleagues in many important ways. But I will start by saying that for the past three years I've served as the Superintendent for the Freehold Regional High School system in Monmouth County, New Jersey. We serve 11,600 students; we've been identified as a high-performing district under QSAC monitoring.

I also serve as the Treasurer of the Garden State Coalition of Schools, and we represent over 80 school districts throughout the State of New Jersey. Previously I was the Superintendent for the Verona Public Schools in Essex County, where we were also designated a high-performing school district under QSAC.

I think it's important to give some scope to some of the actions and activities and monitoring that takes place in a school district the size of Freehold Regional High School District, in addition to QSAC, to really bring home some of those areas of redundancy for the Committee.

In my three years as Superintendent, our school district has undergone the following monitorings: consolidated subgrant monitoring that examined various elements of our Title I, Title II, career and technical ed, IDEA, and special education programs that consisted of no less than 12 Department of Ed officials in our District for four straight days; a survey audit for post-secondary students with disabilities; a specific Title I audit; QSAC, in January 2013 -- whereas I noted we were designated as high performing; and an audit of our home instruction alternative education programs by the Office of the State Auditor. In addition to that we presented an annual testing report to the public; we undergo an annual financial audit; and present our violence and vandalism numbers twice a year, including our HIB grades this year. We've also submitted -- or will submit extensive data to the State in preparation for AchieveNJ through NJ SMART, including staff certification data, graduation cohort data; our mid-year budget reviews which are mandated with the County Office and necessitate an explanation of how and what resources are being deployed to various initiatives, including Common Core, PARCC testing, new teacher evaluation. Finally, we have continued our Middle States accreditation throughout this cycle with our mid-year visitations in the beginning of a self-study for District-wide accreditation.

I share this with you because a great deal of the data required within all of the above mentioned occurrences is duplicated within QSAC. The

fiscal management component of QSAC encompasses much if not all of the work done in preparation for the annual audit. The operations category contains all of the requirements regarding violence and vandalism; the instruction and program category contains graduation data and information regarding curriculum alignment to the Common Core that is submitted to the State in other venues. The personnel component of QSAC is now captured almost entirely within NJ SMART. In one extreme example, one of the categories in QSAC is to print and present a screenshot from an NJ SMART submission that demonstrates reporting deadlines with fewer than 2 percent errors. Certainly this data is already available to the State. Given the significant overlap, an extension of the QSAC timelines beyond three years -- particularly for school districts already designated as high performing -- and a thorough examination that builds upon the recommendations of the 2011-2012 Education Task Force would be advantageous to all schools across the state, I believe.

With the advent of an entirely new system of student assessment with PARCC, it might be time to rethink QSAC entirely to identify core metrics as indicators of organizational health and effectiveness that focus on student outputs and not compliance checklists. With the rapid expanse of NJ SMART, introduction of new performance reports from the State DOE, and new systems of evaluating and monitoring staff and student achievement, QSAC -- even with the revisions adopted in 2012 -- has become a dated tool that fails to most effectively gauge the broad range of avenues that school systems may provide to engender student success.

One size does not fit all.

The extensions called for in S-135 and S-721 would allow for the opportunity to explore those ways to make QSAC more effective, and extend those deadlines for high performing districts and further assist school districts in focusing on student outcomes.

Milton Chen states that modern learning necessitates the utilization of modern tools. The compliance checklist nature of QSAC ignores more authentic indicators of a successful school system, and overly burdens districts that have repeatedly performed at the highest levels. As we reset the playing field to incorporate the new mandates as established by State and Federal authorities, we should look also to develop a new tool that recognizes the distinctions and nuanced differences amongst public schools while providing for metrics of growth not found in other reports that are already provided by school districts within other reporting requirements.

Thank you.

SENATOR RUIZ: Thank you very much.

Any questions or comments from Committee members? (no response)

Thank you, Superintendents. Thank you very much.

Next I'll ask Bari Erlichson, the Assistant Commissioner, Department of Education, and her team to come up.

BARI ERLICHSON, Ph.D.: Good morning.

My name is Bari Erlichson; I'm an Assistant Commissioner at the New Jersey Department of Education in the Division of Data, Research, Evaluation, and Reporting.

I began working for the Department about eight years ago when the Department awarded Montclair State University a contract to launch

QSAC in 15 Abbott Districts. I was the project lead for that work at Montclair and subsequently was hired full-time by the Department.

It's a privilege to be here this morning to discuss the Department's monitoring efforts. Almost 10 years ago the Quality Single Accountability Continuum Act was passed by the Legislature, and so it's fitting to review and discuss the implementation of QSAC and its impact on both the work of the Department and the effectiveness of school districts.

In 1975, the Legislature mandated that the Commissioner of Education develop a uniform way to evaluate the performance of each school district in order to judge whether the district was meeting the thorough and efficient -- the so-called *T & E* -- standards of the State Constitution. The original T & E standards included elements relating to school district planning, curriculum, student outcomes, professional development of staff, finance, and the implementation of State and Federal programs.

On a yearly basis school districts reported their efforts in the T & E elements in the Quality Assurance Annual Report -- the QAAR -- a so-called *desk audit*, and each district underwent a Department-level site visit every seven years.

As a result of the changing accountability requirements from the introduction of the content standards in 1996 and the Federal Accountability and No Child Left Behind in 2002, it became clear that while the T & E standards represented a good start toward understanding the functions of the school district, that the patchwork quilt of other requirements and expectations had grown so that a fragmented system of monitoring and accountability now existed.

In response to that the QSAC Act was adopted in September 2005, and administrative regulations were adopted by the Commissioner in 2007.

The purpose of QSAC was to create a single accountability system for all public school districts in the state, putting together in one place, in one comprehensive set of objective standards, all of the legal and regulatory requirements and other accountability measures that school districts must comply with. QSAC established five areas of school district effectiveness: instruction and program, personnel, fiscal management, operations management, and governance; and requires the Department to conduct an evaluation of a district's capacity and effectiveness in each of those five areas.

Capacity refers to the ability to perform well in all areas of district operations, the ability to meet State and Federal policy requirements, and to achieve levels of student outcomes. Effectiveness refers to the quality of that performance in addition to the fact that each task has been performed. From those requirements to judge both capacity and effectiveness of school districts, the New Jersey Department of Education created a set of indicators in each of the five areas. The indicators were compiled in an assessment tool called the *District Performance Reviews* -- the DPRs.

The legislature created in QSAC the designation of a *high-performing school district* if the district met 80 to 100 percent of its QSAC performance indicators in all five areas. And although the legislation created this type of differentiated distinction, it did not authorize the Department to treat such districts any differently than those that did not reach that level of distinction with regard to the frequency of monitoring.

Those districts that did not reach 80 percent in any given area are required to create a corrective action plan in that particular area.

As required by the QSAC law, each district undergoes a full QSAC site visit every three years, as opposed to the seven year timeframe that was in the QAAR. The process begins, as you've heard, by the district conducting a self-assessment. The committee that does that inside the district is required to support their work with appropriate documentation so that the Department's review by the County Superintendents can reach their own conclusions.

The implementation of QSAC initially involved approximately 350 indicators in the five DPR areas. The Department, at the time, took the approach of including both best practice indicators that would describe effective districts as a whole, and also identify all possible statutes and regulations where the Department was required to provide oversight.

The response from the school districts was not positive. In essence, despite the fact that QSAC had served its purpose of organizing, under one umbrella, all of its monitoring activities and had succeeded in somewhat reducing the fragmentation of monitoring that had existed, school districts felt that QSAC was largely a paper pushing exercise not connected to teaching and learning.

The Department set to work to streamline QSAC in 2011. We reduced the number of indicators that were actively monitored from 350 to 52, and asked superintendents to certify that they were meeting the others as an annual statement of assurance. We removed all best practice indicators entirely and focused solely on those indicators that are required of us by the Legislature and the Federal government. And as a result of the

Education Transformation Task Force, we've been seeking a host of regulatory changes to further reduce the burden that compliance takes on our school districts.

Yet even with that, dramatic streamlining challenges and tensions remain. I'm sure you'll hear from the other Superintendents who are to follow -- in addition to the ones who spoke before me -- that QSAC does not help them focus on improving student outcomes in their districts. Most feel that it is purely a compliance exercise that diverts them and their staff from their work as educators. We heard that message loud and clear in our Education Task Force transformation work, and know that that feeling is particularly acute amongst school districts that are, in fact, doing already what they should be doing in their district operations.

The tension, of course, is that the Legislature and the public have a legitimate interest in having the Department monitor the implementation of the laws that they pass. QSAC is the only such vehicle for that oversight and does, at times, provide important information. Last year in our monitoring of more than 200 school districts, for instance, we found that 88 percent of the districts had curriculum alliance to all 9 content standards -- including the Common Core standards. But we also find that in the face of compliance with inputs versus outputs, that districts often engage in activities designed to check the box rather than meaningful efforts that will lead to long-term success. For instance, several years ago in one district we found that they had downloaded the curriculum of a neighboring district, removed that district's cover page, and relabeled it as their own. And in and of itself that's not a problem; we encourage school districts to share materials. But our interviews of teachers in the district led us to conclude

that they had not seen that curriculum and that it was not being used in classrooms across the district.

