

**New Jersey State Board of Education  
Minutes of the Regular Monthly Meeting  
in the Conference Room on the First Floor,  
100 River View Executive Plaza  
Trenton, NJ**

**January 4, 2006**

**Presiding:** Arnold G. Hyndman, Ph.D., President

**Secretary:** Lucille E. Davy, Acting Commissioner

**PRESENT CONSTITUTING A QUORUM**

**ABSENT**

Mr. Arcelio Aponte  
Dr. Ronald K. Butcher  
Ms. Debra Casha  
Ms. Maud Dahme  
Ms. Kathleen A. Dietz  
Ms. Josephine E. Figueras  
Mr. John A. Griffith  
Rev. Frederick LaGarde, Jr.  
Dr. Ernest Lepore  
Dr. Thelma Napoleon-Smith  
Mr. Edward M. Taylor

**CONVENING**

Arnold G. Hyndman, president, State Board of Education, convened the public meeting with the reading of the resolution pertaining to the public session of the State Board meeting as it complies with the Open Public Meetings Act.

**WHEREAS**, the New Jersey Open Public Meetings Act was enacted to insure the right of the public to have advance notice of and to attend the meeting of public bodies at which any business affecting their interest is discussed or acted upon, and

**WHEREAS**, in accordance with the provisions of this act, the State Board of Education has caused notice of this meeting to be published by having the date, time and place thereof posted in the Department of Education, Secretary of State's Office and notice also having been given to the State House Press Corps, the Governor's Office and the state board agenda subscribers, now therefore be it

**RESOLVED**, that by adopting this resolution the State Board of Education states its intention to convene a public meeting to conduct the state's business on January 4, 2006.

## **ADJOURN TO EXECUTIVE SESSION**

Arnold G. Hyndman then read the resolution pertaining to the executive session of the State Board meeting as it complies with the Open Public Meetings Act.

**WHEREAS**, in order to protect the personal privacy and to avoid situations wherein the public interest might be disserved, the Open Public Meetings Act permits public bodies to exclude the public from that portion of a meeting at which certain matters are discussed, now therefore be it

**RESOLVED**, that consistent with the provision of *NJSA 10:4-12(b)*, the State Board of Education will now adjourn to executive session to discuss personnel matters.

The State Board immediately adjourned to executive session.

## **RECONVENING**

President Hyndman reconvened the public meeting with the reading of the resolution pertaining to the resumption of the public session of the State Board meeting as it complies with the Open Public Meetings Act.

**WHEREAS**, consistent with the provision of *NJSA 10:4-12(b)*, the State Board will now adjourn from executive session to resume the open session of this meeting.

## **STUDENT SPEAKERS**

Raymond Thompson, Jr., the 2005 State Board student representative and a senior from High Point Regional High School (Sussex County), introduced the student guest speaker.

Elizabeth Duffy, a student from Union High School (Union County), spoke to the State Board about the importance of extracurricular activities. She stated that extracurricular activities provide students with the opportunity to use skills taught in the classroom. She also stated that extracurricular activities transform schools into communities.

President Hyndman, on behalf of the State Board, thanked Elizabeth for her presentation.

## **INTRODUCTIONS**

Commissioner Davy recognized Michael Klavon, Mercer County Superintendent of Schools, who represented the county superintendents. Mr. Klavon has served in this position since July 2005.

### **Student Recognition Program**

The State Board recognized Lionel Zhang, Lawrence Intermediate School (Mercer County), as a part of its monthly recognition program designed to honor a student or a group of students who have made a significant contribution to school, community, family or other groups. The State Board recognized Lionel for his achievement as a champion in the Go board game. In 2005,

Lionel became the champion of Go in the under 12 years old class of the American Go Association.

On behalf of the State Board, President Hyndman congratulated Lionel for his achievements.

### **APPROVAL OF MINUTES OF THE MEETINGS**

On a motion duly seconded and carried, the State Board members approved the minutes of the meetings conducted on December 7 and December 21, 2005. Maud Dahme and Kathleen Dietz abstained.

