



# Reform *WITH RESULTS* for New Jersey Schools

By Lori Drummer and Don Soifer



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## EXECUTIVE SUMMARY

New Jersey's court-ordered strategies for fixing fundamental shortcomings in educational quality in the state's poorest schools have produced aggressive increases in state funding. But the quality of education in most of these schools has not improved commensurate to this spike.

In the late 1990s and early 2000s, the New Jersey Supreme Court issued a series of decisions, mandating a dramatic increase in public support to the state's poorest – and poorest performing – school districts, known as “Abbott” districts. These decisions did not just demand an increase in public expenditures; they also scripted how the schools would reform, through a series of management, curriculum, and even staffing mandates.

Of the Court's mandates, one did unfold fully: the state's neediest districts have received dramatic injections of financial resources. For perspective, between 1997, when the Court ordered the state to fund Abbott districts at the same level as the state's wealthiest districts, and 2007, state aid to the 31 Abbott districts increased from \$8,577 per pupil to \$14,394 – an increase of 75.8 percent in just ten years.<sup>1</sup>

On the other hand, the Court's other goal, to close the achievement gap for poor and minority children through a litany of prescriptive mandates, has failed to produce needed results. The skyrocketing expenditures for New Jersey's public education system have not spurred equal academic performance gains for students. In fact, these bloated public expenses mostly benefit the thousands of adults who control the system, instead of the hundreds of thousands of children who depend on the system for an education.

Despite the influx of money poured into its neediest school districts, 83 percent of black eighth graders in New Jersey are not reading at proficient levels as of 2009. Despite modest improvements, it is clear that the burgeoning public spending and the inexcusably low student achievement rates found in New Jersey's urban school districts make the state ripe for fundamental reform that can provide worthwhile new options for families.

Details follow.

## INTRODUCTION

“You can learn a lot by watching,” Yogi Berra, New Jersey’s greatest resident catcher, once declared. From observing New Jersey’s public education over the past 30 years, one lesson is clear: money alone will not reform urban education in the Garden State or anywhere else in the nation. Education funding must focus on the education of children, not the wishes of adults. That shift requires making real change happen – and change is the one force that New Jersey’s education system has proven most adept at eluding.

Facebook founder Mark Zuckerberg’s recent gift of \$100 million has drawn much national attention to the Newark education system. But to be sure, the state of education in New Jersey has inspired plenty of interest, generating a variety of books, news articles, commentary, and even documentaries over the years. Many of these investigations note the extreme public costs and the abysmal student performance in the state’s urban school districts. Often solutions to these great problems are overlooked in favor of complaints about high costs and low test scores. While public expense and student performance should be thoroughly reviewed, especially in communities such as Newark and Camden, real education reform will only surface if creative and new approaches are aggressively pursued.

School leaders themselves should have the control over education spending and classroom decisions, but along with that autonomy should come real accountability, ensuring students are learning and making progress. School principals should have the authority to shift school resources to classrooms or projects that need them most, to manage instruction so that the best teachers are where they are needed most and can do the best work, and remove ineffective teachers from the classroom when necessary. Teacher union contracts must not continue to obstruct improvements at every turn, placing greater value on union perks and tenure privileges than on improving the quality of instruction. Principals, meanwhile, must also be accountable for their own decisions, leadership and results – but to parents, and not just to education bureaucrats and other government officials.

Parents should enjoy decision-making power as well, through the ability to choose which school best suits their children’s individual needs and to redirect taxpayer dollars to the school of their choice. In many cases, New Jersey parents can already decide which public or private provider is the best match for their 3 and 4 year olds’ preschool education, but that same decision is not afforded to parents in the K-12 system, despite horrific test scores, graduation rates, and school safety concerns.

The appetite for education reform in New Jersey has been great for years, but a political environment supporting such substantial reforms has only recently surfaced. Governor Chris Christie, who took office in January 2010, has detailed an aggressive education agenda that includes teachers’ union reforms and dramatically increasing educational options through both the expansion of public charter schools and the creation of a scholarship tax credit program.<sup>2</sup> But this leadership is a bipartisan effort, and other leaders, such as State Senator Raymond Lesniak and Assemblyman Gary Schaer, have been essential to reform efforts.

## History Lesson: Education Spending & Student Achievement

In order to begin to fix these serious problems, the history of New Jersey's public education system, including the many court and legislative mandates that shape the current education landscape, must be understood.

Gordon MacInnes' 2009 book *In Plain Sight:*

*Simple, Difficult Lessons from New Jersey's Expensive Effort to Close the Achievement Gap*, traces the complicated history of public education spending,<sup>3</sup> outlining the effects of a series of New Jersey Supreme Court decisions, teachers' union negotiations, and the implementation of fad "reforms" have had on the quality of education available to urban public schoolchildren.

