Education Transformation Task Force Initial Report:
Testimony Joint Committee on the Public Schools – October 18, 2011

Good Morning:

My name is Richard Kaplan, I am currently the Superintendent of Schools in New Brunswick and some of you may remember me as the Director of the Office of Compliance/Auditor General during the Kean/Cooperman Administration from 1986-1990.

I would like to thank the Chairman, Senator Rice and Executive Director, Melanie Schultz for today’s invitation to present my comments regarding the Education Transformation Task Force Initial Report.

1. The Governor is to be congratulated for taking the first step in issuing Executive Order 58 as early as his fourth month in Office. His charge in that order clearly opened the way to meaningful dialogue and provided clear direction to the Task Force to explore and recommend meaningful changes to refocus school leadership and instructional personnel to establish ambitious academic standards with output-oriented performance objectives and secondly to empower local districts and educators to develop their own path to meet these ambitious goals while standing up for the principle that Education is a state responsibility as enumerated in our State’s Constitution.

School Administrators throughout the state have addressed this burden with previous administrations year after year. Governor Christie is to be commended for finally hearing our concerns and to bring them to light and continue the conversation through to the completion of the final report is developed and their recommendations implemented.

2. The initial report by the Task force has preliminarily met his charge and should be congratulated for its efforts and succinct explanation of where we have been and where we need to go forward.

3. The report further addresses the regulatory over burden and redundancy of administrative code which costs school district personnel countless man hours to develop reports that then require state department personnel equal amounts of time to catalogue note and produce further reports to be in compliance with existing statutes.

The report enumerates 45 changes to Administrative Code. This is a good beginning. But it is only the beginning.
WHAT THIS REPORT DOES NOT DO:

This report only deals with administrative regulations it does not address legislative issues, that is the statues and laws that you as legislators working with the Executive Branch develop and now need to address, bring up to date and resolve.

I have for each of you a copy of recommendations made going back to 1994 by joint committees of the New Jersey Association of School Administrators; New Jersey School Boards Association; the New Jersey School Business Administrators; the New Jersey Principals and Supervisors; these reports were sent to all Governors, Legislators, this committee and now is the time to take these recommendations seriously and working together find some common sense solutions.

NJQSAC

My last testimony to this Committee was on July 19, 2006, the topic that day was “Superintendents of Abbott School Districts making presentations on school construction issues and the effect of current budget cuts.” I have taken the liberty of presenting your verbatim minutes of that testimony because I believe in it you will see comments I have made in the past to this committee on the monitoring issues.
In short, it is the state’s responsibility to fund, develop appropriate laws and code and for the Executive branch to monitor to assure the funds and educational expectations are met.

I submit that sometimes various Commissioner’s and Governor’s have taken different approaches to assure the taxpayers they are watching and there is a uniformed approach and set of consequences for those that do not meet that standard.
I support the emphasis of monitoring and holding accountable all districts of New Jersey. I reaffirm my feelings that these five areas are the correct no matter what they call it.

Governance- How does the elected, appointed leaders of the Board of Education meet their legal responsibilities?

Management - How does the Superintendent, Assistant Superintendents, School Business Administrator, Principals and Supervisors administer the district within state, federal and local policies and statutes?

Curriculum and Instruction- What is required to be taught and the result and mastery of learning by the students as determined by a test not developed by the district?

Finance- How are the board of education funds managed to comply with the laws and code of the state and federal funding sources?

Facilities- What are the conditions of the facilities to ensure they are appropriate to provide a thorough and efficient public school program within their walls, while meeting all state, local and federal requirements.

No doubt this is a simple yet complex set of five conditions that one could develop 100 or more investigative questions in each area. I caution absolute restraint in this approach. I know full well that the important is more crucial to success than volumes.
In the late eighties our administration generated 56 critical indicators of success that assisted districts and the state Department of Education determine whether a district was deficient and needed to pay close attention to the development of a remediation plan or whether they could become certified and set free of monitoring for a period of five years.

This worked then and it will undoubtedly work now. What are important to remember are the consequences? For how long does a district remain in non compliance before some meaningful approach to remediation is accomplished?

What is the amount of time the district will have to make growth and therefore pass the process?

Does New Jersey monitoring need be blended with the federal NCLB legislation and if not how can the states devise an approach that the federal government is assured there is a system in place to address similar concerns?

The report points out a number of critical inconsistencies that educators have acknowledged for many years regarding NJQSAC as well as the problematic NCLB relationship.

I support totally the 9 of the 10 Principles of the Accountability System of the Future.

I do not believe the department should focus on the schools in a district but rather the district.

A school is part of a district. A principal and his staff are part of the whole as is the community that makes the town and that populate that specific school.

In New Jersey the whole school reform initiative implemented under Governor Whitman's administration in Abbott districts failed. It failed because it treated the individual school setting it apart from the district.

The reason seriously deficient districts failed are because the schools of Newark, Paterson and Jersey City all marched to a different drum. They were not connected to a directive district plan but rather were off doing their own thing. When there is no organization and a leader leading that is accountable nothing meaningful happens.

If this is the committees way to get to a fewer number of schools rather to whole districts it should be expanded upon in its final report and addressed by the Governor and his Commissioner.

Thank you for this opportunity to comment.
March 9, 2011

Acting Commissioner Christopher Cerf
State of New Jersey
Department of Education
P.O. Box 500
Trenton, NJ 08625-0500

Dear Acting Commissioner Cerf,

Given the current economic climate, it is of the utmost importance that educational institutions practice due diligence by exploring areas in which cost efficiencies may be realized, while at the same time maintaining the highest quality educational programs. As such, the NJASA Special Education Ad Hoc Committee met on 7/15/10, 11/8/10 and 3/8/11 to discuss and identify potential cost efficiencies specific to special education. The following is a list of possible areas which the committee believes would result in decreased spending in special education without adversely impacting the quality of instructional services:

- New Jersey’s special education mandates are more restrictive than required by federal law; eliminate unnecessary state regulations
- Revise the Alternate Proficiency Assessment (APA) test design to reduce exorbitant implementation and scoring costs
- Duplicate what other states are already doing (i.e., Kentucky) to streamline the APA process and reduce costs
- Apply the 2% cap regulations to private schools
- Allow special education costs to be included as an exception to the 2% cap
- Provide training for Administrative Law Judges with regard to free and appropriate education as applied to due process cases
- Return the burden of proof to parents in due process cases
- Amend current law to include an option for parents to pay for special education costs above and beyond what is considered free and appropriate
- Develop a rubric for making objective determinations about whether programs will provide a free and appropriate education
• Set standard hourly rates for Occupational, Physical, and Speech therapy services, and Child Study Team evaluations for public education (similar to Chapter 192/193 and Early Intervention services)
• Have outside/separate independent evaluators determine the need for therapeutic services
• Clarify and support the use of Response To Intervention (RTI) models as a means to reduce the number of referrals for and placement in special education programs
• Allow the inclusion of transportation costs in applications for Special Education Extraordinary Aid
• Allow sending districts to count placements in county Special Services School Districts, Education Service Commissions, and Jointure Commissions as in-district public school placements (similar to NYS BOCES placements)
• Discontinue approval of additional private schools for the handicapped
• Reduce waiver requirements for age range and class size for special education students
• Allow districts to access parents’ medical insurance as the first option to provide payment for related services and assistive technology as appropriate
• Increase shared services in areas such as child study teams, behavior specialists, paraprofessionals, transition coordinators, job coaches, professional development, and legal services
• Include sending LEA representation on the IEP team in sending/receiving relationships (i.e., Charter schools, high schools), in order to reduce out-of-district placements

The NJASA Special Education Ad Hoc committee is planning to meet again in July of this year. We appreciate your consideration of our suggestions, and would welcome the opportunity for further discussion with you at your convenience.

Sincerely,

Lizabeth Buoro
Chairperson
Superintendent, Atlantic County Special Services

NJASA Special Education Committee:

Linda A. Martensen, Director of Professional Development
New Jersey Association of School Administrators

Dr. Donna B. Van Horn, NJASA Secretary
Chief School Administrator, Weymouth Township School District
Maureen Kerne, Director
Region V Council for Special Education

Holly M. Post, Director of Special Education
Northern Burlington County Regional School District

Louise Sullivan, Director of Special Services
Bordentown Regional School District

Frances S. Collins, Assistant Superintendent
Voorhees Township School District

Barbara J. Makoski, Superintendent
Cape May County Special Services

Lewis Katzmar, Director of Special Services
Upper Deerfield Township Schools

Joseph Zarra, Superintendent
Nutley Public School District

Ellen F. Herdegen, Superintendent
Gloucester County Institute of Technology

Judith H. Burd, Superintendent
Lebanon Township Schools

Dr. Kimberly J. Schneider, Superintendent
Mercer County Special Services School District

Kevin W. Ahearn, Superintendent
Carteret School District

Dr. James F. Habel, Superintendent
Wall Township Public Schools

Angelo Vilardi, Superintendent
Educational Services Commission of Morris County

Dr. Frank Kasyan, Superintendent
Little Egg Harbor School District

Dr. James F. Barriale, Superintendent
Prospect Park School District
Loren Thomas, Superintendent  
Salem County Vocational Technical School

Dr. Gayle Strauss, Superintendent  
Byram Township School District

William Presutti, Superintendent  
Union County Educational Services Commission

Frank A. Jiorle, Superintendent  
Stepping Stone School

c: Richard G. Bozza, NJASA Executive Director

    Judith Ann Rattner, NJASA President  
    Superintendent, Berkeley Heights Public Schools

    Andrew Rinko, NJASA President-Elect  
    Superintendent, Bedminster Township Public School

    Gary P. McCartney, NJASA Treasurer  
    Superintendent, South Brunswick Public Schools

    Douglas B. Groff, NJASA Past President  
    Retired Superintendent, Galloway Township Public Schools

    Lynne Strickland, Executive Director  
    Garden State Coalition of Schools
November 22, 2010

Acting Commissioner Rochelle Hendricks
State of New Jersey
Department of Education
P.O. Box 500
Trenton, NJ 08625-0500

Dear Acting Commissioner Hendricks,

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- Amend current law to include an option for parents to pay for special education costs above and beyond what is considered free and appropriate
- Develop a rubric for making objective determinations about whether programs will provide a free and appropriate education
• Set standard hourly rates for Occupational, Physical, and Speech therapy services, and Child Study Team evaluations for public education (similar to Chapter 192/193 and Early Intervention services)
• Have outside/separate independent evaluators determine the need for therapeutic services
• Clarify and support the use of Response To Intervention (RTI) models as a means to reduce the number of referrals for and placement in special education programs
• Allow the inclusion of transportation costs in applications for Special Education Extraordinary Aid
• Allow sending districts to count placements in county Special Services School Districts, Education Service Commissions, and Jointure Commissions as in-district public school placements (similar to NYS BOCES placements)
• Have Medicaid/SEMI reimbursement funds be credited to sending districts (committee consensus not reached on this point)
• Explore the possibility of decreasing the required number of Child Study Team members
• Discontinue approval of additional private schools for the handicapped
• Reduce waiver requirements for age range and class size for special education students
• Allow districts to access parents’ medical insurance as the first option to provide payment for related services and assistive technology as appropriate
• Increase shared services in areas such as child study teams, behavior specialists, paraprofessionals, transition coordinators, job coaches, professional development, and legal services
• Include sending LEA representation on the IEP team in sending/receiving relationships (i.e., Charter schools, high schools), in order to reduce out-of-district placements

The NJASA Special Education Ad Hoc committee is currently working on a comparison of state and federal mandates, which may result in further proposals for cost efficiencies. We appreciate your consideration of our suggestions, and would welcome the opportunity to meet with you for further discussion.

Sincerely,

Lizbeth Buoro, Chairperson
Superintendent, Atlantic County Special Services
Dr. Angelo Vilardi, Superintendent
Educational Services Commission of Morris County

Dr. Frank Kasyan, Superintendent
Little Egg Harbor School District

Dr. James F. Barriale, Superintendent
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Kevin W. Ahearn, Superintendent
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Dr. James F. Habel, Superintendent
Wall Township Public Schools
MEMORANDUM

TO: SENATE AND ASSEMBLY EDUCATION COMMITTEE CHAIRPERSONS
OTHER INTERESTED ORGANIZATIONS

FROM: NEW JERSEY SCHOOL BOARDS ASSOCIATION
NEW JERSEY ASSOCIATION OF SCHOOL BUSINESS OFFICIALS
NEW JERSEY PRINCIPALS AND SUPERVISORS ASSOCIATION
NEW JERSEY ASSOCIATION OF SCHOOL ADMINISTRATORS

DATE: MARCH 20, 1995

RE: STATE AND FEDERAL MANDATES PROJECT

Over the past year, interest in the impact of state and federal mandates on local government entities has grown enormously. We in the education community acknowledge the need for state and federal mandates to establish consistent standards and to ensure implementation of certain actions. In essence, we support mandates that are useful and productive. However, our associations share a concern about the continued proliferation of mandates and about new and existing mandates that may overlap or be in conflict with each other.

From the outset, the intent of the State & Federal Mandates Project has been to inform the Legislature and the public about the nature and the extent of the requirements placed on local school districts and, consequently, the limitations on decisions made at the local level.

Phase I. In the above context, the New Jersey School Boards Association with the cooperating organizations took on the onerous task of identifying state and federal education mandates. From our initial efforts resulted the first-ever comprehensive list of state and federal requirements that affect the public schools. We presented this document, which included more than 200 items, to the leadership of the state Legislature in September 1994.

In New Jersey, the fundamental education mandate flows from the state Constitution to the Legislature:

The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and eighteen years.

To a large extent, the statutory and regulatory mandates identified in Phase I—as well as state aid to public school districts—are based upon the Constitution’s "thorough and efficient" clause.
The Next Step. Over the past few months, increased interest in state and federal education mandates has generated action in Washington and Trenton. All of these developments hold promise for improving the regulatory climate in our public school systems.

- The U.S. Congress is addressing unfunded federal mandates imposed on state and local government entities.

- Governor Whitman signed Executive Order #22 to establish a moratorium on State Board of Education code requirements on local school districts.

- The New Jersey Legislature has acted upon several pieces of legislation that address the issue of state mandate-state pay for school districts, as well as for municipalities and counties. These measures include SCR-87, a proposed Constitutional amendment to establish a legislative process for developing future mandates. The proposed amendment would provide for greater public dialogue with the Legislature and the identification of a continuous state funding source prior to the adoption of a mandate. In addition, it would include a five-year sunset provision for all newly enacted state mandates.

- The State Board of Education adopted a new waiver and equivalency process. This action will allow local districts to request permission to use alternative means to achieve the goals of existing regulations.

- Finally, the Commissioner of Education has introduced two initiatives—the Comprehensive Plan for Educational Improvement and Financing and a "Strategic Plan for Systemic Improvement of Education in New Jersey". Both initiatives are designed to identify critical services and necessary funding for our schools.

By highlighting the magnitude of existing state and federal mandates, our project contributed to the response by these government bodies. None of the proposals listed above offer options to the past practice of using statutes and/or regulations as a means to reach educational goals. However, our associations will use the data produced by the State & Federal Mandates Project as we continue to identify better ways to implement necessary mandates, work toward adequate funding of needed mandates, and support time limitation and a "sunsetting" process for new mandates.

We look forward to working with our state’s leaders to implement our common educational goals.

Sincerely,

Robert B. Boone, Ed.D.
Executive Director
NJSBA

Edward Melling, Jr.
Executive Director
NIASBO

ToAnn D. Bartolletti
Executive Director
NJPSA

James H. Murphy
Executive Director
NJASA
STATE AND FEDERAL MANDATES PROJECT

---------- PHASE II REPORT ----------

New Jersey School Boards Association
New Jersey Association of School Business Officials
New Jersey Principals and Supervisors Association
New Jersey Association of School Administrators

Phase II of the State and Federal Mandates Project represents our associations' efforts to document the financial impact of statutes and regulations on local school districts as they endeavor to provide New Jersey's students with a thorough and efficient education.
ADMINISTRATION, Salaries other than Instructional and Maintenance

Reported Cost Range
$289,965 - $12,849,946

"Administration" generally includes the salaries of central office administrators and supervisors, and the expenses of the board of education. The salaries of those people whose primary responsibility involves instructional (teaching) personnel and maintenance (building and grounds) personnel are excluded.