### **PRESIDENT'S REPORTS**

#### **January Work Session and Public Testimony Session**

President Hyndman stated that the January work session will be held on January 18, 2006 at 1:00 p.m. at the Department of Education. The item for discussion will be the Paterson School District Annual Report and an update on New Jersey Quality Single Accountability Continuum.

President Hyndman also stated that the January public testimony session will be held on January 18, 2006 at 6:30 p.m. The topics for consideration will be *NJAC 6A:16*, Programs to Support Student Development; amendments to *NJAC 6A:3*, Controversies and Disputes; and *NJAC 6A:23*, Finance and Business Services. Additionally, he stated that the January 18 public testimony session will be an open topic session.

#### **Resolution for School Boards Recognition Month**

President Hyndman stated that January is School Boards Recognition Month. He stated that the purpose of the recognition is to show appreciation to local school board members in New Jersey.

On a motion duly seconded and carried, the State Board unanimously adopted the following resolution read by Vice President Debra Casha:

#### **RESOLUTION FOR SCHOOL BOARD RECOGNITION MONTH**

**WHEREAS**, New Jersey's public schools serve 1.4 million children in pre-kindergarten through twelfth grade; and

**WHEREAS**, the New Jersey State Board of Education has instituted Core Curriculum Content Standards that establish rigorous expectations of academic achievement for all New Jersey students; and

**WHEREAS**, New Jersey's 4,800 local board of education members work to meet those state standards by devoting countless hours, at no pay, to the oversight of school district operations, including finances, policy, curriculum and staffing; and

**WHEREAS**, the efforts of local boards of education have contributed to New Jersey being among the national leaders in benchmarks of academic quality such as high school graduation rates, National Assessment of Educational Progress scores, teacher-to-student ratios, and college preparation through advanced-placement offerings and SAT assessments; and

**WHEREAS**, the New Jersey State Board of Education encourages qualified New Jersey citizens to consider serving on their local boards of education; and

**WHEREAS**, the National School Boards Association and the New Jersey School Boards Association have declared January 2006 to be School Board Recognition Month; now, therefore, be it

**RESOLVED**, that the New Jersey State Board of Education recognizes the contributions of our state's local boards of education to the success of the public schools and expresses its sincerest appreciation to local school board members for their dedication to the well-being and academic achievement of the children of their communities.

Tanya Dickerson, vice president of Finance, New Jersey School Boards Association, accepted the resolution and expressed her gratitude to the State Board and the Department of Education for recognizing the contributions of local school board members across the State.

### **International Education**

State Board Member Kathleen Dietz presented an update on activities concerning international education. She stated that a team from New Jersey attended the States Institute Conference in Washington, D.C. Michael Eskew, CEO, United Parcel Service, was the keynote speaker. Ms Dietz also stated that New Jersey was recognized at the conference for being one of 17 states that promoted international education.

Ms. Dietz also stated that the New Jersey International Education Task Force met last fall to develop a document that will include recommendations on implementing international education programs in New Jersey. The document will be sent to Governor Jon S. Corzine. Additionally, the task force is submitting a proposal for funding to the Longview Foundation in March 2006. If approved, the funding will provide professional development for teachers on how to integrate online collaborative project-based learning with other countries. The task force is also working with Rutgers University to establish a fast track certification program for teachers of the Chinese language.

Ms. Dietz also stated that Secretary of State Condoleezza Rice and Secretary of Education Margaret Spellings will co-host the United States University Presidents Summit on International Education on January 5-6, 2006. The purpose of the summit is to emphasize the importance of international education in the United States.

### **COMMISSIONER'S REPORT**

#### **Jersey City State Operated School District Annual Report**

Commissioner Davy introduced Dr. Charles T. Epps, Jr., state district superintendent, Jersey City Public Schools. Dr Epps provided the annual report of progress for the Jersey City School

District. He reported the progress in the school district's priority areas which included accountability and compliance, professional effectiveness, foundations for learning, student support and systems and operations.