For New Jersey's black children at the eighth grade level, the percentage scoring at or above Basic actually declined, from 62 percent in 2005 to 60 percent in 2009, on the National Assessment of Educational Progress.

A second, insightful analysis of the plight of urban education in New Jersey, *Money for Nothing: We Owe our Children Better*,<sup>4</sup> highlights not just the amount of money being spent in the Newark Public School District (NPSD) but also uncovers the many ways public schools and officials hide the real costs of public education and a variety of student achievement indicators. *Money for Nothing* focuses on the uneven transparency of the current education system in Newark and on potential solutions that could reform both NPSD as a school district and the way children are educated in the city.

Making fundamental education reforms a reality starts with a thorough review of the resources currently available to public school systems in New Jersey. Establishing a process by which schools account for public funds received and spent will introduce transparency into a system that has been vague when reporting district expenses. While each district has its unique budget, Newark's example has important implications for the rest of the state, especially urban school districts.

According to NPSD's Annual Report,<sup>5</sup> the district received \$936 million in revenue for the 2006-07 school year. Of the district's total revenue, the state of New Jersey sent \$736 million, \$54 million came from the federal government, and \$88 million came from a local tax levy. Regardless of its source, \$936 million is a great deal of money to educate 41,000 students.

If NPSD numbers are taken at face value, the cost to educate each child was around \$18,000 in 2006-07. But that is not the complete picture. *Money for Nothing's* analysis of all of the costs associated with Newark's education system, not just the ones for which the school district itself is responsible, notes, "There are significant costs that are not included in the NPS total spending of \$936 million. The state pays all of the costs of teacher pensions that are not covered by individual teacher contributions, 100% of retired teachers (and all dependents) health care, and 100% of the employer's share of FICA (social security) taxes for all current employees."<sup>6</sup>

Other discrepancies unearthed in *Money for Nothing* are that while both prekindergarten and charter school costs are included in NPSD's total expenditures, neither Pre-K nor charter school enrollment figures are represented in district student enrollment numbers. The report calculates that if per-pupil funding is adjusted to account for all of these factors, the actual amount to educate each child who attends a Newark Public School is \$22,251,<sup>7</sup> far higher than the inferred \$18,000 per student the NPSD Annual Report would lead the public to believe.

## STUDENT ACHIEVEMENT: WHERE ARE THE GAINS?

In recent years, many of New Jersey's education and political leaders have proclaimed with exuberance that the state's schools are showing substantial progress, particularly when it comes to reducing minority achievement gaps. "New Jersey is a leader in closing the achievement gap among students," state Education Commissioner Lucille Davy declared earlier this year, citing progress on standardized tests for low-income and minority students.<sup>[1]</sup>



But other analyses challenge this assertion as overly optimistic. A prominent example is found by considering results on the test known as the Nation's Report Card, the National Assessment of Educational Progress. Overall scores for New Jersey's students increased slightly between 2005 and 2009 for both fourth and eighth graders.

But many of the results are still dismal. The rate at which black children in the fourth grade scored at proficient levels in reading increased from 15 percent to 18 percent between 2005 and 2009. Meanwhile, only 42 percent of black students scored at or above basic levels in reading in 2005, and 57 percent met that standard in 2009.

But these gains disappeared by the time children were set to enter high school. For black children at the eighth grade level, the percentage scoring at or above basic actually declined, from 62 percent

in 2005 to 60 percent in 2009. Black eighth graders scored at proficient levels in reading at a rate of 14 percent in 2005, increasing to 17 percent in 2009. Overall, there was virtually no difference in the average scores for New Jersey eighth graders over this period, with more than 80 percent of black eighth graders below proficiency in reading.

A corresponding trend in testing appears to cast these results in an even more negative light: the number of students excluded from taking these tests because of their disability status increased significantly, from 4 percent of fourth graders in 2005 to 7 percent in 2009, and from 4 percent of eighth graders in 2005 to 5 percent in 2009. Because students with disabilities typically perform lower on these tests, this increase on the students exempted from taking the tests likely inflated the 2009 scores, further marginalizing improvements.

