State Takeover as a Reform Strategy: A Study of State Takeover Policy in the State of New Jersey

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STATE TAKEOVER AS A REFORM STRATEGY: A STUDY OF STATE TAKEOVER POLICY IN THE STATE OF NEW JERSEY

BY

DENNIS R. FROHNAPFEL

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Submitted in partial fulfillment of the requirements of the degree of Doctor of Education
Seton Hall University
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Last, and certainly not least, my beloved sister Joy, who has been both my pride and joy throughout my life.
DEDICATION

To my mother, Dotty, who has taught me the true meaning of perseverance, especially in the face of great adversity. I recall what she wrote in my graduation album from Saint Paul of the Cross Elementary School on June 15, 1967:

"Life is but a crooked railway,
but the engineer is brave.
Who can make his trip successful
from the cradle to the grave."
CHAPTER I

Introduction

The issue of failing school districts has been the subject of debate since the late 1960s. Over the last decade, policymakers in almost every state have established rigorous performance standards for students, schools, and districts (Ziebarth, 2001). In an effort to guarantee that states meet their responsibility, many have enacted policies and legislation that empower them to intervene in school districts that fail to meet state standards. In response to growing concern over dismal performance of public school systems, a variety of reform initiatives, such as state takeover of local school districts, the creation of charter schools, and the implementation of state vouchers have been proposed, debated, and enacted (Carl & Green, 2000).

In 1972, the New Jersey Supreme Court ruled in Robinson vs. Cahill that it was the state's responsibility, in the event the local school district failed, to provide a thorough and efficient education for our children (Robinson v. Cahill (I) 303 A.2d 273, 1973, April). Robinson, the plaintiff, was a student enrolled in the Jersey City Public Schools. In general, the court ruled that only the Commissioner of Education could consider a claim of, and grant relief requested by, students' seeking judgement declaring that finance provisions of the state statutory system of funding elementary and secondary education violated both the education and equal protection clauses of the New Jersey state constitution. It further indicated that the entire state system of financing public education produced gross disparities in financial resources for education, and that action cannot be
barred by a plaintiff's failure to exhaust administrative remedies available through the Commissioner of Education. In addition, New Jersey began annual state-wide testing of its students. The test scores revealed then, as they do now, the schools and districts which fail to provide children with an adequate education.

In 1973, the New Jersey Supreme Court held that the method by which the state was funding public education was unconstitutional (Robinson v. Cahill (II) 306 A.2d 65, 1973, June). Apart from the funding issue, this decision added a new dimension to the powers of the state over public education. In this context, note the following passage from that decision:

A system of instruction in any state which is not thorough and efficient falls short of the constitutional command. Whatever the reason for the violation, it is the obligation of the state to rectify it. If local government fails, the state must compel it to act, and if the local government cannot carry the burden, the state must itself meet its continuing obligation (p. 282).

This decision ordered the legislature to define the components of a thorough and efficient education and to establish an adequate state aid funding formula for all schools in New Jersey, to ensure its implementation throughout the state. In addition to establishing a new state aid formula, the Public Education Act of 1975 (also known as the T&E Law and Chapter 212) sought to address the issue of a definition and to establish a mechanism to ensure that a thorough and efficient education be provided to all students throughout the state. It was precisely these provisions of the law that the Supreme Court regarded as "crucial to the success of the legislative plan as well as the argument that the statute is facially constitutional" (Robinson v. Cahill (III) 351 A.2d 713, 1975, May).
In 1975, the Public Education Act of 1975 (also known as the T&E Law and Chapter 212) was enacted. This law required the Commissioner of Education to annually evaluate each school district in New Jersey. Specifically, the law declared that if the Department of Education determines that a local school district was failing to provide a thorough and efficient education as defined by the legislature, the State Board of Education would have the authority to issue an administrative order, in the form of a Remedial Plan, to the local board of education which may include budgetary recommendations and/or other measures deemed appropriate by the Commissioner of Education.

In 1981, the New Jersey Supreme Court upheld the basic constitutionality of the Public Education Act of 1975, Chapter 212. As a result of that decision, then Commissioner of Education, Saul Cooperman, changed the evaluation system making the process more stringent, and school districts more accountable. It is the responsibility of the Commissioner of Education to intervene in school districts and assure that:

1. Policy is made without political interference, such as positions being created and abolished, personnel transferred, demoted, promoted, and hired, without justification, with each change of municipal government; and

2. Sound financial practices, as well as an efficient administrative structure is in place.

Under the Public Education Act of 1975, Chapter 212, the Commissioner of Education was granted vast powers to intervene in failing school districts. When a district is taken over, it is placed in receivership until the state can put the local district in order. Takeover unlike intervention can only take place after a district has completed three levels of monitoring and evaluation, and has failed to achieve state certification standards.
Level I monitoring is conducted pursuant to New Jersey Administrative Code, Title 6:8-4.1 and involves 10 elements encompassing 51 indicators that form the basis of a thorough and efficient educational system. Each public school district is evaluated with respect to these 10 elements in order to achieve certification. These elements are: (a) Planning; (b) School and Community Relations; (c) Comprehensive Curriculum and Instruction; (d) Student Attendance; (e) Facilities; (f) Professional Staff; (g) Mandated Programs; (h) Achievement in State Mandated Basic Skills; (i) Equal Educational Opportunity and Affirmative Action; and (j) Finances. If the district passes the Level I review conducted by the County Superintendent’s Office, it achieves state certification. If the district fails Level I, it is placed in Level II monitoring. The district has 30 days to appoint a committee, comprised of local and outside administrators, and has 45 days to design a plan to correct the deficiencies identified in the Level I monitoring report. If the Improvement Plan is approved by the County Superintendent, the district has one year to implement the corrective action.

Level II monitoring is conducted pursuant to New Jersey Administrative Code, Title 6:8-5.1 and is an extension of the Level I process, whereby the district under review is given additional time to correct its deficiencies. If the district is not recommended for certification upon completion of the Level II improvement plan activities, the County Superintendent, in conjunction with the Assistant Commissioner for Field Services, submits a summary report to the Commissioner of Education that the district not be certified. The State Board of Education is notified of the Commissioner's decision not to certify the district and, if affirmed by the State Board, the Commissioner notifies the
district that it has not been certified. At this juncture, the Level III monitoring process is initiated.

The Level III monitoring process is conducted pursuant to New Jersey Administrative Code, Title 6:8-5.2 and is the third and final level of the monitoring process which is conducted by Department of Education (DOE) staff and educators from other districts with expertise in those areas in which the district is deficient. A report of the findings of this review is issued by the Director of the Office of Compliance to the Assistant Commissioner for Field Services. Based on the report, one of two decisions is made:

1. The district will develop and implement a corrective action plan to meet the directives delineated in the Level III Report; or

2. The identified deficiencies are so severe that a more intensive comprehensive compliance investigation, also known as the Level III Compliance Investigation, should be initiated.

The vast power of the Commissioner and State Board of Education to intervene in school districts has been policy for more than two decades. It is generally recognized that the State Board and the Commissioner of Education have considerable authority to regulate the operations of local school districts. This authority derives from the New Jersey state constitution.

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 five and eighteen years (Article VIII, Section IV). The Commissioner of Education, as the chief executive and administrative officer of the
Department of Education, is charged with the responsibility for the "supervision of all schools of the state receiving support or aid from state appropriations,...and he shall enforce all rules prescribed by the State Board," pursuant to N.J.S. 18A:4-23.

The Commissioner also has the authority to prescribe curriculum and to approve locally adopted curriculum (N.J.S. 18A:4-25), withhold approval for school construction (N.J.S. 18A:45-1), and withhold state aid from any district which fails to comply with education law or regulations (N.J.S. 18A:55-2). Moreover, the Commissioner and the State Board of Education have the power to hear and determine educational controversies and disputes (N.J.S. 18A:6-9), and determine local school budgets.

In 1987, the New Jersey Legislature enacted a law (N.J.S. 18A:7A-15) allowing the State Board of Education to take over responsibility for the operation of chronically failing public school districts. This law, commonly known as the state-operation law specifies that districts which fail to provide a thorough and efficient system of education to their students, may be taken over by the Department of Education for a minimum of five years.

The criteria for becoming a State-operated school district in New Jersey is characterized by a district's unwillingness or inability to meet the state certification standards, which consist of a series of performance and quality control benchmarks referred to as monitoring indicators. These indicators assess a variety of district-level performance issues, such a student performance on state standardized tests, student attendance and dropout rates, the conditions of school facilities, and school-level planning requirements.
Statement of the Problem

City and state takeover of public school systems has gained prominence as a school reform strategy. Twenty-four states allow takeovers of local school districts, permitting state officials to exert authority over a district in the case of "academic bankruptcy" or woefully low-performing schools (Wong & Shen, 2001). To date, school district takeovers have occurred in eighteen states and the District of Columbia. The first takeover of a school district occurred in 1989, when the New Jersey Department of Education ceased control of the Jersey City Public Schools, which was characterized as a public enterprise that has reached a state of managerial bankruptcy. Large urban systems, including Chicago, Washington, D.C., Cleveland, and Detroit have been the most frequent targets for takeovers. This study presents a series of questions examining the decisions to use takeover of local school districts as a reform policy.

Research Questions

1. What factors (accountability mechanisms) impact on decisions for state takeover versus state intervention?

2. Do school districts really understand the implications of the elimination of the local school board?

3. Do school district takeovers work (assessing the effectiveness of state takeover as a school reform strategy)?

4. What is the current status of the State-operated districts in New Jersey?

5. What types of initiatives are needed to end state takeovers?
Purpose of the Study

The purpose of this study is to provide a descriptive analysis of state takeovers in New Jersey in terms of the expanding size and scope of school reform. In the larger context, this study will also take a look at the takeover of other large urban systems in an attempt to provide an understanding of the process, its contribution to practice and knowledge, and examine the policy implications that have surfaced as a result of city and state takeover as a school reform strategy.

Limitations of the Study

Major educational reforms are numerous and all suggest both promises and limitations. This study deals with promises and limitations of takeover as a reform strategy and examines those policy implications as they relate to existing political structures, state and municipal conflicting interests, and accountability of educational performance standards. The focus of this study is state takeover of local school districts in New Jersey. However, an evaluation of the city takeover of the Chicago Public Schools by the mayor will be provided as a comparative reform policy to the state takeover policy in New Jersey. The researcher notes that he was intimately involved with the process in the takeover of the Newark Public School District, from July 1993 through June 1995 as a member of the Auditor General's Office; and from July 1995 through October 1996 as a member of the transition team and subsequent Associate Director of Personnel for the State-operated school district of Newark.
Definition of Terms

A glossary of relevant terms is provided to clarify the meanings of concepts used throughout this descriptive study.

1. *Robinson v. Cahill:* A series of New Jersey Supreme Court cases addressing the finance provisions of the state statutory system of funding elementary and secondary education alleging violations of the equal protection clauses of the New Jersey state constitution.

2. *Abbott v. Burke:* A series of New Jersey Supreme Court cases addressing educational equity in urban school districts, vis-a-vis, the establishment of the Abbott districts (thirty disadvantaged school districts in New Jersey), mandating parity funding, educational reform, supplemental programs, and improvement of facilities.

3. *Public Education Act of 1975:* Known as the T&E Law and Chapter 212, that requires the Commissioner of Education to annually evaluate, if each school district in New Jersey is providing a "thorough and efficient" education as defined by the legislature.

4. *New Jersey Statutes, Title 18A and New Jersey Administrative Code, Title 6:* Statute (N.J.S.) and Code (N.J.A.C.): As they relate to the governance of education and creation of State-operated school districts in New Jersey.

5. *Certification:* An acceptable rating in all required indicators as prescribed for the 10 essential elements in the educational process of the district.

6. *Administrative Order Specifying Remedial Plan:* The Order of the Commissioner of Education issued after a plenary hearing, pursuant to N.J.S. 18A:7A-15, directing the district to take specified corrective action, make necessary budgetary changes
within the school district, or other measures deemed appropriate with the exception of the creation of a State-operated school district.

7. **Office of Compliance:** The New Jersey Department of Education's investigation unit is designed to conduct examinations of local school districts to ensure compliance with state statutes, rules, and regulations of the State Board of Education.

8. **Comprehensive Compliance Investigation:** A thorough investigation conducted by the Office of Compliance to identify and document irregularities in the educational programs, fiscal practices, governance, and management operations that may impede the district's efforts toward achieving state certification.

9. **Corrective Action Plan:** A detailed action plan developed by a school district to correct its deficiencies based upon the findings and deficiencies of the Level III Review Team.

10. **Element:** One of the essential components of the educational process reviewed during monitoring for the purpose of certifying school districts.

11. **Standards:** The stated levels of proficiency used in determining the extent to which indicators in N.J.A.C. Title 6:8-4 are being met.

12. **Indicator:** One of the 43 subsections, of the 10 elements, that contains specific criteria reviewed during the monitoring process and are rated acceptable or unacceptable.

13. **Level I Monitoring:** A standard monitoring process conducted by the County Superintendent for purposes of determining five-year certification status.

14. **Level II Monitoring:** A process implemented by local districts that fail to achieve certification at Level I.
15. **Level III Monitoring:** An investigative team comprised of two components: (a) External Committee of qualified staff members from other school districts who review programmatic deficiencies; and (b) Department of Education staff from the Office of Compliance investigates governance, management, and fiscal aspects of the district's operations.

16. **Plenary Hearing:** A trial-type, adversarial hearing conducted to determine whether an administrative order should be issued.

17. **State Board Administrative Order:** An Order of the State Board of Education issued pursuant to the recommendation of the Commissioner of Education for the creation of a State-operated school district.

18. **State District Superintendent:** The Chief Executive Officer and Administrator of a State-operated school district, who makes the governance decisions normally delegated to a local Board of Education.

19. **State-operated school district Annual Report of Progress:** Annual report delivered by the State District Superintendent to the Commissioner and State Board of Education reporting on student performance on state standardized tests, student attendance and dropout rates, condition of school facilities, and school-level performance requirements.

**Significance of the Study**

In its contribution to educational research, this study collectively takes a look at the research on city and state takeover of school districts as a reform strategy. It examines the policy issues as they relate to the elimination of local control, accountability
mechanisms, and current status of the State-operated school districts in New Jersey. The findings of this study highlights the initial problems with the pro-takeover strategy concerns and criteria upon which these controversial actions are taken. Consequently, it is important that policy makers assess the results of urban school takeovers and undertake clear and defensible evaluations of this popular educational reform initiative.

Organization of the Study

This study is presented in six chapters. Chapter I is the introduction and provides an overview of state takeover of schools as a reform strategy, a historical overview of the events leading to the establishment of the state operation law in New Jersey, statement of the problem, research questions, purpose of the study, limitations of the study, definition of terms, organization, and significance of the study.

Chapter II provides an historical overview of public education in New Jersey, from the 1600s to current issues in education today. In addition, it provides a legal chronology of the events leading to the state takeover of local school districts as a school reform strategy, and the Department of Education’s key statutory responsibilities. It concludes with a chronology of the events leading to the creation of New Jersey’s three State-operated school districts (Jersey City, 1989; Paterson; 1991; and Newark, 1995).

Chapter III provides a review of the related literature. This data collection includes the review of journal publications and newspaper articles as they relate to city and state takeover as a school reform strategy, education policy accountability mechanisms in big city school systems, authority of local school districts to run their own schools, and state takeovers and reconstitution.
Chapter IV is the methodology and explains the methods and procedures used to analyze the documents studied.

Chapter V presents the data and analysis of the research questions. The Robinson v. Cahill New Jersey Supreme Court decisions I through VII, the Public Education Act of 1975, also known as the T&E Law and Chapter 212, and the definition by the New Jersey Educational Reform Project (NJERP) of the concept of a thorough and efficient education are discussed as they relate to the takeover of public school districts. The concept and tradition of local control, as it relates to the basic responsibility for accountability of educational goals and objectives are reviewed, together with the monitoring process as the basis for the eventual takeover strategies developed by the Department of Education. Individual assessments are provided on the state takeovers of the Jersey City Public Schools, Paterson Public Schools, and Newark Public Schools as a school reform strategy. The Abbott v. Burke New Jersey Supreme Court decisions I through V are reviewed only as they relate to the Robinson v. Cahill decisions, and the impact on the accountability of the evaluation system.

Chapter VI provides a summary of the issues and recommendations.
CHAPTER II

Overview of Schools

The purpose of this chapter is to provide a historical background of public education in New Jersey, from the 1600s to current issues in education today. It provides a legal chronology of the events leading to the state takeover of local school districts as a school reform strategy, the Department of Education's (DOEs) key statutory responsibilities, and concludes with a chronology of the events leading to the creation of New Jersey's three State-operated school districts: Jersey City in 1989 (CCI Report, 1988); Paterson in 1991 (CCI Report, 1991); and Newark in 1995 (CCI Report, 1994).

Public schools in New Jersey are dedicated to providing all students with a free public education. The system we have today has come a long way from its beginnings more than 300 years ago when education was exclusively operated by religious institutions and accessible to only the privileged.

In the 1600s and 1700s, children whose parents could afford to pay tutors had the best chance of receiving an education. An elementary level education consisted of reading, writing, and mathematics. Students from wealthy families went on to grammar schools, the equivalent of today's high schools. Students who graduated from grammar school could enroll in colleges. The concept worked for 200 years. The system began to break down in the early 1800s when local and religious schools were unable to serve the needs of an expanding population. A study conducted by the state of New Jersey in 1828 revealed that: (a) many children were still unable to attend school; (b) one in every five
voters was unable to read or write; and (e) state residents wanted a free public school system. The study proved to be the impetus for various legislative measures over the next 50 years. During this time, laws were enacted to provide for state and local funds for the operation of free public schools.

In 1875, the New Jersey state constitution was amended to address the subject of educational opportunity:

The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the state between the ages of five and eighteen years (Article VIII, Section IV, as amended, effective September 28, 1875).

In 1903, the legislature placed responsibility on the State Board of Education and Commissioner of Education to implement the constitutional amendment. As a result of that responsibility, the State Board of Education was authorized to “inquire into and ascertain the thoroughness and efficiency of operation of any of the schools of the public school system of the state” (Robinson vs. Cahill (I) 303 A.2d 273).

During the twentieth century, education was made compulsory for all students between the ages of six and sixteen. Kindergarten, nursery schools, child-care centers, and special classes and services were developed for gifted students, as well as for the physically, mentally, and emotionally challenged. As the demand for secondary education grew, junior high schools and vocational schools were established.

The state’s population exploded between the end of World War II and the early 1970s. The need for more schools and teachers created more demands on taxpayers. By
the early 1970s, state aid declined which set the stage for a reorganization of financing public education.

In the last 30 years, educators have found themselves confronted with issues that previously were unknown or required minimal attention; for example, environmental hazards, particularly in the selection of school sites, renovation or relocation of schools to avoid hazards, as well as the selection of materials for new school construction. The proliferation of an emerging technology built around personal computers has demanded that schools introduce and expand technology to enhance learning in the classroom and to use it more to manage operations. Changes in the family structure marked by dramatic increases in one-parent families and more women in the work-force have caused many local school leaders to intensify levels of student support services, such as increasing counseling and providing before/after school programs. Schools are also seeking innovative ways to accommodate special populations, such as special education students, bilingual students, homeless students, and students who attend school in communities with low socio-economic status.

Although all of these issues are important, the state recently completed two ambitious efforts that provide clear answers to questions raised 125 years ago when the Legislature amended the New Jersey state constitution:

1. What are the elements of schooling that are essential to providing a "thorough and efficient" education and therefore, are those for which funding must be guaranteed in all school districts throughout the state?

2. What should students know and be able to do by the end of three benchmark grades 4, 8, and 11?
In 1972, a lawsuit brought by a child and his parents against Governor William T. Cahill (Robinson v. Cahill, 1973, April) charging that Robinson "...was not receiving educational opportunity equivalent to that existing in other communities and that reliance on property taxes as a means of financing schools further contributed to that inequality of opportunity" (p. 282).

In 1973, the court ruled that the system was preventing many of the state's children from receiving the educational opportunity guaranteed them under the state's constitution and directed the State Board of Education to define the educational obligation intended by the phrase thorough and efficient and to develop a financial plan of action to meet the constitutional mandate.

Two years later, the Public School Education Act of 1975 (also known as the T&E Law and Chapter 212) was enacted. This measure specified how the state should prepare all students to function successfully in society. This act provided for the exercise of state power in the event that local school districts failed to meet the state's mandate to provide a thorough and efficient system of free public education.

In February, 1975, then Governor Brendan Byrne and Commissioner of Education Fred Burke, ordered an investigation of the Newark Public School District. Walter Wechsler, former State Budget Director, was named Special Investigator to head a 40-member Task Force. This investigation was prompted by serious fiscal irregularities in the district. The investigation was conducted over a six-month period and resulted in a series of comprehensive recommendations for fiscal reforms, as well as a reorganization of the administrative structure of the district. One of the recommendations of the Wechsler Task Force was the appointment of an Auditor General to oversee the fiscal affairs of the
Newark Public Schools (Braun, 1993, October). The Department of Education (DOE) maintained a presence in the district, vis-a-vis, the Auditor General until the commencement of state operation in July 1995 (Wechsler, 1975).

In 1976, the State Supreme Court upheld the basic constitutionality of all sections of Chapter 212. The New Jersey Gross Income Tax of 1976 was the funding mechanism for this new law.

In November, 1979, the State Board of Education issued an administrative order to supervise the operations of the Trenton Public School District. The provisions of the Trenton intervention included the appointment of a Monitor General with broad administrative powers. The Trenton intervention was prompted by serious irregularities in the actions of the Board of Education concerning program deficiencies in special education and personnel practices. The DOE presence in Trenton terminated in March of 1982, not only with the withdrawal of the Monitor General but also a state corrective action plan to address the district’s fiscal, personnel, and program deficiencies, which were monitored by the County Superintendent (Rotonda, 1985).

The Newark and Trenton interventions were alike, in that both actions firmly established the precedent for state intervention. The Newark intervention resulted in the permanent appointment of an Auditor General to oversee the fiscal affairs of the district, and the Trenton intervention with the appointment of a short-term Monitor General to correct the district’s program deficiencies. Both these interventions did not result in state certification (Goodman, 1986).

Although school finance issues have dominated the education landscape, New Jersey embarked upon a significant series of reforms in the 1980s as a response to a series
of national reports that characterized the United States as a *Nation at Risk* and called for sweeping change. Other reforms in the 1980s strengthened the state’s responsibility to ensure that local school districts meet state and federal educational standards (National Commission on Excellence in Education, 1983).

In 1984, the state introduced a system of monitoring in which schools are measured against criteria linked to state and federal laws and regulations. Districts meeting the standards are certified by the state. Districts failing to meet the standards must create and implement a corrective action plan (New Jersey Department of Education, 1984).

In 1987, the Legislature, pursuant to section 15 of P.L. 1975, Chapter 212, adopted N.J.S. 18A:7A-15.1, which created the State-operated school district. The State Board shall have full authority to: (a) remove the district Board of Education; (b) create a State-operated school district; and (c) appoint a State District Superintendent.

In the 1990s, two major public consensus-building initiatives, taken together, define a *thorough and efficient* education: (a) the Core Curriculum Content Standards (CCCS); and (b) the Comprehensive Educational Improvement and Financing Act (CEIFA). In addition, a series of decisions by the State Supreme Court concluded a long-standing legal case over equity in school funding. The case, *Abbott v. Burke* (1985, July), challenged the funding formula for education in the state. As a result of the Abbott decisions, a new funding formula was adopted that ensures that the most disadvantaged district in the state can spend at the same rate as the most affluent districts. New programs were put into place to promote early childhood education, new school facilities, and whole-school reform based on successful models of instruction.
The 1990s also saw the advent of Charter Schools, which opened in 1997, and are public schools operated by a private, non-profit Board of Trustees. Charter Schools provide students and their families with another choice in their selection of schools. The state has also initiated a pilot project of inter-district public school choice that allows students an opportunity for a free public school education in a school district other than their district of residence (New Jersey Department of Education, 2003a).

The need for safe and modern school facilities for all students led to the passage by the Legislature of the Educational Facilities Construction and Financing Act in July 2000 (EFCFA). The act appropriates $8.6 billion for construction projects to be allocated as follows: (a) $6 billion for required construction projects in the 30 Abbott districts; (b) $2.5 billion for non-Abbott districts; and (c) $100 million to offset the cost of projects in the County Vocational Schools.

Education in New Jersey is governed by the Legislature, the State Board of Education, and the Commissioner. New Jersey schools must be in session for at least 180 days. School attendance is compulsory between the ages of six and sixteen. A child who will be five years old during the current school year may attend kindergarten based on a cut-off date established by local school boards. Public schools must accept resident students older than five and younger than 20 who seek enrollment. Enrollment requirements include legal proof of age (preferably a birth certificate), a tuberculin test, and immunizations for polio, rubella, and DPT. Local school boards may have additional enrollment requirements. Transfer students generally contact the local school district (Superintendent’s Office) for registration information. It is customary for school districts to send for transcripts of the student’s cumulative records from the previous school
attended, but transfer policies vary from district to district (New Jersey Department of Education, 2003b).

High schools offer general, college preparatory, business courses, and some high schools offer vocational programs. All 21 county vocational schools offer specialized instruction designed to prepare students for careers after they graduate. All students must meet the state’s academic standards as described in the Core Curriculum Content Standards (CCCS). The standards are statements of expectation of what all students should acquire by the time they graduate from high school. State regulations geared to the standards contain minimum high school graduation requirements, which prescribe specific credit hours to be completed in the following areas: (a) Language Arts Literacy; (b) Science, (c) Mathematics, (d) Social Studies, (e) Comprehensive Health and Physical Education, and (f) Visual/Performing or Practical Arts. Career exploration is woven into the curriculum and local districts can add elective courses. Student progress to meet the Core Curriculum Content Standards are measured by three state tests: (a) Elementary School Proficiency Assessment - ESPA, (b) Grade Eight Proficiency Assessment - GEPA, and (c) High School Proficiency Assessment - HSPA. Students must pass all sections of the HSPA in order to receive a state-endorsed diploma. Students who cannot meet the testing requirement may be eligible for a Special Review Assessment - SRA, which allows for examples of student work to be considered in place of an exam to determine whether a student has met the academic requirements for a high school diploma (New Jersey Department of Education, 2003b).

Textbooks are selected by the local districts and issued free to elementary and secondary students. Transportation is a responsibility of the district board of education.
and is mandated for students in grades K-8 living more than two miles from the school and
for students in grades 9-12 living more than 2.5 miles from school.

The Department of Education (DOE) carries out duties prescribed by State Law,
the State Board of Education, and the Commissioner. The DOE administers state and
federal aid programs affecting more than 1.3 million students in both the public and non-
public schools, and employs approximately 1,100 persons overseeing a budget of $50.6
million (FY 2001). During the 2000/01 school year, the DOE disbursed $6.6 billion for
state aid to education and administered $553.2 million in federal funds to schools. The
mission of the DOE is as follows:

The primary mission of the Department of Education is to create the opportunity
for all learners to demonstrate high levels of achievement through attainment of the
Core Curriculum Content Standards. The DOE will be a catalyst for improvement
in districts whose pupils are not achieving the Core Curriculum Content Standards
and will work with these districts to achieve educational improvements. For
districts whose pupils are achieving the Core Curriculum Content Standards, the
DOE will foster a system of education which facilitates continued success through
flexibility, innovation and competition. The DOE will assist school districts in
providing a safe and drug-free environment in all schools. DOE staff will
demonstrate professional conduct that reflects high integrity and respect for the
diversity of all people, and the DOE will model this conduct with all local school
employees (New Jersey Department of Education, 2003b).

The DOE’s key statutory responsibilities include administering State Education
Law as prescribed in Title 18A of New Jersey Statutes and State Education Regulations in
Title 6 and 6A of the New Jersey Administrative Code. The DOE serves as the State Education Agency (SEA), and provides assistance to and monitors activities of local school districts, regulates teacher education programs, and licenses teachers and administrators. It also sets standards for school improvement and administers statewide assessments to measure student achievement. The DOE is organized to fulfill New Jersey’s educational goals as established by the State Board of Education. The education goals are as follows:

1. All children in New Jersey start school ready to learn.

2. The high school graduation rate be at least 90% statewide.

3. New Jersey pupils leave grades 4, 8, and 11 having demonstrated competency in challenging subject matter including reading, writing, mathematics, science, health, physical education, and fine, practical, and performing arts.

4. All pupils learn to use their minds well, so that they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy.

5. All pupils increase their achievement levels in science and mathematics to contribute to our country’s ability to compete academically with all other countries of the world.

6. Every adult be literate and possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

7. Every school in New Jersey be free of drugs and violence and offer a safe, disciplined environment conducive to learning.
The DOE has established a Strategic Plan for Systemic Improvement of Education in New Jersey to carry out activities designed to achieve the state’s goals. In addition, the DOE is searching for a means to return the three State-operated school districts (Jersey City, Paterson, Newark) to local control. In conclusion, this author provides a chronology of events leading to the “takeover” of the three current State-operated school districts.

**Jersey City Public Schools**

In January 1984, Level I Monitoring was conducted by the Hudson County Superintendent of Schools. Jersey City failed 32 of the 51 indicators and was not certified by the DOE after Level I. The district was directed to commence a Level II Improvement Plan. This Level II Improvement Plan provided the district with an opportunity to develop and implement its own self-study and improvements. The plan was developed by a committee of educators and members of the Jersey City community. The County Superintendent’s Office was available for technical assistance, but also had to approve the district’s plan prior to implementation. During the 1984-1985 school year, the district prepared its improvement plan (Pratt, 1992).