### **Governor's School of Excellence Award Winners**

Acting Commissioner Davy stated that twenty-two schools were honored as 2005 Governor's Schools of Excellence Award winners for the significant improvements they have made over the course of two school years. Governor's Schools of Excellence receive a \$25,000 reward. The program, in its third year, recognizes schools that show significant promise and meet five of nine criteria for two consecutive academic years. The criteria are:

- Outstanding growth in literacy measures;
- Improved parental involvement in school matters;
- Improved student attendance, graduation, and retention rates, and/or dropout reduction;
- Fewer violence and vandalism incidents as demonstrated in the annual Violence and Vandalism report and other measures;
- Creative and increased involvement with partnerships and/or the community;
- Increased and creative use of technology as a tool for learning in a school's curriculum;
- Improved quality of professional development of teachers;
- Improved learning for special needs and/or specialized populations; and
- Other category: this is an area where a school may submit documentation that shows areas of significant improvement that may not fit one of the criteria above.

The list of Governor's Schools of Excellence Award winners are available on the department's website at: <http://www.state.nj.us/njded/news/2005/1122gov.htm>.

### **ITEMS FOR CONSIDERATION:**

On motions duly seconded and carried, the State Board of Education took the following action:

#### **A. Appointments**

- There were no appointments.

#### **B. Certification of Districts**

- Certified for a period of seven years the following districts as recommended by the county superintendent of schools pursuant to the Public School Education Act of 1975, NJAC 6A:30, Evaluation of the Performance of School Districts, and the *Manual for Evaluation of Local School Districts*.

<b>Morris County</b>	<b>Union County</b>
Jefferson Township	Cranford
Mendham Borough	New Providence
Mount Arlington	Scotch Plains
<b>Ocean County</b>	Union
Stafford Township	<b>Warren County</b>
	Harmony Township

**C. Professional Teaching Standards Board**

- Adopted the resolution approving the appointments to the Professional Teaching Standards Board for a term of three years, pursuant to *NJAC 6A:9-15*.

**RESOLUTION**

**PROFESSIONAL TEACHING STANDARDS BOARD**

**WHEREAS**, the State Board of Education adopted regulations that required professional development for all active teachers and educational services personnel; and

**WHEREAS**, regulations established the creation of a Professional Teaching Standards Board to assure that professional development experiences would be challenging and meaningful to teachers and relevant to the task of enabling students to achieve high academic standards; and

**WHEREAS**, members of the Professional Teaching Standards Board are appointed by the Commissioner of Education with the approval of the State Board of Education pursuant to N.J.A.C. 6A:9-15.2; and

**WHEREAS**, the terms for eight members of the Professional Teaching Standards Board will expire in January 2006; and

**WHEREAS**, each of these eight members is eligible in accordance with the regulations for reappointment to a two-year term; and

**WHEREAS**, the Acting Commissioner, in accordance with N.J.A.C. 6A:9-15 has recommended the reappointments of Gloria Castucci, Michael Cohan, Dennis DeGroat, Susan Heinis, Herb Levitt, Carlo Parravano, Peggy Stewart and Patricia Wright; therefore be it

**RESOLVED** that the State Board of Education hereby approves the reappointments of the eight previously name members to the Professional Teaching Standards Board for two years until January 2008.

**D. Adult Education Programs**

- Adopted the resolution requesting Acting Governor Codey to continue *NJAC* 6:30 from January 30, 2006 until the effective date of readoption, pursuant to *NJSA* 5214B-5.1(d).