This spending category also includes the time spent collecting information, collating data and preparing the many reports compiled each year by school districts on ---

Attendance
Audit (required annually)

Basic Skills
Board of Education: Training Requirements, Dues and Minutes

State-required Documents if the District is in Level II or III only (not approved)
   Remedial Plan
   Corrective Action Plan

Employee Notification of Duties and Responsibilities
Ethics Disclosure Statements
Evaluations of Tenured and Untenured Staff

Facilities (including administrative time required to prepare for and accompany inspectors on routine inspections by OSHA, Fire, Plumbing, and Electrical Inspectors)

- over -
ADMINISTRATION (continued)

Goal Setting
Graduation Policy
Homeless Students
Insurance
Monitoring
Monitoring in Special Needs Districts
Non-resident Students, Courses and Programs
Personnel, Staff Reports, Desegregation Efforts
Physical Examinations
Public Involvement
Pupil Records (Creation and Retention)
Remediation Plans for Students not on Grade Level
School Elections, including Budget-Reporting Process
State Aid for the Public and Private Schools within a School District
Substance Abuse
Test Results
Textbooks, Record Keeping (public and private)
Physical Examinations
Verification of Claims of Suppliers (processing affidavits for claims)
Violence
Working Papers
ADMINISTRATION (continued)

COMMENT: Of all the mandated items in Statute and Administrative Code, the administrative category contains the greatest number -- 83 of the 233 identified mandates, over one-third.

In many cases, the Legislature enacted a mandate to meet a particular problem in one, or a select number of school districts. However, the legislative remedy, now a statutory requirement, has been applied to all school districts. Those districts not affected by the original problem now must dedicate administrative time to report on issues that did not originally apply to their district. For these districts, the time spent on mandated reporting does not enhance the instructional program and only serves to consume valuable administrative time.

On the other hand, because of the nature of the school population served in special needs districts, these districts, most often are directed to comply with each and every mandate. More wealthy districts generally do not have the need to develop such things as: basic skills plans for many pupils, state-required documents for Level II and Level III, facilities plans to remedy old and inadequate buildings, transportation of homeless students, monthly monitoring and/or Educational Improvement Plans that grow each year, affirmative action and desegregation plans and a host of other mandates. The administrative time and resources expended for these items detract from solutions rather than help.

The general division of administrative duties is not consistent from district to district. Some boards of education, usually for economic purposes, split the responsibilities of their administrators between central office responsibilities and direct supervision of instructional staff and/or maintenance workers.

The State imposed many statutory business requirements when school records were kept manually. In light of today’s modern accounting procedures, the recent conversion to Generally Accepted Accounting Principles (GAAP) and the required local district annual audit, these requirements are archaic.
INSTRUCTION

Reported Cost Range $276,200 - $4,908,463

The category of mandates called instruction has a direct impact on the student in the classroom and must be implemented during the normal school day. Since teaching time is limited, any mandated subject (and the time required to teach it) precludes other types of instruction during that time period. Therefore, what is and what is not mandated in this area is critical to the quality of education.

Students must attend school for 180 days in New Jersey. The minimum number of hours per full day for students is 4 hours. Students are considered present for a half day once they have been in school for 2 hours.

Statutes mandate the following instructional programs and procedures.

Accident and fire prevention

Bilingual Education

Establishment of programs

Number of Pupils

Period of Continuance of participation by pupil

Participation in non verbalized courses

Location of, and children in, programs

Parent involvement in programs

Notification of parents

Civics, Geography and History of New Jersey

Constitution of the United States

Commodore Barry Day, Observance of

Drugs, Alcohol, Anabolic Steroids, Tobacco and Controlled Dangerous Substances, Curriculum guidelines

Flag Day, Observance of

Health, Safety and Physical Education
INSTRUCTION (continued)

Course requirement
Time devoted to course
History, 2-year course of study
Holidays, Patriotic Exercises preceding
Physical Training courses, features (Shop or practical arts courses)
Remedial Instruction

This category of mandates also includes the testing of students in relation to:

Assessment of progress, remediation
Graduation proficiency tests
Identification and classification of children of Limited English-speaking ability

Other statutory requirements under this heading include ---

Adoption of Courses of Study
Books containing organic laws at graduation from elementary school
Declaration of Independence
Constitution of the United States
Constitution of New Jersey

Comprehensive needs assessment program, publicizing results
Display of, and salute to flag, Pledge of Allegiance
Goal of a Free Public School
Pupil promotion, remediation policies, procedures
Textbooks
Selection
Furnished free with supplies
Appropriations

- over -
INSTRUCTION (continued)

COMMENT: The statutory mandates included under this heading and the costs associated with implementing those mandates have little to do with the instruction that takes place in the classrooms of New Jersey. Most basic instruction, such as reading, writing, math and science are driven by other factors: graduation requirements set by the State Board of Education; monitoring code and testing programs; and the admission requirements of colleges or other post-secondary schools.

For students to pass the benchmark requirements set by the State Board of Education or institutions of higher education, they must acquire specific skills through specific classroom instruction at specific grade levels. This specificity determines, to a great extent, what is taught in the classrooms of New Jersey.

Instructional Monitoring Requirements: Refer to Monitoring Manual

Testing Requirements: Refer to New Jersey Administrative Code

Graduation Requirements: Refer to New Jersey Administrative Code
HEALTH AND SAFETY, ATTENDANCE
New Jersey Fire Code (24 items)

Reported Cost Range $74,095 - $1,637,500

This category of mandated costs contains support services for students. It incorporates programs for students who have problems with substance abuse, the employment of public school nurses, medical inspectors and optometrists and the health and safety services they provide. Fire code functions and pupil assistance committees also appear here. A sampling of the range of costs is broken out below.

Substance Abuse Intervention Programs $3,000 - $100,000

Reporting of students under the influence,
Referral for Evaluation, Treatment $2,500 - $10,000

Substance Abuse Inservice Training Programs $200 - $2,000

Employment of substance awareness coordinators $18,500 - $54,000

Employment of school nurses, medical inspectors,
optometrists $49,620 - $1,066,500

New Jersey Fire Code, Posting and Drills $75 - $350,000

Pupil Assistance Committees $200 - $55,000

COMMENT: NJSA 18A:40-4.3 requires scoliosis examinations for all public school children, ages 10 to 18. Today, medical experts say that it is not necessary to check every student every year. Nonetheless, annual examinations for all students remain a mandate. One estimate of cost, based on the time and salaries of those required to do the test, is between $25 and $30 million annually on a statewide basis.

The scoliosis testing law makes no exemption for students who are examined by their private physician (annual physical examinations may be provided by the family's private physician). Therefore, all students, ages 10 to 18, must be examined annually.

- over -
FACILITIES, OPERATIONS, MAINTENANCE
18A:33-1, BOCA Code, Local Codes, State Facilities Standards (49 items)

Reported Cost Range

$153,150 - $113,283,840

This statute requires that local school districts furnish suitable facilities for schools, including proper school buildings, furniture and equipment.

COMMENT:

Frequent Code Changes

New Jersey Administrative Code adopted over the years to implement N.J.S.A. 18A:33-1 has changed periodically. These provisions have been implemented under the authority of the Bureau of Facility Planning Services in the Division of Finance of the Department of Education. Changes in special education programs, the numbers of students permitted in classrooms and the calculation of the space required for each student have resulted in changes in per-pupil space requirements. These variations have made remodeling, updating or expanding existing buildings difficult for local boards of education. It is particularly difficult when the codes change after the original structure was put into service.

If a board wants to renovate an existing building, it must adhere to current codes. Often codes become more stringent after the construction of a building, making renovation difficult if not impossible. This situation creates a disparity in facilities, with newer buildings being able to support services for students, such as closed circuit television and cable TV, that remain unavailable to students in older buildings. (See Note)

Debt Service

School districts are entitled to state aid for Debt Service. This funding goes toward repayment of bonds issued to build school facilities. However, the state has funded this program at inconsistent levels from year to year. The Governor’s proposed budget for FY ’96 would fund Debt Service at approximately 61% of each district’s

Note: When voters turn down school budgets, the maintenance budget traditionally has been one of the first categories of expenditure to be reduced. Maintenance has been viewed as an optional spending category in many school districts, rather than as a mandate.
entitlement, an 11% reduction from FY '95. The balance will have to be met with local resources. This State funding reduction for Debt Service has been an annual trend since the enactment of the Quality Education Act of 1990.

OSHA Requirements

In this second phase of our mandates project, it was very difficult for the volunteer districts to break out the local cost impact of Occupational Safety and Health Administration (OSHA) requirements. For instance, OSHA dictates safety requirements for step ladders. School districts do not purchase ladders which do not meet this safety requirement. Therefore, there can be no comparison made between what is actually paid for ladders and what they would have cost without the OSHA requirements. One district estimated that implementing all of the OSHA requirements cost the district between $75,000 and $125,000. Another reported a single cumulative total of nearly $670,000 for environmental costs.
FIXED CHARGES
(7 items)

Reported Cost Range

$3,200 - $87,500

The fixed charges reported in this category include the following: the cost of National Guard and Military Reserves duty absorbed by local boards of education; the costs of required salary deductions; and, evaluations and support for first-year principals.

COMMENT:

None noted by local districts.
FOOD SERVICES
NJSA 18A:33-4, NJAC 8:79-1.1 et seq. (One statutory item)

Reported Cost Range $60 - $964,000

Since 1974, all school districts have been required to make school lunches available to all children enrolled in the district. The statute also requires districts to provide free and reduced price lunches to qualified students.

COMMENT: Each day, the schools of New Jersey provide approximately 469,000 lunches to students. All student lunches are partially or completely subsidized by federal and state money. The balance of the cost is borne by the local district and by individual student payment for lunch. In addition, of the total lunches served daily, approximately one half are provided free or at a reduced price.

New Jersey schools also provide approximately 55,000 students with breakfast each day. This program is also subsidized by state and federal funds.
SPECIAL EDUCATION
NJSA 18A:46-5.1, 5.2, 6, 7, 8, 9, 10, 11, 13, 18.1, 18.3, 19.4, 19.6, 23, 46A-3, 6, 10, NJAC 6:28, Individuals with Disabilities Education Act (IDEA), Americans with Disabilities Act (ADA) (20 items)

Reported Cost Range

$205,550 - $14,968,000

Students classified as needing special education programs must receive services determined by a Child Study Team (CST) and outlined in an Individualized Education Program (IEP). The procedures involved in determining a student's classification are specified in New Jersey Administrative Code 6:28. The steps in making a determination on whether or not classification would assist a student's learning, and the related costs, are a prerequisite required by the State for entry into a special education program.

Because New Jersey receives federal financial assistance under Individuals with Disabilities Education Act, the State must comply with federal requirements to provide a free appropriate public education to all children with disabilities, regardless of severity. Schools must provide the program in the least restrictive environment. Popularly called mainstreaming, this requirement is intended to ensure that classified students are educated with students in regular programs to the greatest extent possible. However, New Jersey's statutes do not provide reimbursement for services provided to classified students who receive their individualized programs in a regular classroom.

The federal Americans with Disabilities Act requires that school districts furnish appropriate auxiliary aids and services to disabled students. The purpose is to give them an equal opportunity to participate in the district's educational program. These costs have escalated as expanding technology has provided the basis for developing more resources for disabled students. School districts do not receive additional monies for providing the services.

Once a student enters a special education program, state aid is provided to the local district as a percentage of the cost of education for regular students. Reimbursement rates were determined according to the average cost of providing such services across the state at a fixed time. The reimbursement rates have not changed as mandated costs and services have increased. Just as state law does not provide financial assistance for students placed in regular classrooms, additional state aid is not provided for students whose IEP requires schooling on a year-round basis -- a feature becoming more common among special education programs.
SPECIAL EDUCATION (continued)

Providing special education programs also requires conducting an annual review of the appropriateness of the program, maintaining records and filing reports of services to parents, the local board of education and the Department of Education.

COMMENT: Since the reimbursement formula was instituted in 1975, there has been a disparity in the growth of special education and the regular school program. Both the number of classified students and the cost of providing services to them have increased at a much faster rate than the total school population and the cost of education as a whole.

This shift, and a relative freeze in the growth in aid for education, has reduced the financial resources available to the regular classroom. At the same time, the trend to place classified students in the regular classroom has gained momentum. Districts receive no additional aid when special education students are placed in regular classes, even though they may still require additional staff assistance (e.g., a special teacher's aide) and expensive related services.
TRANSPORTATION, PUBLIC AND PRIVATE REMOTE
N J S A 1 8 A : 3 9 - 1 , 3 9 - 3 , 3 9 - 1 7 ( 3 i t e m s )

Reported Cost Range $40,000 - $1,945,384

The State requires school districts to provide transportation for public and private students who reside a distance from school greater than:

2 miles at the elementary level and
2 1/2 miles at the high school level.

COMMENT: An individual district's budget may also include transportation costs for extracurricular activities, field trips, non-mandated transportation and special education. Although these other costs are not mandated under the transportation citation, they may be required because of local safety conditions or by the monitoring code.

School districts do not receive reimbursement for hazardous-route transportation and there is no common definition of hazardous routes. Each district's transportation needs differ because of local circumstances which may include busy highways, geographic barriers, hazardous walking routes, or other safety considerations which are not resolved in another way by the municipality.

All transportation costs beyond the portion for which the district receives state aid must be supported by local taxes, for both public and private school children. The portion of transportation aid received varies from district to district.

The district reporting the highest direct transportation costs also reports an additional cost of $4,000 for drug and alcohol testing of bus drivers.
NON-PUBLIC SCHOOLS
18A:40-25, 31, 58-37.3-4 (4 Items)

Reported Cost Range

$350 - $9,934

This category of mandates deals with services for non-public school students, other than transportation and special education costs. Those services include:

Nursing services
Textbooks, ordering, purchasing and loan

COMMENT: The local school board in districts where there are non-public schools, must provide nursing services to the non-public school students, including:

Medical examinations
Dental screening
Hearing examinations
Maintenance of student health records (including notification to local or county health officials of any student not properly immunized)
Scoliosis screening

Adoption of policies and procedures for delivery of emergency care to nonpublic students, comparable to care given to public school students when they become ill at school or during participation on a school team or squad.

State aid is provided to districts on a per-pupil basis for non-public school textbooks and nursing services. Districts are not required to provide services in excess of the funding provided. And the state aid is outside of the district spending CAP. Administration of the program, however, is the responsibility of the local public school district and, therefore, entails purchasing and accounting costs not reimbursed by the State.
February 3, 2004

The Honorable James E. McGreevey
Governor of the State of New Jersey
125 West State Street
Trenton, NJ 98625

Re: Final Report of the Education Mandate Review Study Commission

Dear Governor McGreevey:

It is with pleasure that I submit the Final Report of the Education Mandate Review Study Commission. I would like to take this opportunity to thank you for providing me the occasion to work with such a distinguished, committed group of individuals who are dedicated to the education of the children in the State of New Jersey. Furthermore, I also want to thank you for the appointment of Jessica de Koninck as a Commissioner Designee and staff support. This Report could not have been possible without Ms. de Koninck’s assistance. It was a pleasure having such an experienced individual working alongside the Commission members.

If after your review, you or your staff would like to discuss the Report, please feel free to contact me. It was indeed a real privilege Chairing this Commission and I thank you for the opportunity of serving the State of New Jersey in such an important endeavor.

Sincerely,

Mildred García, Ed.D.
President
Executive Order No. 75 enacted on October 22, 2003 by Governor James E. McGreevey, established the Education Mandate Review Study Commission. The Commission was charged to identify and evaluate State statutory and regulatory requirements imposed upon school districts and to make recommendations regarding those mandates that may be altered or eliminated to provide cost flexibility or cost savings to school districts. Additionally, the Commission was required to hold public hearings in furtherance of its purpose to allow input from stakeholders and to issue a report to the Governor no later than January 31, 2004. This document is the Commission’s report to Governor McGreevey.

The first meeting of the Commission was held on Tuesday, November 11, 2003 at the Marie H. Katzenbach School in Trenton, NJ. At that introductory meeting, the Commission, chaired by Dr. Mildred Garcia, reviewed the Commission’s tasks and responsibilities as set forth in the Executive Order, discussed the scope of items to be reviewed by the Commission and divided into four subcommittees to facilitate the completion of the Commission’s tasks in order to be able to meet the January deadline. In light of the deadline, the Commission determined to identify those mandates that might be remedied or eliminated quickly and those that required and merited additional consideration and more detailed study. The Commission developed a form for individuals to complete, if desired, in order to share mandate recommendations with the Commission.

