

Discussion Points

1. Executive Order No. 89, signed on March 5, 2012, established the New Jersey Education Funding Task Force, which was charged with, "...examining the State's school funding formula and developing recommendations for the Governor concerning those areas of the formula that may be susceptible to fraud or subject to outside manipulation...." In April 2012, seven members were appointed. The task force was to issue a final report no later than 120 days after organizing. In his June 2, 2015 follow-up letter to the Assembly Budget Committee, the Commissioner of Education stated that the work of the task force was ongoing, and that no timetable existed for the release of an interim or final report. To date, no interim or final reports have been issued.

- **Question:** Please explain the reason that the task force has not issued a report to date. Please provide a list of the dates on which the task force has met, and describe the work of the task force to date. When does the department anticipate that the task force will complete its work?

Answer: Providing an effective education to our at-risk student population continues to be a complex and difficult problem. Nevertheless, to achieve that end, the Department continues to review possible areas of the formula that may be susceptible to fraud, such as payments in lieu of taxes, to ensure sufficient finances are being raised to educate our students. In addition, the Department continues to develop best practices for effectively educating students in the most fiscally efficient manner. The task force has met numerous times subsequent to the creation of the task force and examined the issues as required by the Governor's Executive Order. There is currently no timetable for the release of either an interim or a final report.

2. The FY 2016 Appropriations Act includes a language provision that stipulates that a resident school district would provide per pupil funding to charter schools based on calculations using 2013-2014 or 2015-2016 school year data, whichever would yield the higher per pupil funding amount for charter schools. In response to a discussion point regarding the rationale behind this policy, the department stated, "The proposed FY2016 budget provides school districts with funding equal to that received in FY2015, consequently, the school funding formula was not run to determine these aid figures. As the calculation for charter school payments is highly dependent on parameters from the school funding formula, this provision allows the Department to project charter school payments based upon data from FY2014, which is the last time the formula was run to determine state aid, while still allowing for consideration of the FY2016 data."

In calculating proposed school aid for FY 2017, the department performed the calculations included in the school funding law. However, the department proposed funding charter schools using a mixture of data across two fiscal years – FY 2016 for the base per pupil funding, and FY 2017 data for funding special education and speech only students.

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- **Question:** Given that, for FY 2017, the department performed the school funding law calculations on which charter school payments are highly dependent, why is the department proposing to use the older data in determining the base per pupil funding amount for charter schools? Given that recommendation, why does the department propose using FY 2017 data to calculate charter school funding for special education and speech only students?

Answer: The charter school calculations for FY2017 provide for stable funding to charter schools while still providing for key updates for special education and speech costs. By doing so, funding to charter schools is in line with what was provided over the last several years while not adding additional per pupil costs to struggling charter school host districts. In a further effort to provide stability to both charter schools and the districts sending students to charters, a new aid category (Host District Support Aid) was included in the FY2017 budget. This new funding stream provides additional resources to those districts that would otherwise have faced higher per pupil charter bills and ensures steady funding to charter schools.

3. The department's recommended budget for FY 2017 includes an appropriation for charter school aid of slightly less than \$7.2 million. Accompanying budget language authorizes, without additional legislative approval, supplemental appropriations of unspecified amounts to support the initial payments to be made by the State to charter schools. A review of the charter school aid notices indicates that the initial payments will total nearly \$40.6 million, suggesting that a supplemental appropriation of \$33.4 million would be necessary. This amount may be higher or lower, depending on the direction of subsequent enrollment adjustments.

- **Question:** Why is the recommended FY 2017 Charter School Aid (PTRF) appropriation approximately 82 percent less than the total amount included in the February 2016 State aid notices distributed to charter schools? Did the February 2016 State aid notices to charter schools include a projected amount for State payments to charter schools, pursuant to section 12 of P.L.1995, c.426 (C.18A:36A-12), for students enrolling in the charter school who were not included in a district's projected resident enrollment for the school year? If not, does the department anticipate that such payments would also be included in any supplemental appropriation authorized by the proposed language provision? Please provide, for the three most recent fiscal years for which data are available, the total State payments to charter schools for students who were not included in their resident school districts' projected resident enrollment.

Answer: The State aid projections included in the February 2016 State aid notices distributed to charter schools were revised to include calculation adjustments in the amount of aid provided to charter schools. FY 2017 Charter School Aid allocations are

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based on projected enrollments and will be revised based on updated enrollment data reported to the Department of Education in October 2016 and the end of the 2016-2017 school year. The Budget Recommendation includes proposed new language for a directory letter supplemental to fund any shortfall.