**RESOLUTION  
REQUESTING AN EXTENSION OF THE EXPIRATION OF N.J.A.C. 6:30, ADULT  
EDUCATION PROGRAMS**

**WHEREAS**, the State Board of Education sets rules necessary to carry out state education law including rules for the supervision and governance of the state's 2,500 public schools serving 1.2 million students; and

**WHEREAS**, the State Board of Education recognizes that N.J.A.C. 6:30, Adult Education Programs, that establishes the rules governing Adult Basic Skills programs, General Educational Development (GED) program, Adult High Schools, Evening School for Foreign-Born Residents, and Apprentice Training, are scheduled to expire on January 30, 2006; and

**WHEREAS**, the State Board's consideration of proposed new regulations at N.J.A.C. 6A:13, Adult Education Programs, has been delayed; and

**WHEREAS**, proceeding with readoption of the current N.J.A.C. 6:30, Adult Education Programs would ensure that there would be no regulatory lapse until all matters pertaining to the proposed new chapter of regulations at N.J.A.C. 6A:13, Adult Education Programs can be resolved; and

**WHEREAS**, the readoption of N.J.A.C. 6:30, Adult Education Programs will not become effective until April 3, 2006, when the regulations are published in the *New Jersey Register*; and

**WHEREAS**, if the regulations at N.J.A.C. 6:30, Adult Education Programs expire prior to the effective date of the readopted regulations, the State will have no regulations in place for the time period of January 30, 2006 through April 3, 2006; and

**WHEREAS**, N.J.S.A. 52:14B-5.1(d) provides that the Governor may continue in effect an expiring rule for a period to be specified by the Governor; now therefore be it

**RESOLVED** that the State Board of Education respectfully requests Acting Governor Codey continue in effect N.J.A.C. 6:30, Adult Education Programs from January 30, 2006 until the effective date of the adoption.

**E. Programs to Support Student Development**

- Discussed the readoption with amendments of the Programs to Support Student Development regulations at *NJAC* 6A:16, pursuant to *NJSA* 18A:4-15, P.L. 2001, c.(246), *NJSA* 18A:36-5.1, *NJSA* 18A:17-46, *NJSA* 18:36-5.1, *NJSA* 2A:4A-60, *NJSA* 18A:37-2.1, *NJSA* 2C:33-19, *NJSA* 18A:37-1 through 5, *NJSA* 18A:38-25 through 31, *NJSA* 18A:25-2, 20 USC Section 1400, Section 504 of the Rehabilitation Act of 1973, P.L. 107-110 (Title IV, Part A, Subpart 4, Section 415, and Title IX, Part E, Subpart 2, Section 9532), *NJSA* 18A:37-13 et seq., *NJSA* 2A:4A-60, *NJSA* 18A:36-19a, 20 USC Section 1232g, 34 CFR Part 99, 20 USC Section 1232h, 34 CFR Part 98, 45 CFR Section 160, 42 CFR Part 2, *NJSA* 18A:40A-7.1, N.J.S.A. 18A:36-19.

**F. Controversies and Disputes**

- Discussed the amendments to the Controversies and Disputes regulations at *NJAC* 6A:3-1.1 et seq., pursuant to *NJSA* 18A:4-15, 18A:6-9, 18A:6-10 et seq., 18A:7G-12, 18A:11-3, 18A:12-29, 18A:29-14, 18A:38-1, 18A:38-13 and 18A:60-1.

**G. Finance and Business Services**

- Discussed the readoption with amendments of the Finance and Business Services regulations proposed at *NJAC* 6A:23 pursuant to N.J.S.A. 18A:1-1; 18A:4-14; 18A:6-27; 18A:7B-12; 18A:7F; 18A:7G; 18A:17-9,10, 31, 32, 34-37, 45; 18A:18A; 18A:19; 18A:20; 18A:21; 18A:22; 18A:23; 18A:24; 18A:29-3; 18A:33-1,2,3; 18A:36A; 18A:36B-8; 18A:38-7.8, 7.9, 8, 19, 20, 21; 18A:39; 18A:46; 18A:54; 18A:58; 18A:69.

**NEW BUSINESS**

There was no new business.

**LEGAL CASES**

On motions duly seconded and carried, decisions in the following cases were adopted by the board as presented by legal committee members Kathleen Dietz, Josephine E. Figueras, John A. Griffith, and Debra Casha, chairperson.

