
Public Hearing

before

JOINT COMMITTEE ON THE PUBLIC SCHOOLS

ABBOTT SUBCOMMITTEE

“Evaluation of the first year implementation of Whole School Reform”

LOCATION: Provision of Promise Ministry
484 Central Avenue
Newark, New Jersey

DATE: December 16, 1999
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator William L. Gormley, Co-Chair
Senator Byron M. Baer, Co-Chair
Senator Ronald L. Rice
Senator Norman M. Robertson



ALSO PRESENT:

Melanie M. Schulz, Executive Director
Joint Committee on the Public Schools
Abbott Subcommittee

Carrie L. Mitnick
Democratic Aide

Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

TABLE OF CONTENTS

	<u>Page</u>
Bari Anhalt Erlichson, Ph.D. Professor/Political Scientist Department of Public Policy and Center for Government Services Edward J. Bloustein School of Planning and Public Policy Rutgers University	1
Gordon A. MacInnes Former Senator	18
Barbara Anderson Assistant Commissioner Division of Student Services New Jersey Department of Education	30
Jacqueline McConnell Special Assistant School Improvement Office of the Commissioner New Jersey Department of Education	50
Orlando Castro Director Office of Program Review and Improvement Division of Student Services New Jersey Department of Education	52
Assemblyman William D. Payne District 29	56
Rebecca Lubetkin Professor Director Consortium for Educational Equity Rutgers University, and Director Coalition of Essential Schools	61

TABLE OF CONTENTS (continued)

	<u>Page</u>
James Lytle, Ed.D. Superintendent Trenton Public Schools, and Faculty Member Graduate School of Education University of Pennsylvania	72
Joseph Del Grosso President Newark Teachers Union	82
Deanna Burney Senior Fellow University of Pennsylvania	91
Columbus Salley, Ed.D. Superintendent Orange Public Schools	100
Joseph M. Ferraina Superintendent Long Branch Public Schools	112
Magalys Carrillo Associate Superintendent for Whole School Reform Newark Public Schools	121
Anzella K. Nelms State District Deputy Superintendent Newark Public Schools	126
Steven Block Director School Reform Initiatives Education Law Center	134
Loucious Jones Private Citizen	149

TABLE OF CONTENTS (continued)

	<u>Page</u>
Sherrie Joseph Implementation Coordinator Comer School Development Program	161
APPENDIX:	
Testimony submitted by Bari Anhalt Erlichson, Ph.D.	1x
Letter submitted by Barbara Anderson	20x
Fact Sheet submitted by Rebecca Lubetkin	21x
Article submitted by Columbus Salley, Ed.D.	23x
Statement plus attachments submitted by Steven Block	26x
Statement submitted by Anthony Campisi Acting Director of Whole School Reform Paterson	125x
Statement submitted by Dr. Larry Leverett Superintendent Public Schools of Plainfield	128x

TABLE OF CONTENTS (continued)

APPENDIX (continued):

Page

Statement
submitted by
Dr. Robert H. Holster
Superintendent
Passaic Public Schools

135x

lmb: 1-121
rs: 122-167

SENATOR WILLIAM L. GORMLEY (Co-Chair): Okay, I'd like to thank everyone for coming this morning.

The first witness for today will be Dr. Bari Anhalt Erlichson of Rutgers University.

BARI ANHALT ERLICHSON, Ph.D.: Good morning.

SENATOR GORMLEY: Good morning.

DR. ANHALT ERLICHSON: I'd like to begin this morning by sincerely thanking the members of the Committee and their staffs for calling this hearing and for inviting me to speak to you today. As a professor of public policy, it's a great honor to speak to policy makers, and hopefully you'll find my comments today informative and useful in assessing the process of implementing the 1998 *Abbott* decision. To that end, I promise to keep my prepared comments brief so that there will be ample time for you to ask the questions that are of the most interest to you.

SENATOR GORMLEY: Excuse me? In terms of--

You can't hear this in the rear, can you? (negative response from audience)

It's the microphone. Use that one. (indicating PA microphone)

DR. ANHALT ERLICHSON: This one? (referring to PA microphone)

SENATOR GORMLEY: Yes.

It's not karaoke, okay.

DR. ANHALT ERLICHSON: Okay.

SENATOR GORMLEY: The sound is the red one. (referring to PA microphone)

DR. ANHALT ERLICHSON: I preface my formal comments this morning with a few about myself so that you can understand what illustrates my perspective. I'm a political scientist by training. I received my doctorate in political science from Stanford University, studying the field of American government and urban policy. I also have a master's degree from the Stanford School of Education. As I mentioned, I'm a professor of public policy at the Edward J. Bloustein School of Planning and Public Policy at Rutgers. I hold a joint appointment there with the Center for Government Services. I'm also a member of the doctoral faculty at the Rutgers Graduate School of Education and a fellow at both the Eagleton Institute of Politics and the Heldrich Center for Workforce Development.

The coauthors in my study were Professors Margaret Goertz and Barbara Turnbull. Dr. Goertz is a widely recognized expert in school finance and served as a witness to the court during the *Abbott* hearings. She is currently the codirector of the Consortium for Policy Research in Education at the University of Pennsylvania.

A point worth emphasizing at this juncture is that we received the support of two independent foundations to conduct our study: The Fund for New Jersey and the Schumann Fund for New Jersey. The independent nature of our support had a profound effect on the willingness of teachers and staff to openly and candidly discuss their experiences.

Our study set out to accomplish three major tasks. First, we wanted to systematically study the process of implementing Whole School Reform from the perspective of the school site. Second, we wanted to understand the implementation of the school-based budgeting process and

what changes in resource allocations took place. And third, we wanted to assess what roles teachers played in implementing the models.

We designed our study to systematically uncover the perspective of the school site. We were most interested in how the model implementation and budget processes impacted the individual schools in the first cohort. To that end, we visited 32 schools across the state. During our visits, we interviewed over 250 people and received completed surveys from 617 teachers and school staff, nearly a 50 percent response rate. The 32 schools comprised nearly 45 percent of the first cohort. These 32 schools were located in three of the fourteen districts that were implementing Whole School Reform.

I'd like to emphasize that last point for a moment. Given that it was our intention to focus on the perspective of the school, we chose to maximize the number of schools that we visited, while minimizing the number of districts visited. We chose to do this primarily to limit the variation introduced by different district administrations. This means that we chose to visit three districts and to visit every school implementing Whole School Reform in those districts.

I am belaboring this point because the Department spokesperson called our report "absolutely worthless" because we visited only three of the fourteen districts. Clearly, he must have misunderstood our selection process, because it would be inconceivable and misguided for the Department to dismiss the experiences of 45 percent of the first cohort.

Within our 32 schools, we visited 10 Success For All schools, 4 of which were continuing previous implementation; 3 Comer schools, all of which

were continuing previous implementation; 18 Community for Learning schools; and one Coalition of Essential Schools site.

Let me delineate what our study did not attempt to do. We did not seek to determine which model of Whole School Reform is the best one to implement in New Jersey. For many reasons, which I'm sure the developers themselves can better state, no single model is appropriate for every school. We also did not try to determine the degree to which each school has implemented their various models. Again, the developers themselves have diagnostic tools to determine the degree of implementation.

Let me preface my report of our findings with a simple comment. It was clearly not the intention of the Court in the 1998 *Abbott* decision to have the State define Whole School Reform as the simple selection of a Whole School Reform model. Indeed, as is evident from the Court decision and from the Department's regulations, Whole School Reform involved much more than just a model. It involved school-based leadership and management, zero-based budgeting, extra family and community support, additional social services, and ongoing implementation of the Core Curriculum Content Standards and their assessments.

Despite this broad vision of Whole School Reform, in practice it actually meant the much narrower idea of implementing a model. Our findings indicate that our study schools were most involved in implementing their models to the exclusion of ongoing professional development regarding the Content Standards. They received the most external support in the area of implementing their models. Developers provided this support, although the quality and quantity of the support varied across models and schools.

In nearly every other area, schools were left on their own. This means that schools had to figure out how to effectively transition to school-based leadership without support. Schools had to figure out how to complete a zero-based budget without support, and schools had to reconcile their models with the New Jersey Content Standards, again, without support. So all of these other tasks got dropped on the school staff, folks who were ill-equipped to perform these tasks on their own.

A major source of frustration for the schools was the Department's inability to deliver on its promise of \$50,000 for each new implementation site. The Department awarded the implementation grant to each of the first-cohort schools who filed an application in August of 1998. Schools planned to use the money for training and materials related to the model, as well as simply to pay the developers. As of June of 1999, when we finished our last site visits, schools had yet to receive the money.

The model selection process in the 32 schools in our three districts was marked by limited information, a lack of significant teacher involvement, and a time frame that precluded true deliberation. Additionally, schools chose models without an understanding of how these models were connected to the Core Curriculum Standards, depending instead on the Department's endorsement of models as evidence of such a connection.

In practice, our interviewees felt that the Department's field personnel, also known as the school reform and improvement teams, played a predominantly observation role rather than that of technical assistance as specified in the Commissioner's 1998 regulations. However, the SRI

representatives did not have specialized training in the budget process. Therefore, the role of technical assistance was sharply curtailed.

A fundamental problem faced by the school management teams, otherwise known as the SMTs, across the state was how to accomplish the additional functions now placed on them. Most schools had not budgeted extra dollars to pay the members of the SMT during the academic year. Thus, many schools worked to accomplish their tasks during the regular school day, pulling teachers out of the classrooms to attend SMT meetings. The SMT's work was complicated by the fact that most SMT chairs and members received very little training about how to accomplish their broaden responsibility. The end result was a continual process of submission and revision on the part of the school, i.e., the school submitted a plan or a budget and the Department asked for revisions or further explanations.

Although the stated intention of school-based decision making in the *Abbott* schools is to rebuild schools from the ground up--

(disruptive noise on microphones)

Is it me? (referring to noise)

SENATOR GORMLEY: It's not me.

DR. ANHALT ERLICHSON: I'll try again.

SENATOR GORMLEY: It's okay now. It's a Y2K preview, yes. We appreciate that. We were testing for Y2K.

DR. ANHALT ERLICHSON: Although the stated intention of school-based decision making is to rebuild the schools from the ground up, the Department increasingly micromanaged the development and content of budgets. This micromanagement, in turn, limited the flexibilities of schools to

allocate resources in ways that the school community may have felt is necessary to meet the needs of the students.

During Phase One of the budget process, the Department provided initial guidance through a series of memoranda to the *Abbott* districts and principals of the first-cohort schools, technical assistance seminars featuring audits and budget worksheets. Because it was operating under a tight time line and with limited human resources, the Department designed the process as schools and districts struggled to implement it. This resulted in the considerable confusion about the role of the school, the district, and the developers in the process and in the content of the final budgets.

In addition, the Department was unable to provide the much needed training and technical assistance. The Department had expected to place fiscal experts on the SRI teams, but were unable to hire many staff by November of 1998.

The schools were left largely on their own to develop their initial zero-based budgets. In the words of one district respondent, “Everyone walked away from the budgeting process.” The district staff expected the Department and the developers to provide technical support to the schools, neither did. The Department, in turn, expected the districts and the developers to assist the school in collaboration with the Department fiscal experts who were not hired in time for the budgeting process.

The Department gave the schools about three to four weeks to prepare their zero-based budgets. In all three districts in our study, the district fiscal office gave schools a list of their current resources and told them to develop budgets that addressed their programmatic needs. Looking across the

three districts, it appears that there was minimal teacher input in the budget process. A few schools surveyed teachers as part of their needs assessment, but only 20 percent of the teachers responding to our survey felt they had influence in how their school spent the money to implement the model.

The Department's second and more prescriptive phase of activity was their review of the school budgets. This took place in January and February of 1999. By the time the Department began its review process, it had developed illustrative budgets for each model in both elementary and middle school grades. Although these documents had not been available to the schools, other than those with Success For All, during the budget preparation process, they were used by the Department to identify positions and costs considered to be in excess of the model and other *Abbott* requirements. The Department, at this time, also added tutors to the non-Success For All models, a programmatic decision made by the Department.

The department-prepared illustrative budgets were nearly identical across models. They all included the same number of teachers, specialists, tutors, and support staff. The Department did add a footnote to the tutors line, however, stating that schools should budget for "up to five tutors depending upon the developer's strategy for helping students who need additional time and support for learning." The only differences in the budget appear in the facilitator line and in the budget for curriculum consultants and professional development.

The bottom line is that the number of personnel required by the models has a very small range: from 55.4 to 57 for elementary schools, and from 63.9 to 64.8 for middle schools. According to the illustrative budgets, the

most expensive model, Success For All, costs only 137,000, or 4 percent more than the least expensive model, Accelerated Schools. The price range for the middle schools is only 151,000, or 3.5 percent difference.

The Department thus began its budget reviews with a generic set of resource requirements for the schools, a kind of CEIFA-plus resource model that allows for little flexibility across models. Rather than having programs drive budgets, it appears that the budgets, or at least the Department's budgets, will drive programming in the schools.

Implementing Whole School Reform is not an easy task under most circumstances. In New Jersey, the task was complicated even further due to the enormous pressures of a short time frame for model selection and implementation, the increased demands in the Department with a short time frame for completion, and the introduction of school-based budgeting.

The school-based budgeting process was an ill-informed, chaotic, and very frustrating experience for schools and district participants. Seemingly distrustful of the district leadership, the Department constrained the role of district administrators in the development of school budgets. The Department was unable to fill this void. As a result, schools were left to devise budgets without guidance from the Department, districts, or developers. When the Department did step forward during the budget review process, it imposed a generic resource template on all the school budgets, creating further confusion and even greater frustration. The resulting budgets, however, do conform to the Department's model, with little variation in staffing patterns across models.

SENATOR GORMLEY: Questions?

SENATOR RICE: Yes.

Good morning.

DR. ANHALT ERLICHSON: Good morning.

SENATOR RICE: First of all, let me preface my remarks by welcoming all of you to the great city of Newark, in which I reside and represent, and my colleagues as well, who are visiting us once again.

My question is on the list of schools -- the 32--

DR. ANHALT ERLICHSON: Yes, sir.

SENATOR RICE: No. 1, how are they selected? No.2, the staff-- They may have a list, but I need to make sure, through the Chair, that we get a list, and then there were 28 that you addressed in the budget out of the 32. I need to know that list, but the best I can tell, in talking to the staff, we cannot recall the Newark district, for example, being one of those.

DR. ANHALT ERLICHSON: I have--

SENATOR RICE: Is there a reason for that?

DR. ANHALT ERLICHSON: I have not publicly released any of the news of any of the schools.

SENATOR RICE: Okay. All right.

DR. ANHALT ERLICHSON: The reason why is that I promised confidentiality to the school sites when I was performing the site visits.

SENATOR RICE: Right.

DR. ANHALT ERLICHSON: And also, the study processes followed by Rutgers. In order to be exempted from Human Subjects Protocol Review, I had to promise confidentiality. So, as a result, I have not made public the districts that I have visited.

SENATOR RICE: So the districts will not be made public?

DR. ANHALT ERLICHSON: They will not be made public.

SENATOR RICE: All right. Well--

DR. ANHALT ERLICHSON: A few of the superintendents that I have of the districts -- have, in fact, revealed publicly that they were participants, but I have not confirmed that and do not intend to.

SENATOR RICE: Okay. So I would have to talk to my superintendent?

DR. ANHALT ERLICHSON: You would, if that would be the best way of confirming or denying that Newark was part of it.

SENATOR RICE: Then if in fact, from a reality perspective, we are to assume that your research information, based on your credentials and your colleagues, is reasonably accurate.

DR. ANHALT ERLICHSON: Well, we do not make the claim that our results are "generalizable" to the rest of the state. There is something different about these superintendents in our districts. They did choose to participate in the study, which would indicate that they were open to, sort of, public scrutiny. The three districts, one of them was a large city, another of them was a much more suburban, urban area, and the third was a much more suburban area. Now they, of course, were all *Abbott* districts, so they shared those characteristics.

SENATOR RICE: And how would I go from my perspective -- the little bit I do know -- about researching? I don't know if that's good or bad because Rutgers taught me, but-- They also taught me to compare. How do I verify the veracity of your information if I cannot identify the source?

DR. ANHALT ERLICHSON: Well, we would be happy to make all of our transcripts of our interviews available to you. We did transcribe all of our interviews, and we would be happy to also make the raw data from our questionnaires available to you.

SENATOR RICE: But through the Chair, Mr. Chairman, can we request-- I will request, not can we.

DR. ANHALT ERLICHSON: Sure.

SENATOR RICE: I'll request that--

DR. ANHALT ERLICHSON: Sure.

SENATOR RICE: --through the Chair. Okay.

Thank you.

SENATOR GORMLEY: What was the basis of your starting this study? Who made the request to Rutgers to do this study?

DR. ANHALT ERLICHSON: No one made the request to Rutgers. I decided as an independent scholar that this was something that I was interested in. I have been, throughout my career, interested in the intersection between Court decisions and school reform. Most recently, before studying the schools of New Jersey, I was studying the implementation of desegregation orders in San Francisco. So I decided that this was an area I wanted to pursue, and I went and secured the outside funding to make it happen. So this was an entirely independent study.

SENATOR GORMLEY: It's fairly extensive. I mean, did you do this by yourself or at least staff people helping on this?

DR. ANHALT ERLICHSON: No. Actually, I conducted all the site visits in person myself. My colleague, Barb Turnbull, from the Graduate

School of Education at Rutgers, also went with me. She is an assistant professor there. But it was very hands-on, the two of us together.

SENATOR GORMLEY: Who provided the grants?

DR. ANHALT ERLICHSON: The Schumann Fund for New Jersey and the Fund for New Jersey.

SENATOR GORMLEY: The human fund for--

DR. ANHALT ERLICHSON: No. No. No. The Schumann Fund.

SENATOR GORMLEY: Schumann. Schumann.

SENATOR ROBERTSON: I was saying, I hope the human fund was from *Seinfeld*. (laughter)

One of the things that I've been struck by and concerned about as we've gone through-- And it's interesting that you talked about the intersection of Court decisions with policy. Because one of the things that is a little frustrating, I think, from a policy making point of view, are the very compact time lines that are being mandated by the Court in an effort to provide relief, in one sense, by a Court that ultimately says that, "Well, we're not the ones to say what the best relief is in terms of policy, but we know you have to do it right away."

DR. ANHALT ERLICHSON: Right.

SENATOR ROBERTSON: And that doesn't leave a lot of time for studying what we finally, and I'm glad we have, turned our attention to this area. But having said that and in listening to some of your comments and reading them, one of the things that I'm concerned about is the degree to which the Department is prepared to really assist, and will it have the resources

to assist these local school districts when it comes time to implement this or any other reforms. And generally speaking, I may have missed a little of it in the beginning, I sense that you have a similar concern.

DR. ANHALT ERLICHSON: I do. I do. In other states, when you look at the types of reforms that schools are adopting, and some of the developers can speak to this themselves, the things that schools attempt to do -- standards-based reform or implementing a model or going to school-based leadership teams and school-based budgeting -- these types of reforms typically take place independent of each other. And so schools can dedicate their energies to one or maybe two of those types of reforms at a time.

And here in New Jersey, we try to do it all at the same time. And that is a tremendous undertaking, and without the proper support, the principals really struggled last year to do this. They were taken out of their, sort of, roles as school leaders and asked to do a tremendous amount of administrative paperwork and planning. It was just overwhelming for them. I do not think that the Department was able to secure the kind of human resources it needed in the time frame to help support the schools, either in the budget process in terms of the fiscal experts or even in, sort of, the programmatic areas in terms of helping relate the models to the standards and the assessments and everything else.

SENATOR ROBERTSON: And actually, that's one of the things that struck me early on was the lack of resources, especially on the budget end, to be able to give the sort of guidance that was necessary if, in fact, there's something wrong or something that can be done that much better, then you actually do need some--

DR. ANHALT ERLICHSON: And there were very mixed messages at the school site in terms of who was supposed to be helping the schools with the budget process. The district administration, the administrative budget folks that we talked to, said that they got a clear message early from the Department that they were not to be participating in the initial stages of budget preparation, although the documentation around that is contradictory. The developers themselves, some were asked to participate in formulating budgets, others were not. And on top of that, the fiscal experts from the State didn't materialize.

SENATOR ROBERTSON: Your understanding of Whole School Reform, and I'm not asking really for a comment on this model versus that model, but it would seem to me instinctively that Whole School Reform is a process that is designed to allow an individual school to grow into a different model.

DR. ANHALT ERLICHSON: Yes.

SENATOR ROBERTSON: And that, in and of itself, it seems to suggest that it's not a top-down process. It's not a mandated process. It's not a-- Am I wrong in that?

DR. ANHALT ERLICHSON: No, you're not wrong in that.

SENATOR ROBERTSON: Are you an attorney?

DR. ANHALT ERLICHSON: No. I'm a professor of public policy.

SENATOR ROBERTSON: Oh, okay. The reason I ask that is because one of the questions that comes to my mind is almost a legal question, and that is what, if anything, should the State be doing with the courts in order

to address what you have diagnosed as a clear concern; namely, the amount of time in which they have to do something which has to be a bit more of an-- I don't hesitate to use the word evolutionary, because that sounds too slow, but it has to be more of an evolutionary process than it is permitted to be. Is that the sort of thing that you think the State should do, is to look for or look to alter some time lines in order to be able to put this stuff into place correctly?

DR. ANHALT ERLICHSON: I do. There's no question that that's a fundamental suggestion. I'm sure that many of the model developers would agree that the selection of the model is sort of the most important decision that the school can make. Building the buy in that is required to substantially change teaching practices and simply the governing structure of schools takes time. The teachers reported that they were not involved in the model selection process, that the time frames were too short, that they only significantly investigated maybe one model. And what I mean by that is, typically the way a school chose a model is that the principal would go to one of the Department sponsored showcases and pick up some information and review them. Review that information and make those little pamphlets available to the school site.

Some principals had a sign-in sheet for teachers to say that they'd read and reviewed the material. Others did not. Then, after a period of maybe a week or two of this material being available to the schools, a principal would send a team of teachers to go to a school, implementing models. In New Jersey, a lot of them visited previous Success For All implementations. For the Community for Learning process, they actually traveled all the way to

Philadelphia to visit the models. Then, they would come back and discuss that, perhaps at a faculty meeting, what the teachers saw.

While that sounds like a relatively informed process, in fact what occurred is that no one knew what would happen if they didn't select the model that they had gone to see, because there was no time to go to a second model, and there was limited information in the process. So with certainty, all the schools that went to visit the model ended up selecting that model.

SENATOR ROBERTSON: And in your opinion, is that the constraints on time more a function of the wrongheadedness of the Department or the constraints that they were faced with by virtue of the case?

DR. ANHALT ERLICHSON: I can't speak to that. I'm not, at this point, certain where the time line for this came from. I see it articulated very clearly in the Commissioner's regulations, but I'm not sure to the extent to which that was presented within the court hearings. So I can't speak to that.

SENATOR ROBERTSON: And then just one final question, maybe it's an obvious one. With those sort of time constraints and the inability to engage in a broader process, is there a higher risk of failure of the model?

DR. ANHALT ERLICHSON: No question. No question. And for that reason, I'm very concerned about the first-cohort schools, because I would say a good percentage of them did not build important necessary buy in. And so in some of those schools there's a backlash against the models that they have chosen, and I would not be surprised to see the first cohort illustrate a higher degree of turnover in their models in three years.

SENATOR ROBERTSON: Thank you, Mr. Chairman.

SENATOR GORMLEY: Thank you for your question.

DR. ANHALT ERLICHSON: Thank you very much.

SENATOR GORMLEY: Thank you.

Gordon.

G O R D O N A. M a c I N N E S: Thank you, Mr. Chairman.

Good morning.

I have written testimony which I will leave, but I will not read it. Let me just highlight it.

SENATOR GORMLEY: Just tell us what they did wrong.
(laughter)

MR. MacINNES: It's not my purpose, actually. First, I want to commend you. And I know that you're accustomed to hearing compliments as elected officials, but in this case I want to emphasize it, because the *Abbott* decision represents such a huge opportunity for New Jersey. We're putting close to 16 cents out of every tax dollar, if we include teacher pensions, into the *Abbott* districts. That is 16 cents of every tax dollar that the State collects.

Having served in both Houses of the Legislature, it's difficult for me to remember a time when the oversight opportunities presented to the Legislature were ever really seized on in the way that you're seizing on them today. So this is, I think, a very important hearing for that reason.

This is the high-water mark for poor city kids, the *Abbott* decision. There's never been a State or a national program or a city school district that has ever set such high expectations for city kids. We've been trying for 35 years. We've been bringing up one nostrum after silver bullet after another.

It would be longer than the list behind you of things that have been offered over the years as solutions to the problem of concentrations of poor kids in cities not achieving at the levels that they need to achieve in order to have a future.

That's what we're talking about, and this gives us a chance. And Whole School Reform is a big part of that. The early childhood mandate is a big part of that. Having kids go to schools in buildings that are safe and healthy and educationally adequate is a big part of that. But the Court, I think, understood that what's going on in most city schools in New Jersey is not adequate, is not constitutional. It needs to be changed.

Now, what counts? What counts is what happens between teachers and students in classrooms, door closed, in a profession that, if you've never taught, is difficult to appreciate how difficult it is. Add to that the fact that you're dealing with large numbers of kids who do not come from homes with two parents. They're not coming from homes where the preparation for school is as it is found in the suburbs. Put those kids in old buildings. The average age of school buildings in the *Abbott* districts puts their construction date in a Franklin Roosevelt second term, before the start of World War II, during the depression. That's the average age of an *Abbott* school building.

