

## **Final Report of the Education Mandate Review Study Commission February 3, 2004**

Executive Order No. 75 enacted on October 22, 2003 by Governor James E. McGreevey, established the Education Mandate Review Study Commission. The Commission was charged to identify and evaluate State statutory and regulatory requirements imposed upon school districts and to make recommendations regarding those mandates that may be altered or eliminated to provide cost flexibility or cost savings to school districts. Additionally, the Commission was required to hold public hearings in furtherance of its purpose to allow input from stakeholders and to issue a report to the Governor no later than January 31, 2004. This document is the Commission's report to Governor McGreevey.

The first meeting of the Commission was held on Tuesday, November 11, 2003 at the Marie H. Katzenbach School in Trenton, NJ. At that introductory meeting, the Commission, chaired by Dr. Mildred García, reviewed the Commission's tasks and responsibilities as set forth in the Executive Order, discussed the scope of items to be reviewed by the Commission and divided into four subcommittees to facilitate the completion of the Commission's tasks in order to be able to meet the January deadline. In light of the deadline, the Commission determined to identify those mandates that might be remedied or eliminated quickly and those that required and merited additional consideration and more detailed study. The Commission developed a form for individuals to complete, if desired, in order to share mandate recommendations with the Commission.

The first subcommittee comprised of Commissioners Edithe Fulton, Lynne Strickland, Ray Brosel, Richard Sullivan and Joan Saylor was assigned the task of sorting the various recommendations received by the Commission to be reviewed by the three substantive subcommittees. Those subcommittees are "outdated mandates" (Commissioners Jane Susswein, Ross Danis, Joseph Jones, Silvia Abbato), "business and facilities mandates" (Commissioners Joan Saylor, Richard Sullivan, Lynne Strickland) and "classroom and "curriculum mandates" (Commissioners Edithe Fulton, Ray Brosel, Lynne Strickland). At its subcommittee meeting on November 20<sup>th</sup>, the "sorting committee" also assigned mandate recommendations relating to data collection to the "outdated mandates" subcommittee in order both to balance equitably the number of recommendations reviewed by each subcommittee and to acknowledge that some of the current data collection processes in place were outdated.

In order to assure State-wide public input into its process, the Commission did public outreach and held two public hearings. The first hearing was held on December 1, 2003 at Camden County College and the second on December 4, 2003 at Essex County College. In addition to the public hearings, recommendations were received from Commission members, the New Jersey Education Association, New Jersey School Boards Association, Garden State Coalition of Schools, New Jersey Principals and Supervisors Association, New Jersey Association of School Administrators, New Jersey Association of School Business Officials and a variety of individuals. A total of approximately eighty recommendations were received. Some were duplicates or near duplicates.

The Commission considered about fifty individual recommendations

Each of the subcommittees met at least once and conferred during the process. The subcommittees made recommendations to the Commission concerning proposed action on the mandates reviewed or requested additional information from the Department of Education.

The Commission further whittled down the recommendations by grouping many of the recommendations concerning school budget elections and many of the recommendations concerning holidays and similar events. Subcommittee work sheets were developed summarizing each of the mandates reviewed along with a summary reflecting the committee discussion and recommendations addressing each mandate

The Commission reviewed the reports of the subcommittees at its meeting on December 17, 2003 held at the State House Annex. At that meeting, the Commission reviewed the School Tax Awareness Team (STAT) report that had been presented by Richard Wojdan of the Voorhees School District at the Camden public hearing. The Commission also reviewed the Department of Education recommendations to amend N.J.S.A. 18A: 17-16, concerning violence and vandalism, to eliminate the mandate that the annual hearing be held specifically during the third week in October and eliminating the mandate that a transcript be made of the hearing and provided to the Department.