ROSALIE BACON, individually and on behalf of G.P., Z.P., J.B., J.B., M.B., D.B., AND Z.H.; JOSEPH BARUFFI, individually and on behalf of J.B.; ELIZABETH CULLEN, individually and on behalf of T.C.; EDIE RILEY, individually and on behalf of S.R.; ARNETTA RIDGEWAY AND CHRISTOPHER GLASS, individually and on behalf of J.G., F.G., AND D.G.; AND BUENA REGIONAL, CLAYTON, COMMERCIAL, EGG HARBOR CITY, HAMMONTON, FAIRFIELD, LAKEHURST, LAKEWOOD, LAWRENCE, LITTLE EGG HARBOR, MAURICE RIVER, OCEAN, QUINTON, SALEM CITY, UPPER DEERFIELD, WALLINGTON, AND WOODBINE SCHOOL DISTRICTS V. NEW JERSEY STATE DEPARTMENT OF EDUCATION, STATE BOARD DOCKET #4-03

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The school districts involved in this matter are property-poor districts which, like the “special needs districts” under the Quality Education Act (QEA) and the Abbott Districts as defined by the Comprehensive Educational Improvement and Financing Act (CEIFA), are classified by the Department of Education on the basis of socioeconomic data provided by the 2000 census as being in the poorest category, District Factor Groups A and B. However, in contrast to those districts, the school districts involved in this matter are not urban. The districts filed a petition with the Commissioner of Education seeking a determination that CEIFA was unconstitutional as applied to them. They contended that the educational conditions in their districts were similar to those in the 28 districts that had been categorized under CEIFA as Abbott Districts. The districts alleged that their students were at least as disadvantaged as those students attending school in the Abbott Districts, and that, despite the fact that they were using their fiscal resources efficiently, they were unable to provide them with a thorough and efficient education. Consequently, they sought to be provided with funding equivalent to that available to the wealthiest school districts.

Based on his assessment of the degree of educational failure and socioeconomic deprivation present in each district and his judgment as to whether the factual circumstances showed that the community lacked the financial capacity to provide a thorough and efficient education to the district’s students given the amount of resources provided to the district by CEIFA, an administrative law judge (ALJ) found that Buena Regional, Commercial, Fairfield, Salem City and Woodbine had proven that they were “special needs districts.” Accordingly, he recommended that those districts be granted status as “special needs districts” and funded accordingly. The ALJ concluded that none of the other 12 petitioning districts had demonstrated an entitlement to the status of a “special needs district.”

The Commissioner adopted the ALJ’s determinations with respect to the 12 districts the ALJ concluded had not shown they were “special needs districts,” but he rejected the ALJ’s determinations that Buena Regional, Commercial, Fairfield and Woodbine had proven that they were “special needs districts.” However, the Commissioner concurred with the ALJ that Salem City had demonstrated that it was a “special needs district,” and he recommended to the Legislature that Salem City be added to the list of Abbott Districts.

On appeal, the State Board of Education found that CEIFA as applied to the districts involved in the appeal had failed to conform to the constitutional mandate. It concluded, however, that providing those districts with funding as if they were Abbott Districts was not the proper approach for remedying the situation. Instead, the State Board concluded that the proper course to follow to ensure that the situation was remedied was to direct the Commissioner to develop a design for a needs assessment to be performed in each of the districts involved in the litigation before the Commissioner. In addition to assessing the adequacy of the educational inputs and programming currently being provided, the State Board directed that the proposed design include elements that will identify the unique educational needs of the students in those districts requiring additional programs in order to address them. It directed the Commissioner to present her proposed design to the State Board by its February 1, 2006 meeting and that she include in her proposal a timetable for conducting the needs assessment that gives priority to the appellant districts. The State Board also directed the Commissioner to report the results of the remedial measures which the Commissioner had directed to be taken with respect to Buena Regional, Commercial, Fairfield, Salem City and Woodbine.