In some school districts, teachers don't get instructional supplies delivered on time. It's not their fault. They have to go to Staples to buy notepads, and I'm not putting in a plug for Staples. They could go to Office Depot. Windows that are broken are not fixed. Heating systems don't work during the winter, not in all the districts, but in enough of them that it

constitutes a huge problem. So this *Abbott* decision represents a unique opportunity, and New Jersey ought to take advantage of it.

Professor Erlichson has done more work on this than anybody else. Her findings, as she reported them to you, I think, are enough to give this Committee an incentive to continue its oversight not just on Whole School Reform, but I would hope on the entire *Abbott* decision as it's being implemented.

What we've heard is that the Department has chosen to portray Whole School Reform as the kind of choice that you would make if you were going to a computer software store. So the principal and the school management team, they go into this software store, and they describe their school.

Now, we're in the *X* neighborhood of this city. We've got a population that is 70 percent Latino, 80 percent eligible for free or reduced lunch. We have one-tenth of our staff on emergency certification, and our building is not equipped with new technology. And the Whole School Reform salesman goes to the shelf and pulls it out, "Here's what you want. You want program 207. Take this, go back to your school, plug it in. If you have any problems, give us a call, and our Whole School Reform technician will return it. It's an 800 number, don't worry about the cost, and good luck." That's how the Department sees the job of fixing dispirited, demoralized city schools. Gee, that doesn't sound like it's going to work.

And I think that Professor Erlichson's preliminary findings on how Whole School Reform was implemented in the first year should give us concern that it's not going to work. Not enough time, not enough

information, and insufficient respect for how tough the job is. Very little attention paid to the question of what's happening in classrooms between teachers and 300,000 kids, which is what we're talking about.

Here's a quick recommendation. It's all here in the written testimony, but let me get to what I hope would be action that the Committee would take. The road map for individual schools on Whole School Reform is laid out in the regulations promulgated by the Commissioner. During the first two years of *Abbott*, through a footnote in the Appropriations bill, the normal process for adopting administrative regulations was circumvented.

In the first year, the Commissioner was given sort of Stalin-like power to issue regulations. It was an emergency. The decision came down in May. Schools had to open in September. That was understandable. The Commissioner adopted emergency regulations, and that's what I think they were called.

In the second year, despite time for planning and everything else, again the Commissioner was granted extraordinary powers in adopting one-year regulations. Those were the regulations we were adopting that we are operating under right now.

Here's my suggestion. The Commissioner, at the December State Board Meeting, put forward proposed regulations which are to last for five years, beginning June 2000. Those regulations will be-- They will be the regulatory scheme that will govern how schools implement Whole School Reform.

Sadly, those regulations as proposed by the Commissioner are very close to the regulations that we've been operating under for the last two years.

That is, they show-- I commend them to you. I mean, they're not great reading, and I know that this is not the stuff of high drama in the world of the Legislature, but this turns out to be the document which is the most important document on Whole School Reform implementation. And as you read those proposed regulations, you're going to hear that many of the problems that have been identified by Professor Erlichson are not corrected in the proposed regulations.

Now, we've had a couple of years. This is enough time for the Department to come up with a sensible and respectful scheme for implementing Whole School Reform, one that understands that changing the culture of instruction in *Abbott* schools is the goal of Whole School Reform. This is not a paperwork compliance game, but that's how it's set up, with very strict reporting deadlines, with very strict individual requirements for schools.

Here's one to look at, if you don't believe me. Every school is expected to adopt the model of Whole School Reform, even though there are very few models available for middle schools or high schools. If you have a school that's performing well, that school can be excused from adopting one of the -- in the case of an elementary school, one of the five models that have been adopted by the Department.

Read the regulations about what that school has to go through in order to be excused from one of those five models. You would have to be a university to start, in terms of the research comprehension that you have, because you have to demonstrate that everything that you're proposing is documented by educational research. Well, there is no such thing. A lot of educational research is perfectly lousy. Most of it, probably, so you can't find

the documentation if you had the time and the resources to try and find it. There are 34 separate steps, each one of them complex, requiring a lot of paper, for a school to apply for a waiver from these Whole School Reform requirements.

As I said, if you read these things, you'll just shake your head. You'll say, "There's no public school in a regular school district that's going to have the resources to do this." This is terribly important stuff. I hope that your vigilance on this will continue.

And again, I end where I started. I commend you for having the hearing, Senator Gormley, Senator Baer.

SENATOR GORMLEY: Senator Robertson.

SENATOR ROBERTSON: Yes, and thank you, Senator, for coming down. We appreciate it. I want to ask you a similar question, and you're an attorney, I think?

MR. MacINNES: No, I'm not.

SENATOR ROBERTSON: No.

SENATOR GORMLEY: Don't ask that question again. (laughter)
Hold that question.

SENATOR ROBERTSON: Actually-- Because there is a reason I keep asking that question. And when you cited what you thought was a nonsensical requirement about being able to document, by educational research, what has been done, I've gone through the *Abbott* decisions, and I know the basis upon which they were made, and I know the types of arguments and the types of proofs that were given to the Court, which largely were from educational research. So that one of the things, I think, in order to

be fair to the Department or in order to get the fairest, most sensible result, really, is to understand the extent to which we just happen to be -- goes back to the question I asked before. Is it just a question of wrongheadedness in the Department or has their concern about complying with the letter, or what appears to be the letter, of the decision led them to these odd sorts of prescriptions?

MR. MacINNES: It asks me to, sort of, assess the Department's intention. I'm not in a position to do that. However, I think the pattern is pretty clear, Senator Robertson, which is that the Department is a part of an administration which is not enthusiastic about the *Abbott* decision, even though it has embraced the financial requirements of much of the decision in terms of parity budgets, in terms of the early childhood requirements, at least started to address that. And it is supporting a program in the Legislature that would have the State finance 100 percent of the construction costs required to bring the facilities up to snuff, which is also part of the *Abbott* decision.

But in terms of the program part of it and implementing it, I don't think there has been a demonstration of great enthusiasm. And I say that because it's very clear to most people who have looked at the Department's regulations on early childhood that it has missed widely what was contemplated by the *Abbott* decision. You don't have to be a lawyer, I think, to assess that. I think--

SENATOR ROBERTSON: But I do think that those are two different questions, the Whole School Reform implementation--

MR. MacINNES: They are two different questions, but I think that the approach is similar in both cases. And I think that they have -- that

is, the Department has elected to not deal with the terrible difficulties involved in transforming demoralized city schools. That's a tough business. It takes a long time, as Professor Erlichson suggested. Instead, they've done what they do best: set up requirements, oversee that the requirements are implemented as proposed in the regulations. And the way you do that is to get a lot of paper, check it in that it was received on time, that the signature is on the right line, that all of the budget information is in the form prescribed by the Department, and you now have a collection of vast information against which no judgment is made. And this is not, by the way, something limited to the Department in this administration. This has been going on for years.

SENATOR ROBERTSON: Well, I would suggest it goes on in other departments, too, in other areas of policy.

MR. MacINNES: Oh, yes.

SENATOR ROBERTSON: I mean, it's called the bureaucracy top down--

MR. MacINNES: Right. But the last thing we need is more of that.

SENATOR ROBERTSON: Right. And one of the things that we need to get as a Committee, I think, and as a Legislature, because I've been trying to talk about how the Legislature needs to get involved in this. It's one of the reasons that we're under mandates now, in my opinion, is the degree to which the Legislature has not been involved as much as it could be or should be. But we need to get a handle on how the mechanics of the decision have impacted on the way in which the Department of Education has responded.

And in more generalized statements about is their heart in it, is their heart not in it, isn't as helpful to us as knowing--

MR. MacINNES: Right.

SENATOR ROBERTSON: --whether or not we need to go to court to get some further relief or to do the sort-- Because, as far as I'm concerned, I represent a district that is my town, and I have some of our neighbors here. My town is surrounded by three *Abbott* districts. I'm from the city of Clifton. We have Paterson on one hand, Passaic on the other, and Garfield across the river. And I have neighborhoods in my town that need new schools and where the school lunch program rate exceeds 40 percent in some areas. It's very difficult for me to come back to our taxpayers and say that they have to foot 90 percent of the bill when there is so much relief being given elsewhere. I think it's a good thing that the relief is being given, but I think people in the suburban areas need to know that we have to succeed.

We can't just convince ourselves that by meeting the court mandate that we've actually done the job. We haven't. We need to succeed in urban education in order for there to be more money for everybody, because the money shouldn't be tied up in simple mandates that we go after in some blind way. So if the mandates wind up creating a nonsensical approach, we need to understand that and figure out together what we can do -- those on all sides of this question -- together what we can do in order to change that model.

MR. MacINNES: Well, I have a further suggestion to make, which is that the Joint Committee has jurisdiction in the State takeover districts, as well as over the *Abbott* decision. Take a look. The State has been operating the Jersey City school system now into its eleventh year. Paterson

schools into the ninth year. Is anybody beating a path to Jersey City or Paterson to find out how you fix broken urban schools? I don't think so. I don't think so.

Some of the stories that I've heard, and they're just anecdotes, come from State-operated districts in terms of the difficulty of getting instructional supplies, in terms of getting facilities fixed so that the schools are warm in the winter and ventilated in the spring. So that should be, if nothing else, a lesson in humility for the Department to say, "Look at it. We've been trying in Paterson and Jersey City for, now, two decades between the two places." We haven't succeeded, so why don't we have a little respect and a little bit of -- well, a little bit of respect for the difficult task that's now being imposed on 27 other city districts, and instead of taking a bureaucratic dictator's approach, "This is how you do it. This is the budget," which, by the way, belies the whole purpose of a Whole School Reform. You're supposed to come up from the bottom. That's what the Court said.

What are the needs of the kids? Each school is supposed to figure out those needs and say, "This is what our best estimate is of what it is going to take us to respond to those needs." The Department says that's great as long as it doesn't exceed the band of approved budgets that we've set down for the five models to within 3 percent or 4 percent of one another. That's a little mysterious to me.

So here's a second suggestion. Yes, stay on top of the regulation, and have an opinion about the regulation. Try and influence the State Board's consideration of those regulations, but also look at the experience of the State-run districts and then use that to say to the Department, "Why shouldn't

you be using this opportunity to try and deal with the tough questions of how you transform city schools, get people in who are not good at the checklist necessarily, but who are good at assessing what's happening in classrooms so they can help teachers, so they can help principals do things in classrooms that will raise the expectations and the achievement levels of the kids?"

SENATOR GORMLEY: Any further questions?

SENATOR BAER: Not a question, but I just wanted to say how valuable, I think, your input is here, as it was when you were in the Senate on the Education Committee, and I'm looking forward to continued input whenever you feel it's appropriate. I know your interest is such that you will stay involved.

MR. MacINNES: Thank you, Senator. I appreciate those words.

SENATOR RICE: Let me just say that takeovers are obsolete. It's a thing of the past, in my estimation, and I think the Commissioner agrees with that. I think that managing schools and overseeing schools is one thing, but it's clear to us in New Jersey -- takeover -- that's not working. They know they cannot reform a system that way, and they don't want to. I mean, they took 30 million out of Newark's system, then told me they're putting 27 back because the State budget is okay. It's sad that even if we could, we're not committed.

Your comments are well taken, but when you talk about Whole School Reform-- And that's why I raised the question with the first speaker about how do I determine the veracity of her information if I can't identify the real sources of it? When you talk about Whole School Reform, the problem is it can't be the school board and it can't be the superintendent and it can't

be the teachers. It has to be everyone who is responsible for implementing those programs who understands how the system functions. That's from the maintenance person up to the classroom, etc.

We need to set some rules, I think, legislatively, and make sure that school board members, the union leaders, and others understand that there's some common ground we're going to work on. And in this room, nothing else matters, but if you're coming here for your personal agenda, it's not going to work. But I think that leadership in those various capacities can do that, and I think they can be committed to do it.

I think when you come in and say, "Well, this is the way it's going to be," then the union is going to have a problem because there's no input. I think if the unions come in and say, "This is the way it's going to be," the administrators are going to have a problem because there's no input. If the unions and the administrators come in, the school board members are going to have a problem. You know, and that trick has been on to everybody in that classroom. Then, the parents have a problem. So it seems to me that we're going about this-- Eventually, we call it Whole School Reform, but the actors are not whole in its entirety.

So your comments are well taken, and I'm making these comments for the record, because I want us to think about them as legislators, and I want the administration to think about it on the Commissioner's side.

MR. MacINNES: Senator Rice, if I could, actually one of the things that I think is in place to realize your view of this is the school management team, and the way that that's laid out in the regulations in terms of its composition, in terms of its responsibilities, isn't bad. The problem is

that they don't get any of the assistance that they need to carry out very, very large responsibilities. But I think that what you would like to see, if I understand your remarks, is the community of the school -- parents, teachers, people, staff, principal -- working together.

SENATOR RICE: Without the nonsense.

MR. MacINNES: Without the nonsense, and I think that's contemplated by the regulations. So I think that there's -- the starting place is there.

SENATOR RICE: Thank you.

SENATOR GORMLEY: Thank you, Senator.

And now that we've given them such a wonderful introduction, let's have the Department of Education up here.

Don't ask the lawyer question. (laughter)

ASSISTANT COMMISSIONER BARBARA ANDERSON:
Good morning.

SENATOR GORMLEY: Good morning.

ASSISTANT COMMISSIONER ANDERSON: My name is Barbara Anderson. I am the Assistant Commissioner for the Division of Student Services. To my immediate left is Orlando Castro. He is the Director of the Office of Program Review and Improvement, primary responsibility for school review and improvement teams in the *Abbott* districts. To my immediate right, Jacqueline McConnell, Special Assistant to the Commissioner for School Improvement.

While I would just highlight a couple of issues, our primary objective here today is to attempt to answer any questions you may have. If

I might, I'd make a couple of interjectory comments, Senator, if that's permissible.

SENATOR GORMLEY: Well, we wanted to give you the opportunity to listen to the first two witnesses, and I assume there's a lot of things you would like to answer now, so go ahead.

ASSISTANT COMMISSIONER ANDERSON: Thank you.

The Department has, of course, been involved in all of the *Abbott* decisions, most recently in the implementation of *Abbott V* and Whole School Reform. We've been working very actively with the *Abbott* districts in fulfilling the mandates of the court decision. We've been working under very tight time constraints. However, we do believe that progress has been made in the implementation of Whole School Reform in New Jersey. We cannot lose sight of the fact that we are in the very early implementation stages of the largest reform effort of its kind in the nation, and that we are doing things in New Jersey that haven't been done before on such a large scale.

We had 72 begin the process in 1998-1999 in the first cohort of schools. Those schools voluntarily came forward. We clearly understand that not all schools will be at the same level of preparedness nor awareness nor readiness at the same time. Therefore, we have three cohorts that will be developed over a three-year period. We had 83 schools involved in the second cohort for 1999-2000. We'll also add 39 additional schools to the second cohort in January of 2000. These schools are in the three State-operated school districts.

While we've also been faced with significant challenges, we believe that Whole School Reform is here to stay, and we believe that it will serve as

a primary vehicle for reforming and transforming the education of children in the *Abbott* districts in a positive way over time. And we believe it will take time: time for full implementation to take place; time for school staff to be trained; time for school management teams to fully understand the magnitude and the depth of their responsibilities. We are confident that positive results will be achieved.

I'd like to thank you very much for providing me the opportunity to make some introductory comments, and we would be more than happy to try to answer questions that you may have.

SENATOR GORMLEY: The question about the \$50,000. All right, which one of you is holding the money back? (laughter) Raise your hand and tell us if you're a lawyer when you tell us you're holding the money back. (laughter)

Seriously, where's the \$50,000?

ASSISTANT COMMISSIONER ANDERSON: Okay. There are \$50,000 in a couple of ways. For the first cohort, the \$50,000 did not come as anticipated or in a fashion or in a timely fashion that would have been, we feel, we agree, more help to schools. It came at the end of the year. We would have liked for it to come at the beginning of the year. But, as I'm sure you Senators are aware, we were working closely with the Legislature for that to happen, and it took time.

SENATOR GORMLEY: It was our fault?

ASSISTANT COMMISSIONER ANDERSON: No. No. I'm not blaming anyone. I'm just--

SENATOR GORMLEY: Okay. Be careful now.

ASSISTANT COMMISSIONER ANDERSON: --making a statement of fact to say that I think all of us can agree that it could have been helpful to schools if it had come in the fall versus in the spring.

SENATOR GORMLEY: Wait a second. I'm curious. In terms of the \$50,000--

ASSISTANT COMMISSIONER ANDERSON: Yes.

SENATOR GORMLEY: You wanted to allot the \$50,000?

ASSISTANT COMMISSIONER ANDERSON: We wanted--

SENATOR GORMLEY: You wanted to allot the money earlier?

ASSISTANT COMMISSIONER ANDERSON: Yes.

SENATOR GORMLEY: The Department wanted to allot it earlier?

ASSISTANT COMMISSIONER ANDERSON: Yes.

SENATOR GORMLEY: You're saying you couldn't because of legislative inaction?

ASSISTANT COMMISSIONER ANDERSON: I'm saying--

SENATOR GORMLEY: This is an *A* or *B*. I'm down to *A* or *B* on this now. Why wasn't it allotted? You're saying we didn't make it possible.

ASSISTANT COMMISSIONER ANDERSON: I'm saying I can't speak for the Legislature. I can only speak about statements of fact.

SENATOR GORMLEY: Well, you're saying if we had done something you would have had the money?

ASSISTANT COMMISSIONER ANDERSON: I think if the money could have been appropriated sooner, it would have been more use to the schools at the beginning of the school year.

SENATOR GORMLEY: Did anyone in any way bring this to our attention?

ASSISTANT COMMISSIONER ANDERSON: Senator, I believe we testified-- Department staff testified on this issue numerous times, provided several explanations for the information.

SENATOR GORMLEY: You have to remember, the last Commissioner didn't appear. He didn't come in front of the Committee. He was incommunicado for about 18 months. Okay. And the lobbyist would hide behind the column, okay, so I couldn't see him. All right. So I don't recall that occurring.

Gordon, you do remember him hiding behind the column, don't you? Okay. (laughter)

No. I'm not trying to be funny--

ASSISTANT COMMISSIONER ANDERSON: I understand.

SENATOR GORMLEY: --but I don't remember this request.

ASSISTANT COMMISSIONER ANDERSON: Senator, I can speak from my own experience that I was called to testify on at least three occasions in reference to the \$50,000 and did so. Again, I'm only speaking--

SENATOR GORMLEY: Get the record.

ASSISTANT COMMISSIONER ANDERSON: --from the record of past experience. I think that schools are implementing Whole School Reform. I think the first cohort did. The second cohort had their resources available at the beginning of the school year, and the immediate cohort will have their resources available.

SENATOR GORMLEY: So you're saying--

ASSISTANT COMMISSIONER ANDERSON: Now, let me just also make one other comment, if I may. The \$50,000 was never intended to be the be-all and end-all of what it requires to implement Whole School Reform in a school. It is one resource. Our objective is to bring to bear in the school all of the school's resources so that they may be utilized and focused on the implementation of Whole School Reform.

SENATOR GORMLEY: Well, obviously, in terms of the report that was provided and some of the conclusions that were reached, apparently that \$50,000 -- that would have been invaluable because-- Let's assume there's \$50,000 in time or whatever that has to come from the district, and we've seen this before, whether it be the State Planning Commission or regulations that come down from the municipalities on planning. That takes time from the local planner, the local engineer. This is a case of somebody's got to do the work to implement it, and it's got to come from other duties.

So that \$50,000 was at least a supplement, I would assume, in terms of person hours needed to implement Whole School Reform. In certain schools, it might have been a value of \$50,000. It would have been one teacher or one teacher's time or whatever, in terms of directly allocated to that implementation. I'm not saying every school, but it would seem that in some of them it would have been valuable.

ASSISTANT COMMISSIONER ANDERSON: The \$50,000 is designed to serve as an incentive. We have identified specific purposes for the \$50,000, primarily for professional development of staff, for utilization to begin the process. So there's no question, it is a useful resource in the schools.

SENATOR GORMLEY: As long as they agree with you exactly on how to spend it? There is no discretion to the \$50,000?

ASSISTANT COMMISSIONER ANDERSON: Senator, what I would say about that is that we have identified categories in which we believe the money should be spent consistent with the research on Whole School Reform, consistent with our involvement with the districts, the schools, and the developers.

SENATOR GORMLEY: Would you say that the way you're doing it -- excuse me -- or the way the Department is doing it-- You're stuck with doing the public testimony on what they're doing? Would you say much of this is as a result of a court order in terms of the way that it has been programmed? I mean, there are deadlines from the court. The question is, how much of this would you say in terms of the specific regulations that have come down, how much of that is the Court? I mean, it's hard to lay what level of blame we are for whatever the problems might be, but how much of this is attributable to the Court?

ASSISTANT COMMISSIONER ANDERSON: I'll try to answer you in a couple of ways, one of which is the Department of Education is implementing the requirements of the numerous *Abbott* decisions, *Abbott V* specifically, *Abbott IV* with the parity aid, etc. We believe that our regulations spell out our interpretation of that, consistent with our ability to guard our broad-based input to do that, and that we are implementing the *Abbott* decisions through those regulations. I think that we could also agree that if there had been-- I've heard numerous comments about schools needing more time, Department staff needing more time. We can agree with that. We can

agree that if we'd had a year's planning time that, we think, our implementation in the first year--

SENATOR GORMLEY: Sure.

ASSISTANT COMMISSIONER ANDERSON: --could have been better.

SENATOR GORMLEY: Yes.

ASSISTANT COMMISSIONER ANDERSON: We think we're better in the second year than we were in the first. We think that the creation of this document, which we brought along with us, which is a resource manual utilized by all of the schools, provides for them a road map on not only the requirements, but definitions, descriptions, invaluable information all in one place in what Whole School Reform in New Jersey is and has the potential to be.

SENATOR GORMLEY: I think what I sense is the problem here, if you want to call it a problem, is where is the latitude for any discretion? I mean, I'm looking at a manual. Now, I have a natural allergic reaction (laughter) to manuals like that. So that manual is then sent to a district. The district is told there will be \$50,000 whenever the Legislature acts, which we will get the history of that, but in effect there's so many procedures in your way that before you get to what's best for the district-- And I'm not saying there shouldn't be some regulations, and I'm not saying there shouldn't be some oversight, but it would seem -- it makes it even a more daunting task when in order to get the grant money--

And I know we have to be very careful about grant money. It's been abused from time to time in the history of government, but wouldn't it

seem that some of the money should have been not tied to the manual or not tied to some discretion? It seems as though there has to be a bit of an incentive here to think, instead of having a robotic system set up where they can't think outside the boundaries of that book. Because I know how I feel on issues that I have dealt with, whether it be with DCA or DEP, when the manual shows up. The manual just doesn't work for me.

ASSISTANT COMMISSIONER ANDERSON: Actually, the manual was a result of one of the--

SENATOR GORMLEY: You're not going to say the Legislature did the manual? (laughter) If you say that, we're going to have a problem. (laughter)

ASSISTANT COMMISSIONER ANDERSON: Actually, we got--

SENATOR GORMLEY: Actually, Byron Baer--

Byron, is that your manual?

ASSISTANT COMMISSIONER ANDERSON: We've got so many positive comments--

SENATOR GORMLEY: Who did the manual? Who wrote the manual?

ASSISTANT COMMISSIONER ANDERSON: Department of Education.

SENATOR GORMLEY: But who wrote it? Who is the writer? Who wrote this manual? I'm just curious. There had to be a purpose. Who is the staff person-- Who was the person who wrote the manual? Had they ever taught in school?

ASSISTANT COMMISSIONER ANDERSON: Actually, the manual was an outgrowth.

SENATOR GORMLEY: No. I'm serious. Who wrote the manual? The person who wrote the manual?

ASSISTANT COMMISSIONER ANDERSON: Three of the people who had input in the manual are right here. There are numerous others who are not here. They're school management team personnel.

SENATOR GORMLEY: Come on. This is serious. There's always somebody in the Department who does the writing. They, obviously, had input, and I appreciate that.

ASSISTANT COMMISSIONER ANDERSON: Yes.

SENATOR GORMLEY: Who was the person who wrote the manual? There had to be somebody. Somebody wrote it.

ASSISTANT COMMISSIONER ANDERSON: There were many people. No. There's not just one person. This is a team effort, and *Abbott*, as you well know, has considerable responsibility, cuts across a lot of areas. But if I might make a comment about the manual and--

SENATOR GORMLEY: Yes. Sure.

ASSISTANT COMMISSIONER ANDERSON: --your concern about providing parameters but not being too prescriptive, if I might. This manual wasn't one of the lessons we learned from the first year, and that was that school districts wanted us to provide for them more concrete information, guidance, and direction about what the expectations were, what the specific information was, and where they might find it all under one cover.

SENATOR GORMLEY: There's one thing--

ASSISTANT COMMISSIONER ANDERSON: That's what this represents.

SENATOR GORMLEY: There's one thing to provide information. There is another thing-- There's another thing that provides suggestions. This doesn't sound like suggestions.

ASSISTANT COMMISSIONER ANDERSON: We agree with you.

SENATOR GORMLEY: This sounds like requirements.

ASSISTANT COMMISSIONER ANDERSON: It is both. It is both.

SENATOR GORMLEY: You're good. You give good answers. You're good.

