



**TESTIMONY OF EDUCATION LAW CENTER
ON THE
QUALITY SINGLE ACCOUNTABILITY CONTINUUM
BEFORE THE
JOINT COMMITTEE ON THE PUBLIC SCHOOLS**

December 4, 2018

Senator Rice, Assemblywoman Jasey and members of the Joint Committee on the Public Schools, thank you for the opportunity to address issues concerning New Jersey's Quality Single Accountability Continuum, or QSAC.

Education Law Center (ELC) recommends the Legislature make two major changes in the QSAC statutory framework based on our involvement in enacting the law initially and in trying to address issues that have arisen over the past 15 years of implementation, especially with regard to State takeover of school districts. We also recommend this Committee examine and ensure the NJ Department of Education has the capacity, resources and expertise to provide quality and timely assistance to schools designated low performing under the federal Every Student Succeeds Act (ESSA).

As you know, QSAC created a road map for the return of State takeover districts to local control, while also serving as the monitoring system for all districts in the state.

QSAC was enacted in 2005, as a means for the State, through the Department of Education (DOE), to monitor district performance in key operational areas including budgeting, governance, personnel, facilities and the like. QSAC also required corrective action in these areas when district performance did not meet established benchmarks. The State district takeover provisions, which were enacted in 1989, were incorporated into QSAC as the ultimate sanction for continued performance in the areas of QSAC monitoring. The takeover provisions were also revised to put in place requirements for districts under partial or full State takeover to regain control of their school systems.

In enacting QSAC, the Legislature did not intend the takeover provisions to be used as a vehicle for allowing the Executive, through the DOE, to impose its preferred set of education reforms on districts under State operation, especially since those districts and their communities would have no say in reforms that could have long-lasting impacts after the State relinquished control.

Rather, the takeover mechanism in the QSAC framework was intended to allow the State to intervene and fix identified problems and exit as quickly as possible.

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But in the case of Newark, Jersey City and Paterson, state intervention lasted for decades and only now is coming to an end. State takeover in Camden has continued for over half a decade with no end in sight.

It is also important to note that the four districts that have been subjected to State takeover serve very high concentrations of low-income children, English language learners, and students with disabilities. These districts are almost exclusively African-American and Latino. As a result of State takeover, voters, taxpayers and parents in these communities have effectively been disenfranchised and disconnected from the operation of their neighborhood schools for literally decades.

Put simply, there no question that State takeover is a failed strategy for improving school district performance.

Further, QSAC's inclusion of curriculum and instruction as a component subject to the monitoring regime is a major factor for State takeover becoming a means of permanent, long-term State control of districts. It is extremely difficult for many districts, including those under takeover, to achieve satisfactory performance in the curriculum and instruction component of QSAC. As a result, districts are unable to demonstrate the progress required to trigger a return to local control.

To address these concerns, a major overhaul of the QSAC statute is long overdue. ELC recommends the Legislature take the following actions:

- 1) Repeal the State takeover provisions of QSAC entirely: State takeover as a means to improve educational opportunities and outcomes has proven, over these many years, to be completely ineffectual. Furthermore, State takeover is obsolete. Since 1987, several new tools have been put in place to address fiscal and other problems in local districts. The fiscal accountability law was enacted over a decade ago to surgically deal with districts in fiscal and budgetary crisis, allowing for the appointment of a State Fiscal Monitor with power to override local boards of education and fix broken budgets. QSAC itself determines whether schools and districts are meeting educational performance benchmarks and, if not, prescribes interventions by the State to make needed improvements in program and instruction.
- 2) Eliminate the Curriculum and Instruction component from the QSAC statutory framework: QSAC is, at bottom, a district-wide compliance monitoring mechanism, not a strategy to support improvements in curriculum and instruction in schools designated as low performing. Further, because high need districts are often unable to meet the QSAC benchmarks for "satisfactory performance" on the indicators in this component, QSAC perpetuates the message from the State of "failing schools," which is counterproductive to building strong, inclusive efforts to improve outcomes in under-performing district schools. In fact, in order to exit takeover, Newark, Jersey City, and Paterson had to be given "waivers" because

performance benchmarks in Curriculum and Instruction were unattainable for these districts (and many other high need districts).

Also, identification of under-performing schools and efforts to improve curriculum, instruction, professional development, student supports and other crucial issues are required separately under the conditions attached to New Jersey's ESSA plan mandated by federal law, the DOE rules for school improvement to implement the federal school improvement mandates, and DOE rules for programs to improve performance in districts classified as "high need." QSAC does not support, but can impede, the intense focus necessary to bring about improvement and positive change in schools designated as low performing under ESSA.

- 3) DOE capacity: This Committee is uniquely suited to focus on examining the core barrier to improving curriculum and instruction in low performing districts – the ongoing inability of the DOE to bring strong leadership and quality technical assistance and support to diagnose and address deficits in under-performing schools. This examination must include a thorough review of the now defunct DOE Regional Achievement Centers (RACs), which, at least based on anecdotal evidence, failed in their core mission of supporting teachers, principals, administrators and parents in building and sustaining improvement efforts in schools designated under NCLB as low performing.
- 4) DOE resources: After two decades of test-based measures to identify low performing schools, followed by mandates for corrective action from the State, the DOE has proven itself under-funded and under-resourced to provide crucial assistance to work collaboratively with school stakeholders and bring high quality assistance to the table to support and sustain school improvement efforts. This Committee would do a huge service by digging in to examine, analyze and respond to build DOE capacity on this issue. ELC is ready to assist in this effort. Further, the Committee should engage with representatives from the Newark, Jersey City, Paterson and Camden districts about their experiences under State takeover and with the RACS to evaluate which efforts by the DOE were helpful in terms of school improvement, and which were unhelpful or even counter-productive.

The time has come to put an end to the improper use of “full State intervention,” including maintaining control for extended periods to further the preferred education policies and reforms of a given administration and the disenfranchisement of local communities. A streamlined and improved QSAC may well serve as a useful school district accountability system, but district takeover has no place in the law or in the State's arsenal for school improvement.