Educators recognize this behavior as test busting, where they seek to get students to simply pass the test without necessarily taking in the meaning of the content.

In moving from the seven-year timeframe for site visits under the QAAR to the three-year timeframe for site visits in QSAC, the monitoring workload for the Department, and also for the school districts, more than doubled. In the case of the Department this increase in workload was not accompanied by an increase in head count to conduct these monitoring visits. Thus by necessity many of the reviews became perfunctory and, as you have heard this morning, are often not timely. But it also fundamentally reshaped the role of our field staff. County Superintendents had once been viewed as a confidant, and some still are. They were individuals who could engage in casual mentoring and coaching of their colleagues, and that could drop in on districts to provide advice as needed. Now, due in large part to the compliance-oriented role and the corresponding workload, our County offices are not viewed as providing high-quality support.

Under Commissioner Cerf, a concerted effort was begun to shift the Department away from compliance-based activities. As part of our NCLB waiver in 2011 we established Regional Achievement Centers to assist our lowest performing schools -- the kind of differentiated support that Dr. McCartney spoke about -- with improving their instructional practice and student outcomes. The staffs of the Regional Achievement Centers do not participate in monitoring. Also under the waiver, we freed nearly a

thousand schools from the failure label associated with No Child Left Behind and gave the responsibility for charting their improvement back to the local school district, rather than to a team of external individuals who would have conducted a one-week site visit.

But much work remains to be done to fulfill the vision of the Department becoming an agency that is supportive of its schools and districts, and bettering student outcomes. And I look forward this morning to listening to other superintendents and testimony from others as to how the Department can continue these efforts.

SENATOR RUIZ: Thank you.

Based on your timeframe, and your institutional knowledge, it appears that through your lens the Department would have very concrete ways for us to overhaul the Bill, and I'm hoping that we can get that information when we begin to look at it.

I heard clearly that you're looking at changing regulation. The problem with doing that in some capacity is there's always a timeframe that is set for the Commissioner who is there, and so that will drive regulatory processes important for us -- that if we're going to overhaul this, that it's done by statute so that this way we have a better framework in place. And we're starting to hear the same words over and over again: redundancy, not a cookie cutter approach, the timeframe, it's a compliance measure, it's not meeting the same standards. So if everyone's recognizing this -- from districts in State-operated districts to districts that are high performing -- there's a clear need for us to overhaul the statute.

You made mention that you reduced the number of factors through the regulatory process. Did you do that across the board for State-operated districts as well?

DR. ERLICHSON: Yes.

SENATOR RUIZ: Do you think that-- So I guess part of this-- This is part of a two-pronged approach process -- for me, in any event. The QSAC process -- and I'm sure that was not the intention -- left too much subjectivity to the Commissioner and the Department. So even if we were meeting certain benchmarks of criteria that were in place, the Department always has the discretion to say, "Although you're showing improvement and you're exceeding, we're not going to return these different segments back to local control" -- which is a critical issue, I think, that many of us are dealing with across the state. I'm hoping that we will collectively work on that because it shows efforts. In addition to that, is that the trigger mark to take over a district has to be overhauled as well so that there-- QSAC appears to have benchmarks for the district. I think the fundamental question here, that really struck me when I was first elected into office, is that State-operated districts are State responsibility -- so we can't decide when we're going to point the finger to local communities for the incapacity of meeting certain benchmarks or not quantifying when, in fact, it's the State that has always been responsible. So overhauling a bill that has time attached to it, but benchmarks for both what the State is required to do and what the district is required to do. I believe the intent of QSAC was to provide kind of the things that we oftentimes talk about in this Committee room -- that DOE should move away from this top-down approach and it should really be an incubator for research and resources. And it seems that

we oftentimes get caught because of policy or practice, or lack of capacity, as far as resources.

So any questions or comments from--

Senator Pou.

SENATOR POU: Thank you, thank you, Madam Chair.

You know, first of all let me just say that I'm really very happy to see that you're here and you're providing testimony. Thank you so very much for your willingness to come before our Committee and do that.

I think this is a much overdue conversation. I want to commend the Chairwomen for taking the lead in doing this.

Certainly many of us -- myself included, as a Senator who represents the 35th Legislative District and knows all too well what it means to have a State-controlled school system in Paterson -- one of which has undergone so many throughout the many years -- so many different changes when you look in terms of the number of years that we have been under State control. When you look in terms of the numbers of Superintendents that we've had, when you look in terms of the number State Commissioners that have made that change as well -- that has, indeed, affected many of us.

But we clearly know what -- we're clearly in a direction of the great path. We want to be able to get there. I'm happy to see that there is some discussion to move in that direction. You've heard already from some of the previous speakers where there is the redundancy, where there is the need to-- Much too much time is placed upon a compliance approach as opposed to looking for ways on how we can improve upon our school systems, and what kind of support system the State can provide in that direction rather than constantly being in a test mode, evaluation process.

In your discussion, with respect to the capacity building and the effectiveness in terms of what the QSAC is all about, and the five indicators that are going to lead to that approach, I ask you to please help us understand what are some of the major drivers that you think we are today looking at differently, that you looked at seven years ago and where are we today. What are some of those changes that you think you might be able to share with us?

DR. ERLICHSON: To tease out your question -- do you mean in the reduction from 350 to 52 indicators?

SENATOR POU: I can't believe we had 350 to begin with, to be honest with you. I don't even know how that was possible.

DR. ERLICHSON: The theory of action in the beginning was that you would have a DPR that would describe the particular area very well. So you'd have a fiscal DPR that had measures of the degree to which student achievement outcomes were being used in budgeting decisions -- which is a best practice indicator, right? In personnel, you'd find the same idea: to what degree your student achievement outcome is being used to describe professional development activities. And those are the types of behaviors that effective school districts engage in as a matter of routine. But they were best practice indicators, in the sense that they weren't tied to particular statute or regulation.

Today we do have a lot of confusing statutes and regulations that overlap and provide that kind of redundancy. I mean, without--

SENATOR POU: And can you highlight for us and, certainly, through the Chair, provide that information?

DR. ERLICHSON: A really easy one is that we have Federal law around the Guns-Free Schools Act, where the school districts are required to report out on their incidents with various weapons. Weapons is defined in two different ways under that statute. The Federal Office of Civil Rights asks us to report on discipline incidents. The Federal Office of Special Education requires us to report out on the types of discipline being used specifically for special education students. And in the State we have our own statute around violence and vandalism reporting, and harassment and intimidation and bullying. So we have six different things that come together in a school district to essentially describe how, to what degree, the school has constructed a safe and conducive learning environment. And I would tell you that we have not necessarily resulted in the kinds of schools that have that environment writ whole, writ as large; and that the Superintendents themselves would probably venture forward with -- if they were going to do this absent all that other Federal reporting -- that they would do it through climate surveys and parental engagement, and all of those types of softer activities that we don't require any type of reporting on.

SENATOR POU: Thank you, Madam Chair. Thank you, Assistant Commissioner, for your response.

I'd like to, perhaps, maybe-- This is an area that obviously is going to be important to all of us here.

One final question, if I may. You've made mention that for your -- did you say your lower-performing district was the Regional--

DR. ERLICHSON: The Regional Achievement Centers.

SENATOR POU: --Achievement Centers, yes. Tell me, please, if you would share with the Committee, what is it that you anticipate or expect to have that so assist in providing you with the kind of feedback that's going to make a difference in terms of that district, and report within the county jurisdiction -- the regional jurisdiction and that of the statewide jurisdiction? Because obviously there are many layers in between. How do we reduce that? How do we make sure that we're talking in one direction and not in multiple directions, and that it's going to help to improve the performance outcome that you're looking for?

DR. ERLICHSON: So you just asked a very good question which highlights one of the differences between QSAC and our authority, under our Federal elementary and secondary education act waiver.

So QSAC is a district-level analysis, and the authorities granted to us under the ESEA is for school-based activities. So the Regional Achievement Centers are working directly with schools to implement research-based improvement practices around effective instruction, effective leadership, effective school climates, effective parental engagement, effective use of time and resources -- I'm sure I forgot a few of the pushes that we're working with. But it is a school-based strategy -- that we are in schools across the state.

Now, the identification of the schools that are receiving that type of support is through our Federal waiver. There are two types: they are called *Priority* which is the lowest 5 percent of schools across the state in terms of basic student achievement outcomes. It also includes our school improvement grant recipients in Focus. And those are schools that have focus issues in subgroup performances, or lower graduation rates.

SENATOR POU: Thank you, again.