As the charter school aid notices are produced based on projected charter school enrollment, the direct State payments to charter schools pursuant to C.18A:36A-12 are not included on these notices. When eligible enrollments are reported to the Department in October 2016, revised notices will be provided that include the State payments for these students. Although the projected State payments for these students are not included on the projection notices, the Department is anticipating these costs as part of the FY 2017 appropriation for charter school aid.

Direct State Charter School Payments Pursuant to C.18A:36A-12, FY2014-FY2016

	FY2013	FY2014*	FY2015	FY2016**
State Payment	\$2,586,984	\$5,353,906	\$2,302,510	\$1,055,537

*FY2014 includes the conversion of a former non-public school into a public charter school.

**FY2016 figures are as of the October 15th count, may be revised pending end of year enrollment count.

4. During the April 22, 2015 Assembly Budget Committee hearing on the Department of Education’s proposed budget for FY 2016, in reference to the assessments developed by the Partnership for Assessment of Readiness for College and Careers (PARCC), the department stated, “We should be proud as a State that some 98% of the PARCC tests were taken on computers, which puts New Jersey at the forefront nationally. We exceed all states in the PARCC consortium.” Recent reports from other states have indicated that the PARCC assessments may be subject to a “mode effect,” in which students who took a paper-and-pencil version of PARCC scored higher than those who took the assessment electronically.

Question: Given the results observed in other states that used the PARCC assessments, does the department have any reason to believe that New Jersey students did not, on average, perform more poorly on the PARCC assessments as a result of this “mode effect?” If so, please explain the analysis performed by the department to support this position.

Answer: In the transition to the PARCC assessments, the Department recognized that there could be potential difficulties associated with students taking the PARCC assessments in different modes. Accordingly, the Department aggressively worked with districts to ensure that a large majority of students took the assessments on the computer. We are proud to report that 99.4% of New Jersey students took PARCC assessments on the computer last year. As a result of this resoundingly large number of students taking the assessment on the computer, the possibility of any “mode

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effect," having an impact on student test scores has virtually been eliminated in New Jersey. Further, New Jersey scored among the top in most assessment categories of the PARCC assessments in comparison to the other states in the PARCC consortium.

5. In the 2015-2016 school year, the fee to take an Advanced Placement (AP) exam totals \$92. Through a combination of programs offered by the College Board and the federal government, low-income students may take AP exams at a lower cost per exam. In developing the FY 2016 Appropriations Act, the Legislature included an appropriation of \$435,000 to support this residual cost for low-income students. To date, the entire appropriation has been placed in reserve, and remains unexpended. The Governor's FY 2017 Budget does not renew the appropriation.

• **Question:** Does the department plan, consistent with the Legislature's intent, to support low-income students who may wish to take AP examinations? Please describe the department's plan in detail. If the department does not intend to use the appropriation in the intended manner, explain why.

Answer: The Department intends to use the FY 2016 Advanced Placement Exam Fee Waiver state appropriation consistent with the FY 2016 Appropriations Act. The funds appropriated will be used to supplement the portion of the AP Exam Fee that is not currently funded by the federal AP Test Fee Program, the College Board Test Fee Waiver and the School Test Processing Waiver. The AP exams are given in May of each year. The Department is awaiting figures from the federal government regarding the breakdown of the total exam fee. Once we have those figures we will proceed.

6. During the May 5, 2014 Assembly Budget Committee hearing on the Department of Education's proposed FY 2015 budget, a question was raised regarding the effects of the Regional Achievement Centers' (RACs) intervention in schools classified as priority and focus schools. In response, the department indicated that improvements were not typically seen on assessments until the second or third year of sustained interventions. The response also noted that the RACs were not fully operational until the middle of the 2012-2013 school year.

• **Question:** Given the additional time that has elapsed, please discuss any analysis that the department has performed that assesses the RACs' impact on improving educational outcomes in priority and focus schools. If no such analysis has been conducted, please explain why such an analysis has not been performed.

Answer: Several analyses have been conducted to assess the RAC's impact on improving educational outcomes in Priority and Focus schools. First, the department analyzes the progress that the schools have made toward meeting the regulatory

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requirements to determine if their progress warrants removal from the state's school improvement list. Second, we analyze trend data of year-over-year percentage of schools with higher student attendance rates and lower student suspension rates. Third, we analyze stakeholder survey data regarding the value of RAC services in improving their schools. Fourth, we review school improvement plan (SIP) data to quantifiably determine the fidelity with which schools are executing on their school improvement plans.

