

# Capitol Update

New Jersey Principals and Supervisors Association

March 2003

## Bill Package Seeks to Limit Administrative Spending

Several pieces of legislation were recently introduced by Senator John Adler (D-6) that seek to limit administrative spending in school districts. When questioned about his goals in introducing this bill package, Senator Adler indicated that he seeks to address a perception that we are spending too much on administration in New Jersey schools and not enough in the classroom.

### The Bill Provisions – S-2326

The first bill, S-2326, places a cap on administrative spending in district budgets. S-2326 establishes an annual spending cap for administrative costs at 130% of the median budgeted per pupil administrative costs for the prebudget or prior year for districts of the same operating type (K-6, K-8, K-12, etc.), enrollment range, and district factor group. In the case of district factor groups A and B, if they are of the same operating type and enrollment range, the districts will be combined to calculate the median budgeted per pupil administrative costs for the prebudget year for those districts. The same approach will be used for I and J districts.

The NJDOE will inform districts of the median budgeted per pupil administrative costs for the prebudget year for districts that are similar in operating type, DFG and enrollment at the time state aid figures are issued. The definition of administrative costs, the operating type and the enrollment range will be those used by the NJDOE in compiling its annual Comparative Spending Guide. Specifically, the legislation is based on the definition of administrative costs set forth in "Indicator 8 – Total Administration," contained in the Comparative Spending Guide.

This indicator includes expenditures related to the four areas of the annual school district budget statement; general administration, school administration, business and other support services, both business and central, and improvement of instruction services. It includes the salaries, benefits, and clerical support services for school and district level administrators and supervisors. It also includes the cost of telephone services, equipment, communication costs, postage, and purchased professional services such as attorney fees, auditors, election services, negotiation services, curriculum developers, workshop presenters and other consultants.

The bill specifically provides that the Commissioner of Education cannot approve a school district's budget if the administrative costs exceed the limit established in the bill. If enacted, the bill would first apply to school budgets for the 2003-4 school year.

### The Bill Provisions – S-2327

A companion bill, S-2327, requires each school district to include the following information on proposed administrative spending in the budget referendum submitted to the voters for approval **or** in the budget submitted to the board of school estimate:

- information on the district's **budgeted** per pupil administrative costs,
- information on the district's **actual** per pupil administrative costs for the prebudget year, and
- a comparison of the district's budgeted and actual per pupil administrative costs to the median of such administrative costs for similar districts of the same operating type, enrollment range, and DFG.

Districts must also include this information in the published legal notice of the public hearing to be held on the budget, post this information at the public hearing and print this information on the sample ballot if S-2327 is enacted.

### The Bill Provisions – S-2328

S-2328 phases in, over a period of years, a requirement that K-6 and K-8 school districts with the lowest resident enrollments share a superintendent and school business administrator. By the 2008-9 school year, 30% of school districts with K-6 and K-8 configurations and the lowest resident enrollments would be required to share both a superintendent and a school business administrator with another district. The requirement, however, can be met through attrition, not through the forced dismissal of these administrators. However, the requirement must be met within 10 years of the date the requirement is imposed on a district. Districts can seek temporary waivers from the State Board of Education upon the demonstration that neighboring districts are unwilling to share their superintendent or school business official. The bill contains some detail about how these shared arrangements will be set up, what the written contract must contain and the employment terms of the administrators. If enacted, the bill would effectively eliminate the tenure rights of school business administrators and replace their tenure rights with renewable contracts of three to five years, similar to superintendents under current law.

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## Bill Package Seeks Limits on Administrative Spending (cont. from p. 1)

Current law does permit districts to share superintendents and school business administrators where districts choose to do so. (C. 18A: 17-24).

### The Bill Provisions – S-2329

The final bill in this legislative package, S-2329, restricts transfers among school district budget line items and program categories until the last three months of the budget year, and requires that any such transfer be made upon a two-thirds vote of the board. Districts facing an emergent situation can appeal to the Commissioner of Education to authorize a school district transfer prior to the last three months of the budget year.

### NJPSA Position

NJPSA opposes this entire legislative package. We believe this legislation unfairly and inappropriately targets administrative spending to the public and bypasses local decision-making. School administrators and supervisors provide critical instructional, support and operations services to students, staff and the district. In today's environment of increased accountability and increasing mandates under No Child Left Behind, a strong administrative staff is critical to a district's success in meeting the new national student achievement goals.