Just a common question -- I'm just going to make mention that your school-based strategy, which is-- I believe I've heard that before during some of our budget discussions -- the now-former Commissioner Cerf has mentioned that in the past. My comment then and my comment today will be that, while all of that is good and important, we certainly need to understand that while all of those strategies are in place, the school system and the school districts Superintendent, along with their support staff, are being asked and being pulled in multiple ways; being asked to be responsible and respond to that. Their resources are being limited because of all the different requirements that they are being asked to -- again, not getting to the heart of the situation, which is how do we help to improve our school performance level in our school district when they're being pulled in multiple directions.

Thank you, Madam Chair.

SENATOR RUIZ: Thank you, Senator Pou.

Senator Cunningham.

SENATOR CUNNINGHAM: Yes, through the Chair, good morning. It's nice to see you.

I don't know if this is a question or a statement, but certainly it's an observation.

In Jersey City we've had many Superintendents of Schools since the school system has been under State control. And we're still under control; it's been years, it's been years. And somehow or another there is no clarity as to how you actually get from under. It just seems that once the State takes control, that's it. And with all of the various Superintendents we have

had, we've still not been able to hit that magic number to take back control. I think Dr. Lyles alluded to something -- that you don't know what that number is that is going to make the difference.

So I think that as this process continues, one of the things that I think needs to be clarified is: Where is the light at the end of the tunnel and how do you get to that light? Because it's not clear.

DR. ERLICHSON: So just as a point of clarity -- Jersey City has regained control in three of their areas.

SENATOR CUNNINGHAM: But not total.

DR. ERLICHSON: Not total -- but they're working towards personnel, and instruction and program. And as Dr. Lyles mentioned, the County review is next week, and Dave Hesse looks forward to reviewing those outcomes.

SENATOR CUNNINGHAM: So hopefully we'll be at the light out of the tunnel?

SENATOR RUIZ: Thank you, Senator Cunningham. I think you highlighted yet again what I stated earlier. There is too much subjectivity in the QSAC bill for the Department of Education. And I say that respectfully; it has nothing to do with-- I mean, I've witnessed it firsthand as a resident and as an elected official for the City of Newark. Regardless as to whether we're meeting those benchmarks, there are always opportunities for that current Commissioner and Department of Education to continue oversight of any one of the factors, regardless as to what benchmark we're meeting. And that's certainly something that we will be undertaking here.

I want to thank you for joining us today, and I'm going to urge you and encourage you. It appears that you have many things that you would

like to see cleaned up. And if you could forward that to me, and if there are ways that we can do that through an effective and efficient way to clean up statutes that's, I believe, one of the most important things that legislators have to do. Oftentimes we get into rooms, we have conversations that really launch statute changes, and we never get an opportunity to revisit to see if they're meeting modern day needs.

So thank you very much.

DR. ERLICHSON: Thank you.

SENATOR RUIZ: Next we'll hear from Superintendent Dr. Brian Osborne, Superintendent of South Orange and Maplewood; Dr. Antoinette Rath, Superintendent of Mount Laurel Schools; and Dr. Jordan Schiff, Superintendent of Hillsborough Township Public Schools.

Good morning.

BRIAN G. OSBORNE, Ed. D.: Okay, Senator, thank you very much; thanks to the Committee for having us. We really appreciate the opportunity to contribute to this important conversation.

I very much hear the call this morning for specific and concrete recommendations, and we will work on a detailed prescription for your consideration following the hearing.

My prepared testimony and thoughts are almost identical to what the Committee has heard this morning entered into the record by Charles Sampson, the Superintendent of Freehold Regional. His description of the multiple and redundant auditing and compliance activity is exactly what we had experienced in South Orange-Maplewood School District, so I won't repeat all of that.

I would like to just add two thoughts: first, South Orange-Maplewood School District has made remarkable progress over the last seven years; and the progress that we've made comes from the discipline of focus. We fend off and dispense with distractions that threaten to throw us off of our game plan. The amount of time and energy that goes into responding to these splintered and redundant audits, QSAC templates, compliance paperwork, and RAC visits is one of the single biggest distractions that threaten our ability to execute on our focused improvement efforts.

So my job as Superintendent, when this comes up in the District, is to assure senior staff that actually the most responsible approach that we can take is to minimize our preparation efforts for QSAC so that it does not end up diverting us from our core work.

In addition, the feedback we receive from the massive amounts of compliance information that we submit is of little value to us. Occasionally it does uncover something that we need to attend to, but it's usually a picayune legal detail and far from high leverage points that would help us improve teaching and learning.

The second thought is that it may be helpful -- although certainly cumbersome -- to widen the scope of the inquiry here beyond QSAC to all the ways that unnecessary regulation and compliance activity threatens to undermine the stability and focus of districts; that districts need to improve education and ensure that all students are ready for college and career.

Thank you.

SENATOR RUIZ: Thank you.

J O R D E N S C H I F F, Ed. D.: Good morning. I have also submitted my remarks to the Committee, so I'll be relatively brief.

I agree with my colleague from South Orange-Maplewood as well as the other Superintendents who have testified this morning.

I have had the opportunity to work in two different high- performing districts -- Hillsborough, where I currently am, which is a district in Somerset County with 7,200 kids, over 1,200 staff; and as Superintendent of Readington Township Schools in Hunterdon County, with about 300 or so staff members with about 2,200 students.

Our process as we begin to look at QSAC begins with the self-assessment -- that was discussed before. All of these documents are crosschecked with a representative body from the community, including administrators, teachers, parents, and board members -- also take a look at this.

We have logged hundreds of hours each time we go through the QSAC process. The review is then certified by the Superintendent; after I certify it, then it goes to the Department of Education. And then the Executive County Superintendent, as well as the Executive County BA, as well as the Executive County educational professional -- who is in the office as well -- comes and does a site supervision in District, including interviews as well as a documentation review.

Although this is important work, it does consume many hours of local staff time and the County Office's time as well. I'm concerned that the frequency, every three years, is not necessary for high-performing districts. If the district performs well enough through the QSAC monitoring process, then the district should be able to be monitored every seven years rather than every three. The time that the local district spends every three years preparing for monitoring could be better spent focusing on

the teaching and learning process. The Executive County Superintendent's Office could better focus on needy districts rather than monitoring of high-performing districts every three years. The county superintendents are now responsible for multiple counties, when a few short years ago we were responsible for only one county. With many more districts falling under fewer county superintendents, it becomes critical that their time be spent where it is needed most -- with districts that struggle to meet the QSAC DPRs.

There's a bill, however, that is currently making its way through the legislative process that will positively address this concern. Senator Bateman's bill, S-135, permits high-performing districts to be monitored by the DOE every seven years rather than every three years. This common sense legislation recognizes that not all districts need to be painted with such a broad brush. High-performing districts could spend more time with their students and less time documenting compliance; while the county offices could focus their scarce time on districts needing the assistance the most.

Once again, I appreciate your time and attention.

SENATOR RUIZ: Thank you.

A N T O I N E T T E R A T H, Ed.D.: Thank you; good morning, Senator Ruiz. Good morning, Senators and Committee members.

Thank you for affording me the time to express my opinions on QSAC. And like my colleagues, my words may not be as eloquent but my thoughts are all the same.

I am the Superintendent of Schools in Mount Laurel School District in Mount Laurel, New Jersey -- home of Mount Laurel I and II Affordable

Housing Decision. We are District Factor I, and certainly meet the needs of all youngsters in our district.

My experience is not different from many. I can assure you that all schools want their children to achieve, and all schools will do what it takes to demonstrate accountability to their stakeholders.

QSAC, as it's currently administered, as you've heard from my colleagues, is very narrowly defined by standardized processes. And it holds all schools, regardless of needs, to adherence to process rather than to student outcomes. Hence, the consequences created by having a centralized accountability measure for schools gives rise to an appearance of contradiction -- and that contradiction being trying to control standards that are made remotely with the unique priorities that are developed at the local level. That balance becomes difficult. And as a result, districts are expending energy and resources trying to satisfy a process that really may or may not have bearing to local goals and directions.

So to that end, again to underscore what my colleagues have said, perhaps looking at the space and time between visitations in terms of accountability -- can a district that presents as a highly effective district be held to accountability visits every seven years rather than the current three, and so forth. This will allow State resources to be allocated more wisely to where the area of need is.

And also I have to applaud the fact that the underscore of QSAC philosophy is that of shared accountability, but I do consider the current process to be viewed more as a sanction rather than an inspiration. And if we can balance that, that would be very helpful.

Thank you.

SENATOR RUIZ: Very compelling -- the last line. Thank you very much.

DR. RATH: Thank you.

SENATOR RUIZ: Thank you all.

I'm going to ask Ms. Donna Chiera, President of the American Federation of Teachers New Jersey, AFL-CIO; and Mr. Wendell Steinhauer, President of New Jersey Education Association, to both come up.

And while the Superintendents are moving away in the next panel, I'm going to take this point of personal privilege as Chair of the Education Committee -- while the Department is still sitting here listening -- that caps for our Superintendents is a matter of urgency that we should be having a conversation about.

