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Boards of Education of City of Bridgeton,
Burlington City, City of East Orange,
City of Elizabeth, Gloucester City,
Keansburg Borough, City of Passaic,
State-Operated School District of Paterson,
Pemberton Township, City of Perth Amboy,
Town of Phillipsburg and
City of Trenton

RAYMOND ARTHUR ABBOTT, ET AL.,	SUPREME COURT OF NEW JERSEY
Plaintiffs	DOCKET NO. 42,170
v.	CIVIL ACTION
FRED G. BURKE, ET AL.,	
Defendants	

CERTIFICATION OF DR. MICHAEL E. GLASCOE

Dr. Michael E. Glascoe, of full age, hereby certifies as follows:

1. I am the Superintendent of the State-Operated School District of Paterson ("District"), which is designated an Abbott district under this Court's Abbott rulings. I make this Certification in support of the Motions of the Movants-Intervenors: (1) to intervene in this action in opposition to the State's motion for a Court Order declaring that the School

Reform Funding Act of 2008 ("SFRA") is constitutional and that the Abbott remedial orders are no longer required; and (2) for an immediate Order that the procedural protections established by Abbott v. Burke, 153 N.J. 480, 526-27 (1998), including the right of Abbott districts to seek on appeal additional funding based on a showing of demonstrated or particularized need, shall remain in effect pending a final decision on the State's Motion.

2. I have overall responsibility for implementing the Abbott programs and reforms in the District to enable all students to achieve the New Jersey Core Curriculum Content Standards ("NJCCCS"). This includes the submission of requests in prior years for supplemental funding, based on a demonstration of particularized need, to support existing and supplemental programs, services and positions, as well as additional, demonstrably-needed programs, services and positions. The District has also sought such additional funding through the Abbott V administrative and judicial process when the Department of Education ("DOE") denied needed funding.

3. I am familiar with the demographics of the District and our student population that support the continuation of the Abbott designation, with the features of our schools that are

very different from the hypothetical "model" school district that provides the foundation for the SFRA's formulas, with the supplemental programs and services that have been successful in the districts, with the District's prior experience in requesting supplemental funding and appealing DOE denials of that funding, and with the impact of the SFRA on the education of our students in the coming years.

4. In past years, when the District sought supplemental funding, the District and the DOE worked collaboratively to reach agreement on a supplemental funding amount that would support the District's DOE-approved budget, which included funding for effective and efficient needs-based programs, services and positions. This process enabled the District and the DOE to engage in a constructive dialogue about the educational needs of our students and to discuss specific programs, positions and services that would be needed to help our students achieve the CCCS and to overcome their socio-economic disadvantages.

5. In those few instances when the District and the DOE could not reach agreement on the appropriate amount of supplemental funding, the District had the opportunity to seek review of DOE's decision through the administrative and judicial process established by the Court and by the DOE

regulations.

6. The opportunity to discuss with the DOE the need for supplemental funding for specific programs, services and positions needed for our students, and the ability to have full administrative and judicial due process to challenge DOE denials of that needed funding, have been integral to the District's efforts to provide our students with a thorough and efficient education. Through this process, the District has received millions of dollars of supplemental funding. This Supplemental funding has also been essential to meet important needs of our students so that they can overcome the significant impediments to education as a result of their socio-economic disadvantages and benefit from the District's educational programs.

7. Contrary to the DOE's claims in the motion, the administrative and judicial appeals process has successfully worked to facilitate a productive dialogue between the DOE and our District on supplemental funding needs for our students. The mandated funding formula dictated by the SFRA provides no opportunity for the District to seek additional funding based on the demonstrable needs of our students, no matter how substantial or compelling the needs of our students are and no matter how great the obstacles that they must overcome to

benefit from our educational program.

8. Our students will suffer if the formulaic amounts fail to provide the needed funding for programs, services and positions that are essential for our students' success. If the SFRA will provide the needed funding, as the DOE claims, to continue all of the programs, services and positions to address the special disadvantages of our students, then there would be few, if any appeals. However, if the SFRA fails to provide that funding, then the effect of the statute is to deprive the District and its students of the fundamental right to seek additional funding to meet those needs. I do not perceive any educational justification for a curtailment in the SFRA of the due process right to seek demonstrably needed funding for our students.

