



New Jersey Principals and Supervisors Association

# Capitol Update

Fall 2005

NJPSA CAPITOL UPDATE  
Fall 2005

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## NJPSA Summer Advocacy: Pensions, Special Ed. & Facilities

This summer, NJPSA's Government Relations Department actively worked on many fronts to promote our members' perspective and protect their benefits.

### Pension/Benefits

A top priority has been our efforts to preserve our members' pension and health benefits in the face of several challenges by the current administration. On May 16 and again on July 20, NJPSA participated in rallies in Trenton urging the Governor and Legislature to preserve the pensions and health benefits of public employees. NJPSA members were well-represented by President-Elect Tim O'Halloran who spoke at the May 16th State House rally and Gloria Tunstall, NJPSA President, who gave a much-quoted speech on July 20th at the War Memorial. Our message was clear: Hands off our Pensions and Benefits!

As a result of our efforts and the efforts of public employees statewide, the State Health Benefits Commission voted to modify its original proposal on September 14, 2005. The new proposal, which must be published in the NJ Register for 60 days and then voted upon by the Commission, is slated to go into effect in the new year. We are happy to report that the new proposal maintains the cap on retiree prescription co-payments! However, the new proposal would raise that cap from the 2006 cap level of \$626 to \$1,000. The cap has increased annually since the prescription program began, but the proposed cap increase to \$1,000 per year is significantly higher than prior increases.

NJPSA will be testifying about the new proposal this fall. Whether you are an active or retired member, this proposal impacts you! We urge you to go on record opposing any negative changes to public employee pensions and benefits. Simply visit the NJPSA Legislative Action Center at [www.njpsa.org](http://www.njpsa.org) to contact state lawmakers.



**BACK OFF OUR BENEFITS!** NJPSA officers, members and staff rallied with other major employee organizations on May 16 at the statehouse to protest the State Health Benefits Commission's proposed cuts in pension and health benefits.

If you have not already done so, please voice your opposition to this negative proposal by writing to Acting Governor Richard Codey, your local legislators and the SHBC itself. Visit the NJPSA Website for details, [www.njpsa.org](http://www.njpsa.org). It is critical that you weigh in to oppose this opening salvo on the movement to reduce state obligations for public employee benefits!

The issues of public employee pensions and benefits are simultaneously being discussed in another forum, the Governor's Benefits Review Taskforce. Governor Codey created this Taskforce by Executive Order No. 39 on May 25. Its charge is to examine current laws, regulations, procedures and agreements governing the provision of public employee benefits, to analyze the current and future costs of these benefits, to compare the level of benefits of public and non-public employees and to recommend changes to control costs to taxpayers while ensuring that public employees have a fair and equitable benefit system. This Taskforce will be issuing a report to the Governor in November 2005 recommending possible changes to our current pension and health benefits systems.

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The members of the Taskforce are Chairman Philip Murphy, a retired partner of The Goldman Sachs Group, Inc., Richard Quinn, Managing Director of Human Resources for PSE&G, David Alai, Vice President-Corporate Human Resources for Sha Electronics Corporation, Thomas Meyers, Senior Vice President & Chief Financial Officer for NJM Group, Paula Voos, Chairwoman of the Labor Studies and Employment Relations Department at Rutgers School of Management and Labor Relations, William Rodgers III, Professor of Public Policy at the Edward J. Bloustein School of Planning and Public Policy and State Treasurer John McCormac. No public employee representative is on the Taskforce. NJPSA Director of Government Relations Debra Bradley, Esq. submitted testimony to the Taskforce this summer. Visit [www.njpsa.org](http://www.njpsa.org) to read this statement.

## Special Education

Another issue of great importance has been the development of state regulations to implement the new Individuals with Disabilities Education Improvement Act (IDEIA). Although this complex law went into effect on July 1, the State of New Jersey has discretion in the development of state implementation regulations to exceed federal requirements in certain areas. Members of the parent advocacy community are strongly urging the NJ Department of Education to do so, particularly in areas related to the Individual Education Program (IEP) and the conduct of IEP meetings. In contrast, NJPSA has urged the NJDOE to maintain the “flexibility with safeguards approach” contained in the federal law on a whole host of implementation issues.