The amount of district spending on administrative costs is a local decision to be made by the individual boards of education and the communities they are elected to represent. In fact, the public is already thoroughly informed about a district's spending choices through the local budget process, the NJ School Report Card which reports administrative costs and the NJDOE Comparative Spending Guide. District spending on administration and other instructional and non-instructional expenses are already limited through budget caps and the requirement to go to the public for a referendum on any proposed expenditures beyond these overall caps. This legislation, in effect, places a "double cap" on a district's spending for administrative costs. It also fails to address the situation faced by many districts that face one-time increases in legal costs that may result from a particular case or cases being resolved in a particular year.

Further, the perception, that New Jersey spends too much on administration has not withstood the test of time.

In the 1990s, the Legislature enacted the Administrative Penalty Act which financially penalized districts with administrative spending 25% above the state average. Realizing the error of its ways, the Legislature repealed that statute and even restored the financial penalties to the local districts that were penalized.

A look at recent data in New Jersey shows that administrative spending has actually been declining in recent years. A look at the NJDOE Comparative Spending Guide shows that since 1997/98 (the first year after the Administrative Penalty Act was eliminated by the Legislature), the cost per pupil for administration has been reduced by 1.6% and the cost per pupil for administrative salaries and benefits has been reduced by 6.7%. These figures are

even more significant when compared to the cost per pupil for classroom salaries and benefits which increased by 15.5% and the cost per pupil for classroom instruction which increased by 17.4% over the same time period.

### How You Can Help!

NJPSA urges you to contact your local legislator and the following members of the Senate and Assembly Education Committees to urge them to oppose this legislative package. In particular, urge the Education Committee members to vote against these bills if they are heard in committee. (The bills are not scheduled for a committee hearing at this time.)

Please contact the NJPSA Government Relations Department for further information and assistance.

### Senate Education Committee

**Senator Shirley Turner, (D-15)**

**Co-Chair**

1440 Pennington Road, Trenton, NJ 08618, (609) 530-3277

**E-mail:** SenTurner@njleg.org

**Senator Robert Martin, (R-26)**

**Co-Chair**

101 Gibraltar Drive, Suite 1-A Morris Plains, NJ 07950, (973) 984-0922, **E-mail:** SenMartin@njleg.org

**Senator Wayne Bryant, (D-5)**

501 Cooper Street, Camden, NJ 08102, (856) 757-0552

**E-mail:** SenBryant@njleg.org

**Senator Byron Baer, (D-37)**

125 State Street, Suite 205 Hackensack, NJ 07601 (201) 343-3333

**E-Mail:** SenBaer@njleg.org

**Senator Joseph Palaia, (R-11)**

290 Norwood Avenue, Suite 204 Deal, NJ 07723, (732) 531-1303

**E-Mail:** SenPalaia@njleg.org

**Senator William Gormley (R-2)**

Hamilton Mall, Suite 108, 4403 Black Horse Pike, Mays Landing, NJ 08330, (609) 646-3500

**E-Mail:** SenGormley@njleg.org

### Assembly Education Committee

**Assemblyman Joseph Doria**

**(D-31), Chair**

595 Broadway, P.O. Box 1408 Bayonne, NJ 07002, (201) 437-5150

**E-Mail:** AdmDoria@njleg.org

**Assemblyman Craig Stanley (D-28)**

1200 Clinton Avenue, Suite 140 Irvington, NJ 07111, (973) 399-1000

**E-Mail:** AsmStanley@njleg.org

**Assemblyman Rafael Fraguela (D-33)**

4808 Bergenline Avenue, Union City, NJ 07087, (201) 863-3355

**E-Mail:** AsmFraguela@njleg.org

**Assemblyman Joseph Malone (R-30)**

951 Route 206 North, Bordentown, NJ 08505, (609) 298-6250

**E-Mail:** AsmMalone@njleg.org

**Assemblywoman Arline Friscia (D-19)**

245 Main Street, Woodbridge, NJ 07095, (732) 634-2526

**E-Mail:** AswFriscia@njleg.org

**Assemblyman Patrick Diegnan (D-18)**

908 Oak Tree Avenue, Unit P South Plainfield, NJ 07080 (908) 757-1677

**E-Mail:** AsmDiegnan@njleg.org

**Assemblyman David Wolfe (R-10)**

852 Highway 70, Brick, NJ 08724 (732) 840-9028

**E-Mail:** AsmWolfe@njleg.org

**Assemblyman Jack Connors (D-7)**

Delran Professional Center, Suite 125, 8008 Route 130 North, Delran, NJ 08075, (856) 461-3997