The first subcommittee comprised of Commissioners Edith Falkon, Lynne Strickland, Ray Brosel, Richard Sullivan and Joan Saylor was assigned the task of sorting the various recommendations received by the Commission to be reviewed by the three substantive subcommittees. Those subcommittees are “outdated mandates” (Commissioners Jane Susswein, Ross Dans, Joseph Jones, Silvia Abbato), “business and facilities mandates” (Commissioners Joan Saylor, Richard Sullivan, Lynne Strickland) and “classroom and “curriculum mandates” (Commissioners Edith Falkon, Ray Brosel, Lynne Strickland). At its subcommittee meeting on November 20th, the “sorting committee” also assigned mandate recommendations relating to data collection to the “outdated mandates” subcommittee in order both to balance equitably the number of recommendations reviewed by each subcommittee and to acknowledge that some of the current data collection processes in place were outdated.

In order to assure State-wide public input into its process, the Commission did public outreach and held two public hearings. The first hearing was held on December 1, 2003 at Camden County College and the second on December 4, 2003 at Essex County College. In addition to the public hearings, recommendations were received from Commission members, the New Jersey Education Association, New Jersey School Boards Association, Garden State Coalition of Schools, New Jersey Principals and Supervisors Association, New Jersey Association of School Administrators, New Jersey Association of School Business Officials and a variety of individuals. A total of approximately eighty recommendations were received. Some were duplicates or near duplicates. The Commission considered about fifty individual recommendations.
Each of the subcommittees met at least once and conferred during the process. The subcommittees made recommendations to the Commission concerning proposed action on the mandates reviewed or requested additional information from the Department of Education.

The Commission further whittled down the recommendations by grouping many of the recommendations concerning school budget elections and many of the recommendations concerning holidays and similar events. Subcommittee work sheets were developed summarizing each of the mandates reviewed along with a summary reflecting the committee discussion and recommendations addressing each mandate.

The Commission reviewed the reports of the subcommittees at its meeting on December 17, 2003 held at the State House Annex. At that meeting, the Commission reviewed the School Tax Awareness Team (STAT) report that had been presented by Richard Wojdan of the Voorhees School District at the Camden public hearing. The Commission also reviewed the Department of Education recommendations to amend N.J.S.A. 18A: 17-16, concerning violence and vandalism, to eliminate the mandate that the annual hearing be held specifically during the third week in October and eliminating the mandate that a transcript be made of the hearing and provided to the Department.

Dr. Garcfa then reviewed the Commission process to make certain that the Commission’s recommended outcomes reflect both what is doable in the short term and what might be recommended for longer term consideration. The Commission heard a presentation by Deputy Commissioner Dwight Pfennig on data collection systems and plans for system changes at the New Jersey Department of Education.

The Deputy Commissioner noted that there are over 118 data collection systems at the New Jersey Department of Education. The department is working to create an efficient and effective collection process. The goals are to get NJ SMART (Standards Measurement and Resource for Teaching) up and running and reduce the number of annually required submissions. The “School Report Card” will be consolidated with the Federal Report Card, and the Quality Assurance Annual Report (“QAAR” N.J.S.A. 18A:7A-11) can be eliminated. In addition to availability of funding, three implementation issues will take time before the process is fully in place:
1. Training;
2. Cleansing of data;
3. Assuring that systems can “talk” to each other.

The Commission discussed each recommendation that came before it. Some recommendations were eliminated as not constituting mandates, or as areas in which mandates are appropriate, or as mandates not within the primary scope of the Department of Education. In order to meet its tight time requirements, the Commission categorized its recommendations into three areas:

1. Recommend immediate action
2. Recommend further research and exploration and anticipate action will follow
3. Recommend further deliberation to amplify issue or to reach consensus
The items for immediate action may not be the biggest money savers or time savers, but they can be implemented quickly. In the meantime, it will be possible to research and further explore the more complex items.

**Recommended for Immediate Action**

**Holidays and Other Events**

This area generally concerns mandated programs and activities. While all are valuable, each entails the directed use of time and, sometimes, resources at a cost to school districts.


**Commission recommendation and rationale:** The Commission believes that the New Jersey Core Curriculum Content Standards drive or should drive the provision of all matters of instruction including instruction concerning significant holidays and other events or celebration. Appropriate holiday observation is fully embedded in the curriculum regardless of the presence or absence of statutory mandate. Legislatively mandated curriculum is either redundant or requires allocation of class time in a manner not most effective to assure attainment of the Core Curriculum Content Standards or the purpose of the event intended to be celebrated. The Commission recommends that the Legislature amend this statutory framework to give school districts flexibility and options concerning holidays and events and that the Legislature collapse the statutes referenced above into a single statute to afford options and flexibility.

2. **Mandate considered:** Eliminate any requirements relating to providing circulars or other printed items that entail cost to school districts.

**Commission recommendation and rationale:** There are a variety of ways to make information available such as on a website, at a library or media center, in a textbook or other classroom material. These methods offer the ability to circulate varied information and do not entail additional copying or printing cost to school districts. The Commission recommends that the Legislature amend statutory requirements to provide printed copies of circulars, and that the State Board eliminate regulatory reference to required printed copies.

3. **Mandate considered:** Eliminate the transcript requirement for violence and vandalism hearings and give discretion to school districts to set the date for an annual hearing, N.J.S.A. 18A:36-5.1.

**Commission recommendation and rationale:** The Commission recommends that the Legislature amend N.J.S.A. 18A:36-5.1. This statute requires an annual public hearing during the third week in October during which the Superintendent reports to the Board of Education violence and vandalism that occurred during the previous year. Although the third week in October is School Violence Awareness Week, many school boards do not meet the third week
in October. In those cases, complying with this requirement may entail holding a special meeting. Second, the statute requires each district to transcribe the hearing and provide a copy to the Department for review. This is the only area in school law in which a hearing transcript is required. The cost of a transcript can run from several hundred to several thousand dollars depending upon the length of the hearing. Meeting minutes can accurately verify that a hearing took place, identify the names of speakers and capture discussion at the hearing. Third, verification of the report is added to the already lengthy list of items to be included as part of monitoring. Along with an annual report by the Superintendent at a regular meeting of the board, the requirement in the law that the majority representative of school employees have monthly access to the number and disposition of all reported cases is an adequate tool to assure compliance.

Business Services

This area generally concerns recordkeeping, application and reporting requirements relating to school finances and facilities. Some of the items the Commission considered are redundant to other requirements in the law. Other requirements call for a level of detailed reporting inappropriate to the goal or project in question. The Commission recommends the Legislature amend the statutes set forth below.

1. **Mandate considered:** Eliminate custodian/treasurer of school monies and reassign duties to Board Secretary, **N.J.S.A. 18A:8-33, N.J.S.A. 18A:13-14.**

   **Commission recommendation and rationale:** This is an anachronistic position that predates GAAP (Generally Accepted Accounting Principles) accounting and served as a check on the Board Secretary. There is no longer a need for this position for which, according to information obtained from the New Jersey School Business Officials, districts pay between $2500 and $12000 per year. Potential annual statewide savings could be as much as 3.6 million dollars as calculated by multiplying the number of school districts times the average reported salary.

2. **Mandate considered:** Raise threshold for vendor’s certification to the current quotation level. **N.J.S.A. 18A:19-3.**

   **Commission recommendation and rationale:** This is a redundant requirement. An invoice and a signed statement of completion of the work or receipt of goods are already required for these purchases regardless of amount. Under current law it is not necessary to obtain quotations for purchases under fifteen percent of the bid threshold. Therefore, the Commission recommends that additional paperwork not be required to be prepared until the purchase in question reaches the quotation amount.

3. **Mandate considered:** Eliminate reporting for items purchased below State contract amount. **N.J.S.A.18A:18A-51(e).**
**Commission recommendation and rationale:** If districts are able to purchase items below the amount negotiated through state contract, districts should not be penalized by having to generate another report. The record keeping requirement can be satisfied by noting on the purchase order that the item was purchased at a minimum of ten percent less than the state contracted amount.

**Data Collection**

Most of the recommendations for mandate review concerned duplicative and lengthy data collection requirements. Deputy Commissioner Pfenning noted, in his report, the many redundant reporting requirements and the varied quality of the data collected. The Commission recommends that the State Board of Education amend the Administrative Code to consolidate record keeping requirements.


   **Commission recommendation and rationale:** The Commission recommends eliminating the QAAR and consolidating the data in a simplified reporting system. The QAAR is merely one example. The Commission strongly recommends consolidating all of the reports into no more than three or four annual data submissions.


   **Commission recommendation and rationale:** The Federal Report Card requirements of No Child Left Behind are somewhat different than the New Jersey School Report Card requirements. The Commission recommends collapsing the two into a single Report Card. This will save the cost of generating two documents and make it easier for parents to review information.

3. **Mandate considered:** A variety of other reports were brought to the attention of the Commission including elements of the Comprehensive Annual Financial Report (CAFRA), annual report of school aides, improving teacher quality/highly qualified teacher survey and others.

   **Commission recommendation and rationale:** The Commission strongly supports simplifying recordkeeping and reporting requirements as a way to save time, expenses and assure the consistency of data. The Commission supports the goal of NJ SMART (Standards Measurement and Resource for Teaching). The Commission recommends full web-based implementation of the DOenet (Department of Education Network) data collection program and full implementation of the web based Teacher Certification Program. The Commission anticipates that the savings to each district, based on number of hours not spent in reporting and collecting data will be significant.
Special Education

Many of the mandates considered for review concern Special Education. Special education involves a myriad of federal, State and judicially imposed and interrelated requirements. The Commission does not want any recommendation that will weaken valuable special education programs or services. An exhaustive review of these mandates will take more time than available to the Commission given the scope of its charge. Based on its work thus far, however, the Commission strongly believes that a comprehensive review of special education mandates will result in a number of recommendations to improve services and decrease costs. Therefore, the Commission recommends extending its own term and including in this special education review group, in addition to the original commission members, representatives of various stakeholder groups with knowledge of and experience in special education related issues.

Recommended for Further Research and Exploration in Anticipation of Further Action

There are a number of other areas in which, pending further study, the Commission believes mandate elimination or modification will be appropriate and requests that the Department of Education make these items a priority.

The items for further consideration are as follows:

1. **Mandate considered:** Eliminate retirement of school buses after 12 years, N.J.S.A. 39:3B-5.1, N.J.A.C. 6A:27-7.3 provided that buses can be retrofitted to meet all current environmental and safety standards.

2. **Mandate considered:** Nonpublic school services: Administration of services to nonpublic school students such as transportation, technology, nursing and nursing services are administered on a district by district basis. In situations exclusively relating to reimbursement, this often means that a number of different districts will be sending pass through funding to the same school. The Commission strongly recommends exploring the possibility of centralizing administration of nonpublic services on a county wide or regional basis.

3. **Mandate considered:** There are a number of tests that must be performed annually, or training that must be conducted annually, such as training concerning contact with blood borne pathogens. The Commission recommends reviewing each of these requirements in more detail to determine if they can be done less frequently, or if they are already being done in some other context.

4. **Mandate considered:** Eliminate requirement to submit small capital projects to the Department of Community Affairs for review if the project is not eligible for State funding, N.J.S.A. 18A:7G-1, N.J.A.C. 6:1-26.
Commission recommendation and rationale: Submission of all projects to Community Affairs review considerably extends the time period for project review. This, in turn, extends the time needed to get projects out to bid and hampers the ability to get projects done during the summer when many schools are not in session. Elimination of Community Affairs review on small projects would shorten the time frame. Districts would be required to instead submit projects to their local code officials for review, permits and inspections. Better control of the timing of projects will result in savings to districts. The Commission recommends that the Department of Community Affairs seriously explore this option.

Recommend Further Deliberation to Amplify Issue or to Reach Consensus

There were, additionally, a number of areas in which, because additional information is required, or additional time is needed to explore the information in a manner that will enable the Commission to reach consensus, the Commission is not making a specific recommendation at this time, but encourages further exploration.

1. Mandate considered: Vote on school district budgets that are within statutory limitations, including all statutory growth limitations adjustments.

   Commission recommendation and rationale: There were a number of recommendations concerning the vote on the school budget. The Commission recommends further study.

2. Mandate considered: Different prevailing wage thresholds for school districts and municipalities.

   Commission recommendation and rationale: The Commission recommends exploring the reasons for municipalities having a higher prevailing wage threshold than school districts.

3. Mandate considered: Nonpublic school transportation reimbursement to parents.

   Commission recommendation and rationale: The Commission recommends exploring aid in lieu of payments for nonpublic students.

4. Mandate considered: Costs related to participation in and/or not participating in State Health Benefits Plan.

   Commission recommendation and rationale: The Commission recommends more in depth study of possible cost savings in the area of the State Health Benefits Plan.

Conclusion

The Commission members appreciate the opportunity to identify the unnecessary mandates noted in this report. The Commission strongly endorses extending the life of the Commission to
complete the review of the items noted above, as well as to consider strategies to deliver services more cost effectively. Such strategies do not necessarily constitute mandates and were not considered by the Commission as part of its original charge. The Commission recommends that the search for efficiencies be an ongoing process. In particular, the Commission recommends an in-depth exploration of special education mandates. Extension of the Commission to review special education mandates should include representatives of special education stakeholder groups.

Respectfully submitted,

Mildred García, Ed.D.
Chair
Education Mandate Review Study Commission

Senator John Adler, Vice Chair
Silvia Abbato
Raymond Brosel, Jr.
Assemblywoman Bonnie Watson-Coleman
Ross Danis
Edythe Fulton
Joseph Jones, III
Dr. Joan Nesenkar Saylor
Lynne Strickland
Richard Sullivan
Jane Susswein
Jessica de Koninck, Commissioner Designee (non-voting)
State and Federal Mandates Project

Developed by the

New Jersey School Boards Association
New Jersey Association of School Business Officials
New Jersey Principals & Supervisors Association
New Jersey Association of School Administrators

The following document is the most complete compilation of state and federal mandates on local school districts. Up to now, it has been impossible to demonstrate the impact of law, code and regulations on the public schools. We offer this painstaking effort as the first step of a "work in progress," ever mindful of the children these statutes, codes and regulations are meant to serve.
TO: CHAIRMEN, SENATE AND ASSEMBLY EDUCATION COMMITTEES
AND OTHER INTERESTED PERSONS

FROM: NEW JERSEY SCHOOL BOARDS ASSOCIATION
NEW JERSEY ASSOCIATION OF SCHOOL BUSINESS OFFICIALS
NEW JERSEY PRINCIPALS AND SUPERVISORS ASSOCIATION
NEW JERSEY ASSOCIATION OF SCHOOL ADMINISTRATORS

DATE: SEPTEMBER 29, 1994

The Working Document. We are pleased to share with you our list of state and federal education mandates in New Jersey, the most comprehensive list produced to date. This “working document” represents the completion of the first phase of our associations’ State and Federal Mandates Project.

This data is based primarily on New Jersey Statutes Annnotated, Title 18A, Education (N.J.S.A. 18A), New Jersey Administrative Code, Title 6, Department of Education (N.J.A.C. 6).

The membership of our associations represents the elected and appointed policymakers; the administrators of school district business operations; the school building managers, who implement the day-to-day education program; and chief school administrators. Local school officials and managers have long expressed concern about the proliferation of state and federal mandates and their impact on district finances, on decision-making and on the ability to direct resources into the classroom.

The project is divided into three phases designed to identify current mandates, determine their financial and administrative costs and propose alternatives, where appropriate, to many of these requirements:

Phase I, the working document —

- Identifies Mandates
- Categorizes the Source of Each Mandate

Phase II, a pilot study to illustrate the cost of mandates on varied types of school districts.

Using the working document, ten diverse districts will determine the cost of these mandates to their schools.

This effort will result in the first-ever analysis of the cost of state and federal mandates to New Jersey’s local school districts. When the “costing out” process is complete, we will revise the working document. For each mandate, the revised document will —

- Indicate the cost in time and/or money to the sample district
We expect to make information from Phase II available to local school districts as they begin to finalize their school budgets for 1995-1996.