It is important to note that a data collection system was recently launched to streamline the process of tracking implementation data of SIPS and to measure effectiveness of interventions delineated in each SIP. In addition, in 2015, PARCC established a new baseline for proficiency and the Department will have a better sense of improvements in academic outcomes after the 2016 PARCC results become available. Finally, the adoption of the Every Student Succeeds Act (ESSA) will provide the Department with greater flexibility in implementing interventions to improve educational outcomes, and in light of that flexibility, the Department will be reviewing its approach to and funding of interventions in our lowest performing schools and districts.

7. N.J.S.18A:58-11 provides for an annual appropriation of \$500,000 to be allotted by the Commissioner of Education, subject to the approval of the State Board of Education, to school districts that need to address unforeseeable conditions. A language provision in the FY 2016 Appropriations Act authorizes supplemental appropriations for this purpose, not to exceed \$650,000, subject to the provisions of N.J.S.18A:58-11. The revised language provision included in the Governor's FY 2017 Budget no longer limits the amount of the supplemental appropriation, and no longer requires that any allocations made by the commissioner be in accordance with N.J.S.18A:58-11.

• **Question:** Is it the department's intent to authorize the disbursement of FY 2017 emergency funds to school districts without the approval of the State board? If so, please explain the reason for omitting the State board from the decision-making process. If not, what is the intent of deleting the phrase, "in accordance with the provisions of N.J.S.18A:58-11" from the existing language provision?

Answer: Yes, the process for obtaining State Board approval can be time consuming and lengthy. Therefore, the intention of the language provision is to provide additional flexibility in the disbursement of emergency funds, both in a timely manner and on an as-needed basis. As an emergent situation arises, the Commissioner, through a review of the required needs assessment, can determine if any additional funds are required by the district. If approved by the Director of the Division of

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Budget and Accounting, these funds can be quickly disbursed in response to the emergent fiscal situation in the district.

• **Question:** Please explain the proposed elimination of the limit on the amount that may be appropriated for the purpose of providing emergency funding to school districts. Is the department currently aware of any school districts that may receive emergency aid under the proposed language provision in FY 2017? In the most recent three school years, how many requests for emergency funding did the department deny due to insufficient appropriations? Please include a list of all requests received, and the amount of emergency funding granted, in the three most recent school years.

Answer: The proposed elimination of the limit to emergency funding is a further effort to provide flexibility in the case that a district faces an insurmountable fiscal emergency. As it is possible that the need may exceed \$650,000, this provision would allow for assistance to a district if such an instance arises. At this time the Department is not aware of any district requesting emergency funding in FY2017. Informally, some districts have inquired in past years, but there has not been any formal requests or disbursements of funds in recent years.

8. The "Urban Hope Act," P.L.2011, c.176 (C.18A:36C-1 et seq.), specifies that a renaissance school district must transfer 95 percent of its per pupil expenditure amount to a renaissance school project. The law defines per pupil expenditure amount to include the budget year equalization and adjustment aids, and the prebudget year general fund tax levy adjusted by the consumer price index. A language provision included on page D-91 of the Governor's proposed FY 2017 budget would require the school district to transfer the per pupil amount, by student characteristic, used in the 2015-2016 school year, rather than calculating the per pupil amount based on 2016-2017 school year data. The Camden School District is currently the only school district in which renaissance school projects are located.

• **Question:** Please provide a comparison, by student characteristic, of the per pupil funding amounts that would be provided to renaissance school projects pursuant to the proposed language provision and that would be provided in the absence of the provision. What is the total difference in the amount that would be provided by the school district to the renaissance school projects as a result of this language provision?

Answer: The per pupil funding comparison requested is accompanied in this response as Attachment 1. The Department does not currently collect detailed enrollment data for Renaissance schools – these data are collected and shared between the school district and the Renaissance school. As such the Department is unable to determine

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the total funding difference, although we are able to provide the per pupil difference as outlined in Attachment 1.

9. The Governor's FY 2017 Budget appropriates an additional \$1 million to support the cost of arbitrators appointed to hear tenure cases pursuant to the "Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) Act," P.L.2012, c.26 (C.18A:6-117 et al.). The current budget includes \$500,000 for this purpose. In response to Discussion Point #1 in the Office of Legislative Services' FY 2015-2016 Department of Education Budget Analysis, the department indicated that it anticipated a significant increase in the number of tenure cases to be heard by arbitrators, potentially numbering in the hundreds during the 2015-2016 school year. P.L.2015, c.109 amended TEACHNJ to give the Commissioner of Education discretion in establishing the per diem rate at which arbitrators would be compensated, and eliminated the \$7,500 limit per case.

