
Committee Meeting

of

SENATE LEGISLATIVE OVERSIGHT COMMITTEE

"To consider a Committee resolution regarding the issuance of subpoenas regarding Race to the Top education funding"

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: September 30, 2010
6:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Barbara Buono, Chair
Senator Sandra B. Cunningham
Senator Paul A. Sarlo
Senator Thomas H. Kean Jr.
Senator Joseph M. Kyrillos Jr.



ALSO PRESENT:

Jason Redd
Senate Majority Aide

Frank Dominquez
Senate Republican Aide

Matthew T. Szudajski
Luke E. Wolff
*Office of Legislative Services
Committee Aides*

***Meeting Recorded and Transcribed by
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APPENDIX:

SENATOR BARBARA BUONO (Chair): This is the Senate Legislative Oversight Committee.

We are convening to entertain a resolution which would authorize the issuance of subpoenas, and such other action as necessary to further the Committee's investigation regarding the State's loss of grants under the Federal Race to the Top Program.

Senator Sarlo, do you have a motion?

SENATOR SARLO: Yes, I move the resolution that's before the members of the Committee.

SENATOR CUNNINGHAM: I second it.

SENATOR BUONO: Thank you.

Roll call.

MR. SZUDAJSKI (Committee Aide): Senator Kean.

SENATOR KEAN: Madam--

SENATOR BUONO: I don't think it's on (referring to PA microphone).

SENATOR KEAN: I can hear it--

SENATOR BUONO: That always happens on that side of the table. I don't know why.

SENATOR KEAN: I can't imagine why, Madam Chair (laughter).

As we, members of my Caucus, stated on the floor: We are of the strong opinion that the nature of these subpoenas, as they do intend to (indiscernible) available executive privilege-- There has been no allegation of criminality. The fact that this Committee has not met beforehand to winnow out the -- what has -- where there may be impediments, this is an

unprecedented step, I think, for this Committee and for this Legislature, and is inappropriate. Oversight hearings are necessary in the context of this Chamber, but I think this unprecedented move sets a very, very bad precedent. It's the wrong direction.

So for that reason, I will be opposing this measure. No.

MR. SZUDAJSKI: Senator Kyrillos.

SENATOR KYRILLOS: Madam Chair, let me make a couple of comments as well, if you might.

Senator Kean has put things very, very well, and I laid out some thoughts on the Senate floor earlier this afternoon. I feel compelled to repeat them, in brief, for the record -- for this recorded record, from this meeting this afternoon.

All of us share in the huge disappointment, and even anger, that New Jersey lost out on \$400 million of Federal money -- so-called *Race to the Top* money. No one in New Jersey who follows this has any mystery in their minds as to why it happened. We know why it happened, we know that certain educational associations -- the teachers' union, to be specific, perhaps others -- wouldn't endorse certain principles and we lost a lot of points for that. We don't seem to talk about that very much. Of course, we're not talking about any kind of school reforms for the future, for future *Race to the Top* applications.

But the short version is: Somebody made a mistake: not a clerical error, not in an inadvertent error. He made a judgment call -- he has said as much. We put the wrong data in the wrong space, sent the wrong material down, and we lost five points on however many points was part of this big Federal application.

There's no more to it than that. Now the guy, this Commissioner -- Commissioner Schundler, a good person, a friend of mine -- has left his job. What is this all about?

Now, I made these points on the floor. The ability for this Committee to issue subpoenas was granted by the Senate. And with that victory, Madam Chairman, it would seem to me that that should be enough for you, at least for now. You have this power, the Committee has the authority by virtue of the Senate vote today to issue subpoenas at some point in the future. You would think that if we did this subtlety and with a bit more refinement that that would be enough to get the answers that you need.

So I'm not sure it's very-- It's particularly inconsistent for us to hold this vote now with -- what do you want? Which is to get whatever information has not been forthcoming. I'm not sure what you hope to find. And I just wonder out loud: Would we repeat this for other departments, for other State agencies? Where does it stop?

No.

MR. SZUDAJSKI: Senator Buono.

SENATOR BUONO: Yes.

MR. SZUDAJSKI: Senator Sarlo.

SENATOR SARLO: Yes.

MR. SZUDAJSKI: Senator Cunningham.

SENATOR CUNNINGHAM: Yes.

MR. SZUDAJSKI: Senator Sweeney.

SENATE PRESIDENT SWEENEY: (no response)

SENATOR SARLO: Not here yet.

SENATOR BUONO: He's not here yet, so-- We don't need his vote.

The resolution is released.

Thank you, and we are adjourned.

(MEETING CONCLUDED)