<sup>[1]</sup> [www.state.nj.us/education/news/2010/0112trust.htm](http://www.state.nj.us/education/news/2010/0112trust.htm)

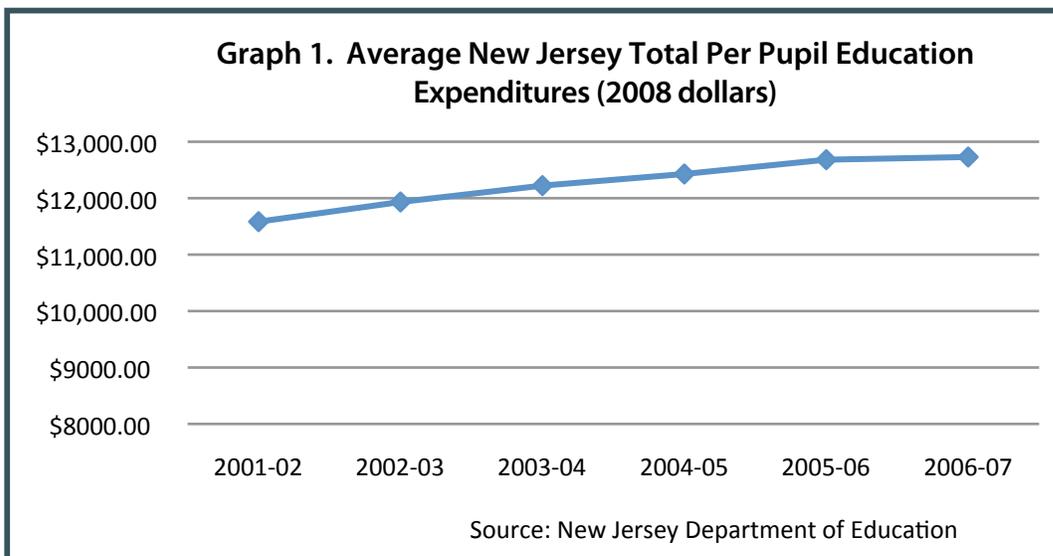
In Newark, then, the actual cost per child using the *Money for Nothing* formula is 23.6 percent higher than official, state-reported numbers. That gap is likely even more dramatic in New Jersey's less-poor districts. These districts are not required to offer publicly-funded Pre-K, and the vast majority of charter schools in New Jersey are located in neighborhoods where Abbott schools are located. Those costs would not be deducted from the total per-pupil funding, but state-paid FICA and retired teacher pensions and health care would still be added to total public spending.

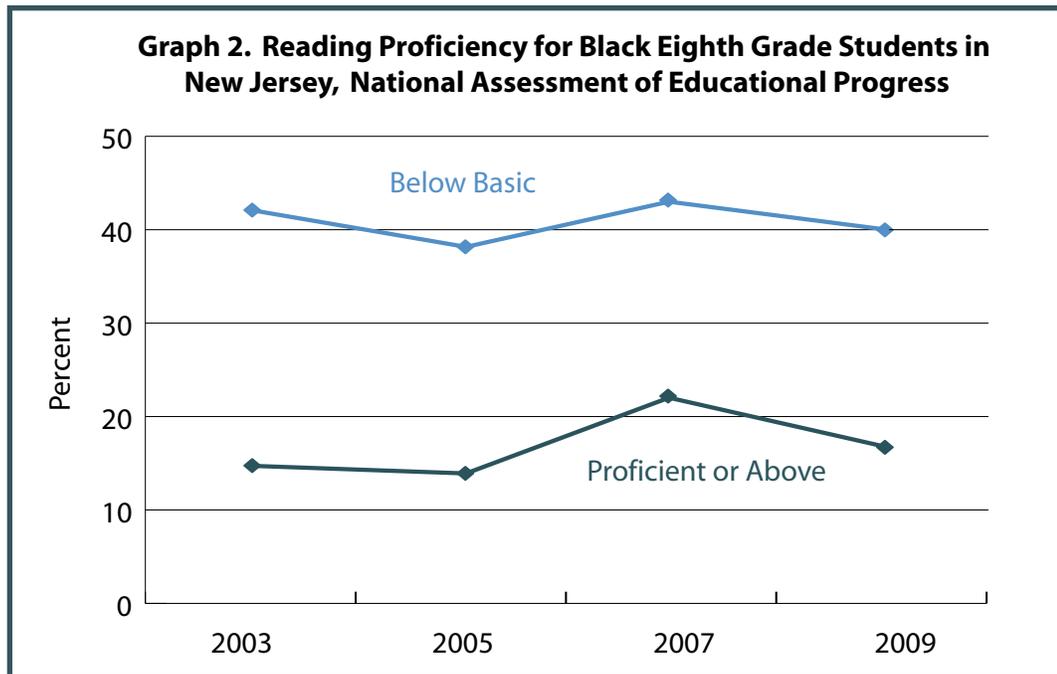
This methodology is vital to understanding the full magnitude of education spending in New Jersey. The effects of pensions, retiree benefits and payroll taxes are extremely comparable from one community to the next; so too are education spending levels understated in each of them.