9. I was quite surprised to learn that the DOE viewed the supplemental funding process as fostering an "adversarial relationship." I had always viewed the process as an opportunity for collaboration to determine the programs, services and positions required to meet the needs of our disadvantaged students. I am not aware of anything during this process that has impeded the ability of the District and the DOE to work together on a variety of issues to increase the opportunity for our students to receive a thorough and

efficient education and to facilitate the ability of the District to operate in an efficient and fiscally responsible manner.

10. Although the State claims changes in the Abbott districts, the District remains in District Factor Group("DFG") A, based on 2000 data, which is the same DFG the District was in at the time of the original Abbott designation. The District's poverty concentration, according to the DOE still exceeds 60% **(it is approximately 86.3% based on free and reduced lunch according to the NJDOE EWEG)**, and, as Professor Goertz explains in her Certification, the District still possesses the requisite demographic, economic and educational characteristics for Abbott designation.

11. I am not aware of any State Board, DOE or legislative study or analysis of the criteria for Abbott designation that would justify the elimination of the District from the list of poorer urban districts designated as Abbott districts. I am also not aware of any State Board, DOE or legislative study that would support the ability of the local taxpayers in this District to provide the local fair share contemplated by the SFRA without resulting in municipal overburden.

12. I examined the single model district -- the large K-12 district -- that the DOE utilized to develop the SFRA base

cost amount, as well as the at-risk funding "weight." The model district that served as the basis for SFRA's adequacy budget is not representative of the actual size and configuration of the schools in the District.

13. The major differences between the SFRA model district and the District are in the student enrollment and the number of elementary, middle, and high schools within this District. These differences are as follows:

(a) The SFRA model district assumes a total student enrollment of 5,240 students for the district. The District's total regular education student enrollment is 24,950.

(b) The SFRA model district has six elementary schools of 400 students each; the District has 32 elementary schools with student enrollments ranging from 105 to 1105. These elementary schools consist of various configurations (K-4; K-8, etc.). Four of those schools house more than 1000 students. The district has two schools (grades 5-8) with student enrollments ranging from 250 to 465. Two themed academies grades (5-8 and 6-8) have student enrollments ranging from 70 to 90. Although these schools contain only middle grades, they are not traditional middle schools.

(c) The SFRA model district's one high school with 1,640 students does not resemble the 2 comprehensive high schools with student enrollments ranging from 2090 to 2400. The Performing Arts High School has a student enrollment of 245; additionally there are 11 offsite academies with enrollments ranging from 68 to 210.

14. Although the DOE claims that the resources in its SFRA formulaic model exceed the resources necessary for a district to implement the Abbott V Chart of Supplemental Programs and Services, there are programs and services that are not identified as inputs in the SFRA model, but that are currently in place in the District. For example, the DOE failed to input early literacy reading blocks and assessment in determining the cost of providing a thorough and efficient education for at-risk students. These early literacy reading programs were first implemented as a result of the NJDOE mandated Intensive Early Literacy Initiative in 2004. The early reading initiatives have been instrumental in boosting our achievement scores in the elementary grades. In the District, early literacy reading blocks and assessments are implemented in all elementary schools and this program has resource requirements, which are not accounted for in the SFRA formula.

These include administration of LeapFrog, DIBELS, DRA, and Terra Nova.

15. The SFRA "at risk" inputs also fail to include, among others, the following positions that the District needs to serve at-risk children: school community liaisons in middle and high school; school-to-work and college transition counselor(s)/program in the high school. The following additional positions, including vacancies, provide foundation for our school-based programs: approximately 35 elementary literacy coaches; 36 elementary math coaches; 37 elementary facilitators; 6 secondary facilitators; 6 elementary media specialists; 3 secondary media specialists; 27 elementary librarians; 3 secondary librarians; 20 technical technology support/network support staff; school-based technology coordinators; and an enriched nutrition program for breakfast and lunch to enable our students to be ready to learn.

