

Resolution for the Special Meeting Newark School District Advisory Board

At the Meeting of the Newark Public Schools Advisory Board on August 11, 2011, the following resolution was proposed and approved by the Board:

Resolved:

WHEREAS, the State of New Jersey, through the NJ Department of Education (NJDOE), exercised its statutory authority to assume control of the Newark Public Schools (NPS) in 1995; and

WHEREAS, the State's authority to remain in control of NPS and the conditions by which it must initiate withdrawal from control are set forth in N.J.S.A. 18A:7A (QSAC statute) and N.J.A.C. 6A:30 (QSAC regulations); and

WHEREAS, NPS's elected board of education serves in an advisory-only capacity, with their votes subject to the veto of the Commissioner of Education. N.J.S.A. 18A:7A-53(c); and

WHEREAS, the QSAC statute and regulations require the state to periodically evaluate the readiness of NPS to return to full or partial local control based upon its performance in an evaluation of five key components of school district effectiveness:

Instruction and Program

Personnel

Fiscal management

Operations

Governance; and

WHEREAS, the QSAC statute provides that if a state-operated district satisfies more than 80 percent of the quality performance indicators in the Governance component, the State must withdraw from intervention in that component and return local control to that district, N.J.S.A. 18A:7A-53(d), -14(c)(7), -14(a); and

WHEREAS, the QSAC statute and regulations also provide for the withdrawal from intervention in any other component of school district effectiveness where a district satisfies 80 percent or more of the quality performance indicators in that component; and

WHEREAS, pursuant to the QSAC statute and regulations, a performance review of NPS was recently conducted to measure its improvement in the five areas discussed above; and

WHEREAS, the final district performance review (DPR) results, including the Executive County Superintendent of Education's verification of NPS' self-assessment, showed that NPS had earned the following scores in June 2011:

Instruction and Program	64%
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Fiscal Management	93%
Operations	83%
Personnel	94%
Governance	89%; and

WHEREAS, Acting Commissioner of Education Christopher Cerf acknowledged this increase in NPS's scores in a letter dated July 15, 2011, and gave Newark credit for this achievement; and

WHEREAS, Acting Commissioner Cerf has nevertheless refused to recommend a return to local control in any of the areas under state intervention despite evidence that the NPS has demonstrated sustained and substantial progress by having successfully satisfied more than 80 percent of the weighted quality performance indicators in four of the five components of school district effectiveness, including the Governance category; and

WHEREAS, there is substantial evidence that NPS has adequate programs, policies and personnel in place and in operation to ensure that the demonstrated progress will be sustained; and

WHEREAS, in light of these scores and other facts demonstrating sustained progress in district performance, the Acting Commissioner is required to recommend to the State Board of Education that the State begin NPS's transition to partial local control, pursuant to N.J.A.C. 6A:30-7.1, 7.2 and 8.3(h)4; and

WHEREAS, the Newark School Advisory Board is an elected body representing the interests of the people of Newark, including the voters, the parents and the students of the Newark Public Schools; and

WHEREAS, in November 2010, the Newark School Advisory Board unanimously adopted its self-assessment finding the District ready for the withdrawal of state takeover; and

WHEREAS, full state intervention has deprived the Newark body politic of its right to participate in the governance of its school district, and has had the effect of disenfranchising the voting population by stripping Newark parents and community of the right to locally elect decision-makers with authority over the affairs of the school district; and

WHEREAS, Acting Commissioner Cerf's refusal to take the required steps to begin the transition back to local control further continues the disenfranchisement of the people of Newark by depriving them of the local control of their school district through their duly elected representatives; and

WHEREAS, the State District Superintendent is conflicted from participating in this matter, because, among other things, this legal appeal involves matters that would directly affect the District's governance and oversight framework

NOW THEREFORE BE IT RESOLVED THAT:

- (1) The Newark School Advisory Board demands that Acting Commissioner Cerf recommend that the State Board of Education immediately begin the process to return local control of the Newark Public Schools to the Newark Board of Education, as provided by governing law; and
- (2) If the Acting Commissioner fails to recommend a return to local control, that the Newark School Advisory Board initiate and maintain whatever legal action is necessary, to ensure that local control be returned, as prescribed by law.