• Question: How many tenure cases have been heard so far by arbitrators in the 2015-2016 school year? How many cases does the department project will be heard by arbitrators in FY 2016 and FY 2017? To what degree is the proposed increase due to a projected increase in the number of tenure cases that will be heard in the 2016-2017 school year, and arbitrators' compensation per case?

Answer: To date, there have been 68 tenure cases filed since August 27, 2015. Of these 68 cases, 33 involved allegations of inefficiency.

The Department expects a modest increase in the number of tenure cases to be filed through the remainder of FY16 from the 68 cases already filed, in line with prior years. However, the Department estimates a substantial increase in the number of tenure cases for FY17 - up to approximately 200 - a large proportion of these are expected to be inefficiency charges under the second year of implementation under TEACHNJ. The projected increase is based upon the number of ineffective and partially effective teachers during the last two school years and with the understanding that school districts have resolved many of the procedural issues that prevented them filing tenure cases during FY16.

The bulk of the proposed increase is based upon the projected increase in the number of cases that will be filed and heard during the 2016-2017 school year. Based upon legislation which increased the number of arbitrators from 25 to 50, the Department expects the current pool of arbitrators will be able to timely hear and decide the projected increase in the number of cases. Some of the increase may be needed for the increase in arbitrator compensation per case, as there is no longer a case compensation maximum. The Department does anticipate the average costs per case will increase to \$7,500 as newly filed cases may exceed the prior threshold.

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10. P.L.2015, c.143 established a category of State school aid, commercial valuation stabilization aid, for school districts situated in a municipality in which commercial property accounts for a significant share of the total assessed property value and the overall assessed value of the commercial value has declined significantly; the Atlantic City School District is the only district that satisfies the law's criteria. The law grants the Commissioner of Education the authority to determine the amount of aid to be awarded after conducting a needs assessment. The proposed FY 2017 budget would appropriate \$32 million for this purpose.

- **Question:** Please describe the needs assessment that was performed and provide any written report that summarizes the assessment. How did the department determine that \$32 million would be needed for this purpose in the 2016-2017 school year?

Answer: Department staff are working closely with the school district, including the fiscal monitor, on the FY 2017 budget and other work necessary to complete the needs assessment that is required pursuant to the award of commercial valuation stabilization aid. As this work is ongoing, the Department and the school district, through the crafting of the district's FY 2017 budget, have estimated a need of \$32 million in commercial valuation stabilization aid.

11. In its February 2016 notices to school districts, the department determined districts' payments to charter schools using the same per pupil amount that was used for that purpose in the 2015-2016 school year. In the case of a school district in which using a per pupil amount using current data would have yielded a lower per pupil amount, the proposed budget would provide an allotment of host district support aid to pay the difference. State Board of Education regulations require that school districts adjust payments to charter schools based on average daily enrollment as of October 15 and the end of the school year.

- **Question:** Is it the department's intent to adjust a district's allocation of host district support aid in conjunction with the enrollment adjustments? If a charter school's enrollment exceeds the initial projection, would the school district receive additional host district support aid, or would it be solely responsible for the full cost of the higher per pupil amount? Conversely, would host district support aid be reduced if a charter school's enrollment is less than projected?

Answer: Similar to most other funding categories that are provided directly to support local school districts, the amounts provided in the aid notices for Host District Support Aid are not anticipated to be adjusted based upon subsequent enrollment counts.

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12. P.L.2015, c.219 (C.18A:46-2.4 et seq.) established the Office of the Special Education Ombudsman in the Department of Education. The office is to provide information and support to parents, students, and educators regarding special education rights and services.

- **Question:** What are the department's plans for establishing the Office of the Special Education Ombudsman? Please detail, by job title, the planned staffing level of the office. Will the department hire new personnel to staff the office, or reallocate existing staff? What is the projected cost of operating this office?

Answer: The Department intends to fill the position of Special Education Ombudsman by posting it statewide as a professional level (P28 or 30) position that will be located in the New Jersey Office of Special Education Programs (NJOSPEP). As a state law requirement, the position will be state funded. The ombudsman will work under the supervision of the Director of the NJOSPEP. The ombudsman will need equipment, secretarial support and supplies by the NJOSPEP. The cost would include salary, equipment, clerical support and supplies, and the total amount would depend primarily on the salary of the ombudsman as determined by the civil service commission. The estimated annual cost is between \$135,000-150,000 to operate the office with an additional \$2,000 every five years for equipment upgrades. We are currently in the process of meeting with stakeholders to receive additional feedback to incorporate into the position's job description.