One of the most important factors that has contributed to the incredible amount of money spent on New Jersey urban education is a series of 20 New Jersey Supreme Court (NJSC) decisions between 1973 and 2006, in *Robinson v. Cahill* and *Abbott v. Burke*. In the "Abbott decisions," the NJSC identified 28 school districts (plus three the legislature subsequently added) most in need of additional funding. Court decisions ruled that the state ensure that "Abbott districts" received the same level of funding as the state's wealthiest districts, and the Court mandated a long list of detailed programs that Abbott districts were forced to adopt.<sup>8</sup>

Between 1997, when the NJSC ordered the state to fund the Abbott districts at the same level as the state's wealthiest districts, and 2006, the per-pupil spending increased in Newark from \$9,675 to \$16,758 – or an increase of 74 percent.<sup>9</sup>

If taxpayers and parents alike are to fully hold schools accountable for the dollars they spend educating students, they first must see the complete picture of how much schools are spending.





As explained in *In Plain Sight*, Abbott districts responded to state Supreme Court rulings by implementing a series of ineffective mandates and blindly increasing public expenditures with no focus on effective education programs. If the district determined it needed additional funds to meet the mandates set forth by the NJSC, the district would simply appeal to the New Jersey Department of Education. The Department, not the district, was responsible for disputing the need or effectiveness of the request for resources. By presenting a case for ‘particularized student needs’ beyond even the generous Abbott ‘parity’ aid, education officials in those districts were able to further ratchet up their budgets, often without demonstrating any improved classroom instruction or results.

According to *In Plain Sight*, “As it turned out, some of the ‘remedies’ actually retarded progress...[W]hat was beyond doubt was that the Abbott remedies would swell district payrolls, increase the purchase of technology and the use of consultants, and greatly increase state funding and district spending.”<sup>10</sup> Elected officials and school leaders began to focus on whether or not the NJSC mandates were being met, instead of improving instruction and closing the achievement gap.

### **School District Autonomy & Accountability**

Establishing meaningful accountability in New Jersey’s low-income school districts must include offering parents control of meaningful choice options, especially where students are not performing at grade level consistently.

Unfortunately, district autonomy has been made even more challenging in light of the long list of Court-ordered requirements schools must meet, according to the Abbott decisions. These mandates include: the creation of prekindergarten programs; class size requirements; elementary school adoption of a Whole School Reform model; the creation of a school

management team in every school; specific employees to be hired by the school, including an instructional facilitator, a technology coordinator, a media specialist, and a community services coordinator; one computer for every five students; and installing a parent liaison in every school; among others. This overly prescriptive Supreme Court ruling also required the state to pay 100 percent of the costs associated with ensuring that all Abbott schools received “adequate” facilities.<sup>11</sup>

“Performance — not seniority or political affiliations — must drive critical personnel decisions on pay, promotion, assignment, retention and layoffs.”

– Shavar Jeffries, Chairman of the Newark Public Schools Advisory Board

One of the many mandates the Abbott decisions set forth was that all schools embrace Whole School Reform, a top-to-bottom management approach for all Abbott schools, with all elementary schools required to use Success for All, a literacy package developed by Johns Hopkins researchers, or another, similar program. Districts had no authority to create their own curriculum or set their own standards, even when there was “no compelling evidence that [Whole School Reform] in general, or [Success for All] in particular, improved learning.” After the Whole School Reform mandate was instituted, schools became the center for its implementation (and of budget-making), almost entirely shutting out the district and any hope of a district-wide instructional focus.

Unfortunately, Whole School Reform models as implemented in New Jersey have often had “little to do with improved literacy practices and everything to do with increased budgets and payrolls” for many school and district leaders.<sup>12</sup>

These highly prescriptive mandates were not only unsuccessful at increasing student performance or closing the achievement gap, they are also enormously costly for schools to implement. For instance, according to its Annual Report, Newark Public Schools spent more than 50 percent of its budget in 2006-07 on costs associated with Whole School Reform, totaling approximately \$378 million.<sup>13</sup>

If the Whole School Reform mandate were eliminated, and Abbott schools could instead use that money on classroom support – through increased teachers’ salaries, individualized curriculum, in-class technologies, etc. – those resources could have a dramatic impact on student learning. As it is now, schools have little freedom to invest in programs that could enhance the classroom experience for students. Ironically, school officials have a great deal of flexibility to spend millions of dollars on costly administrative school district support, which has never been proven to positively impact student performance.