From September to November 1986, Level II Monitoring was conducted by the Hudson County Superintendent’s Office. Jersey City received approval for seven of the original 32 indicators which it had originally failed. However, the district failed three indicators that it originally received approval for during the Level I Monitoring. Jersey City Board of Education officials sought an administrative review of the Level II findings. Since Jersey City failed to achieve state standards, the district was placed in the Level III review process (CCI Report, 1988).
From January to April 1987, a preliminary compliance review, as well as a program deficiencies review was conducted by DOE staff. As a result of this review, it was recommended that a comprehensive compliance investigation (CCI) of the Jersey City Public Schools be conducted. In June 1987, the DOE began the CCI. The CCI was conducted from June 1987 through May 1988. The CCI report (1988) recommended the creation of a State-operated school district (McKenzie, 1989):

Continuing, deeply rooted and serious problems exist within the district which impede the district from achieving state certification on its own. Based upon the entirety of the monitoring process and all its component parts, the inescapable conclusion is that the Jersey City Board of Education is either unwilling or unable to provide a thorough and efficient system of education. Since the district has continually been unable or unwilling or correct its own problems, this report recommends the creation of a State operated district, pursuant to N.J.S. 18A:7A-14 et seq.

In July, 1989, Administrative Law Judge Kenneth Springer recommended a state takeover of the Jersey City Public Schools. In August 1989, Judge Springer’s decision was affirmed by DOE Assistant Commissioner Lloyd Newbaker. On October 4, 1989, the State Board of Education issued an administrative order, pursuant to the recommendation of then Commissioner of Education Saul Cooperman, creating the State-operated school district of Jersey City, abolishing the Jersey City Board of Education and appointing Elena Scambio, State District Superintendent (New Jersey Department of Education, Press Release, 1989, October 4).
Paterson Public Schools

The DOE utilized the same monitoring guidelines during Paterson's evaluation process that it used in Jersey City. This was the second time in two years that the State Board of Education issued an administrative order creating a State-operated school district, citing educational neglect and managerial failure. The CCI Report (1991) concluded that:

Despite considerable technical assistance, the district has been unable to achieve state certification since 1976 and has been unable to provide its students with a thorough and efficient system of education (p. 6).

The Paterson Public School District was monitored at Level I from March 19 through May 7, 1984. The Level I report was issued on June 12, 1984 indicating that the district failed eight elements comprised of 20 indicators needed to achieve state standards for certification.

In February 1985, the district submitted its Level II improvement plan. Revisions and clarifications were needed in the improvement plan and due for submission to the county superintendent by January 1986. Level II monitoring was conducted from July 1986 through January 1987 and the district failed nine elements comprised of 28 indicators needed to achieve state standards for certification. The district not only failed Level II monitoring, but failed to develop an acceptable Level II remedial plan. Moreover, the number of identified deficiencies increased as a result of the Level II monitoring process.

In July 1987, the district was notified that a CCI was to be conducted. Level III monitoring was conducted by the Office of Compliance, from March through May 1989. The process, as a whole, documented the existing, long-term problems that prevented the
district from achieving state certification on its own.

Based upon the entirety of the monitoring process and all of its component parts, on August 7, 1991, the State Board of Education issued an administrative order, pursuant to the recommendation of then Commissioner of Education John Ellis, creating the State-operated school district of Paterson, abolishing the Paterson Board of Education and appointing Dr. Laval Wilson, State District Superintendent (New Jersey Department of Education, Press Release, 1991, August 17).

Newark Public Schools

In March 1968, the Governor’s Select Commission on Civil Disorders, the panel assigned to study the causes of the 1967 Newark riots, charges the city schools are “in an advanced state of decay” and warns of future problems unless schools are improved, prompting then Governor Richard J. Hughes to call for a state takeover of the Newark Schools. The Legislature never acted.

In January 1971, a study conducted by the Greater Newark Chamber of Commerce charges that “political expediency” dictates how the Newark Public Schools are run. In November 1974, after a three-year study, a special task force on education appointed by then Newark Mayor Kenneth A. Gibson calls for sweeping changes in the schools.

In October 1975, then Governor Brendan Byrne, prompted by serious fiscal irregularities in the district, appointed retired State Budget Director Walter Wechsler, as Special Investigator to head a 40-member Task Force. The investigation, conducted over a six-month period, resulted in a series of recommendations for fiscal reforms, and a reorganization of the administration.
In March 1977, a team of "urban specialists" convened by then Commissioner of Education Fred Burke called for a state takeover of the Newark Schools. Commissioner Burke rejects the suggestion and gives school officials a year to correct more than 100 violations of statute and code (laws and regulations).

In October 1978, the Newark Board of Education admits it has been operating with an illegal deficit for two years, and ordered 1,100 layoffs to meet a $5 million budget gap. In December 1979, a study of school facilities conducted by the New Jersey Institute of Technology indicates that schools are "in a state of crisis."

In 1983, both the Commissioner of Education and the Chancellor of Higher Education visited Central High School in Newark. At the conclusion of the visit, the physical and educational conditions were publicly condemned; and the Newark Board of Education along with its administrators were castigated for allowing such conditions to exist.

In November 1984, the Newark Public Schools, one of the first to be monitored under a new state process fails inspection, and is ordered to develop a corrective action plan (CAP). In December 1984, the State Commission of Investigation issues a report charging fraud and mismanagement of the Teachers Supplemental Fringe Benefits Fund, run jointly by the Newark School Board and Teachers Union.

In January 1986, then Commissioner of Education Saul Cooperman orders an investigation of Title I operations in Newark, but a "suspicious" fire destroys most of the records. Late in 1986, Legislative hearings commenced on direct state takeover of local school districts. In January 1988, the Level II monitoring report sharply criticizes Newark school operations and the district is placed in the Level III review process.
In May 1990, then Commissioner of Education John Ellis issues a report critical of
school operations in Newark. It is later revealed the report was re-written to remove
references to the political sale of jobs.

In May 1993, then Commissioner of Education Mary Lee Fitzgerald orders a CCI
to determine whether Newark school officials are able to correct the district’s deficiencies.
On May 13, 1993, the Commissioner appoints Rebecca Doggett, Auditor General, and
re-established the Office of Auditor General with the responsibility for overseeing district
expenditures in excess of $20,000. Dr. Joseph Cappello from the Clifton Public Schools
was appointed Assistant Auditor General, and Dennis R. Frohnypfel from the Jersey City
Public Schools was appointed Executive Assistant. On October 20, 1993, then Assistant
State Education Commissioner for Professional Development and Licensing, Dr. Hilda
Hidalgo, while conducting an unannounced state inspection along with the Star-Ledger
education editor and two photographers, was arrested and taken from the Morton Street
School with her hands handcuffed behind her back for about two hours before being
released on charges of creating a disturbance and resisting arrest (Schwah, 1993). On
December 9, 1993, DOE officials conducted an early morning raid at the Newark School
Board headquarters removing thousands of financial and personnel files. The 2:00 a.m.
raid was lead by Elena Scambio, then Assistant Commissioner for Field Services, who said
the state acted within hours of receiving several calls from Newark School Board
employees warning her that files were being removed. Scambio was joined within hours
by then Commissioner of Education Mary Lee Fitzgerald, with an administrative order
placing all Newark school records under the “custody” of the state (Braun, 1993,
December).
In July 1994, then Commissioner of Education Leo Klagholz issued an order directing the Newark School Board to "show cause" why it should not be taken over. He released a 1,700 page report describing district conditions, and turns material touching on possible criminal actions over to the State Attorney General.

In April 1995, Administrative Law Judge Stephen G. Weiss recommends an immediate takeover of the Newark Public Schools, which then Commissioner of Education Leo Klagholz later concurred. On July 5, 1995, the State Board of Education issued an administrative order, pursuant to the recommendation of then Commissioner of Education Leo Klagholz, creating the State-operated school district, abolishing the Newark Board of Education and appointing Beverly Hall, State District Superintendent. On July 10, 1995, the Newark School Board voted in emergency session to appeal the state takeover of its schools to the State Supreme Court.

On July 12, 1995, the State Supreme Court refused to halt the state takeover. A federal judge in Newark declined to intervene in the dispute later that same day, concluding that he could find no irreparable deprivation of the Newark School Board Members' constitutional rights. The state's highest court ruled 6-0 to deny the Board's request to delay the takeover while pursuing its state appeal (Larini, Reilly, & Peterson, 1995). As soon as the denial of the stay was announced by the court, a transition team assembled by the Department of Education went to the Newark Board of Education offices and commenced the process of turning the district into a state-operated system.
CHAPTER III

Literature Review

This chapter presents the related literature. This review includes the DOE’s top ten education issues, as well as current research relating to the state takeover of local school districts as a reform strategy.

1. State-enforced accountability mechanisms in big urban city schools, and the political legacy of these school accountability systems;

2. A brief history of local school boards will be presented to provide a scenario of school and community, and the issue of sovereignty as it relates to the elimination of the local school board;

3. Education reforms will be discussed as they relate to city and state takeover of schools as a reform strategy;

4. State takeovers and reconstitution;

5. Assessment of local school district takeovers; and

6. Developing a plan for re-establishment of local control in New Jersey’s State-operated school districts.

New Jersey’s Top Ten Education Issues

New Jersey passed a law in 1875 that promised its children would be educated within a thorough and efficient system of free public schools, no matter where they lived. Succinctly, this means that all children in the state should have access to good schools on
an equal basis. With over 600 school districts that exercise considerable local control, there had to be some kind of benchmark to gauge what students should be taught.

In 1983, the National Commission on Educational Excellence released, *A Nation at Risk*. This report sounded an alarm regarding the quality and efficiency of our schools. The work force of our future was found to be lacking in literacy skills. School choice was introduced as both an option and an experiment. One form of school choice is the Charter School. These independent schools receive tax dollars and are exempt from most state and local regulations. In exchange for these exemptions, these Charter Schools must educate students to an agreed standard and prove their success to gain a renewal of their charter.

Another form of choice is the inter-district school choice program. This program allows the tuition-free transfer of K-9 public school students from their district of residence to another public school district within the state that volunteers to receive students in exchange for additional state aid.

The most controversial form of school choice is vouchers. Parents are allowed to use public funds to send their children to private or religious schools. In June 1998, the Wisconsin Supreme Court ruled that a program to use public funds for tuition assistance does not violate the First Amendment clause on separation of church and state. The United States Supreme Court in 2002, ruled that the Cleveland Public School District’s system of vouchers was not unconstitutional. To date, New Jersey does not have a state system of vouchers.

The Core Curriculum Content Standards is New Jersey’s method of defining what its students should know and be able to do at different grade levels to earn a high school
diploma within a 13 year public education. All public school students are tested on those standards in the 4th, 8th, and 11th grades.

New Jersey is a pilot state for the Federal School-To-Work initiative. The standards emphasize the importance of having both school-based and work-based learning experiences. The standards focus on seven academic areas of knowledge: (a) visual and performing arts, (b) comprehensive health and physical education, (c) language arts literacy, (d) mathematics, (e) science, (f) social students, and (g) world languages. Students are expected to show mastery in five skills areas: (a) career planning and workplace readiness, (b) use of information and technology, (c) critical thinking, (d) decision-making and problem-solving, and (e) self-management and safety principles.

In 1999, the state administered new 4th and 8th grade tests that differed from previous assessments. These tests are not exclusively multiple choice, but now require the writing of essays to demonstrate their skills.

Early Childhood Education was the first goal of the National Educational Goals 2000 Project of 1990. The Federal Head Start Program, begun in 1965, recognized the need to teach low-income children, between the ages of three and five, their alphabet, colors, discipline, and the language skills necessary to succeed in school.

School safety and violence prevention have become national and state public policy issues. The research shows that adolescent violence had decreased during the 1990s. According to the American Medical Association (2002), from 1991 to 1997, the percentage of students carrying weapons to school dropped 28%, as well as the number of student fights by nine percent. With vigilance, concern, and attention to details, school leaders continue to create safe and secure school environments.
Teacher certification now requires a higher grade point average during undergraduate training, as well as a mandate to receive at least 100 hours of continuing education every five years during their teaching career. A new arena of consideration for teaching certification is early childhood education. The "N-3" category now gives teachers special training in educating young students in preschool through grade three.

Whole School Reform combines the most effective practices and strategies that are known for enabling disadvantaged students to achieve. Under this reform measure, all students begin their education at half-day preschool (ages three and four), and full-day kindergarten at age five. The foundation for reading and language skills commence early-on, and as students progress through the grade-levels, a concerted reading program with small classes across the grades for 90 minutes each day, together with the use of certified tutors, keep students on task. In order for these reforms to succeed, there must be a commitment to actual reform in the restructuring of each individual school.

The issues that confront education today have increased and become more complex, but the identification of the problems, the finding of solutions, and the implementation of reforms must ensure that students' education doesn't suffer during these transitions (New Jersey School Boards Association, 2003).

State-Enforced Accountability of Local School Districts

Since the late 1970s the tradition of "local control" in American public education has been challenged by increasing pressure from state and federal authorities in such areas as school desegregation, school finance, and special education. The focus has been to hold school districts accountable for overcoming the local forces that impede equal
educational opportunity (Bowers, 1989).

What form does this accountability system take? A majority of states have been collecting from local districts a formidable array of statistics on student performance, such as student achievement test scores and/or minimum competency scores. In discussing accountability, we must pose several questions to be presented below.

What sanctions are being proposed for districts with low performance levels? The major sanction used by states in districts that fail to meet state standards has been to decertify the district until it complies with established standards. Other sanctions have been the close monitoring of low-performing districts and, if performance does not improve, that district is taken over by the state.

Which states have implemented “Academic Bankruptcy” legislation? To date, 24 states allow takeovers of local school districts and 18 of those states and the District of Columbia have implemented state takeovers as a reform strategy (Wong & Shen, 2002).

What are the consequences of a state takeover of a district? Clearly, the takeover of any school district eradicates all vestiges of local control (Kirst, 1987). However, the proponents of state takeover suggest that the fundamental issue is not that of local control but of quality education. On March 5, 1989, New Jersey Commissioner of Education Saul Cooperman summarized it:

Takeover does not threaten responsible local control of schools. It is reserved for extreme cases in which a district has reached a state of decay that is analogous to the failure of a bankrupt business. We must assure that the “thorough and efficient” schools provision of our state constitution is met. And the best way to achieve lasting improvement in a deficient school district is to establish responsible
local control (p. 10).

Opponents of state takeover argue that there is a lack of specificity about just how poor test scores must be, and for how long, to warrant takeover. Another objection concerns testing itself, which suggests that tests have become a far too narrow and simplistic means of assessing school and student performance that ignores much more complex processes of learning and assessment (Olsen, 1998; Tirozzi, 1998; Ziebarth, 1998). Notwithstanding a general consensus that a need for evaluating the progress of students and schools exists, there is far from unanimous agreement that standardized tests are the most appropriate means of making such determinations (Green, 1998).

Accountability Mechanisms

Accountability has always been a basic concept in public education. In recent years, the need to improve big city schools has been a powerful incentive to the adoption of new accountability systems. Determining who is responsible for what and to whom? The National Center for Restructuring Education, Schools and Teaching (1991), explores the strengths and weaknesses of various accountability tools, the use and misuse of indicators, and ways to create genuine accountability at the school level. There are at least five types of accountability mechanisms in big city school systems (Darling-Hammond, 1989):

1. Political...school Board Members are either appointed or must stand for election.

2. Legal...Boards of Education enact policies and courts can hear complaints about schools.
3. Bureaucratic...state education departments set rules and regulations to ensure that schools meet standards and follow procedures.

4. Professional...teachers and other school staff must acquire knowledge, pass certification exams, and uphold professional standards and practice.

5. Market...parents and students may choose the programs they believe are most appropriate for their needs.

Prior to the 1990s, American schools have relied heavily on bureaucratic mechanisms for achieving accountability. However, during the 1990s market accountability tools were proposed as strategies for school improvement, such as, Magnet Schools, Charter Schools, inter/intra-district school choice, and state vouchers. Since no form of accountability is sufficient by itself to ensure that all students are well served, balancing different forms of accountability is needed to make schools responsible and responsive (Institute for Urban and Minority Education, 1991).

In 1981, then Commissioner of Education Saul Cooperman changed the evaluation system making the process more stringent, and school districts more accountable. Educational accountability is a condition of being accountable for the results that are being achieved in the elementary and secondary schools. State goals and objectives provide districts with accountability. “First, the effectiveness and efficiency of education are basically the responsibility of educators. Second, the manner through which human and material resources are provided to support education is the responsibility of public groups, such as the state Legislature, school boards, and other citizens” (Woodington, 1973). There are four important areas to be considered as a measuring system when discussing academic accountability:
1. Multiple indicators, for example, status of students, teacher quality, leadership, fiscal resources, curricula, and community support.

2. Indicators aligned with state goals and objectives juxtaposed with realistic district goals and objectives, and not just limited to achievement on standardized tests.

3. Measurements that provide districts with data that goes beyond the accountability issue of reporting said data to the state.

4. Multiple criteria that identifies under-achieving schools in districts supporting community divergence.

Appropriate intervention of a state agency at the local level should and must be preceded by adequate and multiple opportunities for local districts to improve their own status (Duncan, 1988). Increasing pressure from federal and state authorities has been to hold local school districts accountable for overcoming the local forces that impede equal educational opportunities for all school aged children (Bowers, 1989).

New accountability plan rewards Chicago Schools for showing score gains focuses on recognizing all schools' academic gains, rather than emphasizing the failures of those that continue to struggle (Reid, 2002). According to Donald R. Moore (2002), Executive Director of Designs for Change, a Chicago based group that seeks to improve education, while the new system is a more positive approach to accountability, the district must become more vigilant and monitor how the high-stakes components are measured.

The Political Legacy of School Accountability Systems

Politically popular school accountability systems in many states already revolve around statistical results of testing with high stakes environments (Dorn, 1998). The
consequences of statistical accountability systems will be the narrowing of purpose for schools, impatience with reform measures, as well as the continuing erosion of political support for the public schools.

On the one side, statistical accountability systems are important because numbers have visible power in public debate. Anyone who listens to or reads politicians, journalists, and social critics will hear statistical references. However, since the production and presentation of statistics is part of the fabric of public debate, and public policy involves the heavy use of statistics, policy makers must consider the long-term consequences of that use. The distinction between the two revolves around related but heuristically distinct issues:

1. How do policies based on statistics shape practice?
2. How do policies based on statistics shape future public policy debate?

What appears to be less clear, but equally important, is the political legacy of statistics, the way that the use of statistics by itself shapes public debate. The distinction between practice and political legacies is useful in explaining why accountability practices are so popular and what the potential consequences of the most commonly-discussed accountability systems might be in the long term for school politics.

The political legacy of statistically accountable systems is important because support for public schools is fragile. School administrators deliberately built a set of bureaucratic institutions in the early twentieth century to buffer themselves politically, in part by claiming the need for autonomy to exercise professional judgement and wield their expertise (Tyack & Hansot, 1982; Tyack, 1974).
The Popularity of School Accountability

The public judging of schools by test scores is relatively new in the United States. School statistics have existed since the nineteenth century, and claims to objectively measure student achievement from the turn of the twentieth century. But achievement scores have typically been only for internal consumption within school bureaucracies until recently (Ravitch, 1983). The common use of statistical mechanisms to gauge school effectiveness, including the power of standardized test scores, owes its existence to the tension between the development of a national debate over education in the twentieth century and the continuation of local decision-making (local control). Still, the national educational discussion is a layer on top of and filtering down through older, local school politics. The popular reporting of periodic student data is relatively recent vintage.

Statistics are always in the mix when considering types of evidence and reasoning in public debate, such as the following list, which is meant to be an illustrative rather than a comprehensive typology:

*Ideology:* Debates can focus on the purposes of schools and the perspectives offered in the curriculum and/or in teaching techniques.

*Representative Story:* Debates can center on real or apocryphal stories about education that represent the issue at hand.

*Statistics:* Debates over the quality of education in the 1980's, following the Nation at Risk report (National Commission on Excellence in Education, 1983), are an example of discussion focused on statistics.

*Direct Observation:* Debates can also focus on what individuals have seen, first-hand, in schools (Dorn, 1998, p. 6).
Unexamined Assumptions of Accountability

Despite more than twenty years of debate about the statistical performance of students in the United States and the proper direction of school reform, few voices in public have questioned the primary assumptions behind the move towards accountability (Fine, 1991). We do not often discuss the purpose of accountability or who will be making the key decisions to keep schools accountable. The improvement of schools is an insufficient goal because accountability is fundamentally a political and not a technical process (Ascher & Darling-Hammond, 1991). Judging public schools as institutions, one may use test score statistics to judge schools as a set of institutions (National Commission on Educational Excellence, 1983). Judging teachers and other educators, one may also justify accountability as a way to raise or clarify expectations and goals for teachers and administrators (Ginsburg, Noell, & Plisko, 1988). Judging students by standardized tests have high stakes not only for educators but also for individual students, as scores can be among the criteria for entrance to academic programs, grade promotion, or other real rewards and punishments in schooling (Kaestle, 1973; Labaree, 1988; Reese, 1995).

Judging public policy, one might use standardized test scores to evaluate public policies. Can one maintain a low-stakes statistical system in the face of political pressures for high-stakes accountability (Jones, 1996; Koretz, 1992a). Standardized testing supports the determination or control of curriculum content at both the state and national levels (Ravitch, 1995). Schools occasionally use student statistics as part of public marketing strategies, either to attract students who have choices or to bolster public support.
The Political Costs of Accountability

The political legacy of statistically accountability systems is complex because of the different possible aims of, and justification for, accountability, and also because statistical systems vary among different states and districts. Technocratic models of school reform threaten to turn accountability into a narrow, mechanistic discussion based on numbers far removed from the gritty reality of classrooms (Berliner & Biddle, 1995; Darling-Hammond, 1992, September; Koretz, 1992b; Koretz & Diebert, 1993; Shepard, 1991). On the political level, impatience with school reform and the cyclical reporting of statistics encourages the dominant myth of contemporary educational politics, that schools continue to decline in quality. That myth encourages a cynicism towards reform strategies (Cuban & Tyack, 1995; Lipsky, 1980). Dissenters from the accountability “consensus” exist, from longstanding standardized testing critics at Fair Test (http://www.fairtest.org) to the Coalition for Essential Schools (http://www.ces.brown.edu) to Teachers College professor Linda Darling-Hammond and Arthur Wise, current president of the National Council for Accreditation of Teacher Education (NCATE). Each opposes the idea of motivating school reform by standardized testing. The proposed alternative methods of motivating better teaching include performance assessment of students, sometimes called authentic testing, peer evaluation of teaching, and either creating a second tier of high-status teachers or restricting entry into a limited number of high-status positions within teaching (Darling-Hammond, Wise, & Kline, 1995).

High-stakes testing has some significant weaknesses, despite the near-term growth we can expect. Some alternative models of accountability may reverse the destructive tendencies of statistical accountability systems, both in political and practical terms.
Reconstructing public schools in its best sense requires connecting schools in meaningful and explicitly political way with broader communities.

No one should pretend that accountability is without conflict or unproblematic. Common to solving the political problems are the following three requirements:

1. Accountability should encourage deeper discussion of educational problems.

2. Accountability should connect student performance with classroom practice.

3. Accountability should make the interests of all children common.

Local Control

The local School Board was created by statute to perform a state function at the local level. The local Board of Education is required to produce a suitable educational environment for the children of the district (Rotonda, 1985).

Local districts vary in terms of true autonomy, and all enjoy some formal independence from the general purpose of governments of their communities.

Some school districts have their own taxing authority, while others must go through the mayor or town council for their revenues. But all develop budgets, establish pedagogical priorities, identify areas of curricular and extra-curricular emphasis, adopt regulations and procedures, and hire and fire staff members.

Many also have authority over their school buildings, and most deal directly with state, federal, and private agencies. If something goes wrong, it is generally the Superintendent of Schools or members of the School Board who will be the
defendants in a lawsuit, not the governor or city council (p. 78).

Local school boards are responsible for the enforcement of the rules and regulations of the State Board of Education. The constitution is the source of the state’s legal obligation to see that education is provided for its residents, and it falls to the state legislature to provide the administrative mechanisms to discharge this obligation. Furthermore, it is the prerogative of the legislature to modify these mechanisms whenever it deems it necessary. Education is a local function, as well as a state responsibility (Doyle & Finn, 1984). The Supreme Court in *Milliken v. Bradley* (418 U. S. 119, 1974), a case on point involving integration relating to local control indicated:

No single tradition in public education is more deeply rooted than local control over the operation of schools; local autonomy has long been thought essential both to the maintenance of community concern and support for public schools and to the quality of the educational process (pp. 741-742).

During the twentieth century, particularly the last half of the 1900s, both state and federal legislation have eroded local control. The most important factor in the operation of local school districts is finance. School district consolidations in the interest of “economy and efficiency” signaled the decline of influence of local school board members and the eradication of local control. As the state assumed a greater role in school finance, policy making relative to the operation of school districts increased dramatically.

As a result of the Abbott decisions, school finance reform measures began with the proposition that the amount of funds allocated on a child’s education should not depend on their place of residence. Local school districts must adhere to the mandates of the state and provide reports during the state’s monitoring process. When a local district fails to
comply with the rules and regulations of the State Board of Education, the result could be the loss of funding and/or state intervention.

By both tradition and legal interpretation, school boards are policy-making bodies for local school districts. The local school board is an instrument of the state government, subject to its control. School board members are agents of the state, subject to the will of the Legislature. They derive their authority from the state (Wirt & Kirst, 1989).

The Massachusetts Acts of 1642 and 1647 required that schools be established in the various towns and villages. Consequently, these acts established the right of the state to expect its citizens to be literate.

In 1650, the Connecticut Laws were passed, giving the state the authority to remove children from their homes and place them with guardians if they were not receiving the education expected of them by the state. Parents were expected to ensure that their children learned, and masters were held responsible for assuring that their apprentices received a basic education. These early schools were not governed by anything resembling our current boards of education. However, control came about from actions taken at town meetings. In many towns and villages control was exercised by a local minister, who became the equivalent of today’s municipal administrator and/or school board. This single-person control eventually gave way to so-called select committees, who were composed of town elders or ministers of the local churches, but often included lay citizens in their membership. These select committees functioned in the same way that local school boards function today. This governance structure by local citizens continues to the present with numerous modifications in authority, power, and control as established by the local community (Vick, 1991).
The United States Constitution does not provide authority for a system of public schools. Every state constitution has provisions for some kind of public education system, although a 1956 amendment to Alabama's constitution said that the state is not required to provide education (Education U.S.A., 1991). It is generally recognized that education is one of the sovereign powers of the state. In 1924, the California Supreme Court in *Piper v. Big Pine School District*, ruled that education of the children of the state is

...exclusively the function of the state which cannot be delegated to any other agency. It is an obligation which the state took over to itself by the adoption of the constitution. To accomplish the purpose therein expressed, the people must keep under their exclusive control, through their representatives [emphasis added], the education of the [citizens of the state] (p. 665).

This ruling clearly indicates that local school boards are instruments of state government and subject to the control of the state. In 1956, a California appellate court stated in *Hall v. City of Taft...* "school districts are agencies of the state for the local operation of the state school system" (p. 181).

Local school boards as agents of the state, exert much control over issues that take place in the individual school districts. Over the last several decades, as the school governance structure moved away from policy-making, board members were increasingly occupied with issues that are only remotely related to classrooms, such as mandates from state and federal legislatures, as well as from state and federal courts, the erosion of local control continued thereby reducing the power of boards of education across the nation. On the one side, opponents of local boards give a long list of failures as justification for curtailing local control. Perhaps the most powerful contenders for a share of local control
are teachers' unions. On the other side, most experts feel that local boards, local control, and citizen or lay participation are important aspects of our education tradition that must be continued (Campbell, Cunningham, Nystrand & Usdan, 1990).

Do we really understand the implications of our own sovereignty? The early days of our country's existence were marked by a fear of excessive state control. In the Federalist Papers, James Madison especially voiced concern that "particular municipal establishments, might enjoy a certain degree of power, and be arrayed with certain dignities and attributes of sovereignty" (Federalist Papers #45, 1987-1789). The original differences between the Articles of Confederation and the Constitution were largely confined to matters dealing with the regulation of commerce, such as standardizing currency and controlling foreign and interstate commerce, and the establishment of power to form and maintain a national defense (Hunter, 2001).

Duties and Powers of Local School Boards

The local district board of education is the agency that actually operates the public schools of New Jersey under the authority of the Legislature. Due to a number of restrictions imposed by legislative action and court decisions, both federal and state, local boards are not able to exercise the degree of local control often expected by the public and employees of the district. The duties and powers of local boards of education are defined by N.J.S. 18A:10-1 et seq. (Boards of Education: Constitution; Organization; Meetings) and N.J.S. 18A:11-1 et seq. (General Powers).

Although a complete listing of duties and powers of local boards of education would be extensive, a condensed version developed by Falk (1968) reflects the major
duties and powers of local boards, such as:

1. To formulate local district policy regarding budgetary, personnel, educational, and disciplinary, under the law.

2. To employ the superintendent, usually on the recommendation of the superintendent, the business administrator and/or board secretary, and other such certificated and non-certificated staff of the district.

3. To purchase land, build, and maintain schools, authorize bond elections, and offer such other services as authorized by law.

4. To hold board meetings and maintain required records relative to financial, personnel, student attendance, and so on.

5. To obligate the district by contracts for personnel, services, equipment, supplies, and textbooks...(pp. 72-73)

Problems as Seen by Board Members

During the 1986/87 school year a survey was conducted by the Institute of Educational Leadership regarding various aspects of public education. School districts reported the following problems that challenge the effectiveness of local boards of education (Danzberger, Carol, Cunningham, Kirst, McCloud & Usdan, 1987):

1. Lack of public understanding of the role of boards.

2. Poor relationships with state policy-makers.

3. Improving teaching in the framework of collective bargaining.

4. Amount of time boards of education invest in their work verses satisfaction with the accomplishments and ability to determine their own priorities.
5. Board members reported they do not spend enough time on any one important issue.