**E-Mail:** AsmConnors@njleg.org ■

# NJDOE Proposes Revised Graduation Requirements

At an NJPSA Forum entitled *"The High School Senior Year: Creating New Opportunities for Seniors,"* the New Jersey Department of Education unveiled a proposal to revise New Jersey's high school graduation requirements for students starting grade nine in September, 2003. The formal code language to implement the plan was then presented to the State Board of Education at the State Board's February 5 meeting. The proposal will not become official until it is approved by the State Board. The proposal is also subject to revision based on the NJDOE's discussions with the State Board of Education.

## NJPSA Urges Continuation of Current Grad Requirements for 2003-04

In testimony before the State Board on January 22, NJPSA urged the Board to adopt a Resolution of Intent to continue the current graduation requirements for the 2003-04 school year and implement any revisions to the requirements for students starting grade nine in the 2004-05 school year. NJPSA noted that school districts had nearly completed scheduling and that any revisions approved this spring will not provide districts with sufficient time to address scheduling, staffing and budgetary issues. At the March 5 State Board meeting, the NJDOE proposed that the State Board pass a Resolution of Intent to adopt the NJDOE's proposed revisions to the graduation requirements for 2003-04. The State Board chose not to act on the resolution at the March 5 meeting and instead took testimony on the resolution on March 19.

## Revised Credit Requirements

The NJDOE proposal includes the following revisions to the credit requirements for incoming high school freshman:

- 5 credits in World Languages instead of the 10 credit requirement that would have been imposed on incoming freshmen;
- 5 credits in Visual and Performing Arts (instead of 10 credits in visual, performing and/or practical arts); and
- 5 credits in Technological Literacy, Career Education and Life Skills, or Vocational-Technical Education.

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# 2003 Legislative Conference

April 4, 2003, Lafayette Yard Marriott Conference Hotel  
Trenton, NJ, 8:30 a.m. - 2:00 p.m.



Commissioner  
William Librera



Senator  
John Adler



Senator Leonard  
Lance



Senator  
Joseph Palaia



Assemblyman  
Joseph Doria



Assemblyman  
David Wolfe

The annual Legislative Conference is your once-a-year opportunity to speak directly to state policymakers about issues important to you and your district.

### Important issues:

- The health and stability of pensions and health benefits
- Graduation Requirements
- School Governance
- School Choice
- School Funding
- No Child Left Behind

# 2003 Legislative Conference

April 4, Lafayette Yard Marriott Hotel and Conference Center,  
Trenton, 8:30 a.m. - 2:00 p.m.

**FEE:** \$50 (Payment Must Accompany Registration)

**Payment:**  Check  Purchase Order  Credit Card Authorization

Name \_\_\_\_\_

Title \_\_\_\_\_

School \_\_\_\_\_

District \_\_\_\_\_

School Address \_\_\_\_\_

School Phone \_\_\_\_\_

School Fax \_\_\_\_\_

Email \_\_\_\_\_

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I authorize NJPSA/FEA to charge \$\_\_\_\_\_ to my  VISA  Mastercard

Account# \_\_\_\_\_

Expiration Date \_\_\_\_\_

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**Make checks payable to NJPSA, 12 Centre Drive**  
Monroe Township, NJ 08831-1564  
Phone: 609-860-1200 Fax: 609-860-2999  
Email: njpsa@njpsa.org Web: www.njpsa.org



## NJPSA Political Action Committee Needs Your Support! Where do You Stand in 2003?

As we face an almost certain war with Iraq, looming federal and state budget deficits, a stagnant economy, increased federal mandates and intervention in our schools, the promotion of school choice as a remedy to perceived "failures" of our public schools, proposed caps on administrative spending, fears of reduced pensions and health benefits to balance state budgets, and more, **where do you stand?**

Will you sit on the sidelines and bemoan these times or will you take charge and help choose the state leaders who will decide these critical issues facing our public schools and our state?