Dr. Garcia then reviewed the Commission process to make certain that the Commission's recommended outcomes reflect both what is doable in the short term and what might be recommended for longer term consideration. The Commission heard a presentation by Deputy Commissioner Dwight Pfennig on data collection systems and plans for system changes at the New Jersey Department of Education

The Deputy Commissioner noted that there are over 118 data collection systems at the New Jersey Department of Education. The department is working to create an efficient and effective collection process. The goals are to get NJ SMART (Standards Measurement and Resource for Teaching) up and running and reduce the number of annually required submissions. The "School Report Card" will be consolidated with the Federal Report Card, and the Quality Assurance Annual Report ("QAAR" N.J.S.A. 18A:7A-11) can be eliminated. In addition to availability of funding, three implementation issues will take time before the process is fully in place:

1. Training;
2. Cleansing of data;
3. Assuring that systems can "talk" to each other

The Commission discussed each recommendation that came before it. Some recommendations were eliminated as not constituting mandates, or as areas in which mandates are appropriate, or as mandates not within the primary scope of the Department of Education. In order to meet its tight time requirements, the Commission categorized its recommendations into three areas:

1. Recommend immediate action
2. Recommend further research and exploration and anticipate action will follow
3. Recommend further deliberation to amplify issue or to reach consensus

The items for immediate action may not be the biggest money savers or time savers, but they can be implemented quickly. In the meantime, it will be possible to research and further explore the more complex items.

## **Recommended for Immediate Action**

### **Holidays and Other Events**

This area generally concerns mandated programs and activities. While all are valuable, each entails the directed use of time and, sometimes, resources at a cost to school districts

1. **Mandate considered:** Observance of Flag Day, N.J.S.A. 18A:36-6, Arbor Day N.J.S.A. 18A:36-7, Commodore Barry Day, N.J.S.A. 18A:36-10 through 12, Patriotic exercises preceding holidays, N.J.S.A. 18A:36-13 and similar statutes

**Commission recommendation and rationale:** The Commission believes that the New Jersey Core Curriculum Content Standards drive or should drive the provision of all matters of instruction including instruction concerning significant holidays and other events or celebration. Appropriate holiday observation is fully embedded in the curriculum regardless of the presence or absence of statutory mandate. Legislatively mandated curriculum is either redundant or requires allocation of class time in a manner not most effective to assure attainment of the Core Curriculum Content Standards or the purpose of the event intended to be celebrated. The Commission recommends that the Legislature amend this statutory framework to give school districts flexibility and options concerning holidays and events and that the Legislature collapse the statutes referenced above into a single statute to afford options and flexibility.

2. **Mandate considered:** Eliminate any requirements relating to providing circulars or other printed items that entail cost to school districts

**Commission recommendation and rationale:** There are a variety of ways to make information available such as on a website, at a library or media center, in a textbook or other classroom material. These methods offer the ability to circulate varied information and do not entail additional copying or printing cost to school districts. The Commission recommends that the Legislature amend statutory requirements to provide printed copies of circulars, and that the State Board eliminate regulatory reference to required printed copies.

3. **Mandate considered:** Eliminate the transcript requirement for violence and vandalism hearings and give discretion to school districts to set the date for an annual hearing, N.J.S.A. 18A:36-5.1.

**Commission recommendation and rationale:** The Commission recommends that the Legislature amend N.J.S.A. 18A:36-5.1. This statute requires an annual public hearing during the third week in October during which the Superintendent reports to the Board of Education violence and vandalism that occurred during the previous year. Although the third week in October is School Violence Awareness Week, many school boards do not meet the third week



in October. In those cases, complying with this requirement may entail holding a special meeting. Second, the statute requires each district to transcribe the hearing and provide a copy to the Department for review. This is the only area in school law in which a hearing transcript is required. The cost of a transcript can run from several hundred to several thousand dollars depending upon the length of the hearing. Meeting minutes can accurately verify that a hearing took place, identify the names of speakers and capture discussion at the hearing. Third, verification of the report is added to the already lengthy list of items to be included as part of monitoring. Along with an annual report by the Superintendent at a regular meeting of the board, the requirement in the law that the majority representative of school employees have monthly access to the number and disposition of all reported cases is an adequate tool to assure compliance.

### Business Services

This area generally concerns recordkeeping, application and reporting requirements relating to school finances and facilities. Some of the items the Commission considered are redundant to other requirements in the law. Other requirements call for a level of detailed reporting inappropriate to the goal or project in question. The Commission recommends the Legislature amend the statutes set forth below.