6. Problems in becoming a unified board rather than a collection of individuals.

7. Need for board strategies and a framework to assess and communicate board effectiveness.

David Boaz (2001), Executive Vice-President of the Cato Institute and editor of *Liberating Schools* states...“Say good-bye to local control of local schools.” Boaz writes: Liberals and conservatives in Washington have usurped the authority of local communities to run their own schools. The education bill now moving through Congress with bipartisan support involves unprecedented new federal mandates on local school districts (p. 1).

Among the most notable requirements are:

1. The bill requires states to test all students each year in reading and math in the third through eighth grades and once in high school.

2. If test scores in a school don’t improve enough to meet federal standards, the school would get extra federal aid but would have to change its curriculum and train its teachers.

3. After another year of failure in federal eyes, the school would be required to let students transfer to other public schools.

4. If the federal government is still unhappy after three years, they could require the school to replace staff, turn over operations to the state, or restructure. On the issue of local control, where, in the Constitution, is there mention of education? There is
none; education is a matter reserved for the states.

City and State Takeover As A School Reform Strategy

Increasing pressure to improve low-performing schools, particularly those in central cities serving disadvantaged and minority students, has led to a host of reform efforts. Some of the major issues involved with takeovers, including arguments for and against the practice, juxtaposed with other types of state intervention strategies, the policy questions raised, and the role race has played in the debate, focus on evaluating the effectiveness of this popular, yet unproven, attempt at reforming low-achieving schools.

Between the years 1989-2002, forty school districts were taken over. The peak of takeovers as a reform strategy occurred during the years 1995-1997, and included the most highly publicized takeovers in Chicago and Newark in 1995, and Cleveland and Baltimore in 1997. As time went on, takeovers as a reform strategy broadened in scope. Prior to the 1995-1997 peak, more takeovers were for purely financial and/or mismanagement reasons, excluding academic goals. Since 1997, greater emphasis has been placed on including academic goals in this popular, yet unproven reform strategy (Wong & Shen, 2002).

The case for state takeover as a reform strategy has been based on two circumstances: (a) the prolonged dismal performance of urban districts, such as standardized test performance, suspensions, expulsions, special education placement, drop-out rates, teacher absenteeism; and leadership and management issues, such as financial mismanagement and bureaucratic waste; and (b) the inability and/or unwillingness of the existing governance system to correct its deficiencies. Succinctly, over the past
decade there has been support in many cities and state legislatures for the notion that the situation has become so grim that an unproven, but drastic change in course is necessary (Carl & Green, 2000).

Takeovers of urban school districts share at least one characteristic; the need for new leadership in educationally and financially troubled districts. The takeover process varies from state to state, but school districts generally go through some type of monitoring process prior to a takeover. Most states require districts to develop and implement comprehensive improvement plans, while other states require independent academic audits to identify specific areas for improvement. The types of state intervention include:

1.  *State Management*...the state education department or State Board of Education remove the local board and superintendent and takes over district management, policy-making, usually appointing a State District Superintendent and/or advisory board of trustees to manage the day-to-day operations.

2.  *State/District Partnership*...the local board and many administrators remain on the job as advisors to a state-appointed team or individual that oversees district improvement.

3.  *Third Party Management*...The state contracts with a private company to monitor the institutional improvement process.

4.  *Mayoral Control*...Accountability shifts from the local school board to the mayor who can hire a team of managers to turn the district around.

5.  *Reconstitution of Individual Schools*...State moves the entire staff of a school and oversees the building of a new philosophy, a new curriculum, and a new
school. A vast majority of new reconstitutions have been undertaken by districts rather than states.

When the pro-takeover argument is broken down into more detail, several key points are made. One component centers around efficiency and accountability in budgeting, as well and other aspects of the school decision-making process. Rather than having a five, seven, or nine member board of education and an appointed superintendent, the strategy of having a one person, such as a mayor or State-District Superintendent, holds appeal for takeover proponents. The logic is that one person being accountable for all the decisions. Another component relates to the goal of depoliticizing urban school governance. The argument here is essentially that the process of electing school board members, who in turn, appoint superintendents and rehire and fire them, has become hopelessly politicized. The Michigan Chronicle (1999) argued:

Educating our kids takes a backseat when the number one agenda of a politically elected board is staying in power, making a good impression at public meetings, controlling contracts, dispensing favors, and building a base to launch future political campaigns...as [an elected body]; it is driven and run by politics (p. A4).

The final component of the pro-takeover argument is the denial of responsibility for the existence and scope of the problems facing major cities and their school systems.

Opposing a takeover may be seen as tantamount to endorsing a broken status-quo and denying there is a problem that demands serious, and perhaps a radical change of course (Michigan Chronicle, 1999).

The case against state takeover as a reform strategy focus upon identifying the criteria to justify state takeovers. One of the major arguments of the anti-takeover
campaign relates to poor performance on standardized tests. They contend that using standardized tests as a benchmark has at least two potential problems: (a) the lack of specificity about just how poor test scores must be; and (b) concerns about testing becoming a far too narrow and simplistic means of assessing school and student performance (Olsen, 1998; Ziebarth, 1998).

On one side, urban districts score lower than state averages on most standardized tests. However, how low is considered unsatisfactory relative to the takeover standard, given the constraints and challenges under which urban schools operate; and what about districts that show continued improvement, even if it remains below state averages?

On the other side, notwithstanding a general consensus that there is a need for evaluating the progress of students and schools still exists, there is far from unanimous agreement that standardized tests are the most appropriate means for making such determinations (Carl & Green, 2000).

Closely related to the criteria for launching takeovers is the matter of how these initiatives should be ended. The duration of the takeover varies in terms of the scope of the intervention. To date, only four of 23 state takeovers that involve academic reform have been completed. The rest remain in progress (Wong & Shen, 2002). It is generally accepted that state takeovers to date are temporary emergency situations brought about by low performance, and that local control should eventually be re-established. In addition to the problems associated with determining when a situation is sufficiently desperate to warrant a takeover, how does the state determine when to relinquish control - and how does it prevent the district from "backsliding" once local control is re-established (Ziebarth, 1998)? Last, and more important, what should happen if a state takeover fails
to produce the desired result?

An additional problem that takeover opponents have is doubt over the claim that takeovers have depoliticized school governance. A Stanford University education professor noted, “If the aldermen replace school boards, I’m not sure we come out ahead” (Lewis, 1998, p. 1). Most takeovers to date are characterized as a replacement of one kind of politics (local) with another (state). Takeover opponents argue...“when public education becomes part of this type of political process, educational policy decisions become commodities bought, sold, bartered, and bestowed like patronage positions and building permits” (Hunter, 1997, p. 32).

As takeovers of urban school systems are used as a reform strategy, several larger questions are worth considering: How far does this authority extend - only to school systems or to entire cities? At whose discretion are the judgements made, a governor’s or a state legislature’s? What criteria are used to make decisions - by whose judgement and along which indicators is a school system or perhaps a city deemed to be failing (Carl & Green, 2000)?

A final issue for the opponents of state takeover centers on the root causes of urban school decay and whether local school boards can effectively address them. Many of the problems of urban school systems are hampered by inefficient spending practices, resistance to change, and a lack of leadership. Critics have long noted that the true roots of urban school crisis lie much deeper, such as poverty, family dysfunction, urban abandonment, and low expectations (Green, 1999).
Promises and Limitations of Takeover Reform

Like other major educational reforms, state takeover of local school districts suggests both promises and limitations. The crux of takeover as a reform strategy focuses on district-level capacity to reduce institutional fragmentation and raise academic accountability. The kind of district restructuring that is needed is based on several organizational principles:

1. Recognize that the existing political structures are not easily changed;
2. Empower the state to intervene in failing school districts;
3. Enable the state or city to manage conflicting interests and reduce fragmentation of rules;
4. Integrate political accountability and educational performance standards at the systemwide level (Wong & Shen, 2001).

While the promises of takeover reform make it a popular option, there are also serious challenges to takeover success. Several challenges are rooted in the confrontational relationship between city/state and local school districts, and viewed by professional educators as an infringement of their professional autonomy. Takeover reform focuses on standardized test achievement as the most important measure of school improvement.

The findings from school-level analysis in Boston, Chicago, Lawrence, and Compton lead to four broad conclusions regarding the relationship between academic performance and school district takeover:

1. Mayoral takeover is linked to increases in student achievement at the elementary grades;
2. Gains in achievement are especially large for the lowest performing schools, suggesting that mayoral takeovers involve special focus on these failing schools;

3. Mayoral takeover seems less effective for the upper grades, where the cumulative effects of many years of poor schooling are not easily reversible; and

4. Student achievement suffers when state takeovers produce administrative and political turmoil (Wong & Shen, 2002).

The takeover and management analysis by Wong and Shen in 2001 looks at the changes in per pupil expenditures. This analysis suggests that resource reallocation follows mayoral control and shows that an infusion of non-teacher administrators to management suggests that a more diversified management team approach is being used to run school districts. The second finding of the Wong & Shen (2001) analysis indicates that the takeover and accountability issue are in states that administer content-standards assessments. Although states vary in the number of grades tested, it is clear that in all the states where takeovers have occurred, there are concerns with measuring student performance against state standards. In cities where takeovers have occurred, there is strong emphasis on the administering of additional tests by local authorities. These additional measures of evaluation suggest that state standards are not the only benchmark districts are concerned about meeting.

Assessing the Effectiveness of City and State Takeover as a School Reform Strategy

A growing number of states and city governments have developed policies to deal with failing school districts (Cibulka & Derlin 1998; O'Day 1997). Most states have provisions for state takeover of local school districts, but states rarely invoke them, except
in cases of clear financial mismanagement and/or illegal activity (Cibulka, 1999). Some of the more recent state takeover laws focus more on breaches of academic accountability. Between 1989 and 2000, there were 40 local school district takeovers, 15 for financial deficiencies only, four for both financial and management deficiencies, one for academic deficiencies, four for both academic and financial deficiencies, one for both academic and management deficiencies; and 15 were comprehensive takeovers. “Comprehensive Takeover” refers to those districts in which takeover occurred for a variety of reasons encompassing financial, academic, and managerial issues (Ziebarth, 2001). The comprehensive district takeovers include: (a) Jersey City, NJ, 1989; (b) Paterson, NJ, 1991; (c) Boston, MA, 1992; (d) Compton, CA, 1993; (e) Chicago, IL, 1995; (f) Newark, NJ, 1995; (g) Hartford, CT, 1997; (h) Cleveland, OH, 1998; (i) Baltimore, MD, 1998; (j) Detroit, MI, 1999; (k) Lawrence, MA, 1999; (l) Oakland, CA, 2000; (m) Harrisburg, PA, 2000. The PA state takeover of the Chester-Upland School District is counted once, in 1994 when the district was taken over for financial reasons, even though in 2000 a new panel was created to further oversee the district; and (n) Washington, D.C., 2000.

To date, seven of the 15 districts taken over for financial reasons have been returned to local control; three of the four districts taken over for both financial and management reasons have been returned to local control; three of the four districts taken over for both academic and financial reasons have been returned to local control; and only one of the 15 comprehensive district takeovers, Compton, CA has been returned to local control. The remainder of the districts remain in progress (Ziebarth, 2001).

In New Jersey, state takeover of local school districts has many legal aspects, some of a constitutional dimension (Trachtenberg, 2002). The most fundamental one relates to
New Jersey's constitutional mandate that all students be provided with a thorough and efficient (T&E) education. If the local district fails, the state must act, initially by requiring and assisting districts to improve in the areas of deficiency. When those efforts fail, the state must assume direct responsibility for operating the schools; the State-operated school district.

Another legal aspect is statutory rather than constitutional, involving both federal and state legislation. At the federal level, the new No Child Left Behind Act of 2002 will have substantial implications for failing schools and districts, but there is no consensus yet about how these implications will play out. The Rutgers-Newark Study (2002) focused on the takeover statute at the state level based on considerations that it is seriously flawed, in many respects, compared with national "best practices." Many of the recommendations relate to statutory modifications, including:

1. Increasing flexibility regarding the form and extent of takeover and re-establishment of local control;

2. Focusing on local capacity as a decisive factor in all aspects of school takeover;

3. Recasting the state's role to emphasize technical assistance;

4. Requiring establishment of clear and specific benchmarks against which districts are regularly measured before and during state intervention;

5. Increasing flexibility regarding composition and operation of the local board of education;

6. Enhancing school ethics requirements; and

7. Using state operation to develop urban education models.
The study also focused on the sociological perspective. Using multiple lenses, first, an analysis of student performance in Jersey City, Paterson, and Newark; and second, an examination of best practices in urban education and how to implement them in the takeover districts to improve student achievement. At the district level, the key components were identified as: (a) Vision and leadership; (b) Knowledge or access to knowledge; (c) Effective management; (d) Resources; (e) Interpreting and using data; (f) Building teacher knowledge and skills; (g) Aligning curriculum and instruction; and (h) Promoting family, community and school relationships. At the school level, the key components of school quality were identified as:

1. Teacher quality and experience and long-term professional development;
2. Classroom climate; and
3. School context, including effective leadership, teacher-community collaboration, a safe and orderly environment, and an academic environment dedicated to student achievement. In addition to these district and school factors, community and economic forces are also essential for improving urban schools. Based upon the data, recommendations include strategies to help districts build the local capacity to implement components of successful schools that will be required for return to local control. These recommendations also indicate that the Department of Education (DOE) create collaborative, comprehensive, and systematic district-wide plans to improve student achievement.

Developing A Plan For Re-establishing Local Control in the State-Operated Districts

According to this report submitted by the Institute on Education Law and Policy,
Rutgers-Newark (2002), four conceptual recommendations were made relative to the changes in the overall approach to state intervention:

1. Redefine the state’s role to emphasize support and provide technical assistance to districts in a collaborative manner. The recommendation suggests the state refashion its command and control approach to one that focuses on support and delivery of technical assistance in a more collaborative manner.

2. Make local capacity a cornerstone of the state’s interactions with districts. The recommendation suggests the state focus systematically on building local capacity measures rather than primarily on student achievement. State intervention should be directed at enhancing local capacity, and the full resumption of local control.

3. Create a unified system of state oversight of urban districts, combining the monitoring and assessment process with a process for assuring implementation of Abbott reforms. While the goal is that the Abbott districts, like all others, will meet the state certification standards, it is unlikely that those standards, especially those relating to student achievement on standardized tests, in the near future. In addition, the Abbott mandates contain various programmatic and resource elements designed to enable these districts to substantially improve their educational outcomes. The recommendation suggests the state implement a single unified system, different from the state system for oversight for other districts, incorporating appropriate elements from the generally applicable monitoring and assessment process, rather than two or more parallel and sometimes overlapping systems.

4. Establish a clear, specific system of standards and benchmarks by which districts will be assessed, and in the case of districts requiring state assistance, ensure that
competent, objective periodic assessments are carried out to measure progress, and that
the results are promptly communicated to the districts. The recommendation suggests the
state develop a comprehensive set of district performance standards accurately and
objectively. Those standards and the method of measuring compliance should be used to
develop plans for further improvement in each of the State-operated school districts, to
determine the district’s needs for technical assistance, and to measure their capacity for
local control.

Summary

This chapter provided an overview of New Jersey’s top ten education issues to
lend historical perspective to the factors that had an impact on the decisions to initiate
intervention and takeover of local districts as a school reform strategy. Accountability
mechanisms in big urban city schools and the political implications of those mechanisms
have been presented to provide its relative importance to the relationship of accountability
and intervention/takeover of local school districts. A brief history of local school boards
has been provided to illustrate the impact regarding the elimination of the local governance
authority, and the importance of school and community has on building capacity in both
the district, as well as the individual school and classrooms. A review of current research
on intervention and takeover of local districts as a school reform strategy has been
provided to effectively assess the successes and failures of New Jersey’s three State-
operated school districts. Last, a literature review of policy initiatives for ending
takeovers and providing a road map for re-establishing local control in New Jersey’s three
state-operated school districts has been presented.
CHAPTER IV

Methodology

The public school districts of Jersey City, Paterson, and Newark failed to achieve the state’s educational standards as set forth in N.J.A.C. 6:8-4.3 through 4.10 used for the implementation of a thorough and efficient system of free public schools in accordance with N.J.S. 18A:7A-1 et seq. and the New Jersey state constitution. As a result of the monitoring process established by the Department of Education (DOE) in 1984, it found that Jersey City in 1989, Paterson in 1991, and Newark in 1995, were unwilling or unable to correct identified deficiencies. This study documents and provides policy analysis of city and state takeover as a school reform strategy. Further research data is provided documenting the DOE’s difficulties and inability to successfully correct deficiencies prior to the advent of state intervention and takeover.

Since this researcher was an employee of the Jersey City Public School District for 18 years prior to the state takeover, and subsequently appointed by an assistant state education commissioner to assist the DOE in re-establishing the Office of Auditor General in Newark (July 1993 to July 1995) prior to state operation, and serving on the state transition team (July-August 1995), and as Associate Director of Personnel for the State-operated school district of Newark (September 1995 thru October 1996), personal interviews were not used for inquiry purposes or obtaining data.
Research Design

This chapter explains the methods and procedures that will be used to analyze the documents and present the data. This is a qualitative study using content analysis. The strategy in qualitative design is not to prove or disprove a given theory, but rather to allow certain dimensions to emerge from analysis of the subjects under study (Patton, 1980).

Policy analysis has been defined as the “evaluation of alternative government policies or decisions in order to arrive at the best (or a good) policy or decision in light of given goals, constraints, and conditions” (Nagel, 1984). The traditional focus of policy analysis has been the generation of alternatives, as well as the study of the effects of existing policies (Brewer & DeLeon, 1983). This is a qualitative study with an inductive approach. The qualitative study focuses on a cause-an-effect relationship between two variables. The qualitative researcher is concerned with an objective reality that is “out there to be discovered;” and is concerned with how individuals perceive their world and views reality as an interpretation of these perceptions constructed by each individual (Hoffman-Riem, 1986).

Coplin and O'Leary (1981) identify four types of policy analysis. The first type of policy analysis is monitoring and is a systematic collection of data relevant to a policy domain and to the on-going policy. The second form of analysis is forecasting and draws on data banks to predict what policy issues will be important in five to ten years. A third form of policy analysis is evaluation and provides information about how well the policy is achieving the purposes for which it was designed. The last form of policy analysis is prescriptive and outlines open options to policy makers.
Procedures

The method that will be used to analyze the participants of this study is content analysis. Such analysis is a “multipurpose research method developed specifically for investigating a broad spectrum of problems in which the content of communication serves as a basis of inference” (Cohen, 1990). When used to analyze educational issues, content analysis clarifies the content of the issues, as well as its sources. In addition, such analysis tells more about the social context and the kinds of factors stressed or ignored, including the influence of political factors.

This study documents the accumulation of source materials that has provided this researcher with a database of information to undertake the writing of this study of state takeover policy that resulted in the takeover of New Jersey’s three largest public school districts (Jersey City, Paterson, Newark). This documentary evidence, or so-called secondary evidence has been compiled from the Department of Education (DOE), official publications, such as Level I, Level II, and Level III monitoring reports, CCI reports, minutes of the State Board of Education, New Jersey statutes (18A) and Administrative Code (Title 6); dissertations; journal publications; newspaper articles; and unpublished documents, such as memoirs, oral evidence, and personal experiences. It must be noted, alternatively, that these secondary sources may erroneously place undue emphasis on the consequences of the actions of individuals in circumstances where wider social, economic and/or political forces were more important in determining historical change.

The reader can expect to find several qualities inherent in this study, such as curiosity, initiative, motivation and commitment, imagination and insight, creativity and
original thought. The purpose of this study, basically, is to provide answers to questions of who, what, when, where, why, and how.

The who in this study represents the New Jersey Department of Education, the Legislature, and the politics surrounding the state operation law. The what represents the school districts that have been taken over by the state (Jersey City, Paterson, Newark). The when represents the time frames of each of the districts taken over by the state (Jersey City, 1989; Paterson, 1991; Newark, 1995). The where represents those cities’ school districts taken over by the state. The why is open to interpretation in light of the monitoring process and the times in which we live. Finally, the how represents the methodology or the reform strategy that was used in each of the school districts taken over by the state. It is the how (policy) that has provided the basis for this study.

1. What factors (accountability mechanisms) impact on decisions for state “takeover” versus state “intervention”? To answer this question, the researcher used the four types of policy analysis, such as monitoring, forecasting, evaluation, and prescriptive. The analytical focus was to look at the Robinson v. Cahill and Abbott v. Burke, which are both New Jersey Supreme Court decisions, their relationship to the Public Education Act of 1975 (also known as the T&E Law and Chapter 212) and the subsequent monitoring process established by the Department of Education, 18A statutes, Title 6 code, and current research on state takeover as a school reform strategy.

2. Do school districts really understand the elimination of the local school board? To answer this question, the researcher used content analysis of related documents and materials relative to the dispute among legal experts concerning the dismantling of local political and administrative bodies. The analytical focus was to consider innovative
ways to keep individuals and community groups involved in and supportive of local school boards. The intrusions of state government reform initiatives is sullied by the reality that the laws and policies of the school reform movement eliminate the last vestiges of local control and community decision latitude in responding to the particular needs of the local districts (Hoover & Kindsvatter, 1997).

3. Do school district takeovers work? Many states and cities have turned to school district takeover as a reform strategy to improve performance. Since this type of reform strategy is relatively new, there is a general lack of systematic study on the changing relationship between mayors, state officials, and the public records (Wong & Shen, 2001). Evaluating the effectiveness of takeover reform is two-fold: (a) there is evidence to suggest that takeover reform has produced positive results in the areas of higher quality teacher and student performance, more effective financial and administrative management, and increased accountability in order to improve public perception; and (b) if some takeovers are proving successful and others are not, what are the differences between successful implementation and takeover reform that proves ineffective?

To answer this question, the researcher used discrepancy analysis of documents and materials related to state takeover as a school reform policy. The analytical focus was to take a look at the annual progress reports as they relate to the implementation of each State-operated school district’s strategic plan, by providing individual assessments on the progress made by each of the State-operated school districts, from the commencement of state operation through the 2000/01 school year.

4. What is the current status of the State-operated school districts? To answer this question, the researcher consulted the New Jersey Department of Education,
Division of Abbott Implementation available on the internet at http://nj.us/njded/schools/sosd. These questions include: (a) What is meant by the term State-operated school district (SOSD)?; (b) What is the current status of the State-operated school districts?; (c) When will Jersey City be returned to local control?; (d) What is the status of the Newark School District?; and (e) What is the status of the Paterson School District?

5. What types of initiatives are needed to end takeover? The process for the re-establishment of local control is delineated in N.J.S. 18A:7A-49. To answer this question, the researcher used content analysis of current research on developing a plan for the return of the State-operated school districts to local control. The analytical focus is on intervention strategies, as a reform measure that assist low-performing districts with achieving state certification, as opposed to state takeover as a reform strategy.

**Summary**

This chapter identifies the sources of information gathered for this study, as well as the who, what, when, where, and how as they relate to state takeover of local school districts as a reform strategy. The procedures delineate the specific questions that are being addressed in this study. Discussed in this chapter are some of the major issues involved with takeovers, including arguments for and against the practice, the policy questions its raises, and thoughts for evaluating the effectiveness of this increasingly popular, yet unproven, attempt at reforming low-achieving schools.
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<tr>
<td>1. What factors impact on decisions for state takeover versus state intervention (accountability mechanisms)?</td>
<td>N.J.S. 18A, N.J.A.C. Title 6, Robinson v. Cahill, Abbott v. Burke NJ Supreme Court decisions, T&amp;I Law, monitoring process, literature review of current research on state takeover as a school reform strategy.</td>
<td>Provide a descriptive analysis, vis-a-vis, historical overview of policy leading to state takeover as an education reform policy.</td>
<td>Provide qualitative study focusing on a cause-and-effect relationship between two variables. The four types of policy analysis: (a) monitoring; (b) forecasting; (c) evaluation; and (d) prescriptive.</td>
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<td>2. Do school districts really understand the implications of the elimination of the local school board?</td>
<td>Review of current research on the dispute among legal experts regarding the dismantling of local political/administrative bodies.</td>
<td>Provide a descriptive analysis for considering innovative ways to keep individuals and community groups involved in and supportive of local school boards.</td>
<td>Provide content analysis of related documents and materials.</td>
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<td>3. Do school district takeovers work (assessing the effectiveness of state takeover as a school reform strategy)?</td>
<td>Review of current research on state takeover as a school reform policy. Review of annual progress reports regarding the implementation of each district’s strategic plan.</td>
<td>Provide individual assessments of the progress made by each of the State-operated school districts in New Jersey thru the 2000/01 school year.</td>
<td>Provide discrepancy analysis of annual progress reports in order to provide an assessment of the State-operated school districts.</td>
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<td>4. What is the current status of the State-operated school districts in New Jersey?</td>
<td>Department of Education literature, web sites, and annual progress reports on the State-operated school districts.</td>
<td>Provide an analysis of where DOE is in developing the process for the return of the State-operated school districts to local control.</td>
<td>Provide a status report on the progress of the three State-operated school districts in New Jersey.</td>
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<td>5. What types if initiatives are needed to end state takeovers?</td>
<td>Review of current research on developing a plan for the return of the State-operated school districts to local control.</td>
<td>Provide reform strategies that assist low-performing districts with achieving state certification standards.</td>
<td>Provide content analysis of current research and recommendations for intervention strategies instead of complete takeover.</td>
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CHAPTER V

Presentation and Data Analysis

The purpose of this chapter is to present the data and provide an assessment of the
effectiveness of state takeover as a school reform strategy. Research questions were
designed to focus on what factors impact on decisions for state takeover, the implications
regarding the elimination of the local school board, do school takeovers work, what is the
current status of New Jersey's State-operated school districts, and developing a plan for
re-establishing local control.

Research Questions

1. What factors (accountability mechanisms) impact on decisions for state
takeover versus state intervention?

2. Do school districts really understand the implications of the elimination of
the local school board?

3. Do school district takeovers work (assessing the effectiveness of state
takeover as a school reform strategy)?

4. What is the current status of the State-operated districts in New Jersey?

5. What types of initiatives are needed to end state takeovers?

Question 1:

Preeminent to any discussion of school accountability, whether analyzing student
performance, the effectiveness of teachers, conditions of school facilities, or the politics of
urban school governance, is the operational definition of the term accountability. The implicit, intuitive sense of the term signifies the holding of someone responsible or answerable for some activity or reason (Hoover & Shook, 2000; Kohn, 1999). What is lost in the use of the word accountability is the question of who is being held accountable and for what activity? Moreover, how will that activity be assessed so as to authentically hold someone accountable? “There is neither due process nor equal protection under the law for those most directly affected by school reform pseudo accountability” (Hoover & Shook, 2000).

Today, the terms responsibility, ability, accountability, and answerability are used interchangeably in terms of meaning and context when issues of school reform are discussed. These factors were the result of a sequence of events and their subsequent impact on decisions to intervene in low-performing school districts, that resulted in the development of takeover as a school reform strategy.

In New Jersey, it began with the Robinson v. Cahill Supreme Court decisions, which led to the definition by the legislature of a thorough and efficient system of free public schools. Subsequently, the enactment of the Public Education Act of 1975, also known as the T&E Law and Chapter 212, which required the Commissioner of Education to evaluate, annually, each school district in New Jersey. The Department of Education developed a monitoring process that held districts accountable for providing a thorough and efficient education.

In 1973, the New Jersey Supreme Court ruled that the Bateman-Tanzman Act, then the current method of funding public education, was unconstitutional. The court’s decision evolved from what became known as the Robinson v. Cahill case. The Bateman-
Tanzman Act established a “school funding formula which provided funding to districts based primarily upon their level of local property taxation” (Reock & Kaelbar, 1991). The court ruled the funding formula unconstitutional because of extreme variations in local property tax rates throughout the state. Significant differences in dollar input per pupil existed between property-poor urban districts and property-rich suburban districts. The Robinson v. Cahill decisions were meant to improve the equalization of funding to all public school districts by the passage of the Public Education Act of 1975. The funding inequities among school districts improved as a result of the New Jersey Gross Income Tax in 1976. However, disparities emerged again, and for a variety of reasons (Reock & Kaelbar, 1991).

The legislature fully funded Chapter 212 in only two of its fifteen years. Many lower-wealth school districts, particularly those in the urban centers, suffered from “municipal overburden,” the excessive tax levy some municipalities found necessary to impose in order to meet governmental needs other than education. Prior year funding made it more difficult for property-poor districts to implement new programs since the entire cost of these programs would be financed by property taxes in the first year (p. 2).

The Abbott v. Burke and the Robinson v. Cahill cases parallel one another, in that each suit claimed that the state’s financing of public education was unconstitutional. It was the Abbott v. Burke case that alleged the funding disparities had become worse under the Chapter 212 formula. Just prior to the Supreme Court’s decision in Abbott v. Burke, then Governor Jim Florio announced a new funding plan in anticipation of the court’s ruling. The New Jersey Legislature passed the Quality Education Act of
1990. It was the QEA that had developed primarily from the Abbott v. Burke decision by the Supreme Court.

Robinson v. Cahill I (303 A.2d 273)

Kenneth Robinson, an infant, by his parents and guardian as litem, Ernestine Robinson, et al., Plaintiffs-Respondents, v. William T. Cahill, Governor of the State of New Jersey, et al., Defendants-Appellants. Supreme Court of New Jersey. Argued January 9, 1973. Decided April 3, 1973. Action was brought by residents, taxpayers, and various municipal officials challenging constitutionality of the system of financing public schools of New Jersey. The Superior Court, Law Division, Botter, J.S.C., 118 N. J. Super. 40, 289 A. 2d 569, entered judgement which declared the system of financing public schools to be unconstitutional. The defendants appealed. Chief Justice Weintraub held that the New Jersey system of financing public education which relies heavily on local taxation to furnish approximately 67% of public school costs, which leads to great disparity in dollar input per pupil and has no apparent relation to mandate for equal educational opportunity, is a violation of the constitutional provision which imposes upon the state the obligation to furnish a thorough and efficient system of public schooling. Judgement modified, and as modified, affirmed.