As *Money for Nothing* recommends, “It is vital that authority and responsibility for outcomes be given to each school, where the education of children actually takes place. The principal and the teachers must be empowered to make general, as well as, day-to-day decisions that reflect the unique conditions in each school.”<sup>14</sup> If teachers and administrators had more direct authority over their work and responsibility for their results, new approaches to increase student achievement would be attempted in classrooms every day.

Shavar Jeffries, Chairman of the Newark Public Schools Advisory Board, says, “Data-driven evaluation systems are...important because it is impossible to evaluate staff without accurate

## CHANGE COMES TO NEWARK?

The city of Newark's prospects for dramatic improvement took a major turn for the better in September 2010, when Facebook founder and CEO Mark Zuckerberg committed a \$100 million gift to the struggling school system. By sharing oversight of the state-controlled school system, Governor Chris Christie and Newark Mayor Cory Booker, who share a vision of robust educational options for families, can work together to implement new ways to recognize and reward successful teachers and administrators.

There is reason to be optimistic in the way this money will be used to break up the current structure of a school system that continues to not serve students' needs. For instance, Mayor Booker has publicly stated that "the school district will require accountability from teachers as a component of any improvement plan."<sup>[1]</sup> Both Mayor Booker and Governor Christie have distinguished themselves as outspoken opponents of the status quo in public education with strong records advocating greater parental choice in education.

Even though \$100 million sounds like an extraordinary amount of money, and indeed

it is far larger than any gift the struggling school system has ever received, neither the plan nor the timeline of how this gift will be used or when the funds will come to Newark has been finalized. As these details materialize, leaders including Mayor Booker and Governor Christie must leverage this money to spur reform through the widest variety of policies. Such reforms should include: an overhaul of the teacher union contract system, including tenure and lockstep pay scale practices; a fair performance evaluation process for teachers and administrators; and an expansion of educational options.

No matter the optimism, the education reform community must continue to pursue a comprehensive reform platform that publicly questions these officials when some solutions are taken off the table. For instance, Mayor Booker has alluded to not using any of the funds for private school vouchers.<sup>[2]</sup> Newark families deserve an honest debate of all education reform strategies throughout this process, and any strategy that has been proven to improve education for urban students should not be dismissed without a public explanation.

<sup>[1]</sup> Terrance Dopp, "Zuckerberg's gift won't go to private-school vouchers, Booker says," Bloomberg News, September 25, 2010, available at <http://www.bloomberg.com/news/2010-09-25/zuckerberg-s-newark-gift-won-t-go-for-private-school-vouchers-booker-says.html>

<sup>[2]</sup> Ibid.



data about performance, which in schools must ultimately be measured by student achievement. These evaluations, in turn, must have meaning in the daily operations of schools.”<sup>15</sup>

Additionally, if teachers had more control in their own classrooms, their individual responsibility for educating their students would automatically increase. *In Plain Sight* points out that school district leadership “must accept responsibility for student achievement” because “the district can maintain a comprehensive student database that collects classroom, school, district, and state data... and conduct comparative analyses of schools and classrooms to identify problems...”<sup>16</sup>

“Teachers are the single most important factor in a student’s success in school. But today, the current method for evaluating the performance and effectiveness of educators throughout New Jersey is inadequate and unrelated to the most important goal we have as parents, educators and leaders: how well our children are learning.”

- N.J. Governor Chris Christie

Done correctly, this kind of district support could identify which teachers have been successful and which may need some additional training and support. Student learning trends could emerge, while district officials could identify if individual teachers or groups of similar educators needed personalized training or pedagogical support.

### Teacher Union Contract Reform

Whether the goal is to reward success or improve weaknesses, school administrators have little power to manage their employees, due in great part to teacher union contract language that has become common throughout the state. Because the very nature of an organized labor union contract is to protect employment benefits for adults, union contracts have little or no room for the needs of students.

Student achievement and teacher accountability should be closely monitored by school district officials through a fair evaluation process that holds student achievement as a marker for success. After teachers complete professional evaluations and development, some will still not be well-suited to leading the sort of highly functioning classroom required to bring students up to grade-level performance. Principals who must be accountable for results themselves should have a streamlined process available when they identify an unqualified teacher who should be removed from the classroom. *As Money for Nothing* notes, terminating poorly-performing teachers “takes far too much time, is much too complex and very expensive” because there is “a deliberate effort to discourage school administrators from using the tenure mechanism to remove obviously ‘bad apples.’”<sup>17</sup>