In these uncertain times, it is more important than ever to make your voice heard in our state capitol. This year, all 120 seats in our State Legislature are up for grabs. This election will determine who will lead our state and how critical state issues are resolved in the challenging years ahead.

By joining NJPSA-PAC, you can have a say in selecting our state leaders and setting the priorities of our state. NJPSA-PAC is the Political Action Committee that provides school principals, assistant principals, and supervisors with a direct voice in New Jersey's electoral process. Through your contributions, NJPSA is able to support the election campaigns of those legislators fighting to protect your interests as public employees and your interests as the advocates for New Jersey's school children. Many of our friends face primary battles in this difficult year, so it is more important than ever that we continue to support our proven friends in the Senate and the Assembly.

Why should you get involved? Just consider some of the issues being debated in Trenton. School funding in extremely difficult fiscal times is a paramount concern. With

historically unprecedented deficits in state legislatures across the nation and the federal government refusing to help, public school programs and the salaries and benefits of school employees are at risk. Although this year the Governor has proposed a limited increase for some of our schools, he has again deferred state payment of its obligations to our pension and health benefits systems. In addition, legislators are once again looking for ways to save money in our schools. A four bill package which caps administrative spending and requires the publishing of administrative spending during the budget process is getting growing attention in Trenton. Add to these the impending requirements of No Child Left Behind, rising special education costs, student safety and the school voucher movement and you see the need for professional educators to have a say in the outcome. NJPSA-PAC will ensure that your voice is heard in Trenton on these issues.

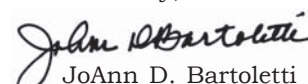
Our ability to support our friends in the Legislature has made a real difference in recent years. When a recent Governor called for the elimination of principal tenure in her State of the State Address, we were able to convince our State Legislature to adopt responsible tenure reform instead. When students and educators criticized the state testing system, we were able to take the lead and reform the testing system and expand our state's approach to assessment even in light of the mandates of No Child Left Behind. When practical arts programs were about to be eliminated for our students, we were able to restore the practical arts to the graduation requirement. When our members complained about the lack of space and the inadequacy of their school buildings, we were able to convince the Legislature to enact the most comprehensive school facilities construction law in the country. When our members complained that they could not find qualified candidates for teaching positions, we persuaded our lawmakers to loosen up some of the restrictive provisions of our state requirements, to enact legislation authorizing the hiring of international teachers and to provide grants, loan redemption and other programs to encourage individuals to enter public education. We also were successful in our lobbying efforts to give both active and retired members a welcome 9% boost in their pension benefits!

With this history and your support, we hope for future success on the issues facing all of us who care about public education!

Your contribution to NJPSA-PAC today will strengthen our ability to influence the education policies of New Jersey. To join, we ask you to fill out the attached form and contribute a minimum of \$25 for 2003. Please make your check or money order payable to NJPSA-PAC and mail it to: NJPSA-PAC, 12 Centre Drive, Monroe Township, NJ 08831-1564, Attention: Cindy Levanduski, Treasurer.

We thank you for supporting our school children, our colleagues and this association! ■

Sincerely,

  
JoAnn D. Bartoletti  
Executive Director

### ★ ★ ★ ★ ★ -NJPSA-PAC- ★ ★ ★ ★ ★

We ask that you contribute \$25 to PAC. As a PAC member, you can be directly involved in the political endorsement process. To join, make your check or money order payable to NJPSA-PAC.\*

I have enclosed my check, payable to NJPSA-PAC\*.

Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

School \_\_\_\_\_

School Phone \_\_\_\_\_

School Fax \_\_\_\_\_

Email \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

**RETURN WITH CONTRIBUTION:** NJPSA-PAC  
12 Centre Drive, Monroe Township, NJ 08831

\*Note: Due to changes in IRS rulings, such contributions are no longer tax deductible.

## NJDOE Proposes Revised Grad Requirements

(cont. from page 3)

The remainder of the current credit requirements would remain the same, including:

- 20 credits in Language Arts Literacy;
- 15 credits in Mathematics;
- 15 credits in Science;
- 15 credits in Social Studies; and
- 3 ¾ credits per year in Health & Physical Education.