Robinson v. Cahill II (306 A.2d 65)


The court held that it had the benefit of further argument after holding that the system of financing public schools in New Jersey was unconstitutional, determined that it would not
disturb the statutory scheme unless the Legislature failed to enact, by December 31, 1974, legislation compatible with this decision and effective no later than July 1, 1975, and jurisdiction was retained for appropriate relief if circumstances warranted it.

Robinson v. Cahill III (335 A.2d 6)

Supreme Court of New Jersey. January 23, 1975. No such legislation was enacted by December 31, 1974, although efforts to that end continued through said date. The matter was returned to the court for the ordering of appropriate remedies to effectuate the court's original decision. The court ruled that all school districts must, even under recent legislation extending timetable dates, commence within a very few days the process of adopting budgets for the school year 1975-76 and must be advised prior thereto of the amount of state aid funds of various categories estimated to be received during said school year.

Robinson v. Cahill IV (351 A.2d 713)

Supreme Court of New Jersey. Argued March 18, 1975. Decided May 23, 1975. On rehearing as to remedy, the court held that it would only enact provisional remedy applicable to school year 1976-77 for relief from unconstitutional system of financing public schools, in light of its hesitancy in intruding into the legislative process. The court ordered minimum support aid and save harmless funds not be disbursed as provided under existing statutes but be disbursed in accordance with incentive equalization aid formula of 1970 act in order to effect relief from unconstitutional system; and that such order did not violate appropriations clause of the state constitution.
Robinson v. Cahill V (355 A.2d 129)

Supreme Court of New Jersey. Argued November 24, 1975. Decided January 30, 1976. The court, while affirming a declaration of unconstitutionality and issuing remedial directives, stated that its directions were subject to the possible eventuation of timely and constitutionality appropriate legislative action. The court retained jurisdiction and further stated that supplemental directions or relief could be applied for on notice. Subsequently, the Public School Education Act of 1975 was enacted into law and motions were addressed to the court by a number of different parties in the cause, all of which motions implicated one underlying issue, to wit, whether the act of 1975 was constitutional. The Supreme Court then held that the Act in all respects is constitutional on its face, assuming it is fully funded.

Robinson v. Cahill VI (358 A.2d 457)

Supreme Court of New Jersey. Argued March 15, 1976. Decided May 13, 1976. On appeal from the Superior Court, sustained the facial validity of the Public School Education Act of 1975. On an order to show cause following legislative inaction concerning funding for the 1975 Act, the court held that every public officer, state, county, or municipal, would be enjoined from expending any funds for the support of any free public school unless timely legislative action was taken providing for the funding of the 1975 Act for the school year 1976/77, effective July 1, 1976, or by any other legislative action effective by that date providing for a system of financing the schools in compliance with the education clause of the constitution; however, injunction would not
apply to certain fixed costs, such as redemption of existing school bonds and costs of
maintenance and security.

Robinson v. Cahill VII (360 A.2d 400)

Order of the Supreme Court of New Jersey, June 15, 1976. This matter having
been duly considered by the court amended its previous order of May 13, 1976, in that the
payment of principal, interest and redemption of school bonds, anticipation notes and the
like, existing as of July 1, 1976, or bonds authorized prior to July 1, 1976 and thereafter
issued or notes in anticipation of such bonds thereafter issued, or costs of issuance thereof.
In view of the enactment of legislation which will permit full funding of the Public
Education Act of 1975, the Supreme Court ordered on July 9, 1976, that the injunction
issued by this court on May 13, 1976, is dissolved.

Thorough and Efficient System of Education

The T&E Law was enacted in response to the Robinson v. Cahill decisions. The
1975 decision forced the New Jersey Legislature to enact the 1975 School Finance Act.
In the first Robinson v. Cahill case, the Supreme Court ruled in favor of the plaintiff,
Robinson, stating that the system discriminated against pupils in poor districts, as well as
discriminating against taxpayers by imposing an unequal burden for public education. The
response of the legislature was the Wiley-Burnstein Education Bill, also known as the
Public Education Act of 1975 and Chapter 212. The New Jersey Supreme Court
reviewed the bill in 1976 and ruled that its provisions were constitutional. Subsequently,
the Legislature passed a state income tax to fund the new education law.
The New Jersey Supreme Court in the Robinson v. Cahill decision, had "great difficulty in providing the Legislature with an operational definition of thorough and efficient (Salmon & Alexander, 1976, p. 16). The concept of thorough and efficient was defined by the New Jersey Educational Reform Project (NJERP) as a child, "mastering the basic skills of reading, math and writing" (p. 19). Moreover, the NJERP described the state's educational obligation as, "sufficiently comprehensive to prepare a child for citizenship and successful competition in the labor market" (p. 19). The passage of Assembly Bill A-1736 and Senate Bill S-1516 satisfied the basic skills approach to quality education, as well as establishing statewide minimum standards as an approach to equal opportunity. The Joint Committee for Public Schools served as a liaison between interest groups and legislators. The Education Law Center and NJERP representatives, "continually stressed the need to focus on outcome as a measure of student performance" (p. 143). The State Board provided a definition of thorough and efficient as...

The desirable relationships between the resources of education ("input") and student performance ("output") provided a sound basis for a definition of 'thorough and efficient' education. This relationship is the educational process. To be 'thorough and efficient' this process must set forth a succession of educational activities conducted in a definite manner and leading to the accomplishment of stated educational goals (p. 84).

The current description of thorough and efficient as provided in the Public School Education Act of 1975 in N.J.S. 18A:7A-2 of the legislative findings is as follows: Extensive efforts have been made by the Executive and Legislative branches of state government and others since the Supreme Court's decision to determine the
content of a thorough and efficient system of education and how it may be assured. Because sufficiency of education is a growing and evolving concept, the definition of a thorough and efficient system of education and the delineation of all the factors necessary to be included therein, depend upon the economic, historical, social and cultural context in which that education is delivered. The legislature must, nevertheless, make explicit provision for the design of state and local systems by which such education is delivered, and should, therefore, explicitly provide after four years from the effective date of this act, for a major and comprehensive evaluation of both the state and local systems, and the sufficiency of education provided thereby (p. 68).

Article II of the education statutes, Title 18A:7A-4, discusses the goal of the educational system:

The goal of a thorough and efficient system of free public schools shall be to provide to all children in New Jersey regardless of socioeconomic status or geographic location, the educational opportunity which will prepare them to function politically, economically and socially in a democratic society (p. 71).

The thorough and efficient mandates that were the result of the Robinson v. Cahill Supreme Court decision, requires specific educational goals and objectives for public school districts as part of New Jersey’s educational standards. Subsequent to the enactment of the thorough and efficient law, the state was responsible for ensuring that public school districts complied with the state constitutional mandate, but the state did not have any formal plan to facilitate compliance.
Abbott v. Burke I (477 A.2d 1278)

Raymond Arthur Abbott, a minor, by his guardian ad litem, Frances Abbott; Arlene Figueroa, Frances Figueroa, Hector Figueroa, Orlando Figueroa, and Vivian Figueroa, minors, by their guardian ad litem, Blanca Figueroa; Michael Hadley, a minor, by his guardian ad litem, Lola Moore; Henry Stevens, Sr.; Caroline James and Jermaine James, minors, by their guardian ad litem, Mattie James; Dorian Waiters and Khudayja Waiters, minors, by their guardian ad litem, Lynn Waiters; Cristina Knowles, Daniel Knowles and Guy Knowles, Jr., minors, by their guardian ad litem, Guy Knowles, Sr.; Liana Diaz, a minor, by her guardian ad litem, Lucila Diaz; Aisha Hargrove and Zakia Hargrove, minors, by their guardian ad litem, Patricia Watson; and Lamar Stephens and Leslie Stephens, minors, by their guardian ad litem, Eddie Stephens, Plaintiffs-respondents

v. Fred G. Burke, Commissioner of Education; Edward G. Hofgesang, New Jersey Director of Budgeting and Accounting; Clifford A. Goldman, New Jersey State Treasurer; and New Jersey State Board of Education, Defendants-Appellants. Supreme Court of New Jersey. Argued November 27, 1984. Decided July 23, 1985. Students brought action seeking judgement declaring that finance provisions of state statutory system of elementary and secondary public education were unconstitutional. The Superior Court, Appellate Division, Antell, P., Judge Appellate Division, reversed and remanded. Defendants petitioned for certification. The Supreme Court granted certification and Handler, J., held that:

1. Although ultimate merits of constitutional claims and defenses, merits could not be ignored in determining which tribunal should consider evidence relevant to contentions and facts at heart of controversy, and
2. Challenge to state’s plan for funding public education as allegedly violates the thorough and efficient education clause of state constitution in first instance by appropriate administrative agency (p. 376). Judgement of Appellate Division reversed; case transferred to Commissioner of Education.

Although ultimate merits of constitutional claims and defenses with regard to constitutional challenges to Public Education Act (N.J.S. 18A:7A-1 to 18A:7A-33) were not before Supreme Court, merits could not be ignored in determining which tribunal should consider evidence relevant to contentions and facts at heart of controversy, because nature and scope of necessary factual inquiry and legal analysis influence procedural course that would be taken to litigation. When legislative inaction threatens to abridge fundamental rights, such as education, the judiciary must afford appropriate remedy. In addition, the definition of a thorough and efficient education in the Public School Education Act satisfies constitutional requirement for legislative standards.

Abbott v. Burke II (575 A.2d 359)


Abbott v. Burke III (643 A.2d 575)

Supreme Court of New Jersey. Argued May 24, 1994. Decided July 12, 1994. Following remand, the Superior Court, Chancery Division, declared that the Quality Education Act (QEA) was unconstitutional, and direct review was granted. The court
held that QEA failed to assure substantial equivalence between special needs school
districts and richer districts in expenditures per pupil for regular education, as required by
Constitution. The state was required to address special education needs of poor urban
districts for which funding was required in addition to that necessary to achieve parity for

Abbott v. Burke IV (693 A.2d 417)
Motion granted, ordered accordingly; remanded with instructions. In ongoing action by
public school students to remedy constitutional violations resulting from disparities in
financial resources for education inherent in finance provisions of state statutory system of
elementary and secondary public school education, students renewed motion in aid of
litigants’ rights, alleging that Comprehensive Educational Improvement and Financing Act
(CEIFA), enacted by state Legislature in response to previous orders of state Supreme
Court, failed to remedy constitutional deprivations. The court ruled that: (a) CEIFA’s
standards defining substantive meaning of education to be provided to public school
students were facially adequate and consistent with education clause; (b) CEIFA standards
for necessary expenditures were unconstitutional as applied to special needs districts;
(c) CEIFA funding levels and criteria for Demonstrably Effective Program Aid (DEPA)
and Early Childhood Program Aid (ECPA) were insufficient to permit special needs
districts to implement programs consistent with education clause; (d) CEIFA’s failure to
address problem of dilapidated, unsafe, and overcrowded facilities in special needs districts
violated the education clause; (e) court would order, as interim relief pending legislative
solution; (f) Court would grant injunction pursuant to such relief requiring state Commissioner of Education to ensure that increased funding be put to optimal education use, and to apply additional funding to improvement of students' ability to achieve statutory content standards in special needs districts; and (g) Court would grant further injunction requiring state to provide to each special needs district by commencement of 1997/98 school year.

*Abbott v. Burke V (710 A.2d 450)*


Remedial relief ordered. Elementary school reform plan proposed by state education and finance officials comported substantially with regulatory policies defining constitutional guarantee of thorough and efficient education, and Supreme Court would require its adoption as presumptive elementary school model to remedy constitutional, statutory and regulatory violations inherent in existing system; plan was adaptable to statutorily mandated Core Curriculum Content Standards (CCCS), and its implementation was within statutory authority of Department of Education.

*Quality Education Act of 1990*

The QEA was the result of the New Jersey Supreme Court's decision in the third *Abbott v. Burke* case. The crux of this decision concluded that the former funding system for public schools did not provide adequate funding for poorer urban school districts. The state believed the QEA changes would be sufficient in meeting the T&E mandate for pupils at the various grade levels. For example, foundation amounts for the 1991/92
school year were established at $6,835 per pupil at the elementary level, $7,519 for middle school, and $9,091 for high school (Florio School Funding Plan, 1990, p. 1). The QEA was passed on June 3, 1990 and subsequently amended in March 1991, to ensure that it would help to ease the property tax burden on New Jersey citizens (New Jersey Department of Education, 1991b). Each district’s local fair share is determined by its property wealth and the personal income of its residents. The inclusion of personal income was an addition to the funding formula which did not exist under Chapter 212 of the Public Education Act of 1975. State foundation aid was to provide the difference between the foundation amounts and the local fair share (New Jersey Department of Education, 1991c).

There were three additional Abbott v. Burke decisions, Abbott III in 1994, Abbott IV in 1997, and Abbott V in 1998, which resulted in various amendments to the QEA of 1990. For example, about 40% of new state aid was earmarked for the 30 special needs districts. These districts were classified by DOE as being urban districts and included in the District Factor Grouping (DFG) with a “A” or “B” ranking. This district factor grouping is a measure of socio-economic status, such as per capita income and level of education. QEA II trimmed nearly $360 million from the education budget to fund local tax relief. This plan also imposed budget caps on local districts and served as a leveling down mechanism for schools reducing state aid spending at the price of quality. The crux of the argument by the 30 special needs districts concluded that the revised QEA provided only enough money to maintain the status quo and did not provide sufficient funds to permit district-wide systemic change. At this writing, the state Legislature continues to develop plans to implement the New Jersey Supreme Court decisions in Abbott v. Burke.
*The Monitoring Process*

New Jersey monitoring of local school districts began in 1976 as a result of the Public Education Act of 1975 and the thorough and efficient mandate. A field test was initiated using Kingsway Regional High School in Gloucester County. Modifications were tested which resulted in a *thorough and efficient* monitoring guide. The DOE began T&E monitoring of all public school districts in 1977. The following T&E monitoring areas were reviewed using the December First reporting forms as required by the County Superintendent's Office: (1) Educational Plan, (b) Bilingual Education, (c) Career Development and Vocational Education, (d) Certification, (e) Child Nutrition, (f) Curriculum, (g) Affirmative Action, (h) Facilities, (i) Library Media Programs, (j) Adult Education Programs, (k) Approved Kindergarten, (l) Pupil Transportation, (m) Racial Imbalance, (n) Special Education/Pupil Personnel Services, (o) State Compensatory Education, and (p) Budget Review.

Then Commissioner of Education Fred Burke indicated that monitoring visits for the 1977-78 school year “will be to bring about educational improvement through compliance with the law and code and to make recommendations for meeting the requirements of the law” (Burke, 1977, August 29, p. 1). Districts were monitored to: (a) Review plans submitted in the July First Annual Report, (b) Determine progress towards implementation of districts and school plans, (c) Analyze documents for compliance with statute and code, and (d) Provide assistance (New Jersey Department of Education, 1977).

The guidelines delineated in N.J.S. 18A:7A-5 read:
"A thorough and efficient system of free public schools shall include the following major elements, which shall serve as guidelines for the achievement of the legislative goal and the implementation of this act: (a) Establishment of educational goals at both the state and local levels; (b) Encouragement of public involvement in the establishment of educational goals; (c) Instruction intended to produce the attainment of reasonable levels of proficiency in the basic communications and computational skills; (d) A breadth of program offerings designed to develop the individual talents and abilities of pupils; (e) Programs and supportive services for all pupils, especially those who are educationally disadvantaged or who have special educational needs; (f) Adequately equipped, sanitary and secure physical facilities and adequate materials and supplies; (g) Qualified instructional and other personnel; (h) An adequate state program of research and development; and (j) Evaluation and monitoring programs at both the state and local levels (Public Education Act of 1975, p. 72).

The 1978/79 monitoring process focused on five major areas and listed the following monitoring information:

1. The continuing activities of districts and schools as they implement T&E;

2. The activities that districts and schools intend to implement during the year as reported on the A-2, A-3, C and D Forms of the Annual Report;

3. The efforts of the districts and schools in reaching and maintaining compliance in all requirements of N.J.S. 18A:7A-1 et seq.;

4. The activities or programs identified in the district budget submitted December 1977, as improvement activities or programs; and
5. The activities on those programs for which a cap waiver was granted.

A-2: Identifies activities at both the district and school levels. These activities will be implemented during the 1978-79 school year, pursuant to New Jersey Administrative Code (N.J.A.C.).

A-3: Identifies the activities which the district and schools will implement the recommendations of the County Superintendent in the Annual Evaluation Report.

C-Forms: Describe the activities and budgeting for the basic skills programs of the district.

D-Forms: Describe the activities for the basic skill programs by school (Department of Education, 1978a, p. 2).

The intensity of these monitoring activities identified those districts requiring placement in the Level I process as a result of one or more of the following deficiencies: (a) Low scores in basic skills, (b) Socio-economic factors, (c) Transitory of students and/or staff, (d) Teacher-labor relations stress, (e) Community stress, (f) Lack of administrative and planning staff, e.g., districts with one administrator, (g) Management problems, (h) Facility problems, (i) show cause or other order of Commissioner for remedial action, and (j) Other.

During the 1978/79 school year, further in-depth monitoring of school districts was implemented by the County Superintendent’s Office. Based on analysis by the County Superintendent, further program monitoring was recommended despite positive responses on the monitoring summary questions.

In 1980, then Commissioner of Education Fred Burke recommended to the State Board an evaluation and classification criteria for monitoring districts. This classification
overview for each district included an evaluation in the areas of educational administration and instruction: (a) the Educational Plan; (2) Basic Skills; and (c) other Laws and Regulations. There were two classifications: (a) Educational Plan; and (b) compliance with relevant Law and Regulations. There were three types of classifications: (a) Approval with recommendations...school has substantially satisfied all the criteria... granted for three years; (b) Interim Approval...the evaluation identified deficiencies in a school district, but a state-approved remedial plan is being implemented...granted for one year; and (c) Unapproved...district has not met its obligations to develop and/or implement an effective remedial plan. The designation *Interim Approval Pending* has been used when a remedial plan is requested, but not yet submitted and for districts and schools awaiting a program review, such as a comprehensive basic skills review. Such remedial plans are requested from districts when the criteria have not been met, absent programs established by the district (New Jersey Department of Education, 1980).

With the election of Governor Thomas Kean and the subsequent appointment of Saul Cooperman as Commissioner of Education, the monitoring process changed. A comprehensive review of the Public Education Act of 1975 (Chapter 212) revealed that the monitoring process had departed from its original purpose. The Chapter 212 Monitoring Committee was formed to investigate the T&E monitoring process. The committee declared that the process “has become administratively burdensome and drew the energies of the local school districts away from another important component of the act - the planning process” (Chapter 212 Monitoring Committee, 1983).

Monitoring continued to be the responsibility of the County Superintendent’s Office. Every school district in the state would be monitored within two or three years of
the issuance of the revised Manual for the Evaluation of Local School Districts, pursuant to the Public Education Act of 1975. Districts meeting the essential elements and achieved certification would now be reviewed only at five year intervals. Districts that did not achieve certification were subject to Level II monitoring focusing on specific problems associated with non-certification issues. The specific elements to be reviewed, as a result of the monitoring revision commencing with the 1984/85 school year were: (a) Planning, (b) School/Community Relations, (c) Comprehensive Curriculum/Instruction, (d) Student Attendance, (e) Facilities, (f) Professional Staff, (g) Mandated Programs, (h) Achievement in State Mandated Basic Skills, (i) Equal Educational Opportunity/Affirmative Action, and (j) Financial. The ten elements included 51 indicators (specific criteria to be evaluated), 40 of these indicators were mandatory and 11 were non-mandatory for acceptance. There were 583 districts monitored during the first cycle and 566 of those districts received certification for five years and the remaining 17 districts moved to Level II monitoring.

Under the 1984 monitoring process, a local district was required to document all monitored indicators. All indicators for elements (a), (g), (h), and (j) had to be rated "acceptable" for the district to receive certification. For elements (b), (c), (d), (e), (f), and (i), a specific number of indicators had to be found acceptable for certification. Districts granted certification still had to correct any indicators rated unacceptable through the annual planning process.

The Level II monitoring process was implemented only when a local district failed to achieve certification as a result of the Level I review. This process was intended to, "bring about remedial actions, in the form of analysis of the underlying problems(s), and the development and implementation of an improvement plan to correct them" (New
Jersey Department of Education, 1984, p. 26). Once a district receives notification of certification rejection, the superintendent of schools forms a self-study team comprised of educational staff, including those with expertise in the deficient areas, professionals from other schools within the district, and representatives from the community. The objective of the team is to analyze the causes of the deficiencies identified by the Level I monitoring, and then develop a corrective action plan. This corrective action plan had to be improved by the local board of education, as well as the County Superintendent. The district has one year to implement and correct its deficiencies.

If non-certified school districts did not demonstrate sufficient progress toward compliance with Level II monitoring, further investigation by the Commissioner of Education was possible. The Manual for the Evaluation of Local School Districts (MELSD) states, "Level I and Level II activities are preludes to fulfillment of the legislative intent of the Public School Education Act of 1975" (New Jersey Department of Education, 1976). According to an analysis of the first cycle monitoring results, districts had the most difficulty meeting the standards for the Comprehensive Curriculum and Instruction and Facilities elements. Urban districts also had difficulty with meeting the Mandated Basic Skills element (New Jersey Department of Education, 1978b).

The 1987 monitoring process was streamlined by then Commissioner of Education Saul Cooperman. This new system became known as Cycle 2 monitoring. The state could not initiate further action against those districts which consistently failed to achieve certification until the passage of the takeover legislation in 1988. The monitoring schedule between September 1, 1988 and June 30, 1993 (monitoring was formally suspended in January of 1991) would enable each district in the state to be fully monitored (New Jersey

The Level I monitoring process continued to include ten elements, however, the previous 51 indicators were reduced to 43, and all 43 of these indicators had to be supported by adequate documentation in order to meet the state standards for certification. The Level II required the local school district, with technical assistance from the County Superintendent's Office, to develop a corrective action plan of the deficiencies identified in the Level I report. However, if the district was not granted certification after the Level I review, the district was permitted to appeal to the County Superintendent with local board approval. If the district was still not certified as a result of this appeal, the district could appeal the County Superintendent's decision to, via the County Superintendent, to the Assistant Commissioner of Education for County and Regional Services, pursuant to N.J.A.C. 6:8-4.5(b). For the local school district to achieve certification, it has to develop a corrective action and to address the deficiencies in the Level I report. If the district could not correct its deficiencies, it entered the Level II monitoring process.

The Level II process is conducted pursuant to statute whereby the Commissioner of Education directs the local school board to prepare an Improvement Plan and submit it to both the Commissioner of Education and County Superintendent for approval. The Improvement Plan is based on the district's own internal review and assessment of those remedial activities delineated in the evaluations and reports. Once approved, the district's progress would be monitored at least once every three months. If the district did not achieve certification upon completion of the Improvement Plan activities, the County Superintendent, through the Assistant Commissioner for County and Regional Services, pursuant to N.J.A.C. 6:8-5.1(g), submits a summary report to the Commissioner of
Education that the district not be certified. Following action by the State Board of Education, the Commissioner of Education would notify the district, in writing, that it had not been certified. The district would then be placed in the Level III monitoring process.

The Level III monitoring process is conducted by an External Review Team (DOE staff and educators from other districts with expertise in those areas in which the district is deficient). The DOE then conducts a preliminary review to investigate governance, management, and fiscal aspects of the district’s operations, in order to identify any potential causal factors that may have contributed to the district’s inability to resolve its deficiencies during the Level I and Level II review. While the Level I and Level II monitoring procedures focused on identifying problems and solutions, the third level explored the causes of continuing deficiencies. The two components of Level III are specific: (a) preliminary review; and (b) comprehensive compliance investigation (CCI).

The External Review Team and the DOE compliance unit develops a report leading to the development of a Corrective Action Plan (CAP). The district has one year to implement the plan. If the district makes reasonable progress, the DOE may extend the deadlines for compliance. If the district does not make any progress, the preliminary investigation suggests the district is unwilling or unable to implement the CAP. At this juncture, a CCI is conducted which entails a thorough and detailed examination of a district’s educational programs, fiscal practices, governance, and management. Based on the results of the CCI, the Commissioner issues a report which documents any irregularities and lists all those aspects of the CAP which have not been successfully implemented by the district, or the conditions which would preclude the district from successfully implementing such CAP. A copy of the CCI would be given to the district. At the conclusion of the CCI, the
Commissioner, after hearings, may either order changes in the school district operations, or ask the State Board of Education for the authority to take over the district. In doing so, the Commissioner would also order the local board of education to show cause why an administrative order should not be implemented (New Jersey Department of Education, 1986).

During the second cycle of monitoring, 320 districts were monitored, with 278 districts achieving certification for a period of seven years. To date, there are 34 districts in Level II monitoring and five in Level III. The school districts of Jersey City, Paterson, and Newark have each undergone a CCI, which resulted in the creation of a State-operated school district.

According to a report by the Mackinac Center for Public Policy, all the reform strategies fall into just three categories: (a) those dealing with rules; (b) those involving resources; and (c) those concerned with incentives. Rules-based reforms include such things as extending school days and the school year, changing teacher certification and school accreditation requirements, imposing national and state testing, enacting stricter dress codes, and the like. Research has shown that these types of reforms, while causing marginal improvements, have failed to turn around large-scale decline in education. More drastic city or state “takeovers” of failing schools and districts and legislative proposals, such as “Outcome-Based Education,” “Goals 2000,” and other regulatory regimes have been and still are being tried, with the same disappointing results (Reed, 2001).

Resources-based reforms include increased funding, new textbooks, wiring schools for internet access, renovating or updating school facilities, reducing class size, and other measures that require greater financial expenditures.
Incentives-based reforms include merit pay for teachers, charter schools, intra-district choice, and government vouchers. Milton Friedman was the first American figure to sketch a vision of full educational choice, and the vehicle he proposed for achieving that vision more than 40 years ago, and the one he still champions to this day, is the voucher.

State takeover of local school districts clearly is a rule-based reform strategy. Question #1 deals with what factors impact on decisions for state “takeover” versus “intervention.” These factors include the Robinson v. Cahill New Jersey Supreme Court decisions. In general, Robinson v. Cahill held that the method by which the state was funding public education was unconstitutional. Apart from the funding issue, this decision added a new dimension to the powers of the state over public education. This decision ordered the legislature to define the components of a thorough and efficient education and to provide an adequate funding formula to ensure its implementation throughout the state. In addition to establishing a new state aid formula, the Public Education Act of 1975 sought to address the issue of a definition and to establish a mechanism to ensure that a thorough and efficient education be provided to all pupils throughout the state. In 1981, Commissioner of Education Saul Cooperman changed the evaluation system making the monitoring process more stringent, and school districts more accountable.

In the absence of a specific operational plan, it is difficult to assess the implications of direct state takeover. Such an operational plan must involve the following factors: (a) an assessment based on close monitoring that the district has failed to provide a “thorough and efficient” education; (b) determination that self-improvement was impossible; (c) elimination of the local board of education; (d) removal of all managerial personnel; (e) appointment by the Commissioner of Education of a State District
Superintendent; and (f) costs of the takeover to be paid for by the local district.

Jersey City Takeover

Under the monitoring procedures implemented in January of 1984, the Jersey City Public Schools was first re-monitored by the Hudson County Superintendent’s Office in March of 1984. The district submitted its Improvement Plan seven months late and failed 32 of the 51 indicators which resulted in Jersey City not receiving certification after the Level I review. The district was directed by the Commissioner of Education to develop a Level II corrective action plan (CAP).

The Level II plan provided the district with an opportunity to prepare and implement its own self-study and improvements. The plan was developed by a committee of educators and community members from Jersey City. The County Superintendent’s Office provided technical assistance and was responsible for approving the district’s CAP prior to implementation. The monitoring team returned from September through November of 1986 and approved seven of the 32 indicators the district had originally failed during the Level I review. However, the district failed three additional indicators that it originally received approval for during the Level I monitoring. The district requested an administrative review of the Level II findings for curriculum/instruction, facilities, and professional staff. District officials met with the Assistant Commissioner for County and Regional Services to present their review. Jersey City failed to achieve state certification and was placed in Level III monitoring. Based on the preliminary compliance review, conducted from January to March of 1987, as well as the program deficiencies
review conducted during March and April of 1987. As a result of not achieving state certification after the Level III review, a comprehensive compliance investigation (CCI) was recommended. The CCI was conducted from June 1987 through May 1988.

The Executive Summary of the CCI report (1988) stated that the superintendent and top administrative staff do not provide the district with effective leadership. The operating relationship between the superintendent and the board of education had not been defined. The working climate of the district was dysfunctional and accountability was non-existent. The personnel department had excessive authority and decisions involving personnel matters were not based on competence, equity, and due process. The schools were not organized and did not operate in such a way as to ensure an adequate education. Principals did not lead, they lacked effective goals and plans, and did not provide direction to teachers.

Based on the findings contained in the Level III report, the following recommendations were made and the first takeover legislation was drafted:

1. The district must be completely restructured;
2. The deficiencies in governance, reorganization, and operations are so pervasive that action must include a newly structured board of education, new district top management, a new organizational structure, and management philosophy;
3. Staff selected to meet explicit criteria for competence concerning goals, expectations, plans, management processes, and accountability systems to carry out district’s purposes; and
4. Concluded that the state must establish the system and procedures to ensure board selection and operation, as well as the selection of top management.
Those supporting intervention in Jersey City’s case but opposing takeover legislation argued that the Governor already had the power to take action in the case of a failing school district, citing a 1979 order by Commissioner of Education Fred Burke (New Jersey Department of Education, 1979), whereby a Monitor General was appointed to oversee the total operation of the Trenton School District. Since the Trenton Board of Education was not permitted to reject the Monitor General’s recommendations, the state in effect has taken over the Trenton schools. This type of intervention was clearly based on the provisions of the T&E law. Opponents further cited the intervention in the Newark School District in 1975, which was not based on the T&E law, but on the general powers of the Commissioner of Education. Then Governor Brendan Byrne, by Executive Order, and with the assistance of private industry (New Jersey Bell, PSE&G, Prudential, IBM) completely restructured the policy making and administrative structure of the Newark School District. Subsequently, Governor Byrne, sought legislation to justify the appointment of the Auditor General to oversee the fiscal operations of the district. In further support of those opposing direct state takeover, the use of the vast powers that is vested in the Commissioner were cited in the Upper Freehold Decision (88, N. J. 430, 1981), whereby the issuance of bonds were ordered by the Commissioner without voter approval. Since the crux of the takeover issue appeared to be that the Jersey City School District is unable to provide a state mandated thorough and efficient education, the key question was...does the state have to take over the district to accomplish these reforms?