NJPSA Special Education Chair Marianne Chletos, member Judy Geddes and NJPSA Director of Government Relations Debra Bradley have represented NJPSA at numerous meetings with stakeholders and the NJDOE this spring and summer. The recommendations of the NJPSA Special Education Committee can be viewed at [www.njpsa.org](http://www.njpsa.org).

## School Facilities

The need to reform and renew our statewide



*NJPSA President-Elect Tim O'Halloran addressed school leaders and other public employees at the May 16 Rally in Trenton.*

school construction program has been a top issue this summer as well. With the announcement of the final list of school construction projects that will be approved by the School Construction Corporation (SCC), many school communities have been left with their facilities needs unmet. NJPSA is committed to working with the Legislature to seek the continuation of the school construction program and additional funding to meet these critical needs. NJPSA is an active member of a newly formed coalition dedicated to these goals. The coalition, Building Our Children's

Future, is comprised of representatives of the school, parent, taxpayer, construction, municipal, business and civic communities. Its efforts will kick off this fall.

If you have a school project that has been delayed, cancelled or modified as a result of the lack of funding for the School Construction Act, please contact Debra Bradley at [dbradley@njpsa.org](mailto:dbradley@njpsa.org).

## Upcoming issues

NJPSA will continue its advocacy efforts this fall. NJPSA gave important testimony on the proposed elimination of the SRA this summer (See page 8). Legislation is pending which proposes the immediate elimination of the SRA process which could be heard by the Legislature this fall.

School funding is another critical issue for the new school year. Although school districts received little in additional school aid during the recent State Budget process (\$5 to \$12 million for above average enrollment and \$20 million for five so-called “Abbott Rim” districts), **we did achieve an important legislative goal, the passage of cap relief legislation!** On June 30, the New Jersey Assembly unanimously passed A-3680 (Cryan, Greenstein, Voss) which modifies the provisions of P.L. 2004, Chapter 73, the school budget cap law. NJPSA strongly supports this legislation which increases the maximum surplus to 3%, establishes a permanent cap adjustment (SGLA) for utility costs, insurance costs and domestic security, phases-out the courtesy

# Judge Orders NJDOE to Prepare Abbott Management Plan

On August 9, 2005, Superior Court Judge Neil Schuster issued an Order in a suit filed by the Education Law Center over the NJDOE's failure to comply with its own regulations requiring an agency plan for managing Abbott programs and reforms.

Under current state regulations, the NJDOE is required to prepare a three-year plan for the "transformation" of the Division of Abbott Implementation so that the Division can "successfully lead the State's efforts to improve teaching and learning in the Abbott school districts." The regulations provide that the plan must address the recruitment, retention, professional development and effective utilization of Division staff/consultants, must include annual goals and objectives with benchmarks to assess progress and be developed with stakeholder input. The NJDOE is further required to develop a budget to support the plan which relies on an annual legislative budgetary transfer of \$15 million in educational parity funds from the Abbott districts for the NJDOE's administrative costs.

In fact, such a plan has **not** been developed by the Division.

As a result, Judge Schuster has ordered the NJDOE to prepare such a plan within 45 days. The plan must address Abbott district needs as noted above for 2006 and 2007 and include a budget supportive of the plan.

The Judge rejected the NJDOE's argument that since the regulations governing the Abbott districts had expired July 31, 2005, that no requirement exists for the management plan. Instead, Judge Schuster pointed to the public interest and constitutional mandate of the Abbott decisions in reaching his Order.

The adoption of new Abbott district regulations is similarly subject to controversy. With little notice, the Division on Abbott Implementation issued draft regulations a week before the expiration of the prior regulations. When the Education Law Center, NJPSA, NJEA and the Urban Superintendent's Association objected to the lack of an opportunity to provide input, the NJDOE put the regulations on hold. Since Fiscal Year 2003, the NJDOE has issued regulations governing the Abbott districts without complying with the requirements of the Administra-

tive Procedures Act (notice, publication, public testimony). Instead, the NJDOE has relied upon language in the State Budget which permits the "emergency" adoption of regulations in the Abbott case. While such a process may have been appropriate when the 2002 Abbott decision issued, it is now several years later and no such emergency implementation exists.

At the September 7, 2005 State Board meeting, Board Member Maud Dahme questioned the State Board's current authority over the Abbott districts since the regulations had now expired. On his last day on the job, Commissioner Librera indicated that the matter should be settled in the near future. In the contentious area of Abbott implementation, only time will tell!