13. In the January 12, 2016 State of the State address, the Governor stated that the administration would pursue "regulatory relief" for charter schools. Potential areas for such relief included flexibility in the teacher certification process and making it easier for charter schools to locate facilities.

- **Question:** Please provide a list of existing regulations to which charter schools are not subjected. What is the projected timeframe for submitting amendments to existing regulations to the State Board of Education for consideration? Additionally, please identify any existing regulations that the department believes should be eased for charter schools, and explain why similar consideration should not be extended to other schools.

Answer: One of the key principles of charter schools is that they receive operational autonomy in exchange for accountability for student outcomes. School-level flexibility is one of the core principles of charter schooling. At least 25 states exempt charter schools from most education statutes and regulations, including Pennsylvania, New York, Washington, D.C., and Massachusetts. In New Jersey, charter schools are subject to most of the same laws that apply to traditional public schools, which runs counter to this vision. N.J.S.A.18A:36A-11 states that "a charter school shall operate in

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accordance with its charter and the provisions of law and regulation which govern other public schools; except that, upon the request of the board of trustees of a charter school, the commissioner may exempt the school from State regulations concerning public schools, except those pertaining to assessment, testing, civil rights and student health and safety, if the board of trustees satisfactorily demonstrates to the commissioner that the exemption will advance the educational goals and objectives of the school.”

There are some regulations to which charter schools are not subjected:

- Charter schools are not subject to public school facility regulations except those pertaining to the health or safety of the pupils.
- Charter school teachers are able to obtain a charter-specific certification by meeting different criteria than traditional public school teachers.
- Charter schools are not subject to the TEACHNJ Act regarding principal and teacher evaluation but must implement their own educator evaluation system.
- Charter school employees are subject to streamline tenure. Streamline tenure in a charter school is acquired after five consecutive full academic years of effective employment as established by each charter school.

Amendments to existing regulations to the State Board of Education for consideration will be forthcoming.

14. Recent reports have stated that lead levels in water samples taken at several schools in the Newark School District exceeded the federal Environmental Protection Agency's threshold of 15.5 parts per billion. Based on information released by the district, there are 25 school buildings in which lead levels in drinking water and water used for food preparation exceeded federal limits in both the 2014-2015 and 2015-2016 school years.

- **Question:** To the extent that the Newark School District is under State intervention, please detail the district's protocol for performing lead tests on a regular basis. In the event that high lead levels are detected, what are the district's procedures for rectifying the situation and notifying parents, students, and staff in a timely manner?

Answer: Please see Attachments 2 and 3.

Attachment 1

Renaissance School Rates Comparison

Student Description	FY17 Proposed	FY17 OLS Requested	Difference
Per Pupil by Grade Level, Regular Ed:			
Preschool - all regular	12,490	12,490	0
Total K-5 (w/prek disabled)	10,544	11,498	954
Total Grades 6 - 8	10,963	11,955	992
Total Grades 9-12	12,220	13,327	1,107
At-risk only by grade level:			
K-5 (w/prek disabled)	16,904	17,149	245
Grades 6 - 8	17,562	17,816	254
Grades 9-12	19,536	19,820	284
LEP only by grade level:			
K-5 (w/prek disabled)	15,782	16,871	1,089
Grades 6 - 8	16,411	17,542	1,132
Grades 9-12	18,296	19,559	1,263
At-risk & LEP Combination:			
K-5 (w/prek disabled)	18,214	18,281	67
Grades 6 - 8	18,924	18,993	69
Grades 9-12	21,055	21,132	78
Special Ed, all grades:			
PreK disabled - Grade 12	3,992	3,257	-735

Attachment 2



THE NEWARK PUBLIC SCHOOLS
2 Cedar Street · Newark, NJ 07102
Phone: 973-733-7333



April 4, 2016

Dear Commissioner Hespe,

In response to the question we received regarding past protocols for water quality tests and remediating and mitigating lead levels, my office has prepared the following response:

Dating back at least to the early 2000's the Newark Public Schools began a water system flushing program of all water sources used for drinking and food preparation, and made a concerted effort to replace thousands of faucets and fountains. Since that time, other protocols have been in place to regularly address these issues. These include:

- Placing lead reduction filters on all water fountains and kitchen sinks across the district
- Regularly replacing lead reduction filters, which is to be monitored by the head custodian in each building
- Providing on-going guidance to schools on flushing protocols
- Conducting annual tests of lead levels in water
- Taking remedial actions when elevated samples are detected (i.e. replacing fixtures, filters, or pipes as needed).