The Trenton School District is a specific example in which the appointment of a Monitor General by the Commissioner of Education eliminated the Board’s interference and re-instituted sound financial practices. It was also apparent that this authority to
intervene was used sparingly and only in matters of extreme dysfunction in a school
district.

Heretofore, state intervention did not in actuality take over a local school district.
In each instance (Trenton and Newark), the state acted in conjunction with the local
Board of Education. It should be noted that in both these cases, outside observers
concluded that the continued role of the local board of education made reform difficult.
As a result of the enactment of the “state operation law,” the Jersey City Public Schools
became the first State-operated school district in New Jersey.

Paterson Takeover

Since 1984, the Paterson School District has been monitored at Levels I, II, and III
by the DOE under the same monitoring guidelines used during Jersey City’s evaluation,
and failed to achieve state certification. Since 1976, Paterson has never been certified
under any system of monitoring. In addition, the district was the only one in the state that
failed to develop an acceptable level II remedial plan. In fact, the number of deficiencies
increased between the Level I and Level II monitoring. The monitoring process as a
whole has documented the deficiencies, as well as the factors that caused the deficiencies
to exist. Despite the considerable amount of technical assistance provided to the district
over the years, the Paterson School District has been unable to achieve state certification,
and has been unable to provide its students with a thorough and efficient system of
education.

The Executive Summary of the CCI report (1991) stated that the Paterson Board
of Education has failed to implement governance practices and has not functioned in a
manner consistent with state law, administrative code, and district policies and procedures. The major conclusions of the governance component indicated that the Paterson School Board’s governance practices are not reasonably designed to provide a thorough and efficient system of free public schools. In addition, the board:

1. Failed to demonstrate the ability to work cohesively as a unified body;
2. Failed to establish clear priorities for itself and the district;
3. Spent time on insignificant issues instead of addressing the critical ones affecting the education of students;
4. Failed to establish the type of relationship with the superintendent necessary to provide the collaboration needed to correct district deficiencies;
5. Did not regularly review its policy manual;
6. Failed to evaluate the superintendent annually;
7. Failed to maintain comprehensible minutes of its meetings;
8. Did not appropriately file or record financial reports; and
9. Failed to contain complete bidding summaries in board minutes.

District operations have been negatively affected by the superintendent’s failure to make timely decisions. Inefficient business practices and procedures have resulted from a lack of consistent leadership. Personnel practices and procedures have not been clearly established and/or implemented across the district. Principals and district administrators have not been held accountable for the operation of the schools and educational programs. The major conclusions of the management and educational programs components indicated the following:

1. Management practices are not reasonably designed to provide a thorough
and efficient system of education;

2. Top management have precluded the delivery of educational services;

3. Organizational charts did not represent the organization structure in place;

4. Continually employed individuals who lacked the appropriate certification;

5. Desegregation and affirmative action activities have not complied with applicable guidelines and code;

6. Does not have an effective and efficient system in place for the delivery of educational programs and services;

7. Does not have current curriculum guides and did not provide an effective mechanism for guiding the delivery of instruction;

8. Library services have not been consistently provided in all schools;

9. Lacked an efficient system for the ordering and delivery of instructional texts, supplies, and materials; and

10. Has not complied with special education law and was not implementing programs and services pursuant to the regulations.

Only 12 of the district’s 34 schools were visited and all 12 schools revealed significant deficiencies. Violations involved insufficient lighting, improper exit doors, improper closing mechanisms or fire doors, lack of proper toilet facilities in kindergarten rooms, improper storage of combustibles, and generally poor maintenance of ceilings and walls.

The Cresap Report (1991) indicated that the district’s organizational and management processes suffered from significant weaknesses as a result of unfocused governance and the board’s failure to act on important issues in a timely manner. The
superintendent did not define and implement an effective organizational structure nor clearly define roles and responsibilities for key district administrators. The district’s effectiveness was hindered by inadequate accountability for individual performance and the schools received little support from senior management. There was no comprehensive planning process to identify critical needs. The purchasing function was poorly managed. Successful implementation, monitoring, and evaluation of curriculum was difficult as a result of the lack of focus by principals. The hiring process for senior level positions was haphazard and staff were employed without the proper certification.

The KPMG Peat Marwick Report (1991) indicated that the district’s fiscal operations were not conducted in accordance with regulations, applicable statutes, and code. District financial reports were not filed and recorded in the Board’s minutes in a timely manner. Competitive bidding practices were restricted and the Board failed to provide adequate safeguards for its liquid assets. Inefficient administration of district finances resulted in the considerable loss of district funds and the record keeping system failed to provide a clear audit trail.

The CCI revealed that serious, long-term problems continue to exist which impede the district from achieving state certification. Based on the monitoring process and all of its component parts, the unavoidable conclusion is that the Paterson Board of Education failed or is unable to provide a thorough and efficient system of education. Since the district continually failed to correct its deficiencies, the report recommended the creation of a State-operated school district. As a result of the recommendations contained in the CCI report, the Commissioner of Education recommended that the State Board issue an administrative order creating the second State-operated school district in New Jersey.
Newark Takeover

Having failed Level I monitoring in 1984, Newark was placed in Level II monitoring and failed again. A Level III External Review conducted from December 1992 to March 1993, following a four-part audit to update the district’s status, clearly found the district’s performance still unacceptable in many of the same areas that were deficient in 1984.

In May 1993, then Commissioner of Education Mary Lee Fitzgerald, ordered a CCI of the Newark School District. As part of the review process, Rebecca Doggett, Director of the Office of Business and Job Opportunity for the Port Authority of NY and NJ was appointed Auditor General, to oversee the district’s business and financial operations, with veto power over school spending greater than $20,000. Dr. Joseph Cappello, then Business Administrator for the Clifton Public Schools was also appointed as Assistant Auditor General.

The Executive Summary of the CCI report (1994) stated that the Newark Board of Education has been at best “flagrantly delinquent” and at worst “deceptive in discharging” its obligations to the children enrolled in the public schools. Although individual Board Members acknowledge that “things aren’t working” and that “major changes are needed” the Board has been unable to address its own sense of urgency, or the willingness to take decisive action necessary for change to occur. The Board has also failed to hold the Executive Superintendent accountable for achieving necessary improvements in the district’s performance, despite clear evidence that current leadership and management approaches were inadequate. This complacency is reflected at every level of the organization. “Given the pattern of the last ten years, it is unlikely that the district’s same
leadership, however well-intentioned, can demonstrate the ability not just to develop such
a [new strategic] plan, but also to carry it through to produce major change” (Towers

The summary of findings of the CCI indicate that:

1. The Board’s committee structure has been ineffectual and even counter-
productive in dealing with key issues;

2. The current governance, leadership, and management of the district’ are
inadequate to achieve major improvements in student performance;

3. The percentage of children meeting state minimum achievement levels on
standardized tests of basic skills is lower in grade six than at grade three;

4. The average daily attendance in 1992/1993 was approximately ninety
(90%) percent and was one of the lowest reported attendance rates of any district in the
state;

5. Staff records are maintained carelessly;

6. School buildings are filthy and in disrepair, despite the presence of
numerous maintenance personnel;

7. A consistent history evident in the schools is the lack of sufficient,
appropriate instructional materials, equipment, and supplies in the classrooms;

8. Classrooms are dirty and ill-equipped, and instruction is unchallenging and
often misdirected or inappropriate;

9. A number of teachers and other professional staff members are uncertified
or inappropriately certified for their current assignments;
10. Services to special education, bilingual education, vocational education, and Chapter I program students are notably deficient and violate state and federal requirements;

11. The special education program flagrantly abuses the rights of parents and children violating state and federal mandates;

12. Required screenings and examinations are performed inconsistently and recorded with extreme and potentially harmful carelessness, investigators were shocked by the careless delivery of health services;

13. Pupil transportation is hazardous, due to the district’s failure to provide oversight to contractors providing the services;

14. The food service program is not properly monitored by district administrators, there were numerous violations of state and federal regulations designed to ensure the quality and integrity of the program; and

15. The school buildings are unsafe, building codes are routinely violated, unapproved construction was observed throughout the investigation.

The CCI found two worlds during its investigation: (a) the world of the schools with misdirected instruction, badly neglected buildings, inefficient practices, and inequitable distribution of basic resources; and (b) the world of comfortable offices with important sounding titles that accomplished little and drained needed resources from students. Moreover, the investigation uncovered conflicts of interest, falsification of reports, willful violation of New Jersey’s election and bidding laws, mismanagement of state and federal funds, mismanaged personnel matters, loose control over cash and a backlog of uncompleted capital projects. Numerous plans to improve district performance
had been developed over the years, but what was lacking above all in the Newark School District is an effective, integrated improvement strategy and the corresponding will and ability to make it happen.

Based on the findings and conclusions of the CCI, and in order to achieve the state constitutional mandate of providing a thorough and efficient system of education for the children in Newark, then Assistant Commissioner of Education for Field Services Dr. Peter Contini recommended the creation of a State-operated school district.

Summary

Accountability has always been a basic concept in public education, although ideas about how to accomplish it have changed. The literature review talks about the five types of educational accountability (Darling-Hammond, 1989). Balancing different forms of accountability determine what factors impact on decisions for state takeover verses state intervention. Over the past few decades American schools have relied most heavily on bureaucratic mechanisms for achieving accountability. Bureaucratic accountability is based on the hope of finding “one best system” in which all students will be educated. Its strengths rests in its possibility to ensure equal and standardized education. Policies are made at the top and handed down to teachers to follow in educating students. This system of accountability does not hold teachers accountable for meeting the individual needs of students, only for following standard procedures. No form of accountability is sufficient by itself to ensure that all students are well served. Each form of accountability has both strengths and weaknesses, a combination of tools is needed to make schools responsible and responsive.
Public policy is the "outputs of a political system, usually in the form of rules, regulations, laws, ordinances, court decisions, administrative decisions, and other forms" (Kruschke & Jackson, 1987, p. 35). This is based on Coplin and O'Leary's (1981) four types of policy analysis. The first is monitoring and was a factor in the development of the monitoring process, which was a systematic collection and review of educational practices in the three State-operated school districts prior to state operation. The second is forecasting and was a factor in determining what educational issues would be important in five to ten years. The third is evaluation and remains a factor by providing information about how well the policy is achieving the purposes for which it was designed. The last is perspective and provides options for policy makers to review and assess the implications of state takeover as a reform strategy. "A policy is sometimes the outcome of a political compromise among policy makers, none of who had in mind quite the problem to which they argued policy is the solution...And sometimes policies are not decided upon, but nevertheless happen" (Lindblom, 1968, p. 4).

**Question 2:**

New Jersey wrestles with a paradox regarding the governance of public education. It is a state with a 125 year-old constitutional guarantee that regardless of residency, its children will receive a thorough and efficient system of free education. Throughout the same time period, the State has evolved into approximately 600 school districts that exercise considerable "local control."

One of the problems that takeover opponents have with this reform strategy is the depoliticizing of school governance. To date, most takeovers might be more accurately
characterized as the replacement of one kind of politics with another, with unclear progress toward the true goal of improved performance of urban schools and their students (Hunter, 1997).

Another problem is that leadership change without social change centers on the root causes of urban decay, and whether school governance bodies can effectively address them. Critics have long noted that the true roots of the urban school crisis lie much deeper, such as in poverty, family dysfunction, urban abandonment, and low expectations (Green, 1999).

The intrusions of both state and national government reform initiatives into local public school districts significantly changes the nature and the outcomes of schooling by narrowing the allowable for professional educators and narrowing what is possible for students. Democracy is sullied by the reality that the laws and policies of the school reform movement eliminate the last vestiges of local control and community decision latitude in responding to the particular needs of the local districts (Hoover & Kindsvatter, 1997). The difference between a free system of public schooling where local communities engage in participatory democracy in shaping their school district within reasonable state policies and a system of government schools ruled by corporate special-interest agendas (Kohn, 1999). “Democratic philosophy as it embodies the ideals of equality, freedom, and justice for all tends to be lost or supplanted when teaching convention is grounded in the dominant ideology of the times” (Hoover & Kindsvatter, 1997, p. 50). This necessarily means that expertise and decision latitude be restored to those who personally and professionally are closest to the students in our schools, such as educators, parents, legislators, and policy makers.
The issues to consider with the elimination of local control are as follows: (a) Voters' Rights; (b) The Importance of Community; (c) Evaluating Success; and (4) Time. There is a dispute among legal experts concerning the legality of takeovers that remove locally elected officials in favor of state-appointed school leaders.

In 16 states, the Voting Rights Act requires state officials to seek approval from the Justice Department before changing any law or procedures that affects voting. Texas recently appealed to the United States Supreme Court, arguing that the Voting Rights Act does not apply to school or district takeovers, but the court ruled unanimously that the case was premature, and consequently states that a plan to take over a school district should consider whether or not they need to seek approval from the Justice Department prior to beginning any takeover (Education Week, 2002). A group of Newark parents filed a lawsuit on April 14, 1994 to block the state takeover of the city schools, charging that such action would remove an elected school board and thereby abrogate their voting rights. The suit filed in federal court maintained that state control would deprive minorities of representation in the governance of the school district. Of the three districts taken over by the state, only Newark filed a lawsuit based on the Fifteenth Amendment of the constitution and the Voting Rights Act (Lucas, 1994).

Evidence makes it clear that local communities play an important role in turning around low-performing schools and districts. In the case of takeovers, some of the most promising institutional improvements have been in states that insist upon local school boards and/or mayors maintaining some role in the decision-making. States that dismantle local political and administrative bodies rather than work with them need to consider innovative ways to keep individuals and community groups involved and supportive of
local schools (National Association of State Boards of Education, 2002). After more than ten years, state takeovers still raise more questions than provide answers. Researchers are only beginning to consider why schools and districts continue to perform poorly when they are taken over by government agencies. To make the job of evaluating success even more challenging, state takeovers often occur alongside other major programmatic and policy changes. States that want to understand why some takeovers work better than others need to invest in research that can evaluate the complex issues surrounding success (Wong & Shen, 2001). In some states, takeovers of ten or more years have still failed to bring the desired improvements in student achievement. States that decide to takeover a local school district need to understand, particularly when takeovers are for reasons of poor student achievement rather than managerial performance, the process of improvement can be a long-term undertaking. In persistent cases of low performance, states may want to consider if and when to end a takeover and seek other intervention options.

**Question 3:**

In order to assess the effectiveness of state takeover as a school reform strategy, the reader needs to understand what happens when the state takes over a local school district. When the Commissioner of Education determines that a local school district has failed to take or is unable to take corrective actions necessary to establish a thorough and efficient system of education after Level I, Level II, and Level III monitoring, and a CCl...

The Commissioner shall recommend to the State Board that it issue an administrative order creating a State-operated school district. Notwithstanding any other provision of law to the contrary and upon its determining that the school district is
not providing a thorough and efficient system of education, the State Board may
direct the removal of the district board of education and the creation of a State-
operated school district whose function, funding and authority are defined in P. L.

No order for the creation of a State-operated school district shall be issued solely on the
basis of a district's failure to correct substandard physical facilities. This action by the
State Board of Education does not limit the right of any party to appeal the State Board's
order to the Superior Court (1975, c. 212; amended 1987, c. 398, s.3). Pursuant to
section 15 of P. L. 1975, c. 212, the State Board shall have full authority to:

1. Remove the local district board of education;

2. Create a State-operated school district; and

3. Appoint, upon the recommendation of the Commissioner, a State District
   Superintendent of schools to direct all operations of the district, including the implement-
   tation of the administrative order (the State District Superintendent shall have all the
   authority and powers previously vested in the local district board of education). Should a
local board of education fail or refuse to comply with an administrative order issued
pursuant to Section 15 of this act, the State Board shall apply to the Superior Court by a
proceeding in lieu of prerogative writ for an order directing the local school board to
comply with such administrative order. Once a local school district is taken over by the
state, the following actions are taken pursuant to statute:

1. The superintendent and central office staff responsible for curriculum,
business/finance, and personnel are removed.
2. The Commissioner appoints a State District Superintendent (SDS) for a term not to exceed five years. The salary of the SDS shall be fixed by the Commissioner and adjusted from time to time as the Commissioner deems appropriate. The salary of the SDS and the salaries for all persons appointed pursuant to this act shall be at the expense of the local school district.

3. No person shall be appointed to any position pursuant to this act unless the person holds an appropriate certificate prescribed by the State Board of Examiners.

4. Notwithstanding the absence of a board of education, a State-operated school district shall remain a corporate entity.

5. The SDS shall have the power to: (a) enforce the rules of the State Board; and (b) perform all acts and do all things, consistent with law and the rules of the State Board, necessary for the lawful and proper conduct, equipment and maintenance of the public schools of the district.

6. When the board of education is removed and a State-operated school district is established, collective bargaining agreements entered into by the school district shall remain in force, except where otherwise expressly provided in this act.

7. There shall be established within a State-operated school district an internal audit team which shall monitor the business functions of the district and report its findings to the SDS and Commissioner. The cost of providing this internal audit team shall be borne by the state.

8. The SDS may appoint, transfer and remove clerks, pursuant to the provisions of Title 11A (Civil Service) of the New Jersey statutes and the provisions of Title 18A (Education). The SDS, subject to the approval of the Commissioner, shall
appoint and establish the salaries of such State Assistant Superintendents (SAS), as necessary and assign them their duties and responsibilities. No SAS shall acquire tenure. The SDS shall make all personnel determinations relative to employment, transfer and removal of all officers and employees, professional and non-professional, except that the services of the district auditor or auditors and attorney(s) shall be immediately terminated by creation of a State-operated school district.

9. Except as otherwise provided in this act, any person serving under tenure or permanent civil service status shall retain all tenure rights and may continue to serve in the district. However, they shall perform only such duties as prescribed or delegated by the SDS and for which they are appropriately certified.

10. The positions of the district’s chief administrator and those executive administrators responsible for curriculum, business and finance, and personnel shall be abolished upon creation of the State-operated school district. The affected individuals shall be given 60 days’ notice of termination or 60 days’ pay. The notice of payment shall be in lieu of any other claim or recourse against the school district based on law or contract.

11. Within one year of the establishment of the State-operated school district, the SDS shall prepare a reorganization of the district’s central administrative and supervisory staff and shall evaluate all individuals employed in central administrative and supervisory staff positions. The reorganization shall be implemented on the next July 1st following its preparation, unless otherwise directed by the Commissioner.

12. The positions of the central administrative and supervisory staff, other than
those abolished by the creation of a State-operated school district, shall be abolished upon
the reorganization of the State-operated school district's staff.

13. The Commissioner of Education shall adopt criteria for the evaluation of
building principals and vice-principals in a State-operated school district. The SDS shall
establish an assessment unit which shall conduct on-site evaluations of each building
principal and vice-principal in accordance with the criteria established by the
Commissioner and render evaluation reports to the SDS. Following the completion of an
assessment cycle of not less than 12 months, the SDS may dismiss any tenured building
principal or vice-principal for inefficiency, incapacity, unbecoming conduct, or other just
cause. The Commissioner and the Office of Administrative Law are empowered and
directed to take any necessary action to expedite hearings for dismissal of tenured
principals or vice-principals.

14. Within 60 days, the Commissioner shall establish a board of education
consisting of not more than 15 persons from among the residents of the district. The
membership of the board shall be from the community's racial and ethnic background. Of
the 15 members, 13 shall be appointed by the Commissioner and two by the municipality.
The SDS shall meet with the board of education, at least, once each month. The SDS
shall report to the board on all actions taken and pending in a timely manner, and provide
an opportunity for a full discussion by the board and by the public of those actions.
Meetings shall be conducted in accordance with the Open Public Meetings Act (N.J.S.
10:4-6 et seq.). The Commissioner, in consultation with the New Jersey School Boards
Association (NJSBA), shall provide such board members with appropriate in-service
training.
15. The SDS shall annually provide to the Commissioner an assessment of the progress of the district toward meeting the requirements necessary for state certification. In addition, the Commissioner shall ensure that the district is generally monitored by the DOE in the manner provided for all school districts in Level III monitoring, pursuant to section 14 of P. L. 1975, c. 212 (N.J.S. 18A:7A-14).

School district takeover has become a high profile policy and political issue. At issue is how effective a state takeover can be as a strategy to promote higher quality teaching and learning, improve management, and enhance public confidence. State takeover as a reform model focuses on district-level capacity to reduce institutional fragmentation and raise academic accountability (Wong & Shen, 2002).

This study examines the four districts in which comprehensive takeovers are currently in place. Comprehensive refer to those takeovers in which the city or state has assumed control for academic, financial, and management reasons. The districts fall into two categories: (a) three New Jersey state takeovers (Jersey City, Paterson, Newark); and (b) one city takeover (Chicago). Takeover reform looks different in each school district because each city and/or state takeover involves a unique set of political and educational institutions (Wong & Shen, 2001). Despite any variation, all takeover reform has at its core the goal to turn around failing schools.

Individual assessments of each of the State-operated school districts is provided by identifying factors that had an impact on the decisions to implement state takeover as a reform strategy in Jersey City in 1989, Paterson in 1991, and Newark in 1995. The Chicago Public Schools have long had a reputation for being fiscally and educationally
bankrupt. In 1995, the situation was so intolerable that the Illinois state Legislature handed governing authority over the school district to the city’s mayor, Richard Daly.

Jersey City Public Schools

An assessment of the Jersey City Schools is based on the progress it has made in the areas of: (a) student achievement on standardized tests; (b) Whole School Reform implementation; (c) compliance indicators, such as student attendance and drop-out rates, health and safety, comprehensive maintenance plan, facility master plan/substandard classrooms, and special education programs and services; and (d) community and parental involvement. Data has been taken from the Annual Report of Progress for the 2000/01 school year (Jersey City Public Schools, October 2001 Revision).

Student Achievement on State Standardized Tests

At year’s end, High School Proficiency Tests (HSPT) scores indicated that student performance in reading remained the same, scores dropped slightly in mathematics, and students were performing at an all time high in writing, from the previous school year.

1. In reading, 73.0% of the students passed in this area;

2. In mathematics, 79.9% of the students passed in this area; and

3. In writing, 87.6% of students passed in this area. This is the only area that exceeded the state standard of 85% (+2.6%).

Results on the Grade Eight Proficiency Assessment (GEPA) indicated a decrease on the language arts literacy section and increases on the mathematics and science sections, from the previous school year.
1. In language arts literacy, 69.9% of the students passed in this area;
2. In mathematics, 58.5% of the students passed in this area; and
3. In science, 56.9% of the students passed in this area.

Results on the Elementary School Proficiency Assessment (ESPA) indicated decreases on the mathematics and science sections with an increase on the language arts literacy section, from the previous school year.

1. In language arts literacy, 60.0% of the students passed in this area;
2. In mathematics, 38.7% of the students passed in this area; and
3. In science, 67.9% of the students passed in this area.

Student average daily attendance was 92.0%, the highest three-year average rate since state takeover. The percentage of students (16 years of age and older) dropping out of school decreased by 0.42 percentage points during the 2000/01 school year.

Table 2

Jersey City Pupil Performance - Grade 11

<table>
<thead>
<tr>
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<td>66.4</td>
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Table 3

Jersey City Pupil Performance - Grade 8

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<thead>
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<td>Mathematics</td>
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<tr>
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<td>76.2</td>
<td>74.5</td>
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<td>Mathematics</td>
<td>48.3</td>
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<td>Science</td>
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Table 5

<table>
<thead>
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<th>ESPA</th>
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<th>2000</th>
<th>2001</th>
<th>Improvement</th>
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</thead>
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<td>34.3</td>
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<td>+20.1</td>
</tr>
<tr>
<td>Mathematics</td>
<td>42.4</td>
<td>45.0</td>
<td>38.7</td>
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<td>Science</td>
<td>66.4</td>
<td>68.7</td>
<td>67.9</td>
<td>+1.5</td>
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</table>

*Implementation of 6A:24 - Urban Education Reform Regulations*

The district’s efforts, as reported on the 2000/01 Annual Report of Progress, in implementing Whole School Reform and all of the key initiatives as a result of the *Abbott v. Burke* Supreme Court’s decision indicate that six elementary schools have participated as part of the State’s Cohort II in September 2000. Five additional schools joined Whole School Reform as part of Cohort III in September 2001. The remaining 21 elementary and middle schools were to have identified, selected, and begun implementation of a State-approved Whole School Reform model by September 2001. This was successfully completed. All of the district’s elementary and middle schools were required to develop and submit program implementation plans, school-level technology and school-based
budgets in December 2000 to ensure effective and timely implementation of the Abbott mandates. The district’s six high schools identified, selected, and commenced implementation of a Whole School Reform model as part of the State’s Mid-Year Cohort III in January 2001. Moreover, the district submitted its comprehensive Early Childhood Plan, as well as its Alternative Education Plan for middle and secondary school students in order to provide students with appropriate and educationally enriching learning situations in those particular situations.

**Compliance Indicators**

**Indicator 5.1:** Pupil attendance indicates that the district exceeded the mandate (90%) set by the state, and district-wide, every school except one is over the required 90 percent. The status of the district is compliant.

**Indicator 5.2:** Dropouts indicates that the district met the state standard dropout rate at 9.5% and bettered its 1999/2000 rate of 9.92 percent (0.42% less). The status of the district is compliant.

**Table 6**

<table>
<thead>
<tr>
<th>Compliance Indicator</th>
<th>State Standard</th>
<th>District Average</th>
<th>Status at Takeover</th>
<th>District Average</th>
<th>Current Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 Attendance</td>
<td>Minimum 90%</td>
<td>1989/90 to 1991/92</td>
<td>Non-compliant 89.8%</td>
<td>1998/99 to 2000/01</td>
<td>Compliant 91.3%</td>
</tr>
<tr>
<td>5.2 Drop-Out Rate</td>
<td>Maximum 10%</td>
<td>1989/90 to 1995/96</td>
<td>Non-Compliant 13.2%</td>
<td>2000/01</td>
<td>Compliant 9.5%</td>
</tr>
</tbody>
</table>
Indicator 7.1: State aid indicates the district has provided the necessary data by the dates specified by the DOER with no adjustments in the current year’s (2000/01) aid data, and no adjustments in the previous four year’s data (1996/97, 1997/98, 1998/99, 1999/2000). The status of the district is compliant.

Indicator 7.2: Generally Accepted Accounting Principles (GAAP) indicates the monthly submission of board of education financial actions to the County Superintendent of Schools. The status of the district is compliant.

Indicator 7.3: Over-expenditure of funds indicates that the district’s monthly A148 (Board Secretary’s Report) and A149 (Treasurer’s Report) reflects the receipt of capital funds reimbursed by the City of Jersey City. The status of the district is compliant.

Indicator 7.4: Annual audit and recommendations indicate the submission to the County Superintendent and CAP status report to the DOE. In addition, the district is the recipient of the Governmental Finance Officer’s Association Certificate of Excellence in Financial Reporting for the June 1998 and June 1999 CAFR’s. The June 1999 CAFR also received the Association of School Business Officials International Certificate of Excellence. The status of the district is compliant.

Indicator 7.5: Transportation indicate the district’s bid specifications are submitted to the County Office for review prior to advertising. All routes are established, as well as the awarding of contracts are filed with the County Office. The status of the district is compliant.

Indicator 7.6: Health and safety indicates that every school building was audited using the health and safety checklist. Every building is compliant in the 100% category.
The status of the district is compliant.

Indicator 7.7: Comprehensive maintenance plan is currently being addressed by the district. The revision of the plan to separate FMP issues and annual maintenance issues will allow this indicator to be more fully implemented. The status of the district is compliant.

Indicator 7.8: Facility master plan and substandard classrooms indicates non-compliance. The district continues to lease classroom space due to overcrowding. With the Abbott preschool mandate, the district leases 49 trailers for the preschool program for four-year olds. The status of the district is non-compliant.

Indicator 8.1: Special education programs and services indicates non-compliance in the areas of: (a) district-wide inclusion education plan; (b) special education reading program; (c) preschool inclusion plan; (d) behavioral support program; (e) art therapy program; and (f) district-wide suspension CAP. The status of the district is non-compliant.

Community and Parental Involvement

District-wide, the level of parent involvement increased by approximately 25 percent. Several new initiatives were implemented to inform and involve parents in the educational process. Some of these included bi-monthly chat sessions, a parent handbook, a summer activity calendar, the Families Enjoying Books Project, and the Ambassador Program. School-level administrators were directed to provide access and information to parents and submit plans detailing activities that would promote parental involvement.
Strengthening and Refining the Role of the State-Operated School Board

in District Policymaking

The board completed the development of a policy manual. Four sections (Series 1000, 2000, 3000, 4000) have been adopted. These sections are community relations, administration, business and non-instructional operations, and instructional and support personnel, respectively. The Board adopted the 5000 Series (Pupils) in February 2001, had a first reading of the 6000 (instruction), 7000 (construction, remodeling, and renovation), and 9000 (bylaws) at the board meeting on June 21, 2001, and adopted a code of ethical and professional conduct on June 21, 2002. The district has rated this area as successful.

After 13 years of state operation, data obtained from the New Jersey Department of Education indicates that there has been significant improvement in student achievement in Jersey City. Although additional improvement is needed to meet state certification standards, there has been improvement during the period of state operation in most areas measured by standardized tests.

