



Daniel Fishbein, Ed.D.
Superintendent of Schools

RIDGEWOOD

PUBLIC SCHOOLS

dfishbein@ridgewood.k12.nj.us
201-670-2700 ext. 10530
(fax) 201-670-2668

March 17, 2011

The Honorable John F. McKeon
NJ State Assembly
4 Sloan Street, Ste. D & E
South Orange, New Jersey 07079

Dear Assemblyman McKeon:

I am writing to you regarding Assembly Bill #A-3883, which would establish temperature control guidelines and standards for school facilities. I am an experienced school administrator who spent the early years of my career as a classroom teacher. I can tell you unequivocally that the standards and procedures mandated by this proposed law are unnecessary, impractical and wasteful of the ever-dwindling financial resources public school districts have to work with.

Passing a law that sets any specific temperatures for a "target range" will create an area of concern and debate for parents and other members of the public. It will create the impression that schools in general are currently unsafe environments for children, and that school administrators and staff are unable to make situational decisions to safeguard the health and wellbeing of the children in their care. There are no meaningful statistics to support this, and nothing could farther from the truth.

Although Bill #A-3883 requires school districts to maintain room temperatures "to the extent feasible," the mandates it contains would create unreasonable operational burdens, require extensive capital improvement costs and invite a whole new category of litigation and potential liability for school districts. The Bill requires temperature measurement "of an occupied area...when a temperature outside the target range is suspected," and "the measurement must be taken in the area where the greatest temperature extreme is expected to occur." Whose responsibility will it be to "suspect" these conditions and accurately anticipate "where the greatest temperature extreme will occur?" How will they be trained to do this? When will that training occur, and how will this ongoing "temperature assessment" be done within work days and work years already "packed to the walls" with educational and other mandates? How will this training and monitoring be funded within financial resources that are already stretched to the breaking point? If a parent or other concerned citizen believes a school has failed to monitor or maintain temperatures as required by this law, will they have a legal right to pursue compensatory and/or punitive damages?

On top of the time and financial costs that training and daily temperature monitoring would require, Bill #A-3883 will force school districts to incur substantial capital improvement costs as well as dramatically higher energy costs. Most schools are not constructed to “guarantee” temperatures within the Bill’s “comfort range” in every single room. Facility construction will be necessary to reach that goal. Once there, school districts will spend higher amounts of money on energy to make sure that the temperature in every room, in every building is, in fact, maintained within the Bill’s “comfort range”.

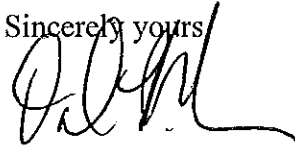
Creating standards like Bill #A-3883 would also add other operational challenges for schools. One would be maintaining the mandated 180-day school year for students. In some years (such as this one), school districts struggle to fulfill their 180-day instructional mandates in the face of school closures forced by snow, rain, wind and flooding. Adding another reason for closing schools to this list of conditions that either make it dangerous to travel to school or impossible to get into school would leave many school districts unable to schedule 180 days of instruction without going outside of N.J.D.O.E. parameters (e.g., the June 30th end to each fiscal year) or opening school during weekends or previously-scheduled vacation weeks.

Another “byproduct” of this proposed legislation would be its impact on activities outside of the classroom. Bill #A-3883 refers to, but does not define, “all occupied areas of school facilities.” Would temperatures in school hallways have to be similarly monitored and regulated? Many are probably less well-ventilated than classrooms that have windows. Maintaining them within the Bill’s “comfort range” would further increase energy costs. Would teachers’ and administrators’ offices where students sometimes go for extra help or counseling need to be monitored and regulated? Would indoor field trip venues and outdoor athletics facilities have to meet the same standards as Bill #A-3883 sets for classrooms?

The reality is a law like Bill # A-3883 is unnecessary and unwarranted. It is a rare occasion when the temperature in a school facility rises or falls to a level that is harmful to human health. The sound judgment of school administrators and staff should be allowed to determine whether or not such circumstances exist, and what the appropriate response should be on a case-by-case basis as it has been since schools were first organized hundreds of years ago. I encourage you to vote against it.

If you have any questions or concerns, please let me know. I would be delighted to assist you.

Sincerely yours



Daniel Fishbein, Ed.D.
Superintendent of Schools

DF/kk

C: Board of Education
Senator Kevin O'Toole
Assemblyman Scott Rumana
Assemblyman David Russo