16. The SFRA formulaic inputs also fails to include adequate funding for the "exemplary programs" for art, music and special education in the District, which were identified by the Court in Abbott V as requiring special protection. Nor do the SFRA inputs provide funding for the technology positions and other technology needs and enhancements to help our

students master the CCCS and compete with their peers in the wealthier districts.

17. The SFRA model district only allocates one social worker to an elementary, middle and high school, respectively, while the District has and needs 51 social workers in the elementary schools, 3 social workers in the middle schools, and 15 social workers in the high school (these totals do not include social workers for our students in out-of-district placements).

18. The SFRA at-risk weight is based on an input of one parent liaison at the elementary, and no resources for parent involvement in middle and high schools. In the District, parent involvement is critical for recruiting parents to join parent participation programs, fostering parenting skills and career development, and increasing parental education to support student learning at home. There are currently 26 part time parent liaisons at the elementary, 2 at middle school level and 4 parent liaisons at the high school. There are 9 vacancies at the elementary and middle school level and 7 vacancies at the high school/academies.

19. The SFRA model does not include any of the additional resources or costs related to elementary Whole School Reform

("WSR") or to the mandated Secondary Education Initiative ("SEI") in middle and high schools. Elementary WSR requires implementation of a model program or alternative design, and SEI consists of establishing smaller learning communities within schools; providing ongoing support to students and their families; and increasing the academic rigor of curriculum and instruction. In the District, schools no longer have contracts with Whole School Reform Model Developers. The District has generated cost expenditures to write and implement cohesive and unified district curriculum (ten adopted content areas curriculum frameworks since December 2006). The District is currently in a five year cycle for review of curriculum and adoption of textbooks. Two to three content areas are reviewed annually and new textbook adoptions for those areas generally exceed 1.2 million dollars each. The SEI is implemented in both the middle and high schools in my District. However, there is no input in the SFRA for the additional costs relating to these educational programs.

20. The implementation of required Abbott programs and reforms has already resulted in progress in the District.

- **Test scores increased in Paterson Public Schools in 2006-2007.** 78% of our General Education student population demonstrated higher passing percentages in Mathematics and Language Arts tests (across all grades 3-8 and 11) and 64% of Special Education

student passing percentages were higher in the state's Mathematics and Language Arts tests, compared to last year's results (again, across all grades 3-8 and 11).

- **Compared to last year, there were double-digit gains** posted in passing percentages across all students (Total) in Grade 3 Mathematics and Grade 6 Mathematics.

- **The number of schools in Paterson making "Adequate Yearly Progress" doubled** in the 2006-2007 school year, from 5 schools in '05-'06 to 12 schools in '06-'07.

- **Overall graduation rates in Paterson climbed to 60 percent in 2007,** an increase of 20 percent since 2005. In John F. Kennedy High School, our largest comprehensive facility, graduation rates increased 14 percent from 2005 (60 percent) to 2007 (74 percent). At Eastside High School, the second largest comprehensive high school site in Paterson, graduation rates increased from 77 percent in 2005 to 83 percent in 2006.

- **Student attendance in Paterson has exceeded** the 90 percent state benchmark for the last three years, hovering between 91.9 percent (2006-2007) to 92 percent in 2005-2006.

- The Balanced Leadership program at Paterson Public Schools is helping to create the advanced leadership skills necessary to ensure student achievement. Data shows that without effective leadership, achievement efforts will decline. Currently, 147 staff members are voluntarily participating in the Balanced Leadership program, including the nation's first ever "aspiring" leaders, for those who are inspiring to become school leaders. Altogether, 11 individuals have been promoted to new roles in the district and are working to effect change and a strong sense of community in their schools or departments.

21. Despite this progress, the District still requires the Abbott remedies and adequate funding to meet the special needs of our students and to overcome their severe disadvantages.

22. In addition, improvements in the more advanced grades are just beginning. The DOE, in response to the Abbott X, mediation agreement, only just established the SEI in 2005 and its implementation in middle and high schools in Abbott districts is starting to have a positive educational impact at these levels.