Duly noted? Okay.

Good morning.

D O N N A M. C H I E R A: Good morning. I want to thank Senator Ruiz for beginning the conversation, because I think that's a very important phrase.

Listening to the testimony here this morning, one of the things I realized was how old I am. Because I actually remember the old T & E monitoring when people would come into the district and we would actually practice. So if someone came and asked us a question, we knew it. And then we went to QAAR, and now we're at QSAC.

I was President of the Perth Amboy Federation for 23 years, and I went through all three of these types of monitoring programs. And again the question is, why are we doing it? Is it a measurement for consequence, or is it a diagnostic for improvement?

Most people believe it's a compliance exercise -- and everyone heard that today. And it's really not focused on teaching and learning; it's focused on quantity of documentation you can produce versus the quality of the activities going on in your district. So I would take *quality* out of QSAC to begin with.

This exercise in compliance leaves a paper trail of documentation to supposedly what's going on in the district. Talking to members from all over the state who go through this process, all too often they say that the paper trail is a paper trail, and not necessarily what's really being implemented in the district, what's going on -- but what is needed so we can pass.

This is a ping pong effect. When you talk about State control versus local control, QSAC-- It's not really consistent. I mean, in Edison there was a fire. That is something you cannot count on, and so I'm guessing their QSAC and their evaluation tool for this year may not live up to other years. And just counting on scores and documentation, things change in districts from year to year. That's a ping pong effect; there's really not a stability in the program because it's done every three years.

I personally think the whole process needs to be looked at -- not just whether you do it three years, five years, or seven years. And it goes back to a true action plan in districts. What's going on; what are we going to do to focus on teaching and learning?

A suggestion -- and so much has been said. I think we need to do some balancing. We need to do some balancing on what's needed for the district besides what's needed for the schools. You just can't say, "school improvement plans," because in so many of our, especially urban centers,

schools depend on each other. There's a lot of student mobility. So if we just focus on a school plan, and not the district plan, we're not going to get very far.

There also needs to be a balance between a comprehensive plan process versus an intrusive plan. And every monitoring program I have been through has been more intrusive than comprehensive. And once the monitors go away, we just go back to what we were doing and that really doesn't change or improve a district.

The other thing we need to look at -- if you look at the last page where people sign off on the QSAC, it's not all stakeholders. And while I am happy that the bargaining agent is involved, and there is a teacher involved, there are many more employees in the district just besides a teacher and administration. Where appropriate, there should be some student input. There is no place, I guess, in this process where the community has to sign off on this. That goes again to where it's a compliance exercise instead of an exercise to show improvement.

The other thing -- and the last thing I'll say, because a lot of people have been saying the same thing over and over again -- is I also think beyond the school district there needs to be a connection to community. Because all too often -- and again, I'm going back to our urban centers -- so much of what goes on in the community affects what's happening in school: poverty, nutrition, health, safety. There needs to be partnerships. For a school district to improve it needs to be a community effort. And I think any school district that's being -- putting forth an evaluation, a diagnostic plan has to demonstrate what they are doing to work with the community to overcome those issues. Because if we do not overcome those issues with

a partnership with the community, there is no way a school district or a school alone can do that.

So those are some of the things we're looking to do. We look forward to being part of the solution. And that's it.

SENATOR RUIZ: Thank you.

W E N D E L L S T E I N H A U E R: Hello. Wendell Steinhauer, President of NJEA. You have my testimony, so I'm going to scoot through it pretty quick for you.

The bottom line is, NJEA has always advocated for education policies and procedures to take into account the voices of educators and the residents of the communities they serve. I'm going to say that one more time, because I think that's a big key that's been missing in a lot of our takeover districts: the voices of the educators working in the schools and the residents of the communities they serve. They're on the frontlines of education -- they see what works, what doesn't, and how we can change things to make them work for students.

In our current climate, with its increased emphasis on accountability, it's really troubling that QSAC is a self-monitoring system that does not have a requirement for meaningful, sustained dialogue with teachers and other educators in the district. You've heard of the five areas discussed this morning. Let me address them individually.

First one, the instruction program portion of the evaluation has, unfortunately, become nothing more than over-reliance on tests and assessments. So if your students are not going to perform well on the tests, you are going to fail that section. In our State takeover districts, teachers often have to stop teaching the curriculum in a way that excites and inspires

students to learn more and, are, instead, directed to prepare kids to take a State test.

Consider the impact this has on our common goal of creating lifelong learners. Real learning comes from the thrill of exploring, analyzing, discovering, and creating. No test in the world -- no matter how technologically advanced -- could inspired this type of learning in our students.

The District Performance Review -- the DPR -- requires that only one teacher sign their name to it. Donna alluded to it; the local President. That's all that's needed to sign off. In a district like Jersey City or Newark with 50 to 75 buildings, requiring only one teacher to give input is grossly insufficient.

Under personnel we only need to look our Paterson school district as an example. The State has not been able to negotiate a successor agreement to the school's employee contract for more than four years. This has caused significant financial and emotional hardship for those school employees. It has led to staff turnover, low morale, and a sense that their district and, ultimately, their students are not really a priority for the State.

The third area, fiscal management evaluation, relies on such things as health and safety of the schools. However, the facilities in these State-controlled districts are not only woefully inadequate, but downright shameful. NJEA has worked with Healthy Schools Now, a coalition, to shed light on the shocking conditions of these schools. It's amazing to look at the scores of these school districts with pictures next to them. With their water damaged hallways, exposed pipes, and decrepit classrooms -- what

kind of a message does that send to our students, their parents, and our communities?

In the area of governance, the State needs to put more teeth into the State audits of the districts and recommendations of the auditor. Additionally, the State must build local capacity; in fact, this should be their number one priority.

What's ironic about this whole process in the State-run districts is that the State runs the districts, and they are holding the students and the community accountable for their failures. And even when a district makes a QSAC benchmark in four out of five categories, the State is reluctant to return the districts to local control. And one has to wonder why.

Twenty-five years is too long for these districts to be controlled by the State. I'm sure it was never the intention that this situation would continue this long. It's not what these communities want, and I'm confident it's not really what the State wants.

There has to be a better way, and here it is. Instead of simply paying lip service to building capacity in these communities, it's time to really engage the parents, community, and educators and develop a roadmap back, with strict timetables for them to regain control over the district. As you've seen from the reaction to the One Newark plan, parents and community members are eager to play a greater role in how their children are educated. They want to be a part of the conversation and the solution. What they need is the only thing that the State can provide: a seat at the table.

To sum up: What we need here is to stop the check-off lists and go back to what really works in education. It's not checking off the list to

make sure it's done. That's not going to get anything accomplished. What you need are the people who care about kids to be able to go in and make that difference. They're being shut out of the conversation.

Thank you.

SENATOR RUIZ: Thank you very much.

Next, I'm going to call up Dr. Donnie Evans, State District Superintendent for Paterson Public Schools; Mr. Joseph Jones, Superintendent of Woodbury City Public Schools; and Mr. Richard Kaplan, Superintendent of New Brunswick Public Schools.

D O N N I E W. E V A N S, Ed. D.: Thank you, Senator Ruiz, the Senator Education Committee members, and other Senators and representatives at the dais.

As noted in statute, the goal of New Jersey Quality Single Accountability Continuum shall be to ensure that all districts are operating at a high level of performance. My first comment is to that goal. We've embraced that particular goal in our work in Paterson and, as a result, have reflected in our strategic plan and in all our efforts not only QSAC and its expectations and its standards, but our own expectations and standards.

Indeed, an item that should be distributed -- you may have a copy already -- is a copy of our Annual Report for the 2012-2013 school year that clearly demonstrates that we've taken seriously the expectations of QSAC; but the expectations of our community, our staff, myself as Superintendent, to ensure that our students are performing as best they can. And you will see, as representative of that information, significant improvements in student achievement because we have taken QSAC

seriously, and because we have taken our mission to prepare kids for college and careers very, very seriously.

My second point -- and I want to try and minimize my comments that represent a replication of something that has already been said, but it is worthy of mentioning anyway. My second point is the fact that there are issues with the process. We embrace QSAC -- let me be clear about that -- because of the high standards that are in it; and we are especially appreciative of the changes that were recently made -- to go from the 300-plus standards that were there to 50 or so standards we think represents tremendous progress. However, we feel more needs to be done.

And one of the areas that are a concern for us is the review process and, more specifically, the reviewers. We think the reviewers need to come equally prepared to analyze the information that we prepare for them, and not necessarily lend to it their own interpretation of whether or not a particular document or a particular data set indicates that we meet the standard. In fact, we've been challenged by that. We've had two different reviewers on occasion look at the same information and one would say, "Yes, this is evidence that you are meeting the standard," and another would say, "No, it's not."

And so preparing the reviewers, as they come in to view the information, in a way, obviously, that suggests that the validity and reliability is ensured in terms of not only what we prepare, but the interpretation that they lend to whether or not we meet the standard, is very, very important to us.