ASSISTANT COMMISSIONER ANDERSON: Senator, I would like to try to provide you--

SENATOR GORMLEY: I understand, but it sounds--

ASSISTANT COMMISSIONER ANDERSON: --with as much information as I can.

SENATOR GORMLEY: It looks like to me more like a requirement than a suggestion.

ASSISTANT COMMISSIONER ANDERSON: What I'd like to do, if you like, I'd be more than happy to provide copies for all of you to provide you an opportunity to take a look at it.

SENATOR GORMLEY: Oh, just what I wanted, the manual.

No. The point is, suppose somebody said shouldn't the potential exists -- get to the point that I think is most important here. Could we have

\$25,000 not tied to the manual so we could put together our own plan, our own ideas, our own suggestions, and even if they might be wrong, at least we had our chance at making a presentation that we feel really embodies what our district-- Listen, I had a situation in Atlantic City where, gosh, I didn't want the Albany Avenue School opened, and the Department opened it. You know that led -- set a record for assaults in the State of New Jersey. I wouldn't grovel and ask that that school not be opened. You recall that, don't you?

ASSISTANT COMMISSIONER ANDERSON: I recall our conversations. Yes, I do, Senator. I recall our conversations.

SENATOR GORMLEY: Yes, we sure do. But the Commissioner had to open it because of political pressure. How many assaults did they have that year? About 1000? And I asked that it not be opened, and I didn't read a manual. So I really have-- I want to see State oversight. I don't want to see this money sent in blindly, but I do have a problem with-- We're not talking about a huge portion of their budgets for them to have some discretion.

I'm sorry. I've been hogging this. Go ahead.

SENATOR ROBERTSON: This will sound like a naive question, because it's not very exact. If Whole School Reform is by its very nature a bottom-up process, why did we go through a regulation process that didn't permit the maximum amount of input?

ASSISTANT COMMISSIONER ANDERSON: Actually, we believe that the regulations that are being implemented do allow for, first and foremost, a considerable amount of buy in at the school level.

SENATOR ROBERTSON: No. No. My question is, in the formulation of the regulations, why did we take a shortcut approach--

ASSISTANT COMMISSIONER ANDERSON: Oh, I understand. Okay. I'm sorry. Yes. Okay.

SENATOR ROBERTSON: --to it, if, in fact, we're dealing with something that we're trying to have a bottom up -- that we understand is bottom up by nature. Why do we feel that what we wind up with in terms of regulations has to be from Trenton now?

ASSISTANT COMMISSIONER ANDERSON: Actually, we've had a series of hearings and opportunities for significant input from stakeholders across the state. The regulations currently in place represent the result of that input from associations, from school districts, from school personnel. We listened to their comments about those things that they felt were either not in the regs and should have been or areas in which the regulations needed to be expanded. And what you see in these regulations currently being implemented represents the result of that input.

SENATOR ROBERTSON: Do you think then that we should make permanent changes to the regulatory process in order to provide a quicker way of getting from point A to point B? What was the reason of getting away from the normal regulatory promulgation of procedure in this case?

ASSISTANT COMMISSIONER ANDERSON: I think the *Abbott* decisions required the Commissioner of Education to implement a major initiative in, at that time, 28 school districts and now 30. The Commissioner had to ensure that the mandates coming from the Court were put in place, based on his best professional judgment. that they were done within three months time from May of 1998 and the implementation of them that

September. The normal regulatory process takes nine to eleven months to implement. That would have had us automatically being in noncompliance with the Court's requirements. So I think the Commissioner had an obligation and a responsibility to move forward.

SENATOR ROBERTSON: So the Court case had a distinct impact on-- The mandates had a distinct impact on the amount of input that you could get?

ASSISTANT COMMISSIONER ANDERSON: I would say that would be true the first time around, last year. I think we have significantly improved that this time around.

SENATOR ROBERTSON: Yes. And I'm not questioning the quality of the input in saying that. Just by its very nature, however, it's a more constricted process.

ASSISTANT COMMISSIONER ANDERSON: That's correct.

SENATOR ROBERTSON: The second thing is we know that, again, this is supposed to be a bottom-up process. Why did we permit so little time for the local school districts to deal with the fundamental question?

ASSISTANT COMMISSIONER ANDERSON: Well, I think in the Court decision there is evidence that the Court was impatient with moving reform forward and wanted to see it put in place and being implemented with all deliberate speed, if you will. And I think in doing so, again, from May to September there was, on the Court's part, a desire to see those things happen. The money had been for-- The parity resources had been provided the year before. It was clear that the Court didn't want significant time lapse between

the time the parity resources were in place and how they were being utilized. I think all of those types of things are factors.

SENATOR ROBERTSON: And finally, taking a look at the second cohort and the number of schools that are going to be coming in, and then even projecting the number of schools, ultimately, that will have to be dealt with, looking at the Department's own resources currently, aren't you guys scared to death?

ASSISTANT COMMISSIONER ANDERSON: There is no question this is a major challenge and a major responsibility. The Department has reorganized to accomplish *Abbott* by creating the Office of Program Review and Improvement, the Office of Fiscal Review and Improvement. We also have a new assistant commissioner for early childhood. We are expanding our resources. We are in the process now of adding additional resources to the Department for the purpose of addressing those schools that are coming on board.

SENATOR ROBERTSON: You're talking about personnel resources and so forth?

ASSISTANT COMMISSIONER ANDERSON: Yes, I am.

SENATOR ROBERTSON: Because one of the things I'll be very concerned about, very interested in, is that you and the administration provide adequate resources to your Department to be able to do what is going to be a difficult job. I think some of the criticism that you're getting today was as a result of not providing the resources to the Department to give guidance at a time when guidance was needed. And we wound up more with dictate than with guidance and with a truncated process. We're all going to have to wake

up at some point and understand that success and urban education can't be dictated by anybody, can't be dictated by a court with arbitrary time lines, can't be dictated by a centralized bureaucracy in Trenton. It has to come from schools that get together and are able to save themselves.

We have a school in the city of Paterson, School 18, which has done tremendous things with their early warning test results and so forth, but not as a result of dictates from anybody else, as a result of them saying, "Boy, this is just unacceptable. Let's all get together and figure out what to do." I just wish there was more opportunity for the system to be able to take advantage of the good ideas that are out there, rather than worrying about pleasing the judge in this round of motions. And that's one of the things I'm very, very concerned about.

ASSISTANT COMMISSIONER ANDERSON: We agree.

SENATOR ROBERTSON: There's more agreement than you think.

SENATOR RICE: Let me go on record, and I'm going to do this often until the line is drawn and the Commission is called off. I think that New Jersey has a good opportunity to do a lot of good things to the districts. Unfortunately, the Commissioner knew when he inherited some things, but I think that's also good, too, because he didn't do whatever harm is done, but he has the responsibility and awesome task of moving forward the *Abbott* situation and correcting the school districts.

One of the things that concerns me, and I'm saying this for the record and I'd appreciate it if you'd take it back, with due respect, to the Commissioner, my colleagues in Trenton do not control me. Whether they

put something up or put it down, they don't control me. I'm part of the *Abbott* district. I've been bounced around for a number of years, going back and forth with education -- politically bounced, okay -- and that's okay, but we've stayed the course. When there's a need to move forthwith in a response for an efficient and in a rapid pace or decent pace, and your Department's testifying before the Education Committee, which I do not sit on, I'd really appreciate it if all the Senators, if not the *Abbott* district Senators, get a copy of your request and your testimony.

See I have no problem with raising hell with folks. If I knew that that \$50,000 should have been-- We should have done something at the beginning, not the end. I would have gone in there and told the Chairman you've got to do something, and I would have raised the hell and I would have fought the Committee. Even if we got nothing, at least there would have been a public issue that there are some of us who are concerned.

So please recognize that we chair committees and we sit on committees, but we're not in on committees -- the whole legislative body. We all have a right to know, and we all have a right to support what's right, whether it's a chairman in the way or a committee in the way or the process, the administration, whatever. So that's the first thing.

Look at me as the ghost or the apparition or the person on the Education Committee that you cannot see in the seat. Because if it doesn't happen, then I'm going to get into trouble again politically because I'll be fighting my colleagues because I'll be angry afterwards, and I'll be angry with the administration's side for not informing me, well, we may be able to help. If we all had known, maybe a reason of minds can prevail and get things done.

I think that's important. I think it's important because the Commissioner is new, and he's going to have a lot of needs. And we're going to play with those needs, I know, because of lobbyists and misunderstanding and special entry of a lot of confusion, but we need not do that if we're all informed.

So I just want to go on record with that, Mr. Chairman. I'm listening to a whole reform. The whole reform is not going to occur unless all of us who are affected by it, not just the children, have to make a decision, or part of it, at the other level, and that's the State level. So I want to be clear on that, and there is no disrespect to anybody here that sits on the Education Committee. But if I see or hear it, I'm going to raise hell or at least until 2001.

SENATOR GORMLEY: I want to thank you for your testimony.

SENATOR BAER: This is probably-- You probably already have this in mind as a result of this dialogue. But in review of the back and forth so far as requests for financial resources, I think it's important that that be communicated as early as possible. I know we're about to go into a budget cycle and process, with requests being forwarded to the Governor's Office and the Governor, then presenting her recommendations to the Legislature so that we learn this as early as possible. I think it's important that we receive whatever it is that you feel that you need and your colleagues in the Department feel they need, certainly, without waiting for that to go through the process of being printed up in the budget proposed by the Governor.

Also, if there are certain amounts, because of the timing, that need to come very early and might necessitate a supplemental rather than action at the time of the annual budget, I think it's important that that information be

forwarded clearly and unambiguously. That helps us, and it helps all the advocates in dealing with these things.

I wanted to ask further some things relative to the manual there, which you state is a combination of suggestions and requirements. But I think we all recognize there is a tendency on the part of some administrators to play things safe and to conform as closely as possible to any specific proposals or specific ways of doing things that are set forth in a manual, with the thought that one may get into less difficulty or trouble that way.

So I wanted to know what thoughts you had about -- and I haven't seen, of course, the manual, and I'm not asking you to present it to us, but I'm asking what thoughts you have so that -- to minimize that kind of tendency, whether that's making available to different districts a variety of submissions or applications previously from districts that showed the diversity or whether presenting hypothetical diversity in how these requests and how conformity can-- I guess the word conformity is itself a misnomer, an oxymoron. But it seems to me that it's quite a challenge to communicate to folks who are looking for some kind of guidance and want to communicate in a way that does not focus everything in a particular way that provides the intention that we've all been talking about. So I wonder what your thoughts were on that?

ASSISTANT COMMISSIONER ANDERSON: A couple of things I would add. And again, for your information, during the first year of implementation of Whole School Reform, we had six showcases with staff from *Abbott* districts and provided considerable information to more than 4000 school personnel from the *Abbott* districts. We had more than 16 technical assistant sessions designed to work with school personnel on specific issues

related to both program and budget issues. We had three separate forums just for secondary schools to make them aware of what's out there in the research base for secondary Whole School Reform, because that research base is not as broad for secondary as it is for elementary.

The resource manual was an opportunity for us to take advantage of what we learned from all of those experiences, pull that together and say, "Okay, this provides the skeleton, but there's a lot of latitude in how you fill in that skeleton, how you put flesh on the bones of that skeleton."

One of those, I would say, as the developers come up -- and I know you have several that are going to testify today -- one of the reasons you have different Whole School Reform models is that they embrace different philosophies. And they, while comprehensive in nature, approach teaching and learning from different perspectives.

SENATOR BAER: But when you speak about the meetings you had for communicating information to-- I forget how many people you said. It was 4000 or whatever?

ASSISTANT COMMISSIONER ANDERSON: More than 4000.

SENATOR BAER: How do you respond to the point made in the Rutgers study that indicated that there was a lack of information guiding the people at the local level?

ASSISTANT COMMISSIONER ANDERSON: I'm going to ask Jackie McConnell, who has been very much involved in leading our training effort in our Department, to speak to that.

SENATOR BAER: And I would like to hear that and somehow if there's anyone here, whether already having testified or going to testify later,

who wants to take issue with this. Because I think we need to understand this as well as possible, which means some kind of dialogue going back and forth.

Thank you.

JACQUELINE McCONNELL: The Department took the lead in providing numerous opportunities for the decision makers, the stakeholders, to participate in all the information they could about the process. This started initially with the meeting that was held between former Commissioner Klagholz, principals who were interested in learning more about Whole School Reform, and chief school administrators. From that point on, we held showcases throughout the State of New Jersey, with the capacity running from 1250 to a small forum of 200 people. So the Commissioner sent invitations out to each building principal in every *Abbott* district and to the chief school administrator, inviting them to bring a team from their school and from their district to participate in these showcases. The showcases gathered--

SENATOR BAER: Could you have sent the invitations also to the team members -- gotten that information without having to have it relayed?

MS. McCONNELL: It was sent to a principal, and in it it asked the principal to bring five, sometimes four, three, six members from their school community. That way, the Department felt they were not dictating who would attend these sessions, that these sessions would be attended by persons who were with the school and the community and showed an interest, and that only those persons working in that building or at the central office would be the key people to identify these people. So that is why the Department did not send out designated invitations to designated persons. And, of course, all central administrators and their staff were invited and were informed of these

sessions, and specific breakout sessions were designed to assist them in understanding Whole School Reform. It allowed them to allow us feedback, both orally and in written format, and for them to meet the developers, who come from across the nation.

We had the original developers themselves come before this group in small breakout sessions. These meetings lasted from 8:30 in the morning till 3:30 in the afternoon, and school personnel, community members, stakeholders were able to ask questions, just as we are sitting here today, in an informal and a formal basis. Based upon that, they then invited them to--

SENATOR BAER: Let me interrupt just a moment and ask you, in view of the point made in the Rutgers study, is it your view that despite your invitations there were a lot of people who did not show? Do you have information indicating that the problem in terms of information was because of a failure of attendance or was it due to a failure to have the program communicate information in certain areas or are you just flatly contradicting the point made in the Rutgers study.

MS. McCONNELL: We're contradicting that because I can tell you that we had reached capacity, at each session of the fire code, for people coming. We also then filtered the information, made the contacts, and facilitated the many showcases that were held by the districts where they brought the developers right to the school. In addition to them, a special session was held for State-operated districts that focused on one area of concern, and that was the role of Whole School Reform and special education.

And so what we did, we constantly provided a direct link to the experts and made it accessible, made the knowledge accessible, in addition to

Department staff going out on the road doing sessions where we've answered their questions and provided them with information right in the building. We did not ask them to come to Trenton. We went out with the developers, responded to their questions, organized it, provided the facilities, provided the literature, and the Web site. We received our evaluations, were positive, and each time we had attendance that reached the fire code capacities.

SENATOR BAER: Well, let me just ask you this. I'm asking these questions-- So, I think, all of us are asking questions here trying to constructively focus in terms of what should be done from here. I recognize the difficulties that any individual would have with the responsibilities of starting up a program like this. But in view of this point, has the Department made any effort to reach out to the members of the teams who seem to have reflected a different view when interviewed as part of the Rutgers study? Has there been any effort to reach out and see yourselves what shortcomings members of the team may feel there was in terms of communication or information so that you can assess that and respond to it?

ORLANDO CASTRO: I think I would like to respond to that question. One of the things that we learned the first time around was that the teams really needed a lot of information. They requested quite a few things from us. They really requested directions in terms of how to comply with the requirements. They requested information from us in terms of how do we fill the forms that the Department needs in order to get some of these plans approved. They requested information from us on a variety of topics.

We received that through the school review and improvement teams. These are staff members from the Department who work very closely

with the SMTs, and they reflected that back to us. So when we talk about the resource guide, we're really talking about a tool and information that reflects what the teams were asking of us, which is for help, for information, and for directions and guidance. That's what we did this year.

In addition, they said to us, "We really need additional training." And we have provided extensive training this year. We have done over 10 different training sessions. We talked about this as the resource guide, these are the requirements, this is how you fill out the form, these are the expectations. We have done an extensive amount of training in relation to that not only on the program part, but also on the fiscal part of it on the school-based budgets -- how to complete the forms that we know were a challenge the first time around to many of the school districts.

So the SRI then went back again one more time this year. We're talking about this year, and they are now working directly either with schools or they're working with clusters of schools. And the whole notion is that we want to make sure that they have the information that they need in order to do the things that they need for their schools and work with us, with the Department of Education. So, yes, there has been quite a lot of information disseminated. There has been quite a lot of training and a lot of direct technical assistance provided by the SM teams.

I must say that the feedback we have received, as Ms. Anderson has mentioned, has been a very positive feedback. Although the guide may look intimidating to so many people, many of the SMT members really appreciated having something that would guide the direction in which they have to-- They really appreciate the information. They appreciate the

assistance that we have provided them this year. And everywhere we go, we hear over and over again this year's things are really moving in a positive direction, and the Department has been supportive of all of that.

SENATOR BAER: Thank you.

ASSISTANT COMMISSIONER ANDERSON: Thank you.

SENATOR RICE: Yes. Just quickly before you leave the table there. I need this to go back, and I'm going to ask Carrie on the staff to maybe prepare a letter to the Commissioner.

It appears to me that the Court's concern with *Abbott* districts and the State, of course, concerned with Whole School Reform, is to provide for a better education system that's going to give a quality education to all of our children, but with some recognition that there may be some disparities in between what we had classified at one time a wealthy district versus poor district versus the economics of life in general. And so I would have to think that what was written or interpreted or implied, that during the Court's decision they had to anticipate, when they talk about dollars and cents and what we should be doing that, wherever the school district was financially, we have to find a way to bring it up to parity.

And if, in fact, that is correct, what I would like for the Commissioner, to myself as well as my colleagues on this Committee and every other Senator because I know I'm going to have a fight -- I want to know that once the Newark school district, which is a State-operated district, where the best I can tell dollars were, for lack of a better word, spent the wrong way or mismanaged. Now, I'll keep it that clean.

There's going to be a very serious deficiency, if you will -- no fault of the new superintendent -- the residents in the city of Newark, the best I can tell, support that appointment. The labor unions, the best I can tell, support and try to work with that appointment. There will be disagreements. Those who were for and against school takeover support the appointment. The appointment dives in terms of the person's character and leadership if, in fact, whatever those numbers are, they are not replaced.

Now, people may argue statewide, why should we give the Newark school system more money? It's very simple. It is the State that abused it. And so, I want to help the Commissioner to help the district so that we can be a part of the whole reform. There will not be any whole reform here because of the manual, regardless of what happened in the other districts. We won't be whole here, because all of us recognize that there's a sufficient level, a certain level of dollars and cents that must be put there. We lost it. We took the district over because there were complaints about deficiencies prior to takeover. If you look at those numbers and compare them, my gut feeling is that we're going to find out that they're more deficient now than they were over the period of time that we complained.

So this is an honorable request, for the record. The reason I'm raising it here to go back so that the Commissioner don't get a letter from me, my colleagues get a letter from me and don't understand it. I want my colleagues here to assist me in helping the Commission with whatever those needs are. We cannot define or determine them yet. And I'll be working with the superintendent to make sure that we know what that is, and hopefully, the

Commission will let me know what the real numbers look like once they finish that.

If that occurs, I really believe with this Commissioner, with this staffing, and what I know of school districts that are committed to Paterson and at least to *Abbott* districts, I think we're going to get there. I just think that these hearings are good, because we can look at the manual and figure out, well, there's no pressure on the Commission to be a little bit more flexible, at least, from this group. Because sometimes people in Trenton walk these tightropes, they're stiff collars because they're scared the Legislature is going to take away their commissions or their jobs, and they're scared to make decisions.

But I'm saying as one person, and it seems like it's almost implied from Senator Gormley, our Chairman, is that -- loosen up a little bit. Don't worry about those folks in Trenton. We'll fight back if you're right. I want to know my deficit, and I want it replaced by the State. We can't sure afford that.

SENATOR GORMLEY: Thank you very much.

Barbara, you're second only, in terms of difficulty over the last two years in terms of being a spokesperson, to Mike McCurry.

ASSISTANT COMMISSIONER ANDERSON: Do I take that as a compliment?

SENATOR GORMLEY: Take it as a real compliment. Okay.

Assemblyman William Payne.

ASSEMBLYMAN WILLIAM D. PAYNE: Good morning, Senators.

I am, too, happy that you are here in Newark, part of my district, and highlight some of the concerns that we have, of course, with the Whole School Reform initiative that was mandated by the courts. I suppose I'm glad that I'm not sitting up there with you, because I have a tendency sometimes not to be able to be as calm and cool and collected as you all are when we talk about the failures that we have subjected our children to, not for just this year or last year, but for the past 35 years or so.

We have been fighting to have the schools begin to educate our youngsters for a long, long time. We've gone through a number of Commissioners of Education, and thank God we are presently at-- We have a Commissioner who I think is receptive to bringing about the changes. I'm glad to see a change of leadership in the Department of Education. I think that, however, that change needs to go further throughout the Department, because I believe many people have become very adept at answering questions as to why we are not being able to implement this Whole School Reform as opposed to becoming adept at implementing the reforms.

It seems some people have a very difficult time giving straight answers to questions that are direct and have become very expert at giving convoluted answers. I don't have the kind of demeanor that would allow me to accept those. There doesn't seem to be any fire in the belly in the Department to bring about the change. We talk about 300,000 youngsters who are in the *Abbott* districts.

As we sit here very calmly discussing this and talking about the fact that we have not been able to implement the reforms for various reasons, the question I have is whether there is a commitment to doing that. I suspect

that there is not a commitment to bringing about the reforms that were ordered by the courts but rather, I think, people have become expert at answering questions as to why they are not being done. (applause from audience) And as we sit here--

SENATOR GORMLEY: Excuse me.

ASSEMBLYMAN PAYNE: I didn't bring any--

SENATOR GORMLEY: Okay. You don't have to do that. It's really not necessary. (addressing audience)

Thank you, Assemblyman.

ASSEMBLYMAN PAYNE: Yes.

For 35 years we've had youngsters going through-- As we sit here, some youngsters are in schools that are falling down around them. It's been going on for a long, long time. We talk about the fact that we have a court order that says to bring about reform in just a few years. This has not been a few years. This has not been a time frame that was placed upon our Department of Education at a short period of time. I, for one, am a little bit tired of the excuses. We can, in fact, implement these reforms if we have the fire in our belly to do that. I think that we have lost generations of young people. And over the years, we have seen youngsters failed by not children, but by the adults. We are the ones who have failed those children.

You know, let me tell you something. Example of this failure that we as adults-- We are the ones who have been given -- charged with the responsibility for developing the reforms for education, we adults. We supposedly have experts in our Department of Education and throughout the educational system who are supposed to come up with these solutions.

Unfortunately, we have not been able to do that, but we have been able to, however, construct, build brand new high-tech prisons for the same youngsters that we fail.

I can give an example here, a very graphic example in the city of Newark, where we have a school called Belmont West Runyon School which was built 32 years ago, because we talked about overcrowded schools in the city of Newark at that time, and we needed to find some room for them. So we built a cinder block building for the students, because we said this was going to be converted into a light industrial plant in two years, and the children would be removed from that building and that whole area was going to be a light industrial plant. Thirty-two years later, youngsters are still going to school in that building. Yet, last year in Essex County in the city of Newark, we completed the construction of a \$26-million prison for youngsters.

The same youngsters who have been failed by our school system at Belmont Runyon are now in the high-tech prison on Sussex Avenue. So something seems to be wrong. We need to have, it seems to me, people to get not just -- be very esoteric about these things, but to be as concerned about those youngsters sitting at Belmont West Runyon School before they end up going to prison.

As I said, I don't see the fire in the belly. I don't see the commitment on the part of people who are responsible for carrying out these reforms. The Legislature has -- I think the question was asked whether the Legislature was responsible for not providing the \$50,000. I didn't hear an answer. I'm not quite sure what the answer was, but what happened, it seems to me, is that the Department begins to circle the wagons whenever criticism

comes about. We circle the wagons to find out what's a good answer, what should we say if we go before this body.

The fact is that we've lost too many children. We've lost them. Hopefully, with the new, and I have some faith in the new Commissioner, and a lot of faith, as a matter of fact, and I'm hoping that he will be able to bring about the kinds of changes and implement these changes. We've lost the 35 years. We don't need to lose another 35 years. Can you imagine where those youngsters are that were first involved in the cases way back then? Can you imagine where they are and what they're doing now? I can tell you where a lot of them are. They're in the prisons of the State of New Jersey.

I'm not a member of your Committee. However, I am a member of the Appropriations Committee, and when we have our opportunities to come before, then we will have some questions to ask of the people who come before us. But, keeping in mind that we have youngsters who have been lost, we have youngsters-- And I think that what we need to do as we sit in this nice edifice is just imagine some youngster sitting in some other places that no one would want to send their children to.

I, just as I say, have a visual reaction to some of the convoluted answers, and I truly hope that we will be able to -- that out of this hearing today that you'll be able to come up with some very specific kinds of answers to some of the problems we have. I don't accept the answers I've heard so far. There is just no reason-- There is no excuse for our children being subjected to the kinds of failures that we-- Who should go to prison? I think those of us who fail those children should be the ones who people those prisons, not the children whom we have failed.

Thank you.

SENATOR GORMLEY: Thank you.

Rebecca Lubetkin, Coalition of Essential Schools.

REBECCA LUBETKIN: Good morning, Senator Gormley, Senator Baer, Senator Rice, Senator Robertson, Ms. Schulz. My name is Rebecca Lubetkin. I've been a professor for 25 years at Rutgers University, Director of its Consortium for Educational Equity, and for the past five years, Director of the Coalition of Essential Schools, the New Jersey Center, one of the State's approved national models of Whole School Reform.