This year, when presented with results of testing on Monday, March 7th, I made the decision to reach out to local, state, and federal authorities for additional expertise and support, rather than follow past protocols which did not require local or state involvement. This decision was made for two primary reasons: 1.) The elevation of lead levels in certain school buildings, along with the breadth of elevated results, made implementing past protocols seem inadequate. 2.) Upon conducting an initial review of monitoring processes for past protocols, I was not satisfied with immediately available data and answers from previous remediation and mitigation efforts.

From there, my team, in consultation with outside experts, determined that the most prudent course of action was to bring additional water sources into any school building with an elevated reading and turn off water fountains temporarily.

Since that decision was made, the district is moving forward with a comprehensive water testing and remediation policy that was developed in consultation with the DEP and EPA. This plan will establish a new baseline for water quality at NPS by testing every point of use that could be consumed. The action will enable the district to confidently assure families and staff that any result greater than 15 ppb detected at any outlet intended for drinking or cooking will be shut off immediately. Those outlets that are primarily used for other purposes including hand-washing and cleaning (teacher's lounge sinks, nurse's office sinks, classroom sinks, bathroom sinks, utility sinks) will have signs posted to state that the water can be used for hand-washing and cleaning but not for drinking. Other features of this policy will include the following:

Results of Water Tests	Guidelines for District Response
<p>If elevated samples are found at 20% or more of drinking water sources in a school building:</p>	<p><u>Shut-off Elevated Drinking Water Sources:</u> District staff will shut off all drinking water points of use where the elevated sample (above 15 ppb) was collected.</p> <p><u>Place Signage:</u> School leaders will put up signs at the locations where elevated samples were collected at non-drinking water points of use, indicating sinks should not be used for drinking, food prep, or coffee making, but are safe for hand washing.</p> <p><u>Continue to Supply Bottled Water:</u> District staff will continue to supply bottled water (or make bottled water available if not a previously identified site) to impacted/affected schools.</p>
<p>If elevated samples are found at under 20% of drinking water sources in a school building:</p>	<p><u>Shut-off Elevated Drinking Water Sources:</u> District staff will shut off all drinking water points of use where the elevated sample (above 15 ppb) was collected.</p> <p><u>Place Signage:</u> School leaders will put up signs at the locations where elevated samples were collected at non-drinking water points of use, indicating sinks should not be used for drinking, food prep, or coffee making, but are safe for hand washing.</p> <p><u>Return to Normal Water Use:</u> District staff will recommend that schools return to use of normal drinking water and cease use of bottled water if a previously impacted site.</p>
<p>If elevated samples are only found at non-drinking water sources in a school building:</p>	<p><u>Place Signage:</u> School leaders will put up signs at the locations where elevated samples were collected at non-drinking water points of use, indicating sinks should not be used for drinking, food prep, or coffee making, but are safe for hand washing.</p> <p><u>Return to Normal Water Use:</u> Schools to return to use of normal drinking water and cease use of bottled water, if currently using bottled water.</p>
<p>If no elevated samples are found</p>	<p><u>Return to Normal Water Use:</u> Schools to return to use of normal drinking water and cease use of bottled water, if currently using bottled water</p>
<p>Definitions: Drinking Water Sources include: Water Coolers, fountains, kitchen prep sinks, classroom sinks, teacher's lounge sinks, nurse's office sinks, and bubblers. Non-Drinking Water Sources include: Bathroom sinks, hand sinks, and utility sinks</p>	

Once the district begins to receive the majority of results from this latest round of testing, leaders will communicate with school leaders about the timeline for implementation of these guidelines. Moving forward, the district will continue to prioritize transparency and share results of current and past data in the following ways:

- **The district will provide weekly updates to the public about current water testing that include progress towards sampling, most recent results received, and the response taken to the latest round of water tests. While results are being expedited by laboratories, it generally takes approximately two weeks from the date of the test until results are complete; this timeline includes receipt of results,**

analysis of results, quality assurance of data, contacting the school leader, and preparation for public release.

- **The district will continue release past data as it becomes available;** data from 2012 to present is currently on the district website, and data dating back to 2010 will be available in the coming days. The district will only publish past test results acquired from the laboratories that conducted them to ensure that all data posted is an accurate representation of tests. The district has reached out to labs that conducted tests before 2010, and has not yet received those results.

Once comprehensive test results have been collected in all schools, and preliminary plans are in place, the district will begin moving towards plans for permanent remediation of these issues.