For more information on this decision, visit <http://www.edlawcenter.org/>. ♦

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## NJPSA Summer Advocacy

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busing cap adjustment, and allows waivers for administrative costs. Companion legislation in the Senate has not been heard however. NJPSA will continue its efforts to urge the Senate to pass this legislation into law to assist local school districts. Visit the NJPSA Legislative Action Center to help us in this effort.

With the race for Governor and the State Assembly taking place this November, property taxes and the proposal to seek a constitutional convention are still being discussed. Since the Legislature failed to act on the constitutional convention proposal however, this proposal cannot be placed on the November 2005 ballot.

### Your Role

As the new school year begins, NJPSA urges you to get involved in the issues impacting your profession. Join the NJPSA Legislative Committee, Legislative Network or another NJPSA committee. Answer our surveys! Respond to our action alerts! WE NEED YOUR PARTICPATION as we seek to influence state law and policy impacting our students, our schools and our members.

*For more information, contact the NJPSA Government Relations Department at [njpsa@njpsa.org](mailto:njpsa@njpsa.org) or 609-860-1200. ♦*

## Federal Advocacy Update from Capitol Hill

### *NJPSA Members Meet with Record Number of Congressional Representatives to Press for Greater Funding and Flexibility*

On July 28, 2005 NJPSA Members pursued an aggressive agenda with key members of Congress to protest looming cuts in federal education. NJPSA members were in Washington, DC as part of the National Leaders' Conference, sponsored by the National Association of Elementary Principals and the National Association of Secondary School Principals.

During the one-day advocacy session, NJPSA advanced the pro-education message to seven Congressional offices, an NJPSA record. With Congress in session, NJPSA seized time with members of Congress at every turn, often using opportunities between floor votes to express the concerns of New Jersey's school leaders.

"Now is not the time to rest – we need to make sure that our school leaders are heard on Capitol Hill while members are making critical decisions," said NJPSA President Gloria Tunstall.

Federal funding topped NJPSA's agenda. In early February, the President proposed eliminating 48 key education programs in the FY2006 Budget, including the School Leadership and Safe and Drug Free Schools programs. Although NJPSA successfully secured funding for the School Leadership Program in the U.S. House in late June, the budget still awaits final action by the U.S. Senate. The Safe and Drug Free Schools program, while restored, faces large cuts.

While on Capitol Hill, NJPSA Members reiterated the importance of federal funding and encouraged members of Congress to support key education programs before finalizing the budget.

"At this time of budgetary woes, now is not the time for the federal government to cut education. An estimated 40% of New Jersey's principals are expected to retire in the next 5 to 10 years. Valuable programs, such as School Leadership, are needed to prevent a shortage of the talent needed for our schools." NJPSA President Gloria Tunstall told members during Congressional visits.



*Capitol Hill Visit: Congressman Robert Mendendez (D-13) met with (L to R) NASSP Board of Directors member Liz Panella, NASSP State Coordinator Michael A. Wanko, Ph.D., NJPSA Vice President Tim O'Halloran, President Gloria Tunstall, NASSP State Coordinator for NJ, NJPSA Assistant Director of Government Relations Sean Hadley and NJPSA Assistant Executive Director Denise Hecht concerning federal education issues.*

NJPSA members also expressed concerns about mandates under the No Child Left Behind Act. "Increased federal mandates require increased federal dollars." NJPSA President-Elect Tim O'Halloran reiterated during the meetings.

Members also expressed cautious approval of the recent flexibility announced by the U.S. Department of Education. "While we're encouraged with the recent discussion of enhanced flexibility for special education testing under No Child Left Behind, we want to see the details of what this could mean for New Jersey. No matter what, this enhanced flexibility cannot be an excuse for decreased federal funding," said O'Halloran.

NJPSA also thanked members for their previous support of important federal education initiatives, including support of the School Leadership Program.

