



LATINO LEADERSHIP ALLIANCE OF NEW JERSEY

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TESTIMONY OF MARTIN PEREZ, ESQ,
PRESIDENT OF THE LATINO LEADERSHIP ALLIANCE
TO THE JOINT SESSION OF THE ASSEMBLY EDUCATION,
BUDGET AND APPROPRIATIONS COMMITTEES
DECEMBER 27, 2007

Committee Members:

I am Martin Perez, President of the Latino Leadership Alliance of New Jersey (LLANJ). We are the largest Latino advocacy organization in New Jersey, and we represent most of the leading Latino organizations across the state. Consistently throughout our existence, public education has been and continues to be the most important issue to our members. It is important for us as parents, tax payers and as Americans who worry about the future of our state and our country. It is our right and duty to participate in this process to develop a new school funding formula. The outcome of this process will impact every member of our organization and the members of our constituent organizations.

Our standing Education Committee, with members who span from Camden and Penns Grove to Perth Amboy, Morristown and Paterson met shortly before the Senate Hearing on December 13th to discuss and review the proposed new funding formula. I have carefully reviewed the proposed legislation and measured it against the conclusions and suggestions of our Committee.

Our overall conclusion is that the proposed legislation before you is a positive step in the right direction. However, while the fundamentals of a fair formula are there, we also concluded that there is considerable room for improvement.

Let me speak first to what are the positive aspects of the legislation before you.

THE POSITIVE ASPECT OF THE PROPOSAL:

- This legislation will end the artificial distinction between Abbott and Abbott-like districts. In this respect it is proactive in finally recognizing and addressing the needs of the 49% of at risk public school children who do not reside in an Abbott district.
- Under the Act, at risk and LEP students who come to suburban districts will now stand a better chance of being welcomed and served there. Currently many of those districts lack the resources and the will to serve these populations. This point was argued in support of RCAs in the Mount Laurel context; that districts would not want to take LEP/Urban students because they came with no additional education resources. Hopefully, this aspect of the new funding formula will serve as a pressure to rid our low income housing scheme of provisions like RCAs that promote segregation of our communities and schools.

The Act's widening of preschool opportunities to low-income children in non-Abbott districts is applauded. The provision of this educational opportunity to all at risk children removes the incentive for low income families with three and four year olds to live in an Abbott district in order to benefit from free preschool. In this way, we believe that if carefully implemented, this program will have the capacity to not only improve educational outcomes, but also serve the state in reaching our Constitution's mandate to integrate our schools -- a mandate that we strongly believe has been ignored and overlooked for too long.

- Along the same lines, we recognize that the money following the children, and the weighting of the aid that follows them, has the potential to dilute concentrated poverty in what has been known as Abbott districts. We strongly believe that every education and related funding policy should be carefully crafted to avoid incentives that concentrate poverty in certain communities because this fuels the segregation that plagues our schools and communities and renders the achievement gap impossible to close.
- We believe that Limited English Proficient students are often over-classified as special education students. We are hopeful that the extra weighting of LEP and at risk LEP students will be a counterbalance against the trend of over-classification of our students which was driven by the desire for greater funding which was only available through a special education classification.
- We are very supportive of the Act being enrollment based because we believe this can provide an incentive for districts to keep students in school all year. On this point, we urge the Commissioner to audit enrollment, and distribute funding, on quarterly counts, thereby requiring districts to make every possible effort to keep our children in school for the whole school year, and not just that fateful count date of October 15th.
- Finally, the Act corrects the inequitable funding of our charter schools. It has been a shameful fact of public education in New Jersey that children, desperate to receive a meaningful education in a charter school, have been shortchanged in funding for – we have to admit it – political reasons. This correction is long overdue. The facts are: 85% of the charter school population comes from Abbott districts and they have the same needs that the Abbott district children have. Despite the inflow of money to the Abbott's, the under-funded Charter schools have waiting lists. Charter schools are public schools. Ending the funding and semantic dichotomy that only serves the interests of the adults who work in the system, at the expense of the children, is long overdue. While we would like to see 100% programmatic funding, with additional facilities aid, for charters, the move in the proposed Act to give charter schools a real 90% of per pupil funding is a tremendous step in the right direction.

SUGGESTIONS FOR IMPROVEMENT OF THE ACT:

- The formula, with one exception which I will touch upon, is somewhat weak in gauging accountability by the educational outcomes of our children and heavy on gauging it by inputs, programs, or activities.