**Phase III**, developing alternatives. As the project's ultimate goal, we will offer to Governor Whitman, the Legislature and the State Board of Education for their consideration:

- Alternatives to mandated actions, where appropriate.

**Historical Perspective.** Over the years, the body of law and regulations that governs schools has grown tremendously. For example, in 1947, the year the current Constitution of New Jersey was adopted, Title 18, the section of New Jersey statutes governing schools, consisted of two volumes. Today Title 18A comprises four volumes.

Each new law enacted since 1947 met a concern of the Legislature. Some were prompted by the nation's reaction to the Soviet launching of Sputnik in 1957. This single event, marked a shift in education governance, with state legislatures and the federal government becoming actively involved in prescribing what American students needed to be competitive. In the rush to respond, states legislated math and science curriculum mandates. Since then, additional educational mandates have made their way through the Legislature in response to outside forces demanding more from our schools. That trend continues today.

Title 6 of the New Jersey Administrative Code has grown in relation to the additional statutes it implements. However, not all code items adopted by the State Board of Education are as a direct result of new law. The State Board of Education may adopt code on its own to address issues which come under its jurisdiction. In some cases the code places requirements that go beyond the intent of the State or Federal Statute on which it is based. The "element of excess" is being scrutinized by both the State Board of Education and the Legislature.

**Code Conflicts.** In addition to concerns about the volume of state and federal mandates, school districts cite conflicts between state and federal regulations and among the rules of various state agencies. Our project will identify these conflicting codes. For instance, the BOCA (construction) code, and the New Jersey Sanitation Code have posed conflicts with state education regulations.

We look forward to completion of phases two and three of the project. However, the State and Federal Mandates Project will continue as a "work in progress," as statutes and code are revised.

Input from everyone is welcome and appreciated. If you have items to add to the list, please feel free to contact any of our organizations.

Sincerely yours,

[Signatures]

Robert E. New   Edward Meglis, Jr.   JoAnn D. Bartoletti   James H. Murphy
NYSBA       NJASBO       NJPSA       NJASA
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Statute - New Jersey or United States
Description - identifying description of code or statute
Report - AN (Annual) PE (Periodic) MT (Monitoring) OT (Other) AM (Annual Monitoring) PM (Periodic Monitoring) OM (Other Monitoring)
Cost - direct or indirect appropriation in local district budget
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New Jersey School Boards Association in cooperation with
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ASSEMBLYMAN STANLEY: Yes, Senator.
I know we want to try to get through folks as quick as possible, because we’ve held the superintendents for a while. But just a specific question regarding East Orange. We saw some pictures of some very, very shoddy workmanship in the district. There were some pipes that were -- it looked like pipes to nowhere in the middle of the facility. I’m not exactly sure where they -- are you familiar with that, Mayor? Or maybe the new superintendent might be familiar with that? I just wanted to know if they had addressed those issues at all. Mayor, are you aware of that?

MAYOR BOWSER: Yes. You’re referring to Campus 9--

ASSEMBLYMAN STANLEY: Yes.

MAYOR BOWSER: --which used to be Clifford Scott High School. After many, many fights, I believe it was taken care of. A lot of it had to do with the cafeteria area. And there was initial assessment of the work that had to be done, that wasn’t done properly. So when the school got ready to open, all of a sudden things were not approved or acceptable for use. It took a little while to get it done -- something like six or eight months, but it was done, yes.

ASSEMBLYMAN STANLEY: Thank you.
Senator, would you like to go onto the next superintendent?

SENATOR RICE: Yes, okay.

ASSEMBLYMAN STANLEY: Thank you very much.
Richard Kaplan, from New Brunswick.

RICHARD KAPLAN: Let me be the first one to say good afternoon.

SENATOR RICE: Good afternoon, Richard.

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MR. KAPLAN: This is my second time here before this Committee. I think we met once in October. I didn’t get a chance to present, but you did, in fact, receive my paper and was kind enough to print it. I thank you for this opportunity.

I just want to share a quick background story and answer some of the questions from the legislators. I am currently the Superintendent in New Brunswick, New Jersey. I bring a different perspective than some of my colleagues. I’m a new, three-year superintendent of an Abbott district. I’ve served in suburbia, and I’m proud to say I served as former Assistant Commissioner during Governor Kean’s administration, with Saul Cooperman. One of my accomplishments during that time will answer, I think, Assemblyman O’Toole’s question and perhaps Senator Rice’s question, and that is on accountability. Let me make it real clear -- it’s easy. Here are the five areas. It’s tested in court. It works. I’m not talking about implementation, but I’m talking in investigations and how it works.

Here are the five areas: Governance: How does a school board govern? Two, management: How do the superintendents and the supervisors in the district manage the school system? Three, what are the facilities of the school system? What are the conditions of the school system? What has the school system and the board of education done to make facilities attractive, to make them educationally conducive to learning? When I went to Camden in my first review, the Broadway School, in 1986, smelled from human feces. And I walked in the building and you smell it immediately. And here’s what I said to the principal: “What is that smell? Where is it coming from? How long has it been there, and what have you done to communicate it with central office?” He
dragged me downstairs, showed me the open sewer pipe in a school building — 1896. He walked me to his office and pulled out two file cabinets of memos. I picked up the phone. I called the county superintendent, and I told him to get his butt to that school. I then picked up the phone and called the Commissioner and said, “Here are the conditions, Commissioner; I recommend you close that school now until it is repaired.”

Now, the big misnomer about Camden is they’re poor. In 1986, they had a $13 million surplus. I called— The Commissioner said, “Kaplan, do it,” because kids are in an unsafe and unhealthy environment. I called the then-superintendent to the building, along with his business administrator, and by the power vested in me at that time in the State of New Jersey, we closed that school. In eight hours, they brought in enough people to fix that problem, and opened the next day on a delayed opening.

Now, I said to them at the time, and I will say to you today, somewhere between six years and eight hours is probably the right amount of time for people to fix an unhealthy situation affecting children. (applause)

The fifth thing is curriculum: What’s going on in the classroom? Those are the five things: Governance, management, finance, facilities, and curriculum. It must work, because it took over three major school systems in the State of New Jersey. I spent the longest time of any witness on a OL stand — two solid months — testifying. Now I’m not talking about the implementation after we left, but I am talking about what went on and how you can do accountability.

I agree with the Mayor of East Orange. I’ve been a career educator in New Jersey for 35 years. I started as a special ed teacher in
Perth Amboy, and then went on to Bayonne, and then became director of special ed in Long Branch. They all sound urban to me.

I then worked in New Providence -- sounds suburban to me; Madison -- sounds suburban to me. The Mayor is right -- kids are kids, problems are problems. Here's the problem. Let me define flat funding for you: Abbott flat funding is no increase in dollars -- none -- flat, zero. That's not what everybody else gets. That is not flat funding in suburbia, where I've been a superintendent in Boonton, in Morris County; Eatontown, in Monmouth County. Here's what flat funding is in an Abbott district: no money. Do it the same the next year that you did it the year before. Flat funding in suburban districts means you're not going to get any more aid, but go ahead and raise your tax levy. Here's what comes back to you: those three fingers that the Mayor talked about. It's in your hands. Not in the superintendents' of New Jersey, not in the boards' of education, and certainly not in the taxpayers'. It's in your hands.

And here's why it's in your hands: It's in your hands because you create the laws. You create statutes, along with the Executive Branch, who writes the code. And I've said this to your current Attorney General; and then acting, and now Commissioner: We're all going to be held flat. New Brunswick was one of the first five districts to go flat. We raised $1.6 million of municipal aid. My mayor, Jim Cahill, has the understanding and capacity to know that there has to be some input from the local taxpayer. It can't go on forever being 100 percent funding scenario. We're reasonable people.

On the other hand -- on the other hand -- you cannot expect a discussion, a real discussion, a real problem solving to be a finger-pointing
event. Because all you’re doing is, you are separating out the haves from the have-nots. And you also -- you -- are also creating the problem. And the problem is not the 589 operating districts out of 612. Five hundred and eighty-nine superintendents did not create the financial hardship.

Now, I spent a career of eight years in the Department of Education monitoring school districts. And let me tell you, some of them who aren’t Abbotts were doing equally as harmful things as Abbotts.

Number two, let me tell you this: The one thing Commissioner Cooperman and Governor Kean wanted to accomplish was something that couldn’t be done, which this Legislature, under Governor McGreevey, did -- and that is, decide to take care of the school infrastructure and build schools. That’s a noble experiment. It’s needed in New Jersey. We’re not a new state. We’ve been here a long time. And schools in a lot of our major cities are old. They are over 100 years old. And no matter what we do, they’re not going to get younger. (applause) And so, what has to happen here, and what did happen is, that because of the legislative courage, we invested $8.9 billion.

And I heard Assemblyman O’Toole, before, talk about people going to jail, and this, that, and the other thing. He must know more than I do, or what’s been reported by the press, but I didn’t see anybody indicted. I didn’t see any investigation. I didn’t see anything. I have never seen an administration just walk from it. But it has. And I’m not here politically. I’m just wondering why the schools in New Jersey and, in eventuality, the taxpayers in New Jersey, are the target for the problem you have oversight to do. And it’s time you address the real issues. And the problem’s going to
be for you -- and you know it -- is that once you get into the issue, anything you do is going to go right back to property tax.

Now, I served on Whitman’s Property Tax Commission. There were 58 recommendations. Like it or not, 55 of the 58 were implemented -- good, bad, or indifferent. We’ve had takeovers of State schools. We were the first in the nation to realize that we had a problem. That isn’t the problem. The problem is one administration comes in, one administration comes out, one administration-- And you know what, we don’t have an institutional memory. We spend time reinventing the wheel.

Do we want to talk about consolidation? I’ll give you the answer. In 1984, we offered an incentive to consolidate school districts. Two communities -- Chatham Borough, Chatham Township -- agreed to do it. There’s going to be a winner and there’s going to be a loser in the tax base. So unless you fix property tax reform and how we fund schools, you’re always going to have it. It was about a $700,000 to a million dollar hit, which was determined to be paid in three payments over three years. Two of the three years, they were paid. They consolidated. They’d save money. They used each others facilities. There was one less superintendent, one less BA. And in the third year, the administration changed and Governor Florio redlined the payment.

So it isn’t the politics of it, it’s there are answers. There have been proven ways. We need to go back and look -- what did we do, how did it work? We need to bipartisanally decide how we’re going to resolve New Jersey’s issues and fix it, because it can be fixed.

In New Brunswick -- you asked about budget. How did I get to a flat funding? I asked for a 4.04 percent. My actual operational costs, in
contract alone, in the second year of the contract, was over 6 percent. My heat and light bills go up as much as anybody else's. But I read the tea leaves better than maybe some of my colleagues. And I didn't decide to go to the Supreme Court -- maybe because I know three of the justices. But I decided there was no way I was going to go in there. So I cut over 75 positions -- I transferred, I used attrition. And the Department was "nice enough" -- and I use this nice enough term in quotes -- to allow us to use carryover dollars, which they normally would debit from the State aid. So if you get 92 million, but they spoon-feed you and don't give you your NCLB money until June-- They created, in my case, $3.6 million extra because they made me pay it; and stringing me out to get it, I could then carry it over and use it. So between a combination of carryover, attrition, and cuts, I could get through this year.

Now, let me talk to you about a 2 percent misnomer here -- and I'm sure another superintendent is going to talk about it. That 2 percent is not a requirement. That 2 percent is the max. So people who think they have to have the 2 percent surplus will find out that, when they need the money, the Department is going to tell them, "Oh, that's only a maximum."

Now, in terms of building construction, I too, like East Orange, have a program. We gutted the community of the Paul Robeson School to move into the same scenario -- a swing space. That building hasn't been touched in a year -- displaced an entire community of 600 children, moved them across town in a bus. Which, by the way, let me tell you that we were supposed to get $4 million from the State to fund these transition activities, but then they changed the code in the last minute and put in the words only for permanent facilities. So unbudgeted, I got stuck with all the costs last year
to transport and to fit the swing space facility for computers. It cost us $3 million of unbudgeted funds, going into that year, by taking it out of other programs that we did without.

Now here's the story: They paid $2 million a year in rent. We have warehouse-style schools. We moved two full schools, the Redshaw School and this Robeson School, over to these swing-space facilities.

Transportation costs -- here's a real number. Last year it was $140 a day, per route. This year, the vendors came in at 280 per day. And I rejected three bids. And I got them down to about 234 a day. And I've been advised by everyone, including my attorney, take it, because look at the gas prices. That's going to cost us an additional $750,000, to transport kids who could have stayed in their own school, because nothing has happened. So I said, I want to move them back, but I don't want to spend the 50,000, between the professional movers -- because I can't use my custodians any more -- they have no backs left to move boxes, to pack boxes, to schlep boxes, to move furniture. So I said to the SCC, "Hey, it's sitting over there. I'm getting new furniture in the new building. Why don't we buy me the furniture now, and I'll put it in there and I'll be responsible for storage so I don't have to move all this stuff." And they thought that was a great idea; except after we picked the colors and the furniture that we were allotted, they backed out of the deal.

Here's why they backed out of the deal: I said, "Hey, listen, I want to make sure I stay on this list. I need a letter that, just because I'm rehabilitating the building, it doesn't disappear." That's when they got very squeamish and decided, "No, we can't do this." So while we heard from Assistant Commissioner MacInnes today-- And frankly, we're all going to
be meeting with Scott Weiner tomorrow -- that's why you moved your meeting to accommodate him. For us, here's the story: I don't think the money's there. Where's the money? Remember that commercial, "Where's the beef?" Where's the money? (laughter) (applause) Everything's been booked, but where is it?

Now, I'm going to tell you another story. The other school, Redshaw School, was supposed to be knocked down by now. The ground was supposed to be leveled. That was the other school we vacated. We waited and we waited and we waited, seven months. We yelled and screamed. I danced around. I did my tap dance. I called all my political friends, as you suggested, Senator, and you know what? Nothing happened. So here's the deal: They finally said, "Well, it's in DCA." Here's the game that's going on. And I'll give you the letters to prove it. The Department of Education's Facility Division was told by someone to sit on an approval letter, before it goes out to me, so DCA could take it. How do I know that? I'll tell you how I know. Because they were smart enough, or whatever, to send out the original letter that was dated six months prior. And when I called them and said, why does this have a date on here -- six months -- and I'm just receiving it? I was told -- they were told to sit on it, because they weren't prepared.

Now it goes into DCA, and DCA sits on it. It doesn't happen. Now, why is all that? I don't know. This is my conjecture, but why isn't it happening? If the money is booked, the project is there, what's the problem? So I find out, on Redshaw, the problem is it's a $22 million project. They had a $100,000 change order put in for additional asbestos removal. Hell, the building was built in early 1900. I guess they had
asbestos in those days, but I'm not a professional, so I don't know that. And so they sat on the change order decision for three months. Now, I have friends who are in construction and in economics. Right now, construction is running between one and two points per month. So this $100,000 big decision, on a $22 million project, probably cost the State another 600,000 until they got off their duff, and now the school's first being torn down. But it was held up this week, do you know why? I'll tell you why. Because they had to get a permit to knock it down, and they only had one permit to knock the back down. They needed three more permits to get the rest of it knocked down. This is absurd.

The inmates are running the asylum, and somebody up there and somebody in the administration needs to be accountable, because here's the bottom line. They're still paying $2 million a year for warehouses, plus I'm stuck with all the up-charges of busing kids and doing other things that I shouldn't have to be doing, because we should be still squatting in our other building. And I should not have to uproot the community and deny the services.

So there are some real solutions. Here's the bottomline solution for New Brunswick -- it may not work everywhere, but it works in New Brunswick. New Brunswick has something called Devco. They put it together years ago. It builds and restores the community. We built, prior to my being the superintendent of New Brunswick, a new school -- the Lord Stirling School. It came in on time, under budget. We worked that out after a year of debating with SCC to do our high school. It's moving forward. There are communities that have a structure in place, a proven
record. They ought to be released to do that. You need to change the legislation.

While the Governor is getting Gordon's report and everybody is going to read it, I'm going to tell you this: This is one time you cannot look at the LEAs. You can't look at the urbans, you can't look at the suburbs, and you cannot look at the rurals and blame them. We're all blaming you, because you're the ones that had it, and what did you do with it? Screwed it up. So now, you're going to have to learn to trust some folks out here with proven records that have the capability to do this. And I recommend you change the legislation to let that happen in New Brunswick.