The meetings included the following offices: Congressmen Rush Holt, Congressman Rodney Frelinghuysen, Congressman Steve Rothman, Senator Jon Corzine, Congressman Menendez, Congressman Frank Pallone, and Senator Frank Lautenberg. ♦

# Legislative Review – What Happened

## *What the Governor signed:*

### *S-1598 (Community Service Pilot Program)*

*9/9/05 – Signed by the Governor [Public Law Number pending]*

This bill would create a three-year pilot program to have high school juniors complete 15 hours of community service. The Commissioner of Education would select 30 schools to participate according to their ability to implement the service program. Juniors from the thirty schools would have to complete a minimum of 15 hours of community service in an approved program. The students may choose to complete the service at any time outside of school hours and may not be paid for their work. Students will be excused from the program if it would impose a hardship upon the student or not comply with a special education student's Individualized Education Plan.

Over the three-year period of the pilot program, the Commissioner would periodically review the progress of the program to see that the intended goals are being achieved. In December 2008, a full report will be made to the Governor and Legislature, on the program's effectiveness, including recommendations for possible continuation and expansion.

*NJPSA supported the bill.*

### *S-500 (Random Drug Testing)*

*8/29/2005 – Signed by the Governor [Public Law Number pending]*

The new law, which is effective immediately, permits a board of education to adopt a policy for random drug testing of high school students who participate in extracurricular activities or who possess a school parking permit. This includes testing for anabolic steroids. Although the law sets up general guidelines, it leaves specifics to be developed by the State Board of Education. Some of the guidelines include requiring a public hearing prior to adoption, distributing the policy to students and their parents or guardians at the beginning of the school year, and requiring the consent of the student and his or her parents to drug testing for participation in extracurricular activities and to receive a school parking permit.

*NJPSA supported the bill.*

### *A-3991 (Teacher Certification)*

*07/07/2005 – Signed by the Governor P.L.2005, c.144*

This bill authorizes a school district to employ a person who holds a valid certificate of eligibility or certificate of eligibility with advanced standing to teach in the public schools of the district as a novice teacher. The bill seeks to remedy problems resulting from Department of Education delays in processing applications for the issuance of provisional certificates to holders of valid certificates of eligibility and certificates of eligibility with advanced standing who have been hired to teach by boards of education throughout the State of New Jersey. The delays have resulted in the need to have these novice teachers serve merely as substitute teachers with the attendant limitations and reduced levels of compensation.

Under current State Board of Education regulations at N.J.A.C.6A:9-6.4, the holder of such certificates may not assume responsibility for a teaching assignment until the person has been issued a provisional certificate. Under this bill, upon the employment of the novice teacher, the board of education of the district would be required to immediately register that employment with the Department of Education and request issuance of a provisional certificate. When the provisional certificate is issued by the department, its effective date for all purposes will be the date on which the novice teacher began employment with the board of education. The board of education is required to enroll the novice teacher in the provisional teacher program and to comply with all responsibilities assigned to the district by the department.

The bill also provides that a novice teacher employed by a board of education under a valid certificate of eligibility, certificate of eligibility with advanced standing, or a provisional certificate will be deemed to be a teaching staff member for all purposes and will be entitled to all benefits and other emoluments of employment provided by law and regulation to teaching staff members. A novice teacher will also receive the terms and conditions of employment provided to teaching staff members in the

## Legislative Review – What Happened (continued from previous page)

employing district under the collective bargaining agreement, including salary, sick leave, and health insurance.

This bill will apply retroactively to novice teachers who accepted employment with a school district on or after July 1, 2004.

*NJPSA supported the bill.*

### **S-2558 ("Rim" District Aid)**

**07/02/2005 – Signed by the Governor P.L.2005, c.122**

This bill creates a new category of State aid for school districts that fit certain criteria. The additional aid will be appropriated to school districts that are bordered by three or more Abbott districts if the district meets one or more of the following criteria: a) the district's per pupil cost was less than the average per pupil cost for the Abbott districts; b) the district had a student mobility rate of 10% or greater; c) 35% or more of the district's students were eligible for free or reduced price meals under the federal school lunch program; d) 15% or more of the district's classrooms had a class size of 30 or more students; and e) the per capita personal income of the residents of the school district was \$19,000 or less.

The bill would also set out a graduated funding formula based on pupil enrollment, the difference in aid per pupil between the individual district and the Abbott district average, and the number of qualifying criteria the district meets. The bill would benefit five school districts in the first year -- North Bergen, Bayonne, Clifton, Hillside, and Weehawken -- and give those districts a combined \$19,970,905 in additional aid.