Secondly, principals work very hard -- particularly with site visits -- in helping to prepare. And we work hard at the District Office. We've had

variance, if you will, as it relates to that phase -- the actual site visits. In some cases, we've been afforded the opportunity of an exit interview, or an exit review, if you will, with us to give us a sense of what they saw -- and without necessarily passing final judgment on what the ratings are or are ultimately going to be. But at least let us know that you found what you were looking for in terms of information, regardless of how you rate it. That has not happened on occasion. And I would say that's important, particularly to principals who ask, "What did they find, what's happening with regards to the information I've provided?" Similarly at the District Office -- my staff at the District Office would like a similar kind of exit interview, again, so we'll know.

And then that's a segue into yet a third concern: the timing of the response. Someone has already mentioned that one, so I'll be brief with that one.

I'm entering my fifth year as Superintendent in Paterson. And during the past four-plus -- almost five years -- I have been subjected to four QSAC visits. And in those visits I don't know that we've gotten any of the information -- with the exception of, perhaps, the last visit -- back in a timely manner. It's taken months, and we wondered, "Did we do well, or did we not do well? Did we provide sufficient evidence to support meeting particular standards, or did we not?" Fortunately, in the last visit which occurred very recently, I did get a debriefing -- actually from the Commissioner, and I really appreciated that. And that was a first, actually -- a debriefing, actually sharing with me what I would have expected the people who visited to have shared with me, had we had an opportunity to sit with them.

Lastly, the issue of local control, and how you acquire local control if you are a State-controlled district continues to be a challenge for us. We are told that if we score above 80 points on the scales that are associated with each one of those DPR areas, and we do that for a number of visits -- and that's unclear as to how many -- the likelihood of us gaining control in that area is greater. We've scored above 80 in several of the indicators over the past three years, I believe. And still we're not there yet. And so I think more clarity is needed in the process -- how many times, and is the score 80 or above, meaning-- Well, I don't need to explain. You know what that means -- the 80 versus 100. We would like more clarity there.

Again, I commend the DOE staff and you as Legislators for approving the changes that have been made. We feel very good about those changes. And we support QSAC. I want to go on record as saying we support QSAC as a means, particularly in a district such as ours, that establishes high expectations. But then we, again, would like the courtesies that I've just suggested in my comments as well.

SENATOR RUIZ: Thank you.

J O S E P H J O N E S III: Good morning. I'm Joe Jones -- Joseph Jones -- from Woodbury City Public Schools, Gloucester County, Superintendent nine years. I'm finishing my ninth year there. I thought I was experienced with QSAC, but you beat me in your five years. I'm in cohort 1, which means that we were the first district after the pilots to get involved with this. And so we're currently completing our third official QSAC process in terms of the complete process with visitation.

I echo all of the comments that have been made today. I think that it's actually rather surprising how many of us can sit and nod our head in

agreement with the very many recommendations that are being made. They resonate in all types of districts across the state.

I am generally in favor of a process that allows for us to focus on checkpoints, and the Department's efforts to provide us those checkpoints does allow for that type of happening. In Rutgers University's Institute of Law and Policy study of the QSAC pilot districts back in 2006, administrators then were talking about the self-assessment process as being effective. It forced districts to critically assess themselves; it was empowering to identify their weaknesses rather than have an external body tell them where they were weak. It enabled honest reflection, and they also had the most intimate knowledge of the information available to make these assessments.

I agree with those statements, and I believe that it is still true today, that the internal review process associated with QSAC is most valuable and appropriate.

Woodbury has met with success each of the first two times through the process. We meet four out of the five areas. We gained the 80 percent threshold, or well beyond; and through the reevaluation process that is employed with QSAC, we were able to achieve the points necessary in instruction and program so that we could surpass that threshold and be deemed a high-performing district overall.

This year, as we completed our internal work back at the beginning of the year, we still await the County Office to finalize their process, and ultimately the Department of Ed has to sanction that as well. I expect that that report will come some time in the future. Interestingly, each time that we complete the review the overall process has varied. And this talks to my

colleague to my left here in terms of some of the methodologies employed by the reviewers. For our first QSAC, the County Office identified specific areas that they wanted to focus on, with their follow-up attention based upon what the County Superintendent and the educational specialists knew about the individual districts.

The second time around, the process was much more like the older format of monitoring that school districts went through -- at least it was for us in Gloucester County -- where all districts were asked to prepare the same voluminous hard copies of documentation just to justify the local scoring of the DPRs.

It does appear that this time around, the pendulum is starting to swing back the other way. But it's been a significant variance, time in and time out, as we go through the process.

The process works best when the County Office staff members conducting the review are well-acquainted with the work of your school district and your school personnel. When these individuals know the back stories associated with the efforts to increase student access to rigorous course work and the sustained professional development that takes place in your district, there is a stronger dialogue and trust that the process will be able to be a true, valuable internal district review that can be endorsed by the County Office with the oversight as it was originally envisioned.

Gloucester County has been lucky. Even though I had five County Superintendents change in my nine years as the Superintendent there at Woodbury, all of those individuals have attempted to know the District and the County well. And they've been supported by individuals with good knowledge of our work. Unfortunately, just recently Gloucester County has

been reorganized under a special pilot initiative to now operate under one Executive Regional Superintendent instead of the single Executive County Superintendent; and now the more common, I guess -- what we find is the shared Executive County Superintendent. But for now, Gloucester County -- the new arrangement has the Executive Regional Superintendent responsible for a large five-county region in South Jersey. The more removed the departments -- whether County or regionally based staff -- are from the schools, the more difficult a process it is; and it will be, for us, for then to verify our work. To accumulate documentation for strangers to your school district will be much more laborious than the work currently, where people know our work and what's happening in our districts.

In addition, I do want to highlight one other thing that was mentioned briefly. The QSAC document for instruction and program is heavily reliant on test scores. This is part of the redundancy factors that we have been hearing about. We are measured often by test scores. But here in this particular assessment, the test score in the instructional program becomes another problem for districts, especially those of us that may be serving in communities where-- The kids come to our school door in pre-school and kindergarten severely behind. So our work to improve their academic futures is measured by tests. And then these tests, in this document, becomes a third of the scores -- 33 out of 100 points in instructional program are test score-related.

In conclusion, I just want to say that I do value the opportunity to improve by having the State identify these key areas of compliance. The QSAC process has had some real value. The two concerns that I have are with the County and the State implementation at their level of oversight,

and heavy reliance on testing as a measure in the instruction program section.

Thank you.

SENATOR RUIZ: Thank you.

R I C H A R D M. K A P L A N: Senator Ruiz, members of the Senator Education Committee. My name is Richard Kaplan; I am the Superintendent of New Brunswick in Middlesex County. I am also the former first Director, Division of Compliance, under the Kean-Cooperman Administration. I'm older than Bari Erlichson. (laughter) I have your institutional memory for you and I'm going to go about it, and weave it, until you get it, I think. And I think that some of the Senator's comments are right on target.

So I'm the guy you can blame; I took over Jersey City and Paterson with a team of professionals that looked at the five governance (*sic*) -- the governance, the instruction, the personnel, the curriculum, and facilities. Those were the original five in 1986.

I was also the Auditor General. I'm also certified as a Superintendent, and I've been doing that a lot since 1990, and previous to coming into the Department in 1982.

So we were responsible for creating Level 3 monitoring. We had monitoring -- Levels 1 and 2 -- under thorough and efficient. And Bari's absolutely right: The number of items was 350 items that districts were looked at.

One day Commissioner Cooperman -- who was the Commissioner serving under Governor Kean -- asked a question. "Kaplan," and others, "What comes after two?" And I said, "Three," which was no earth

shattering surprise. But the surprise was the State had no exit. You had a Level 1 -- you did well, you didn't do well. You went into Level 2. And over time the concern by the Legislature, by the public, and certainly by the Governor and the Commissioner and the staff, was, "What's going on, because we are dollar one as a State in payment of public education." And I don't think that's gone down all that much.

So I'm going to give you a different perspective because I understood the State mission. The State mission was to say, "Help these children," because there was corruption in the school systems that were taken over. There was misappropriation of funds. People did go to jail. And from that, and over time, and over the changing -- the last 34 years -- various governors have come and gone, various legislators similarly have changed, and here's a biggie: The role of the Federal government in State and local education issues has grown and become encompassing. The one thing here in New Jersey that hasn't changed -- that you, the Legislature, in all those years of governors, have not changed -- is the Constitution. Because the Constitution of the State of New Jersey says education is a State responsibility. What are you going to do about it?

That responsibility is delegated to local districts to operate in conformance and compliance with State statutes that you and your colleagues in the Assembly vote on, approve, and governors sign. And those State statutes in conjunction -- where the State statute is not clear enough, then the Executive Branch -- through the Commissioner of Education and the State Board, promulgate rules and regulations, and have them endorsed and approved by the State Board and back down.