Jersey City Summary

Since the Jersey City takeover in 1989, there have been several different state testing regimens, and none of these state tests have been equated or made comparable with each other. According to Department of Education data, in 1993/94, the first year the HSPT was given to eleventh graders, 66.5% of Jersey City’s eleventh graders passed the reading portion, 66.4% in mathematics, and 73.1% in writing. In 2000/01, the proficiency rate was 73% in reading, 79.6% in mathematics, and 87.6% in writing. This
indicates an increase of 6.5% in reading, 13.5% in mathematics, and 14.5% in writing.

In 2000, the first year the GEPA was given to eighth graders, 76.2% of Jersey City's eighth graders were found to be proficient (defined as having received a score in the proficient or advanced proficient range) in language arts, 48.3% in mathematics, and no scores are available for science. In 2000, the proficiency rate was 74.5% in language arts, 48.4% in mathematics, and 48.2% in science. In 2001, the proficiency rate was 69.9% in language arts, 58.5% in mathematics, and 56.9% in science. Improvements in eighth grade performance in Jersey had been greater in the earlier years of state operation. The district's scores on the previously administered eighth-grade proficiency test, the EWT, had shown significant increases. In 1991, 55.8% of eighth graders in Jersey City were found to be proficient in reading, 42.7% in mathematics, and 39.2% in writing. In 1998, the last year of the EWT administration, 82.1% of Jersey City's eighth graders were found to be proficient in reading, 75.2% in mathematics, and 68.7% in writing. These figures indicate increases of 26.5% in reading, 32.5% in mathematics, and 29.5% in writing.

In 1999, the first year the ESPA was given to fourth graders, 39.9% of Jersey City's fourth graders were found to be proficient in language/arts literacy, 42.4% in mathematics, and 66.4% in science. In 2000, 34.4% were found to be proficient in reading, 45.0% in mathematics, and 68.7% in science. In 2001, 60.0% were found to be proficient in reading, 38.7% in mathematics, and 67.9% in science. These figures represent an increase of 20.1% in language/arts literacy, a decrease of 3.7% in mathematics, and an increase of 1.5% in science.

The DOE analyzed the standardized test results for each of the State-operated school districts in relation to other urban school districts in the state. The analysis
indicates that among the 12 largest urban districts in District Factor Group A (DFGA), Jersey City’s ranking on the reading portion of the HSPT went down from second to third between the fall of 1993, the first year the test was given to eleventh graders, and the fall of 2000, although proficiency levels remained the same at 60.0%; its ranking on the mathematics portion remained at third, although its proficiency level went up from 57.1% to 69.4%; and its ranking on the writing portion went up from sixth to fourth, and its proficiency level went up from 76.9% to 81.2 percent.

The analysis further indicates that among the 12 largest urban districts in DFGA, Jersey City’s ranking on the mathematics portion of the EWT and GEPA went up from fourth to second between 1991 and 2001, and its proficiency level went up from 42.7% to 44.3%; its ranking on the language arts portion went up from sixth to third during the same period, and its proficiency level went up from 39.2% to 53.4%; and its ranking on the science portion went down from second to fourth between 2000, the first year the GEPA was administered, and 2001, and its proficiency level went down from 48.2% to 43.5 percent.

On the ESPA, between 1999, the first year the ESPA was administered, and 2001, Jersey City’s ranking among the 12 largest DFGA districts on the language arts portion went down from second to seventh, although its proficiency level increased from 39.9% to 60.0%; it’s ranking on the mathematics portion went down from third to seventh, its proficiency level went down from 42.4% to 38.7%; and its ranking on the science portion went down from fifth to sixth, although its proficiency level went up from 66.4% to 67.9 percent.

With respect to attendance, since 1998/1999, Jersey City has met the state
standard minimum three-year average rate of 90 percent. In 1991/92, the first year the
data was available to calculate the three-year rate, Jersey City’s rate was 89.8 percent.
Thereafter, the district met or exceeded the 90% standard for three years, but then failed
to meet it for four years. In 2000/01, Jersey City’s three-year rate was 91.3 percent.

With respect to drop-out rates, since 1997/98, Jersey City has met the state
standard maximum of 10 percent. The district’s drop-out rate was 13.2% in 1995/96,
the first year comparison data was available, and 14.6% in 1996/97; by 1998/99, the
dropout rate decreased to 9.3%; in 1999/2000 it was 9.9%; and in 2000/01 it was 9.5
percent.

The turn-around was born of a reform strategy of last resort. In 1987, 25.9% of
Jersey City’s ninth graders passed the math, reading, and writing components of the
HSPT. Nearly four years into the five-year takeover, the state appointed superintendent
reports that “sweeping efforts have changed the Jersey City school system from a symbol
of decay and despair in urban education to a model of hope” (Newsweek, 1991, p. 62).
According to Board Vice-Chairman, Raymond J. O’Brien, before the takeover, only
27,727 of the estimated 52,000 school-age children in Jersey City attended public school.
After four years of state operation, enrollment was up to 30,266. “The school system was
a political-patronage sewer line, and that’s pretty much dried up” (The Star Ledger, 1994,
February 6, p. 47). For all the optimism, many educators caution that four years isn’t long
enough for any experiment. According to Thomas A. Shannon, Executive Director of the
National School Boards...“we don’t have enough experience to know if takeovers work
yet” (Newsweek, 1993, p. 62). The takeover of Jersey City’s public schools got a
glowing report from then Commissioner of Education, Mary Lee Fitzgerald, citing the state’s accomplishments over the four years since state operation (Yaffe, 1993).

Fitzgerald listed expanded early childhood programs (prior to the New Jersey Supreme Court decision in Abbott v. Burke V, 1998), higher scores on the state’s eighth grade tests, the elimination of political patronage, and better maintenance of facilities. However, former Board Vice-Chairman, Raymond J. O’Brien told the Legislature’s joint committee on the public schools, “the vultures are circling in Jersey City.” Even as Commissioner Fitzgerald described Jersey City’s schools as “dramatically changed,” she acknowledged that the district, where most measures of student achievement still lag far behind state averages, remains troubled (Yaffe, 1993).

The Paterson Schools

An assessment of the Paterson Schools is based on the progress it has made in the areas of: (a) student achievement on standardized tests, (b) implementation of Whole School Reform, (c) compliance indicators, such as student attendance and drop-out rates, health and safety, comprehensive maintenance plan, facility master plan and substandard classrooms, special education programs and services, and (d) community and parental involvement. Data has been taken from the Annual Report of Progress for the 2000/01 school year.

Student Achievement on State Standardized Tests

At year’s end, High School Proficiency Tests (HSPT) scores indicated that student performance in reading increased by 6.5 percentage points from the previous year’s
aggregate scores, 6.0 percentage points in mathematics, and 12.7 percentage points in writing.

1. In reading, 60.1% of the students passed in this area;

2. In mathematics, 80.5% of the students passed in this area; and

3. In writing, 79.2% of student passed in this area.

Results on the Grade Eight Proficiency Assessment (GEPA) indicated a decrease on the language arts literacy section and increases on the mathematics and science sections, from the previous school year.

1. In language arts literacy, 63.1% of the students passed in this area;

2. In mathematics, 46.5% of the students passed in this area; and

3. In science, 49.6% of the students passed in this area.

Results on the Elementary School Proficiency Assessment (ESPA) indicated increases on all sections (language arts literacy, mathematics, and science) of the ESPA from the previous school year.

1. In language arts literacy, 66.3% of the students passed in this area;

2. In mathematics, 58.5% of the students passed in this area; and

3. In science, 68.0% of the students passed in this area.

Student average daily attendance was 93.1 percent. The percentage of students (16 years of age and older) dropping out of school increased by 0.7 percentage points during the 2000/2001 school year.
Table 7

*Paterson Pupil Performance - Grade 11*

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<tr>
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<td>62.9</td>
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<td>Writing</td>
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Table 8

*Paterson Pupil Performance - Grade 8*

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<td>Writing</td>
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Table 9

*Paterson Pupil Performance - Grade 8*

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Table 10

*Paterson Pupil Performance - Grade 4*

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<td>Science</td>
<td>57.0</td>
<td>64.6</td>
<td>73.3</td>
<td>+16.3</td>
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</table>
Implementation of 6A:24 - Urban Education Reform Regulations

The district's efforts, as reported on the 2000/01 Annual Report of Progress, in implementing Whole School Reform and all of the key initiatives as a result of the Abbott v. Burke Supreme Court's decision indicate that the three secondary schools and the Innovative Academies have all selected Whole School Reform models and are working toward full implementation in the 2001/02 school year. However, the district worked with each of the 32 elementary schools to ensure that they were fully operational with Whole School Reform implementation plans, technology plans, staff development plans, and school-based budgets. The district is actively engaging in a comprehensive Early Childhood Education Program for students ages three and four. Paterson continues to offer parents and the community an extensive preschool program in collaboration with community child care agencies to serve the universe of three and four year olds. This includes district level staff development opportunities for the teachers and instructional assistants in the agencies serving preschoolers.

Compliance Indicators

Indicator 5.1: Pupil attendance indicates that the district exceeded the mandate (90%) set by the state, and district-wide, every school except one is over the required 90 percent. The status of the district is compliant.

Indicator 5.2: Dropouts indicates that the district exceeded the state standard dropout rate at 4.2 percent. A detailed remediation plan for the three comprehensive high schools has been implemented. This plan includes targeting specific drop-out groups, delineating support services and ensuring that proper school level positions are filled. The
status of the district is non-compliant.

Table 11

<table>
<thead>
<tr>
<th>Compliance Indicator</th>
<th>State Standard</th>
<th>District Average</th>
<th>Status at Takeover</th>
<th>District Average</th>
<th>Current Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 Attendance</td>
<td>Minimum 90%</td>
<td>1991/92 to 1995/96</td>
<td>Compliant 91.7%</td>
<td>1998/99 to 2000/01</td>
<td>Compliant 92.3%</td>
</tr>
<tr>
<td>5.2 Drop-Out Rate</td>
<td>Maximum 10%</td>
<td>1991/92 to 1995/96</td>
<td>Non-compliant 18.2%</td>
<td>2000/01</td>
<td>Non-compliant 14.5%</td>
</tr>
</tbody>
</table>

Indicator 7.1: State aid indicates the district has demonstrated that aid is at least 95% accurate. The district shall meet this performance standard for at least five of the seven years including the year monitored. The status of the district is compliant.

Indicator 7.2: Generally Accepted Accounting Principles (GAAP) indicates the business office will submit financial reports to the district board of education. The status of the district is compliant.

Indicator 7.3: Over-expenditure of funds indicates the Business Administrator will continue to work with staff of the various divisions in the business services, as well as other departments in the district, to develop appropriate internal controls and procedures to ensure compliance with applicable law and code. The status of the district is compliant.

Indicator 7.4: Annual audit and recommendations indicate the board of education shall implement a plan resulting in the correction of all audit recommendations. Recommendations shall not be repeated for the two years immediately preceding monitoring. The status of the district is compliant.
Indicator 7.5: Transportation indicates that controls for the reporting of all data on the annual District Report Transported Resident Students (DRTRS) will be ongoing to ensure the accuracy of all reporting of transportation students. The status of the district is compliant.

Indicator 7.6: Health and safety indicates that the district is non-compliant in this area. The district’s CAP indicates that the maintenance department will conduct annual on-site inspections of each school building to adhere to health and safety codes. A facilities checklist for each school is completed annually to identify health and safety issues to be addressed. Annual monitoring is to be conducted to correct and prevent a backlog of facilities problems.

Indicator 7.7: Comprehensive maintenance plan is currently being addressed by the district. The current work order tracking system has been upgraded to a LAN/WAN based system, which will enable each individual site to enter a work order. Maintenance staff will receive seminars to introduce them to maintenance repair procedures and custodial cleaning procedures.

Indicator 7.8: Facility master plan and substandard classrooms indicates non-compliance. The district continues to lease classroom space due to overcrowding. The construction of new schools, as well as additions to existing schools has demonstrated the district’s intention to provide learning environments that are safe, healthy, and in the best interest of the students. Two remaining substandard classrooms will be modernized according to school code. Two trailers will be eliminated following the completion of projects as noted in the FMP.
the areas of: (a) student referrals, (b) materials and programs, and (c) improvement plans. The DOE monitored the special education program in December 2000. The DOE is providing assistance to the district in revising its CAP’s to address systemic deficiencies.

Community and Parental Involvement

District-wide, the Marilyn Moreheuser Parent Center continues to provide support to parents and community to empower them to be a better partner with the district. Home School Liaisons work in each school to coordinate activities and disseminate information to parents and community organizations. The Mom and Pop Mobile also provides opportunities for parents to discuss the academic growth and development of their children. In addition, the district provided board of education members with opportunities for team building and development of leadership and policy-making skills through attendance at various school board association activities, as well as district and community sponsored workshops.

Strengthening and Refining the Role of the State-Operated School Board in District Policymaking

The Paterson School District participated in community forums sponsored by the Paterson Education Fund, such as Lift Every Voice *Levada Cada Voz and the Public Education Network (PEN) Comprehensive School Health Initiative. Topics included assessment, staff development, high school programs, and the district’s education plan. In addition, the district collaborated with the Paterson Education Fund to educate and involve the community in school related issues, such as a series of activities and
publications to ensure that the public was informed about school board elections. The
district participated in “Governing and Leading for Higher Standards,” a focus group
sponsored by the Paterson Education Fund to create a community engagement plan
around the implementation of the Core Curriculum Content Standards. The central office
Whole School Reform team provided training opportunities to school board members to
enhance their knowledge of WSR and the implementation process. In addition, board of
education members were provided with opportunities for team building and development
of leadership and policy making skills though attendance at county, state and national
workshops and conferences.

Paterson Summary

Since the Paterson takeover in 1991, both educational and administrative gains
appear to have been made during the period of state operation. At the time of this writing,
there is no strong sentiment for beginning the transition back to local control. Further
improvements in pupil performance and in the district’s instructional and governance
capacity appear to still be needed (Tractenberg, Holzer, Miller, Sadovnik, & Liss, 2002).

In a resolution adopted in September 2001, the State Board of Education found
that the Paterson School District had made “continuous and meaningful progress” toward
the state’s certification standards, including “steady improvement” on state-administered
tests and improvement in its attendance and drop-out rates. Since the district did not meet
state certification standards, the Commissioner could not recommend return to local
control. In the same resolution, the State Board found that “the Commissioner is
interested in building the internal capacity in all areas as the district moves to local control."

According to State Department of Education data, in 1993/94, the first year the HSPT was given to eleventh graders, 57.1% of Paterson’s eleventh graders passed the reading portion, 62.9% in mathematics, and 66.2% in writing. In 2000/01, the proficiency rate was 60.1% in reading, 80.5% in mathematics, and 79.2% in writing. This indicates an increase of 3.0% in reading, 17.6% in mathematics, and 13.0% in writing.

In 1999, 66.3% of Paterson’s eighth graders were found to be proficient (defined as having received a score in the proficient or advanced proficient range) in language arts, 38.4% in mathematics, and no scores were available for science. In 2000, the proficiency rate was 64.2% in language arts, 45.8% in mathematics, and 45.8% in science. In 2001, the proficiency rate was 63.1% in language arts, 46.3% in mathematics, and 49.5% in science. Like Jersey City, Paterson showed substantial improvements in eighth grade performance on the EWT in the earlier years of state operation. In 1991, 49.7% of eighth graders in Paterson were found to be proficient in reading, 35.5% in mathematics, and 31.2% in writing. In 1998, the last year of the EWT administration, 65.7% of Paterson’s eighth graders were found to be proficient in reading, 61.8% in mathematics, and 69.2% in writing. These figures indicate increases of 16% in reading, 23.6% in mathematics, and 38% in writing.

In 1999, the first year the ESPA was given to fourth graders, 28.1% of Paterson’s fourth graders were found to be proficient in language arts/literacy, 29.7% in mathematics, and 57.0% in science. In 2000, 34.9% were found to be proficient in language arts/literacy, 39.1% in mathematics, and 64.6% in science. In 2001, 66.3% were found to be
proficient in language arts/literacy, 8.2% in mathematics, and 73.3% in science. These figures represent an increase of 38.2% in language arts/literacy, 18.5% in mathematics, and 16.3% in science.

Paterson's ranking on the reading portion of the HSPT remained the same, at tenth, between the fall of 1993 and the fall of 2000, however, proficiency levels went down from 47.3% to 43.4 percent. Its ranking on the mathematics subtest went up from sixth to second, and its proficiency rating level went up from 44.6% to 70.2 percent. Its ranking on the writing subtest went up from tenth to eighth, and its proficiency level went up from 66.1% to 72.8 percent.

The DOE analyzed the standardized test results for each of the State-operated school districts in relation to other urban school districts in the state. The analysis indicates that among the 12 largest urban districts in District Factor Grouping A (DFGA), Paterson’s ranking on the mathematics portion of the EWT and GEPA went up from seventh to third between 1991 and 2001, and its proficiency level went up from 35.5% to 40.2 percent. Its ranking on the language arts portion went up from ninth to second during the same period, and its proficiency level went up from 31.2% to 54.5 percent. Its ranking on the science portion went up from sixth to third between 2000 and 2001, and its proficiency level went up from 37.6% to 43.6 percent.

On the ESPA, between 1999 and 2001, Paterson's ranking among the 12 largest District Factor Grouping A (DFGA) districts on the language arts portion went up from eighth to fourth, and its proficiency level increased from 28.1% to 66.3 percent. Its ranking on the mathematics portion went up from ninth to third, and its proficiency level
eleventh to fifth, and its proficiency level went up from 57.0% to 73.3 percent.

With respect to attendance, Paterson has met the state minimum standard of 90% since the establishment of state operation. In 1990/91, the district's one year attendance rate was 91.2%, in 2000/01, the year-end attendance rate was 92.3%, and the three-year average, on which the state standard is based, was 92.5 percent.

With respect to drop-out rates, Paterson has failed to meet the maximum 10% state standard in every year since 1995/96, the first year for which comparable data is available. The district's drop-out rate was 18.2% in 1995/96, and had been reduced to 14.5% by 2000/01. More important, Paterson's improvements on the HSPT must be considered in light of these drop-out figures. Given these high rates, the students most likely to do poorly on the HSPT may no longer be in school when the test is given. Consequently, achievement increases in the eleventh grade may be due to the weakest students leaving the system and not being counted.

A review of Paterson's facilities revealed that health and safety conditions throughout the district clearly demonstrated violations continued to remain even though the district previously was notified to correct its deficiencies (Comprehensive Compliance Investigation Report, 1991, Executive Summary). In 1991, a study of the Washington D.C. Schools, by the Council of Educational Facility Planners International, found that after other variables were removed, students in poor buildings were found to score nearly 11 points below children in well-maintained schools in achievement tests. An article in the Star Ledger on January 23, 1994 titled, School Shapes Up After Cleanup, talks about Eastside High School as a revitalized Paterson School and as a happier one for students due to a new coat of paint (p. 13).
In March 1995, Commissioner of Education Leo Klagholz, reported that an audit of Paterson’s school district revealed that officials there are “squirreling away money” in an account to pay for repairs and new schools. Since 1991, Paterson’s state-appointed superintendent and Advisory Board bused children in grades K-5 to out-of-district schools. Though children are bused out, students in Paterson continue to occupy overcrowded classrooms having 35 to 40 students with no relief or new schools in sight. Councilwoman Vera Aims said,

Our city is heading for bankruptcy because of the state’s increases in our school budget, and our children are getting nothing in return. Paterson’s student per capita expenditures increased from $7,000 to $11,000; the superintendent’s salary rose from $119,000 to almost $200,000; and four assistant superintendents make nearly $80,000 each. At the onset of state intervention in Paterson, 1,300 students entered high school, and at the end of four years, less than 900 graduated (Star Ledger, 1995, p. 4).

The student drop-out rate increased, and students’ test scores decreased dramatically.

Newark Public Schools

An assessment of the Newark Schools is based on the progress it has made in the areas of: (a) student achievement on standardized tests, (b) Whole School Reform implementation, (c) compliance indicators, such as student attendance and drop-out rates, health and safety, comprehensive maintenance plan, facility master plan and substandard classrooms, and special education programs and services, and (d) community and parental involvement. Data has been taken from the 2000/01 Annual Report of Progress.
Student Achievement on State Standardized Tests.

At year's end, High School Proficiency Test (HSPT) scores indicated that student performance in reading increased by 0.5 percentage points from the previous year's aggregate scores, 11.4 percentage points in writing, and decreased 3.3 percentage points in mathematics.

1. In reading, 56.9% of the students passed in this area;
2. In mathematics, 55.7% of the students passed in this area; and
3. In writing, 71.1% of students passed in this area.

Results on the Grade Eight Proficiency Assessment (GEPA) indicated a decrease on the language arts/literacy section and increases on the mathematics and science sections, from the previous school year.

1. In language arts/literacy, 46.3% of the students passed in this area;
2. In mathematics, 26.5% of the students passed in this area; and
3. In science, 31.2% of the students passed in this area.

Results on the Elementary School Proficiency Assessment (ESPA) indicated an increase in language arts/literacy and decreases in mathematics and science from the previous school year.

1. In language arts literacy, 51.9% of the students passed in this area;
2. In mathematics, 32.1% of the students passed in this area; and
3. In science, 55.1% of the students passed in this area.

Student average daily attendance was 90.5 percent. The percentage of students (16 years of age and older) dropping out of school was 8.7% during the 2000/01 school year.
Table 12

**Newark Pupil Performance - Grade 11**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading</td>
<td>59.7</td>
<td>56.9</td>
<td>-2.8</td>
</tr>
<tr>
<td>Mathematics</td>
<td>60.9</td>
<td>71.1</td>
<td>+10.2</td>
</tr>
<tr>
<td>Writing</td>
<td>62.9</td>
<td>55.7</td>
<td>-10.7</td>
</tr>
</tbody>
</table>

Table 13

**Newark Pupil Performance - Grade 8**

<table>
<thead>
<tr>
<th>EWT</th>
<th>1991</th>
<th>1998</th>
<th>Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading</td>
<td>62.4</td>
<td>65.4</td>
<td>+3.0</td>
</tr>
<tr>
<td>Mathematics</td>
<td>42.6</td>
<td>56.3</td>
<td>+13.7</td>
</tr>
<tr>
<td>Writing</td>
<td>62.9</td>
<td>44.3</td>
<td>-18.6</td>
</tr>
</tbody>
</table>

Table 14

**Newark Pupil Performance - Grade 8**

<table>
<thead>
<tr>
<th>GEPA</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Language Arts</td>
<td>52.6</td>
<td>47.5</td>
<td>46.3</td>
<td>-6.3</td>
</tr>
<tr>
<td>Mathematics</td>
<td>24.1</td>
<td>21.7</td>
<td>26.5</td>
<td>+2.4</td>
</tr>
<tr>
<td>Science</td>
<td>Unavailable</td>
<td>28.8</td>
<td>31.2</td>
<td>+2.4</td>
</tr>
</tbody>
</table>

Table 15

**Newark Pupil Performance - Grade 4**

<table>
<thead>
<tr>
<th>ESPA</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Language Arts</td>
<td>32.1</td>
<td>31.2</td>
<td>51.9</td>
<td>+19.8</td>
</tr>
<tr>
<td>Mathematics</td>
<td>29.2</td>
<td>33.5</td>
<td>32.1</td>
<td>+2.9</td>
</tr>
<tr>
<td>Science</td>
<td>53.8</td>
<td>56.5</td>
<td>55.1</td>
<td>+1.3</td>
</tr>
</tbody>
</table>
Implementation of 6A:24 - Urban Education Reform Regulations

The district's efforts, as reported on the 2000/01 Annual Report of Progress, in implementing Whole School Reform and all of the key initiatives as a result of the Abbott v. Burke Supreme Court's decision indicate that all Newark schools have chosen Whole School Reform models or have an approved alternate model. All cohort I, II, IIA, and III have commenced implementation of their models. As the district moves to implement models, gaps in the alignment of models to what is needed to implement the Core Curriculum Content Standards (CCCS) become apparent. For example, Talent Development High School's freshmen literacy and math components are not currently aligned to the level of instruction needed for high school students to be prepared for the HSPA. In addition, models continue to lack adequate provisions for special education populations of students making the Whole School Reform not comprehensive enough for many of the schools using a model.

Distribute to SLT's and schools The Early Childhood Expectations Standards of Quality for the Pre-K Program and expand the Children's Literacy Initiative (CLI) into approximately 120 pre-k classes that are housed at community-based centers in Newark. In addition, establish model Pre-K Bank Street - New Beginnings Project in four elementary schools (one Pre-K per SLT).

Compliance Indicators

Indicator 5.1: Pupil Attendance indicates that the district exceeded the mandate (90%) set by the state, and district-wide all but eleven schools did not meet the required 90 percent. The status of the district is compliant.
Indicator 5.2: Dropouts indicates that the district exceeded the state standard dropout rate at 8.7%. Each school with a dropout rate exceeding 10%, as calculated for the year prior to evaluation, shall develop a performance objective to reduce the drop-out rate. The status of the district is compliant.

Table 16

<table>
<thead>
<tr>
<th>Compliance Indicator</th>
<th>State Standard</th>
<th>District Average</th>
<th>Status at Takeover</th>
<th>District Average</th>
<th>Current Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 Attendance</td>
<td>Minimum 90%</td>
<td>1995/96</td>
<td>Non-compliant 89.0%</td>
<td>1998/99 to 2000/01</td>
<td>Compliant 90.9%</td>
</tr>
<tr>
<td>5.2 Drop-Out Rate</td>
<td>Maximum 10%</td>
<td>1995/96</td>
<td>Compliant 8.1%</td>
<td>2000/01</td>
<td>Compliant 8.74%</td>
</tr>
</tbody>
</table>

Indicator 7.1: State aid indicates the district continues to implement strategies to maintain compliance as enrollment and other data are submitted by the dates specified. The status of the district is compliant.

Indicator 7.3: Over-expenditure of funds indicate that Board Secretary’s (A148) Reports are produced monthly and submitted to the advisory board. Staff have been specifically assigned to produce A148 Reports and reconcile with the Treasurer’s (A149) Reports on a monthly basis. The status of the district is compliant.

Indicator 7.4: Annual audit and recommendations indicate that the board of education shall implement a plan resulting in the correction of all audit recommendations with strategies to maintain compliance each year. The status of the district is compliant.

Indicator 7.5: Transportation indicates that all transportation contracts are handled by the Essex County Services Commission who is responsible for obtaining all
cost reviews and approvals. All contracts are submitted to the County Superintendent's Office for approval.

Indicator 7.6: Health and safety indicates that the district is compliant in this area. School inspections have been completed and the district has identified the health and safety issues in each school building. Checklists have been developed based on the inspection. These checklists are being used to identify scope of work and bidding process.

Indicator 7.8: Facilities master plan has been completed and has been submitted and approved by the County Superintendent. A plan is currently in place and work has begun to upgrade and eliminate substandard classrooms. This plan is on-going. This state-approved building program will eliminate most, if not all, of the district's substandard classrooms. The status of the district is compliant.

Corrective Action Plans

Special education programs and services indicates non-compliance in the following 49 areas:

1. District personnel continue to lack knowledge regarding federal and state special education regulations, even though they have received training.

2. Significant delays were noted in placing classified students transferring into Newark and providing them with mandated services.

3. Programs and services must be delivered in facilities approved by the Department of Education.

4. Extended school year services have not been considered as part of the IEP.

5. Related services are not being provided for because of staffing shortages.
6. The district has not been assigning substitute teachers to resource rooms whenever the assigned teachers of the handicapped are absent.

7. The district has been using long-term substitutes to fill vacancies of staff on long-term disabilities or who have left the system.

8. Personal aides are not consistently available to students throughout the school day.

9. The district has allowed administrative barriers regarding specific programming and placement.

10. Principals and other staff members have made changes to IEP’s.

11. The district continued to lack sufficient staff to complete initial evaluations, annual reviews, and re-evaluations in the required time lines.

12. The district lacked documentation that written notices have been provided and that teams are utilizing the correct forms.

13. The district has failed to establish a method for selecting and training surrogate parents.

14. The district has failed to notify parents and students when they reach the age of majority that all rights will transfer to the student.

15. The district lacked documentation of speech referrals and identification meetings with the required time lines.

16. The district will ensure that students suspected of language disability be referred to the Child Study Team (CST).

17. Child Study Team (CST) members do not maintain accessible documentation of audiometric and vision screening.
18. The district Speech/Language Specialists (SLS) have not been conducting all required components of functional assessment of academic performance.

19. The district will ensure that preschoolers with disabilities are assessed in all areas of suspected disabilities.

20. All assessments conducted by the CST’s and SLS have not been dated or signed.

21. CST members have not included functional assessment of academic performance and where appropriate behavior assessments are required.

22. Speech/Language Specialist reports were not always maintained in student files.

23. The district has not conducted all re-evaluations in the required time lines or when conditions warrant or if a teacher or a parent requests the re-evaluation.

24. The district will develop an Improvement Plan that will ensure that re-evaluation planning meetings occur and IEP teams will review existing data to determine the need for any additional assessment. Results of these meetings will be documented in students’ records.

25. District will develop an Improvement Plan that will ensure that parental notices will be provided.

26. District will develop an Improvement Plan that will ensure that consent for re-evaluation will be obtained.

27. District did not ensure that a regular education teacher consistently participated in the meeting to determine a student’s eligibility for special education and related services.
28. The district has not adopted a specific procedure that utilizes a statistical formula and criteria for determining severe discrepancy.

29. The CST’s have not been identifying the appropriate eligibility category in accordance with code.

30. Parents do not consistently receive copies of evaluation reports conducted by CST members and other specialists.

31. The district has not fully utilized state IEP Forms.

32. Signatures of participants at meetings have not been obtained prior to the meeting.

33. Parents are not always afforded the opportunity to attend and participate in all meetings where program and placement decisions are made.