### **S-2000 (Substitute Teachers)**

**06/29/2005 – Signed by the Governor P.L.2005, c.110**

This bill provides the statutory authority for the State Board of Examiners to issue credentials to persons who want to serve as substitute teachers and substitute school nurses. The bill also authorizes the State board to collect a fee of not less than \$20 for the issuance of these credentials.

Prior to the adoption of N.J.A.C.6A:9-6.5, which took effect in January 2004, substitute teach-

ers were permitted to work only in the county in which their credential was issued. The new regulations provide that the credential is valid Statewide, so long as the substitute teacher registers in the county in which they seek to work. Under this bill, the State Board of Examiners will be able to ensure that the issuance and revocation of county substitute credentials will be effectuated under uniform criteria.

*NJPSA supported the bill.*

*A-3542 (School Construction Review Commission)*

**06/29/2005 – Signed by the Governor P.L.2005, c.117**

The Governor signed a bill to establish a School Construction Review Commission, which will consist of the Commissioner of Education, the chief executive officer of the NJ Schools Construction Corporation (SCC), the State Treasurer, the Chairman and Vice-chairman of the Legislature's Joint Committee on the Public Schools, and local officials representing municipalities where the SCC has a facilities project.

In its first year, the commission will present two reports each covering a six-month period to the Governor and Legislature about the status of each public school district's long-range facilities plan. The reports will include information about costs of each approved project, compliance with cost guidelines, administrative costs incurred for state-constructed projects compared to locally managed projects, and total state administrative costs to date. After one-year, the Legislature can consider making the commission a permanent oversight body. The commission also will find ways to improve efficiency in school construction to mitigate costs associated with building delays or inclusion of costly items. In addition, the commission will determine the adequacy of state funds to meet the costs of projects listed in the long-range facilities plans of school districts.

*NJPSA supported the bill. ♦*

# What's Moving This Fall

The following bills are far along in the legislative process and could become law this fall:

## **S-1431 (NJ QSAC)**

Passed both houses, on the Governor's desk

This bill establishes the New Jersey Quality Single Accountability Continuum (NJ QSAC), a new system for monitoring public school districts. This system requires each school district to meet standards in five key components of school district effectiveness: instruction and program; personnel; fiscal management; operations; and governance. Based on the district's satisfaction of the indicators, the Commissioner of Education will place the district on a performance continuum that will determine whether the district will be subject to state oversight or technical assistance.

The continuum contains high performing, moderate performing, and low performing districts. High performing districts receive no oversight, while moderate and low performing districts receive increasing scrutiny, including an improvement plan and other requirements. The lowest performing districts risk partial or total State intervention. The bill would repeal current state takeover laws and set up a detailed process, including appeals, for placement under state intervention. The state intervention process could include restructuring of district governance.

The New Jersey Department of Education will establish critical details of the NJ QSAC system as it promulgates regulations. The bill is expected to be signed by the Governor.

## **S-2417 (Special Education Review Commission)**

Passed both houses, awaits reconciliation in Assembly

This bill would set up the Special Education Review Commission. The commission will study issues associated with the delivery, quality, cost and funding of special education services for New Jersey students. In addition, the commission will study unique issues of gifted and disabled students. In studying gifted and disabled, the commission will assess ways to improve access to services, reduce duplication and create new programming as needed. The commission will issue a final report, including any recommended legislation, to the Governor

and the Legislature no later than the 180th day following its organizational meeting. Between 30 to 35 members will sit on the commission, including a representative from New Jersey Principals and Supervisors Association.

## **A-662 (Immunity for Civil Liability)**

Passed both houses, awaits reconciliation in Assembly

This bill would provide immunity from civil liability for public and nonpublic school personnel who use reasonable force or restraint to prevent or stop a fight on school property, on a school bus, or at a school-sponsored function between students or between a student and any other person. The bill also provides immunity for school personnel who use reasonable force or restraint to protect themselves against an assault by a student. However, there would be no immunity for negligence by school personnel.

## **A-2391 (Disabled Student Participation in Sports)**

Passed both houses, awaits reconciliation in the Assembly.

This bill would provide that a disabled pupil placed in a nonpublic school for the disability by parents or guardians at their expense will be eligible to participate in the interscholastic athletic program of the student's resident school district. To participate, the student must meet the program's eligibility requirements and receive written approval by the school district's board of education where the program is located.

