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**TESTIMONY OF EDUCATION LAW CENTER ON  
NJ QUALITY SINGLE ACCOUNTABILITY SYSTEM**

**SENATE EDUCATION COMMITTEE**

**MARCH 24, 2014**

Thank you, Senator Ruiz and members of the Senate Education Committee, for the opportunity to testify on behalf of the Education Law Center (ELC) on the State's monitoring framework for local school districts – the Quality Single Accountability System (QSAC). Our statement will focus on the substantial concerns that have arisen since 2011 over the Commissioner of Education's implementation of QSAC as it relates to Jersey City, Paterson, Newark and Camden – districts under State operation known under QSAC as districts with “full State intervention.”

QSAC was enacted in 2005 to overhaul the State's performance monitoring of districts. The statute established five separate areas of core district functions to be evaluated on three-year cycles – fiscal, operations, personnel, governance, and program and instruction – and established a uniform set of performance indicators for each area. The Act also established a benchmark score of 80 or above in each area as satisfactory, warranting no intervention by the Department of Education (DOE). For districts scoring below 80 in any area, QSAC requires a district- and DOE-approved improvement plan, with regular DOE review to ensure progress towards satisfactory performance.

QSAC also amended the State Takeover law in response to the call for a clear roadmap for the State to restore local control to Newark, Jersey City and Paterson, which at that time were well into their second decade of State operation. The statute fundamentally altered the "all or nothing" approach in the initial takeover law, by authorizing "partial withdrawal" when the district scored over 80 in one or more QSAC areas on its comprehensive evaluation, an incentive for districts to improve and restore control on an area by area basis. The Act also required the Commissioner to provide intensive technical assistance to spur improvement, along with six-month reviews to assess district progress towards achieving satisfactory performance, followed by State withdrawal. The Legislature's objective was clear: to have the Commissioner work

cooperatively with districts to boost performance to the satisfactory level and then withdraw, area by area, if necessary.

After enactment, the Corzine administration implemented QSAC in the takeover districts as intended by the Legislature. After achieving satisfactory performance scores, four areas were returned to local control in Jersey City – fiscal, personnel, governance and operations. In Newark, operations was returned in 2009 and, in 2011, the district was poised to regain control of fiscal, personnel and governance, having scored over 80 on the comprehensive evaluation. In 2011, Paterson scored over 80 in governance, expecting restoration of that crucial area. After two decades of State operation, district improvement and restoration of local control appeared to be on the near horizon.

When the Legislature enacted QSAC, no one could have foreseen what occurred when Governor Christie took office. Instead of working collaboratively with districts to improve and quickly exit, the Governor instead utilized State takeover to maintain control. His stated objective: advance his own preferred educational reforms in the takeover districts – increasing numbers of charter schools, merit pay, closing and selling schools and, most recently in Newark, the request for a waiver from tenure requirements. The Governor's intentions were made clear in March 2011, when he publicly stated that the State would run the Newark schools whether or not Newark achieved satisfactory performance under QSAC.

In Newark, despite having scored over 80 in fiscal, governance and personnel, Commissioner Cerf refused to withdraw from those areas. In Paterson, he similarly refused to withdraw from governance even though the district scored above 80. On appeal, these decisions were upheld because of the lack of clarity in the statute over the meaning of "sustained progress." However, the Commissioner did, in court, agree to return fiscal to Newark because the district had scored over 80, not just on the comprehensive evaluation, but on several prior progress reviews.

Thus, implementation of QSAC under the Christie Administration has turned State operation on its head. Because the Commissioner, in effect, is monitoring his own performance and has utilized the discretion afforded by the statute, takeover has become a means for State operation with no clear path to returning local control. In addition, the Commissioner has shown no interest over the last four years in cooperatively working with districts to improve under QSAC and then promptly restore local control on an area-by-area basis, as this Legislature intended.

It's time for the Legislature to step in and address this untenable situation. QSAC must be amended to ensure effectuation of the core legislative intent behind takeover – to

have DOE work with districts to improve as quickly as possible in order to achieve prompt restoration of local control. To accomplish this core objective, we recommend the following amendments to the QSAC statute:

- 1) Require that QSAC comprehensive evaluations and six-month progress reviews of districts under full State intervention be performed by an independent entity, under contract with the DOE. DOE should be required to issue RFP's for the independent entity, and obtain approval of the Joint Committee before selecting the outside evaluator. This would remove the inherent conflict of interest we now have where the Commissioner conducts QSAC evaluations and progress reviews of the State's own performance in operating the district.
- 2) Clarify the statute to make clear and unambiguous that achievement of satisfactory performance by scoring over 80 on the QSAC indicators on the comprehensive evaluation in any area requires the Commissioner to promptly restore local control over that area. The restoration of full voting authority in fiscal, operations, personnel, and program and instruction should not be dependent on the district's score in governance. Further, the statute needs a short time frame – no more than 3 months – for State withdrawal and restoration of control to the district, even in the area of governance.
- 3) The role of the Advisory Board must be clarified to specify that the Advisory Board should operate in the same manner as any other school board, including voting, except for the authority of the State Superintendent to veto any Advisory Board vote.
- 4) Clarify that the DOE progress reviews of implementation of the district's improvement plan must be conducted every six months and that, within one month of the review, the DOE must issue and make public the results of those reviews.
- 5) Enact the pending legislation that would give Advisory Boards the authority over whether to approve the closing of a district school.
- 6) Clarify that any application for a new charter school, or amendment to an existing charter, must be provided to the Advisory Board with an opportunity to file comments on the application.
- 7) Amend the Urban Hope Act to require Advisory Board approval for the district to submit an application for a renaissance school.

8) Amend QSAC to require the Commissioner to demonstrate a sustained lack of progress in implementing an improvement plan in any Order to Show Cause to initiate full or partial state intervention. The Commissioner should also be required to demonstrate the efforts made by the DOE to assist the district in making necessary improvements. The statute should make clear that State intervention is only permitted as a last resort and upon clear and convincing evidence that all other efforts by the State to improve the district's performance have failed.

State takeover was enacted as a means for the State to bring about expedited improvements in basic district operations, such as budgeting, governance, facilities and the like. These amendments are designed to restore QSAC and state takeover to this core mission, and put an end to improper use of "full state intervention" to further other education policies and reforms by indefinitely maintaining control for extended periods, now running into two decades in Jersey City, Paterson and Newark.

Thank you and we look forward to working with you on this critical issue.