We are in and of New Jersey, and we existed and were serving schools before the *Abbott* mandate. We have 12 schools that began with us five years ago, six of them high schools. And among those six high schools, three of them, in the last administration of the HSPT, were in the top 10 high schools of the state in the percentage of students who passed all three sections of the HSPT. It was a remarkable achievement for which we're very proud. Since the *Abbott* mandate over and about those 12 schools, we have six *Abbott* schools. We will have 14 as of January, and we will have about 30 for next year.

I'm going to be brief. I'm just going to talk a little bit about, in four areas, what I see as good, what are the challenges regarding standards and assessments in particular issues in the current approach, and these include some questionable assumptions and some issues in the way the program is being administered.

So starting with what's good. Standards are good. We support with enthusiasm the new standards, the introduction of higher, more

challenging standards. For too long, our officially sanctioned system of low expectations based on assessment of minimum basic skills consigned our poor and disadvantaged students to a third-class education. Whole School Reform would be meaningless without these challenging standards. Furthermore, there are demonstrable benefits to schools having an outside partner to help them change. The research supports that. In addition, the school management team being charged with leading the reform ensures that the changes will be whole-school based and will be reflected in every concern of school governance.

The selection process, which was referred to earlier of how a school management team and, ultimately, the faculty and community choose a model, has evolved in the state and has improved. It has become a very extensive exploration, certainly, in our schools. We have suggestions for how to engage in it, and I can distribute those this morning if you're interested. But there's much valuable conversation before the school embarks on its reform and before it conducts its buy in, for which we require 80 percent consensual vote.

I want to return for a minute to standards. I said they're good, and I'm, obviously, a great supporter. We are in and of New Jersey. I believe that we're the only model that was functioning within the state that participated in the standards development and frameworks development on the assessment development team, and so on. But we are concerned with how achievement is assessed in Whole School Reform as well as out. What the assessments are intended to measure for schools, for educators, for students, as well as what are the consequences for each.

Right now, there are few consequences for any but the students, and these are based on a single, high-stakes measure close to the end of their

educations. We have a low-stakes, fourth-grade and eighth-grade test, and then, once the student reaches high school, the high school has only two and a half years to assure proficiency in 12 years of standards, despite the fact that they have students who may have entered high school barely proficient at the sixth-grade level.

Not only do students need multiple measures, but so do schools themselves. The coalition principles, of which I did give you copies, if you look up I can-- I'm holding it up for you. You have it. (indicating paper) The coalition principles strongly support such additional measures as improving attendance, reducing dropouts, reducing antisocial infractions, reducing racial and sexual harassment, increasing respect for people and things. All of these are documentable and demonstrable. And to exhibit achievement through researching topics in depth, both individually and as part of a group, and presenting findings and conclusions in a coherent and convincing manner.

Finally, assessments must inform instruction, which means they need to get deeper. Schools need to get deeper information earlier. Teachers need to be able to conduct or see item analysis in which it is clear where students need help.

Now, I'd like to talk about the assumptions that, I think, are questionable, relating to the way the program is administered. The first one is that schools that are mandated to do Whole School Reform are the same as schools that have established and demonstrated their success electing Whole School Reform. The research on which our results are based, 1200 schools in the nation, with extraordinary success, but all of those schools voluntarily elected to become part of the coalition. They explored our principles and then

elected to make changes based on these principles. *Abbott* schools have no such choice. They can choose the model, but they cannot choose not to participate.

Schools so engaged are not replicating under the same conditions as existed in these successful schools. That's not to say that they can't be successful, but that's to say that there are two very critical conditions that are different and that require us to think a little bit more expansively in terms of time, the time line, and in terms of the what. And those critical conditions are the issue of voluntary engagement versus mandated engagement, and the second issue, which is that the schools in every other place have not had the excessive demands, reports, plans, time-constricted issues that our *Abbott* schools have.

The other difference that we need to look at is it's not clear that the Department of Education recognizes how different high schools are from elementary schools. You may know that most of the high schools in this state have put off a decision on Whole School Reform. They put it off for many, many reasons. One is that it is not even clear in the regulations that they have to do it. It's recommended but not required, but there are other reasons as well. The Department needs to recognize the important differences. High schools are generally larger -- I mean, these are so obvious -- more complex. They often function like a federation of subject matter fiefdoms, so that even the idea of being a single school is alien in many places.

Virtually all high schools in *Abbott* districts are too large. They need to be restructured into smaller units. This recognition of how schools differ needs to be translated into operational terms, including the size of incentive grants. A high school that we're working with that has more than

3000 students, still its incentive grant is the same size as elementary schools that we're working with of 225 -- the size of incentive funding, expectations, time lines, and objectives.

Now, I would like to talk a little bit about the way the program is administered. These are issues that we're working on with the Department of Education and have had increasing success in collaboration, not sufficient, but increasing. Our schools-- Well, let me go backwards for a minute.

As you can see from principles at work, we are a principle-based reform. We are not curriculum based. We don't prescribe. The curriculum of the Coalition of Essential Schools is the Core Curriculum Contents Standards of the State. And so, our first task is to assure alignment. We are principle based. The 10 principles are here, and we are faculty driven. That means that basic decisions in how this school will be governed, its goals, and its areas of achievement are decided on at the school level.

Our schools need more flexibility than is afforded under the illustrative budget for our model. We didn't create that budget, and we hardly endorse it, except in the few areas in which we've had input. Our reading of *Abbott V* convinces us that the Court did not accept the idea of a State-initiated illustrative budget, which would prescribe the level of sapping or limit funding to areas of need imposed by the State. According to our readings, schools are expected to determine their own budgets based on their need to implement rigorous standards, as well as their need for supplemental programs, without rigid limitations that reduce their ability to tailor plans and implementation to their specific needs.

Some of our schools need more security guards. Some of them need fewer. Some of them need extensive dropout programs or extended day programs or summer programs to bring children up to the level that they need to be in order to be transitioned to the next level.

Our most basic principle is that each school and community is unique, and its needs must be addressed, with that local context in the forefront. We are revisiting the illustrative budget with the Department because it needs to allow schools, if they choose, to invest in such important needs as common planning time -- critical. We talked about the school management team, an extraordinarily valuable mechanism. But without planning time during the school day, it is almost impossible for these groups to collaborate as they need to. We need common planning time for teachers. We need flexibility in scheduling, reconstitution of large schools into smaller units, all of which require substantial planning and collaboration among educators.

My hope is that as we all learn, and we learn together, there will be some important improvements in the relationship of the developers, specifically at the Coalition of Essential Schools, with the Department. Collaboration is necessary. Sometimes we feel there's an adversarial relationship. Often we are not communicated with directly. We find out innovations from our schools rather than directly from the Department. The technical assistance sessions should have been inclusive of the developers, particularly those that related to budget, and they were not.

So, what we're looking for is-- Well, we recognize that there's an improved relationship. We're looking for an even better relationship, and

we're looking for, specifically, a better relationship in terms of understanding how our model might be different -- is different -- from a prescribed model, and how the interests and the values and expectations and needs of the local schools and community need to be honored.

Thank you.

SENATOR ROBERTSON: Just a couple of quick questions, if I might, Mr. Chairman.

You indicated one of the questionable assumptions is the fact that, while normally your experience with other schools was one where there was a voluntary effort made on the part of the school to join such a program, that the *Abbott* schools don't have a choice as to whether or not to participate and that that somehow was something to take note of. But what happens if you have a situation where there clearly is a need for reform? Can you really have the luxury of choosing not to participate if, in fact, there is a serious educational need there?

MS. LUBETKIN: I have no problem with the fact that it's mandated. I mean, obviously, if the system is frozen, we need something to unfreeze it. My problem is the likening of the conditions, the expectation that replication will work in the same way as it has worked in 1200 other schools that have elected it. Our high schools that did so well in the HSPT were high schools that were already doing well. That somehow as a community they made up their minds that there were certain ways in which they wanted to improve, and the faculty together made that judgment and decision.

There is, as an aside, I would like to say that there is benefit in those groups, those schools that are, in addition to being *Abbott* schools, they

are also middle-income and high-income schools. There is value in their being integrated. Our poor schools are sufficiently segregated as they are, that for us to be running networks with only *Abbott* schools is a loss both to our wealthy and middle-income communities, and it's a loss to our poor communities. So one of the things that we--

SENATOR ROBERTSON: By network, you mean what?

MS. LUBETKIN: The network is the network of Coalition Schools in New Jersey. Now as I said, 12 of those schools have been a part of the Coalition prior to the *Abbott* mandate. Two of them were *Abbott* schools prior to this mandate, which voluntarily decided this is what they wanted to do. But our hope is that we can continue to build this network and these relationships. Our wealthier communities are lacking the resources to participate at the level that they were before, and as we need to assure that they have access to high quality professional development resources, that they can continue in this effort, and that our work with the *Abbott* schools isn't distracting us, by resources and by our own time, so that we neglect our suburban and other rural schools.

SENATOR ROBERTSON: Which, by the way, is a challenge that is faced by education policy in New Jersey as a whole.

MS. LUBETKIN: Sure.

SENATOR ROBERTSON: While I know that there are schools that are absolutely in need of tremendous attention on the construction end, I also read the reports of some suburban schools where there are as many as 22 trailers being used in difficult circumstances.

Now, in the schools that you have worked with, I assume, and maybe this is an incorrect assumption, that you run into situations where your resources, in terms of dollar resources, have been limited or you've been told, "Here's what you have to work with, essentially." We have to back into this kind of a budget. Has that been your experience? I mean, have you had situations like that, and if so, what would you do?

MS. LUBETKIN: Well, the schools have it. The schools are presented with an illustrative budget of which they were really--

SENATOR ROBERTSON: I don't mean this. I don't mean in this case. I'm talking about prior to the *Abbott* reform movement here.

MS. LUBETKIN: Prior to the *Abbott* reform movement, we were funded exclusively by nonprofit foundations and corporations, not by the State. Now the income for the Coalition is primarily income from the incentive grants that the *Abbott* schools get.

SENATOR ROBERTSON: Oh, okay. But as you went into the various schools that you worked with, they were limited in how much they have to spend in various ways.

MS. LUBETKIN: Yes.

SENATOR ROBERTSON: So what would you do? Try to tailor your program to within the budget constraints that the local schools face?

MS. LUBETKIN: The schools that are not *Abbott* schools? Is that your question?

SENATOR ROBERTSON: I'm talking about in your traditional-- I mean, you had a life before *Abbott*.

MS. LUBETKIN: Right. The 12 schools. Well, we're working our best with them. We're trying to enable them to participate in some of the *Abbott* activities, because we feel that integration and collaboration is a good thing for both them and--

SENATOR ROBERTSON: Right. Excuse me because, I guess, I'm not being clear on my question. My question had to do-- Forget *Abbott* for a second. You are in the business of trying to use principles to change schools.

MS. LUBETKIN: Right.

SENATOR ROBERTSON: You are in that business, irrespective of *Abbott's* existence, I take it, aren't you?

MS. LUBETKIN: Right. But we were never well enough funded to do what we do for the *Abbott* schools.

SENATOR ROBERTSON: Oh, okay.

MS. LUBETKIN: The *Abbott* schools-- There's a real quality operation in the sense that we are physically on site one day a week, possibly two days a week. They come to central activities and we-- And this is very labor intensive and very expensive-- A way to conduct business, but we are actually in the schools, working closely in technical assistance, coaching, and facilitating with the school faculties and communities and school management teams.

With those first schools, we never had enough money to do that, but that was my point about the voluntary nature. When schools came to us and said, "Listen, this is what we want to do," they were so imbued and so motivated that it didn't require that kind of on-site coaching. That we simply provided them with leadership, with information, with high quality,

professional development for which they all came together, and they were able to make the changes that they needed to make.

SENATOR ROBERTSON: So I take it one of the things that you're saying is that you managed to achieve a certain level of success even though your resources were much more limited than are available in the *Abbott*--

MS. LUBETKIN: Right. And I would attribute that, at least partly, to the difference between a faculty that makes that decision themselves and a faculty that is coming in because it is mandated.

SENATOR ROBERTSON: So I take it then that we should be spending more time on trying to get the sort of buy in that's necessary in order to-- I mean, it's not just a question of how much money is spent at the State level, is it? It's a question of how significant the buy in is in each school?

MS. LUBETKIN: Well, the understanding of the faculty as to what they're getting into, through really extensive exploration. We have suggestions for exploration which are very difficult if they're followed, because we expect them to call-- We send them a list of schools in the state that are already Coalition schools, and most of those predated *Abbott*. We asked them to visit, to shadow those people, to call those people, to get on line with those people, to really listen to what practitioners are saying are much more important than what we're saying. And if they do that and then have a recommendation-- A school management team recommends to the faculty and an 80 percent buy in vote, we find a great deal of enthusiasm. And they come to us already knowledgeable about what we're doing.

SENATOR ROBERTSON: Thank you.

MS. LUBETKIN: Thank you.

SENATOR BAER: Dr. James Lytle, please.

We would like to read off the list of speakers in order so that people would be able to know when they are coming up, plan their time.

MS. MELANIE M. SCHULZ (Executive Director): All right. After Dr. Lytle will be Joseph Del Grosso, Pablo Clausell, Deanna Burney, Bob Holster, Derlys Gutierrez, Dianne Browne, Columbus Salley, Joseph Ferraina, Antonio Lewis, Kabili Tayari, Maggie Carrillo, Anzella Nelms, Anthony Campisi, and then I have Steve.

And is there anyone who hasn't signed in? (no response)

All right.

SENATOR BAER: Proceed, please.

J A M E S L Y T L E, Ed.D.: Thank you, Senator, and I appreciate the opportunity to appear before your Committee. I am James Lytle. I am Superintendent of Schools in Trenton, New Jersey, and I am also on the faculty of the Graduate School of Education at the University of Pennsylvania. I presume I have been asked to testify because Trenton is probably the district that has most completely implemented the *Abbott* regulations. All of our schools are participating in either the first or second cohorts of Whole School Reform, and I feel able to respond to virtually any question the Committee may have around the process of implementation.

I think I should say from the outset that this year's experience with the Department of Education is dramatically different from last year. The kind of cooperation we're getting has shifted very much in a favorable direction. The Department has been much more responsive, much more supportive, and

I think the prospects of funding and of heading in positive directions are greatly increased. I might also add that Trenton was one of the three cities that participated in the Rutgers study. So if the Committee has any specific questions about the Rutgers study, I would happy to respond to those.

You sent me a letter with a list of specific questions in them. I'm going to answer them in rapid fashion. Did we have time to consider all available models? Not enough, but we did it anyway. We felt this was an urgent situation and we should proceed, and as you can see from the handout I've shared with you, Trenton elementary schools are participating in one, two, three, four, five, six different models. Our middle schools are participating in two different models, and our high school has a combination of models that it is employing. We started from the premise that none of these models is perfect and that we would be better off by jumping into implementation and critiquing the models as we went than we would be sitting around and spending two or three years making up our minds of what we were going to do, with all due deference, representative.

Did we have adequate time to learn how to develop a budget? Well, we started from the premise that we knew more about how to budget than the Department did, particularly at the school level. So we developed a budget process that we essentially forced the Department to accept, because we didn't feel they knew how to do school site budgeting in the way that the regulations required. So we did it the way-- We designed a school site budget process, which we put in place. And all through the budget cycle last year, we arm wrestled with the Department about whether or not they were going to fulfill their obligations under *Abbott*.

Our board ultimately adopted a budget with a \$21 million deficit in it. It wasn't until May, two months after the time that the Department should have made a commitment, that we finally got agreement from the Department on additional supplemental funding. In our case, it was over \$14 million and, in effect, we did better both proportionately and in real dollar terms than any other city in New Jersey. But believe me, it took an enormous amount of effort on our part. I'm hoping that this year the process is going to proceed dramatically differently.

I will remind the audience that last year the Governor's budget included no additional funding for *Abbott*, so that is for FY '00. So the Department was in a very difficult situation. It was supposed to fund *Abbott* in the first- and second-cohort schools with no money, which did not seem to me to be a realistic premise. So I think ultimately Mr. Hespe was able to squirrel money out of the budget, and that's essentially how we wound up getting funded.

In terms of facilitating implementation, I would say that we did that ourselves. The Department provided a couple of SRI people from the school improvement team people. They were very helpful and cooperative, but I think they were-- I mean, there are two of them and 2000 of us, so let's be real, but I think we know a lot about implementation. I certainly feel it's something I have had a great deal of experience with, and we did a very-- We took a rapid leap into the Whole School Reform models, and we have proceeded very rapidly with implementation. Our decision was not to dally.

In terms of the Department's ability to hire support personnel, I can't really speak to that. Our own SRI people have been more or less readily

available to us and, in the most part, I think they have been capable and helpful. I think there is a turnover problem, but I cannot address that -- probably as it relates to some degree to the salaries that the Department is permitted to pay.

In terms of response to our specific school proposals, I think that was problematic for the Department, because it meant authorizing additional money, and we were essentially arm wrestling all the way through this process. So we were arguing for one side, the Department was arguing for another, and we refused to back off. So that's how that worked.

In terms of the alignment to the Whole School Reform models for the Core Content Curriculum Standards, that is a significant problem, and I think the Department made an egregious error in not requiring all of the national developers to go through a process immediately of matching their models with the New Jersey Core Content Standards. That process is now under way, but it is only in the last couple of months that the developers have been required to essentially address the New Jersey Curriculum Standards that should have been in place right from the beginning. Essentially, the developers were given a franchise to operate in New Jersey without meeting New Jersey's own standards. So I feel that was a shortcoming in the process.

SENATOR RICE: Excuse me, could you repeat that?

DR. LYTTLE: Pardon?

SENATOR RICE: The short form in the process. Could you repeat that?

DR. LYTTLE: Well, I thought it was a shortcoming that the State authorized a group of developers-- There were seven or eight of them initially,

but it did not require that the developers, as a condition of doing business in New Jersey, demonstrate how they were specifically going to address New Jersey standards. From my point of view, there should have been a contract, in fact, that even negotiating contracts with developers is a complex process, and we insisted in our own local contract development with each of the providers. We're still-- I'll take Community for Learners as an example, but we used the contract development process at the local level to try to get developers to agree to directly address the State Curriculum Standards, but that process is only being put in place this year. So the State-- The Department is actually-- This should have been addressed right from the beginning. Let's leave it at that.

SENATOR RICE: Excuse me.

DR. LYTLE: Yes.

SENATOR RICE: Could you make sure that you get comments of that. That's something we need to address legislatively. I think that's part of the problem. Why don't you make sure it comes to our attention? We need to address that so it doesn't happen again in any situation.

Thank you.

DR. LYTLE: One of your questions related to what are called illustrative budgets. Now, let me explain what an illustrative budget is. Each model, whether it's Success For All or Coalition for Essential Schools, requires particular kinds of staffing, and the staffing varies a little bit from one model to another. Each model has particular kinds of expenditures. So last year the Department developed a generic illustrative budget. We paid no attention to it. We said it's unrealistic. You can't do Whole School Reform. Forget it.

We will develop our own needs driven budgets, and it's up to the State to be responsive to those.

This year the Department has developed illustrative budgets which are more realistic and, in fact, we have just today-- We are completing our school budget process, and we have been able to essentially maneuver in the illustrative budget process so that we feel that if the Department is forthcoming with the funding we are requesting that we can be responsive to all of the conditions of each model.

I spoke to the question of Whole School Reform. Does Whole School Reform address the Core Curriculum Content Standards? Well, again, this is a conjectural question because in our budget development this year we are using the Core Content Standards as one way to justify additional resources and expenditures in instances where we feel we have not sufficiently addressed the Core Content Standards. I think this is a more complex issue in the sense that, and I've already suggested this, that the Whole School Reform developers, the people getting the contracts, have got to think about this question, too. That is, how do their models relate to the Core Content Standards and how are we in this triangle -- I mean, with the standards, the developers, and the local schools? How are we as a group going to essentially think through this process, because none of the developers nor none of the schools have wholly solved this problem.

If I had a specific recommendation to make, it would be that the Department has to back up a little bit and not try to stipulate exact positions. Every school shouldn't be required to have the technology coordinated or a social worker, whatever else. The Department should focus more on outcomes

and less on the exact specifications in individual budgets. Again, we've sort of said and we-- This year in our budget preparation we are going to take the stance that we know better what we need than the Department does. We're committed to addressing the outcomes, but we are not willing to let the Department dictate how each of our schools should be staffed. We don't think they're the right people to do that.

SENATOR RICE: Excuse me. That means you also-- Put it this way, when I do things, I understand the benefits of my actions and consequences. So you're also saying that you think you know well enough to be accountable for failure.

DR. LYTTLE: Very much so. In fact, let me use that comment or question to respond to another matter. The State has two different sets of assessment requirements for *Abbott* schools. What is in the *Abbott* regulations? There is an accountability provision, although it's rather amorphous. It's not very specific about what schools are expected to be able to do. Then there are the equality assurance standards that are in the State code, generally, and include performance on the State tests and other criteria. And the problem of being an *Abbott* school is essentially that you are accountable in two different frameworks. The Department is just beginning to think through how to reconcile these two matters.

I will say, on behalf of the Department, that I think they're finally getting real about performance in *Abbott* schools. And rather than expect *Abbott* schools to perform at the 85 percent level on each State test next week, they are saying that we are looking for continuous progress or continuous improvement over time. We are going to adjust the State certification process

and the quality assessment review process so that we look for curves that go that way but not like that (indicating with hands), because we know that ain't happening, but this is a reasonable expectation. That's made it a lot easier for us to help schools approach this whole process with a sense that they aren't going to be held to some arbitrary standard, but instead we are all going to all work collaboratively to try to improve performance and conditions in urban schools.

I hope I've made clear my testimony. One of the problems of participating in this study -- and I will have to say this to Professor Erlichson -- is that we did not have a chance to critique the study before it was published. I do not accept the representation of Trenton's experience with the budget process that is in the Rutgers study. The reason I don't accept it is that we didn't pay attention to the State guidelines, and we developed a school site process that was extremely effective for us. I feel that a lot of the energy for a change came from the way that we budgeted because we created a lot more direct control over cash and over position selection at the school level than had existed previously. We did what the *Abbott* requires, or at least the regulations require, reallocation where it's deemed appropriate by the Department.

We reduced the expenditures in our high school dramatically, because we made the determination that it was overbudgeted, but we put the money in our elementary schools and used it as a way to equalize the expenditures in elementary schools and to increase resources there. But in this process, I feel that schools came out of this with much more sense of control over their own destinies and how they could respond to their own direct needs.

So let me stop there.

SENATOR BAER: Relative to the Rutgers study and the different views expressed in terms of sufficiency of information to the teams and the people in the school districts, do you have any thoughts on that?

DR. LYTLE: Last year was a nightmare. This year is a dramatic improvement. I mean, the Department was hustling as hard as it could to at least meet deadlines. We made a decision in our district, since we were notorious for lousy performance and noncompliance, that we were going to do everything on time. But believe me, we had to make up a lot of stuff along the way. I think this year the-- I know that the manual has taken a lot of heat earlier today, but the manual at least is clear, and it has allowed schools to know what they're supposed to do. It has everything in it. You don't have to shop around for 58 different directives and things that come every two weeks in the mail.

I think the budget forms in the current version are almost impossible, except that we've written a laptop program that allows us to do them automatically.

SENATOR BAER: Thank you.

Any questions?

Senator Rice?

SENATOR RICE: I just want to say -- this is my last comment on this manual now. I believe in the social order. I believe in directions, and I believe in foundations. I think that, and that's why I requested a copy of the manual. I wanted to see what it looks like. If, in fact, it's what Senator Gormley implied, that it dictates rather than giving you some guidelines, then

obviously, we have to be more flexible. But it seems to me that with the number of districts we have, certainly, we all aren't the same.

There are a lot of common things in terms of needs and the directions we're moving in, and they are important, and there are things that are unique to districts. So I can't see how a manual can be really crafted for a state like New Jersey academically, etc., but I also know that people in the academic arena are no different than people in other vocations. For some reason, they are intimidated by authority and always stay in public service, particularly when you have 10 years in some cases, even if you don't. Sometimes you have to back up and just take the losses.

The problem I had was that-- If I was the superintendent, look-- I figure the most they're going to do if I'm right-- On the consequential end, if I'm right, I'm going to lose my job as superintendent. I'd like to think my credentials are strong enough to get me a job some place else. If I'm a teacher, they're going to take me from Ann Street School and put me in South Street. That doesn't mean that the system should intimidate me and ask questions. I just want to make sure that those, even if they're from my district, have a problem with the manual, then tell me what the problem is because I believe that this Commissioner will be a little bit more flexible. We can go back to it. But that's going to be a barrier to stop progress in these cities. I have a problem with that, and I'm just being honest. I'm glad that you spoke -- at least you said it was a cure. You said at least it kind of gave you some direction and guidance.

I think what Ms. Anderson was implying, it was intended to and had input from somebody in New Jersey. Maybe others who were intimidated

by a few things they think shouldn't be in it didn't have the input or misunderstood what the input should be. But I have a feeling we might hear more about this manual during the course of the day, which is fine, as long as we understand that I believe in written guidelines, not in written dictates. That's how I got through the military. That's how I got where I am now, and this way I know-- When I was a cop, people said, "Well, I didn't know you couldn't go through the stop sign." I said, you know what? I'm not even going to give you a ticket. I'm going to tell you this time. The next time you come I know you know because I laid the foundation.