Thank you. (applause)

SENATOR RICE: Thank you very much.

Sure, there are several of us who have been involved in this process from day one who don't disagree with you at all in terms of even the system we had in place -- what should be done locally, what's not, what couldn't be done -- but it was more of the politics of the governor and other people. Keep in mind, the Legislature, whether people like to hear this or not-- It's not an indictment of anybody. I've been here a long time. I don't have the kind of relationships some people have with some of these folks doing this work, some of these people who are not doing the work, who played golf, etc. So a lot of stuff gets out there. But we said from day one, Ray Lindgren and others, when Michael Steele was in Irvington, that our architects can do these things, and get accountability by doing this. You guys draw the money down, that I have locally, but move the process with people's knowledge. We knew, at that time, we could assemble that a lot quicker than bringing someone in from wherever -- Pennsylvania or
someplace, that didn’t know anything about the location, trying to find out how to assemble land, etc. So I don’t want all my colleagues painted with this brush. It still takes 21 votes on our side, 41 in the other. In the Abbotts, someone’s arguing the case. I think what’s happening now is that we started with nothing, and as we move through the process, nobody listened. I think, because we have moved through the process and had such a terrible experience to date, that mainly there are some folks in the administration that have started to listen. There are colleagues on the legislative side who are starting to listen, and pay attention, and think. Now, we don’t know what our collective wisdom is going to bring about in the next few weeks, but my feeling is what it brings about is going to be better than how we started. Because now, a lot of the knowledge and experience from where we started -- and as some of us said, we told you so. And that’s where we are.

Assemblyman O’Toole has some questions for you.

ASSEMBLYMAN O’TOOLE: Thank you, Chair.

I agree with the last statement you said, about those school districts that have done well should be rewarded. I’ve long said that. And whether it’s Abbott or non-Abbott, those who have done well should absolutely be allowed to continue their level of success. Whatever happened to you when you point one finger, three fingers go back -- but that’s another day. But you asked me about the criminality aspect. I’ll point you to two reports. I’ll be more than happy to give you a chapter and verse, if you want to leave your card.

When the State Inspector General, Mary Jane Cooper, went in, at the direction of then-Acting Governor Codey, and was asked to look at
the Schools Construction Corporation, it was her conclusion, the career prosecutor said, and I quote, “Waste, incompetence, and mismanagement, that they burn through $8 billion, under five years, getting less than half of their mission.” And she talked about -- have you seen that report?

MR. KAPLAN: I remember the quote now, but my bottom line is, so what’s happened?

ASSEMBLYMAN O’TOOLE: No, no. My question is, have you seen--

MR. KAPLAN: I saw the press release.

ASSEMBLYMAN O’TOOLE: Why don’t I send you the report, because you said to me-- You said, Assemblyman O’Toole said that there’s -- well, people actually went to jail. Let me tell you, in February of 2006, a Paterson school official admitted to a Federal judge he took $47,000 in cash for a payoff that he received from companies that failed to complete $8 million, in Newark. It was a day-care center -- owners indicted for stealing $200,000 to pay for Jaguars, and places in Chicago and places in Hyannisport. There are a chapter and verse of folks who have, literally, just criminally stolen money. If you haven’t heard about it, I’ll be more than happy to give you a copy of the report, because you said--

MR. KAPLAN: I’d like to see it.

ASSEMBLYMAN O’TOOLE: And let me just finish, and then you can jump in.

MR. KAPLAN: Go ahead.

ASSEMBLYMAN O’TOOLE: Let’s make no mistake about it: these questions, they demand to be asked. Where did the money go, whether it’s Abbott or non-Abbott? And if the kids are being cheated in
Abbot or -- do we have to ask these questions? If people want to say it's racism, I say they are racists for saying we cannot ask those questions. Those questions have to be asked, period. And if those areas, like in New Brunswick -- you're telling me they're doing well, and you're now relying upon a concentration of local tax dollars to supplement your flat funding -- maybe that's something we should look at in all the areas. If the new New Brunswick experiment is working, if West New York is working, if Union City is working, let's use those as models and say, reward those schools. But those that are not working, we have to do something different.

MR. KAPLAN: I really would like to see that full report, because here's my--

ASSEMBLYMAN O'TOOLE: Give your card, I'll forward it.

MR. KAPLAN: I will.

Here's my understanding, and here's my experience. Local boards of education and administrations of the school districts, superintendents or whomever, have no say and touch no dollars as is related to SCC projects. We don't get a nickel to do anything. Here's what goes on: When the work gets pushed up to finally select an architect, we have one vote on a panel of four. The other three is SCC. One vote -- one vote -- three others from SCC. When the money is approved, we don't get a check like the non-Abbotts do when they put their 60 percent up for their 40 percent. No dollars come to us in the school district to administer any SCC project, zero. On the other hand, on the preschools -- I know something about that, because I've been a superintendent two years in New Brunswick -- I closed three of those preschools in New Brunswick. And the reason I closed them is because, they ran nice programs, but they didn't
meet the fiscal requirements. And I’ll bet you my colleagues do the same thing.

There are two standards in preschool education -- one is that they provide a quality program; and two, the contract with the State Department of Education -- that they design it, we just take and rubber-stamp -- has to be met. And as the former Compliance Director, you can bet, New Brunswick, that we comply. I think there is some mixing here of what is and what isn’t. And I think there’s got to be a focus.

I always look to my legislators -- and you’re all my legislators -- for statesmanship, for understanding the leadership that needs to be done. And I know a lot of you do. I just don’t want to see this turned into, as a career educator and as a citizen of New Jersey for the last 57 years, I don’t want to see this turned into 1960 all over again. I don’t want to live through all that. Here’s the problem: It’s the have and the have-nots.

I lead the charge to say dollars don’t equate to anything. I agree with what the Mayor and some of you have, undoubtedly, said to me privately over the years. The bottom line is not how much money you put into it, it’s what you get out. It’s the leadership, it’s the governance, it’s how you do it. But don’t think less of the Abbotts because you’re being squeezed, because of the financial issues. That’s just a smoke screen. The reality is the tough issues. And lots of smart people -- before you, during you, and long after you -- are going to have a hard time to decide what the right funding formula for New Jersey ought to be. It’s not an easy task, and there’s a lot of tough options here. But they’re out there -- that’s the reinvent-the-wheel piece of this. It’s out there. You have the political courage to do it, that’s why you’re elected. That’s why I’m the
superintendent of New Brunswick -- not that I had to, because I wanted to. Because I was the one who testified and convinced the Commissioner and Governor Kean that these communities were coming apart. They were the worst school systems. There are causative reasons for that. And the Legislature spent months trying to come up with a fair bill, until they finally passed a bill. And we were prudent in making our decisions that they needed to be taken over.

SENATOR RICE: Mr. Kaplan, let me thank you very much. Let me also just indicate to Assemblyman O'Toole and to my colleagues, yes, we need to ask those questions. We should be asking those questions. And a lot of us have been asking questions. And some places we got to ask some, we haven't. But answering the questions still should not be a barrier for us doing what we have to do in terms of the status and accountability. If we think it's not there -- we can't get an answer -- then there's nothing wrong with passing something to make sure it's there. So if we're duplicating the accountability, then we can always pull back. To do nothing, to me, is suicidal or foolish, and we can't wait. And so that's the difference. And to be quite frank about it, I know people don't like to use the word, and at my age I don't like to use it either, but sometimes people don't understand you unless you use vocabulary -- not to offend, in some cases it is racism. Because once we come up with the scenarios, there are still people who say, and they continually use, the word them. And when you say "them," to me, coming from the South, it's clear what they mean. And so -- it's not all the cases. And sometimes I think the word racism is used as a defense mechanism -- my people, my group, and others -- when we can't seem to get from point A to point B because of all the barriers. And
so we have to be clear, and I think we’re going to have to remove all that language, if we can. But ask the questions.

But I also think that when the administration side is not responding quick enough, particularly with this education piece, then we need to stand them on their heads. We can’t be so close to any of our governors, or our parties, that we’re not going to do what’s right for New Jersey first. Now, I’ll say that again: I’ve been the victim of it by standing up. And if I can do it, then Republicans should be able to do it against your party, other Democrats should be able to do it against our party, and still survive because of the rights of the people. Hopefully, I might (indiscernible) them next year, but I’ve been there twice. Okay?

Okay, a couple of questions here.

Then we’re going to move next to -- the next speaker is Dr. David Mooij. Okay? Then we may bring a couple up at a time.

ASSEMBLYWOMAN BECK: Thank you.

And Mr. Kaplan, I certainly appreciate your comments. I certainly admire the work that you’ve done over a course of a long and dedicated career. It was certainly good to hear from you. And I don’t disagree. I think that we should be approaching the education issue holistically; and dividing school districts into Abbott and non-Abbott, I think, is not working, as we’ve heard multiple times -- including from Scott Weiner, who I understand you’re meeting with tomorrow, who came before us in our last Committee hearing and said, “Here’s some of the reality of the legacy at SCC that all of us -- you as legislators, this administration -- came into. There was no plan. There was never a holistic budget for a project. Imagine a project that includes the acquisition of lands and
predevelopment work, design work, and some construction work and, eventually, updating the school. You’d think there would have existed a budget for that project that could be managed. Didn’t exist. It’s about to exist. And most of our activities have been spent in the past few weeks, months, establishing the basis to get that kind of project-level budgeting done.” I only say that because his testimony and that we’ve heard of others demands that, as a Legislature, we act to correct the problem.

And as I listened to the mayor and superintendent from East Orange, I certainly feel their pain and share their pain. Because in the Borough of Red Bank, where I live, where 70 percent of our public school is Latino, we have 92 percent of our students on free and reduced lunch. For the last five years we’ve cut our Summer program. We haven’t done advertising. We cut our librarians. We don’t have bilingual teachers any longer. We consolidated our English class, so we only have one English teacher now for 36 students. We have been doing this for the last five years, not one year. And I think all of that is simply to say -- not to be divisive, but to say we need change.

I was elected only six months ago, so obviously I’m a new member of this body. But I’m very committed to this issue because we can’t keep doing what we have been doing.

And maybe, to our Chair’s comment, I will tell you that the working families and the working poor of the Borough of Red Bank are not taking their kids to the beach and reading to them, they’re working two and three jobs to pay the property taxes that send their kids to school every day. And again, I think this is incumbent that we, as legislators, have got to
make some hard decisions and change the system that we're currently operating in. It's, just simply, not working.

SENATOR RICE: Let me agree with you, Assemblywoman. I know Red Bank, and that's why they need help down there. And that's why we need to do our job here, in terms of school funding, and we have to do more for them. You can't, from my perspective, eliminate bilingual classes with that kind of population. I mean, you can get do it and get through it, but we have to make sure we fund that kind of education, the special needs and everything else. So we're on the same page. That's why I said this Committee -- this is an Abbott Committee, basically, but we try to distinguish between education -- who needs, and who does not need. But we try to stay focused, also, with the court mandate, that sometimes members want to get away from, because the court made the decision. We didn't make it. The court was right in some of their opinions, but we try to stay focused there by also helping other districts that we know need that help.

Okay, Doc.
Testimony
of the
New Jersey Principals & Supervisors Association
on the
Education Transformation Taskforce Report
Before the Joint Committee on the Public Schools

October 18, 2011

Thank you for the opportunity to share the thoughts of the New Jersey Principals and Supervisors Association (NJPSA), and its statewide membership on recently released initial report of the Governor’s Education Transformation Taskforce.

I am here today on behalf of school principals and the supervisory staff who lead our public schools. We are the professionals responsible for developing the educational vision of a school, for ensuring a safe, disciplined and secure learning environment, for developing and implementing the curriculum, for state testing/assessments requirements, for school accountability mandates and for the day-to-day operations of a school building. Our members must comply with state and federal mandates on a daily basis.

NJPSA is dedicated to the improvement of the quality of teaching and learning in New Jersey. We understand the need for accountability, self-review, public transparency, intervention, if needed, and a continuous-improvement approach to our schools.

Basic Principles
We believe that educational and instructional leadership are key components to student success. We recognize the value of reviewing our current regulatory structure to ensure that its focus is directed toward ensure the academic success and well-being of our students. We also believe that all public bodies that receive taxpayer money, including schools, have a duty to be prudent stewards of the public’s resources. But, it is paramount to ensure that any efficiency measure considered does not jeopardize the quality and effectiveness of the instruction we provide to our students in our schools every day. Ensuring that this is the case must be non-negotiable.

Our current fiscal and educational climate raises new challenges. With limited dollars and ongoing economic challenges, it is more important than ever that every dollar be wisely spent. At the same time, our educational system is moving forward with the adoption of heightened graduation requirements, new Core Curriculum Content Standards and a developing and upgraded system of state assessments. We are re-training individuals from other sectors to serve as teachers in high need academic areas with no prior teaching experience.

In this climate, the importance of high quality educational staff and leadership cannot be overstated. If we are charged with preparing our students with 21st Century skills, educators must be prepared to teach, supervise and assess the development of these skills in our classrooms. NJPSA firmly believes that New Jersey should not depart from its current licensure standards because they address the needs of educators at all stages of their professional careers. We believe that any significant departure would erode the quality of education in our schools and risk impacting student learning and achievement.

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With these goals in mind, we have and continue to call for increased clarity and flexibility in our code, recognizing the unique nature of the school environment, the strong need for ongoing staff development at all levels and the operational framework of our schools. Simply said, we seek to balance the important goals of quality and accountability. We therefore urge that any streamlining discussion focus on flexibility rather than just outright elimination as a central consideration in any process discussion. We must guarantee that the educational needs, health, safety and welfare of our students, educators, and other personnel remain of central importance. We believe that allowing districts flexibility in how they accomplish regulatory goals is important first step to ensuring more efficient and effective oversight in our schools.

**A Unified Accountability System**

We share the Department’s and Task Force’s belief that current school accountability requirements, whether via the New Jersey Quality Single Accountability System (NJQSAC) process (as implemented by state regulation), or because of No Child Left Behind (NCLB) requirements, can be burdensome for schools, diverting critical staff time into bureaucratic, not educational needs.

But, efficiency should never jeopardize the quality and effectiveness of the comprehensive instructional program we provide to our students in our schools. Ensuring that this is the case must be a non-negotiable principle.

The current NJQSAC process, as outlined in the report, can take over a year and involve hundreds of hours of staff time, including administrators, teachers, and secretaries. The cost of duplicating evidence and compiling the information into multiple notebooks (information that is often already submitted to the NJDOE in other contexts) is overly burdensome.

As such, we applaud the recent work of the Department and Taskforce to streamline the NJQSAC process, including streamlining the number and type of indicators required to be met (from 334 to 54) and the required documentation to be submitted in each performance category, particularly if districts have already submitted this information to the NJDOE in another form, such as through an NCLB requirement.

We similarly support the concept of “earned autonomy” where districts who are high performing under the accountability system earn the right to be free from burdensome and costly annual self assessment requirements as well as a longer period between Department reviews. We urge this body to support pending legislation (A-3344 / S-2905 (McKeon/Kean)) to extend the monitoring review period from three to seven years for districts who are high performing.

We likewise applaud an articulated, proportional and specific intervention schedule/process that allows districts to address deficiencies based upon the unique circumstances on the ground. Like the Task Force, we believe making the NJQSAC process more efficient and less time-consuming will allow districts to more efficiently use limited resources and, more importantly, focus attention on factors that directly impact student achievement.

In addition, we support linkages, where appropriate, of accountability requirements – this quite simply allows schools to focus on what their chief mission is – educating kids. Our support includes many of the proposed “hallmarks” of the system as outlined including: focusing on schools rather than districts; a commitment to college and career ready standards; recognizing student growth; and clearly defined intervention steps.

**Where we depart from the report surrounds the intense emphasis on outcomes.** While student performance may be impacted by certain “inputs”, we believe that certain inputs are of such importance to
the wellbeing of the child that we have a duty to monitor efficacy. Examples would include ensuring a safe and secure learning setting, guaranteeing highly qualified and effective staff, or ensuring a healthy school environment. These inputs go to the heart of a child’s wellbeing as well as academic success. They represent areas that we must continue to review what schools are doing directly rather than utilize performance as an inference of success or compliance.