23. As a direct result of the SFRA and increases in non-discretionary expenditures in the 2008-09 school year, the District will have to cut current, approved expenditures for programs, services and positions in 2008-2009, including the following: academic support staff and selected other instructional and support staff, as well as reductions in instructional and technology materials, etc.

24. There are other programs, services and positions in the Chart of Supplemental Programs that are demonstrably needed by our students, which the District will have to eliminate or reduce in the 2008-09 school year and in future school years under the SFRA's formulaic approach. These include the following:

- The District has over thirty classrooms where enrollments exceed 30 at the elementary level. Academic Support teachers were assigned to reduce student teacher ratio and provide differentiated instructional support. These positions have been reduced and or eliminated.
- Positions to support technology are jeopardy. The District is not able to meet the ratio of 1 computer for every five students including peripherals and software.
- The district has been identified as a District in Need of Improvement under NCLB. We do not have the funding to implement the necessary improvements.
- Currently, professional development is a required program (with no required baseline) to: (1) provide ongoing, continuing opportunities for practitioners to improve practice; (2) to focus on all the core curriculum content standards; (3) to provide teachers and administrators with a variety of rich meaningful learning experiences, based on student need; and (4) to provide regular support and feedback for classroom teachers. Positions

associated with delivering building based specific professional development are in jeopardy (literacy coach, math coach, and facilitator).

- The district contractually offers tuition reimbursement to encourage staff to improve their skills and knowledge. Tuition reimbursement costs are up 8% every year while the budget decreases 10% each year.

- Each school currently reviews need assessment student achievement data. Programs are designed and implemented to assist students in meeting content standards and proficiencies which increases instructional time and targeted instruction. The following programs are in jeopardy of elimination:

  Instructionally-based after school programs

  Instructionally-based summer programs

25. Under the SFRA, the cuts in the District's overall budget will be even more drastic in the next two school years, 2009-2010 and 2010-2011. As a result, more and more current approved foundational and supplemental programs, services, and positions will need to be cut.

26. I am also concerned that because our classification rate for special education students (15.5%) is above the Statewide average of 14.69% used in SFRA and because the District will be unable to raise sufficient local fair share to meet the additional special education expenses, the District will be compelled to reallocate regular education funding, at-risk funding and other SFRA revenues from our already strapped budgets to satisfy the federal and state mandates for special education. In the past, the District could seek supplemental funding to address those special education needs and to avoid reallocations from the budgets for regular education and supplemental programs, services and positions. That opportunity is no longer available to the District under the SFRA.

27. Without the ability to demonstrate the need for Abbott supplemental funding, the District will likely have no alternative but to reduce and/or eliminate needed programs, services and positions/staff in 2008-09, 2009-2010 and 2010-2011 in order to address budget shortfalls under the SFRA. As the transitional "adjustment aid" decreases or is not appropriated (since there is no assurance of such aid), reliance on local fair share increases, and budget shortfalls grow, the District faces the realistic prospect of eliminating

all the Abbott remedial positions, programs and services and losing all the gains in educational programs, services, positions and progress obtained under the Abbott remedial mandates.

28. Since the implementation of the Abbott mandates, the DOE has never analyzed or assessed in the District the implementation, effectiveness or costs of foundational and supplemental programs, services, and positions required and demonstrably needed for our students. Therefore, I do not understand how the DOE, without actual data on the needs and realities in the Abbott districts, could have arrived at a formulaic base amount for regular education or at the formulaic weight for providing those additional programs, services and positions needed to meet our students' disadvantages with sufficient accuracy to deprive us of any right to appeal for additional, needed funding.

29. In sum, the SFRA formulaic approach requires the District to make severe and drastic cuts in programs, services and positions that will prevent us from implementing the Abbott mandates, require the abandonment or reduction of current programs, services and positions to implement the Abbott mandates, threaten the progress we have made in this District under the Abbott decisions, and preclude the District from

seeking supplemental funding for demonstrably needed programs and services for our students beyond what the SFRA formulas allow.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Michael E. Glascoe

Dr. Michael E. Glascoe

Dated: May 9, 2008