So I just want to thank you for your testimony.

DR. LYTLE: Senator, you and I agree that taking initiative is generally the best way to get things done. One of the reasons I am sympathetic with the manual is that the converse of it is that it provides a set of assurances or guarantees. When you don't press the Department and you don't know what you're going to get, it helps to have committal documentation that says, "If you can demonstrate need, then we have an obligation to provide you things." I mean, one justification for this manual is that it is implicitly a set of assurances that didn't exist in nearly as clear a form in the previous year.

SENATOR BAER: Thank you very much.

Joseph Del Grosso.

JOSEPH DEL GROSSO: Good morning, Senators.

SENATOR RICE: Good morning.

MR. DEL GROSSO: Thank you for the opportunity to be here this morning. I'm not going to give formal testimony. What I'd like to do is

just to give you some of the observations and things that have been occurring in the Newark Public Schools with regard to Whole School Reform.

First of all, just for clarification, I think Senator Rice before asked a question about the Rutgers study. I think Newark was excluded, to my knowledge, from the Rutgers study. I think that exclusion came at the behest of Commissioner Klagholz. We were excluded from participating in the Rutgers consortium or in this particular study. But after reading the Rutgers study, I did read what we tried to do -- was to do a preliminary study of the 83 Newark Public Schools to see what the similarities were with regard to the Rutgers study. And what we found generally was there are a lot of similarities to the Rutgers study. We delineated, and you have a copy of it, school by school, what occurred, how models were selected. We indicated how it's been implemented. We've indicated what supplies and materials there are within the Newark Public Schools. We delineated what site management team issues arose during selecting the models.

I'll just take a few of them. For instance, Ann Street School happens to be a model school and happens to be -- was acknowledged as a blue-ribbon school. One of the only blue-ribbon schools in any urban district in the country. Yet, they have to go through that 34-page rigamarole of trying to figure out what they should choose as a model. Educationally, as a teacher for 25 years, I find that quite alarming, because if a school is working why would we want to find the model for them to fit into. If that school is working on Ann Street and it's working at such a level that it was acknowledged by the Federal government as a blue-ribbon school, the school down the block might do well to look into Ann Street and see why it's working. They have the same

ethnic populations, the same children, etc. Why are we going to be compelled to go to a process that entails a school trying to find a model to replicate something that is already working? It's working. The school has very high academic achievement, so why are we doing that?

Then we have the other problems. The models are not the problem. It's the way that the model was trying to be put into a school, that's the problem. At another particular school, Success For All was rejected by the faculty. However, when it came out somehow, the principal found that it passed when it failed in the vote. It needed 80 percent. But yet, they're going to implement Success For All. That also occurred at several other schools that you can see on the list, where people are actually being forced into selecting a model.

I've been a teacher for 25 years, and I've sat through some of the things that the State Department of Education has suggested would explain the model to me. I've sat through some of the things the districts suggested would explain the models to me, and I still don't know how the model works. So we're being asked to select models that we really don't know much about. We really don't know if they'll work. We don't know a lot about the model.

They have a site-based management team at a school. Maybe they'll send a site-based management team to visit a school that has a model and then come back and report to the faculty. Well, how can the faculty make a judgment based upon another person's observation as to whether this is a good educational program that will work in this particular school? It's absurd. But yet, this is the approach that we're taking.

The approach seems to be driven more by trying to get schools into these different cohorts, to move from the third cohort to the second cohort, into the first cohort and have a model. It's driven by time lines that are given to us by the State Department of Education, and then we are told that if we don't meet those time lines, well, then the Commissioner is just going to arbitrarily select a model and impose it upon the school.

I don't see how that is going to work, and I don't see how it's going to work if all of us, as stakeholders in the district, whether we are teachers, parents, administrators, don't sit together and try to have dialogue about how best to select models, what type of a model may be for a particular school -- might work, and not waste the time of going from model to model to model to model to try to select an appropriate model for a school.

Again, the State Department doesn't seem to regard teachers as being experts in the field of education, and that alarms me. Because for 25 years, I was an educator, and the majority of educators in Newark happen to be very good at what they're doing, and I'm sure that they can give counsel to the State Department as to which models might have a better chance of working in an *Abbott* district or an urban district or a State takeover.

Other problems are with the average thing for materials and things of that nature. We had a rather large problem that recently was ameliorated but only after I had to resort to sending letters to the State Department, and I told the State Department that if I didn't get the appropriate response that I was going to send all you Senators, for your review, what was being done. And what was being done was that in Success For All schools they were asking uncertified teachers, like music teachers or art teachers or physical education

teachers or guidance counselors, to teach reading for 90 minutes. The person has no knowledge of how to teach reading, is not certified to teach reading, but they're asked to teach reading for 90 minutes. And this has been going on.

Finally, when I raised the question and sent the appropriate letters, on December 13 I received from Ms. Anderson a memorandum telling me exactly what I knew before, that anyone who has a certificate in elementary education, reading, or reading specialists would be certified, but that subject area specialists, such as art, music, and physical education teachers who do not meet these requirements, may not teach reading. But nonetheless, it went on. Nonetheless, it went on in various schools throughout the district.

And, again, I think that cheats children. And, again, it shows that, the willingness of them to circumvent what is actually prescribed by the *Abbott* regulations and go on into their own way of doing it, which I don't think is what any of us really want. Because I think that the bottom line is that I think we all want education to work, and we would like to see all the three State-operated districts go back into normal control.

I'm not in the New Jersey Education Association. I am in the AFT, but I do meet -- and yesterday I did speak with Jersey City's President, Mr. Fabian (phonetic spelling), and Mr. Teary (phonetic spelling) from Paterson, and they say the same kinds of things are going on there. In Jersey City, they have eight schools that are academically achieving very high levels of achievement. Again, those eight schools are subjected to going through a process of selecting a model.

I think we really need to review those types of regulations and move to a better educational approach, and that is that if something is working

and the children are succeeding, that should be our goal. And if we reach our goal, what we should do is just enhance the goal and not change what is going on within those particular schools.

Again, I have a problem with the illustrative budgets. What I see going on is that the Department does send out budgets as to the model. They send out a budget and it says, "If you choose Success For All, here's what goes along with Success For All and how much money you can expect. Here's what goes along with this and how much money you can spend."

Again, I don't think that that was the intention of it, because I think that the *Abbott* decision said something to the effect that if a school needed more, it could apply for more aid and receive more aid. I think a lot of what's going on, naturally, is budget driven, and I certainly understand the problem when it comes to money. I think that's the real problem, that this budget process and these illustrative budgets, I think, lends itself to dumbing down education.

We're told that such things as art and music and sometimes library and industrial arts are redundant services. They could be incorporated into the lessons by the classroom teacher, and that way moneys can be better utilized in choosing the models. I have always looked at education as something different than -- and I know that money is a significant problem, but I look at education as something entirely different than running a business. In running a business, naturally, the bottom line is profit, but in the field of education the bottom line is trying to get a child to achieve something so that they can have a normal life.

SENATOR BAER: I think we're wandering a little bit away from Whole School Reform by contrasting business with education. We have about 14 other speakers.

MR. DEL GROSSO: Well, I think it has something to do with it because I think, Senator, what has occurred is, we have taken a lot of the approaches, you see, that may work in business, such as school-based management teams and things of that nature, and trying to incorporate it into education. Sometimes, I think, we miss what the real issue is in education. I think that we all need to be partners in education for education to work. I think that's what's missing.

I don't think that the State Department or the Commissioner should have such power, as I said, as to stop a school that is working. Why do that? Doesn't that take away from what we're doing? When you find a school that's working, why would you wish to change it? So that's what I look at, and I look at the problems, as you'll see, with the material that I gave you as really being with how we're implementing it, not with the problem of the models or what has gone on. I think the intention of implementation has to be good on all sides. It has to be good on our side. It has to be good on the side of the State Department, and it has to certainly be good on the side of all the stakeholders. Then, I think, that we will have a great chance of implementing Whole School Reform.

Thank you.

SENATOR BAER: Thank you.

Do you have any questions?

SENATOR RICE: Yes. Just before you leave, Joe, first of all, any recommendations you have, please make sure that the Committee gets it, through the Chair. Make sure I get it, too. That's No. 1, and we're trying to take notes. To my colleagues up here, to our Chair, hopefully, through all this electronic stuff-- I don't know if anybody from the State Department is still here. Okay. See, I have a problem with that. Just make sure that those transcripts are right because I want copies of everything that's said, because there's some things I want to remember and I have notes, and I think it's important.

But I do want to emphasize, I've said this for years. Before we even got into a takeover district, if something is working, why are we not looking at it? And, again, people talk about the model and it's interesting because I haven't heard anyone that totally disagrees with the model. It seems as though there's disagreement as to how much time we get to really see if a model works, how we implement different things, etc. I do think there's got to be some flexibility. Also, there are some things mentioned over and over about-- And we've discussed this at the State level, so I think a lot of us do concur that these time tables that they're giving us, because of Court mandates and what we were trying to accomplish and who we're trying to impress, is forcing us to do things without enough time sequence, which to me is not being done properly as related to implementation.

Even thinking it through some time, we're just meeting friends and make everybody at the State look good and make the quota, I guess, and say we got there. By the same token, we don't want to slow the process because those of us who've been in New Jersey long enough, and have been elected

enough, know that there are some systems and districts that would like us to slow the process so nothing would ever happen.

So we need to take a look at that, and I just want to thank you for participating, but I really want to make sure any recommendation anyone has here, I personally would like to see them in writing. I don't want you to rely on the transcripts or my colleagues or staff to get them to me. So if I don't receive them and we start to do things at the State level, don't ask me why they weren't discussed or they are not there. I'm speaking for Senator Ron Rice now, okay. I just want to keep that on the record, too.

SENATOR BAER: But if you're going to be providing anything in writing, would you provide it for the entire Committee in addition to Senator Rice so we can all have it?

MR. DEL GROSSO: Absolutely.

SENATOR BAER: Thank you. You don't have to send it to each one of us individually, except for Senator Rice, but if you send it to the Chair or the staff--

Thank you.

MR. DEL GROSSO: Thank you. Thank you all.

SENATOR ROBERTSON: Mr. Chairman, can I ask, is there anyone here from the Department of Education? (no response)

SENATOR BAER: Is there anyone here from the Department of Education? (no response) I take it they're not in the other room outside either.

Mr. Pablo Clausell. He left.

Deanna Burney.

D E A N N A B U R N E Y: I'd like to say good afternoon and thank you for this opportunity. I just want to tell you a little bit about myself, so you know a little bit about my belief systems. I spent 24 years in the School District of Philadelphia, served as an elementary, middle, and senior high school principal, all in North Philadelphia. I'm a product of the Harvard Urban Superintendents Program, and I had the blessing of being Ray Cortina's (phonetic spelling) intern for a year, and then I worked with Tony Alvarrado (phonetic spelling). I also work as a researcher now with Dick Elmore (phonetic spelling) and document the work that District II has done in professional development.

I want to talk to you a little bit about capacity and the importance of honoring our teachers and principals and investing in their capacity to learn. Right now the thinking is that you set standards, that you monitor student progress, and you give rewards or sanctions, and that's the thinking behind the Whole School Reform model as well. I suggest to you that there are three missing pieces from this equation, and that is the belief systems of teachers and principals, the instructional strategies or leadership strategies that emanate from those belief systems, and then the whole culture of change.

The real issue is one of accountability. We can't expect to hold teachers and principals accountable for what they do not know. We have to provide the conditions of learning, for the adults, that we want them in turn to create for our children. I'd suggest a manual based on all of the wonderful things that are working in the *Abbott* districts.

We have genius children. We have teachers who do a yeoman's job day in and day out, and we have lots of principals that have excellent

practices in place, and we can learn from each other. This work is not simply about fixing things. It's about building on the strengths of each other. It's about acknowledging our relationships with one another. I believe that all too often we spend a lot of time identifying problems like student nonachievement, student dropout. They're not the problems. They're really the consequences of a much deeper, more pervasive problem among us, and that's our relationships with each other. And then, when you begin to look at relationships, we as the adults are accountable and responsible to have honest dialogue about race, about culture, about our belief system.

Much of the present thinking in Whole School Reform and the operational pieces are focused on management of structures and processes around instruction and not directly on instruction. I served as the assistant superintendent in Camden, for curriculum and instruction, at the beginning of this Whole School Reform model, and I collected these school-based management team agendas. We have teams of educators sitting around talking about where to hang the flag or the custodial's budget. People have *X* amount of time to focus, and we've got to decide what we want our teachers to focus on. The focus needs to be on one thing, instruction and solely instruction.

I believe that teaching is too important a practice to remain private. I had the misfortune of undergoing surgery last month, and as I was being wheeled into the operating room, I noticed that there were two surgeons, there were two anesthesiologists, and a lot of other people. Walk into our schools. We have teachers teaching, for the most part, in isolation. I believe that's why, in some of our districts, 17 percent of our children wind up in special education, not because anybody finds out what the problem is, but

someone fills out a referral form and no one really looks at instruction in very finely definable ways.

We need to support our teachers, and I hold principals as the lynchpins. Our principals need to know what expert instruction looks like. Being a principal isn't simply about managing a building. If you read Ferguson's work from Harvard, you'll see that children of color are much more likely to be taught by a teacher that is characterized as ineffective. Race matters more than class. If you look at the work that Sanders is doing out of the Tennessee Value Assessment Center, you'll see that this issue of a teacher being effective, of a child having an effective teacher for a year, that that issue is so critical that that year can make a difference between that genius child being relegated to a job at McDonald's or entry into Harvard.

Permit me to give you a firsthand experience in the initial days of Whole School Reform. When I came into Camden as assistant superintendent, I stood on the shoulders of many, many people who supported my intellectual, spiritual, and emotional growth. And I know the value of literacy, having worked with Tony Alvarado and wonderful teachers and principals in that district. So what I immediately did was initiate a literacy program, and that meant for every single prekindergarten and first grade teacher that they would receive extensive professional development in what it was to teach children to read -- rich content, rich theory around reading. We didn't stop there. We had individual coaches that went into the classrooms and worked side by side with teachers in setting up their classrooms in matching instruction.

This work has to be about every child in every classroom in every school, meeting the standards -- no excuses, no exceptions. And if you look at the Pygmalion research, where teachers were told in September that this class was a genius class of children, and in June, they were. Because again, these belief systems in adults are very set. Now, they revisited that research recently and found out that there are children in our classrooms who, every day, are excluded from appropriate instruction, either in the quality of it or the quantity of it, based on the way they look, the way they speak. We must focus in on the core, and that's the classroom: how children learn, how teachers teach, what gets taught to whom, and how schools are organized for teaching and learning.

While I was assistant superintendent, we also invested in the principals' learning. I had the principals read books that were written by experts in the literacy field, and had those experts come and work with the principals, had principals learn how to do running records with children so that when-- The expectation was that they spent 90 minutes a day in the classroom. Ninety minutes knowing what good literacy instruction looks like, knowing the names of the children who were in the bottom two quartiles, being able to dialogue with the teachers about how we're matching texts and how we're providing appropriate, quality, expert instruction to the children.

I don't believe we have an at-risk child in any of our schools. What we have are children in risky environments, and that's just not a play on words. When you say at-risk child, you perpetuate the belief that it's the genius child that needs fixing. When you say children in risky environments, that means that we need to put aside some of our personal issues and focus on

making sure that those environments in our school are healthy in every sense of the word.

I urge you to rethink Whole School Reform, because the models must be complemented by a very finely grained instructional focus on what happens at individual interaction between that genius child and the teacher.

I'd like to close by giving you some recommendations, and I do this with humility, because I come before you as a learner.

Start by visiting classrooms. Walk in. You're parents, or you have children in your family. You know immediately whether or not you would want your child in that classroom in that school, and if not, then there needs to be a discussion. Ask yourself, what's valued in this classroom, what's valued in this school, and where are those values explicit in the work of the children?

This work is not just about standards -- content standards -- what we expect children to know and be able to do. It's about performance standards. How good is good enough? It's about opportunity to learn, opportunity to develop, opportunity to demonstrate standards. Look closely at the Whole School Reform models because, without a tight instructional focus based on a deep understanding of the content and theory of subject matter built into these Whole School Reform models, they're not going to be effective.

The focus needs to be evident not only on the performance of students, but in the practice of teachers and principals. And again, I want to reiterate, we cannot hold teachers and principals accountable for what they do not know. This work is about instruction and learning, and we're all learners. There needs to be extensive staff development and professional manner

content. Staff development needs to take place in the context of the classroom. The research clearly shows that a teacher is more likely to change their practice when they see another teacher be successful with a child that they weren't able to be successful with. We have to build on the strengths of our teachers.

At present, we need to look at what part of the budget actually goes to professional development. And having worked in Tony Alvarado's district, I want to conceptualize, very briefly, what real professional development looks like, because it's not 10 days a year outside the classroom. It's not something we do to teachers or to principals. It's something we do with them.

In District II, there's something called the professional development lab. Approximately 20 teachers a year are permitted to leave their classrooms for three weeks of learning. They go into another teacher's classroom, through intensive observation and supervised practice in this experienced master teacher's room. There are highly qualified substitutes that take over this teacher's classroom during the three-week period, and these teachers continue to work collaboratively throughout the year.

There is an instructional consulting component. The district invests very heavily in consultants who have a demonstrated track record that they can address instruction, and they work with teachers for an extended period of time on specific instructional areas in classrooms and schools. There are standard visitations and peer networks. The district -- and there are 20,000 students in this district -- budgets over 500 days of professional time for teachers and principals to visit other schools and classrooms. There is off-

site training, but all of this off-site training in summer institutes, or in any kind of classes that they have, is highly correlated with follow-up on what happens in the classroom. We can't have professional development where we don't take the time to look at implementation in the classroom and look at variability.

When I was in Camden with the 180 teachers, we pretested and posttested every single one of the children to see whether or not that year of literacy professional development made a difference.

And also, one last thought. We need to really think about becoming *K* through 16 school systems. There's a disconnect between high school and when you graduate college. If you look at the stats over the nation, you'll see that about 75 percent of students go on to college within two years after their graduation. Fifty percent of those children have to take some kind of remedial course, and we really need to look at aligning the content standards and the assessment standards from high school to college so that children know very early what it is that they need to do to get into college. And we need bonuses to get effective teachers in our high poverty school districts.

I tried to be brief.

SENATOR BAER: Thank you very much. I know you haven't been just reading your testimony, but I have noticed that occasionally you looked down at that for prompting. Is that something you could leave with us to supplement your testimony?

MS. BURNEY: I have to clean it up a little bit--

SENATOR BAER: All right.

MS. BURNEY: --but I will be glad to.

SENATOR BAER: Would you do that and get it to the Committee? Thank you very much.

MS. BURNEY: Thank you.

SENATOR RICE: Mr. Chairman, just very quickly.

I certainly concur with you on the need to focus more on instructions. I've never taught in grade school or high school, but I went to school. I think that's more important than instructing, so I know in this city how one should be instructing to get through -- taught at different level. But my point is that I believe there should be a focus there but-- My question is -- and it is really more hypothetical and we have to address it -- but it's something that you should understand that there is never just one side to the equation. Once given that priority, if you make the assumption that the majority of all of our teachers actually have grown and learned how to instruct because the focus has been there, that means we're supposed to be connecting. I don't hear anyone talking about the emphasis that has to be put, parallel or equally, on how do we get young minds to pay attention and to absorb all of this that we have learned to give them given today's climate, society, etc., and some of the handcuffs on teachers and instructors as relate to what we have done in terms of what the discipline, or what have you.

That's a real problem, because now you're not working within the academic arena. Now you're working in the real world with political activists, some who just want to be barriers over and over, some parents and others who may be confused, and some folks who just simply like to violate your rights, etc., in the process. I mean, these are elements that no one ever wants to talk about, but I've come through a system in this city and the experience that's

real. I can't see how we can get where we're supposed to be going without addressing some of those things. We're never going to have 100 percent, but I know, in this city, the same school buildings that we think we need to rebuild, and we should-- I remember the sub-subbasement in those schools, with the asbestos. You probably know what it was then to squeeze like this, but there were instructions and there was a connection and there was an interest on most of our parts. It can't be bought.

So I just want to lay that out for maybe some suggestions. It's hypothetical to you, but it's real to us, and we don't have the answers. I don't see folks coming together from these systems. If I hear anything at all, I would hear the union saying, "You can't do this," saying the Newark school system to our children. Parents saying, "You can't do this." School board members saying, "We want to do this," so and so, but I've never seen that group collectively come together and say, "Here is our problem. We're going to deal with the instructional piece, now how do we deal with the management piece, the management of the human resource, which happens to be the student body?"

MS. BURNEY: I think a good beginning is to look at examples of the student work and also look at teacher assignments and look at what children are being asked to do in placement and look at their responses. And that's very finely grained work, and it's very intensive. The professional development initiative in District II was labor intensive and expensive, but the results were magnificent. The district was No. 18 when Tony Alvarado went in as superintendent, and today it's No. 1.

Thank you.

SENATOR BAER: Thank you very much.

SENATOR RICE: Next, we have Mr. Bob Holster. He left, okay.
What about Derlys Gutierrez? She left.

Dr. Columbus Salley.

C O L U M B U S S A L L E Y, Ed.D.: Good afternoon.

SENATOR RICE: Good afternoon.

DR. SALLEY: Members of the Committee, on behalf of the Orange Board of Education, I thank you for this opportunity to respond to questions that are contained in the letter sent to me, dated December 3, that ought to be responded to before this Committee.

Let me first of all clarify something that this letter presumes. The presupposition of this letter is that we are participating, in Orange, in Whole School Reform. As delineated in the second set of regulations promulgated by the Commission, I think we have the distinction -- some say dubious, some temper that by saying unenviable -- of being the only so-called *Abbott* district that is offered an alternative model for Whole School Reform, and that model is consistent with what we believe to be the constitutional mandate.

And Senator Robertson has alluded to wrongheadedness, and the implicit reality of that is there is something wrong in this dynamic of implementing Whole School Reform, and maybe this State is pursuing a set of solutions that might very well be wrongheaded. Well, I would suggest to you that there's a lot of wrongheadedness here, because there was a wrongheaded analysis of what it is that we're in the business of public schooling to do. And if you understand that, then you'll understand why we offer the ecology of excellence as a Whole School Reform model.

And I would remind you of our constitutional mandate, and I read it to you very carefully, especially in light of the last speaker's comments. It says this -- and every time they hear me say it at Orange, it's ad nauseam -- "The Legislature shall provide for the maintenance and support of a thorough and efficient system of free, public schools for the instruction of all the children in the state, between the ages of 5 and 18." This so-called education clause does not contain the word education. There is no such thing in the Constitution as a thorough and efficient system of education. There is a thorough and efficient system of free, public schools for the instruction of all children in the state. That is the nature of what it is that we do in Orange.

Our vision for kids being more excellent, as we move into the 21st century, is tied to a notion of how we have got to modify, alter a schooling process in its complexity that deals with teaching-learning dynamics, that are classroom centered, that will allow kids to be excellent as measured by something. And we don't run away from that excellence being measured by Core Curriculum Content Standards. And what our ecology of excellence has done is so already aligned with what it is that we expect the schooling process to do, with what it is that our kids are going to be measured on, with the expectation that our kids will perform out as measured by core curriculum assessment tools, as well as our own assessment tools.

We think it is vital for the Committee to understand part of this wrongheadedness being set in motion by a wrongheaded formulation of the problem. Obviously, effective problem solving begins with effective problem formulation. I see nowhere in the record of this debate, for the last 25-plus years, where the Court, the Legislature or the Executive branch has clarified the

distinction, the vital distinction between instruction and education, and there is a vital distinction there to be made for the purposes of public school.

We look at public schooling as a process of teaching and learning that is directed towards outcomes that we at some point will measure. The triadic elements of schooling deal with three things: curriculum, what is taught to whom; instruction, how it's taught, consistent with how it is that we now know kids learn; and the third element of it is assessment. Those are three different elements in a complex process of instructional change that we are trying to bring into alignment under an ecology of excellence to meet Core Curriculum Content Standards and, thus, achieve Whole School Reform.

We have operationalized each and every one of these elements of schooling. Curriculum now has been dictated to us by the State. They have now told us what it is that kids must learn. They've also told us now what it is that kids must demonstrate, in terms of outcomes, by the core assessment tools that are to be implemented over time.

Now, Senator Rice, I would suggest to you that your notion that takeover is somehow a distant reality is really begging the reality of really what the reality is in *Abbott* districts. Not only have they been taken over, their whole ability to power -- to teach that which kids must know and learn in ways that are developmentally appropriate, has now been taken from us by the imposition of these whole reform models. They now tell us how to teach. They not only tell us what to teach, they tell us how to teach, and they tell us to what extent that teaching-learning will be measured by the State assessment. That is more than a takeover.

Parity funding has set in motion a set of dynamics that all but guarantee now that the State will dictate to each school site, out of 450 so-called *Abbott* schools in these 30 districts, what they teach, how they teach it, and to what extent they will measure what it is that those kids have learned. We don't think that that is appropriate. We don't think that that has the efficacy that we all expect in terms of our kids being the geniuses that we know them to be.

What we have done, and we've now been at this here for about a year and a half, is that we submitted to the State, pursuant to the first set of regulations, 6:19A-3.1(a), a model that is accommodated in this regulation. Most of my colleagues in the *Abbott* districts didn't see this. But when they saw it, they didn't want to believe that the State was, indeed, giving you an option to apply for an alternative route, but it's in the regulation. The presumptive model shall be Success For All, roots and wings. However, permission to use other models may be granted by the Department where the choice of such a model is justified.