So New Jersey QSAC is similarly contained in NJSA 18A:7A-10, and the Administrative Code 6A:30-2.1 et seq through NJAC 30-9.1. Very busy bureaucracy, writing a lot of regulations. Because apparently, your statutes aren't clear enough for them. You only write regulations to clarify what the Legislative Branch has done.

To prepare for today's testimony, I had conversations with former Commissioners, including the one I served under. And I've learned a great deal about how the changes were made and what their goals were, in order to assure the Executive Branch, the Legislative Branch, and the New Jersey public that quality education is being offered our students.

"When New Jersey QSAC was conceived, the intent of the new monitoring system was to combine all monitoring systems, of which there were three, into one streamlined process that would apply to all schools. It was designed to access efficiently a district, and if the district was performing well then it would have more latitude and time before the next review. Alternatively, those districts not performing well would receive greater scrutiny and, if necessary, more support. Many of the people in the senior staff, including the Commissioner" -- and I'll tell you, that was Librera -- "who designed this system were no longer in the Department of Education when implementation was established."

Since that time, QSAC has become something quite different. In fact, it has become akin to the original T & E process designed in the mid-1970s that had grown to over 350 items to review.

However, New Jersey QSAC has been lapsed, but not withdrawn, by a simple waiver by the most recent outgoing Commissioner, who created the Regional Assessment Centers without legislation -- but merely by an

agreement and a waiver between the United States Department of Education and the Department of Education, utilizing Race to the Top funds. Also in the mix: changing by fiat the existence of the County Superintendent and the County Superintendent's roles as defined in the statute.

So before, when you talked about there are loads of different laws that are still on the books, I submit to you they need to be streamlined, reviewed, which ones you keep, which ones you don't. But it can't be done by yourselves; it can't be done by the Legislative Branch. It has to be done in a joint fashion, obviously with the Executive Branch and the Commissioner.

You know, the local districts have two masters right now, at least for evaluation: QSAC and the RAC. And the RAC is involved in reviewing the budget -- that was just recently required to be submitted. And as Lincoln so eloquently once said, "A house divided cannot stand." Now that we have a new Commissioner of Education designee -- who is a known New Jersey educator, a former Commissioner, Chief of Staff in the current Administration, and more importantly a practitioner and former Assistant Superintendent and Superintendent -- he knows that policy decisions and direction are important, but that implementation is the key to assuring its value and significance.

There is a broad review of legislative mandates and statutes that need to occur, much the same as when Chief of Staff (*sic*) Hespe ran his reformation review to end and recommend changing. That has to occur, and the time is now. The Chair mentioned -- I have it here for you -- the Chair mentioned governors come and go, legislators come and go, bills--

I've never seen too many deleted. And there are plenty of laws that argue with themselves. And then what happens is the bureaucrats decide which ones they're going to look at. And so my colleagues, to what they've said, I say ditto.

And you have to know something. New Brunswick, which is an Abbott District, or whatever we're calling us nowadays -- in 2009 we were in the very first cohort, because we were the guinea pigs -- all the Abbotts, under Commissioner Davy, we passed not only NCLB monitoring, but also QSAC monitoring. And we, too, got a high-performance district. The day I got the letter-- The next day I got a letter from Commissioner Davy saying we're going back into monitoring. And I told her it would take the New Jersey National Guard and State Police to get into New Brunswick. Because that was the most absurd thing I had ever seen in my life.

So here's my new one. Let me just tell you: personnel, 100 percent; operations, 100 percent; governance, 98 percent; fiscal management, 96 percent; instruction and program, 63 percent. Somebody -- I think it was Ms. Chiera -- said the bottom line: the what or the what? What are you going to look at, how are you going to do it? And what's the expectation of doing it, is really the important element -- not three, five, or seven. Because the Department, as you well know -- and you're going to deliberate the Governor's budget -- they don't have the resources to do it, they don't have the money to do it. They don't have the personnel to do it, and they don't attract and keep practitioners who know what schools are all about.

And the other point she made before, Senator Pou, is that when you start going down to the school level as if the district doesn't exist -- the whole picture -- and you avoid the Superintendent of Schools, and the

Board, and the direction -- that's known as dividing and conquering. That shall not stand because I am sure that every district that has had RAC in and out of them can tell you horror stories.

So this Regional Achievement Center is not working; is not working. But then again, you had nothing to do with it because this was done by a memo. So they went after the appointing authorities Title I funding. They went after Title I funding; they came up with a plan, Arne Duncan approved it, everybody approved it, and it went right around you. Think about that.

Thank you.

SENATOR RUIZ: Thank you very much.

Any questions?

Senator Pou.

SENATOR POU: Thank you; thank you, Madam Chair.

First of all, let me just thank you all for your comments.

I just want to pick up on something that you just said last, Dr. Kaplan. You mentioned a couple of things, and you go back to when it was first -- to your earlier years. With respect to the way the statute is outlined and the number of regulations that have come thereafter, it's my understanding that there's an Executive Committee that's been formed to try to take a look -- in terms of looking where we're at today, how things are being monitored and assessed with respect to not only just QSAC, but overall. Are you aware of what those findings are, and is that information being brought back to all of the members, all of the Superintendents throughout the state? Is there any progress or involvement in that? Are you aware of anything to that effect?

DR. KAPLAN: Not at all.

SENATOR POU: Interesting.

And let me just clarify why I asked that question. You said that many of the statutes were somewhat unclear to the Department of Education and the Commissioners, and that's why they didn't understand the intent of the legislation and they come up with all these regulations that outline beyond that of the scope of what the intended legislation is all about. Are you in the position to be able to provide to this Committee some of those particulars on how, what, and where those statutes-- How do those statutes compare to the regulations that are being formed? And what are some of the recommendations for eliminating some of those redundancies that we've been hearing about? How can we improve upon them? How can we even shorten the amount of steps and regulations that were assessed between the 350 so-called standards, versus the current 52? How can we improve upon that? And what can we do to shorten the opportunity to ensure that there is, indeed, an exit opportunity of returning many of your State-controlled school districts back to local control; or eliminating the redundancy of the paperwork from a three-year to a seven-year -- especially if you've been given the high-performance indicator that gives you the opportunity to do that?

Those are the kind of things that I'm sure, Madam Chair, would be extremely helpful to us; and that I know that the Chairwoman has been focusing on throughout her tenure to improve upon the educational system. But particularly making sure that the most important part is that our children are getting the best possible education. And that innovation, that is lost in a classroom because too much time is being spent on all-too-long-

lasting reports that are required, can go back into the classroom and have the creativity that our teachers clearly are able to do if given the time and opportunity.

SENATOR RUIZ: Thank you, Senator Pou.

Thank you all for your testimony. And again, yes I will remind everyone -- Senator Pou just echoed what I started the Committee hearing with -- that this is only the start. And obviously all of you have very -- specifics that you can share, and the Committee welcomes that ongoing process of open communication.

Lastly I will ask David Sciarra, Executive Director of the Education Law Center. And I want to thank you for your patience.

DAVID SCIARRA, ESQ.: Good morning, Senator Ruiz. It's a pleasure to be here. It's nice to see the members of the Committee again. And thank you for inviting me today to talk about the issue of State operation as it relates to QSAC.

I'm going to focus my comments not on a lot of the comments that were made previously about QSAC monitoring generally, and the DPRs and all of that. I'm going to really focus on the issue of the intersection of QSAC and State takeover.

And I come at this from having been here in 2005 -- in this very room, by the way -- where we were discussing with Commissioner Librera and legislators how to change the takeover law to, basically, come up with an exit strategy. Because at that time, if you'll recall, Paterson and Jersey City were into their second decade of State control; Newark was about to enter its second decade. And there was a lot of talk about how do we get a clear road map to achieve the sort of core mission of takeover, going back to

its original enactment, which was to have the State go into districts that are clearly and patently not providing a thorough and efficient education for their kids in a number of different ways; have the State collaboratively and cooperatively bring real resources to the table to get improvements; to get those improvements done as quickly as possible; and then to get out and return the district to local control. So that was the discussion back in 2005, and it turns out we're--

SENATOR RUIZ: Talking about the same thing.

MR. SCIARRA: Here we are, another 10 years later -- almost 10 years later.

SENATOR RUIZ: Just for the purpose of clarity, I was not the Chair of the Education Committee.

MR. SCIARRA: I know that. (laughter) I don't know if anyone was here. But I was there.

But 10 years later -- almost 10 years later we're talking about the same thing.

And I also had the experience of representing the community groups in Newark in the 2011 appeal of Commissioner Cerf's decision not to withdraw from fiscal, governance, and personnel when the District scored over 80. And so I draw upon that experience, because that was really a situation where we got into the Commissioner's discretion, the statute, what it provided, so forth and so on. So that really impacts upon what I'm going to say today.