*long term goal*



1. **Mandate considered:** Eliminate custodian/treasurer of school monies and reassign duties to Board Secretary, N.J.S.A. 18A:8-33, N.J.S.A. 18A:13-14.

**Commission recommendation and rationale:** This is an anachronistic position that predates GAAP (Generally Accepted Accounting Principles) accounting and served as a check on the Board Secretary. There is no longer a need for this position for which, according to information obtained from the New Jersey School Business Officials, districts pay between \$2500 and \$12000 per year. Potential annual statewide savings could be as much as 3.6 million dollars as calculated by multiplying the number of school districts times the average reported salary.

2. **Mandate considered:** Raise threshold for vendor's certification to the current quotation level. N.J.S.A. 18A:19-3

**Commission recommendation and rationale:** This is a redundant requirement. An invoice and a signed statement of completion of the work or receipt of goods are already required for these purchases regardless of amount. Under current law it is not necessary to obtain quotations for purchases under fifteen percent of the bid threshold. Therefore, the Commission recommends that additional paperwork not be required to be prepared until the purchase in question reaches the quotation amount.

3. **Mandate considered:** Eliminate reporting for items purchased below State contract amount. N.J.S.A. 18A:18A-51(e).

**Commission recommendation and rationale:** If districts are able to purchase items below the amount negotiated through state contract, districts should not be penalized by having to generate another report. The record keeping requirement can be satisfied by noting on the purchase order that the item was purchased at a minimum of ten percent less than the state contracted amount

## Data Collection

Most of the recommendations for mandate review concerned duplicative and lengthy data collection requirements. Deputy Commissioner Pfennig noted, in his report, the many redundant reporting requirements and the varied quality of the data collected. The Commission recommends that the State Board of Education amend the Administrative Code to consolidate record keeping requirements.

- 1 **Mandate considered:** The Commission looked at most of the various reporting requirements, N.J.S.A. 18A:7A-1, including the Quality Assurance Annual Report (QAAR).

**Commission recommendation and rationale:** The Commission recommends eliminating the QAAR and consolidating the data in a simplified reporting system. The QAAR is merely one example. The Commission strongly recommends consolidating all of the reports into no more than three or four annual data submissions.

2. **Mandate considered:** Consolidate New Jersey School Report Card, amend N.J.S.A. 18A:7E-1 through 5 to create a single document with the Federal Report Card

**Commission recommendation and rationale:** The Federal Report Card requirements of No Child Left Behind are somewhat different than the New Jersey School Report Card requirements. The Commission recommends collapsing the two into a single Report Card. This will save the cost of generating two documents and make it easier for parents to review information.

- 3 **Mandate considered:** A variety of other reports were brought to the attention of the Commission including elements of the Comprehensive Annual Financial Report (CAFRA), annual report of school aides, improving teacher quality/highly qualified teacher survey and others.

**Commission recommendation and rationale:** The Commission strongly supports simplifying recordkeeping and reporting requirements as a way to save time, expenses and assure the consistency of data. The Commission supports the goal of NJ SMART (Standards Measurement and Resource for Teaching). The Commission recommends full web-based implementation of the DOENET (Department of Education Network) data collection program and full implementation of the web based Teacher Certification Program. The Commission anticipates that the savings to each district, based on number of hours not spent in reporting and collecting data will be significant.

*also help kids*  
↓  
*welfare & educ program*

*Type of initiative that  
will help reduce  
more recruited;  
pu, shared services comment  
from Disability*

## Special Education

Many of the mandates considered for review concern Special Education. Special education involves a myriad of federal, State and judicially imposed and interrelated requirements. The Commission does not want to make any recommendation that will weaken valuable special education programs or services. An exhaustive review of these mandates will take more time than available to the Commission given the scope of its charge. Based on its work thus far, however, the Commission strongly believes that a comprehensive review of special education mandates will result in a number of recommendations to improve services and decrease costs. Therefore, the Commission recommends extending its own term and including in this special education review group, in addition to the original commission members, representatives of various stakeholder groups with knowledge of and experience in special education related issues.