Now, we've been at that since last December under the old regulations. We have clarified with the State what it is that we intend to do. In our first submission, we aligned the nine rubrics that make up, in the article that you have in front of you that I wrote for the *School Leader*-- We identified the nine rubrics of change for instructive learning purpose that have got to be aligned in ways that add up to kids being excellent. Well, what we did was to align our rubrics with the State's nine elements of Whole School Reform and argue that, basically, we already have in place a model for achieving Core Curriculum Standards in the lives of our young people and beyond that.

We submitted that back in December of last year and dialogue pursuant to this provision of an alternative model. We submitted additional documentation because the State had a set of six questions as to how appropriate and efficacious the model looked. And we argued that you ought to presume our model to be as effective as your presumptive models because when we analyzed all the eight models or nine models that you've identified, you give them a presumptive validity. So we're saying, in light of what our outcomes have been, both the State assessment as well as the standardized assessment, you ought to give a presumptive facial validity to what it is that we're doing in the Orange Public Schools. To date, we have yet to hear definitively from the State as to whether or not our application for an alternative model has been accepted or rejected.

As of August, the State requested additional data, in terms of the achievement of our young people, in terms of a standardized test that we use, called the CAT-5. We were able to show that if it ain't broke, don't fix it, in terms of our kids not having a reading problem. That is the -- Success For All is basically a reading program. There are elements of nonreading, but basically they're dealing with reading. Our kids are not where we want them to be in toto, but the fact is that we don't have a problem with reading in the Orange Public School system, so why would you impose upon us a presumptive model that basically addresses reading at the elementary level? It doesn't even begin to deal with the problems of instructed learning at the middle and the high school.

We have submitted those data. We have disaggregated those data for the State, and we have yet to hear back from the State whether or not they

accept or reject our whole school model that is predicated on instructed learning. Let me just say something in light of what we mean by instructed learning. We now know enough about how kids learn, in a brain-based manner, to be able, at each grade level developmentally appropriate, to tailor teaching-learning dynamics in ways consistent with how we know kids will process through their brains information and experiences that we expect them somehow to perform out on, as measured by State assessment or local assessment. We have a paragon called the ecology of excellence that basically adds up to making kids smarter, and it's a brain-based learning paragon. Without the teacher development piece in terms of teaching-learning, teachers being able to teach, teachers knowing what it is that they should be teaching, but teaching in a way consistent with how kids learn all the way down to developing teaching-learning repertoires pre-K-12.

For each classroom situation, we've now sensitized and have really allowed teachers to acquire a competence and a proficiency at being able to align what it is that they are going to teach and how they're going to teach it with how it is that we know kids are going to learn it. We've identified, in terms of brain-based research, areas in the brain where this kind of learning is facilitated in the various memory lanes of the brain.

Therefore, when you get ready to assess me in terms of what it is that I know, your assessment should be consistent with how I learned what it is that you're now trying to see whether or not I've learned. So there is a misalignment in all of this. I sense that all these comments are talking to a misalignment. Somebody is out of sync with something, and I think that we're all out of sync in interpreting the Court order and the regulations to mean that

somehow we have got to do something to realign what we do to something that's very comprehensive in general, called education. What we've got to do is to make sure that schooling, teaching-learning kinds of dynamics, are aligned with what it is that we expect kids to know, how we know that they will know that, and then make that consistent with how we're going to test for that. If we do that, there is no reason for all children not to succeed.

And in the Orange Public School system, we do not view with your normal curve distribution. In the Orange Public School system, because it's predicated on excellence and the ability of all kids to learn, we throw away, and visualize, we throw away the left side of the Gaussian curve. It doesn't exist. Because if you expect kids to be brilliant, if you provide them opportunities to learn consistent with how they learn, and then if you test them to see to the extent to which they've learned, then you ought to get a beautiful non-N curve based on the masses. And it ought to be more than 80 percent or 85 percent of your kids, and it ought to be above a minimum standard. It's got to be a standard of measurement, and that's what -- to be what it is that you look for.

What I'm telling you is that our response to all the questions that you have asked me to respond to, my response comes down to the fact that we have submitted, as the only *Abbott* district in this state, an application to the State to have our Whole School Reform model accepted as an alternative model. We think it's holistic; it's comprehensive; it deals with the conflicts of social, economic, political, school, nonschool factors that you've got to be aware of in doing what it is that we're there to do.

And once again, the constitutional mandate is very clear if you read it. I've been going through all the literature to find where did we ever

associate what we're here to do with thorough and efficient education when, in fact, the constitutional mandate says a thorough and efficient system of free public schools for the instruction.

And we need to operationalize that in the Orange Public School system. That's what we're trying to do through an ecology of excellence. We await the State's definitive response to that.

And to date, the State has issued a lot of deadlines. They've issued a lot of regulations, a lot of requirements. There's been a lot of paperwork. We have met all of their paper reporting requirements, both in terms of the instructional piece, Whole School Reform, as well as the construction piece. We've been complying with everything, yet we have yet to hear that the Whole School Reform model that we embrace, which we think is legitimate to meeting the values and the needs of our kids, is either acceptable or not. We think that it is.

If you take a look at the article, and then if you want, I will share with you the submissions that we made to them. We have detailed how, at each of our school sites where we have what we call a school ecology of excellence panel, that is the same as the site management team. That is the same as any of the local community entities that you want to see in each and every school. We have that because the community built the ecology of excellence as a reform model for the kids in Orange, not the superintendent of schools.

SENATOR RICE: Thank you, Dr. Salley.

Let me have your statement up here, and I would like for you to take a note. I personally want to know-- One thing about the State, we can

be a little slow. I've always argued there's no particular model for anything. I always relate back to the war. I'm a Vietnam veteran. There were a lot of times we all went out with the same basic foundation and decided to get it done differently, even when we're told not to, but we were successful, that's why I'm back.

I believe the models are not going to fit into New Jersey. They will be something as a foundation to work with. If, in fact, we hope to have other concepts, I've always argued-- I tell my colleagues in Trenton, when they start to debate me, that God did not give any of us a monopoly on brains. And so if, in fact, there is something to look at, I think that we should look at it.

I think if Dr. Salley and the people in the Orange district think that they can be successful, I think we can measure it out, even if we have to do it under conditions that you have, a period of time, or whatever, for feedback. I'm not sure, but it seems to me that someone in that Department -- and my feeling is not the Commissioner -- whoever handles that stuff for him, should recognize that we like the Commissioner. But we don't know all those other folks he assigns stuff to, and I suggest that they really think over the next few days about putting in writing to the Doctor a yes and no answer. Then, he could take it from there. But I also wanted it to come, since I'm in charge of the Committee now, since I am the Committee (laughter), I want it to come, through the Chair, to Melanie.

And Melanie, I expect to see that letter in the next 10 days, or a reason why it's not being promulgated. Okay, that's No. 1.

MS. McCONNELL: The Department is engaged in the process. We will certainly do that.

SENATOR RICE: Yes. No. 2, based on the comments, I'm a firm believer that, unfortunately, there has to be some reasonable degree of control. And I do believe the way society is going and we're talking about 2000, 2001, new millennium, etc., and technology that we, as State folks, since that's where the Constitution really gives the greatest input, we have to lay some foundation for changing times and what people require if we're going to make our young people an asset to life, as they become adults, and an asset to society. So we have to talk about what one should be instructing, as well as what one should be learning.

Now, we can debate this schematic of the constitutional language of instructing versus education, but it simply implies to me when you instruct someone-- When I use that term, from an academic perspective, I'm looking to convey some information that I'm hoping someone would absorb, as well as comprehend and understand. And if, in fact, I've imparted that information and thereby it's understood, not implied, I've educated them. But what concerns me more is I would think that the Constitution implied that there's going to be an instruction piece. It will be free and it will be public. Okay, and the end result, there's going to be some education taking place. And I think that's what the other discussion is about.

But I'm concerned about us having the degree with input from all the educators, but also industry and the folks who know what they'll need in the future. You see, it doesn't make any sense learning a lot of things we learned growing up that's not going to be useful. I mean, it's nice to know it as a foundation to history, but-- I went to school, and they told me when I got to Howell, biology was mandatory. I said, "I had biology in high school."

Okay, got an A. It was mandatory. I said, "I want to be a lawyer." It's mandatory, and I'm saying, "Well, I'm never going to basically use it. I think I had enough reasonable information about biology and understand how to use it." So I do think we should be looking at what folks really want out there in the industries for work and vocational opportunities and what's reasonable, and what those outcomes are.

I've heard this over and over, and I'm a firm believer that we really can't dictate a particular model. I really believe that that has-- Maybe we can control some parameters on someone's model, but I really don't think we can dictate. We can hold people accountable for models, and we can try to understand what they're doing and help them decide to fit into what they're doing.

So, Melanie, I would hope that the transcripts are clear that one of the issues, if I heard nothing else today, is this issue of the models: how they are implemented, how those who have to implement truly understand them, how much flexibility surrounds those models, and can one come up with alternative models that can be scrutinized objectively and in a reasonable fashion that can be implemented and measured out? That's my concern, so I just want to say those things to you.

DR. SALLEY: Senator Rice, one last thing.

It should be noted for the record that, in our application for the ecology of excellence to be accepted as a Whole School Reform model, we're not asking for an additional penny from the State. We believe that the parity funding that we got through *Abbott IV*, through CEIFA, is adequate for the purposes our realizing Core Curriculum Content Standards. So we've not

asked the State for a single penny more in order for us to be able to implement something that we expect to be held accountable for, in terms of our kids performing now not only on State assessment tools, but other standardized assessment tools.

SENATOR RICE: Okay. Thank you, Dr. Salley.

DR. SALLEY: Except in the areas of preschool and construction.
(laughter)

SENATOR RICE: That's on the record.

DR. SALLEY: Preschool and construction.

SENATOR RICE: Even if it was on the record, I was going to protect that, because I would say, "Well, I know the Doc hasn't really lost it yet, you know." (laughter)

DR. SALLEY: No.

SENATOR RICE: But I'm very serious about that. I think the Commissioner would be amenable to a response. I had a feeling that he doesn't know that--

MS. McCONNELL: No problem.

SENATOR RICE: No problem. Before Christmas-- I want to have a happy Christmas, and that means somebody won't have a happy New Year. Okay.

Thank you very much--

DR. SALLEY: Thank you, sir.

SENATOR RICE: --Doctor, for you comments. And anything that you can send us that we haven't received, you want to send it and give it to the Committee.

Is Joseph Ferraina here? Okay. Come on up, Joe.

Let me apologize for the Committee members because-- In fact, I have to leave, myself, shortly. I'm waiting for some of the Senators to come back in. I have a meeting with New Jersey Transit, with my district, South Orange, on a plan that was set up before this particular hearing. So we're going to try to get everybody to be heard, and that's why the recorders are here. So whether you see one of us here or all of us here, it's being recorded, and this happens at these hearings many times for many reasons.

Go ahead, Joseph.

JOSEPH M. FERRAINA: Thank you very much. I am Joseph Ferraina. I'm the Superintendent of Long Branch, and I am not -- more than a teacher, really. I was a teacher and assistant principal, a principal, assistant superintendent, and superintendent of schools, and that's a total of about 27 years.

I have to tell you that this is business about children, and very often a lot of time is spent on money and a lot of other things rather than children. I'm going to speak from my perspective, and mine will be probably different than anybody else's, and I want it to be because that's my experience. I also wanted to tell you that I was disappointed. I was told to be here 10:00 in the morning because I would have seen a lot of children today at the school district, walking around, until 1:00 in the afternoon. But I'm grateful to have this opportunity to participate in the evaluation of the first year of Whole School Reform implementation in the *Abbott* districts.

Let me begin by expressing the gratitude of the Long Branch community for you making these improvements possible, the Law Center, and

the Courts. Schools in Long Branch, since the awarding of the *Abbott* money, have undergone remarkable changes. Everyone in our town sees and appreciates the effects of Whole School Reform every day. Has the money made a difference? Indeed it has. Let me list some of the ways.

Our preschool children have a well-designed and fully equipped, brand-new school. Each class of 15 children is taught by a fully certified teacher, who is assisted by a classroom aide and support staff of guidance, speech, language, occupational, and physical therapists, child study team, and a Success For All facilitator. All of our elementary schools are participating in Success For All program in literacy. Our teachers have been trained and are evaluated by the developers on a regular basis.

I have met with every teacher. And I want to tell you that they tell me it's a lot of work. Our middle school has been selected as a pilot site for Success For All program. Teachers have been trained and are actively working with the developers to plan exciting and rewarding academic experiences for students in grades 6, 7, and 8. And let me say that the developer that we've been working with has totally been willing to listen to the teachers. And I have to tell you, I am totally committed to the fact that our professional staff, our teachers, need to be totally involved and committed to the process, but we also have to be totally committed so that every child is going to succeed.

Our high school is moving from close-knit departments in each academic area to cohesive groups, listening to one another as they plan their selection of a Whole School Reform. All of our schools have security guards. Our high school has a dropout prevention officer, and all our schools have at least a part-time technology person.

And you know when we talk about technology, it's amazing because you can have all the computers and all of the technology there, if you don't have the support, it's never going to be used, and really, even a half-time person -- because that's what we could afford -- was not enough. The middle school and high school have a full-time technology person.

All of the elementary school classrooms have teachers' work stations consisting of 27-inch TV, a VCR, and a Pentium computer and a printer. We have 1000 work station computers, 20 servers, and a wide area network that connects all locations, utilizing ISDN and a T1 connections. Our staff has increased by 27 certified and 29 noncertified positions, in order to impact class size reduction. The parent involvement level, based on parental participation in children activities, has increased tremendously. In fact, we have had standing room only at programs for parents.

We have a five-year plan for bringing our facilities up to code and equip them for appropriate spaces for children to learn. That's an important part, because we have submitted our plan, but certainly there's no funding for it at this time. We have plans to further reduce class size to the Department of Education model, 1:21, 1:23, and 1:24, at the various grade levels.

Those are the major changes you can spot immediately. Others are more subtle. There is a real sense in Long Branch that the Legislature has recognized the genuine needs of the urban child and has committed time and money to plan to provide equity for them.

I have brought some pictures today so that you can better see the results of the efforts in Long Branch. My words can't compare with the faces

of our children as they flourish in the Whole School Reform, and I want to show that in a little while.

You gave me several questions to respond to, and I want to respond to those. The Supreme Court rendered the *Abbott v. Burke* decision on May 21, 1998. Chapter 19A, implementation of the Court decision in *Abbott v. Burke*, was effective July 1. Districts received copies of 19A. The districts showcased developers, and it was held in March of '98, which was before that. The first-cohort schools were announced as of September 23. Therefore, there were approximately six months to review and consider a vote. I've got to tell you, it's not enough time. It wasn't enough time. People had to work incredibly long hours. There wasn't enough staff. But you know what? It was an opportunity for us, so we went ahead and did it.

The plan for the selection, training, and operation SMT were due to the Department of Education before August 30. The due date for the actual operation of SMT was October 1. In Long Branch, our PRC liaison visited in December and made suggestions about eliminating central office staff as members of the school management team. Therefore, the SMTs were actually in operation before we had any kind of response or plan. And, again, you have to understand, there were a thousand things going on all over the place to implement the Court decision, which I happen to believe was a great decision.

It asked for me to evaluate the Department's facilitation of implementation in terms of the following issues:

Providing personal training in a timely manner: The training took the form of information dissemination. There were no practical hands-on training at that time.

Hiring personnel in a timely manner: It appears the Department has been constrained in response time because of limited staff. It's also-- They have a certain number of people at the Department, and I'm sure that -- at least I can see it in our districts -- we have a nightmare trying to respond to the amount of work that has to be done.

Responding to school proposals in a timely manner: We have received, at times, responses from the Department, but without a doubt we've gone on. We've done what has to be done.

Providing guidance for development of school-based budgets: Our principal referred to our BA, who called the Department of Education personnel for directions. We have worked our BA-- Our business administrator has worked very closely with our school management teams, with our principals, with our teachers to develop the budgets. Again, a lot of things happen. It's how you worked on it.

Providing guidance for the alignment of Whole School Reform models in the Core Curriculum Content Standards: This was the developers' responsibility. Since developers have been cleared by the Department of Education, we took for granted that they were selected to produce desired outcomes and have proven to this State Department that their programs would satisfy the Core Curriculum Content Standards.

Did the school review and improvement teams fulfill their mission? The SRI visited our first-cohort schools for some of our school management teams. She visited at other times and was always available for assistance. She was most responsive to our needs.

Did the process of budget development under Department review comply with the Supreme Court? The needs drive the budget. Well, no, the model drove the budget. You have to understand that it's real easy to say that, but, I think, the Senators and Assemblymen need to understand that as long as you can give us an open checkbook, then you can do that. But certainly there were budget constrictions, so the model did drive the budget. We made our case for particular needs of our children, and we were told justification was not sufficient at times. So we had to work with it.

Did the budget make sufficient resources available to teachers? In the case of first-cohort schools, teachers had the resources of the developer or they had to give up the resources they used to previously have. There is no doubt that we have to do some readjusting of the funds.

What effects did the Department's illustrative budget have under the development of school budgets? The school budgets would be approved, as long as it was within the allotted amount. Contracts control salaries, and salaries make up most of the budget. Our communities wish to continue programs such as enrichment and reading recovery programs. We are at times not able to be considered, because it was not in the illustrative budget.

What effects did Whole School Reform have on the implementation of the Core Curriculum Content Standards? We adopted Success For All in the first year. The implementation plans called for 90 minutes of a reading period and one-on-one tutors for selective students. So the schools, K-to-2 buildings, it will be some years before the ESPA is given to the participants. The rest of the day was not changed by ESPA.

I have to explain to you that I don't think you're going to see the results in our districts tomorrow morning. Preschool programs are going to have an effect in the long run, and I think when you talk about the fact that we spent a lot of money on building jails, and now we're looking at doing something in education for children, without a doubt the money that's being spent in the urban districts, and that's what's important for a lot of the Senators who are not representing the urban districts to understand, that a lot of wonderful things are going on in our school district.

Has Whole School Reform made a difference? Indeed, it has. The money has made significant initiatives possible. A massive initiative of this magnitude is bound to have its snags and hurdles. In all honestly, we in Long Branch see the process as one of great encouragement and creativity. The Department of Education has been most responsive to all our questions. They have never failed to respond to our needs and encourage our progress.

For us, the Long Branch community at large, the parents, the guardians, the students, the teachers, the administrators, and the board members, the first year of Whole School Reform has brought meaningful changes in the educational community. We look forward to being able to complete our facility plan, our class size reduction plan. Because I have to explain to you, when we regroup for the Success For All program, we regroup 15 students per room. The problem is there are not enough rooms available. So we're putting two and three groups into one classroom. It's not, realistically, the most effective way to do it.

We are planning a full day for all four-year-olds for the years 2000 and 2001, and a full day for three-year-olds for 2001 and 2002. We plan to

have our high school enter the third cohort. Our plans include expanding the health and social services component in place at the high school and middle school to the elementary school. We will continue the active recruitment of preschoolers to improve upon our 69 percent participation by stepping up our door-to-door campaign and reaching out in other ways. We will continue working harmoniously with the Department of Education to open windows of opportunities for children.

I speak for my community when I sincerely thank you for your commitment to the *Abbott* districts. I invite you to visit for yourselves the positive results your efforts have had on behalf of the children.

SENATOR RICE: Joseph, thank you very much. I don't have any questions for you, just a comment. Well, it is a question. You are saying that need did not really drive your budget. I mean, need always drives a budget, but you're really saying that, where we are at now, the model is really a substantial aspect of that movement or that drive.

MR. FERRAINA: There is no doubt there are a couple of things that drive the budget, whatever has been appropriated as far as money. And number two, that the models themselves, the kind of personnel it calls for.

SENATOR RICE: But overall, you are reasonably satisfied with this whole notion of Whole School Reform. You were working within the models that the guidelines, they kind of put out there? Are you bogged down with any of that at all?

MR. FERRAINA: It was an incredible amount of work. There's an incredible amount of work. The paperwork is incredible. But I have to tell

you, we've worked around all of those issues, and we have made improvements in our schools, and our children are benefitting from that.

SENATOR RICE: There's a new Commissioner now, so there was somewhat of a break in there. The way I know government-- When the head leaves, it looks like a lot of motion taking place, and the people aren't really doing what they're doing. So I would like to think that the communication with the new Commissioner -- he appears to be out in the district listening, more so, than talking.

I would like to think, as we go into next year, that some of the communications, if you have and they're cooperative, that some of the things that people are saying on record now -- I'm certain he's going to get a copy of this, is that right? -- that he pays strict attention to them. Because he seems to be a listener, and I think if he listens well, the Legislature and the Governor-- If we keep the politics away from him-- It's like in your school district and letting them move forward, but for some reason I believe there will be some balance on this Whole School Reform notion.

But thank you once again for coming and sharing your thoughts.

And let me say to everyone, we have public hearings. We know we start at a certain time. At least, we indicate we're going to start at a certain time, but we can never say who is going to be or what particular time when they come to sign up. So always expect to spend the day. But we never can expect that, because I was supposed to be at the New Jersey Transit, and then I was told we had a hearing today. So that happens to us, and we apologize for that. But look at it this way, the kids love you, but you had a little break from them, too. (laughter)

MR. FERRAINA: I want to leave the pictures over here, if you want to look at them to actually see what's going on, the quality of the building, because when you're talking about facilities, that's a real problem. Because without a doubt, that's going to be a substantial cost, and I did hear one of the Senators comment on the fact that what are we are going to tell our other communities, because they were looking at the amount of money you put into the urban districts. I cannot say it loud enough that they need the money, and say it loud enough that it makes a huge difference.

SENATOR RICE: Thank you.

SENATOR BAER: Thank you.

Antonio Lewis? (no response) I guess he's gone.

Kabili Tayari? (no response)

Maggie Carrillo?

MAGALYS CARRILLO: Good afternoon. It's certainly a pleasure to be here today representing Marion Bolden, superintendent of the operating school district of Newark. We have our deputy superintendent as well. I am the Associate Superintendent for Whole School Reform. And as such, I think those that have come before this panel this morning, and now well into the afternoon, have expressed a variety of issues, a variety of views, and I'd like to say that, even though it may sound paradoxical, the Newark Public School is embracing the spirit of *Abbott*. We're moving forward with *Abbott*. Yet, we must concur with Dr. Erlichson's report while strongly supporting the Department's claim to having really corrected some of its past errors.

Year one was traumatic to say the least for those districts that engaged in the cohort one Whole School Reform process. Year two has come

along with us being a bit more savvy. And when I say us, I mean collective us, developers, Department of Education staff, and the school district as well.

What I can say, on behalf of the Department, is that they lack the resources to be more efficient and effective than they currently are. We see a great amount of turnover at the PIRC Centers. We see somewhat of a very young, energetic, but new type of folks coming to our rescue that are called the SRI teams. And sometimes we get more programmatic help than fiscal.

The issue of the zero-based budgeting, as you know, is new. It's new not only to New Jersey schools, but it's new to many schools in general. And even though the Newark Public School District had previously done some type of school-based budgeting, this experience is unique. It's unique because we in Newark want the budget to be driven by the needs of our school, by the needs of our students. And yet we have some of the pitfalls that have come before you, such as indication of the illustrative budgets being used to, sort of, not only curtail spending, but certainly provide as a framework, while on the other hand cautioning us against meeting the needs of the children.

Let me be a little more succinct and explicit. The illustrative budget does not match some of the New Jersey school codes. There is staff in there that are not accounted for. There is staff in there that we then need to move and apply for. It means that districts such as Newark, that were looking for parity with the *Abbott* regulations, are now having to justify and provide supporting evidence to say that vice principal is essential to our school.

There are no provisions made for people known as substance awareness coordinators. Now, just a few years ago, we had to gear up and train these folks, and there was even a provisional certification provided for them

because of the tremendous need for these folks in urban districts, specifically, yet these folks do not appear in the illustrative budgets. Department chairpersons do not appear as well.

So even though I understand that the models call for a Whole School Reform comprehensive systemic reform movement, there are some essential positions that, still to date, exist and will continue to exist not only in the Newark Public Schools, but throughout New Jersey, based on other code requirements and based on needs.

What I'm asking you is to look into the process by which we have to apply for -- justify those positions. I'm talking about (a) another application process called the particularized needs. It's a separate application from the implementation plan and the zero-based budgets that each school and cohorts wanted to -- will submit to the State.

The process of submitting the zero-based budget, even though it is quite cumbersome, is enlightening to the administrators in the schools and the staff in the schools and the parents in the schools and those folks that comprise the SMT Center School. And yet, even though they're novices at this, they have to deal with it in a word program fashion, they have to deal with it on hard data. In other words, they have to provide a hard copy. And they have to submit it in an antiquated DOS disc to the fiscal Department because-- I understand, the Department wants to aggregate all of the school's budgets, but yet it's another imposition placed on the folks in the school district in the school.

So I'm asking you to also consider what impact would this have on instruction, or is currently having on instruction, whereby we have consistently

been preparing for these documentations to be, at best, correct; at best, substantiated with clear data; at best, filled out to our ability to provide you with some delineation of what it is that you're asking us to do. But it is costing us, on the other hand. It is costing us precious instructional time for the kids. So I sometimes wonder if the pitfalls are worth the gains.