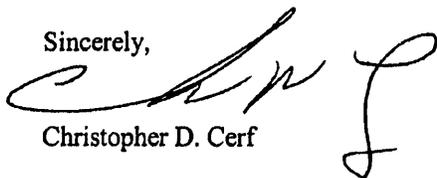
In addition, the district continues to work with the Newark Department of Health to ensure that students have access to optional free blood testing. Testing was made available at two early childhood sites on 3/17 and 3/18; and over spring break at school sites on three separate dates. Across these 5 days, according to the Newark Health Department, approximately 300 students took advantage of the free testing option. Additional availability of free school site testing is now available on the district's website, and will be communicated broadly to families and staff this week. The dates and locations of these sites include:

Date	Time	School	Address
<u>Saturday</u> <u>4/9/2016</u>	Education Presentation: 8:30 AM – 9:30 AM Screening: 10:00 AM – 4:00 PM	East Side High School	238 Van Buren Street Newark, NJ 07105
<u>Saturday</u> <u>4/16/2016</u>	Education Presentation: 8:30 AM – 9:30 AM Screening: 10:00 AM – 4:00 PM	First Avenue Elementary School	214 First Avenue Newark, NJ 07107
<u>Saturday</u> <u>4/23/2016</u>	Education Presentation: 8:30 AM – 9:30 AM Screening: 10:00 AM – 4:00 PM	(New) Speedway Academies	701 South Orange Avenue, Newark, NJ 07106
<u>Saturday</u> <u>4/30/2016</u>	Education Presentation: 8:30 AM – 9:30 AM Screening: 10:00 AM – 4:00 PM	Belmont Runyon Elementary School	1 Belmont Runyon Way, Newark, NJ 07108

The district will continue to assist the Department of Health in sharing information about the available opportunities, and recommends that all families and staff members contact their primary care physician as a first step if they have any health concerns.

Please let us know if you have any further questions, or if there is any other ways we can be of assistance.

Sincerely,



Christopher D. Cerf

Attachment 3

NPS Shares Comprehensive Strategy to Test and Remediate Water Quality Results Across the District

District also releases results from “Priority 1” group of schools, and outlines expected timeline for testing and results for all schools, interim measures, as well as results from on-going review of past data.

[Newark NJ — March 31, 2016] — The Newark Public Schools (NPS) announced today that additional water testing results, and the district’s new guidelines for responding to those results, are available online. The new test information pertains to eight non-traditional facilities that were not evaluated during the most recent annual testing period conducted between December 2015 and February 2016. These results are the first ones yielded by a comprehensive new strategy for testing, and remediating water across the district. This strategy assures that every outlet that is primarily intended for drinking or food preparation that yields an elevated sample will be shut off immediately upon receipt of a positive sample.

The sampling plan — which was developed by the New Jersey Department of Environmental Protection (DEP) in consultation with the United States Environmental Protection Agency (EPA) and Newark Public Schools (NPS) — is currently being implemented across the district. The new plan is an enhancement of previous testing practices in several important ways: It will test for lead at every available water source in every building, whereas previous tests took a sample of approximately 10 locations across each building; the new plan requires stringent pre-planning requirements to prepare a building for sampling, including labeling of all points of use and leaving water standing for 8 hours before a test; and the new plan requires very specific protocols for proper collection of water, differentiated for each point of use, whereas previous water tests used a standard protocol across all taps.

The new sampling plan also prioritizes that buildings be tested in the following order:

1. **Priority 1 Facilities:** These consist of non-traditional buildings where lead testing did not occur in 2015-2016. These sites include buildings leased to charter schools, as well as a transportation hub, student center, and athletic facilities. This round of testing began on March 19th, 2016, and results are now available online [here](#). Results show that 324 samples were taken from these eight facilities, with 16 (4.9%) of the samples from drinking water sources showing elevated readings above the 15ppb threshold set by the DEP.
2. **Priority 2 Facilities:** These consist of NPS school buildings that recorded elevated levels of lead on certain taps in earlier 2015-16 results. This testing occurred in 27 buildings on March 24th and 25th, and results are expected to be returned to NPS on a rolling basis, with a portion of these results available to the public as early as next week. (These are the majority of those 30 active school buildings with elevated levels originally reported the remaining tests from three buildings are in process).

3. **Priority 3 Facilities:** The district will test all buildings that did not show elevated levels in the 2015-16 results, along with any buildings or fixtures that may have not been available for sampling in prior rounds. Due to the quantity of buildings (47 in total), availability of laboratories, and date limitations (testing can only be conducted on weekends due to previously mentioned preparation protocols), this testing will begin as early as April 2nd, but will be conducted over several weeks.

“We are committed to comprehensive testing of all sites and full remediation of these issues,” said Superintendent Christopher Cerf. “We continue our practice of complete transparency about what we learn, and will provide whatever resources and supports are necessary to ensure the safety of students and staff. We believe these common sense guidelines will allow us to do that.”