34. The district will ensure that IEP’s are reviewed at least annually.

35. IEP’s must always contain appropriate considerations and required statements.

36. IEP implementation does not always happen in a timely manner.

37. The CST members have not consistently provided newly developed IEP’s in a timely manner.

38. The CST’s have not consistently supported the reasons for removing a student from the general education program even with the services of supplemental aids and services.

39. The district has not consistently attended the preschool transition planning conference.

40. The district has not always included a Statement of Transition Services
Needs and utilized the consultative services of DVR.

41. IEP’s have not consistently met the requirements for the statement of needed transition services is based on students’ preference and interests.

42. CST’s have not always been notified when a classified student is suspended.

43. CST members have not always conducted a manifestation meeting at required times with proper written notices in the student files.

44. Functional Behavioral Assessments and Behavioral Intervention Plans have not been conducted when needed by CST.

45. Classified students have not always participated in state-wide assessments.

46. CST members have not always included graduation requirements in IEP’s.

47. Class size and age ranges according to code have not always been followed.

48. District has not maintained records of parties who access records of students identified as eligible for speech-language services.

49. District does not maintain a tracking system as to where additional student records are located.

Community and Parental Involvement

The first election of members of the Newark advisory board of education took place, pursuant to statute, five years after the establishment of state operation in 2000. Three members were elected to a nine-member board of education in 2000, three in 2001, and three in 2002. A full nine-member elected advisory board is now in place.
The district’s 2000/01 Annual Report of Progress does not address community and parent involvement or strengthening and refining the role of the State-operated school board in district policymaking. However, there were at least four studies of the Newark School District that were issued in 2000, after five years of state operation. These included a report by the Community Training and Assistance Center (CTAC) on the impact of the state takeover on students and schools, a series of reports by the Allen Company evaluating the takeover process, a study of student performance by Arthur Anderson, and a study of operations by Deloitte and Touche.

The CTAC study involved a survey of nearly 10,000 teachers, parents, students, and administrators, and interviews with more than 200 individuals. According to this study, it found a perception that conditions had improved, as well as some real improvement. With respect to community and parental involvement, the report stated, “although parent involvement has increased, not all of it is substantive. Continued effort is needed to ensure that parents are meaningfully involved in school planning and assessment, as well as in supporting school activities and their children.” The other reports did not address community and/or parental involvement.

In the area of board relations, in the superintendent’s (Marion Bolden), judgement, the district is not yet ready to return to local control, and a premature return could result in reversion to the negative practices prevalent prior to takeover.

Newark Summary

Newark is the largest school district in New Jersey. The district was taken over in July of 1995. The CCI Report issued by the DOE during the 1993/94 school year,
reported 48,000 students in the district. In 1998, the Association for Children of New Jersey, Kids Counts, indicated that Newark students are racially diverse, and most of them are low-income with 65% reported to be African-American, 25% Hispanic, 10% white, and 83% on free and reduced (price) lunch programs. The 2000/01 Annual Report of Progress reports 42,000 students in the district. The Newark School District has been under state operation for seven years and appears to be the least ready for re-establishment of local control. However, Newark is the only one of the three State-operated school districts to mention return to local control in its Strategic Plan, and to identify a district goal.

Returning the district to local control will only be achieved when we can create and sustain a learning community that provides our students with the academic skills and strategies they require to successfully move into the world beyond grade 12. This will only occur when an integrated plan has been established focusing all efforts towards the goal of student success. All components of the district community must be actively involved in the analyzing, planning and implementing activities (p. 68).

It appears that the Newark School District continues to need considerable support, specifically with respect to carrying out its vision to keep the district moving forward to developing a plan for providing assistance to schools and teachers. The administration’s vision and its plan for achieving such improvement are less clear. At the same time, a comprehensive and detailed assessment of the district’s capacity in the areas of instructional leadership and fiscal responsibility is needed in order to begin to develop a plan for returning the district to local control (Trachtenberg, et al., 2002).
According to State Department of Education data, in 1994/1995, the year just prior to the establishment of state operation, 59.7% of Newark's eleventh graders passed the reading portion of the HSPT, 60.9% in mathematics, and 66.4% in writing. Six years later, in 2000/01, the proficiency rate was 56.9% in reading, 71.1% in mathematics, and 55.7% in writing. This indicates a decrease of 2.8% in reading, 10.7% in writing, and an increase of 10.7% in mathematics.

In 1999, 52.6% of Newark's eighth graders were found to be proficient (defined as having received a score in the proficient or advanced proficient range) in language arts, 24.1% in mathematics, and no scores are available for science. In 2000, the proficiency rate was 47.5% in language arts, 21.7% in mathematics, and 28.8% in science. In 2001, the proficiency rate was 46.3% in language arts, 26.5% in mathematics, and 31.2% in science. This represents a decrease of 6.3% in language arts, and increases of 2.4% in mathematics and 2.4% in science. Newark's earlier eighth grade performance, as measured by the EWT was mixed. In 1994/1995, 62.4% on Newark's eighth graders were found to be proficient in reading on the EWT, 42.6% in mathematics, and 62.9% in writing. In 1997/98, 65.4% were found to be proficient in reading, 56.3% in mathematics, and 44.3% in writing. These figures represents increases of 3.0% in reading and 13.7% in mathematics, and a decrease of 18.6% in writing.

In 1999, the first year the ESPA was given to fourth graders, 32.1% of Newark's fourth graders were found to be proficient in language arts/literacy, 29.2% in mathematics, and 53.8% in science. In 2000, 31.2% were found to be proficient in language arts/literacy, 33.5% in mathematics, and 56.5% in science. In 2001, 51.9% were found to be proficient in language arts/literacy, 32.1% in mathematics, and 55.1% in science. These
figures represent an increase of 19.8% in language arts/literacy, 2.9% in mathematics, and 1.3% in science.

The DOE analyzed the standardized test results for each of the State-operated school districts in relation to other urban school districts in the state. The analysis indicates that among the 12 largest urban districts in District Factor Group A (DFGA), Newark’s ranking on the reading portion of the HSPT went up from eleventh to eighth, between the fall of 1994 and the fall of 2000, and proficiency levels went up from 42.1% to 46.7 percent. Its ranking on the mathematics subtest went up from eleventh to tenth, and its proficiency rating level went up from 41.4% to 49.5 percent. Its ranking on the writing subtest remained the same, at eleventh, and its proficiency level went up from 56.9% to 68.4 percent.

The DOE analyzed the standardized test results for each of the State-operated school districts in relation to other urban school districts in the state. The analysis indicates that among the 12 largest urban districts in DFGA, Newark’s ranking on the mathematics portion of the EWT and GEPA went up from sixth to seventh, between 1994 and 2001, and its proficiency level went down from 41.9% to 24.1 percent. Its ranking on the language arts portion went up from seventh to fifth during the same period, and its proficiency level went down from 57.0% to 42.2 percent. Its ranking on the science portion went up from eleventh to ninth, between 2000 and 2001, and its proficiency level went down slightly from 28.9% to 28.5 percent.

On the ESPA, between 1999 and 2001, Newark’s ranking among the 12 largest DFGA districts on the language arts portion went down from sixth to eleventh, and its proficiency level increased from 32.2% to 51.9 percent. Its ranking on the mathematics
portion went down from tenth to eleventh, and its proficiency level went up from 29.2% to 32.1 percent. Its ranking on the science portion remained the same, at twelfth, and its proficiency level went up slightly from 53.8% to 55.1 percent.

With respect to attendance, Newark has met the state minimum standard of 90% in every year since the establishment of state operation except the first year. The 1995/96 school year’s attendance rate was 89.0% with its three-year average at 89.1 percent. In 2000/01, the year-end attendance rate was 90.9% with a three-year average of 90.5 percent.

With respect to drop-out rates, Newark failed to meet the maximum 10% state standard in every year since 1995/96, the first year for which comparable data is available. The district’s drop-out rate was 8.0% in 1995/96, in 1996/97 the rate was 9.9%, in 1997/98 the rate was 8.6%, in 1998/99 the rate was 8.7%, in 1999/2000 the rate was 9.07%, and in 2000/01 was 8.74 percent.

Conclusions

Since all of the Abbott districts have started significantly below the levels of non-Abbott districts, and the Abbott reforms are still in the early stages of implementation, the analysis of achievement trends in the takeover districts focuses on how Jersey City, Paterson, and Newark compare to the other Abbott districts, both in terms of differences in passing and proficiency rates and improvement over time.
Of all Abbott district students, 57.3% (Abbott districts include the three State-operated school districts) passed in reading in 1998, in 1999, 57.9% passed, and in 2000, 56.8%, representing a decrease of 0.5 percent. In all other non-Abbott districts, 88.2% passed in reading in 1998, in 1999, 88.6% passed, and in 2000, 88.1%, representing a decrease of -0.1% decrease.

In 1998, 63.1% of Abbott district students passed in mathematics, in 1999, 57.9% passed, and in 2000, 63.7%, representing an increase of +0.6 percent. In all other non-Abbott districts, 91.3% passed in mathematics in 1998, in 1999, 92.3% passed, and in 2000, 92.4%, representing an increase of +1.1 percent.

In 1998, 75.2% of Abbott district students passed writing, in 1999, 66.4% passed, and in 2000, 77.4%, representing an increase of +2.2 percent. In non-Abbott districts, 91.3% passed mathematics in 1998, in 1999, 92.3% passed, and in 2000, 92.4%, representing an increase of +1.5 percent.

Overall, the State-operated districts, from 1998 through 2000, showed increases of 5.6% on all sections of the HSPT in Jersey City, 15.0% in Paterson, and 4.2% in Newark, while the total for all Abbott districts indicate a 0.8% increase on all sections of the HSPT. Non-Abbott districts indicate an overall increase of 0.9% on all sections of the HSPT.

GEPA

In 1999, 60.3% of Abbott district students were proficient in language arts, in 2000, 58.6%, in 2001, 54.9%, representing an overall decrease of -5.4 percent. In non-Abbott districts, 91.4% were proficient in language arts in 1999, in 2000, 89.5% were
proficient, in 2001, 88.2%, representing an overall decrease of -3.2 percent.

In 1999, 34.8% of Abbott students were proficient in mathematics, in 2000, 35.2% were proficient, in 2001, 39.1%, representing an overall increase of +4.3 percent. In non-Abbott districts, 76.4% were proficient in mathematics in 1999, in 2000, 74.8% were proficient, in 2001, 76.8%, representing an overall increase of +0.4 percent.

In 2000, 43.8% of Abbott district students were proficient in science, in 2001, 48.2% were proficient, representing an overall increase of +4.4 percent. In non-Abbott districts, 88.5% were proficient in science in 2000, in 2001, 88.8% were proficient, representing an overall increase of +0.3 percent.

Overall, the State-operated districts, from 1999 through 2001, showed increases of 4.2% on all sections of the GEPA in Jersey City, 5.5% in Paterson, and 0.5% in Newark, while the total for all Abbott districts indicate a 1.1% increase on all sections of the GEPA. Non-Abbott districts indicate an increase of -0.8% on all sections of the GEPA.

**ESPA**

In 1999, 33.8% of Abbott district students were proficient in language arts in 1999, in 2000, 34.8% were proficient, in 2001, 62.6%, representing an increase of +28.8 percent. In non-Abbott districts, 70.4% were proficient in language arts in 1999, in 2000, 68.0% were proficient, in 2001, 91.1%, representing an increase of +20.7 percent.

In 1999, 36.3% of Abbott district students were proficient in mathematics, in 2000, 42.4% were proficient, in 2001, 42.7%, representing an increase of +6.4 percent. In non-Abbott districts, 73.5% were proficient in mathematics in 1999, in 2000, 79.0% were proficient, in 2001, 78.6%, representing an increase of +5.1 percent.
In 1999, 67.7% of Abbott district students were proficient in science, in 2000, 68.9% were proficient, in 2001, 71.3%, representing an increase of +3.6 percent. In non-Abbott districts, 95.5% were proficient in science in 1999, in 2000, 95.1% were proficient, in 2001, 95.5%, representing no change.

Overall, the State-operated districts, from 1999 through 2001, showed increases of 5.9% on all sections of the ESPA in Jersey City, 24.3% in Paterson, and 8.0% in Newark, while the total for all Abbott districts indicate a 12.9% increase on all sections of the ESPA. Non-Abbott districts indicate an increase of 8.6% on all sections of the ESPA.

In comparison with other Abbott districts, the State-operated school districts generally show higher rates of improvement, with some exceptions, especially on the ESPA. On the HSPT, all three State-operated school districts had higher rates of improvement. Paterson showed 21.7% improvement in mathematics and 16% in writing. On the GEPA, Paterson had modestly higher rates of improvement on all three tests, Jersey City on two of the three tests, with a slightly lower rate in language arts of 0.9%, and Newark had slightly lower rates of improvement in all three areas. On the ESPA, Paterson had higher rates of improvement in all three areas and Jersey City and Newark had lower rates of improvement in all three areas.

The three State-operated school districts submit annual progress reports to the Commissioner of Education, but these reports do not include a full review of performance based on the 31 indicators or any other method of assessment. Research on the effect of state takeover strategy is lagging behind the pace of policy and practice. It appears that no effort has been made to assess the State-operated school districts’ operations, pursuant to the certification standards or any other standards for evaluating their capacity to
govern and administer outside the strictures of state operation.

*Chicago Public Schools*

Takeover reform looks different in each school district because each case of city and state takeover involves a unique set of political and educational institutions. Despite this variation, all takeover reform has at its core the goal to turn around failing schools. Since takeovers fall into two categories, city and state, it is appropriate to provide an analysis of the Chicago Public Schools takeover by the mayor in order to assess the effectiveness of city takeover as a school reform strategy (Wong & Shen, 2001).

The Chicago Public Schools have long had a reputation for being fiscally and educationally bankrupt. In 1988, the Illinois Legislature passed a reform bill that dramatically altered the governance structure of the Chicago Public Schools. It provided for a radical decentralization of central office authority and created Local School Councils in each of the schools. Each Local School Council was given the authority over personnel and approving its own budget.

In 1995, the situation was so intolerable that the state legislature handed the governing authority over the school district to the city’s mayor. Mayor Richard Daley created the position of Chief Executive Officer in place of the superintendent and a five person corporate board in place of the board of education. The CEO, with the advice and consent of the board, appointed everyone else. This central governing body, rooted in the political frame, was comprised of non-educators. It was this new governing body that identified areas to be addressed by the introduction of new policies.
The Chicago School District comprises 569 schools, 433,000 students, and is 90% minority, with 84% of households that fall below the poverty level. Most of the state’s special education population are enrolled in the district and 80% are enrolled in bilingual education. Chicago is one of the most segregated school districts in the country, whether you look at it racially or economically (Vallas, 1999).

**Governance**

Under the governance issue, Chicago had an obscure, indirectly appointed board of education, and very little accountability. The superintendent of schools was portrayed as an ineffectual leader, whose authority was often circumvented. In the absence of a specific operational plan, it is difficult to assess the implications of a "direct" takeover of the Chicago schools. It can be logically inferred that the Chicago schools were handed over to the mayor to insure that: (a) policy is made without political interference, and (b) sound financial practices and an efficient administrative structure is in place. Legitimacy has been a problem for many urban school systems. The underlying problem with the 1995 reform governance issue was legitimacy.

**Accountability**

The accountability from top to bottom complicates governance at the school level. It can be logically inferred that in the governance of the Chicago schools, under the previous “obscure, indirectly appointed school board,” that accountability was nonexistent (Shipps, Kahne, & Smylie, 1999). The system had a history of labor and financial problems, such as teacher strikes, work stoppages, perennial deficit spending, an average
of 50% dropout rate, and 75% of students scoring below the national average. The positive aspects of "mandated" accountability, vis-a-vis, the political frame defines issues, sets the agenda, and provides the strategy for implementation (Bolman & Deal, 1997). More often than not, it's a question of political will. It's a big step to identify failing schools, but it's a much bigger step to actually hold schools accountable. According to Vallas, a key to the success of this application was the control over the allocation of resources (e.g., consolidation of tax levies and block grants for both regular and special education). The abolition of tenure for principals, coupled with the streamlined accountability rules for removing poor performing teachers, raises the issue of "due process." A teacher whose position is "closed" lacks definition. The abolition of seniority, the reassignment of senior (tenured) teachers to substitute positions pending termination, purports a lack of policy formulation by addressing immediate needs, but not the district-wide systemic issues. Meaningful negotiations with the teachers' union may have provided a more collaborative approach with regard to the restructuring of the Chicago schools.

The issue of accountability is rooted in the implementation, "Getting People to Carry Out a Policy" (Fowler, 2000). When a problem is defined, and a policy developed to correct that problem, accountability is provided in the implementation process. A review of the Total Quality Management (TQM) philosophy clearly indicates that the organization's primary purpose is to stay in business (Hackman & Wageman, 1995). In this case the organization is the Chicago School District. The dominance of the political frame is evident in the Vallas article, as well as in the application of TQM by: (a) providing top/down leadership, (b) having a clear and consistent goal, and (c) focusing on
strategy and tactics. Senior management provides leadership by taking responsibility for the quality of education in the Chicago schools. This relates to the authority of power verses the power of authority and ties into the following: (a) power dictates performance; (b) power bargaining; (c) control over the allocation of resources; and (d) negotiating within the formal/informal groups, the stakeholders... Teachers' Union, PTA's, local businesses, to name a few. However, the TQM model integrates other frames, (i.e., Structural, Human Resource, and Symbolic). These integrations support the reframing in action principle by providing the leadership and articulating the mission. By defining problems and developing policies for change prior to takeover, you gain a sense of investing in people, empowerment via autonomy and participation. This may be accomplished by utilizing ritual, metaphor, humor and play by providing structure and meaning, a quality of life, and giving a sense of being part of the team. In essence, the policy provides the accountability in its implementation.

Reforms

Paul Vallas (1999) talks about expanding vocational education services at both public and private institutions, as well as utilizing private alternative and special education schools. In addition, he talks about inviting the Catholic archdiocese to apply for charters to operate their schools and about the district's own 15 Charter Schools. Vallas indicates that parents with the financial resources send their kids to private schools and those without the financial resources falsify their address to get their kids into a better public school. If Vallas is about improving the Chicago schools, why promote charter and/or private schools? Exercising these options epitomizes the double standard, “Do as I say,
not as I do," and does not facilitate inter-agency articulation throughout city departments in support of the schools.

Vallas (1999) utilizes charter schools and private educational institutions and services to deal with a variety of student disabilities and discipline problems. He talks about parents with financial resources sending their kids to private schools and parents without financial resources resorting to falsifying addresses to get their kids into the “better” public schools. Whether its charter schools, alternative schools, or even reform schools, these schools should be operated under the guise of the public schools. Such schools may operate under a different set of regulations and policies, and even be administered by a separate division, but must be accountable to the public school authority. This supports the public school initiative of inclusion, dispels the “double standard,” and facilitates inter-agency articulation throughout the district.

In Chicago, the Iowa Test of Basic Schools (ITBS) is used to assess elementary school performance, and the Tests of Achievement and Proficiency (TAP) is used to assess high school performance. Since these tests have been administered for many years, two comparisons are provided. The change in test scores from 1993/94 to 1996/97, two years before and after the implementation of city takeover. The 1998/99 scores are compared with the 1996/97 scores.

Changes (93/94 to 96/97) in student achievement on the ITBS, in grade 4 in math, 7.8% of students were at or above national norms, in reading 3.1 percent. Changes (96/97 to 98/99) in grade 4 in math, 12.5%, and in reading 10.9%, representing increases of +4.7% in reading and +7.8% in math. Changes (93/94 to 96/97) in grade 8 in math, 3.5%,
and 3.0% in reading. Changes (96/97 to 98/99) in grade 8 math were 10.0%, and in reading 7.5%, representing a decrease in math of -3.5%, and an increase in reading of +4.5 percent.

Changes (93/94 to 96/97) in student achievement on the TAP, in grade 11 in math, 9.1%; in reading 3.8 percent. Changes (96/97 to 98/99) in grade 11 in math, 7.3%, and in reading 5.0%, representing a decrease in math of -1.8%, and an increase of +1.2% in reading.

According to the study by Wong and Shen (2002), their findings lead to four broad conclusions between academic performance and school district takeover: (a) mayoral takeover is linked to increases in student achievement at the elementary grades; (b) gains in achievement are especially large for the lowest performing schools, suggesting that mayoral takeovers focus on failing schools; (c) mayoral takeovers seem less effective for the upper grades, where the cumulative effects of many years of poor schooling are not easily reversible; and (d) when state takeovers produce administrative and political turmoil, student achievement suffers.

Results from the “bottom 20%” of the Chicago schools were determined by taking the lowest performing schools at each grade level and in each subject area from the base year. Changes (93/94 to 96/97) in student achievement on the ITBS, in grade 4 (bottom 20%) in math, 12.2% of students were at or above national norms, in reading 7.6 percent. Changes (96/97 to 98/99) in grade 4 (bottom 20%) in math, 19.4%, and in reading 16.1%, representing increases of +7.2% in math and +8.5% in reading. Changes (93/94 to 96/97) in grade 8 (bottom 20%) in math, 14.7%, and 9.6% in reading. Changes (96/97 to 98/99) in grade 8 (bottom 20%) in math, 16.0%, and in reading 13.8%, representing increases of
+1.3% in math and in reading +4.2 percent. Changes (93/94 to 96/97) in student achievement on the TAP, in grade 11 (bottom 20%) in math, 8.5%, in reading 4.3 percent. Changes (96/97 to 98/99) in grade 11 (bottom 20%) in math, 9.0%; and in reading 5.9%, representing a decrease in math of -0.5%; and an increase in reading of +1.9 percent.

Chicago Summary

In Chicago, elementary schools are improving their standardized test scores. Gains in achievement are especially large for the lowest performing schools as indicated by the “Bottom 20%” test results. Student achievement has not improved as much in the upper grades and the bottom 20% of schools have not performed better than the district average. The percent of students at or above the norms on the ITBS and TAP in all but one grade from 1994 to 1997, and across the board from 1997 to 1999. In 1999, the percent of students at national norms was 9% higher in math and 6.6% higher in reading than in was in 1997. The bottom 20% of elementary schools made greater improvements in all grades in both time intervals. From 1993/94 to 1996/97, the average for all Chicago schools went up 10.3% in math and 2.9% in English; the average for the bottom 20% of schools rose by 5.8% in math and 1.4% in English. However, in grade 11, the bottom 20% of schools performed about the same as the average for all schools, performing slightly worse in math and better in reading. From 1996/97 to 1998/99, the lowest performing schools did a little better in comparison with the overall average. In grade 9, the rate of improvement was almost identical to the overall average, and in grade 11, slightly higher by 1.7% in math and 0.9% in English.

According to the study conducted by Wong and Shen (2001), an analysis of city
and state takeovers suggests the following conclusions: (a) There are significant
differences between mayoral and state takeovers, with mayoral takeovers making a
significant impact on the lowest performing schools; (b) Takeovers produce more efficient
financial and administrative management; and (c) Both city and state takeovers bring with
them a heavy emphasis on academic accountability, and mayoral takeovers are more likely
to utilize additional tests beyond the state standardized tests.

It is still too early to know where takeovers will lead. The components for success
include clear and attainable goals, as well as working together with the existing
administration for a smooth transition, and making those in charge accountable. There is
preliminary evidence that support mayoral takeovers as a reform strategy that can improve
failing school districts. Preliminary evidence also supports that where there is political
and/or administrative turmoil, failing school districts will not see as much improvement
(Wong & Shen, 2001).

In the absence of a clear-cut model of governance for the operation of public
schools, one must look to the research with regard to reframing organizations and
problem/policy analysis. It is the reframing and problem analysis that is at the crux of the
governance issue. How you determine governance, via-a-vis, policy formulation, in turn,
dictates the measure of accountability within the administrative structure of the
organization. In addition, the framework of the governance sets the agenda by articulating
the mission of the district, in turn, dictating the allocation of resources for support
programs and other educational initiatives.

There are pros and cons associated with policies formulated to address systemic
change in organizations, large and small. Historical data shows us that school district
takeovers rooted in the political frame provide short-term solutions that address a variety of systemic problems; however, it has not yielded significant, measurable results in academic achievement for students.

The Consortium on Chicago School Research (CCSR) based at the University of Chicago, produces high-quality studies to meet the needs of local educators and policymakers is the guiding creed. With 24 members, the panel includes academics, district leaders, union officers, and representatives of many of the city's school-related interest groups. The body reflects a wide variety of views (Education Week, April 9, 2003).

The CCSR owes its existence to the 1988 state law that sought to greatly decentralize the governance of the city schools. The measure gave broad new authority to decide issues of personnel, budget, and instructional programs to Local School Councils, which were made up of parents and educators at each school. Some of the consortium's most powerful findings have emerged by linking Chicago students with the district's own survey results. According to Dorothy Shipp, Professor at Columbia University since 1991, the research group has carried out periodic polls of Chicago principals, parents, teachers, and students regarding the quality of school climate, leadership, staff training, and instruction. According to Shazia Miller, Associate Director with the consortium, the work of the CCSR represents an unusual example of "usable research" focused on one place. It is a steady stream of reports, its researchers dissect Chicago district policy and paint detailed pictures of the conditions inside schools. Researchers have pointed out the shallowness of the content taught in many Chicago classrooms. They have shown the important link between students' academic success in their freshman year and whether
they graduate from high school.

In general, the consortium's studies have shown that the strategy has had mixed results. Although the summer school program has helped many students meet the requirements for promotion, the boost in academic achievement appears short-lived. According to Paul Goren, Acting President of the Spencer Foundation, there were concerns about the relationship breaking off because of Paul Vallas' strained relationship with the consortium relative to its press releases and commentary in its reports.

In that same editorial, the CCSR has at least five members who were either full-time administrators or consultants with the Chicago Public Schools' office of accountability, research, and evaluation for at least seven years. This fact not only brings into question the objectivity of any research and evaluation done by the consortium, but it begs the question why such an arrangement was allowed to be created and repeated many times with other local universities and defacto for-profit educational research organizations.

Question 4:

According to the New Jersey Department of Education, all three State-operated school districts continue to implement their comprehensive strategic plans and are refocusing those plans to ensure effective implementation of the Abbott v. Burke Supreme Court decisions mandating Whole School Reform (WSR) and Early Childhood Education (ECE) for all three, four, and five year olds. The DOE continues to provide oversight, as well as technical assistance with the review and revision of planning documents. In addition, the DOE continues to review finance, facilities, programs, assessment, certification, and data collection. It also approves personnel actions, evaluates the State
District Superintendent, works with the boards of education, and reviews audit activities through the Director of the Office of Compliance.

In January 2000, then Commissioner of Education Leo Klagholz reported to the State Board, that the Jersey City School District continues to make gains in student performance as measured by the state standardized tests. Overall, the district has improved in five of the six tested subject areas since 1993/94, the first year the current state tests were given. The Jersey City schools has met 94% of the indicators necessary for state certification. This figure is up from only 37% when the district was taken over in 1989. The Commissioner presented a recommendation to the State Board at its June 1999 meeting for establishing a process for the gradual end of state-operation in Jersey City.

There are two conceptual issues specifically related to state operation. First, a district’s inability or unwillingness to change or improve, such as incapacity. While rebuilding a district’s incapacity should be the main focus of state operation, that does not appear to be the focus. The state has paid little attention to building local capacity in the State-operated school districts. To the contrary, the state seems to diminish it. This study has dispatched the question of what happens when the state takes over a local school district in the introduction, the historical overview, and the related literature review. The state immediately replaces the local authority (board of education) with an advisory board. The state hires the superintendent, and that superintendent in turn, replaces senior managers with outside appointees.

Second, state operation in New Jersey has lacked direction and coherence. There is no clear statement of what districts must accomplish under state operation, such as goals and objectives, nor standards and benchmarks to determine reforms. Succinctly, the
state has never performed a systemic external review of the progress or improvement in any of the State-operated school districts. Lacking sufficient direction from the outset of state operation, under the statute achieving certification is the stated goal, yet the DOE revises the manual for monitoring and assessment of school districts in the year 2000 and does not even mention state-operated school districts, let alone provide guidance on application of the certification standards.

In January 2000, then Commissioner of Education David Hespe, reported to the State Board of Education that the Jersey City School District continues to make impressive gains in student performance as measured by state standardized tests. At this juncture, the Commissioner presented a recommendation to the State Board to establish a process for the gradual end of state-operation in Jersey City.

Following an informal review of the Paterson School District by the Passaic County Superintendent’s Office during the summer of 1997, it was determined that the district has met 78% of the indicators necessary for certification as compared with the 45% at the time the district was taken over in August 1991. This same year, Paterson made very meaningful student performance gains, the best single-year performance since the commencement of state-operation. In addition, the district had 13 schools in the first cohort of Whole School Reform and has advanced an aggressive facilities program.

Since the creation of the State-operated school district of Newark in July 1995, several initiatives, such as a reorganization of central office, numerous business and community partnerships, including full-day kindergarten, and the evaluation of building principals and vice-principals, have led to the employment of new school leaders who are focused on student achievement. These investments are providing a foundation upon
which to implement Whole School Reform.

_Summary_

Assessing the results of urban school takeovers is a complex and controversial matter. In the absence of conclusive data, it may be that an evaluation of these reform initiatives for urban school districts should include far less tangible yet critically important qualities, such as hope and optimism. Stanford University Professor Kirst notes that “even the harshest critics [of the takeover in Chicago] believe the move established hope” (in Lewis 1998, p. 1).

This is not to say that there has been no progress in Jersey City, Paterson, and Newark since the commencement of state operation. Numerous reforms have been instituted in each district, and student achievement appears to have improved in Jersey City and Paterson (Trachtenberg, et al., 2002). In addition to improvements in student achievement, these takeovers have focused on improved management and fiscal responsibility (Wong & Shen, 2001).