We have seen that the models, as have been presented to us, are all research-based models. And the research had been done on districts that are sometimes dissimilar to ours. And that concerns us.

We also know that, almost precisely at the same time that the Core Curriculum Content Standards were taking a very strong effect upon our school, whereby we had finally started to transition into what we now know as standards-based education, the Whole School Reform movement came about. Consequently, there existed a bit of confusion.

So we need to ensure that the developer, with the Department and with the school districts, all align the models and the budgets and every type of instructional program that will be delivered in our schools to the standards, because we are being assessed by those standards in grades 4, 8, and 11.

We also need to examine how -- the fact that in urban districts such as ours, when you have transient rates of students coming in and out -- we're going to deal with that when we, in effect, have five or six models being offered to our schools, and having our school look at what model best fits them. And I understand that, you know, the world is full of colors, and we each prefer our own. And that is quite democratic, I would say. But we need to also ensure that there is some consistency. And I'm banking on the Core Curriculum Content Standards to be the thread that aligns all of the models

to make an impact in not only Newark schools, but all our other urban centers as well.

I need to talk for the forgotten few. In some cases, we have not really looked at special populations such as the needs of special ed students, the needs of bilingual students, or for that matter, the needs of gifted students when looking at the models and the implementation of the models. And even if we have, it is not clear what directions the schools should take when dealing with those models. About the clearest direction we get is that everyone will be tested, eventually, with grades 4, 8, and 11.

So we're striving toward that, so that every student should be included in a model. So we're striving toward that. But, clearly, there are children that, at best, the model does not fit them, and they, certainly, do not fit the model.

As far as the early childhood programs are concerned, you've heard a lot about those. And I think the Center has taken us back to court, so to speak, in a sense, on the fact that we need to look into certification and into better facilities for our students while they are housed at community centers.

And I wish us all a lot of luck, but the issue comes to, it's not only a matter of luck, this is our opportunity. That's why, in Newark, we have taken the *Abbott* regulation to be our opportunity to enhance the educational process, to give our children what it is that we have been waiting anxiously for the Court to rule on. And yet the word parity sometimes is lost in the regulations themselves.

Thank you.

SENATOR BAER: Thank you very much.

Anzella Nelms.

A N Z E L L A K. N E L M S: Anzella. (indicates pronunciation)

SENATOR BAER: Anzella, that's right.

MS. NELMS: Thank you very much.

SENATOR BAER: Thank you.

MS. NELMS: I know you're all quite exhausted. So are we, because we sat here for four hours, but it was most important that we be heard from the largest school district, and that being Newark, New Jersey.

SENATOR BAER: This is very stimulating. This has not gotten me groggy, and I don't think it has anybody else up here groggy.

MS. NELMS: We appreciate it. We certainly do.

I'm going to be very brief, because I think much has been covered. But I would not have wanted to sit here all day and not voice some concerns and some successes.

I think, maybe, I'll just tell you a little about myself first. I have been in the district for 34 years. Ms. Bolden, the State District Superintendent, has been in the district approximately 31 years. So we have about 64 years among the two of us. Ms. Bolden is extremely committed to wanting to make a difference in what happens in Newark, and so is Maggie and so, of course, am I.

We look at whole school -- no, we look at the *Abbott* decision, not Whole School Reform, as an opportunity to give our children a chance. The youngsters in the urban districts have not always gotten what they were supposed to get, and that's why we have *Abbott*. It would be a shame, now, to have this opportunity and see *Abbott* fail. And it will fail unless we look at

some of the things that we are locking ourselves into and some of the ways that we're doing business as it relates to educating our children.

We do understand that the intent of Whole School Reform is to provide a better education for our children. If Whole School Reform models are more remedial models rather than enrichment models, we're not going to get our children where they need to be. Children being instructed at levels where they're not going to be tested could be detrimental to us. In one of the models, children are tested, and they're placed. Let's say a sixth-grader may be placed in a third-grade level. Let's say a fourth-grader may be placed in a first- or second-grade level. That child has to take the fourth-grade test no matter what.

In our district, we have given CRTs, criteria reference assessments, just to see how our youngsters are performing. And we can already document that our youngsters, in a particular model, had difficulty dealing with the multistep problems that we gave them that would be replicated under ESPA.

While we have some concerns about the whole school models, we're moving forward to implement. I do agree with some of the things that the professor stated, from Rutgers University, but I think if I listened to her, I would see that it's happened, more so, during the first year. During the second year, I lived through the State Department attempting to provide us more direct assistance.

When the State Department reported to you that they had provided showcases and many opportunities for schools and district people to go and learn more about the models, it was absolutely true. They did provide those opportunities.

I think, however, that if anyone said that they may not have been as successful as they could have been, it was because maybe we had not moved into a new paradigm shift where we looked at some of the problems that the districts saw in the implementation of the models. And maybe it did not allow us or our voices to be heard as strongly as they should have been at that time.

There is an attempt, now, for our voices to be heard. And you've heard over and over and over about the illustrative budgets. We cannot finance the *Abbott* districts and the schools based on those budgets. We must have the opportunity to fund the needs of the school and the unique needs of a district or a community. If we do not allow that to occur, we could be setting ourselves up for failure. And one of the last persons who wants to see our youngsters or our district noted as a failure -- "Aha, we did this," or "Aha, we did that," but yet they failed-- We will fail if we're not allowed to individualize what needs to happen in our schools.

In Newark, the early childhood initiative did jump off on a very good start, and I didn't hear too many people talk about that. But we did have 57 centers that opened. Are there some concerns? Are there things that we need to improve? Most definitely. But there are also provisions to allow for that. We do, however, have 57 collaborations with outside centers. We would like, at some time, to be able to fund prekindergarten in our district. At the present time, we have 17 prekindergarten classes that were funded for four-year-olds. They were already funded before the centers, and we were told that we could not increase in our school district until the centers had used their allotment. But that is one thing that we would be interested in doing.

The facilities plan for Newark has been submitted. It is quite expensive. It is about \$1.7 billion. But we have some of the oldest schools -- one of the oldest schools in the country, and some of the oldest schools in the State of New Jersey. And out of our 82 schools, 40 of those schools need to be brand-new schools or brand-new replacement schools.

So this is an issue that we are going to need all of you to assist us with. Our babies do deserve the same beautiful facilities that suburban areas have. And no, we're not interested in pulling money from the suburban areas, but we are interested in having the same facilities and providing for our children the same opportunities that children in those districts have.

An environment does make a difference. It does make a child feel very good. And as Ms. Bolden has said, we must build a self-esteem in our children, and we must improve the quality of life. And with your assistance and understanding and not treating us as stepchildren, we can move forward and make a difference without squandering funding.

I thank you for the opportunity for allowing me to speak, and I request that you partner with us as we move forward to make a major difference in what happens in Newark.

SENATOR BAER: Thank you very much.

Just a second, Senator Rice wants to ask you a couple of questions.

SENATOR RICE: How are you?

MS. NELMS: Hi, Senator Rice. Thanks for staying, Senator Rice.

SENATOR RICE: We're not going to have you come to Newark, and I don't stay.

Let me, first of all, say that the \$1.7 billion need is very real. And that's got to be addressed. There's no way we're going to get around it. And there are folks who understand it, but then there are people who never really come to Newark to look at the buildings. And some of those buildings are historical, just because of the time frame.

But when you look at Newark and all that's taken place, where do we put \$1.7 billion worth of new school construction? That's a concern that is not a State concern.

MS. NELMS: It's a local concern.

SENATOR RICE: That's right. And so we need to be looking at this a little differently from that perspective. The funding is our problem to deal with. If not, we're going to run into trouble, because I don't see how we can use the same land site. But what do you do? You don't put a school up in three months at the summer break.

So I think there are the concerns that we didn't take a look at in terms of land preservation. And then you can't really put schools too far away. But we don't have a choice, which means that we may run into an additional problem, because we may run into a transportation problem, which is going to cost us down the line in the future.

And that's what's sad about this whole notion of waiting so long for the courts to respond.

MS. NELMS: Yes.

SENATOR RICE: They should never have had to respond, but to have to get through that.

My concern, also -- and I made a comment prior to you coming in, because I thought the Superintendent would be here.

MS. NELMS: We're representing her today.

SENATOR RICE: I understand that. I made it very clear on the record. And I want you to take this back, because I don't want a lot of nonsense from the Superintendent because I support her at this time. But the point is that I made it very clear, on the record, for my colleagues and others to understand and for the Commissioner to review, I support both of them.

There is a big deficit in this district.

MS. NELMS: Yes.

SENATOR RICE: And so I'm not going to have people come in from Newark saying, "It was tough getting this program off the ground, based on what the State wanted to mandate, but we stayed with it, and we think we're moving well." You aren't well. You're moving well in terms of what you're doing, but you aren't moving well at all in terms of the economics of the district.

MS. NELMS: That's correct, sir.

SENATOR RICE: And you are due to come off the cliff any moment.

MS. NELMS: I heard you say that, and I appreciated that.

SENATOR RICE: So let's not kid ourselves. I want to make sure that if the Commissioner doesn't tell me, even though I recognize he appoints the superintendent, etc., of this district-- I want the Superintendent to let me know what that real deficit is. I don't care if you have to leak it out through my underground network, but I want to know, because I'm going to be real

angry if I find out we have a deficit and I'm not able to go and put a Commissioner and a superintendent together and let my colleagues know I support these two people to fill in that gap. To me, it has nothing to do with *Abbott*. If *Abbott's* money is going to be put over here and it requires a separate piece of money-- We've got to be made whole.

MS. NELMS: Yes.

SENATOR RICE: I cannot allow that young lady the Superintendent to inherit that. She'll wind up like Dr. Hall. Whether Dr. Hall was good or bad, she was never given the tools to work with. And the State can't keep doing that.

So I, at least, want to be on record with that piece.

As far as the preschool is concerned, I'm glad to know that we are standing on track, because we had a little debate before with the State -- a lot of the districts did -- about the early childhood education. And I know Senator Baer and the rest of us have always said that we've got to work with those community-based organizations because of the lack of facilities in this State -- and we have those relationships. So I'm glad that's on line. And I just wanted to get that out.

The biggest thing, though, is the budget deficit. And I really feel that, in some kind of way, we're going to have to put a coalition together to meet with the mayor and his people. Something was never done in this school district. I don't know how well it's done in other school districts. We have a school board. At least the superintendent-administrators in this state should be meeting on a regular basis, not just the superintendent and the mayor, but

I think those of us at the State level should be a part of some regular meetings on where you're going to grow school systems.

And the reason I said that is because Newark is a good example. Where do you build a school, now, when the construction money comes in? And you can see all the construction hounds at the door, already trying to figure out who can get these construction contracts and things like that.

So, Mr. Chairman, I just wanted to reemphasize those two points. Newark is somewhat different. It's bigger. But we don't have those suburban open space pieces of land. I don't know how we're going to deal with that. So we can't ask for something, in terms of dollars and cents, that we can't even spend.

MS. NELMS: We have assessed the properties where existing schools are on. And in some cases, the existing building could stand and serve as a swing space while we build on the property. We've also looked at the possibility of having swing sites where we can move schools to those sites while the existing school is demolished and the new school can be built. So we do have a long-range contingency plan as to how we can make it happen.

SENATOR RICE: That's pretty much summarized or crafted in the \$1.7 billion facility plan?

MS. NELMS: Yes, sir.

SENATOR RICE: Okay.

SENATOR BAER: Thank you very much.

MS. NELMS: Thank you.

SENATOR BAER: Steve Block.

Thank you for your patience in waiting.

STEVEN BLOCK: Thank you for your patience.

SENATOR BAER: I know the organization you represent has a long record of patience and persistence. Thank God.

MR. BLOCK: Thank you.

We're in our 26th year. We continue to try to do good work.

Before I read into the record my prepared remarks, there are a couple of items that have come up.

Let me say, by the way, my name is Steve Block, and I'm the Director of School Reform at the Education Law Center. And anticipating the question from Senator Robertson, I am not an attorney, despite the fact that I work with and for attorneys at the Education Law Center.

The two things that came up earlier in the day that I think need some clarification with regard to the Court and *Abbott* -- and it has to do with time lines and with the issue of research. The time line issue, raised by the State, is, in fact, a red herring. The time lines largely resulted from the Commissioner's own proposals to the Court, which the Court accepted, and David Sciarra, the Executive Director of the Education Law Center and the lead attorney in *Abbott*, has said, publicly and privately to the State, that if time is a problem in terms of assuring quality, that he would gladly walk arm in arm with the Attorney General back to court. And everyone knows that if the two parties to this action agreed on something, the Court would have no objection to supporting it.

So the issue of time is a red herring. And we've invited the State to ask us to support them if there's a qualitative reason for a change in the

time lines, and they have not done so. So I just want to make clear the record on that, and also to--

SENATOR RICE: Before you go any further on that-- Now, I think what you guys are doing over there is wonderful. I think (indiscernible) is wonderful, but I'm not so sure if you're right, and I'm not so sure if we should give people all the time in the world, as I added those comments this morning in my statement.

When I hear the Board of Education in the city of Newark, who has always been up front in this fight to assist, indicate that, "Look, we've pushed forward, but time was a factor. But now you have Long Branch and other communities say everything," I hear two things here. We want to do it. The model -- you know how we deal with that, and the time frame, have we had much more time plus the money if it's--

So I'm not so sure. I would hope the Education Law Center, knowing how government works -- and don't want to do this thing -- don't be so in a hurry to move forward that you don't get the State to go back and look at the time frame, if it's real.

Now, what you may have to do, based on what I've heard here from some people -- and I think I've heard from the last speaker -- that the time frame may have been in the initial stage because of transition. So it may be smoothing out now. But because you didn't make that statement, please stay with it, okay, because I know I don't get communicated with from the Education Law people as much as everybody else is doing. I've always said that. I also want to let you know -- and that may be because I do take these positions-- I'm with you when you're moving right, but if I have to slow you

down, regardless of what my colleagues say, I will slow you down if it's the best for everybody. We're on the same mission.

SENATOR BAER: Thank you.

MR. BLOCK: Let me read into the record our prepared comments.

New Jersey faced an enormous challenge 18 months ago. The *Abbott* programs and reforms target 300,000 children in 30 communities and nearly 450 schools and represent the most comprehensive response to the needs of disadvantaged school children in our nation's history. So when the Supreme Court buttressed the *Abbott IV* instructional improvement focus and parity remedy with the comprehensive program remedies of its May 1998 *Abbott V* decision, the State had to develop a statewide implementation plan with no precedent either for the scope of the remedies or their scale.

One would have expected State education officials to acknowledge the enormity of the task, the absence of relevant expertise in the DOE, and the large body of research on collaboration and buy in. One also would have expected the State to bring together practitioners and researchers, with strong track records in urban school reform, to tap relevant experience here and around the country.

Sadly, the State did not do so. Instead, the DOE kept tight control, sought virtually no independent help from experts or practitioners with demonstrable track records, and relied on bureaucrats inexperienced in school reform. The result is an implementation approach that fails to adhere to the *Abbott* rulings, educational research, sound practice, or feasible timetables. What should have been a time of great hope for urban students

and educators has, for many, quickly deteriorated into a period of frustration, anger, and even disillusionment.

In the first instance, we reemphasize that *Abbott* requires the State itself to assure the full education benefits that derive from the *Abbott* programs and reforms. The State can no longer operate, as it has for many years, in a command and control, compliance-seeking mode. It cannot blame failure on local officials. Failure is no longer an option. The State now has the responsibility to facilitate district and school effectiveness. This means providing understandable and comprehensive directives, high quality technical help, appropriate deadlines and responsiveness to local planning initiatives and, where the need is demonstrated, additional funding -- in short, everything local educators need to succeed.

As the Court found, “the State cannot shirk its constitutional obligation under the guise of local autonomy.” When we factor in the Court’s insistence that the State treat district and school planning with deference because local educators know the needs of children, it is crystal clear the Court expected a collaborative approach that produces effective implementation. The tension between the enormous potential of *Abbott* and the restrictive, punitive, autocratic State implementation strategy underlies the difficulties parents, teachers, and administrators are having, particularly at the local school level.

For the past 18 months, we have carefully monitored implementation of the *Abbott* reforms and programs. As you know, we filed a motion with the Supreme Court this summer to compel State compliance with the Court’s preschool order. In addition, five weeks ago, we filed an appeal of the Commissioner’s *Abbott* regulations for 1999-2000 in the Appellate

Division. We are hopeful that someday such litigation will no longer be necessary, because the State develops a collaborative process dedicated to full *Abbott* implementation. This hearing is a promising start.

There are four major findings that emerge from our analysis of State implementation since May 1998. Our first finding is that State implementation of Whole School Reform, the vehicle to deliver the *Abbott* remedies to the children at the school level, fails to comply with *Abbott* in almost every respect. The most significant examples of such noncompliance include:

1) ending the presumption of Success For All as the preferred model for Whole School Reform;

2) requiring secondary school adoption of Whole School Reform models;

3) ignoring the mandate for instructional improvement at the classroom level through comprehensive standards-based reform and program comparability;

4) failing to implement the *Abbott* preschool program and failing to link individual preschool programs to Whole School Reform;

5) failing to identify required supplemental programs;

6) failing to identify potential supplemental programs based on need;

7) failing to require and assist needs assessments;

8) failing to establish definitions and standards;

9) failing to develop a funding protocol, to accept the principle of deference, and to adopt the *Abbott* school-based budgeting process;

- 10) determining funding levels without assessment;
- 11) failing to assure funding adequacy;
- 12) failing to evaluate Whole School Reform implementation;
- 13) failing to include children with disabilities and language minority children in *Abbott* planning and implementation;
- 14) excluding *Abbott* charter school students from the *Abbott* remedies.

A more detailed example of noncompliance concerns the State's directives on school-based budgeting, including the use of so-called "illustrative budgets." In the hearing before Judge King, the Commissioner presented illustrative budgets only to demonstrate the possibility that existing funding was sufficient to support his proposed supplemental programs. He further testified that such illustrative budgets would have no effect on implementation and that the State would evaluate each school's needs, budgets, and funding individually.

The Court accepted this representation. However, the DOE is now using illustrative budgets as a prescriptive formula to fix the level of funding that each school will get, depending upon which Whole School Reform model it has adopted. This is entirely inconsistent with the Commissioner's own representations to the Court and the Court's mandate that budgets and funding adequacy cannot be predetermined and must flow from assessments of student and school needs.

Moreover, the State also misrepresents the Court's order on needs assessment by defining particularized need only as an add-on to the illustrative budget and only to justify extra supplemental programs. Here the State makes

two serious mistakes. First, it fails to require assessment of student and school need to justify all budgets, the very underpinning of zero-based budgeting. And second, it fails to identify and adopt standards to guide the manner in which needs assessment can lead to additional funding not just for supplemental programs, but for regular, instructional programs, special education, professional development, and all capacity building programs as well.

Finally, the critical budget setting process is hampered by the State's unwillingness to adhere to the Court's strict limitation on reallocation. Here, the Court insisted the reallocation be permitted only if it did not "weaken or undermine" existing or needed regular educational, supplemental, or special education programs. In last year's budget cycle, uncritical reallocation was the State's principal response to local requests for additional funding, a policy that produced, in some schools and districts, an unwillingness to think boldly about the student and school needs.

Our second major finding is that State policies and practices contradict the growing body of research on reform and implementation issues. Such policies and practices include failure to assess school and district technical and staffing capacity, impediments to reform, and needs, prior to implementation of the *Abbott* remedies; failure to assure simultaneous school reform and district reform; failure to require collaboration between the State and districts and between districts and schools; failure to seek and achieve district and school buy in of the new State requirements; failure to develop definitions and standards for instructional programs, comparability, mandated and needed supplemental programs, professional development, school

management team operations and training, and student, school, and provider needs assessment; school requirements with no basis in research; failure to establish a program of self-review and continuous learning for practitioners at the school and district levels; and failure to assess morale of teachers, administrators, and parents.

Our third major finding is that much of State implementation policy inhibits local creativity and initiative and frustrates the planning process as envisioned by the *Abbott* Court. These include failing to assure alignment between national models and the New Jersey standards.

You have heard a lot of testimony about that today, assigning unmanageable responsibilities to SMTs, including needs assessments, the technical preparation of budgets, and alignment of local curriculum with the State Content Standards; failing to assure sufficient training, assistance, and operational guidelines to SMTs; failing to identify standards for supplemental funding requests; rejecting nearly 90 percent of the requests for additional funding; failing to anticipate and resolve the potential conflict between local professional development committees required by the continuing education regulations and the SMTs required by the *Abbott* regulations; assigning nonexpert personnel as school review and improvement team members; failing to require assessment prior to selection of a national model; failing to require schools and districts to collaborate on assessment, planning, and implementation; requiring collaboration with community-based preschool providers and then excluding community buildings in the definition of school facilities; and finally failing to use first-year implementation results to improve second-year regulations.

Our fourth and last finding is that the time lines established by the State are unreasonable and impractical. The State directed districts and schools to submit plans without sufficient time to develop capacity; to conduct studies of need; to train personnel; to involve parents; to plan, with attention to research where there is such research, and with attention to best practices where there isn't.

And often, following submission of these plans, the State failed to respond in a timely manner. For example, while requiring districts to plan in less than two months their preschool programs, the State took three and one-half months to issue decisions on district preschool plans. And six months after the submission of five-year facilities plans, the State still has not completed even reviewing the plans, let alone issuing formal decisions.

It has taken 30 years of litigation to establish the rights of disadvantaged school children to a thorough and efficient education. That is long enough. It would be unforgivable if another generation of children leave school ill prepared for the next century because State actions frustrate local initiative and fail to provide the leadership required to effectively implement *Abbott*.

Accordingly, we urge the Legislature to follow up this important hearing with further oversight hearings and legislative initiatives designed to assure effective implementation at all levels. Specifically, we recommend the development and adoption of a statute to provide procedures and standards required by *Abbott* and thus far ignored by the State. Such a statute would accomplish several purposes. It would assure compliance with the Supreme Court orders; establish a collaborative statewide *Abbott* Council to oversee

statewide implementation; hold the State accountable for statewide implementation; and authorize and fund ongoing, independent, comprehensive evaluation of State performance and local school and district implementation.

Thanks again for the opportunity to discuss these issues. And I want to say that we at the Education Law Center, as always, would be happy to provide any technical assistance to the Legislature should you consider our suggestion that an *Abbott* statute is essential to assure quality implementation statewide.

Thank you.

SENATOR BAER: Thank you.

I'm very interested in -- I suspect other Committee members, but I can't speak for them -- in your assistance on this statute you're talking about. Do you have any kind of an outline? Can you provide us with any kind of an outline? Can you provide us with a draft or whatever?

MR. BLOCK: For sure.

I will say to you that we have a very extensive critique and set of recommendations to the *Abbott* regulations contained in the packet that I gave you this afternoon. And many of the ideas that we think ought to find their way into a statute are found in that. That is, sort of, the basis of our critique of the way the State is implementing *Abbott*. And so a lot of what we would say, in terms of the statute, would come from there. But yes, we can certainly provide you with an outline and help with even drafting language, for sure.

SENATOR BAER: Very good.

I wanted to ask you this. The *Abbott v. Burke* has been -- *Robinson v. Cahill* -- has been back to the Court a number of times. Is there a way where

the Court -- maybe a lower court has a master or something like that, which you have used in other aspects of this issue -- could be involved so that as some of these more detailed issues of implementation come up, it doesn't -- the jurisdiction and authority would already be there, and it wouldn't require having to have the time delay and the cumbersomeness of having to go back to the Supreme Court?

MR. BLOCK: That's an excellent question, Senator. In fact, it is one of the major proposals that we put before the Supreme Court when we brought the preschool motion this summer. You recall there was extensive oral argument on the 13th of October. One of the proposals we've made is that the Court appoint a special master, because the process the Court lays out in *Abbott V* is a process which assumes that disputes will only occur between individual districts and the State.

The Court assumed good faith, statewide implementation. It did not expect a wholesale statewide violation of what it had ruled in *Abbotts IV* and *V*, as we, unfortunately, now have experienced. So we've asked for the appointment of a special master -- a judge who could hear, on an expedited basis, statewide issues.

We've also asked that the district-specific process involving the Office of Administrative Law be given strict time lines because, currently, it's controlled by the Department. So if you appeal a Department decision and the Commissioner's office chooses to not act expeditiously, as has been the case-- We have several appeals from last year carried over into this year. We're going to soon have this year's appeals. And without the Court directing a new time line for that, we'll have appeal, after appeal, after appeal piling on

to each other, and we won't get a timely resolution of these appeals for the district-specific complaints.

So that's a second piece of our set of recommendations.

SENATOR BAER: I understand, and I understand how the Office of Administrative Law operates. Is there-- Do you have any indication as to when or if the Supreme Court is going to make a determination on that procedural issue that I raised that you brought before them?

MR. BLOCK: Yes. In fairness, we don't have any hints about whether -- first off, whether the entire -- when the entire preschool motion will be decided or if they will take up our request for a special master. What I can say to you is that, in thinking back on *Abbotts IV* and *V*, the decisions came out eight to ten weeks after the oral argument, which suggests to me that, with a little luck, we'll get a decision before Christmas, which means next week. So we'll keep our fingers crossed. We're hopeful.

SENATOR BAER: That would be a wonderful Christmas present--

MR. BLOCK: It certainly would.

SENATOR BAER: --to the youngsters of this State and the parents.

I had some other questions. They slipped my mind.

Why don't you go ahead.