**Mandate Reform**

Beyond a system of accountability, the taskforce was also required to examine all current regulation and statute governing schools.

By their very nature, public schools play a unique role in our society. As public institutions, schools are the first access point of our children to our system of government and the concepts of good citizenship.

Schools have become an increasingly important piece of the social safety net. Schools are required to provide student health services, to provide programs to address the needs of low-income students/families such as parental training and family counseling, and to serve as a conduit for access to government services. In recent times, schools have been increasingly called upon by this Legislature as a tool in public health prevention efforts. A quick glance at the curriculum mandates for health and physical education in our schools shows required instruction on alcohol, drug, steroid abuse, domestic, dating and school violence, gang awareness, nutrition, healthy lifestyles, sexuality, sexually transmitted diseases, to name a few.

There are many requirements imposed by statute, regulation or state policy that are unfunded or underfunded, that impose overly burdensome requirements on local districts, or are redundant/inefficient when applied to school operations. But, relief from these mandates is often practically unavailable for schools based upon the public’s or government’s expectations of our schools. In addition, mandates are often federally based and a prerequisite for the receipt of needed federal dollars.

As a result, any discussion of mandate relief in schools often faces opposition. Several years ago, when the Education Mandate Review Commission developed a list of mandates to remove, the effort largely failed as only a handful of school mandates were actually removed. This Commission failed to even consider one of the biggest cost areas in a school budget – special education - even though New Jersey has chosen to exceed the level of federal special education mandates in many areas including due process and the delivery of services.

The point is that the number of mandates on schools continues to rise despite the cost implications to local districts and taxpayers.

It was therefore heartening to see some of our recommendations to the taskforce in the area of mandate reform included within the initial report such as in the area of records retention, student transportation (e.g. reserve seats) or the so called school accountability regulations.

**Professional Development**

In this climate, the importance of high quality educational staff and leadership cannot be overstated. If we are charged with preparing our students with 21st Century skills, educators must be prepared to teach, supervise and assess the development of these skills in our classrooms. This requires continuous improvement which happens, in large part, through professional development. While we support the taskforce’s view that there should be flexibility in how professional development is delivered, wholesale elimination of an hours requirement may create a sense, in some districts, that professional development is not a critical need or function of the district. With new evaluation systems being considered, new core curriculum content, and new technologies racing toward schools, we need to ensure that this is not an area
we skimp on when the economy contracts. Professional development is at the heart of good teaching and learning and must be viewed as integral to high quality instruction and, in turn, enhanced student performance.

**Charter School Proposals**
Where we also depart from the taskforce is in the area of school choice – specifically the provisions weakening the requirement associated with charter schools “districts of residence” or the requirement that a charter expand contiguous to communities it abuts. Like traditional public schools, charters serve the communities in which they reside or are domiciled. This creates a tie to the community and ensures consistency for districts and the taxpayer public as to what the impact of a charter’s formation of expansion will have.

**Other Areas for Consideration**
In addition, we provided the taskforce several recommendations in the areas of special education, student health, curriculum expansion and school board elections.

**Special Education**
NJPSA understands that many of the protections in our current special education law and code are necessary to meet the needs of our most vulnerable students. Both federal and state laws govern the provision of these services to our students. We fully support and work diligently to identify and service the needs of our students with disabilities. Addressing costs and regulations in this area is necessarily a difficult one. However, since these costs to educate, support and transport our disabled students are mandatory, continually rising and often outside district control, we believe the Legislature should examine areas of cost savings/efficiencies that do not compromise the provision of quality services. Clearly, this is an area for detailed study, public discussion and political courage.

Attached is a current listing of New Jersey administrative code that goes beyond federal requirements developed by the NJDOE for your review. Additionally, we believe alternative dispute resolution procedures in special education matters should be considered to save districts the high cost of litigation in these matters. Current New Jersey law places the burden of proof in special education due process matters on the local board of education to defend its placement decision, not on the parent challenging the placement. This is not federally required. Districts are further responsible for parents’ attorney’s fees where the parent prevails on an issue litigated. This structure results in a system where boards often settle a dispute, even where they have a strong case, in order to avoid expensive legal costs to local taxpayers.

Recommendations:
- Establish a Special Education Costs Taskforce to explore potential cost savings in the identification, support, placement, and delivery of services in special education.
- Follow federal law and place the burden of proof in the litigation of special education matters on the moving party to the lawsuit, the parents, as is done in all other areas of litigation.
- Explore alternate dispute resolution processes and structures as a way to avoid expensive litigation costs in districts.

**Student Health**
Current law requires districts to conduct a myriad of tests on students on a regular basis. See e.g. N.J.S.A. 18A:40-4.3 (scoliosis check). However, enactment of the New Jersey Family Care legislation requires parents to ensure that their children have private insurance or insurance through the NJ Family Care program. The Legislature should explore the participation rates and adequacy of coverage to determine if schools should continue to provide health and screening services that are already being provided.
Additionally, as the number of chronic student health issues has grown, schools face challenges in providing health services round the clock. Non-medical staff members are being called upon to provide medical services such as the administration of glucagon to diabetic students. The authorizing legislation addressed many legal issues but failed to provide funds for needed training in this important area.

Recommendations:
- Re-examine current student health requirements imposed upon schools (e.g. vision screenings, physical examinations, etc.) in light of the introduction of New Jersey Family Care and statutory changes that requires all children to have medical insurance either privately or through the Family care system.
- Place a moratorium on any additional mandates for non-medical staff to be trained to administer health procedures (i.e. epi-pen, glucagon, etc.). Currently no funding for training is available and the policy approach to these mandates is unsafe.

Curriculum Mandates
The issue of what should be taught in our public schools to prepare our students for their futures has been ongoing for decades. New fields and developments take place and our curriculum must be modified to address these changes. A perfect example is the issue of technology which often changes faster than our ability to adapt. Computers and other technology advances have not only changed what is taught in schools, but how it is taught. Currently, a national curriculum is being explored in key areas which will lead to major reforms of what is taught in our schools. By law, the establishment of curriculum requirements is the job of the State Board of Education through its administrative process.

Despite this process, as special issues arise or events occur, the Legislature responds by proposing curriculum or required staff training to address specific issues. While this legislation is well-intended and its content often appropriate, this form of legislation raises new costs for districts in developing and implementing the curriculum across districts. It also raises the challenge of addressing multiple mandated topics within a course within the physical limits of the school’s day, semester and year. The more that is added as a requirement, the less freedom students have to explore their own interests. Currently, the 214th Legislature has multiple bills on file establishing curriculum mandates in such areas as caffeine-related health issues, gang awareness, dating violence, the role of veterans in society, steroid use, and CPR training.

Recommendations:
- Place a moratorium on the passage of any new unfunded curriculum mandates on our public schools.
- Require a fiscal note and local impact statement on all such bill proposals.

School Budget Election
School budgets are the only budgets voted upon by the public. With the passage of a strict new cap law, the virtual elimination of second questions to the public in recent budget cycles, low voter participation rates and the high costs of elections. NJPSA recommends that the budget vote be eliminated if a district’s budget is at or under cap. This change would save significant dollars to local districts. We support legislation making this change, even where school board member elections are moved to the November election cycle.

Conclusion
Thank you for considering the recommendations of the NJ Principals and Supervisors Association. We stand ready to work with this committee on this and other important changes impacting New Jersey’s students and schools.

Thank you.

Submitted by: Jennifer Keyes-Maloney, NJPSA Asst. Director of Government Relations
New Jersey Principals and Supervisors Association

Recommendations for Mandate Relief

In response to requests for recommendations concerning the elimination or modification of existing mandates on our schools, NJPSA has begun discussions with its members on the topic of mandate relief. The following is an initial list of areas that we believe should be explored to reduce school expenses, increase the effectiveness of our programs and operations and save taxpayers’ dollars:

Assessment
- Consider permitting the use of experienced, certified substitutes to assist in administration of state tests.
- Make the APA an IEP decision so long as federal law allows this flexibility.

Curriculum
- Promote the use of electronic mediums for students to meet curriculum requirements.
- Permit some flexibility in the area of physical education to meet the requirement at the high school level. Allow districts discretion to decide how to apply this.
- Place a moratorium on the addition of any new curriculum mandates or mandated topics to be included in existing courses.

Licensing/Certification
- Allow flexibility with regard to the black seal boiler tech requirement to permit one individual to provide coverage at several schools. Eliminate the requirement where it is no longer necessary because of changes in technology (e.g. geo-thermal heating system).

Student Health
- Re-examine current health requirements (e.g. vision screening, physical examination) in light of the introduction of New Jersey Family Care
- Place a moratorium on any additional mandates for non-medical staff to be trained to administer health procedures with students (epinephrine, glucagon). Currently, there is no funding for staff training and the policy approach of these mandates is unsafe.

Special Education
- Require the moving party in special education due process cases to meet the initial burden of proof. New Jersey goes beyond the federal standard which puts the burden of proof on parents in these cases.

System Modification
- Where possible, consolidate reporting requirements into one system such as NJSMART.
- Allow flexibility in how student data is entered to allow a student to be associated with more than one school district.
School operations
- Eliminate mandated annual trainings to staff on such issues as Worker Right to Know, gang prevention, suicide prevention, controlled dangerous substances and communicable diseases, and the like. Explore alternative approaches to providing this information to staff including the dissemination of printed materials, regional training approaches and online courses.

Textbooks
- Encourage shared services for textbook purchasing.

School Facilities
- Make long range facilities plans more flexible by making plans three (3) years in length

State Monitoring Requirements
- Modify the current monitoring cycle to seven (7) years. Require full-scale monitoring only if a district fails to meet core performance standards.

School Elections
- Eliminate the school budget election if a district budget is at or under cap. Also, explore cost-savings in the area of the required mailing of the "advertised" budget statement by making it available online.

Thank you for your time and consideration on this subject. Should you have any questions or concerns please feel free to contact Debra Bradley, NJPSA Government Relations Director at (609) 860-1200.
March 4, 2010

TO: Chief School Administrator
   Director of Special Education
   Administrator of a State Facility
   Administrator of a Charter School

FROM: Roberta Wohle, Director

SUBJECT: List of Rules, Regulations or Policies that are State-Imposed in Accordance with 20 U.S.C. §1407(a)

The New Jersey Department of Education, Office of Special Education Programs (NJOSEP) is required to provide to the United States Department of Education (USDOE), on an annual basis, a list of rules, regulations, or policies that are state-imposed (not required by IDEA or Federal regulations) and must include the list with its annual application for federal funding. The list of such rules, regulations or policies is set forth below.

Thank you for your attention to this matter.

RW/JW
Attachment
c: Members, State Board of Education
   Acting Commissioner Bret Schundler
   Barbara Gantwerk
   Senior Staff
   Kim C. Belin
   Executive County Superintendent
   County Supervisor of Child Study
   Members, NJ LEE Group
   Garden State Coalition of Schools
A. Timeframes: The following regulations were adopted to provide consistent timelines to implement IDEA mandates. By regulating timeframes, the State has provided clear expectations for the completion of specific federal mandates. Additionally, mandated timelines are intended to minimize disputes between local school districts and parents as to whether mandates were fulfilled in a timely manner.

<table>
<thead>
<tr>
<th>State Imposed Requirement</th>
<th>Rationale for State Requirement</th>
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</thead>
<tbody>
<tr>
<td><strong>Written notice:</strong> 15 day timeframe for the provision of written notice. N.J.A.C. 6A:14-2.3(h)</td>
<td>IDEA requires that parents be provided written notice when a local school district (LEA) proposes any action pertaining to the identification, referral, evaluation, and placement of students with disabilities. The State developed a timeframe to ensure that parents have sufficient time to consider the actions proposed by the local school district.</td>
</tr>
<tr>
<td><strong>Excusal from a meeting:</strong> Timeframe for local districts to seek and obtain parental consent to excuse a required team member from an IEP team meeting. N.J.A.C. 6A:14-2.3(k)9-10</td>
<td>IDEA provides the excusal of an IEP team member from a meeting can occur only when the parent is in agreement. The State provision requires that parents be provided a reasonable amount of time to consider a request to excuse a staff member in order to ensure that parents are fully informed and receive sufficient time to consider the excusal.</td>
</tr>
<tr>
<td><strong>Disciplinary removal:</strong> Time period for discipline removals of students with disabilities changed to 45 calendar days rather than 45 school days. N.J.A.C. 6A:14-2.8(d) and 2.8(f)</td>
<td>IDEA allows students with disabilities to be removed from school through suspension/expulsion. The federal timeframe for such removals was changed from 45 calendar days to 45 school days. The State maintained the 45 calendar day provision based on the belief that removal for 9 weeks was too long of a period for a student to be removed from their educational program.</td>
</tr>
<tr>
<td><strong>Determination of eligibility for special education:</strong> 90 day time period established to complete an initial evaluation and, if eligible, to initiate services. N.J.A.C. 6A:14-3.4(e)</td>
<td>IDEA specifies a 60 day timeline for LEAs to conduct evaluations to determine if a student is eligible for special education, and mandates that each student's IEP be implemented without undue delay after the evaluation is completed. The State regulation created a 90 day time period to complete the evaluation of a student with disabilities and, if eligible, to initiate services. This timeframe was developed to define “undue delay,” by setting a date by which the IEP must be implemented.</td>
</tr>
<tr>
<td><strong>Provision of reports to parents:</strong> 10 day time period for providing parents a copy of evaluation reports prior to the meeting that is held to determine eligibility for special education services. N.J.A.C. 6A:14-3.5(a)</td>
<td>IDEA requires that reports and documentation used to determine eligibility for special education and to develop a student's IEP be provided to parents. The State regulation was established to ensure that parents have sufficient information and sufficient time to review and consider the evaluation results prior to the eligibility determination and IEP meetings.</td>
</tr>
<tr>
<td>State Imposed Requirement</td>
<td>Rationale for State Requirement</td>
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<tr>
<td><strong>Amending IEP without a Meeting:</strong> Timelines and procedures, including obtaining parental consent, when amending a student’s IEP without a meeting. <em>N.J.A.C. 6A:14-3.7(d)</em></td>
<td>IDEA allows for an IEP to be amended without a meeting. The State regulation was added to provide procedures for making the amendments.</td>
</tr>
<tr>
<td><strong>Conducting Reevaluations:</strong> 60 day timeframe for conducting and completing reevaluations of students with disabilities. <em>N.J.A.C. 6A:14-3.8(e)</em></td>
<td>IDEA requires that students with disabilities be reevaluated once every three years or sooner, if needed. The State regulated a 60 day timeframe for completing the reevaluation to prevent undue delay in conducting and completing reevaluations and providing programs and services determined necessary based on the reevaluation findings.</td>
</tr>
<tr>
<td><strong>Student Transfer:</strong> 60 day time period for evaluation of students that transfer from a nonpublic school. <em>N.J.A.C. 6A:14-4.1(m)</em></td>
<td>The IDEA addresses transfers of students with an IEP. The State regulation established a time period for evaluation, as necessary, and development of an IEP when a student with a disability transfers from a nonpublic school with a service plan to a public school, where he or she would receive an IEP.</td>
</tr>
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</table>

B. Mediation/Due Process Procedures: State are required to have a system in place to implement federal law with regard to mediation and due process hearings. These regulations provide clear and consistent procedures for mediation and due process hearings to resolve disputes.