Furthermore, the State Board found that its obligations under the New Jersey Constitution and its responsibility for the supervision of public education required that it do more than decide the appeal in this case and precluded it from ignoring the fact that there were students in other school districts not involved in this litigation who were suffering similar educational inadequacies and whose communities did not have sufficient resources to address them. The State Board asserted that it was necessary to begin the process that ultimately would result in the establishment of a unified system that ensured the provision of a constitutionally adequate education and equal educational opportunity for all students in New Jersey regardless of the district in which they lived or the economic circumstances under which they were born. Given the immediacy of the need, the State Board determined to initiate the process by directing the Commissioner to examine and analyze the operation of the current system on a statewide basis. It directed that the Commissioner provide to the State Board by its March 1, 2006 meeting her findings and recommendations as to the educational components essential to the establishment of a unified system for public education that “will equip all of the students of this state to perform their roles as citizens and competitors in the same society.” Abbott v. Burke, 119 N.J. 287, 389 (1990).

In initiating this process, the State Board recognized that it could not by itself effectuate the changes that were necessary to establish a unified system for public education that fulfilled the constitutional mandate both with respect to the substantive education that must be provided and the resources necessary to support such a system. Nonetheless, the State Board observed that it was taking the first step toward achieving that goal, and it retained jurisdiction over implementation of its decision.

The State Board approved a motion for a roll call vote on the main motion. Arnold G. Hyndman opposed. The State Board approved a motion to amend the main motion so as to provide that the Commissioner include in her proposed design for a needs assessment a timetable for “conducting the needs assessment” that gives priority to the appellant districts. On a roll call vote, the State Board approved the main motion as amended. Arcelio Aponte, Ronald K. Butcher, Debra Casha, Maud Dahme, Kathleen Dietz, Josephine E. Figueras, John A. Griffith, Frederick J. LaGarde, Jr., Arnold G. Hyndman, Ernest P. Lepore, and Edward M. Taylor voted in favor of the main motion as amended.

ENRICO CIAMILLO, JR. V. BOARD OF EDUCATION OF THE BOROUGH OF RIDGEFIELD, BERGEN COUNTY, STATE BOARD DOCKET #38-05

The State Board of Education voted unanimously to affirm the decision of the Acting Commissioner of Education to dismiss the petition filed by a tenured teaching staff member who claimed that the district board had unlawfully reduced his salary in violation of his tenure rights. Although the petitioner had received written notice in May 2003 that he was not being reappointed as a “guidance consociate teacher” and would not be receiving the salary associated with that assignment, he did not file his petition with the Commissioner until December 2003. The State Board concurred with the Acting Commissioner that the 90-day limitation of N.J.A.C. 6A:3-1.3 applied to the petitioner’s claim and that he had not filed his petition in a timely manner. The State Board also agreed that the circumstances did not warrant relaxation of the 90-day rule in this case.

In so doing, the State Board clarified that the “position” in which tenure is acquired by virtue of service in an unrecognized position title is not limited by the unrecognized title. Rather, the position in which an individual achieves tenure is either one of those specifically enumerated in statute or other employment for which a certificate is required, either instructional, educational services or administrative. N.J.S.A. 18A:28-5. In contrast, seniority is limited to the unrecognized title.

**IN THE MATTER OF THE SUSPENSION OF THE TEACHING CERTIFICATES OF CARMELLA CONFESSORE BY THE STATE BOARD OF EXAMINERS, STATE BOARD DOCKET #47-05**

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On November 3, 2005, the State Board of Examiners voted to suspend the appellant’s certificates for two years effective immediately. The appellant was notified of the Board of Examiners’ action by letter dated November 4 from its Acting Secretary. In his letter, the Acting Secretary advised the appellant’s attorney that a written decision setting forth the reasons for the Board of Examiners’ action would be forwarded to him shortly. The appellant filed a notice of appeal to the State Board of Education and also sought a stay of the Board of Examiners’ action on an emergent basis. On November 11, the President of the State Board and the Chairperson of the State Board’s Legal Committee granted a stay of the Board of Examiners’ action on an emergent basis pending consideration of the appellant’s motion by the full State Board.