## **A-3680 / S-2278, S-2329 (Reforms S-1701, Lifts Certain Administrative Caps)**

Passed Assembly, awaits action in the Senate

NJPSA strongly supports A-3680 and its companion bills. The Assembly unanimously passed A-3680, which would ease many restrictions placed on school district financial operations by S-1701 (Ch. 73, P.L. 2004). A-3680 would (1) increase the maximum surplus that a school district could budget from 2% to 3% in 2006-07, (2) create new spending growth limitation adjustments (SGLAs) for rapidly increasing utility

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# State Board Delays Elimination of SRA

At the August 3, 2005 meeting of the State Board of Education, the Board unanimously passed a resolution which begins the phase-out of the Special Review Assessment (SRA) with the incoming freshmen class. The phase-out will begin with the language arts literacy SRA for those students entering the ninth grade prior to the 2005-6 academic year; and proceed to the SRA for mathematics for those students entering the ninth grade prior to the 2007-8 academic year. This resolution will delay several of Commissioner of Education William Librera's recommendations to begin to immediately eliminate the SRA.

In adopting this resolution, State Board members made it clear that they were uncomfortable eliminating the SRA until there were effective alternatives in place for students. As a result, the State Board ordered the NJ Department of Education (NJDOE) to develop alternatives to the SRA and to submit a report with such alternatives to the Board within six months. This plan must contain specific alternatives for vocational and adult education students as well. Several State Board members also called upon the DOE to reconvene the SRA Advisory Taskforce to provide additional perspectives on this important issue. NJPSA served on this Taskforce in 2003-4.

In May 2005, Commissioner Librera outlined his plans to phase-out the SRA, revise the assessment schedule, establish an appeals process effective with the SRA elimination, and establish additional support options for students including early identification of at-risk students and enhanced instructional options for student success.

While NJPSA supports many of the Commissioner's goals, the Association has concerns about the immediate elimination of the SRA without an effective alternative in place. NJPSA testified to this effect at the July 20 Work Session of the State Board. Willa Spicer testified for NJPSA, urging the Board to reform the current SRA process and explore assessment alternatives. NJPSA submitted specific recommendations to address statewide concerns about the current SRA including:

- The need for more detailed feedback for individual students on the HSPA including the annual release of a pool of test items and student responses;

- The need to revise and monitor the content, rigor and scoring process of the SRA;
- The need for ongoing training of teachers who score the SRA;
- The need to identify and promote best practices in the analysis of student assessment data;
- The need to develop effective remediation strategies using state assessment results;
- The need to analyze the current pilot project led by the New Jersey Performance Assessment Alliance; and
- The need to continue a dialogue on student assessment through such entities as the SRA Advisory Taskforce with active participation from the educational community.

Several other groups similarly urged reform, not immediate elimination of the SRA including those representing the vocational and adult school communities. Assemblyman Joseph Cryan (D-20), who has introduced legislation (A-3012) prohibiting the State Board from authorizing the use of the SRA as an alternative to the High School Proficiency Assessment (HSPA) testified before the Board as well.

NJPSA will keep you advised of further developments as the NJ State Board of Education continues to consider this critical issue. ♦

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## What's Moving This Fall

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costs, (3) make permanent the existing temporary SGLAs for insurance costs and domestic security, (4) stop the elimination of the budget cap adjustment for hazardous route transportation, (5) Allow for commissioner of education approval to exceed S-1701's administrative spending growth limits and to permit certain line-item transfers restricted by S-1701, and (6) allow certain budget cap adjustments for special education programs and services. A-3680 and its companion bills await consideration by the Senate Education Committee, which is not expected to meet until after the November election. ♦

# Legislative Commission Issues Report on Gifted Students

On May 12, 2005, Commissioner of Education William Librera issued a Report of the NJ Commission on Programs for Gifted Students to the Governor and Legislature as required by state statute. In January 2002, the NJ Legislature enacted legislation creating this 17 member Commission to study best practices and research in the area of gifted education. The Commission's charge also includes the development of strategies to meet the needs of New Jersey's gifted population.