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<thead>
<tr>
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<tr>
<td><strong>Mediation:</strong> Enforcement of mediation agreements. <em>N.J.A.C. 6A:14-2.6(d)11</em></td>
<td>IDEA requires states to offer parents and school districts the opportunity to mediate disputes without the need to incur the time and expense of filing for a due process hearing. This state regulation provides for enforcement of mediation agreements on behalf of parents in order to ensure that parties will agree to mediate and save the expense of a formal due process hearing.</td>
</tr>
<tr>
<td><strong>Resolution meetings:</strong></td>
<td>IDEA requires that states offer local school districts and parents the opportunity to resolve disputes through due process hearings. Prior to such hearings occurring, the parties may participate in a resolution meeting. If an agreement is reached at the resolution meeting, IDEA provides that it may be voided by either party within three business days of it being signed. The State adopted regulations to provide a forum to resolve disputes if parties seek to void agreements reached at these</td>
</tr>
<tr>
<td>- Prohibits the recording of a resolution meeting held after a parent files for a due process hearing. <em>N.J.A.C. 6A:14-2.7(h)3</em></td>
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<tr>
<td>- Require resolution through due process hearings and not</td>
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complaint investigations of disputes that occur over voiding of resolution meeting agreements held after a parent files for a due process hearing.  
**N.J.A.C. 6A:142.7(h)6iv.**  
- Require resolution of disputes over scheduling of resolution meetings in the ensuing due process hearing.  
**N.J.A.C. 6A:142.7(h)6iv.**

| Section 504 Due process hearings: Permits mediation and due process to resolve disputes over 504 plans.  
**N.J.A.C. 6A:14-2.7(w)** | Regulations implementing Section 504 of the Rehabilitation Act of 1973 allow for mediation and due process hearings to resolve disputes between school districts and parents. In accordance with its agreement with the Federal Office for Civil Rights, the State adopted a regulation permitting parties to file for mediation and due process hearings with the New Jersey Department of Education with respect to issues concerning 504 plans. |

C. Operational Procedures: These regulations were developed to set forth uniform program parameters throughout the state.

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<tr>
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| **Audio-taping IEP meetings:** Permits IEP participants to audio-tape an IEP meeting.  
**N.J.A.C. 6A:14-2.3(k)8** | This provision was developed so that parties would have a means of reviewing agreements and discussions subsequent to the meeting. |
| **Independent evaluations:** Allows school districts to evaluate a student prior to the parent obtaining an independent evaluation at district expense.  
**N.J.A.C. 6A:14-2.5(c)1** | The IDEA requires that parents be permitted to obtain an independent evaluation at public expense. The State adopted this regulation to provide districts an opportunity to conduct their own assessments prior to incurring costs for independent evaluations. |
| **Discipline of Preschool Students with Disabilities:** Prohibits the suspension or expulsion of preschool students with disabilities.  
**N.J.A.C. 6A:14-2.8(a)1** | Federal and state regulations provide for the suspension or expulsion of students with disabilities under certain circumstances. The State adopted this regulation because it considered these disciplinary measures inappropriate for preschool students with disabilities. |
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<tr>
<th>State Imposed Requirement</th>
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<tr>
<td><strong>Location, Referral, Identification and Evaluation:</strong></td>
<td>IDEA requires that states have in place policies and procedures for locating, identifying, and evaluating students with disabilities for eligibility for special education and related services. The State adopted these regulations to provide the required policies and procedures for initiating, conducting and completing initial evaluations.</td>
</tr>
<tr>
<td>Established procedures for referral and evaluation of students with disabilities.</td>
<td><strong>Audiometric and Vision Screening:</strong> Requires audiometric and vision screening for all students referred for an evaluation to determine eligibility for special education and related services. <strong>Location, Referral, Identification and Evaluation:</strong> The State adopted regulations to ensure that hearing and vision problems are identified prior to conducting initial evaluations for the purpose of determining student eligibility for special education.</td>
</tr>
<tr>
<td>N.J.A.C. 6A:14-3.3(e)</td>
<td>N.J.A.C. 6A:14-3.3(g)–(h)</td>
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<tr>
<td><strong>Location, Referral, Identification and Evaluation:</strong></td>
<td>The State adopted regulations to ensure that, when appropriate, local school districts first attempt interventions and document the effectiveness of the general interventions that are implemented, prior to referring a student for an evaluation for eligibility for special education and related services.</td>
</tr>
<tr>
<td>Requires that local school districts provide and document the effectiveness of interventions used prior to the referral of a student for a determination of eligibility for special education and related services.</td>
<td><strong>Evaluation:</strong> Permits school districts to utilize reports from other school districts, clinics and agencies, and private practitioners submitted by parents as one of the required assessments for an initial evaluation. <strong>Personnel to Provide Special Education and Related Services:</strong> Identifies and delineates general requirements with respect to personnel who may evaluate students and provide special education and related services. <strong>Personnel to Provide Special Education and Related Services:</strong> This regulation provides school districts cost savings and flexibility when evaluating a student by permitting them to use outside reports when conducting an initial evaluation of a student.</td>
</tr>
<tr>
<td>N.J.A.C. 6A:14-3.3(a)–(b)</td>
<td>N.J.A.C. 6A:14-3.4(i)</td>
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<tr>
<td><strong>Evaluation:</strong> Permits school districts to utilize reports from other school districts, clinics and agencies, and private practitioners submitted by parents as one of the required assessments for an initial evaluation.</td>
<td>IDEA requires that states have in place personnel in sufficient numbers to appropriately serve students with disabilities. Child study teams are required by State law. The State regulations specify the roles and responsibilities of child study team personnel.</td>
</tr>
<tr>
<td>N.J.A.C. 6A:14-3.4(i)</td>
<td><strong>Personnel to Provide Special Education and Related Services:</strong> Identifies and delineates general requirements with respect to personnel who may evaluate students and provide special education and related services. N.J.A.C. 6A:14-3.1</td>
</tr>
<tr>
<td><strong>Personnel to Provide Special Education and Related Services:</strong> Identifies and delineates general requirements with respect to personnel who may evaluate students and provide special education and related services.</td>
<td>N.J.A.C. 6A:14-3.1</td>
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<td><strong>Personnel to Provide Special Education and Related Services:</strong> Requires assignment of a Case Manager for each student with a disability and delineates who may serve in this role. N.J.A.C. 6A:14-3.2</td>
<td>This regulation establishes a single point of contact for school personnel and parents for each student with a disability and to coordinate the evaluation of, and provision of services.</td>
</tr>
<tr>
<td><strong>Transition:</strong></td>
<td>IDEA 2004 changed the age at which transition begins, including assessments to determine postsecondary outcomes, from 14 to 16. The State maintained transition at age 14 in order for the transition planning process to begin when students enter high school, which is when all students begin transitioning to postsecondary outcomes.</td>
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<td>- Requires assessments at age 14 to determine postsecondary outcomes. N.J.A.C. 6A:14-3.4(f)5</td>
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<tr>
<td>- Requires that transition planning process commence for students with disabilities at age 14. N.J.A.C. 6A:14-3.7(e)11.</td>
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<tr>
<td><strong>Eligible for Speech-Language Services:</strong> Sets forth procedures for determining a student eligible for speech-language services. N.J.A.C. 6A:14-3.6</td>
<td>The regulation reduces costs by decreasing the number of persons that must evaluate a student and participate in meetings to determine a student eligible for speech language services and to develop an IEP for these students.</td>
</tr>
<tr>
<td><strong>Individualized Education Programs:</strong></td>
<td>Development and implementation of IEPs are required by IDEA 2004. The State regulation is intended to ensure that the student's instructional staff members have knowledge of the student's educational and program needs.</td>
</tr>
<tr>
<td>- Requires that school districts inform all teachers and service providers who will implement provisions of a student's IEP of their responsibilities for implementing each IEP. N.J.A.C. 6A:14-3.7(a)3</td>
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</tr>
<tr>
<td>- Requires a review of the instructional day to determine the accommodations and modifications needed to facilitate the child's participation of a student with disabilities in a general education class. N.J.A.C. 6A:14-3.7(c)11</td>
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<tr>
<td>- Requires that short-term objectives be included in the IEP of each student with disability. N.J.A.C. 6A:14-3.7(d)</td>
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<td>This regulation supports the federal mandate for placement of students with disabilities, including preschool students, in general education programs with appropriate supports and services.</td>
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<td>The State regulation is intended to ensure that school personnel, parents, and students have specific information about the student's instructional program during the course of the IEP.</td>
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<td>Topic</td>
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<tr>
<td>Requires that, annually, the IEP team consider activities to transition students with disabilities placed in a setting with no general education peers to a less restrictive setting. N.J.A.C. 6A:14-3.7(k)</td>
<td>The State regulation supports the federal mandate to educate students in the least restrictive environment with appropriate supports by requiring annual determination of needed activities to transition the student to a less restrictive educational setting. This regulation ensures that all participants at the IEP meeting are aware of what was decided at the meeting. The regulation is intended to minimize later disputes over what was decided at IEP meetings.</td>
</tr>
<tr>
<td>Requires that parents be provided either a copy of a draft IEP or notes setting forth agreements made at an IEP meeting. N.J.A.C. 6A:14-3.7(l)</td>
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</tr>
<tr>
<td><strong>Transition:</strong> Requires a statement of when and how a student will transition from an elementary to secondary program. N.J.A.C. 6A:14-3.7(e)10</td>
<td>This regulation was developed to ensure a smooth transition when students move from a k-8 school district to a regional school district or receiving school district and ensure continuity of programming and services.</td>
</tr>
<tr>
<td><strong>Related Services:</strong> Requires that, when non-certified personnel provide related services to students with disabilities, the provision of the services be under the supervision of certified school district staff. N.J.A.C. 6A:14-3.9(a)11</td>
<td>This regulation ensures that appropriate persons are overseeing the provision of related services.</td>
</tr>
<tr>
<td><strong>State Assessment:</strong> Delineates procedures for the participation of students with disabilities in the statewide assessment system. N.J.A.C. 6A:14-4.10</td>
<td>IDEA requires that students with disabilities participate in State assessments. The State regulation sets forth expectations for local school districts, parents and students, regarding the participation of students with disabilities in the regular assessment and when a student may participate in an alternate assessment.</td>
</tr>
<tr>
<td><strong>Staffing and contractual requirements:</strong> Sets forth general requirements with respect to contracting for, and the hiring of, certain personnel. N.J.A.C. 6A:14-5.1</td>
<td>IDEA requires that there are sufficient to ensure provision of required programs and services. The State regulations set forth criteria for hiring, contracting, and purchasing services.</td>
</tr>
<tr>
<td><strong>Monitoring:</strong> Sets forth procedures for conducting the monitoring of local districts as required by IDEA 2004. N.J.A.C. 6A:14-9.1(b) – (i)</td>
<td>IDEA requires that states monitor local school districts. These regulations set forth general parameters regarding the NJDOE’s monitoring system.</td>
</tr>
<tr>
<td><strong>Complaint Investigations:</strong> Establishes procedures for processing and conducting complaint investigation. N.J.A.C. 6A:14-9.2</td>
<td>IDEA requires that states have a compliant investigation process. These regulations set forth general parameters regarding the NJDOE’s complaint investigation process.</td>
</tr>
</tbody>
</table>
**State Imposed Requirement** | **Rationale for State Requirement**
---|---
**Early Intervention Services:** Sets forth general requirements for contracting with early intervention programs for students, age three. N.J.A.C. 6A:14-10.2(b) | This regulation enables local school districts to contract with state's Early Intervention Programs, when the IEP team determines it is appropriate for a child to remain in an early intervention program, once they turn age three.

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**D. Program Organization:** The following regulations were adopted to provide for consistent programmatic organization across the state with respect to factors such as class type, class size, instructional time, and program options.

<table>
<thead>
<tr>
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</table>
| **Programs and Services:** Provides a structure for organizing programs for students with disabilities, including:  
- general program requirements for school age and preschool age students with disabilities. N.J.A.C. 6A:14-4.1(b)-(e);  
- group sizes for students with disabilities being instructed in general education subjects and physical education and participating in intramural or interscholastic sports programs that consist solely of students with disabilities. N.J.A.C. 6A:14-4.1(h);  
N.J.A.C. 6A:14-4.1(h)| These regulations address programmatic factors such as class type, class size, instructional time, and program options. The regulations provide local districts across the state with a standard means for organizing and implementing programs. Additionally, the regulations provide parents with a set of expectations regarding the configuration of various program options.
- equivalent instructional time for students with disabilities that is equal to that provided to general education students, in each subject area, when they are instructed in resource programs or special class programs. N.J.A.C. 6A:14-4.1(l); |
- specific program options/criteria to implement requirements in IDEA 2004 to provide students a free, appropriate public education (FAPE); for speech language services; supplementary aids and services; supplementary instruction and resource programs. N.J.A.C. 6A:14-4.4; N.J.A.C. 6A:14-4.5; N.J.A.C. 6A:14-4.6

- procedures for placement of preschool children with disabilities in general education early childhood programs, consistent with the federal mandate for placement of students with disabilities in the least restrictive environment. N.J.A.C. 6A:14-4.3(d)

<table>
<thead>
<tr>
<th>Parent Observation of Proposed Program:</th>
<th>Authorizes parents to observe proposed educational placements. N.J.A.C. 6A:14-4.1(k)</th>
<th>This regulation allows parents to observe and become familiar with a proposed program prior to agreeing to its implementation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waivers for Age Range and Group Sizes:</td>
<td>Allows districts to request and obtain exceptions for increasing age ranges and group sizes for required for specific program options. N.J.A.C. 6A:14-4.9</td>
<td>This regulation permits school districts to request and obtain exceptions to certain State regulatory requirements with respect to age range and group sizes.</td>
</tr>
</tbody>
</table>
E. Receiving Schools: The following regulations govern the provision of programs in public and private receiving schools, and programs operated by State agencies, and were adopted to provide procedural and programmatic requirements to govern the special education and related services provided by these public and private entities.

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Receiving Schools: Establishes operational requirements for educational services commissions, jointure commissions, regional day schools, county special services school districts, the Marie H. Katzenback School for the Deaf, approved private schools for students with disabilities, and college operated programs for students with disabilities. N.J.A.C. 6A:14-7.1 - 7.10. The regulations delineate:</td>
<td>These regulations set forth expectations regarding the operation and responsibilities of receiving schools serving students with disabilities.</td>
</tr>
<tr>
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<td>• general requirements for the provision of programs in receiving schools to implement requirements in IDEA 2004 to provide students FAPE. N.J.A.C. 6A:14-7.1</td>
</tr>
<tr>
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<td>• approval procedures for receiving schools. N.J.A.C. 6A:14-7.2</td>
</tr>
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<td>• procedures for amending policies and procedures of receiving schools. N.J.A.C. 6A:14-7.3</td>
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<td>• required procedures for approved private schools for students with disabilities. N.J.A.C. 6A:14-7.4</td>
</tr>
<tr>
<td></td>
<td>• responsibilities of school districts with respect to students placed in receiving schools. N.J.A.C. 6A:14-7.5</td>
</tr>
</tbody>
</table>
- requirements for provision of programs in receiving schools to implement requirements in IDEA 2004 to provide students FAPE. N.J.A.C. 6A:14-7.6

- requirements for terminating or withdrawing a student with a disability from a receiving school. N.J.A.C. 6A:14-7.7

- requirements for fiscal management of receiving schools. N.J.A.C. 6A:14-7.8

- requirements and responsibilities of receiving schools with respect to student records. N.J.A.C. 6A:14-7.9

- requirements for monitoring of receiving schools. N.J.A.C. 6A:14-7.10

| Programs Provided by Other State Agencies: |
| Delineates general requirements for the provision of programs and procedural protections by the State Departments of Corrections and Human Services, as well as the Juvenile Justice Commission. N.J.A.C. 6A:14-8.1, 6A:14-8.2, and 6A:14-8.3 |

| These regulations were adopted to set forth general expectations, procedural safeguards and program provisions for Departments of Corrections and Human Services, and the Juvenile Justice Commission, when serving students with disabilities. |
F. State Law Implementation: The following regulations were adopted in order to implement requirements of State laws.