So I want to just say that when QSAC was amended and QSAC came in -- and actually the State takeover law was amended in 2005 -- that's when the statute established the five areas for district evaluation; it

established a uniform set of performance indicators, as you've heard; and, more importantly, it established a score of 80 on those indicators as the definition of *satisfactory performance*.

And so what the statute did was that if you scored over 80, as you've heard, districts were -- in any one of these five areas -- you got a clean bill of health and there was no additional State action -- at least for the next three-year cycle. But if you scored under 80 you had to do an improvement plan and the district had to review that improvement plan on an ongoing basis.

Also the 2005 amendments altered takeover to integrate this. So if a takeover district scored over 80 in any particular area, the State was required-- The idea was, and the Legislature's intent was that the State would withdraw. Commissioner Davy, Commissioner Librera, and others have said that -- that once you scored over 80, we'll withdraw because the statute provided for what we called *partial withdraw*. You know, previously to that, it was an all-or-nothing approach. You had to score satisfactory in all the areas of monitoring in order for the State to exit.

The 2005 amendments fundamentally altered that by allowing for what we call *partial withdraw*. In other words, the idea was to start to return portions of the district back to local control if you scored over 80. The idea there was to give an incentive to the districts to improve, right? So if the districts knew that if they could get their scores up over 80, and they would then gain control of the area, that that would give them an extra incentive -- an extra boost in order to make the improvements they needed in order to get the district back to local governance.

It's important to remember that after the enactment of those amendments in 2005, the Corzine Administration actually implemented

these provisions the way they were intended. As you've heard from some of the superintendents, Jersey City scored a satisfactory and got several components of QSAC back: governance -- which is very important -- fiscal monitoring, and operations. In Newark, operations were returned in 2009 because they scored over 80 in that area.

And in 2011, I think as you've heard from Superintendent of Paterson, both Paterson and Newark were poised to get governance-- Well, in Newark it was governance, fiscal, and personnel; and in Paterson it was governance,, as Superintendent Evans just said, because they scored over 80. And I worked with the Chairman of the Newark Board, Shavar Jeffries, and the Newark Advisory Board to get those scores up over 80, because the understanding was that if we score over 80 the State will leave and we'll get control back.

Well, that didn't happen. And I have to tell you that when those 2005 amendments were adopted, no one could have foreseen what occurred when Governor Christie took office. Instead of working collaboratively with the districts to improve and quickly exit, the Governor instead has utilized State takeover to maintain control. His stated objective, which is to advance his own preferred educational reforms -- such as expansion of charter schools, merit pay, so forth and so on, even the waiver that Newark just recently applied to get out from under tenure -- and to use State operation as a means to advance his particular education agenda.

And don't take it from me. The Governor said it himself when he stood in Newark in March of 2011 and said that no matter what the District scores on QSAC -- Newark scores on QSAC--

SENATOR RUIZ: Mr. Sciarra, I'm living it, right? So I'm a Newark resident, and I'm living it. I just want to be sure you have very compelling testimony, to really clean up and move forward.

MR. SCIARRA: Okay.

SENATOR RUIZ: I don't want to get caught up in what one Administration said, because I've been witnessing this since Davy was there -- when we were supposed to get out of certain capacities. I really want to use this Committee as a positive force to look at a problem that we have here, one that has been a problem since -- you're echoing -- 2005. And I think that you have very clear strategies as to how we can clean up statute.

MR. SCIARRA: Well, thank you, Senator. But I just do want to say that there was a fundamental shift in the use of State control when this Administration took office that we have to take into account. And it drives a number of the recommendations I'm going to make. That's the only point I wanted to make.

SENATOR RUIZ: Okay.

MR. SCIARRA: So let me get to those recommendations.

In order to deal with this situation now -- and particularly given this Administration's handling of QSAC and State takeover -- there are a number of amendments that are urgently needed.

The first is that we have to have the QSAC monitoring of State-operated districts performed by an independent entity. We've learned through the last experience -- particularly with Commissioner Cerf's refusal to withdraw -- that the State-- We simply can't have a situation where the State is monitoring and evaluating its own performance in running the schools in a particular community. There is an inherent conflict of interest

and no one -- no one in those communities -- has any trust, as I am sure you understand, Senator Ruiz, the State's monitoring of its own performance. There was a recommendation initially back in 2005 that an independent do monitoring when districts are under State control, to get that conflict of interest out from under that. I think we need to go back to that. Our recommendation is that the DOE should be required to issue an RFP for an independent entity; obtain approval of the Joint Committee on the Public Schools before selecting that outside evaluator; and let the outside evaluator conduct both the comprehensive three-year evaluations and the six-month progress reviews of district improvement plans.

The second recommendation goes to something that I think that we've already heard: 80 means 80. If you score over 80 the State's got to get out. What Commissioner Cerf did was he used some wiggle room in there about sustained progress in order to say, "Well, even if you scored over 80 we don't think you've scored over 80 enough times and, therefore, we're not going to exit."

SENATOR RUIZ: I have a question on that.

Today I'm dropping a bill that would do precisely that in its immediacy, because I figured that was one of the cleanest things that we can do. In retrospect and just thinking -- and I'm sure that the districts that have-- We should have a conversation to -- if a district shows it in two years -- so that it's showing it in two years, and not only one, so that we don't see a downturn or an upturn in specific areas. But the bill that I'm dropping today would comply with your number two recommendation. I'm just hoping that we can have longer conversations about that to ensure that its progress that seems steady and not in a short term.

MR. SCIARRA: Right. Look, the other thing I think you just need to do with that -- I think 80 should be the point at which-- On the comprehensive evaluation, it's the comprehensive evaluation -- the three-year evaluation -- you score over 80 on that, you should get out. What Commissioner Cerf did -- which I think was unauthorized by law -- was to take the progress reviews of the improvement plans -- which undergo six-month reviews during that three-year cycle -- and then score those and say, "Well, you know, you scored over 80 on the comprehensive evaluation. But now we've come in a year later, or six months later, and you know, we think the scores might be a little bit lower so, therefore, we're not going to let you out."

So the issue is, if you score over 80 on the comprehensive three-year evaluation cycle, they should get out. The other thing you could put in that bill that I would recommend is -- look, the State is the State, right? The State's not going anywhere. Put in the bill that if the State has any concerns on follow up, put that they can go back in even if you score over 80. In these situations do another review to make sure--

SENATOR RUIZ: No--

MR. SCIARRA: --and provide help.

SENATOR RUIZ: It was made clear that it is on the comprehensive review which shows steady-- Three years should be enough.

MR. SCIARRA: I think that's plenty.

SENATOR RUIZ: Okay.

MR. SCIARRA: I would endorse that.

SENATOR RUIZ: Okay, thank you.

MR. SCIARRA: Now, the other thing that's important is that you have to also put in-- I don't know if you have it in this bill, but there has to be a revision of the-- There needs to be a timeframe as to when you get out if you score over 80. I'll give you a real-life example. Newark scored over 80 in fiscal monitoring in its comprehensive 2011 review. Commissioner Cerf refused to exit. We went to court. When we argued the case in front of the Appellate Division, the Attorney General stood up and said, "Well, look, we're going to withdraw from fiscal -- not governance and personnel -- because the subsequent six-month progress review showed that they continued to score over 80." There was just simply no justification at that point, since the District had demonstrated on a number of occasions in fiscal that it was 80.

Here we are today. That was June 2013 when the Attorney General stood up and told the judges and represented to the Appellate Court that we're getting out of fiscal. It still hasn't been returned. The District is still waiting. I get e-mails from the Advisory Board Chair that the Department is dragging its feet.

So you've got to put a deadline. I would suggest three months -- and I would include governance in that as well -- that within three months of scoring over 80 in a comprehensive evaluation, that's it. It goes back to the Advisory Board; it goes back to the local District. So you have to put a time limit on that, otherwise-- Well, see what we're doing now, we're just spinning around while the Commissioner takes his time in order to actually give the area back -- now coming on a year later.

The other point I want to make about this is the six-month progress reviews of districts that are-- And this pertains not to just to State districts,

but all districts that have to do corrective action plans because their -- improvement plans -- because their score in a particular area is under 80. The statute needs to be clarified that the Commissioner needs to go in, do these six-month progress reviews, and those progress reviews should really be about not re-scoring again, but what do we need to-- Where are they, and what kinds of additional assistance we have to bring to bear to get their score up over 80 by the next comprehensive evaluation cycle. So we need to change the nature, clarify that progress reviews are simply that: progress reviews. And they don't do what Commissioner Cerf does, which is to use the progress reviews to re-score on the DPRs all over again mid-stream.

The second thing is that the six-month progress reviews -- you need to put at least a one-month time limit on the issuance of a letter or a finding as to what you found on those six-month progress reviews. Here's why I mention that. Newark had its last six-month progress review a year ago -- over a year ago now -- January 2013. I have been asking the Attorney General, asking the Commissioner, asking anybody at the Department of Education: When is the letter going to be issued to the Newark Advisory Board and the community as to what the results of that six-month progress review are? Here we are a year later, and the Department doesn't even have the courtesy to tell the community how you did on a progress review of your corrective plan over a year ago? That's just simply -- Senator, I have to say this -- unconscionable, and a complete disrespect. And if you want to talk about building trust -- that just breaks down the trust.