The proposal maintains the requirement for 110 credits for high school graduation. It mandates the specific content areas for 95 of the 110 required credits. The current graduation requirements, if unchanged, would mandate 100 of the 110 required credits for students in grade 9 in 2003-04.

### Students Permitted to "Test Out" of Credit Requirements

The NJDOE is proposing that districts have the option of allowing students to test out of credit requirements through successful completion of a local assessment that is aligned to the Core Curriculum Content Standards. Under the NJDOE proposal, districts could choose to allow students to take such a local assessment during or prior to high school enrollment. The district would then be permitted to grant the student high school credit for the course based on passing the local proficiency assessment. The district would have to provide a Statement of Assurance that the student has demonstrated proficiency on the Core Curriculum Content Standards and must be prepared to provide documentation to support the Statement of Assurance when the school district undergoes monitoring by the NJDOE. The NJDOE stressed that the "test out" option is a local district option, and will not be mandated by the State.

### Additional Guidance on Option ii

The proposal also included additional guidance and some revisions to Option ii (also known as Plan B) of the graduation requirements. Option ii allows students to satisfy high school graduation requirements in whole or in part through a "program of curricular activities and programs aimed at achieving the Core Curriculum Content Standards," without having to satisfy the specific credit requirements in each content area. Such a program must be approved by the local board of education. It may include interdisciplinary

or thematic units. The principal is required to "certify completion of curricular activities based upon specified instructional objectives." Option ii may be used for individual students, for groups of students or on a school-wide basis.

The NJDOE provided a number of specific examples of approaches that districts might wish to consider under Option ii, such as:

- completion of college coursework linked to the Core Curriculum Content Standards
- magnet programs;
- student exchange programs;
- distance learning opportunities;
- internships;
- community service; and
- other structured learning experiences.

### State Board Review Process

The NJDOE proposal was formally presented to the State Board of Education at the State Board's February 5, 2003 meeting. Unfortunately, the State Board's code review process typically takes six months or more to complete, which means the code proposal may not be officially adopted before the summer. NJPSA's Government Relations Department continues to advocate for the continuation of current requirements for the 2003-04 school year, and the phase-in of new requirements beginning in 2004-05. *Members who may be interested in testifying on the graduation requirements should contact NJPSA's Government Relations Department at (609) 860-1200. ■*

## Legislative Conference

**April 4, 8:30 a.m. - 2:00 p.m.**  
**Lafayette Yard Marriott Hotel & Conference Center, Trenton**

# ONLY \$50

Meet your state legislators and colleagues for a day of discussion and debate about important educational issues.

**Register on page 3.**

## NCLB: Major Impact Expected in 2003-2004

On January 31, the New Jersey Department of Education submitted its detailed plan to the United States Department of Education for implementing the No Child Left Behind Act. This article focuses on the complex issue of Adequate Yearly Progress and the consequences that districts will face for failing to achieve AYP.

### Baseline Test Scores

The baseline test scores for measuring AYP were established based on the spring 2002 administration of the ESPA, GEPA and HSPA. The baseline AYP requirements are as follows:

Grade 4 Language Arts Literacy	68%
Grade 4 Mathematics	53%
Grade 8 Language Arts Literacy	58%
Grade 8 Mathematics	39%
Grade 11 Language Arts Literacy	73%
Grade 11 Mathematics	55%

### Relevant Subgroups

In order to satisfy AYP, the overall test scores and the scores for each relevant subgroup of students must meet or exceed the baselines or at least fall within a 90% percent confidence interval of the specified achievement levels. The baselines will be applied to students taking the new grade four assessment, the GEPA or the HSPA in the spring of 2003. The relevant subgroups by which performance will be reviewed include:

- Socioeconomic status – students receiving free and reduced price lunch;
- Racial/ethnic groups – students will be reported out by the following breakouts: African American, white, Hispanic, Asian/Pacific Islander and native American;
- Students with disabilities; and
- Students with limited English proficiency.