<table>
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<tbody>
<tr>
<td>The Uniform Application Act: The regulation requires that an application for Development Disabilities services be provided to students with disabilities who may be eligible for services from the Division. N.J.A.C. 6A:14-1.2(b)17</td>
<td>N.J.S.A. 30:4-25.10 et seq. requires provision of an application for Division of Developmental Disabilities services to certain students with disabilities.</td>
</tr>
<tr>
<td>Child Study Teams: This regulation implements statutory requirements with respect to Child Study Teams and services. N.J.A.C. 6A:14-3.1</td>
<td>N.J.S.A. 18A:46-5.1 requires child study teams for evaluation of, and provision of services to, students with disabilities are mandated by statute.</td>
</tr>
<tr>
<td>Clinics and Agencies: Sets forth approval procedures for clinics and agencies. N.J.A.C. 6A:14-5.2</td>
<td>N.J.S.A. 18A-46-12 requires approval of clinics and agencies and allows approved clinics and agencies to provide services for students with disabilities.</td>
</tr>
<tr>
<td>Nonpublic Services: Set forth provisions governing State-funded programs to provide remedial and auxiliary services to students in nonpublic schools. N.J.A.C. 6A:14-6.2, 6A:14-6.3, 6A:14-6.4</td>
<td>N.J.S.A. 18A:46-19.1 et seq; N.J.S.A. 46A-1 et seq. create State funded programs to evaluate, classify and provide services to students with disabilities attending nonpublic schools.</td>
</tr>
<tr>
<td>Placement of students with Disabilities in unapproved schools: Implements the State law with respect to placement of students in accredited unapproved schools that are not approved by the Department of Education for the education of students with disabilities. N.J.A.C. 6A:14-6.5</td>
<td>N.J.S.A. 18A:46-14 permits school districts to place students with disabilities in unapproved accredited schools under specifically delineated circumstances.</td>
</tr>
<tr>
<td>State Imposed Requirement</td>
<td>Rationale for State Requirement</td>
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| **Copies of Regulations:** This regulation implements the statutory requirement to ensure that parents have access to the special education requirements and that they have knowledge of procedural protections afforded to parents and students and all other special education requirements.  
N.J.A.C. 6A:14-2.1(b) | N.J.S.A. 18A:46-7.1. requires that copies of Chapter 46 of the New Jersey Statutes and regulations governing special education must be provided to parents by school district when they request them. |
| **Emergent Relief:** This regulation sets forth procedures for the filing of emergent relief by parties to a due process hearing.  
N.J.A.C. 6A:14-2.7(r) and 2.7(s) | New Jersey allows parties to file for emergent relief so that they may seek immediate relief when necessary to address specified issues when filing for a due process hearing. Case law requires that the regulation conform to standards utilized in judicial proceedings for consideration of requests for emergent relief. |
Testimony submitted by the New Jersey Education Association
NJ Joint Committee on the Public Schools (School Improvement Subcommittee)
NJ Black and Latino Legislative Caucuses

Proposed Changes to the New Jersey Quality Single Accountability Continuum
October 18, 2011

The New Jersey Education Association (NJEA) would like to thank the NJ Joint Committee on
the Public Schools District-School Improvement Subcommittee and the Black and Latino
Legislative Caucuses for the opportunity to share our concerns about the proposed revisions to
the New Jersey Single Accountability Continuum (NJQSAC).

While NJEA appreciates and understands the New Jersey Department of Education’s goal of
streamlining the process for school districts, many of the proposed revisions, especially within
the Instruction and Program as well as the Personnel sections, would have a negative impact on
school district accountability and effective, comprehensive monitoring.

Currently NJQSAC includes 334 indicators in five review sections. While some may consider it
cumbersome, the NJQSAC is the only comprehensive review of school district programs,
procedures, and accountability that is conducted periodically. It provides a set of checks and
balances to ensure that school districts are achieving the constitutional requirement of providing
every student with a thorough and efficient education. It is a useful tool for determining a school
district’s strengths and weaknesses and reinforcing the school district’s responsibility of
supporting professional development for its teachers. Regardless of what other reports – state or
federal – that a district may be required to submit, this evaluation is designed to provide the state, the educational community, and the public at large a complete picture of how well the district is fulfilling its responsibilities based on law and regulation.

The proposed revisions call for reducing the number of indicators from 334 to 54. In some cases, eagerness to condense sections has resulted in too many concepts being jammed into a single indicator, reducing accountability.

In the proposed versions, there is a misalignment between the District Performance Review sheets and the Statement of Assurance. Either the District Performance Review (DPR) sheets should be used as a checklist, accompanied by a summary Statement of Assurance, or the Statement of Assurance should align point-by-point with the DPR sheets. Items should not be included – seemingly as an afterthought – in the Statement of Assurance, yet not be itemized in the DPRs. This gap is especially prominent when examining how the Instruction and Program area is handled, to the point that the Statement of Assurance is of limited value.

The revision also deletes references to integrated, cross-disciplinary instruction. Technology and a global economy have changed the way we teach. Educators no longer teach the “three Rs” in a vacuum. All content is somehow interconnected. In order to be successful, school districts must take an integrated approach to meeting the NJCCCS.

In addition, there has been an elimination of references to measures of student progress that are developed and implemented at the district, school, and classroom level that include opportunities

Amy C. Fratz, Ed.D.
for students to demonstrate mastery of the NJCCCS and the CCSS through performance assessments. The assessment of the progress of each student in mastering the standards disregards other opportunities for students to demonstrate mastery.

The elimination of sections dealing with professional development of school staff negates the importance of this element in successful educational systems. While NJEA recognizes that districts are required to submit targeted reports on this area, we still believe it is important for professional development efforts to be verified through the comprehensive NJQSAC monitoring report. Specificity helps school districts better understand expectations and requirements. These proposed revisions will negatively impact NJQSAC’s usefulness and make school districts less accountable. We feel the elimination of these requirements for reporting these efforts send the message to the districts that they lack importance.

NJEA is particularly concerned about the elimination of much of the language related to a district’s responsibility to provide high quality professional development opportunities and support for all school district staff. Instead, the DPR seems to focus exclusively on low-performing districts in terms of professional development. New Jersey educators work closely with their supervisors and administrators to create individual Professional Development Plans (PDPs). The goal of the PDP is to help educators improve and expand their practice and better address the needs of their students. These educators are required to complete 100 hours of professional development every five years to support the goals of the PDP. School districts have a clear responsibility to work collaboratively with educators to support their diverse professional development needs. In addition, a clear, collaborative process is required for formulating the
local Professional Development Plan and school Professional Development Plans to address overall district and school needs. Simply assuming that the district is fulfilling its obligations and submitting the required plans to the County Professional Development Board is insufficient and should be reflected in the comprehensive NJQSAC instrument.

Puzzling also is the deletion of any language that supports collaborative planning for teachers. In fact, despite continued NJDOE promotion of collaboration, that word appears nowhere in any QSAC document. Teachers work best when they have the opportunity to share their successes and challenges with their colleagues. School districts have a responsibility to lay the groundwork for a collaborative, collegial approach to teaching by providing teachers with opportunities to meet and share their best practices. Omitting language that supports this approach certainly does not promote Personnel Assurance #6 that calls for uses of multiple data sources, (e.g., test scores, needs assessments, attendance data, violence reports) to address current and projected needs and priorities for all school/district staff when providing professional development opportunities. Uses of the data sources to analyze the alignment of the district’s Professional Development Plan with teaching staff needs. How are teachers supposed to analyze data sources if collaboration with colleagues is not supported?

Also of concern are the references to supervisory practices. The proposed document strictly deals with aspects of teacher evaluation. There is no mention of the use of supervisory practices to provide meaningful feedback to teachers in order to strengthen and sustain instruction.
Procedurally, the annual Statement of Assurance revision allows for the Chief School Administrator to select a team “of his or her choice” to complete the annual statement, rather than using the comprehensive committee that completes the DPRs (chief school administrator, administrative staff, teaching personnel representative of different district grade levels and/or schools, the school business administrator and assistant superintendent for curriculum and instruction, one or more member representatives of the board of education and of the collective bargaining unit of the educational staff, and any other members selected by the local board of education). It also calls for only the Chief School Administrator and Board President to sign the annual NJQSAC forms. Without an aligned structure, paperwork aligned to the DPRs, nor sign off by the committee members who have completed the DPRs, there is no evidence of annual oversight, feedback, or review from other segments of the school community – either principals, staff members, or the majority representative.

NJEA believes that it is essential to continue the practice of including practitioners – principals, teachers, other school personnel, and most importantly, a representative of the local association (the majority bargaining representative) – in the self-evaluation of their schools and that the evidence of that practice as a check-and-balance of every section be required annually. This is critical especially if additional indicators or summaries of indicators are included on the Statement of Assurance without being spelled out on the DPR charts or vice versa. The signatures required for the DPR also should be required on the annual Statement of Assurance before submission to the local school board, with the same opportunity for committee members to decline to sign if they disagree with the report or believe it is faulty.

Amy C. Fratz, Ed.D.
Our public schools and educators are under intense scrutiny. Teacher evaluation and improving student achievement are at the center of public dialogue. It seems unusual that the Department would make recommendations that would diminish school district accountability and prevent school districts from making useful self-assessments.

NJQSAC is about making sure that school districts are following the rules and regulations, as well as the elements required to support the teaching and learning process that leads to a “thorough and efficient” education. School districts should be required to review extensively their programs and services, not be allowed to slide through a shortcut approach.

We commend the NJDOE for rightfully eliminating some duplication within the DPR documents. We also commend the NJDOE for correcting its creation of two “tiers” of curricular standards when the standards were split between the yearly assurance process and the DPR verification process. However, we believe it went too far in its zeal to combine and condense. We have encouraged the State Board of Education and the NJDOE to reinstate and expand the indicators we have noted and to help restore a measure of integrity to the NJQSAC process.

Finally, the Governor’s Education Transformation Task Force Initial Report released on September 12, 2011, discusses the changes to the accountability system and modifications to the QSAC process based on 10 principles. While most of the principles sound good in the abstract, until we see specific language and regulations based on the principles, it is difficult to judge. We have included our response to each of the principles on the attached chart.

Amy C. Fratz, Ed.D.
The Legislature has a responsibility to the children of the state to ensure that every child receives a quality education. The public demands that school districts and staff, from superintendent and district level administration to school level personnel, are all striving to implement the law, regulations, and curriculum that have been designed to ensure a quality thorough and efficient education. It is important that the goals and original intent of the NJQSAC process are not diluted and/or corrupted in an attempt to streamline the process.

Amy C. Fatz, Ed.D.
## Proposed 10 Principles of the Accountability System of the Future
### NJEA Response

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<thead>
<tr>
<th>Proposed 10 Principles of the Accountability System of the Future</th>
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<tr>
<td><strong>Task Force recommends:</strong></td>
<td><strong>NJEA response</strong></td>
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<tr>
<td>1. A single, streamlined system</td>
<td>Agree. The system should encompass federal and state goals.</td>
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<td>2. Accurate differentiation of schools</td>
<td>Agree. NJEA endorses multiple measures – not a single test or simple multiple tests. In addition, improvement plans should be based on the specific indicators that are not met.</td>
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<td>3. Assess school outputs not inputs</td>
<td>Disagree with this wording. The system should be a cohesive, comprehensive review of factors (some of which must be inputs) that affect student success. To simply categorize the teaching-learning process as “inputs” and “outputs” ignores the global nature of education.</td>
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<tr>
<td>4. Set explicit, measurable, appropriate targets</td>
<td>Agree. The original ESEA/NCLB targets were unrealistic and failed to account for individual students’ challenges that schools may not be able to overcome. The key is establishing reasonable, appropriate targets.</td>
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<td>5. Evaluate growth in addition to status</td>
<td>We agree with the concept of acknowledging student growth in skills and knowledge, but are concerned about using standardized assessments for such purposes since the current assessments were never designed to measure growth.</td>
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<td>6. Generate appropriate interventions</td>
<td>Agree. We believe the interventions with schools should focus on the academic or social/emotional/family needs of students and can only occur if educators receive the detailed data they need regarding students’ knowledge and skills. The school’s educators must receive extra professional support and should play a major role in constructing the appropriate interventions.</td>
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<td>7. Intensify responses in cases of persistent failure</td>
<td>Agree. However, intensified responses should only come after intensified support for school leaders, school staff, and students.</td>
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<td>8. Grant earned autonomy to high performers</td>
<td>The example used is illogical. There is no research showing that public school districts that perform well have lower certification standards, diminished professional</td>
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Amy C. Fratz, Ed.D.
development, or decreased student requirements. In fact, most likely the opposite is true. Rather than autonomy, this principle should focus on encouraging innovation and creativity. For example, a school might have some option in how standards might be met over spans of grades or creating interdisciplinary partnerships through co-teaching in varied content areas. Teachers might be encouraged to try different instructional strategies, perhaps integrating real-life experiences for students in gaining knowledge and demonstrating skills.

| 9. Provide diagnostic information as well as judgments | **While we do not understand what is meant by “judgments,” we agree that educators need very specific information regarding the skills tested and the specific skills with which their students are struggling or have failed to master.**

We agree that multiple measures should be used to determine student knowledge and skills tied to state-set standards.

At the same time, districts must provide teachers with opportunities during the work day to work in a collaborative environment in learning how to and developing ways to align the state-approved standards to every-day instruction. Teachers should be provided with appropriate professional development, adequate time, and sufficient resources to ensure lessons align with standards and standards-driven proficiencies. |

| 10. Focus on schools not districts | **We agree that resources should be targeted to schools. At the same time, the impact of a district and its administration on individual schools should not be ignored nor minimized. There must be a coordinated effort and school-district partnership for any reform to have a lasting effect.** |

| OTHER | **Agree that NJDOE should seek waiver of certain provisions of current federal law.** |

N.J. request for ESEA/NCLB waiver | **Agree that NJDOE should seek waiver of certain provisions of current federal law.** |

Amy C. Fratz, Ed.D.
October 18, 2011

Testimony

Subcommittee on District and School Improvement
Joint Committee on the Public Schools

Subcommittee on Education
Legislative Black Caucus

October 18, 2011

The New Jersey School Boards Association, a federation of the state’s 588 local school boards and 62 associate charter school members, is pleased to submit this testimony on our beliefs about the NJ Quality Single Accountability Continuum (NJQSAC).

The NJSBA believes the state should regularly monitor school districts’ progress towards achieving their established goals, objectives and standards. The NJSBA believes that it is the responsibility of the State to see that the resources necessary to achieve goals are available and used efficiently.

NJSBA originally commented on the Evaluation of the Performance of School Districts 6A:30 to express our concerns on various parts of the code on December 13, 2007. Since the subcommittees are particularly interested in the Instruction and Program District Performance Review Area (DPR), we have attached our comments on that section for your information in a separate document*.

Currently, NJQSAC is under review by the State Board of Education. The proposed N.J.A.C. 6A:30 streamlines the NJQSAC process, making monitoring more efficient and less time-consuming for districts, allowing districts to utilize limited administrative resources in a better fashion. The proposed amendments to the NJQSAC process will allow districts to focus attention and resources on factors that directly impact student achievement, fiscal accountability and local district governance. The amendments to the NJQSAC process create a more concise self-evaluation for districts while enabling the system to continue serving as an accountability tool for the Department.

The proposed streamlined process reduces the number of indicators from 334 to 54. However, it maintains the rigorous standards necessary for excellence as districts would still need to achieve 80 percent of the number of indicators in each of the five sections to be considered “high performing.”

In addition, the proposal calls for each district’s superintendent to annually submit to the Department of Education a “Statement of Assurance” document to verify that the school system is meeting 49 other standards in each of the five sections. The local school board must approve the document by saying that it attests, to the best of its knowledge, that the district is complying with the standards in the Statement of Assurance.
NJBSA believes NJQSAC can play an important role to help school boards achieve goals. Making the process more efficient and less time-consuming would allow districts to more efficiently use limited administrative resources and to focus attention on factors that directly impact student achievement, fiscal accountability and local district governance.

NJBSA looks forward to working with the Department of Education as the NJQSAC proposal progresses.

Attachment*
October 18, 2011

Excerpt from NJSBA letter dated December 13, 2007 to

Donna Arons,
Special Assistant to the Commissioner,
NJ Department of Education

Comments on Evaluation of the Performance of School Districts 6A:30, District Performance Review for Instruction and Program

Instruction and Program

A. Student Performance

NJSBA understands that the standard for meeting AYP as a district under QSAC is more stringent than being a district in need of improvement under NCLB. What is the rationale for the more stringent requirement?

A five percent increase in proficiency performance for total students and for each subgroup or at least 95% proficiency in total students or each subgroup is a QSAC requirement but not a requirement under NCLB. A district could make AYP under NCLB but not achieve the QSAC standard and lose points. What is the rationale for the more stringent requirement?

B. Curriculum

The various articulation meeting requirements set forth in this section raise labor relations concerns for districts and could result in increased district costs including substitute coverage and comp time.

C. Instruction

The various principal/supervisor meeting requirements and teacher collaboration requirements set forth in this section raise labor relations concerns for districts and could result in increased district costs including substitute coverage and comp time.

F. High School/Graduation

Section 4 seems to require that a district have an alternative education program. The relevant code provisions at N.J.A.C. 6A:16-9 are permissive; boards may but are not required.