



# **Education Law Center**

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## **TESTIMONY OF EDUCATION LAW CENTER TO THE JOINT COMMITTEE ON SCHOOL FUNDING REFORM ON PROPOSED ACCOUNTABILITY MEASURES**

Co-Chairmen Conaway and Adler and Members of the Committee:

Education Law Center's mission, since 1974, is to advocate for equal and adequate educational opportunities for all New Jersey public school children, especially those living in our state's disadvantaged communities. We also serve as counsel to the over 325,000 children – mostly poor, African-American and Latino -- who attend preschools and K-12 schools in our state's poor urban or Abbott districts. I present this testimony on behalf of these children.

We became aware only yesterday of the Committee's intent to consider the specific proposals at today's hearing. This short – and unreasonable – timeframe makes it impossible for ELC – and I'm certain many others who are here or would be here if they knew about this proceeding – to analyze and offer meaningful comments on the merits of these proposals.

Accordingly, ELC urges the Committee to hold off taking any action today, and schedule another hearing, with ample notice and opportunity for stakeholders and concerned citizens to provide input on these proposals. We also recommend that the Committee immediately refer these bills to the standing education committees for review, input and action by those committees.

Virtually all of the proposed measures amend or implicate laws developed and approved by those committees, some in recent months. For example, this past Monday, the Assembly Education Committees approved amendments to the Quality Single Accountability System (QSAC) to address concerns raised by the Commissioner of Education, our new district monitoring system which will be directly impacted by many of the new mandates on local school districts contained in this Committee's proposals.

The standing Education Committees have the experience and expertise dealing with our complex web of accountability laws, especially those which this Committee is proposing be amended and changed. It is essential that those Committees have the opportunity to consider these proposals, and obtain public input, before they are acted upon by the full Legislature.

I would offer the following general questions and comments on the proposed legislation.

First, we cannot support establishing even more mandates on local school districts that will then have to be monitored by the Department of Education – such as the requirements for travel policies, board training, preparing “user friendly budgets,” etc., especially at a time when the DOE is just beginning to implement QSAC and there are already serious concerns about the Department’s capacity to handle this system.

Before considering any more compliance mandates on local districts, I would urge this Committee to carefully review the recent report issued by the Rutgers Institute for Law and Education Policy evaluating the DOE’s efforts to implement QSAC monitoring in several pilot school districts earlier this year. The report raises serious concerns about the ability and capacity of the DOE to handle the multitude of compliance requirements already required by QSAC.

In other words, we ask you to stop placing even more requirements on local districts such as these – most of which concern details which have little to do with the critical issues facing our schools today and simply pile more paperwork on already strapped local educators – at least until we gauge how DOE performs the daunting monitoring tasks it already has under QSAC, not to mention under the Abbott reforms, the Fiscal Monitor Law, Charter School law, and all other existing statutes and mandates imposed upon the Department.

What we would recommend, however, is that this Committee propose legislation directing the Office of Legislative Services to commission an independent evaluation of DOE’s handling of QSAC over the next two years – similar to the IELP study – with an appropriation of up to \$1 million to pay for the evaluation. This would give us solid information on how well the State is fulfilling its accountability responsibilities under QSAC, and provide critical information to determine what policy or organizational adjustments or modifications are needed.

Second, we all know the DOE has been unable to meet its accountability responsibilities to all school districts under our monitoring and other laws, and to the

Abbott districts under the constitutionally mandated Abbott programs, reforms and accountability measures.

Directing the Commissioner of Education to conduct and evaluation of her Department and propose yet another reorganization plan will not address the fundamental and long-standing problems with this organization. It's like asking an engineer to design a plane while flying it.

And we've been down this road before. Last year, ELC sued the Commissioner to compel it to prepare a DOE plan to manage its accountability responsibilities under Abbott, and prepare a budget for the almost \$15 million in Abbott parity funds it keeps to perform these constitutionally mandated functions.

The Judge ordered the Commissioner to prepare a plan and, because the Department did the plan itself, it did very little, other than rearrange the furniture a bit. What it did not do was produce any critical analysis of the Department's current functions against a set of clear accountability priorities and goals; proposed no real substantive changes to address the challenges and capacity deficits confronting the agency; and offered no mission and data driven strategic (short term/long term) plan and budget to meet those challenges.

If we want real organizational change, and a Department that will respond to the most urgent educational challenges facing our schools – especially Abbott and other schools that need real help in educating large numbers of disadvantaged students – it won't happen by having the agency evaluate itself. We must take a different course.

We strongly recommend that the Committee draft legislation to authorize, through the Office of Legislative Services, an independent evaluation or evaluations of the entire Department. The Committee should articulate the priority functions the Legislature wants from the Department, such as monitoring budgets for efficiencies; implementing new programs and reforms such as preschool and middle and high school reform; collecting and analyzing student and school data; conducting research on programs to determine effectiveness; and providing technical assistance and other help to districts and schools in need of improvement under No Child Left Behind, Abbott and QSAC. The evaluation should also cover all organizational needs and areas, such as strategic planning and goal setting; leadership, staff capacity and impediments to attracting new staff; technology infrastructure needs; outsourcing critical functions to private and university partners; relationships with key state agency partners such as the Schools Construction Corporation; relationship with the Legislature; public transparency of actions; and communications to stakeholders, legislators and others.

The evaluation should be performed by a team of outside experts, knowledgeable about the role of state education agencies in school reform, organizational structure, human resources, strategic planning and budgeting, communications and other issues.

We also recommend two additional independent evaluations. First, we need to evaluate the current manner in which the legislature performs its oversight and policy making functions related to education, and propose changes to improve your capacity to respond to the complex challenges facing our public schools today. And second, we need to authorize the Court-ordered, and long overdue, evaluation of the landmark Abbott reforms. The Court and this body have repeatedly directed the Department to launch the Abbott evaluation but, after six years of implementing the reforms, it still has not done so. The Abbott reforms have been remarkably successful in many areas, but less so in others. Let's finally learn more about what's worked, and what hasn't, all of which will be of enormous benefit as we work to improve not only Abbott schools, but all of our schools.

We recommend you authorize an appropriation of at least \$2 million for these evaluations, and we recommend you direct the Commissioner to allocate this amount from the Abbott management funds, much of which has not been spent at the end of each fiscal year.

Thank you.