And the last note I got from the Attorney General was, "Well," I got it, you know, "Well, Commissioner Cerf's going to get it out." The last note I just got the other day about this was he said, "Well, we have a new

Commissioner coming in and we're going to have to wait." So that shouldn't be allowed. We have to clean that whole process up in the statute.

The role of the Advisory Board also has to be clarified. Look, the Advisory Board-- I've been to Advisory Board meetings in a number of State-operated districts over the years. They only operate differently. Paterson, the Advisory Board votes; it acts like a regular board. The only difference is that the State Superintendent has -- the way I read the statute -- the right to veto whatever vote the Advisory Board takes. In Newark -- well, they don't even have Advisory Board meetings anymore because the State Superintendent won't even show up. But putting that aside, you know, sometimes they vote, sometimes they don't, right? In Camden, I'm told, the new Advisory Board -- they don't vote on anything. Essentially, the new State Superintendent comes out and tells them, "This is what we're doing, have a nice day," and that's the end of it. That's not the way Advisory Boards that don't have governance back -- Jersey City is different, because they have governance back -- but if an Advisory Board doesn't have governance back, the statute needs to be clarified that they should operate like a regular Board of Education -- exactly. They should vote on everything. The only difference is, is that the State Superintendent has veto power. That's it. And we have to clear up this inconsistent way in which Advisory Boards in these State-operated districts are operating.

You already have-- And I commend the Chairwoman for your legislation on closing schools. That should be an exemption even in an Advisory Board that doesn't have governance. That is such an impactful decision. There are certain decisions I would argue -- this being one of them

-- where even an Advisory Board that doesn't have governance ought to be able to vote on it. And, again, I commend the Senator for her bill which would allow Advisory Boards that don't have governance to vote on whether or not to close a school, sell a school -- something like that.

The other issue with charter schools that really gets under my craw is that if you're in a regular district, the charter school application goes to the Board and the Superintendent; they get to file comments on whether to have it or not. In a State-operated district, the State Superintendent gets the charter school application. There's no requirement that the State Superintendent actually share that with the Board. I mean, maybe they might, maybe they won't. I know in Newark, she doesn't. So the Board really doesn't know, and therefore the community doesn't know, which charter school -- if there's a charter school application that's been filed, and given the opportunity to comment.

We have to clear this up. And this is particularly important because we discovered now, in Newark, where all of a sudden charter schools have been approved to open or approved to expand and nobody knows about it. Because the only person who knew about it was the State Superintendent, and she didn't tell anybody because she wasn't required to -- or he wasn't required to.

So we need to get a handle on this, right? So if a charter school-- If there's a new application for a charter school -- and I would include in that if there is an application by a charter school to amend its charter to expand enrollment, or to do a satellite campus-- Because one of the things we need to understand about this Administration's handling of the charter school laws is that they've changed the regulations so that you can, in affect, open

up a new school by amending your existing charter, which I don't think is allowed. But let's put that aside for the moment. We need to make sure that any charter school application goes not just to the State Superintendent, but to the Advisory Board, and that the Advisory Board has the ample opportunity to comment on it.

Now, this is why this is important to Newark right now. Here's why I'll tell you. One of the main reasons the State Superintendent is proposing her new plan is because -- and they've said it, right? -- the explosive growth of charters. And I'm not arguing against charters, but just the explosive growth of charters approved without, really, anybody knowing is causing a huge budget gap. Because the amount of money that's going to charters is rising dramatically because-- It caused almost a \$50 million budget gap last year; I'm told it's going to be up over \$50 million this year because so much money has to go out, off the top, to the charter schools. And who suffers? The kids in the district schools. Because the only place the Superintendent can go to cut the budget in a place like Newark, where charters take up so much of the budget now, is on district-run schools. So there was an \$18 million cut in school-based budgets in schools run by the Newark District last year.

The Supreme Court in the Montclair decision in December reaffirmed that the Commissioner has a responsibility -- constitutional responsibility, above and beyond the charter school law, that before approving any application or expansion of charter school enrollment it has to assess the impact that that is going to have on the funding available to kids in the district schools -- and the segregative effects too, by the way.

So this is why we have to get the Advisory Boards that don't have governance deeply engaged in the issue of-- We have to provide them a clear mechanism for them to be deeply engaged in the issue of whether we're going to open new charter schools or expand them, because they have such a huge impact now on some of these districts -- on their resources that are available to the kids who are left in the district-run schools.

I would also amend the Urban Hope Act to give the Advisory Board voting authority on renaissance schools.

And lastly, I think we need an amendment that clarifies the standards under which the State should undertake *full intervention* -- as it's called under the statute -- full State control of a district in the first instance. You know, the problem with the Camden takeover that I had was that the State really had been around, more or less, kind of running the District de facto for a number of years through a hybrid board. If any of you were around, there was a hybrid board that we put in, in the Camden Recovery Act, and so forth and so on. There's a Fiscal Monitor there who has been there for 10 years. My office is filled with reports on State audits, and so forth and so on, yet their QSAC scores never went up.

And so, all of a sudden now, the Administration goes and decides to take over. What it did not have to demonstrate, and it ought to be required to demonstrate, is that State takeover -- full State intervention is a last resort -- we have to come up with some language -- a very last resort when no other alternative is available. And in the order to show cause that the State has to apply to take a district over under the statute, the Commissioner should be required to lay out in great detail all the steps that the State has taken to date to get the district to improve. Because, you

know, when-- Under QSAC now, the good news is when the State, like in Camden, decided to take over the District, it wasn't like Superintendent Kaplan said back in 1980 -- whatever it was -- 1989 -- I forget how long ago -- the State is deeply involved in these districts anyway, through the RACs, through the this, through the that, right? So the low-performing schools, the priority schools, all these things -- auditing -- most of these-- Camden had a Fiscal Monitor, which is a form of State intervention over the budget. They control the budget, and so forth and so on.

So this isn't like, "Oh, all of a sudden we've found a problem. Let's go in." There's a track record of State involvement in these districts that's deep and long. And it seems to me that the Commissioner has to be obligated to demonstrate that they've done everything that they can, used every effort, the resources they've provided, the steps they've been providing, and they've gotten to the point where they just can't work with the district anymore. And as a last resort -- as a last resort -- they're going to engage in the extreme step of basically disenfranchising the local community from its schools and, more importantly, operating from Trenton the educational process, if you will -- the education delivery system for thousands of kids in poor communities. So that really needs to be clear.

So I'll stop there. That's a lot of amendments, and I appreciate your allowing me the time to go through them.

But I think these-- And the Chairwomen's amendment on the score of 80 right away would be--- Let's move that. That's one thing we can do right now, clear it up. You know, the important thing I learned from this litigation we did in Newark was that the District now, I can tell you, the Advisory Board -- I talked to the Advisory Board people in these districts.

Even Paterson, because Paterson scored over 80, they did the same thing: they appealed. But because of this wiggle room about substantial and sustained progress the court said, "Well, you know, we'll let it go," right? That has to be cleaned up because here's what's happening -- here's what happens. The Advisory Board members and the community just give up. They just say, "Look, no matter what we do--" I've heard this from Advisory Board members in Newark; even the former Chairperson Jeffries told me, "We did all this work to get up over 80, and it didn't matter. What's the point? No matter what we do, the Commissioner is going to do what he wants."

Now you can't run it that-- It's not-- And I'm just telling you, if we continue down this path, we're not going to get the improvements we want because the community is going to be so distrustful, so alienated, so angry -- and particularly when you're talking about districts that have been under State control for 20 years -- more than 20 years. You're just not going to get the kind of improvements we all want to see and the kind of collaborative, cooperative relationships between the State, the district, the principals, the community that you have to have.

So it's time to really end this. I'm prepared to work with you and your Committee to get these amendments together. We'll be there to support your amendment on clarifying the satisfactory scores.

And I want to thank you all for having me today.

SENATOR RUIZ: Thank you, David.

I want to thank everyone who provided testimony. I look forward to continuing receiving information. Obviously this was just a start of a conversation. There are many areas where I'm sure that the professionals

and stakeholders have very specific comments that they can forward to us as we begin to do this.

QSAC is just one piece. If in fact this Committee undertakes a State takeover law review, we certainly have to look at some of the things that were talked about today -- and that's benchmarks for both the districts and the State. Who is responsible, who's meeting it, and how are we working in a collaborative fashion to get there?

It is unfortunate that there has been tumultuous and epic sentiment across the State takeover districts that is really now, I think, compelling all of us to put all hands on deck to ensure that we rewrite statute to meet today's needs.

So I want to say thank you to everyone.

And that concludes today's Committee meeting.

(MEETING CONCLUDED)