New Jersey’s teacher contracts include not only a broad range of perks for unions and union officials, but numerous provisions directly at odds with the ability of school officials to improve education. The Newark Teachers Union contract,<sup>18</sup> for instance, includes largess that few private sector workers could hope to enjoy, such as absolute limits on the number and length of school days, personal days granted without explanation, and comparable pay for unused sick days. Other provisions limit the authority of supervisors to issue unsatisfactory ratings under employee evaluation procedures, adjust classroom assignments or daily schedules, and prevent tenured employees from discharge or suspension except where strict conditions



are met (tied to titles in state laws pertaining only to public school educators). While the Newark contract may be extreme, its rigid structure and provisions, and numerous union perks, are common around the state. Currently, New Jersey's public school system centers on employee seniority, which allows the system to ignore teacher effectiveness and student achievement. As *Money for Nothing* notes, "There is no recognition of effort, attitude, outcomes, innovation or any other virtue except years on the job. This

has the effect of discouraging effort and creativity, and pushing out the best teachers."<sup>19</sup>

Seniority status can determine classroom assignments and allows more experienced teachers to choose to teach in the least demanding environments. In fact, through "bumping rights," seniority allows experienced teachers to "bump" less experienced teachers from a desired position, regardless of performance or qualifications. School principals should be in the position to decide how to best pair experienced and effective teachers with classrooms most in need, not the teachers themselves.

In order to develop statewide teacher evaluation standards, Governor Christie has developed the Education Effectiveness Task Force, which is charged with making recommendations as to how "to create a fair and transparent system of educator evaluations that centers on student learning and achievement."<sup>20</sup> The Task Force must present a set of recommendations to the governor by March 1, 2011 that include: how teacher performance should be evaluated, based on a system where at least half of indicators are for identified measures of student achievement; demonstrated practices of effective teachers and leaders, which will make up the remaining basis for the evaluations; and how these measures should be weighted.<sup>21</sup>

Like in any profession, all teachers should be annually evaluated in order to identify any additional training or support that might be needed and to ensure that all classroom teachers are deserving of the position. Public school teachers are compensated solely on the number of years they have been in the system, teachers' educational attainment, and for no other measure. School and district administrators cannot reward teachers who have significantly boosted student performance or who have chosen to teach in more challenging environments. This system encourages more senior teachers to take advantage of the union contract and leave classrooms most in need of their expertise – and often throws less experienced teachers into overwhelming settings.

Another one of the many barriers principals face when trying to remove or discipline a teacher is the state's tenure system, which allows teachers to receive tenure for life after having served just two years in the classroom. Many compromises could be considered, such as awarding tenure after several years of service or stipulating that teachers must be reevaluated every

few years to continue tenure benefits, that could alleviate this administrative obstacle without eliminating tenure entirely.

To the issue of the tenure system and its rigid payscale formulas, Shavar Jeffries says, “It should be clear by now that kids are ill-served by a system that guarantees teachers and principals their jobs for life, regardless of performance, save the illusory safety valve of a termination process that takes years and hundreds of thousands of dollars to remove even one underperformer.”<sup>22</sup>

### Parental Empowerment and Educational Options

The state of public education in New Jersey, particularly in the Abbott districts, is in dire need of transformation. *In Plain Sight* clearly makes the case that dramatic increases in education spending and a laundry list of mandated, wholesale reforms have not affected the changes needed in student achievement, nor have they spurred significant strides to close the achievement gap. However, even in the face of these real facts, the author dismisses education reform initiatives that have been proven to work and that are being demanded by parents.

The book calls school choice programs, including vouchers, charter schools, and magnet programs, “small-scale triumphs” and offers almost no focus on some of the great successes charter schools have had in the city of Newark or elsewhere. Instead, *In Plain Sight* takes no thorough review of these types of programs and says, “The proponents of neat ideas assume that if they can demonstrate results on a small scale, then somehow the idea can be introduced universally to solve an underlying problem.”<sup>23</sup>

Unfortunately, this position is short-sighted because a variety of educational options would bring a great deal of opportunity to disadvantaged students, particularly in the time that it takes for the state legislature to make all of the fundamental traditional public school reforms that are so badly needed. Educational options can come in a variety of forms, including public charter schools, magnet schools, private or parochial schools, and even virtual schools. Currently, New Jersey parents have a handful of choices available, but there is a concerted effort to dramatically expand their options.