### Statistical Formula to Determine AYP

To address the danger that the use of hard cutoff scores for AYP may incorrectly identify some schools as failing due to random error or insufficient sample size (particularly for subgroups), the NJDOE has identified a statistical method for calculating the minimum performance level in a subgroup and school.

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## School Bills on Legislative Agenda in Trenton

In recent weeks, the N.J. State Legislature has taken action on the important legislation that impacts public schools in our state. The bills and their status as of the date of publication are detailed below:

### **-Passed both Houses- On the Governor's Desk**

#### **S-1531 (Turner) A-2169 (Conners)**

#### **A-1350 Core Standard in Technology**

This bill requires the State Board of Education to adopt core curriculum content standards in technology within one year of the effective date of the bill. Currently, technology is included in the Core Standards as part of the cross-content workplace readiness Standards which apply to all content areas and grade levels. This bill will make the area of technology a separate core academic content area. The bill provides that the State Board will convene a committee comprised of educators, business representatives, information technology professionals, parents and DOE staffers to develop the standards. The committee must review existing research and standards in the field and consult with experts. The State Board must conduct regional hearings on the developed standards to seek public input before adopting the technology standards. The bill will take effect upon signing.

#### **S- 1972 (Matheussen, Inverso) A-2574 (Greenstein, Malone) Employee Representation on SHBC**

This legislation, supported by NJPSA, adds two members chosen by public employees' labor organizations to the State Health Benefits Commission.

### **-Released by Committee- Pending a Vote in One or Both Houses**

#### **S-1947 (Martin) Student Safety – Wear Protective Devices**

This bill requires school boards to mandate the wearing of protective devices by pupils and teachers who are dealing with certain dangerous materials or processes. The bill broadens the scope and requirements of existing law. Currently, this schoolwork safety mandate only applies to classes in vocational or industrial art shops or laboratories and only applies to the eyes. The bill expands the safety mandate for

students, teachers and visitors to wear protective clothing over the entire body. It also expands the range of educational situations covered to include any educational activity or program in any setting; it adds toxic materials to the list of substances where the mandate applies; it adds protective clothing to the list of requirements; and it mandates staff training. The bill includes a \$125,000 appropriation for staff training to ensure the proper implementation of this requirement. The legislation has passed the Senate and is pending before the Assembly.

#### **A-2038 (Frischia) Student Safety – Wear Protective Eyewear**

This legislation requires children who wear eye glasses to wear protective eyewear that meets the frames and lens standards of the American Society for Testing and Materials (ASTM) while participating in certain sports activities at schools, community or government agency sponsored activities. The types of sports activities covered by the bill include activities involving the use of a bat, stick, racket, club, a thrown or projected ball, racquetball, squash, tennis, lacrosse, basketball, field hockey, badminton, paddleball, soccer, volleyball, and baseball or softball. Low income families, defined as families eligible for low income housing under the Fair Housing Act are eligible for grants to purchase the eyewear. The bill contains language holding local districts and community groups harmless from liability for a failure to enforce the requirement. If signed into law, the bill will take effect six months after it is signed. The bill has passed the Assembly, been amended by the Senate and is pending before the Assembly for a vote on the amended version of the bill.

#### **A-2616 (Guear) Drug Free School Zone Clarification**

This bill seeks to clarify existing criminal law that calls for upgraded penalties for drug offenses that occur in a "school zone." Current law holds that offenses that occur in a school bus are subject to upgraded penalties because school buses are considered to be a part of the school zone. This bill clarifies that the term school bus includes buses owned and operated by a local board of education or a private contractor. It also clarifies that the school bus that is being used for any

school-related activities including field trips and athletic events is covered by the law. The bill unanimously passed the Assembly on February 24 and has been referred to the Senate Judiciary Committee for consideration.

#### **A-3125 (Vandervalk) Student Health – Emergency Medication**

This bill amends existing law that provides for the emergency administration of epinephrine to school students to include in that school procedure the emergency administration of glucagon to pupils with diabetes. Glucagon is a hormone that raises the level of glucose in the blood and, like insulin, must be injected to counteract severe hypoglycemia that causes the loss of consciousness in diabetic individuals.