Jersey City has been under state control since 1989, the first district in the United States to be taken over by the state. At the time, state officials said the takeover was necessary to fix a district mired in corruption and unable to improve the abilities of underperforming students. Franklin Williams, Vice-President of the current (2003) school board and the district’s superintendent at the time of takeover, told Commissioner of Education William Librera that the takeover has been for the most part a complete failure:

The same schools that were failing when the state brought in its team of experts in 1989 are the same schools that are failing today. I want you to know about the
fraud of people who brought nothing with them but took a lot of things away, including money, from the district. We really feel that the state used us and it really hurts (Theodore, 2003, p. A4).

Paterson has been under state control since 1991. The state used takeover as a school reform policy to take control of the Paterson School District, citing educational neglect and the failure of the school board to correct the district's deficiencies.

Newark has been under state control since 1995. Law and politics barred a takeover for years. As far back as 1968, then Governor Richard J. Hughes asked a joint session of the Legislature for authority to take control of the Newark schools. His request was based on the conclusion reached by a commission convened to study the causes of the civil disorders in Newark in 1967. The commission was headed by former AT&T chairman Robert Lilley, who argued that the hopelessness felt by blacks in Newark by the "advanced state of decay" afflicting the city's public schools, was a cause, in part, that fueled the riots (Braun, 1994, July). Opposition to the Hughes plan came from two sources. Republicans who believed a takeover would violate home rule, and elected officials in Newark who knew that state operation would mean an end to access to patronage and lucrative contracts.

From 1968 until 1988, the state had no legislative authority to revoke the delegation of powers to local school districts. The argument is strong that the state never needed the legislative authority, but certainly without it, no administration, Republican or Democratic, would attempt to move against mismanaged school districts. It was not until 1975, that the Legislature created a formal process for monitoring schools. The T&E monitoring process found fault with the operation of the Newark schools (Braun, 1994,
October).

The Newark School District ended the 1994/95 school year with 35.5 million in surplus funds, which translated into 9.4% of the district’s $477 million (Braun, 1995, March). After four years of state operation...“The city of Newark has taken its state-run public school system to court, alleging financial mismanagement, and what is believed to be the first lawsuit of its kind involving a state takeover of a district” (p. 18). In 1999, there was a $73 million funding gap, which was blamed by state education officials on shoddy bookkeeping and overspending. “Still unclear is what caused or who was responsible for the financial bind that paralyzed New Jersey’s largest district during the 1999/2000 school year” (Education Week, February 14, 2001).

During a reception sponsored by the Parents Education Network, Beverly Hall stated, “I’m not asking you to take me at my word. I think you should watch me and keep me accountable,” just as she pledged to keep her administrators accountable (Kukla, 1995, August). On March 19, 2000, the Star Ledger commented... “State officials, no matter where, are supposed to safeguard taxpayer dollars” (p. 1). It’s talked about as a public trust. At the Newark’s board of education, taken over by the state nearly five years ago, things can only be described as a public trough instead of a public trust.” Mary Malyska, then Essex County Superintendent of Schools, in a September 1, 1998 memo, stated that...“the inaction of Beverly Hall, the State Superintendent, was criminal and that such behavior invited theft and forgery and that the system of checks ands balances in Newark had been made a mockery of” (Star Ledger, 2000, March).
**Question 5:**

Under the statutory procedure, New Jersey was the first state in the country to take over the operation of a school district. Jersey City was the first in 1989, followed by Paterson in 1991, and Newark in 1995. The state's action in the three State-operated school districts confirms what we have known since the early 1970s; "that the most serious public education problems in New Jersey and throughout the nation are focused in urban centers, which disproportionately effect poor, minority students" (Tractenberg, et al., 2002, p. 2).

Under a $225,000 contract with the New Jersey Department of Education, an interdisciplinary team from Rutgers-Newark carried out a two-year study focusing on: (a) How we can save our failing schools? (b) When it is appropriate for the state to step in, and when are schools ready to be returned to local control? and (c) How can we ensure that students' education doesn't suffer during these transitions? The work was completed under the aegis of the Institute on Education Law and Policy and the Joseph C. Cornwall Center for Metropolitan Studies. Its recommendations were accepted by Commissioner William Librera and the New Jersey State Board of Education. It is this report, *Developing A Plan For Re-establishing Local Control In The State-Operated School Districts*, that is used to provide suggestions (or initiatives) in answer to this research question (Tractenberg, et al., 2002).

According to the report, there are three inter-related issues that were considered: (a) What factors should trigger takeover? (b) What should happen during the period of state operation? and (c) What circumstances should trigger re-establishment of local control, and more important, by what process should control be returned (Tractenberg, et
al., 2002). In addition, the report contains four conceptual recommendations in the overall approach to state intervention: (a) redefine the State's role to emphasize support of and technical assistance to districts delivered in a collaborative manner; (b) make local capacity a cornerstone of the state's interactions with districts; (c) create a unified system of state oversight of urban districts, combining the monitoring and assessment process with a process for assuring implementation of Abbott reforms; and (d) establish a clear, specific system of standards and benchmarks by which districts will be assessed, and in the case of districts determined to require state assistance, ensure that competent, objective, periodic assessments are carried out to measure progress, and that the results are promptly communicated to the districts.

This current study has provided as much information as possible about the origins, purposes, operations, and results of state takeover in local school districts in New Jersey, as well as an overview of the city takeover of the Chicago schools by the mayor, in order to assess the effectiveness of takeovers as a school reform strategy. This study has also provided a comprehensive review of relevant literature about state intervention and takeover, as well as related topics, such as accountability mechanisms, the elimination of the local board of education, current status of New Jersey's three State-operated school districts, and an analysis of the process for re-establishing local control in each of the State-operated districts.

This study has reviewed New Jersey's takeover approach and what happens when a local district is taken over. In essence, the takeover of each of these districts resulted in the wholesale replacement of staff, and the wholesale change in the way of doing business (Tractenberg, et al., 2002). However, the law does not provide any specific goals,
quantifiable benchmarks, assessment standards, or procedures for State-operated school
districts. It is the state's certification standards that are used to measure, both for creating
a State-operated district or returning a State-operated district to local control.

This study has identified the eight accountability elements encompassing 31
indicators. The review of related literature concludes that takeovers in New Jersey and
elsewhere suggest successes in management and financial areas rather than in educational
programs. That may be because states have focused on fiscal and management areas
because they believed those matters were more amenable to relatively rapid improvement
than student achievement.

The process for the re-establishment of local control is delineated in N.J.S. 18A:
7A-49. The State District Superintendent provides to the Commissioner of Education an
annual assessment of the progress made by the district toward meeting the requirements
for state certification. The Commissioner of Education is responsible for ensuring that the
district is regularly monitored by the DOE in the manner provided for all school districts in

The Commissioner shall formally report to the State Board, the Governor, and the
Legislature on the district's progress. After a minimum of five years of state-operation,
the Commissioner may recommend to the State Board that local control be re-established.
If the State Board so determines, local control becomes effective on July 1st of the
ensuing school year.

The local board of education assumes full responsibility for the operation of the
school district, however, the State District Superintendent and those members of the
superintendent's staff appointed by the state-operation law continue to serve for a one-
year transition period. During the first year of local control, the board of education must hold a special election for the purposes of placing the question of classification before the voters. There are one of two classifications, a Type I district, whereby the members of the board are appointed by the local governing body, or a Type II district, whereby the members of the board are elected. This is more of a process than an initiative.

Certification in accordance with the monitoring and assessment process is applicable to all school districts and is a prerequisite to return to local control. Both the Jersey City and Newark takeovers were the subjects of extended litigation. However, in each case, complex issues faced the State District Superintendent, such as raising levels of student achievement from abysmal to acceptable levels while also establishing, from scratch, effective and efficient systems of administration, finance, and governance. It appears that each State-operated district has made gains, both in academics and operations, but progress has been slow (Trachtenberg, et al., 2002).

The process outlined in the legislation (N.J.S. 18A:7A-49.16a.) has not been carried out. Based on the annual progress reports submitted by the State District Superintendents, the Commissioner of Education has determined that he cannot recommend return to local control. However, he has not presented a “detailed analysis of the causes for the failure of the district [or any of them] to achieve certification” (p. 28). It appears that no Commissioner of Education has reported formally to the Governor or the Legislature on the status of any State-operated school district. Notwithstanding the statutory provision requiring Level III monitoring, state education officials determined several years ago that State-operated districts would not be monitored on a seven-year cycle like other districts, because of the DOE’s more frequent communication with the
state-operated districts (Tractenberg, et al., 2002). More important, the DOE has not performed a systematic assessment of the State-operated school districts’ progress toward capacity for local control. As noted, the districts have submitted Annual Progress Reports to the Commissioner, but none has done a full review of performance based on the 31 certification indicators or any other method of assessment.

New Jersey’s system of intervention in local school districts has deficiencies in structure and practice that preclude accomplishing any goal for re-establishing local control. From the structural perspective, New Jersey’s statutes fail: (a) to provide adequate flexibility regarding both the nature of state takeover and the process of re-establishing local control; (b) to treat local capacity-building as the central focus of state operation and re-establishment of local control; (c) unduly focuses on district certification as the measure of a State-operated district’s capacity to resume local control; (d) to provide direction and coherence to state operation; (e) to provide for comprehensive assessment of school districts, including State-operated districts, based on clear, specific and measurable performance standards; and (f) to provide for effective technical assistance to school district administrators and board members, directed especially at persistent areas of district weakness (Tractenberg, et al., 2002).

From the practice perspective, the deficiencies in New Jersey’s approach include: (a) a top-down, command-and-control approach rather than a collaborative, technical assistance approach; (b) insufficient attention, especially in the initial years of state operation, to improving educational practices; (c) failure to focus on school and classroom level activities, as well as district-level activities; (d) failure to produce and submit required reports; (e) insufficient efforts to spur civic engagement, to gather community
support for school improvement efforts, and to foster the development of partnerships and collaborations with higher education institutions, businesses, and civic and community organizations; (f) failure to exercise leadership in making State-operated districts models for Abbott implementation; and (g) insufficient staffing to carry-out many of these functions.

Educational reform and improvement are extremely complex matters. Such complexity demands a state intervention process that is flexible in its application to different ranges of circumstances in different school districts (Tractenberg, et al., 2002).

Based on the review of related documents and materials, several key initiatives have been identified as providing a road map for the re-establishment of local control in New Jersey’s State-operated school districts. These state initiatives not only provide a road map for re-establishing local control but are conceptual recommendations for the state to consider in redefining intervention verses takeover as strategies for school reform.

This author having been intimately involved with the takeover of the Newark School District takes exception to this type of policy recommendation. There is a division between cartographers and arm-chair geographers. By definition, a cartographer draws or compiles charts or maps. A geographer studies and describes the surface of the earth. This is analogous to the policy-makers and the practitioners. It is those in academia who create policy (the arm-chair geographers), but it is the practitioners (the cartographers) who are responsible for the implementation. This is not meant to discount or discredit the contributions of policy-makers, but to emphasize that the practitioners need to be involved in the formulation of policy.
Redefine the State’s Role

The state’s current relationship to local school districts relative to issues of accountability emphasizes a command-and-control approach. The focus should be collaborative based on providing support and technical assistance. This is not to say that the state should relinquish its constitutional mandate to enforce other intervention and/or takeover reform strategies.

By redefining the state’s role to a more collaborative approach, the state needs to develop and implement a system for providing effective, intensive technical assistance to the administrators and supervisors of those districts not demonstrating adequate progress with regard to the certification standards. There are several ways to structure the delivery of technical assistance, such as the creation of an Independent State Agency charged with the responsibility for the assessment and delivery of support and technical assistance to local school districts.

An “Urban Education Bill” that proposes a major assault on the problems of urban education shall provide for the: (a) appointment of an Assistant Commissioner for Urban Education; (b) creation of an Institute for Urban Education; and (c) adequate funding for research, training, and pilot projects in urban districts. The DOE’s own criteria and procedures support this type of initiative (Cresup Report, 1988, pp. 92-93). Such a measure would provide assistance to all urban districts in two ways: (a) assist the district in maintaining certification standards; and (b) assist districts already in one of the monitoring stages to achieve certification, thereby avoiding intervention or takeover.

The DOE has moved toward a solution to the oversight of urban school districts by creating the Division of Abbott Implementation, which is responsible for the oversight
of the state’s 30 Abbott districts, including the three State-operated districts. The Division of Abbott Implementation includes:

1. Office of Program Planning and Design, which is responsible for developing policy and providing leadership to ensure accountability and improvement in students achievement in each of the 30 Abbott districts.

2. Office of State-Operated School Districts, which facilitates the general management of the three state-operated school districts, and is charged with monitoring the districts’ progress toward the state’s certification standards, as well as providing support services to implement the Commissioner’s action plan for returning state-operated districts to local control.

3. Office of Early Childhood Programs, which is responsible for developing policy and overseeing implementation of early childhood education programs throughout the state.

4. Office of Fiscal Review and Improvement, which provides financial guidance and assistance to Abbott districts relative to the development and, maintenance of fiscal policy, administrative code, school-based and district budget software, and other technical assistance.

This measure appears to support two of the reports recommendations submitted to the DOE: (a) to create a unified system of state oversight of urban districts, combining the monitoring and assessment process with a process for assuring implementation of Abbott reforms; and (b) to redefine the state’s role to emphasize support of and technical assistance to districts delivered in a collaborative manner (Tractenberg, et al., 2002).
District Local Capacity

New Jersey's state operation law requires the elimination of the local school board and all executive administrators. These requirements have undermined local capacity. State operation in New Jersey has provided little effort in preparing the local Board of Education for the task of resuming governance authority and little effort to work with local officials to make the changes that are likely to result in long-term educational improvements (Tractenberg, et al., 2002).

Demonstration of local capacity, rather than certification standards, should be the prerequisite to re-establishing local control. A district's failure to achieve state certification standards does not necessarily end in takeover as a reform strategy. Takeover occurs only where a district is unwilling, or has been unable, to correct its deficiencies, such as where it lacks the local capacity to make improvements (Tractenberg, et al., 2002).

School and Classroom Capacity

Building capacity should extend to individual schools and classrooms within the district and not just central office. The DOE has created the Division of Abbott Implementation, which is responsible for the oversight of Program Planning and Design, State-operated school districts, Fiscal and Facilities Review, and Early Childhood Programs. There is evidence to support that school-based management, whole school reform, and early childhood programs can improve students performance as much as district-level reforms by the effective deployment of adequate resources.

At the school level, capacity building involves school leadership that provides
direction, guidance, and support by the articulation of school goals and objectives, as well as a school facility that provides a safe, disciplined learning environment that supports students (Tractenberg, et al., 2002).

State intervention and/or takeover should be based on local incapacity to correct deficiencies and make systemic improvements. Re-establishing local control should be based on measured, assessment-based judgement that local capacity has reached an acceptable level (Tractenberg, et al., 2002).

Specific System of Standards and Benchmarks

The most significant problem with the current system of state operation is that the State-operated districts have never been provided with a set of standards and benchmarks to determine when they are ready to resume local control (Tractenberg, et al., 2002). Achieving certification is a formidable challenge for most urban districts due to the student achievement element of the state's certification standards. Reform based policy uses tests to make the claim that such test results accurately denote the student's intellectual ability and worth. Further complicating the problem of the confidence claimed and the reality known about standardized test performance is the fact that different people test differently. Test reality is not just a function of test construction. For example, the state would not consider issuing driving licenses based solely upon the applicant’s performance on the written test. Before the ability to drive can be validly determined, applicant's are required to drive a car and are judged based upon their demonstrated driving ability in an authentic context. Succinctly, we must then view all written tests of academic ability as only partial evidence of that which a student may or may not actually know (Hoover & Kindsvatter,
Clearly, the development of a standard assessment, including benchmarks for Abbott districts that focus on the overall performance of the district (not just standards specifically related to student achievement), and compliance issues (administration and fiscal management) that measure their capacity for local control are necessary to determine the success or failure of takeover as a school reform strategy (Trachtenberg, et al., 2002).

In order to implement these initiatives, the state operation law would have to be modified to provide substantial flexibility. In addition, the placement of a permanent, full-time Auditor General, in each State-operated district, to ensure the success of the monitoring and oversight activities, would facilitate the transition from state operation to local control.

1. The state should specify a comprehensive, but manageable set of standards in the areas of curriculum and instruction, personnel management, professional development, policy development, community relations, finance and facilities, against which district performance can be measured.

2. These standards should reflect the Abbott requirements specifically imposed on such districts, and provide intensive technical assistance to administrators and supervisors, especially with regard to the standards. This technical assistance should be separated from the DOE’s compliance functions. Compliance should deal with the code requirements related to the business and personnel functions of the district.

3. The standards should emphasize local capacity to govern the district, including the definition of acceptable levels of performance and benchmarks relative to each of the standards.
4. The School Ethics Law should be amended to eliminate any ambiguity as to its applicability to state-operated school districts, and to provide that any Board Member or administrator who violates or refuses to accept its terms shall be disqualified from service.

There is precedent regarding the appointment of an Auditor General as a result of the 1975 intervention in Newark (Wechsler Report), as well as in statute, pursuant to N.J.S. 18A:17A-1 et seq. The Auditor General’s Office to consist of the Auditor General, who reports directly to the Assistant Commissioner for Abbott implementation, one Educational Program Specialist, two auditors, and one secretary. Professional staff can be reassigned from the Division of Compliance. Operational costs for the Auditor General’s Office are to be deducted from state aid in each of the State-operated districts, pursuant to the modification of the statute. The activities of the Auditor General’s Office would include: (a) the monitoring of the personnel function regarding all appointments, assignments, and transfers; (b) the monitoring of the purchasing function to ensure compliance with applicable statutes and code; (c) to conduct interim External Reviews of the financial records of the district; and (d) to provide technical assistance where necessary (New Jersey Department of Education, 1994).

One of the recommendations of the Jersey City Transition Team called for the establishment of “an internal office of accountability and quality assurance.” The objective of this office would be “to establish in all schools the structures, time, and opportunities for teachers to work on improving their practice, the curriculum, and their knowledge of effective school and classroom reforms” (Tractenberg, et al., 2002, p. 239). This could be a function of the Auditor General’s Office. The implementation of these
activities can be accomplished by working with staff from the Division of Abbott Implementation at the state level and applicable staff at the district level.
CHAPTER VI

Conclusions and Recommendations

The purpose of this dissertation was to collectively look at the current research on city and state takeover of school districts as a reform strategy, and their significance in the creation of New Jersey’s three state-operated school districts (Jersey City, Paterson, and Newark). It is recommended that the reader establish his/her own opinion of the findings and comments presented in this study. The findings and comments may not necessarily provide answers to the specific questions, but merit reader recognition for understanding the complex and diverse issues affiliated with the intervention and takeover of local districts as a school reform strategy. A summary of individual questions, the major findings of this dissertation, and a discussion of recommendations for further study comprise the remainder of this chapter.

1. What factors (accountability mechanisms) impact on decisions for state "takeover" versus state "intervention"? The politics, issues, and legalities surrounding the takeover of urban school districts have been immense from the start. In cities across the nation, proposed or actual takeovers have divided neighborhoods, cities, and state legislatures along lines of geography and race. Such policy issues have sparked intense debate, as well as lawsuits over their legality and their potential to serve as the critically needed catalyst for comprehensive school reform. At the most basic level, the rationale
has been based on two circumstances: (a) the prolonged dismal performance of urban
districts in accordance with both academic indicators, such as performance on state
standardized tests, drop-out rates, special education, leadership and management issues,
including financial mismanagement and bureaucratic waste; and (b) the apparent inability
and/or unwillingness of the existing school governance system to respond to this
increasingly desperate situation.

The initial problem with the pro-takeover strategy concerns the criteria upon which
these controversial actions are taken. Given the constraints and challenges under which
urban districts operate, what about a district that shows continued improvement even if it
remains below state averages? Notwithstanding a general consensus that a need for
evaluating the progress of students and schools exists, there is far from unanimous
agreement that standardized tests are the most appropriate means for making such
determinations (Carl & Green, 2000).

Since the mid 1970s, the major trend has been to hold school districts accountable
for overcoming the local forces that impede equal educational opportunity for all school-
aged children. As a result of that trend, state authorities began to focus on the overall
quality of education being provided by local districts. A perusal of the findings of this
dissertation clearly indicate that state-imposed “accountability” has gradually taken shape.

Accountability has always been a basic concept in public education, although
ideas about how to accomplish it have changed. This study has explored the strengths and
weaknesses of various accountability factors, the use and misuse of indicators, and
suggests initiatives to create genuine accountability at the local and school level.

The factors in this study are related to accountability mechanisms. These factors
were determined by adjudication in the case of \textit{Robinson v. Cahill} and \textit{Abbott v. Burke}, which resulted in the creation of the DOE’s monitoring process, and subsequent legislative action with the enactment of New Jersey’s state operation law.

It is clear from the current research that the impact of city or state takeover derive from those factors determining accountability, such as who is accountable for what and to whom? New Jersey’s system of state takeover has deficiencies in both structure and practice (Trachtenberg, et al, 2002).

The structure as it currently exists: (a) fails to provide adequate flexibility with regard to the nature of state takeover and re-establishing local control; (b) fails to treat local capacity building as the central focus of state operation and re-establishment of local control; (c) focuses on certification standards, particularly student achievement on standardized tests, as the benchmark for the district’s capability to return to local control; (d) fails to provide direction and coherence to state operation; (e) fails to provide clear, specific, and measurable performance standards for school districts, including state-operated districts; and (f) fails to provide effective technical assistance to district Board members and/or administrators (Trachtenberg, et al, 2002).

The practice as it currently exists is deficient in its top-down, command-and-control approach over a more collaborative, technical assistance approach. The DOE did not provide sufficient attention to improving educational practices, especially during the initial years of state operation. There was a failure to focus on school and classroom level activities, as well as district level activities. There were insufficient efforts to rebuild local capacity. Community support was never encouraged. It failed to develop partnerships and collaborations with higher education institutions and/or civic and community
organizations. Overall, there was a lack of leadership in making the state-operated district models for Abbott implementation, as well as insufficient staffing for such policy and carrying out such reforms (Tractenberg, et al., 2002). This researcher concludes that if the factors were determined by different criteria, the result of the impact would have yielded a reform strategy based on the development of intervention policies designed to provide collaboration and technical assistance juxtaposed to takeover based on top-down, command-and-control strategies, which have not yielded significant results.

2. Do school districts really understand the implications regarding the elimination of the local school board? Over the past 30 years the tradition of “local control” in American public education has been buffeted by increasing pressure from state and federal authorities, particularly in the areas of desegregation, school finance, and special education programs. The erosion of public confidence in America’s schools makes it imperative that local education governance structures and practices be examined periodically to determine their efficiency, representativeness, and effectiveness.

According to the National Association of State Boards of Education (1996), there is a dispute among legal experts concerning the legality of state takeovers that remove locally elected officials in favor of state-appointed school leaders. Evidence makes clear that local communities play an important role in turning around low-performing schools and districts. States that dismantle local political and administrative bodies rather than work with them need to consider innovative ways to keep individuals and community groups involved in and supportive of local schools (Seder, 2000).

This study has shown that there are no “magic bullets” and that simplistic, abrupt governance “reforms” can have unintended consequences that create new difficulties,
including administrative chaos and significant morale problems among dedicated educational staff. According to Randy L. Hoover (1997), professor of Education at Beeghly College of Education at Youngstown State University, it is an obligation for educational policy-makers to have an understanding of the issues before making dramatic decisions that affect the lives of students and the entire field of education. This necessarily means that experience and decision latitude be restored to those who personally and professionally are closest to the students in our schools, specifically, the local school board, professional educators, and parents. Legislators and policy-makers should be working collaboratively from all levels to provide authentic research-based and practical guidance for assessing student learning and creating accountability models for school practitioners.

The policy to engage in the most severe intervention, state takeover, should be based on a determination that the local board of education and its senior administrators lack the capacity to improve. The research indicates that completely supplanting the local Board of Education and all senior administrators, as required by New Jersey statute, undermines local capacity rather than strengthens it. In addition to undermining local control, the DOE’s role in preparing local board members for the task of resuming governance authority has been insufficient from the outset (Tractenberg, et al., 2002). This researcher, having been involved in both the Jersey City and Newark takeovers, concludes that the local Board of Education has been supplanted and insufficient efforts by the state have been forthcoming with regard to rebuilding local capacity in either of the three state-operated school districts.
3. Do school district takeovers work? While research within single school districts has been extensive, research across takeover districts has lagged behind the pace of policy and practice (Ziebarth, 2001). Most of the studies suggest that it is far easier to fix district-level finances and management practices than it is to make a dent in student achievement (Seder, 2000). One study of state takeovers emphasized that successful districts should “align the local curriculum with state standards and tests” and that low administrative turnover and open communication with the community and parents are keys to improvement (Bushweller, 1998). However, there is need for more research that synthesizes findings from across takeover districts and identifies circumstances in which takeover succeeds or fails (Wong & Shen, 2001).

This study has provided an assessment of each of the three state-operated school districts in New Jersey, and for comparative purposes, the Chicago Public Schools takeover by the mayor. Based on the annual reports of progress in each of the state-operated districts, the results suggest successful reforms in management and fiscal operations and in the area of facilities, both in new construction and renovations/repairs. Student achievement appears to have improved, at least in Jersey City and Paterson.

Finally, from a research perspective, the emergence of school district takeover within the integrated governance framework calls for more systematic studies that link district reform to the school and classroom (Wong & Anagnostopoulos, 1998). As school district takeover continues to be used as a reform strategy, policy analysts must continue to address the practice. Based on the assessments in each of the state-operated districts, the reader must draw his/her own conclusions as to whether the reform policy of takeover of local school districts is producing its intended results.
In general, the state-operated school districts in New Jersey have lacked direction and coherence (Trachtenberg, et al., 2002). The only clear goal of state operation in New Jersey falls under the statute, that the local school district achieve certification. The DOE has never stated any specific goals or objectives for state operation or developed standards and benchmarks by which to measure their reform policy. Absent sufficient direction from the DOE, the three State-operated school districts have developed their own strategic plans and adopted their own reforms, with the initial focus or correcting fiscal and management problems. The bottom line is that both vision and theory of the programs in the state-operate school districts remain unclear. It is evident that the state-operated school districts need better direction.

4. What is the current status of the State-operated School districts? Status reports have been provided on each of New Jersey’s three state-operated school districts. In July 1999, the State Board of Education adopted a resolution finding that the district (Jersey City) had made substantial progress in its schools and that preparation for an end to state operation should continue. In July 2000, the State Board adopted another resolution providing for the appointment of a 15-member transition team, made up of civic leaders, parents, board of education members, the business community, higher education, the mayor’s office, and several employee associations, as well as non-voting student representatives, to consider and make recommendations to the Commissioner and the State Board on a plan for transition to local control. A report was issued in December 2000, noting the “remarkable” improvement in the district’s schools. In essence, the report proposed bill A3030 that revises the current statutory scheme, a transition period,
continued state monitoring and oversight, additional audits of its operations, and the re-establishment of local control by October 2002.

The transition team's timeline has not been met. Neither have the additional audits or other steps toward local control even begun let alone been completed ((Tractenberg, et al., 2002). Since the Board of Education has not adopted the stricter code of ethics, it has not been permitted to exercise authority over fiscal and budget matters. One section of the statute (N.J.S. 18A:7A-49) addresses the return to local control.

The Jersey City Transition Team recommendations and proposed bill A3030 appears to be under active consideration. The timeline for transition to local control has not been met and there is no indication that its other recommendations will be implemented. Bill A3030 has been released from committee but has not progressed further in the General Assembly (Tractenberg, et al., 2002).

The conclusion here is that the Legislature must act to modify the current statutory scheme to include the initiatives that provide the road map for the state-operated school districts to return to local control. In addition, policy modifications are needed to implement the initiatives to augment the strategies for intervention and takeover of local school districts.

5. What types of initiatives are needed to end state takeovers? This study has suggested several initiatives based on a review of current research. Aside from the statutory provisions relating to the re-establishing of local control, there is only one comprehensive report, to date, that not only addresses intervention and takeover of local districts as a school reform strategy, but provides for a process for re-establishing local
control in each of the three New Jersey state-operated school districts. Several outside consultants have studied various aspects of the operations of the state-operated school districts but none have studied district capacity to function and to provide a thorough and efficient educational program, without state operation. It appears that no effort has been made to assess the operations function of the state-operated school districts, pursuant to the certification standards or any other standards for evaluating the capacity of the local school boards to govern outside the strictures of state operation (Trachtenberg, et al., 2002).

The proposals and recommendations are not discussed in this dissertation in order to take a position one way or the other regarding their adoption or implementation. However, it is the most comprehensive proposal relating to intervention and takeover of local districts as a school reform strategy, as well as a process for the re-establishment of local control, and is provided as a framework for discussion of the various elements of that process.

Recommendations for Further Study

1. It is recommended that modifications to the current statutory scheme be developed, in concert with the New Jersey Department of Education, with primary focus on the specific factors that impact decisions for intervention and takeover reform strategies that will benefit urban education.

2. It is recommended that further research be conducted on community cultures, demographics, and societal concerns, as reflected in the state-operated school districts. This will provide technical assistance in helping to build local capacity and, in
turn, with building school and classroom capacity.

3. It is recommended that further research be conducted on the relationships between local board members, district administrators, and the political interference encountered in educational decisions and policy development.

4. It is recommended that further research be conducted to ascertain the benefits of state intervention and takeover of local districts as a school reform strategy.

5. It is recommended that a study be conducted to establish an alternative structure and function of local school boards as they currently exist.

6. It is recommended that further study be conducted to examine the effects of the Abbott v. Burke decisions and the Quality Education Act of 1990 had on improving the funding of New Jersey’s 30 Abbott districts.

7. It is recommended that further study be conducted focusing on the effects that legislative and bureaucratic powers have on establishing and/or modifying educational mandates affecting public schools.

8. It is recommended that further study be conducted to evaluate the process for re-establishing local control in New Jersey’s state-operated school districts.
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