MR. BLOCK: May I make one statement about the packet that I've shared with you? Included in the packet are the issues on appeal that we presented to the Appellate Division, in which we challenge the regulations for 1999-2000. Also there is our, as I said earlier, recommendations and our critique of the regulations that we submitted to the State this summer. In

addition, there are language recommendations to improve S-15 to make it conform to *Abbott* as we see it. Those recommendations are being widely distributed, and there's been a good deal of positive responsiveness to them.

And finally, there's a little study we did on security -- the security programs in the *Abbott* districts and showed how, again, State implementation dramatically departs from what the Court expected.

SENATOR BAER: Let me ask you this. In your laundry list of criticisms of the State here, are there any of these items which the State -- in which the State and you are in agreement so far as the second cohort, where the failure might be attributed to some of the start-up problems in the first cohort?

MR. BLOCK: That's a good question. Unfortunately, I can't answer it affirmatively because we've not yet had the extensive conversations. We are hoping to begin shortly, with State officials, to see if we can get to a meeting of the minds on a lot of the outstanding issues. We are hopeful that under the leadership of the new Attorney General and the new Commissioner that there will be a move to no longer isolate the Education Law Center, as was the case in the past, but rather to incorporate us in the conversations so that we might avoid the litigation in the future.

SENATOR BAER: That would be very valuable.

MR. BLOCK: We'd all be very happy about that.

SENATOR BAER: Whether it would be avoided or not, it would certainly narrow the area of dispute, whether that is focused on by the courts or, to some degree, by the Legislature. But it has been quite a period of time

since we've had the new Attorney General and the new Commissioner. Have you actually approached them with the idea of going over these things?

MR. BLOCK: There are ongoing conversations, yes, sir.

SENATOR BAER: Okay.

Ron.

SENATOR RICE: Believe it or not, we must all be thinking on the lines-- You mentioned it, Byron asked it, and I was thinking the same things, because I'm not in the mood of defending the new people today, but I just believe that when I was new I'll be criticized, too. I would like to see you all get together to see if we can patch things up.

But I also want to say that you need to be honest with yourself. When you run into problems from the legal perspective, understand that these Commissioners, at least the new one, is inheriting what folks started -- the processes. I've had one-on-one conversations with him. I really believe that if everybody said do what you want to do, we'll be going.

My feeling is that we run into this division -- substantial division that it's been in the past. It's going to be because of those of us in the Legislature and the administration. So you've got a poor person there, who don't really want to -- who wants to do the right thing but can't.

So when you talk, be mindful of that. And hopefully, we can free him up some kind of way, etc. And the same thing with the Attorney General, Farmer. I don't think it should be a one-on-one discussion. I really believe that, in some point in time, someone should forge those meetings for everybody to come to the table. I know the phone call stuff doesn't get it, the letters are not getting it.

Through the Chair -- maybe if, Mr. Chairman, you can help arrange a situation where the indirect conversations about coming together -- would just cease this, and everybody come together on the initial meeting. And that should be a request from the Legislature to make that happen. And if the Governor wants to say no, then that's fine, but we should, at least, try to get this thing going. With the new year coming up -- it will be April -- you all will be still saying we will communicate, and it's going to happen.

MR. BLOCK: Senator Rice, you're too young to remember this, but some 25 years ago or so, when the first T and E statute was being implemented, you'll recall the Public School Education Act of 1975 following the Supreme Court decisions in *Robinson*, there was truly a collaborative effort across the state. Folks were getting together all over the state, in every district. And it was a very open time to try -- a very high time to try. Now, it turned out that the statute didn't have the legs to solve the problem, but, at least in terms of the leadership being provided in those days by the State, there was truly a lot of collaboration at all levels. And I think that's what we're seeking now. We think, as others have said, as we've said, this is such a significant moment in New Jersey's history, given the opportunities *Abbott* provides, that we need to really make it high profile. Everybody's got to sit at the table.

I absolutely agree with you, Senator Rice, that's really the direction we need to go in. I think there's enough talent in this state that if we brought people together, we could resolve this, we could develop the programs that are needed in these districts, and we can be sure that State implementation doesn't frustrate, but rather encourages and enlivens local involvement.

SENATOR BAER: I was in the Legislature then, in those ancient times, when that happened.

SENATOR RICE: Thanks for flattering me, but I was the cop running around in the radio car. My son was three. I got back from Vietnam, but I remember.

MR. BLOCK: Okay.

SENATOR RICE: But we've got to make it happen now. And sometimes I know the process well enough-- That's how long I've been in the process. I know that as much as you want it to happen, the other end will patronize you and say, "Okay." If we don't force it, sometimes it doesn't happen. But we don't want to force it in such a way that folks are angry with us and take it out on you. That's why, if the Chairman -- he has a good way of bringing these meetings together.

SENATOR BAER: Thank you.

That's all the questions that I have.

Now we also have Dr. Richard Levin.

MS. SCHULZ: I don't think he's here.

SENATOR BAER: Now, we also have a Loucious-- I may be mispronouncing it because it was hard to read.

SENATOR RICE: Jones.

SENATOR BAER: Jones -- Loucious Jones.

Mr. Jones, thank you for your patience.

LOUCIOUS JONES: Not a problem.

I'd first like to start off by saying that -- Senators and Assemblymen -- that if they don't give you a copy of the guide, I will, because I have a copy of the guide.

My name is Loucious Jones, L-O-U-C-I-O-U-S. I'd like to basically start off with--

One of the Assemblymen asked a question. And his question was where are those students from when this case was *Abbott v. Burke* or etc.

I'm 32 years old, and I'm one of those students. And sitting in here and hearing the conversations, it disturbs me, because instead of being educated I find that I was more of a theory that-- When I look at it in retrospect today, I feel hurt and bothered.

I'm going to start off-- I was born in the city of Newark in 1967, during the year of the riots -- 1968. I was raised by a mother who raised seven boys and two girls. She taught us to get an education. She did it by herself. I remember talk of a social worker from welfare coming into the house and asking -- looking for my father and asking him -- asking my mother if he was there -- to leave. He was not allowed, based on that particular time, to be in the house if you were on public assistance.

I went to elementary school and high school. As a student, I was a victim -- attacked, kicked, stomped, and eventually lost the total vision in my right eye from those acts.

Let's get into the present. I have-- Presently, I have a one-year-old and a ten-year-old child attending a school in Newark. I thought that being a victim of the system-- As I was jumped in 1985, I said I wanted to be a part

of the solution, and I created several organizations to try to deal with that and became a community-based organizer.

I said, "Okay, they've got something new here." It's an innovation, an evolution, they call it. And in this evolution and innovation, they indicate that it's changed -- it's a progressive change of what it used to be. So I became a part of this Whole School Reform process. And what I realized -- that in being in this process on management teams-- I'm talking to you from the ground floor, ground zero, grass roots, the citizens and the people that actually have to implement Whole School Reform.

I'm a little sad to see that there weren't enough parents and community people here testifying. We had a great -- a lot of educators, which is great. But you have the community people and the teachers, they're the ones who are implementing the Whole School Reform.

What I found out and what I experienced is basically the opposite of what Whole School Reform is all about. They don't want to educate the children. They don't want the children to learn. They do everything in their power to prevent that from happening. The model is nothing but a mockery. It is \$50,000, based on 450 schools, that could be used to buy the things that they say we need. You do the math. Fifty thousand dollars.

I've spoken to educators, and they've indicated to me that it takes approximately 15 years to see the results of this efficient and thorough education, or the Whole School Reform models, in place -- 15 years -- a minimum of 5. But when the State came in here, we had youngsters in eighth, seventh, sixth, fourth, twelfth, eleventh grades. What are you going to do with them? Are we going to give them to the dogs? Does the Federal government

know more about what's going to happen than we do? That's why we have 400, 500, 600, 700 more cops hitting the streets, bigger jails, Wall Street getting in on the profit. What are we going to do with these youngsters that they can't educate?

Just last year, the Irvington District terminated 500 students because they were over the age of 16. And this is a practice that is across the board. We have real serious problems. I went to my SMT supervisor, Matthew Bruster. I wrote up a list of complaints. I went in, just like Dr. Salley decided-- He wants to challenge the system to see if it really means to do what it wants to do.

The complaints went nowhere. I gave it to the Assistant Superintendent of SLT 5, nothing. I went to the SRI. Eventually, I met with Jackie McConnell. Basically, Ms. McConnell's comment to me was, "Don't hate the players, hate the game." I immediately let her know, "Okay, we both recognize that it is truly a game." We have real serious problems.

I reviewed and purchased the statutes on thorough and efficient education. I bought the series from Westlaw. And in this thorough and efficient education-- I see everything in this thorough and efficient education concerning what not to do and what to do if you have a problem. But there's nothing in here about Whole School Reform. So I agree with Steve Block. There has to be a statute.

Since the Commissioner feels so strongly about his Whole School Reform, let's use the very rules he set forth, because in the code, he knows the answers because he wrote the questions. In this thorough and efficient education-- I mean, the codes -- parental involvement. Parental involvement

in the SMTs is a practical joke. They said that we are supposed to have parents to be elected. We are being appointed. They said that the community is supposed to be involved. They are not soliciting community.

My SMT, specifically at Lincoln School, for example -- and I sit on three -- is 45 percent teachers, 30 parents, and 5 percent community. They told us that we were supposed to be prepared -- we're supposed to write the budget, we're supposed to be responsible for the budget, which is the true implementation of Whole School Reform, the budget. That's really what Whole School Reform is all about, the budget. They gave us 32 days -- 35 days. They let us know around October 15 or the end of November-- How many days do we have out -- the school have out in November? The budget has to be in by December 14. They gave one trainee at West Side High School that I can remember and another one in Wayne that I can remember-- West Side High School has tables and bookshelves -- how many people can you actually fit in there?

They gave it at 9:00 in the morning until 12:00 in the afternoon. How many parents can make those meetings?

The State Board of Education, in my opinion, is basically charading, and they're telling-- And down the line, we're going to fill up the jails, we're going to have Wall Street creating jails, we're going to have chaos because our youngsters can no longer -- they cannot--

Why is corporate America bringing people from out of state to fill these \$60,000 and \$70,000 and \$80,000 jobs? Our children are not getting it. Do you know how I know our children are not getting it? I was one of those children. My daughter is one of those children. For a matter of fact, I

received a response from one of the assistant superintendents who told me, "Take your child out of public school. Put your child into a private school, a charter school. And once your child reaches sixth or seventh, pull her out of private school and then put her in a magnet school." It's saddening.

Another question -- another comment of a young lady who went to public school for eight years. She graduated honor roll -- *A* and *B* student, took the test to go to one of the magnet schools, and was told she did not qualify to pass the test and had the highest scores in the school.

It is a very sad situation we're in. It is very sad because the Commissioner and his staff, his SRI people, they are not even paying attention to their own codes. They don't even recognize their own codes. They don't follow their own codes. I talked to them. Even in the district-- The district is basically charading around, trying to keep up with what the Department has asked for. Every day it's something different. Every day it's something different and something different.

At Lincoln School, we decided that we were going to be responsible for the budget. Okay. We had to vote. They said, "Okay, you have to consent." Do you know how we consented? We consented like this. We raised five fingers, three fingers, two fingers; one finger if you -- five fingers if you totally agree, four fingers if you somewhat agree, three fingers if you agree, and so on and so on until you put up a fist. Now, what kind of technique is this? This is the way we consented. And if you put up one finger, the bill is passed. It goes.

Now, if we can't agree at all, we have to vote. All right. It doesn't take a math scientist to figure out that you've got 45 percent teachers who are

scared. The principal runs the school. She's basically doing what she has to do, breaking all the rules that she has to break, to make sure she's not embarrassed or going to be reprimanded.

We have serious problems here. We have serious, serious, serious problems. When I created the illustrious-- When we worked to create the illustrious budget, I put my name on the budget committee at this specific school. They never notified me. They never notified any of the parents. They created the illustrious budget. They created the cross-- They have something called cross curriculum standards -- workplace standards where you have to deal with social issues.

In the training that they gave us -- I went to all the training that they gave us at the district level, it tells us to go back to the school and ask for *A, B, C, and D*. When we go back to the school and ask for *A, B, C, or D*, we're ignored, not taken seriously, or glossed over. So you tell me how Whole School Reform works.

Whole School Reform looks like the same old reform. It isn't going to work if-- It can work, but it's only going to work -- until the Senate and the Assembly makes a law, that way parents can be able to have a controversy and dispute side to deal with. Right now, the Commissioner of Education, he has the bottom line -- he makes the bottom -- he decides. He doesn't even have a controversy and dispute-- And unless I have money or thousands of dollars to file a court case and pay lawyers and judges, and etc., I can't file a controversial dispute -- or no other parent. So you know what parents tend to do? They tend to opt to do nothing.

Do you want to see if Whole School Reform is working? You ask these districts, "Let me see your parents. Get them out here." Ms. Bolden had a superintendent's meeting with parents. Now, you would imagine that there's got to be at least three or four parents on each and every one of these committees -- these SMTs. The Newark District, there's got to -- there's 86 kids -- I mean 86 schools. There's got to be 240 parents that you can be able to reach. They're involved, they're active. Her attendance was, what, 50 or 60? They're not reaching parents and they're not reaching students.

My daughter learns in the basement -- in the basement -- of the school, right next to the boiler room. We have a library where the gym was split in half and poor heating. You know what the school told me? They told me -- they said, "You ought to be happy we're getting some heat because four years ago we didn't get anything." So what I'm saying is that they are just satisfied to get a crumb -- just a crumb. And I'm looking and I'm saying that this can't be the way. This is the way it was when I went to school.

Here we are approaching the 21st century, and it took 30 to 32 years to get a case like this into court and decided on. So where do we really live? For me, this is 1969. We're actually in 1969. We're 32 years behind. And you know what? I've got a cousin who's doing 20 years in Rahway State Prison. Why are our young people on the street? Why are they out there hustling? It's because, obviously, they see something that parents and grown-ups don't see. It don't take a rocket scientist-- They're saying, "Hey, we're in the computer age." They're creating-- We see so much. We can see what's going on on the other side of the world in 30 seconds. And our schools are so

behind and afraid. They're afraid to leap out. They want to have a high tech system, and they have a poor touch. And they don't have high touch.

What's saddening for me, when I sat here and listened to the Assemblymen (*sic*) and I watch how many young people have died, been killed or murdered, it's-- We have to ask the question.

This law book means that it works two ways. These law books-- And I've learned that law is in everything that has essence in New Jersey or in this country. In the Congress, I heard about the rule of law. I don't want to have to get into that. The rule of law-- But we know that if they don't get it on the educational side, then the rule of law will get them on the justice side.

Senators and Assemblymen, I conclude. And if you have any questions, I will hear your thoughts.

SENATOR RICE: Mr. Jones -- Loucious, thanks for coming down as a community person as well as a parent.

We're understanding our mission and our task. Often times people think we don't. But I always tell people that I haven't seen too much that can't be done if we come together. I think you understand the division.

I'm glad you corrected your statement when you indicated that your daughter had to learn in a basement. Those conditions, today, shouldn't exist, and that's why we're talking about school reform. But in school reform context that would be berthed-- We're talking about construction of new schools to bring these things up to date. But I also recognize that, as was said earlier, we have to focus on instructions and what we expect our young people to learn. I learned in those same basements, and so did you. We've got to remove those conditions, but I always tell people that we can't let those things

be barriers to us until such time that we get all this reform where it's supposed to be.

I think the danger in education, or at least some of the problems I've seen in education in the city of Newark over the years-- There are those of us agreeing and disagreeing but fighting the system for change. Sometimes the change doesn't come about as rapidly as it should come about because there are too many of us with too many ideas on how it should be done. That slows the process. What is taking place, on the other side, where folks should be teaching and we should be learning-- That process just stops, while we spend time confusing the system on the other side or, at least, debating it.

We've got to learn -- I believe that in New Jersey, particularly in urban districts -- is how to move forward to make the changes necessary in as quick a time as possible, provide the resources. But while that battle is taking place, we've still got to be committed to the other side and convince ourselves that we still can accomplish the goals of educating the young people with whatever it is that we have.

I think, when we said we can't do that, not only are we letting the young people down, we're bad role models and we're shortchanging our own intellect and the collective -- because our history has been one of learning in bad conditions from the time -- at least our experience -- of slave folks and on. And that's where me and some folks disagree, not so much on what we should have and how fast we should have it, but what's taken place over the years in our arena while we debate those issues and while those issues are too slow coming. That's where we have dropped the ball, and that's where I've seen

other districts not drop the ball. They'll fight the battle while they continue to educate and make sure our kids, generation after generation, before them--

Thank you again, Loucious.

MR. JONES: Senator, before I go, one of the things I'd like to say is one of the things that the SMTs dire -- are in dire need of is that they follow the laws of the land. One of the things we had to do is we had to make sure that we wrote into our bylaws that we follow State and Federal laws.

One of the things that concerns me is when the Department of Education and some of the districts say, "We don't have to make public the meeting dates or locations." That bothers me because that means that they're not trying to reach the public. That truly bothers me. Now, there is a Public Meetings Act. If they're not following the Public Meetings Act, then how are they reaching the public? If you're talking about community policing and community schools--

They have to change their attitudes, their thinking, and if they really want public and parent involvement, then they have to prove that they want public and parent involvement. There are parents getting kicked, slapped, cursed at, yelled at, hollered at across the system. And every year, if the SMT fails--

Now, you can-- When I give you a copy of-- If they don't give you a copy of the guideline, I'll give it to the Committee -- a copy of the guidelines that the Department of Education drafted. You'll look in, even in the codes, if a Whole School Reform model does not work, they simply start all over again, all over again. They throw that in the garbage, and they pick something else. And what the teachers are telling me is that it's the same old

thing. Before Whole School Reform, before SMTs, there were core teams. And before that, it was something else.

So my thing is that we're spending money, we're wasting money. They got the parents, they got the community caught up in things that don't work. They got us confused. And you know what we lose in the process? We lose valuable time.

Thank you.

SENATOR BAER: Mr. Jones.

MR. JONES: Yes, sir.

SENATOR BAER: There are a number of things I want to say.

I'm very glad that you testified here. And I think it's very important that we have the perspective of the community parents such as yourself.

I'm reminded of 36 years ago, when I started to get involved in my own community because of deficiencies in the schools. And that led to my becoming a community organizer for a few years. So I think I have a sense of what you've been experiencing. And as I gradually began the research and to teach myself some of the documents and rules and laws and things that were involved, and talked to folks, never dreaming that it would lead to my holding any public office, although a few years later, transitionally, I learned that it was important to get involved in trying to influence whoever else was being elected or who one wanted to see removed from office--

But the-- I happen, by the way, to be the person that wrote the Sunshine Act, the Open Public Meetings Act. And the inspiration of that was based on situations that I experienced such as you described, where folks didn't

want people to know what was going on. And years later I found myself in the Legislature, in a position to do something about it. That Act, by the way, needs to be strengthened a lot. And people that -- who hold office and take the kind of position that you describe, are probably not in conformity with that law, although they may be trying to use a couple of the weak spots in it.

But I'm glad we have, on the record, your comments. And I hope you continue to stay involved, because I've seen so many people like yourself make a real difference when they stick with it.

Thank you for your testimony.

MR. JONES: Thank you very much, Senator. And I will stay involved and will stay active. As a matter of fact, I made it my life's work.

SENATOR BAER: I understand we have one other witness, Sherrie Joseph.

This is the last witness, to the best of my knowledge. If there's anybody else who's waiting to be heard, come up to the table and write a -- let us know your name.

S H E R R I E J O S E P H: Good afternoon, Senators.

My name is Sherrie Joseph, and I'm Project Manager of a whole school implementation here in New Jersey for the Comer School Development Program.

It was not my intent originally to testify, so I do not have a prepared statement; however, there were a couple of things that surfaced and kept being repeated this afternoon -- this morning and this afternoon -- that I'd like to just comment on.

One is that I'd like to support the recommendation that was made that serious consideration be given to looking at the extent to which we are doing simultaneous central office, district, and school reform, because we feel that that is critical to the success for implementation of Whole School Reform, regardless of the model. So I'd like to support that recommendation that was made earlier.

But one of the things that I'd like to really comment on is the illustrative budgets. One of the perceptions that is out there is that the illustrative budgets have been developed by the models. That is not the case. The models are involved in contributing to those illustrative budgets. Those staffing requirements and components are the model that need to be included in the illustrative budget.

However, all of the models are not the same. And one of the testimonies that you heard this morning spoke to the fact that most of the illustrative budgets are very similar. For instance, the Comer School Development Program does not get involved in dictating staffing requirements for schools, such as the number of teachers, whether there's an assistant principal or not. However, that is considered a part of the illustrative budget. And the illustrative budget does have the headache of the Comer School Development Program as it does for all models.

However, over the last two weeks, I have spent a great deal of time writing for schools who are presently submitting their budgets -- justification for components that their management team and their school staff feel should be included in the budget. And we have to write and sign off on a justification

for those components. So that's further illustration that the illustrative budgets are not developed by the models.

Yes, the State Department of Education asked us to sign off on the illustrative budget. And the first year -- what we did was to sign off, saying that all of the components of Comer have been included, but we also made the point that there were aspects of the budget that we do not govern. And we were concerned that it was being represented as our budget. And as we have talked to many schools, we have pointed out to them, because when many schools last year in the first cohort lost their assistant principals, they called me, very angry, saying, "Because of your model, we lost our assistant principal." And I explained to them that that was not the case and that we do not govern that type of staffing, and that what we really do advocate and support is that schools should be allowed to determine what their needs are based on their written plan and based on the goals that they have.

So I really do want this to go on the record that the models do not -- that the illustrative budgets are not developed solely by the models. The illustrative budgets simply ensure that they include components that the models have as requirements. And for us, it simply includes a facilitator -- a full-time Comer facilitator. It includes a part-time parent facilitator. It also includes the recommendation that there be a person at the central office who is responsible for serving as a liaison between the schools and the central office.

We also support enrichment programs that students need in order to build the academic skills. And we also support the need for support staff who will address some of the needs that students bring to schools that might interfere with their being able to maximize their learning experience.

And so we support the relaxing of some of the rigidity around the illustrative budgets, because we feel that that would then serve the schools well and would prevent some of the back and forth that they have to engage in to defend what they have decided that they need in order to achieve Whole School Reform.

SENATOR BAER: Thank you.

Do you have any questions?

SENATOR RICE: Yes, what I got a little confused on-- I apologize. It's been a long day.

MS. JOSEPH: That's all right, I understand. I need something, too.

SENATOR RICE: You indicated -- you gave an example that someone was irate because they lost a principal--

MS. JOSEPH: Assistant principal.

SENATOR RICE: --assistant principal.

MS. JOSEPH: Yes.

SENATOR RICE: Where is the confusion coming in again? What has to be corrected? Apparently, it sounds like something is--

MS. JOSEPH: The illustrative budgets that the schools receive -- that they are to use to develop their school budgets--

SENATOR RICE: Right.

MS. JOSEPH: --include a staffing pattern. And for schools with students below a certain number, an assistant principal does not appear in that staffing. So--

SENATOR RICE: Within that illustrative budget.

MS. JOSEPH: In the illustrative budget.

And so what happened in the first cohort was that, in schools with fewer than 500 students, their assistant principals were, indeed, removed from the building.

And so when we called the State Department of Education to, No. 1, question that and also to question why it was being seen as something that the model required, we were told that a number of factors go into developing those illustrative budgets. But schools don't always have the benefit of that.

One of the things that happened with this year is that schools, for the second-cohort schools-- They did, however, receive a lump sum of money, and they were told that if they could justify certain positions, certain programs, that they would be allowed to keep that staff and those programs. However, as a model -- as a developer, what we have to do is to sign off on those requests. But it may--

Now, this is the first time we are doing that this year, so it may or may not mean that once they put it in that budget it is something that they will be able to keep once they begin their negotiation with the State Department.

SENATOR RICE: I don't like this. Something's not right there. Something's dangerous here. I'm not sure what, but--

If you have any suggestions or comments, I think -- something about what you're saying I don't like. Not having funds, having funds, developing, signing off, it may be there-- That is very dangerous. Now, I'm not sure what it means. Either I'm missing something, or it's not sitting right with me.

MS. JOSEPH: I think what you're hearing is what you've heard from several of the persons who have testified today in that we need to be a little more-- As a matter of fact, I wrote it down.

One of the-- A couple of the witnesses said that the illustrative budget needs to provide more flexibility, because what is happening is the illustrative budget that schools receive, prior to beginning the budget process, governs, to a large extent, the kinds of things that they will put into their budgets. They're zero-based budgets that they are developing at school that will be submitted to their district and, subsequently, to the State for approval.

And so this serves as-- It's designed to serve as a model, but our experience last year was that it did serve, to a large extent, to determine what they were able to keep and those kinds of things that they were not able to lead into their plan and get funding for.

So again I really do feel, as one of the developers, as someone working with the schools as they struggle with these budgets, that it is a process that deserves careful examination.

SENATOR BAER: Thank you.

On the illustrative budgets, it's been suggested that this is complex enough and important enough that it would be helpful to get further detailed information on it. The record is going to be open for, at least, 10 days for anything written to be submitted by yourself or any other person. There's a particular need for that, I think -- for us to get fuller information on the weaknesses and the recommendations relative to the illustrative budget.

That record will be open for any purpose, but I think it would be particularly helpful if any person would give us their thoughts, relative to the illustrative budget.

I think there's nobody else to be heard here today, so the meeting will be adjourned.

(HEARING CONCLUDED)