Under the bill, parents must authorize the school district, in writing and on a yearly basis, to administer glucagon to their child in emergency situations. Specifically, the parents' written authorization must include written orders from the child's physician or advanced practice nurse stating that the child has diabetes, that the child may require the administration of glucagon and that the child is unable to self-administer this medication. The parents must also acknowledge, in writing, that if the school district and its personnel follow appropriate procedures as specified in the law and board policy, that the district and its employees shall have no liability for any injury resulting from the administration of glucagon.

The proposed law specifies that the board policy must provide that the school nurse has primary responsibility for the administration of glucagon (or an epi-pen). The nurse may designate, according to local board policy, another employee of the district to administer the glucagon when the nurse is not physically present on the scene as long as this designated person has been properly trained, the parents have given written consent, and the parents have signed a statement holding the district and its staff harmless from liability if procedures are followed. NJPSA supported this legislation on March 6, 2003, when the Assembly Education Committee favorably released it.

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## School Bills on Agenda (cont. from p. 6)

A related piece of legislation, A-3320 (Weinberg) provides for certification of emergency medical technicians to administer glucagon.

A-3320 also contains the provisions for the emergency administration of glucagon to school pupils contained in A-3125.

### **A-3114 (Bodine) Student Health – Expansion of Self-Medication Law**

This legislation seeks to amend the current law permitting students to self-administer medication for asthma or other potentially life-threatening illnesses. The bill would add cystic fibrosis and life threatening allergic reactions as medical conditions that students can self-medicate for if certain conditions are met. The conditions are detailed in statute (18A: 40-12.3) and are described in the preceding legislation (parental written consent and acknowledgement that the student is capable of and has been trained in proper self-medication, district notice that it will incur no liability if procedures are followed and parents written release of any liability of the district and its staff.) The bill was held at the Assembly Education Committee on March 6.

### **A-3362 (Sarlo) School Ethics Law Application to Charter Schools**

This bill provides that administrator and trustees of charter schools are subject to the provisions of the School Ethics Act. Currently, the School Ethics Act covers all school officials which are defined as board of education members and school administrators (superintendents, assistant superintendents, principals and supervisors). The Ethics law requires financial disclosure statements to be filed annually, a code of conduct to be applied to all board of education members, and requires all school officials to avoid any conflicts of interest as detailed in the statute. Since charter schools are public schools by definition, NJPSA supports the application of the Ethics law to charter school leaders and trustees. The bill was favorably released by the Assembly Education Committee on March 6.

### **A-3331 (Diegnan) Elimination of Industrial Arts Endorsement**

This legislation eliminates the industrial arts endorsement to the instructional certificate for public school

teachers and replaces it with a technology education endorsement to the instructional certificate. A teacher who holds this endorsement will be authorized to teach technology education in all public schools. The bill does not specifically define the term technology education, but does specifically reference the “Standards for Technological Literacy: Content for the Study of Technology” published by the International Technology Education Association. If the bill is signed into law, from that date forward, the State Board of Education will no longer issue an endorsement for the industrial arts. Current teachers holding the industrial arts endorsement will be “grandfathered” from the new requirement. These teachers can teach the subjects covered by the technology education endorsement even after the date the bill becomes law. If these individuals choose to seek the new technology education endorsement, they must pass the Educational Testing Service Praxis test in technology education or any other test of subject matter knowledge designated by the State Board. The Assembly Education Committee held the legislation on March 6, 2003.

### **A-3192 (Stanley) DYFS and Schools**

In response to the tragic death of Faheem Williams in Newark, this legislation seeks to expand the potential safety nets available to children by asking schools to notify DYFS in certain cases of student transfers and absences. NJPSA was successful in its efforts to amend this legislation which originally required school districts to immediately notify DYFS in all cases where a student had five consecutive unexcused absences from school. As amended, the legislation now requires that a school attendance officer investigate all instances where a student has five consecutive unexcused absences and notify the superintendent of the results of the investigation. The superintendent then must notify DYFS of the case. DYFS will determine if it has been involved with this child in the past and whether any action by DYFS is appropriate. NJPSA is supporting further amendments which would give the superintendent discretion in his/her decision to notify DYFS. In the case of student transfers out of the district, this bill creates a new requirement for schools to do a follow up investigation on a student’s status after he/she

leaves the district. Specifically, the amended bill states that the principal must request the name and location of the student’s new school district and the date the student will be enrolling there. The principal must provide this information to the superintendent. Five days following the expected date of enrollment, the superintendent of the district of last attendance must contact the new district to see if the student has, in fact, enrolled. If not, the attendance officer of the prior district must make “reasonable efforts” to investigate the failure to enroll. The superintendent of the prior district will then notify DYFS of the situation. DYFS is then obligated to investigate and address the situation. This legislation has been released by the Assembly Family, Women and Children’s Services and the Assembly Health and Human Services Committees, but was held at the Assembly Appropriations Committee in February.