*need  
work  
to be  
done*

## Recommended for Further Research and Exploration in Anticipation of Further Action

There are a number of other areas in which, pending further study, the Commission believes mandate elimination or modification will be appropriate and requests that the Department of Education make these items a priority.

The items for further consideration are as follows:

1. **Mandate considered:** Eliminate retirement of school buses after 12 years, N.J.S.A. 39:3B-5.1, N.J.A.C. 6A:27-7.3 provided that buses can be retrofitted to meet all current environmental and safety standards.
2. **Mandate considered:** Nonpublic school services: Administration of services to nonpublic school students such as transportation, technology, nursing and nursing services are administered on a district by district basis. In situations exclusively relating to reimbursement, this often means that a number of different districts will be sending pass through funding to the same school. The Commission strongly recommends exploring the possibility of centralizing administration of nonpublic services on a county wide or regional basis.
3. **Mandate considered:** There are a number of tests that must be performed annually, or training that must be conducted annually, such as training concerning contact with blood borne pathogens. The Commission recommends reviewing each of these requirements in more detail to determine if they can be done less frequently, or if they are already being done in some other context.
4. **Mandate considered:** Eliminate requirement to submit small capital projects to the Department of Community Affairs for review if the project is not eligible for State funding N.J.S.A. 18A:7G-1, N.J.A.C. 6:1-26.



**Commission recommendation and rationale:** Submission of all projects to Community Affairs review considerably extends the time period for project review. This, in turn, extends the time needed to get projects out to bid and hampers the ability to get projects done during the summer when many schools are not in session. Elimination of Community Affairs review on small projects would shorten the time frame. Districts would be required to instead submit projects to their local code officials for review, permits and inspections. Better control of the timing of projects will result in savings to districts. The Commission recommends that the Department of Community Affairs seriously explore this option.

### **Recommend Further Deliberation to Amplify Issue or to Reach Consensus**

There were, additionally, a number of areas in which, because additional information is required, or additional time is needed to explore the information in a manner that will enable the Commission to reach consensus, the Commission is not making a specific recommendation at this time, but encourages further exploration.

- 1 **Mandate considered:** Vote on school district budgets that are within statutory limitations, including all statutory growth limitations adjustments.

**Commission recommendation and rationale:** There were a number of recommendations concerning the vote on the school budget. The Commission recommends further study.

- 2 **Mandate considered:** Different prevailing wage thresholds for school districts and municipalities.

**Commission recommendation and rationale:** The Commission recommends exploring the reasons for municipalities having a higher prevailing wage threshold than school districts.

- 3 **Mandate considered:** Nonpublic school transportation reimbursement to parents.

**Commission recommendation and rationale:** The Commission recommends exploring aid in lieu of payments for nonpublic students.

- 4 **Mandate considered:** Costs related to participation in and/or not participating in State Health Benefits Plan.

**Commission recommendation and rationale:** The Commission recommends more in depth study of possible cost savings in the area of the State Health Benefits Plan.

### **Conclusion**

The Commission members appreciate the opportunity to identify the unnecessary mandates noted in this report. The Commission strongly endorses extending the life of the Commission to

complete the review of the items noted above, as well as to consider strategies to deliver services more cost effectively. Such strategies do not necessarily constitute mandates and were not considered by the Commission as part of its original charge. The Commission recommends that the search for efficiencies be an ongoing process. In particular, the Commission recommends an in depth exploration of special education mandates. Extension of the Commission to review special education mandates should include representatives of special education stakeholder groups.

Respectfully submitted,

Mildred García, Ed D  
Chair  
Education Mandate Review Study Commission

Senator John Adler, Vice Chair  
Silvia Abbato  
Raymond Brosel, Jr  
Assemblywoman Bonnie Watson-Coleman  
Ross Danis  
Edithe Fulton  
Joseph Jones, III  
Dr. Joan Nesenkar Saylor  
Lynne Strickland  
Richard Sullivan  
Jane Susswein  
Jessica de Koninck, Commissioner Designee (non-voting)