NJPSA was represented on this Commission by Past President Daniel Money, the Principal of Burlington County Institute of Technology, Westampton Campus. During the Commission's deliberations, NJPSA expressed concerns about several recommendations in the Report including the lack of funding for any of the proposed new requirements. NJPSA also raised concerns that the adoption of the recommendations contained in the Commission Report would create an educational system for gifted students similar to our current special education system. The Report was adopted as detailed below despite these and other NJPSA objections.

Under current state code (N.J.A.C. 8-3.1(a) 5), districts are responsible for identifying gifted and talented students and providing them with appropriate instructional adaptations and services. The State Board will be considering additional state regulations to further develop gifted programs based upon several recommendations in the Commission Report.

## ***Commission Findings and Recommendations:***

### ***1. Advisory Committee on Programs for Gifted Students***

A permanent Advisory Committee, similar in composition to the NJ Commission on Programs for Gifted Students should be established to advise the NJDOE on policy issues and current trends in gifted education.

### ***2. Full-time Gifted and Talented Coordinator***

A full-time dedicated gifted and talented coordinator should be hired at the NJDOE to collect and analyze data, secure grant funding, and develop educational policy.

### ***3. Full-time Regional Gifted and Talented Specialists***

Each regional office of the DOE would have a

dedicated gifted and talented specialist to assist districts.

### ***4. NJDOE Training***

Statewide training opportunities for administrators, teachers, policymakers and others should be presented regularly by the Gifted and Talented Regional Specialists.

### ***5. NJDOE Website***

The NJDOE website should be upgraded to feature a separate page for gifted and talented programs, resources, links, best practices, and policy issues.

### ***6. NJDOE Best Practice Awards***

The NJDOE should re-establish the Best Practice Award for gifted education that was removed in 2004-05.

### ***7. Underrepresented Populations***

The NJDOE should provide funds, training and programmatic support to maximize educational opportunities for underrepresented populations at the district level.

### ***8. Proposals for State Code Changes***

Among the recommended code changes proposed by the Commission are the adoption of the National Association for Gifted Children's PreK-12 Gifted Program Standards as the accepted standards of practice; the amendment of pupil records regulations to require documentation of gifted and talented identification, required articulation between elementary and secondary school programs; use of a multiple measure identification process; and changes to the special education code to require accommodations for twice exceptional students including a requirement that gifted services be included in a student's IEP or 504 plan.

### ***9. Coordination with Federal Initiatives***

New Jersey's state and federal legislators should coordinate their efforts to provide increased funding for gifted education.

### ***10. Local Policies and Procedures***

District board should be required to develop and approve policy, administrative guidelines and procedures that address the definition of giftedness in the district, identification procedures, programs and services, evaluation, resources, professional development, student

## Report on Gifted Students (continued from previous page)

records, parent notification and education, supervision and coordination, and articulation between grade levels.

### **11. Identification**

The Commission made several recommendations concerning the identification process including the use of identification principles outlined by the National Association for Gifted Children.

### **12. Programs and Services**

The Commission recommends establishing a requirement that “a full continuum of programs and services” be designed in every district to meet the needs of gifted students.

### **13. Curriculum Review**

Gifted programs should be included in the five-year review of district curriculum. Gifted education should be addressed in all core curriculum content areas.

### **14. Gifted Education Endorsement**

A new Gifted Education Endorsement should be developed for teachers seeking post-certification work in the field. An additional 15 credits focusing on various aspects of gifted education would

be required.

### **15. Preparation of School Leaders, Teachers, and Educational Services Personnel**

Professional development opportunities should be developed for school leaders responsible for overseeing gifted education programs. The district should also develop a comprehensive staff development plan in this area.

### **16. Funding**

The Legislature should establish a separate categorical aid with an annual per pupil allocation to support gifted education.

### **17. Data Collection and Evaluation**

The Commission recommends that the NJDOE annually collect programmatic data on gifted programs. Regular surveys for data should be done by the NJDOE and local district reporting requirements should be established on gifted students and programs.

*For the full Commission Report, visit [www.state.nj.us/education](http://www.state.nj.us/education) or contact the Office of Academic and Program Standards at (609) 984-5322. ♦*

## Join NJPSA-PAC Today!



At NJPSA, we understand that you may not want to get caught up in the controversial political scene in our state.

*However, educators have been bashed for far too long and must stand up against the negative image that the Governor and Legislature have created for education.*

Since 1983, NJPSA's Political Action Committee has increased the political visibility and strength of NJPSA members amongst lawmakers in Trenton.