**For more information on these bills or other legislation, please contact the NJPSA Government Relations Department. ■**



## **-NJPSA-PAC-**

NJPSA-PAC, your voice in Trenton, needs your support. All 120 seats in the NJ Legislature are up for grabs this year.

Through your contributions, NJPSA is able to support the election campaigns of those legislators fighting to protect your interests as public employees and your interests as the advocates for New Jersey’s school children.

**Support NJPSA-PAC.** See page 4 for an important letter from NJPSA Executive Director JoAnn Bartoletti and NJPSA-PAC contribution information



## NCLB: Major Impact Expected in 2003-2004 (cont. from p. 5)

The formula will result in a school only being identified as needing improvement if the school fails to achieve at a level that demonstrates within a 90% confidence interval that the school has been properly identified as achieving or not achieving AYP.

For example, assume Elementary School A has 165 students who have taken the fourth grade math test, and 47.9% of those students were proficient. Since the AYP cutoff for Grade 4 math is 53%, the school would fail to make AYP if the state did not factor in a confidence interval formula. However, applying the 90% confidence interval, the NJDOE would state with 90% confidence that the actual number of students who are proficient is somewhere between 41.3% and 54.6%. Therefore the state cannot say with 90% confidence that Elementary School A has failed to make AYP.

### Additional Indicators of AYP

In addition to test scores, No Child Left Behind requires that states identify a second indicator that schools must meet in order to satisfy AYP. At the elementary and middle school levels, the indicator the NJDOE has chosen is school attendance. The attendance rate must be at least 90% in order to satisfy AYP. At the high school level, the NJDOE will use drop out rates as the indicator for AYP until the state revises its process for measuring graduation rates. The drop out rate cannot exceed 10%.

### Consequences for Failure to Make AYP

The NJDOE has not yet determined what the consequences will be for non-Title I schools that fail to make AYP. The consequences listed below apply to Title I schools under the NJDOE's current plans.

A school will be considered to have failed to meet AYP for two consecutive years even if different subgroups of students fail to meet the standard each year. A school will not be considered to be in need of improvement if students in language arts fail to meet AYP in Year One and students in math fail to meet AYP in Year Two. The failure to meet AYP must be in the same subject area.

For a school that fails to meet AYP for two consecutive years, the school must offer intra-district school choice to all parents in the following school year. For a school failing to meet AYP for three consecutive years, the school must inform parents that they can use a portion of the district's Title I funding to pay for supplemental educational services. For a school failing to meet AYP for four consecutive years, the school must develop and implement a corrective action plan, and continue to offer school choice and supplemental educational services. For a school failing to meet AYP for five consecutive years, the school must undergo a major restructuring, which could include a new curriculum, reconstituted staff and new school leadership.

### Application of AYP to Specific Districts

In 2002, the NJDOE identified 268 schools that were in need of improvement because they had two consecutive years of failing to meet state required achievement levels. In 2003, these schools will be considered to be in a third year of failing to meet AYP unless all of the subgroups in those schools satisfy the AYP standards outlined above. If one subgroup in these schools failed to make AYP, the school will be considered to have had three years of failing to make AYP, and will now be required to permit parents to use a portion of the school's Title I funding to pay for supplemental educational services starting in the 2003-04 school year.

For all other districts, a determination will be made whether or not schools have made AYP based on 2003-04 test score results. For these schools, the school will not be designated as a school in need of improvement unless the school fails to make AYP during both the 2003-04 school year and the 2004-05 school year.

### NJDOE Awaiting USDOE Approval

The NJDOE has not yet received approval for its No Child Left Behind implementation. Approval is expected to come by May 1. In addition, the proposed changes must be formally adopted by the State Board of Education. ■

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