



Wednesday, December 20, 2023

Dear Governor Murphy, Senate President Scutari and Speaker Coughlin:

We greatly appreciate your collective efforts to address the ongoing staffing challenges in New Jersey's education system. However, as stakeholders deeply invested in the wellbeing of more than 1.3 million public school students and their educational success, we write to you to share our deep concerns regarding the swift progress of a bill, A5874/S4233. As currently proposed, the measure will exacerbate an already monumental educational staffing crisis and have a severe negative impact on students throughout the Garden State. The urgency and severity of this matter cannot be overstated, and we call your attention to the serious ramifications this bill would immediately have on New Jersey's public school students.

As introduced, A5874/S4233 requires a board of education to directly employ certain licensed professionals with few exemptions. This bill also permits the use of virtual or remote instruction for public school students in very limited circumstances. While we understand the sponsors' intent to ensure the highest quality of education for all students, the severity and pervasiveness of the current school staffing crisis requires a more nuanced approach than what is taken in the legislation. To be sure, the primary sponsors of this bill are well aware of our concerns, and we appreciate the time they and their staff have spent collecting feedback from all interested parties.

It must be stated that this is a complex bill that impacts two separate, but interrelated areas of school operations:

First, this bill limits a school's ability to enter into contracts with individuals or private entities providing vital services to students. We agree with the sponsors that personnel directly employed by a school provide the highest quality educational experience to students. However, despite the tireless efforts by administrators across the state to directly employ personnel, there are simply not enough qualified candidates to fill critical positions. Being able to contract with individuals or private entities to provide services is a critical stop-gap measure that is helping schools navigate the historic staffing crisis.

Beyond the impact to instructional programs, additional school services are affected and require careful examination. Under this legislation, schools will no longer be able to contract for critical shortage areas

such as special education, school nursing, and counseling services. The restrictions set forth in the contract provisions of the bill will further tie schools hands as they desperately try to fill vacant positions.

The bill also restricts the use of virtual or remote instruction in most cases. While we agree that in-person instruction is the preferred mode of delivery, the reality of the historic teacher shortage has forced schools to resort to some form of virtual instruction for content areas that are challenging to staff, such as the foreign languages, Advanced Placement, career and technical education, and STEM courses.

With advancements in new technology, students have new opportunities and virtual instruction has proven to be an invaluable tool in educators' toolkits. By eliminating valuable options, we risk disenfranchising students and limiting their access to educational opportunities that would otherwise not be available to them. Similarly, removing flexibility in personnel decisions could result in a complete elimination of a particular class or service at a school.

This legislation will have concrete, immediate, and dire consequences. The process has been extremely rushed to date. The bill was introduced on 12/11/23 and heard in the Assembly Education Committee only a few days later. The concerns raised in this letter were raised in the Assembly Education Committee hearing, where lawmakers indicated that they would vote the bill out of committee but seek further discussion and amendments on the bill.

To rush this legislation now, when so many issues still need clarification and further discussion, would have an immediate effect on students and harm learning recovery efforts. The lame duck portion of the legislative session simply does not provide sufficient time to ensure we address all the potential ramifications of this bill and develop consensus on such an important educational policy matter. Therefore, we kindly request more time for a robust conversation beyond the current session involving all stakeholders to minimize unintended, adverse consequences for students.

The undersigned are available and eager to address any questions or concerns you or your staff may have regarding the bill and the broader issues it encompasses.

Respectfully Submitted,

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