Concerns that school choice programs, such as charter schools, serve only a small percentage of the overall population are valid on the surface, but program benefits deserve a far deeper look. Since the establishment of a charter school law in 1995, more than 26,000 students now attend 73 public charter schools throughout New Jersey,<sup>24</sup> which is equal to just about 1.4 percent of all K-12 age students in the state. However, the charter school market is concentrated in the urban areas, and as such, 10.2 percent of Newark students, 14.6 percent of Trenton students, and 17.5 percent of Camden students attend charter schools. Further, more than 11,000 students are on charter school waiting lists, which indicate a strong demand for expansion. None of these factors indicate that educational options are a “boutique” reform, as some would indicate.

Another reason some label charter schools a “small scale solution” is the fact that most charter school laws, including the current law in New Jersey, effectively limit the amount of schools that can open and the number of students who can be served. While current law does not cap

the number of charter schools that can open, nor is there a limit on how many students can attend, there are a variety of barriers to potential growth in this market. For instance, only the state education commissioner can authorize the creation of a charter school, which severely limits the amount of schools that are approved and the variety of types of schools that open. If the state commissioner does not support charter schools, he is under no obligation to authorize the creation of any school.

Charter schools in the state have a proven track record<sup>25</sup> serving New Jersey's most disadvantaged students. In 2008-09, 66 percent of the state's charter schools achieved Adequate Yearly Progress under the No Child Left Behind act, compared with only 44 percent of their local district school counterparts. In 2009, 70 percent of the state's charter high schools had higher graduation rates than the school districts in which they operated.<sup>26</sup>

Additionally, 66 percent of charter schools had higher eighth grade math proficiency rates, and 81 percent had higher language arts scores than that of their local school districts. It should be noted that in the Newark area, it costs an average of approximately \$13,000<sup>27</sup> in taxpayer dollars to educate a student in a public charter school, which is a dramatically lower expense than their traditional public school counterparts.

Successful charter schools enjoy high parental demand in New Jersey. Governor Christie has committed to expanding charter schools in the state through several proposals,<sup>28</sup> such as: approving new and high-quality charter school authorizers; removing barriers for charter conversions by eliminating the one-year delay and grandfathering currently enrolled students automatically; developing a list of qualified charter management organizations for designation as "preferred providers" to streamline partnerships, expansion and replication of the best charter schools; and assisting the growth of charter schools by expanding the universe of potential affected students to enroll by shifting from a designated number of districts to a mile-radius pool of students, no matter the number of eligible districts.

It is also crucial to note that research on charter school effectiveness has been frequently linked to the policy and charter school authorizing environments in which they operate. High-performing charter schools are more likely to be found in states with effective charter authorizers that can screen new applicants thoroughly and consistently and also close charter schools that consistently produce poor educational performance.

Another crucial step is the introduction of statewide virtual schools, which families in any school district could choose.<sup>29</sup> Driven by advances in education technology and software, these virtual, blended online and hybrid classrooms provide teachers with instant feedback to student responses, confirming content mastery and allowing them to differentiate classroom instruction to target individual student strengths and weaknesses. The educational efficiency this produces is, by its nature, better suited to some students' learning style than to others, representing a powerful schooling option. In addition to these hybrid programs, the results emerging from statewide virtual schools in states like Florida and Pennsylvania, especially for minority children and others currently being underserved by their current educational options, could offer valuable benefits in New Jersey.

A related, important reform is the bipartisan Opportunity Scholarship Act, which would establish a five-year state scholarship tax credit pilot program for students in failing schools.

The current legislative vehicle for this plan, Senate Bill 1872, is a pilot program that would fund up to \$24 million in private school scholarships for up to 4,000 children the first year.<sup>30</sup> After five years, up to 20,000 children could receive \$120 million in scholarships. Scholarship funds would come from corporate contributions, for which the corporations would receive a dollar-for-dollar tax credit. The legislation has passed the Senate



Economic Growth Committee and awaits continued debate in the Senate. The Assembly must approve the measure before it could advance to Governor Christie's desk.

## Conclusion

"If you come to a fork in the road, take it," Yogi Berra, once advised. Lawmakers and policymakers who are committed to reversing horrifyingly low student performance rates, even amidst fast-rising education budgets, would do well to take this lesson to heart.

For far too long, those who have attempted to improve the urban education system in New Jersey have used Supreme Court and legislative mandates as excuses for why they were forced to spend so much money or to direct those funds into unproven curriculum programs. Those excuses can no longer be deemed acceptable.

When 80 percent of black children are not reading proficiently throughout the state of New Jersey, it is time to demand comprehensive reform. And piecemeal tweaks to a broken system that does not serve students cannot be passed off as reform. Districts must have control over their schools, and teachers must wield decision-making power in their classrooms – and both must be held accountable for student achievement. Teachers who are making steady improvements with their students and who take on the most challenging classrooms should be recognized and rewarded, and principals who have identified ineffective teachers should have the power to remove those employees from their schools. Ultimately, parents should have the power to choose which school will best suit their children's learning needs.