I was pleased to see that the Act recognizes the need for immediacy of intervention by the Commissioner when a school is failing - by the removal of the CIEFA threshold of a three year period of failure before such action can occur. However we need to recognize that accountability cures that rely on grants of extraordinary power to the Commissioner have not been effective historically. Our history in failing to honor the state constitution's prohibition of segregation in the public schools is a powerful example. With our constitution's other education clause, mandating integrated schools, the Commissioner has the most extraordinary corrective power, however it has never been uniformly exercised. This is despite the mandate being a clear command of not only the state constitution, but unequivocal decisional case law as well. The Act's heavy reliance on QSAC (Quality Single Accountability Continuum) is unsatisfactory for a number of reasons, and I will mention only three. Firstly, it gauges accountability by imputes, programs and activities rather than educational outcomes or results. Secondly, it is not an annual process. It takes a number of years to find out that a school is not succeeding pursuant to QSAC. This is simply too long and allows too many children to be shortchanged in the process. Thirdly, the QSAC system relies upon the Commissioner to take corrective action. The CIEFA grant of extraordinary corrective power to the Commissioner for schools failing to demonstrate proficiency over three years, while a purported cure, has been a hardly used ineffective accountability tool as well. Simply put reliance on grants of power to the Commissioner is not effective accountability measures. If they were, we would not be witnessing the tragedy that is Camden public schools. We believe that there are two fundamental components to accountability; transparency and consequence, and these features are missing in the Act.

- We urge that provisions be implemented, by amendment to the Act or regulation, that require clear demonstrations by every district that the aid follows the child to the school and classes they attend. A capped percentage could be allotted for the central office or district. But this requirement is vital to ensuring both parents and taxpayers that the funding achieves its ultimate objective – improving educational outcomes for our children. Without such a requirement there exists a very real risk that the additional money that comes with at risk and LEP students will get washed out among the balance of a district's population that does not have those needs. We suggest a school based budget must be the guide for how money is spent. Simply put concrete provisions to make sure each child receives the resources dedicated to him or her are necessary.
- We also urge that a uniform statewide programmatic mandate must accompany the weighted aid that targets the needs of at risk and LEP students. It would be a grave mistake to simply send the money into districts without such mandates. The DOE must provide direction and oversight of the programming that the money is supposed to buy and ensure that it is effective and properly implemented. A programmatic companion to the weighted aid is essential if the revenues spent are to be used efficiently. This will also address the resentment that some sectors of the taxpaying public have for our failure to produce results while spending increasing sums of taxpayer revenue.

- We also believe that there should be a provision for open enrollment, both within districts, as well as beyond district boundaries where neighboring districts have capacity. At risk children deserve an opportunity to immediately access high performing schools. Our present system does not allow them to do so in the absence of family resources to move from one district to another. It is well established that our present system of public schools is highly segregated, and open enrollment would allow us to move proactively toward integrating both our schools and communities. The challenge of integrating our schools looms heavy on the horizon; LLANJ urges proactive legislative policies that seek to address this responsibility over the alternative of litigation and court driven mandates.
- We also believe that third party auditing ought to be a routine feature of the implementation of the Act from the outset so that we do not witness corruption and waste after the fact. There should be third party auditing as to quarterly enrollment counts, as well as classifications (LEP, at risk, and special education) of our children to be sure that they are not hyper or over classified simply for financial gain.
- We also seek a disclosure requirement that will serve the dual objectives of accountability and parent engagement. Specifically, we believe that provision should be made for annual disclosure to each parent of their child's weighted student profile. The document would advise the parent of the funding that follows their child to their child's school; the programs that are suppose to be provided for that child - due to the weights assigned that child for being 'at risk' or 'limited English proficient'; the last aggregated state test results for the school advising the parent in plain language what percent of students at the school are proficient in English and Math and Science and what percent are not proficient (failing); and finally the individual child's most recent 'disaggregated' test result information so that the parent understands the areas in the various subjects where his/her child is weak/strong, etc. and can help ensure that the focus for the year for that child is in those areas. The disclosure of genuine measures of student achievement helps focus all stakeholders on the objectives of public education while signaling to the parent that their child is valued and that the school maintains high expectations for the educational outcomes of the child.

A final word on the time line for passage of the Act. There are some who are complaining that there is too much being done in too little time – and they may have valid points. We, however, believe we have waited far too long to correct the agonizing inequities that exist in public education in New Jersey - some despite Abbott and some because of Abbott. Every year we lose thousands of children! Camden has a drop out rate for Latino high schoolers of more than 75%! And, as a parent residing in an Abbott district, I have painfully witnessed this first hand among my children's' peers. We believe firmly and without hesitation that we cannot wait any longer to correct the inequities. We believe firmly that accountability is a component essential to the success of the reformed formula and that without consequences for failure, the effort will be an exercise in wasteful spending. We believe firmly that zip codes and poverty and race must cease to define who has access to a meaningful education. And, we believe that the 'separate but equal' model that defines the public education system of this state is fundamentally flawed, is inconsistent with a 'thorough and efficient' education and must come to an end. There is plenty of room for improvement in the formula, but we believe the children

cannot be made to wait any longer and the legislature should roll up its sleeves and provide for all of our children without delay.

Justice requires that we provide each student with the opportunity to access liberty through a meaningful education. Cicero said: "Extremism in the defense of liberty is no vice; moderation in the pursuit of justice is no virtue." Malcolm X said the same when he said "by any means necessary". No matter how you say it, this is our greatest challenge and it is one we cannot afford to fail.

Thank you.