The new testing and remediation policy was developed in consultation with the DEP that aligns with EPA guidelines. In all circumstances, any result greater than 15 ppb at an outlet used primarily for drinking or cooking will be shut off immediately. Those outlets that are primarily used for other purposes including hand-washing and cleaning (bathroom sinks, utility sinks) will generally be posted to state that the water can be used for hand-washing and cleaning but not for drinking. Other features of this policy include the following:

Results of Water Tests	Guidelines for District Response
If elevated samples are found at 20% or more of drinking water sources in a school building:	<u>Shut-off Elevated Drinking Water Sources:</u> District staff will shut off all drinking water points of use where the elevated sample (above 15 ppb) was collected. <u>Place Signage:</u> School leaders will put up signs at the locations where elevated samples were collected at non-drinking water points of use, indicating sinks should not be used for drinking, food prep, or coffee making, but are safe for hand washing. <u>Continue to Supply Bottled Water:</u> District staff will continue to supply bottled water (or make bottled water available if not a previously identified site) to impacted/affected schools.
If elevated samples are found at under 20% of drinking water sources in a school building:	<u>Shut-off Elevated Drinking Water Sources:</u> District staff will shut off all drinking water points of use where the elevated sample (above 15 ppb) was collected. <u>Place Signage:</u> School leaders will put up signs at the locations where elevated samples were collected at non-drinking water points of use, indicating sinks should not be used for drinking, food prep, or coffee making, but are safe for hand washing. <u>Return to Normal Water Use:</u> District staff will recommend that schools return to use of normal drinking water and cease use of bottled water if a previously impacted site.
If elevated samples are only found at non-drinking water sources in a school building:	<u>Place Signage:</u> School leaders will put up signs at the locations where elevated samples were collected at non-drinking water points of use, indicating sinks should not be used for drinking, food prep, or coffee making, but are safe for hand washing. <u>Return to Normal Water Use:</u> Schools to return to use of normal drinking water and cease use of bottled water, if currently using bottled water.
If no elevated samples are found	<u>Return to Normal Water Use:</u> Schools to return to use of normal drinking water and cease use of bottled water, if currently using bottled water
Definitions: Drinking Water Sources include: Water Coolers, fountains, kitchen prep sinks, classroom sinks, teacher’s lounge sinks, nurse’s office sinks, and bubblers. Non-Drinking Water Sources include: Bathroom sinks, hand sinks, and utility sinks	

Moving forward, the district will continue to prioritize transparency and share results of current and past data in the following ways:

- **The district will provide weekly updates to the public about current water testing** that include progress towards sampling, most recent results received, and the response taken to the latest round of water tests. While results are being expedited by laboratories, it generally takes approximately two weeks from the date of the test until results are complete; this timeline includes receipt of results, analysis of results, quality assurance of data, contacting the school leader, and preparation for public release.
- **The district will continue release past data as it becomes available;** data from 2012 to present is currently on the district website, and data dating back to 2010 will be available in the coming days. The district will only publish past test results acquired from the laboratories that conducted them to ensure that all data posted is an accurate representation of tests. The district has reached out to labs that conducted tests before 2010, and has not yet received those results.

Once comprehensive test results have been collected in all schools, and preliminary plans are in place, the district will begin moving towards plans for permanent remediation of these issues

In addition, the district continues to undertake a comprehensive review of past practices related to work order documentation, filter purchases, and remediation efforts. Initial findings from this review show that while thousands of work orders and purchase orders can be connected to previous mitigation and remediation efforts, due to inconsistent documentation, the district cannot connect specific remediation events to every historical test. The district will be sharing further responses to specific questions about past practice on its website. In response to these findings, the district is improving documentation systems, re-training staff to ensure that data is entered correctly, and reviewing management practices to ensure that all employees are held accountable to consistent and well documented implementation of remediation protocols.

Lastly, the district continues to work with the Newark Department of Health to ensure that students have access to optional free blood testing. Testing was made available at two early childhood sites on 3/17 and 3/18; and over spring break at school sites on three separate dates. Across these 5 days, according to the Newark Health Department, approximately 300 students took advantage of the free testing option. The Newark Health Department will be sharing additional availability of free school site testing on Saturdays throughout April. Previous information has been made available on the district website, through phone calls to all district families, and through letters sent home to families and staff. The district will continue to assist the Department of Health in sharing information about the available opportunities, and recommends that all families and staff members contact their primary care physician as a first step if they have any health concerns.