The list of potential ways to reform education in New Jersey is long, and no silver bullet will turn around the beleaguered system overnight. But one thing is clear: the reforms must be comprehensive, from funding transparency and an overhaul of union contracts to local district oversight and empowered parental decision-making. None of these reforms will transform student achievement singularly, but a comprehensive approach will dramatically impact New Jersey's urban education system.

## ENDNOTES

- 1 Gordon MacInnes, *In Plain Sight: Simple, Difficult Lessons from New Jersey's Expensive Effort to Close the Achievement Gap*, The Century Foundation Press, 2009, p. 26.
- 2 Governor Chris Christie, "The Christie Reform Agenda: Education is the Civil Rights Issue of Today," State of New Jersey, Office of the Governor, available at <http://www.state.nj.us/governor/news/news/552010/pdf/9%2030%2010%20Fact%20Sheet.pdf>.
- 3 Gordon MacInnes, *In Plain Sight: Simple, Difficult Lessons from New Jersey's Expensive Effort to Close the Achievement Gap*, The Century Foundation Press, 2009.
- 4 Excellent Education for Everyone, *Money for Nothing: We Owe Our Children Better*, Excellent Education for Everyone with support from School Watch, Fall 2008, available at <http://www.nje3.org/schoolwatch/moneyfornothing.pdf>.
- 5 Dr. Marion A. Bolden, "2006 – 2007 Annual Report," The Newark Public Schools, available at <http://www.nps.k12.nj.us/ar07.pdf>, p. 11.
- 6 Excellent Education for Everyone, p. 12.
- 7 Ibid, pp. 13-14.
- 8 Gordon MacInnes, p. 23.
- 9 Ibid, p. 27.
- 10 Ibid, p. 26.
- 11 Ibid, pp. 25-26.
- 12 Ibid, pp. 57-62.
- 13 Dr. Marion Bolden, p. 11.
- 14 Excellent Education for Everyone, p. 38.
- 15 Shavar Jeffries, "Newark public schools need revolutionary reform," Newark Star Ledger, August 31, 2010, available at [http://blog.nj.com/njv\\_guest\\_blog/2010/08/newark\\_public\\_schools\\_need\\_rev.html](http://blog.nj.com/njv_guest_blog/2010/08/newark_public_schools_need_rev.html).
- 16 Gordon MacInnes, p. 98.
- 17 Excellent Education for Everyone, p. 38.
- 18 [http://www.ntuaft.com/Info\\_Center/Forms/teacher-clerk\\_contract.pdf](http://www.ntuaft.com/Info_Center/Forms/teacher-clerk_contract.pdf)
- 19 Excellent Education for Everyone, p. 42.
- 20 Office of Governor Chris Christie, "Governor Chris Christie Announces Members of the Education Effectiveness Task Force," October 28, 2010, available at <http://www.state.nj.us/governor/news/news/552010/approved/20101028b.html>.
- 21 Office of Governor Chris Christie, Executive Order 42, October 28, 2010, available at <http://www.state.nj.us/governor/news/news/552010/pdf/EO-42.pdf>.
- 22 Shavar Jeffries, available at [http://blog.nj.com/njv\\_guest\\_blog/2010/08/newark\\_public\\_schools\\_need\\_rev.html](http://blog.nj.com/njv_guest_blog/2010/08/newark_public_schools_need_rev.html).
- 23 Gordon MacInnes, p. 97.
- 24 National Alliance for Public Charter Schools, "State Charter Law Rankings Database," available at <http://www.publiccharters.org/charterlaws/state/NJ>.
- 25 New Jersey Charter School Association, "Results," available at <http://njcharters.org/about/njcsa/>.
- 26 New Jersey Charter Schools Association, <http://www.state.nj.us/governor/news/news/552010/pdf/9%2030%2010%20Fact%20Sheet.pdf>.
- 27 Comparative Spending Guide 2010, "Summary of Vital Statistics," March 2010, p. 793, available at <http://www.state.nj.us/education/guide/2010/charter.pdf>.
- 28 <http://www.state.nj.us/governor/news/news/552010/pdf/9%2030%2010%20Fact%20Sheet.pdf>.
- 29 Ibid.
- 30 Sen. Raymond Lesniak, "Opportunity Scholarship Act," S 1872, New Jersey Legislature, available at [http://www.njleg.state.nj.us/2010/Bills/S2000/1872\\_U1.HTM](http://www.njleg.state.nj.us/2010/Bills/S2000/1872_U1.HTM).



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