This vital political force analyzes legislative issues and events, endorses political candidates who support NJPSA goals for the improvement of education and the profession, and makes financial contributions to such candidates.

NJPSA-PAC's endorsements and political contributions will be used to support candidates who support us! The NJPSA-PAC screening committee will carefully evaluate the candidates' records and views on such crucial issues as school funding, vouchers, school violence, re-certification and tenure, and pensions and benefits. Only candidates deemed to represent the true interests of our members and public education will be supported.

Your involvement and support is absolutely essential if the PAC is to achieve its objectives! We ask that you contribute \$25 to PAC. As a PAC member, you can be directly involved in the political endorsement process. You will also be kept informed of political events and activities in Trenton through committee meetings and mailings.

To join, make your check or money order payable to NJPSA-PAC.

**Visit [www.njpsa.org](http://www.njpsa.org)  
or call 609-860-1200  
to make your contribution**

# NJPSA Fights to Keep Earned Prescription Benefits for Retirees

*It is unfair to place an additional financial burden on retirees whose main source of income is the pension earned through years of dedicated service to the children of New Jersey. The state should explore other cost-control methods. These retired public servants cannot afford to spend any more of their monthly pension check on prescription drug costs.*

On July 20, NJPSA Retirement Services Coordinator, Richard Klockner, presented the following testimony to the State Health Benefits Commission:

Thank you for the opportunity to present testimony on the proposal to eliminate the cap on prescription co-payments for retirees. My name is Richard Klockner. I am the Retirement Services Coordinator for the New Jersey Principals and Supervisors Association. Our organization represents 7,500 active and retired school administrators who are members of the New Jersey retirement system. I personally speak with hundreds of retirees each year on pension and health benefits issues and carry with me a message on their behalf. Do not eliminate the annual out-of-pocket maximum for prescription drug co-payments.

NJPSA supports the Commission's proposal to remove the expiration date of the pilot plan and make the Retiree Prescription Drug Plan permanent, but we strongly oppose the elimination of the out-of-pocket cap.

Elimination of the cap would hurt the retirement population with the greatest medical needs.

The state maintains that the cap on annual out-of-pocket expenses is a major design flaw which results in purchasing behavior changes once the out-of-pocket cap is reached. NJPSA disagrees with the categorization. The state readily admits that 69% of retired members never reach the out-of-pocket limit. For the minority of enrolled participants who reach the maximum, NJPSA believes that these most medically needy retirees deserve to be insulated from the high cost of prescription drugs.

Furthermore, while the state contends that retirees who have reached the cap are less inclined to use cheaper generic and mail order options, NJPSA believes that the decision to use cheaper generic alternatives should be a medical decision between the patient and his/her doctor.

The cost of high prescription drugs is a state and national issue. Retirees on fixed incomes



*Richard Klockner, Retirement Services Coordinator for NJPSA, presented testimony opposing the cap amendment before the the State Health Benefits Commission.*

should not be burdened by the lack of public policy that could control drug costs.

Retirees already pay higher drug costs. The state has continued to pass along increases in drug costs to retirees. When the retiree prescription drug plan was established in 2000, the initial annual maximum was \$300 and set co-payments of \$5 generic, \$10 preferred brand and \$20 for other brands. The annual maximum has since increased to \$552 and co-payments are now \$7 generic, \$14 preferred brand and \$29 for

other brands. Next year, the annual maximum is scheduled to increase to \$626 and co-payments will rise once again.

Active board of education employees, whose districts participate in the State Health Benefits Program and provide the SHBP prescription drug plan, actually pays less than retirees through lower co-pays.

It is unfair to place an additional financial burden on retirees whose main source of income is the pension earned through years of dedicated service to the children of New Jersey. The state should explore other cost-control methods.

In closing, the New Jersey Principals and Supervisors Association respectfully disagrees with the proposal to eliminate the out-of-pocket maximum. We urge you to maintain the current level of protection provided to the most medically needy retirees on fixed incomes. These retired public servants cannot afford to spend any more of their monthly pension check on prescription drug costs.

*Richard J. Klockner*

To voice your opinion about this proposal to the Acting Governor and legislature, please take a few moments to visit the NJPSA Legislative Action Center at [www.njpsa.org](http://www.njpsa.org).