Upon review, the State Board of Education stayed the action of the Board of Examiners. In so doing, the State Board observed that the Board of Examiners had not issued a written decision setting forth the reasons for its action when it voted to suspend the appellant’s certification on November 3. Nor had a written decision adopted by the Board of Examiners been issued to date. Although the Deputy Attorney General representing the Board of Examiners attached a written Order of Suspension signed by the Acting Secretary to her response to the appellant’s stay motion, that document was not voted upon by the Board of Examiners. In the absence of a written decision adopted by the Board of Examiners setting forth the reasons for its action of November 3, the State Board found that it could not review the appeal that had been taken from that action. It therefore stayed the action and remanded the matter to the Board of Examiners with the direction that it issue and certify a written decision that has been properly adopted by a formal vote of the Board of Examiners at its next public meeting. The State Board retained jurisdiction. Ernest P. Lepore abstained.

**MICHAEL GUNTHER V. BOARD OF EDUCATION OF THE TOWNSHIP OF HOWELL, MONMOUTH COUNTY, STATE BOARD DOCKET #42-05**

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The State Board of Education voted unanimously to affirm the decision of the Acting Commissioner of Education to dismiss the petition filed by a former member of the district board who sought reimbursement under N.J.S.A. 18A:20-12 for counsel fees he had incurred in defending a civil action filed against him while he had been a member of the district board. The plaintiff in the civil action had accused the petitioner, who was employed in the municipality as a police officer, of obtaining confidential police reports and other information with respect to the plaintiff and disseminating those documents to members of the district board. In determining that the petitioner was not entitled to reimbursement, the Acting Commissioner observed that the petitioner had not been authorized or directed on behalf of the district board to acquire or disclose such information and that such conduct would be in direct violation of a specific board policy. The State Board agreed with the Acting Commissioner that the conduct alleged neither

arose out of the performance of the petitioner's board duties nor occurred in the course of performing those duties.

**CHARLOTTE KLUMB V. BOARD OF EDUCATION OF THE MANALAPAN-ENGLISHTOWN REGIONAL SCHOOL DISTRICT, MONMOUTH COUNTY, STATE BOARD DOCKET #30-05**

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The petitioner, a tenured teacher with the regional board who had retired in 1988 on a disability retirement and who subsequently was determined by the Teachers' Pension and Annuity Fund to be able to return to work, filed a petition with the Commissioner of Education claiming that she was entitled to reinstatement by the regional board. The Commissioner granted summary decision to the petitioner, concluding that she was entitled to reinstatement as an elementary teacher in an existing vacancy pursuant to N.J.S.A. 18A:66-40. Accordingly, he directed the regional board to reinstate her as of March 1, 1999, the date she had interviewed for an elementary teacher vacancy, with back pay and emoluments. The State Board of Education voted unanimously to affirm the decision of the Commissioner.

**BOARD OF EDUCATION OF THE CITY OF SEA ISLE, CAPE MAY COUNTY V. WILLIAM J. KENNEDY, STATE BOARD DOCKET #31-05**

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The district board filed a petition with the Commissioner of Education seeking a declaratory ruling that the appellant, a member of the board who had a pending claim against it on behalf of his son, had an incompatible conflict of interest which mandated his disqualification from membership on the board pursuant to N.J.S.A. 18A:12-2. The Commissioner concluded that the appellant had a direct interest in a claim against the district board which disqualified him from membership on that board. In so doing, the Commissioner rejected the appellant's argument that N.J.S.A. 18A:12-24(j) of the School Ethics Act created an exception to N.J.S.A. 18A:12-2. The State Board of Education voted unanimously to affirm the decision of the Commissioner.

**HOWARD SOLOMON V. PASSAIC COUNTY EDUCATIONAL SERVICES COMMISSION, PASSAIC COUNTY, STATE BOARD DOCKET #39-05**

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The petitioner, who had been superintendent of the educational services commission for a five-year term ending on June 30, 2003, filed a petition with the Commissioner of Education alleging that the commission had improperly terminated his employment at the end of that term without giving him two years' notice as required by his contract. He claimed that, as a result of such failure, his contract had been renewed for an additional five-year term by operation of N.J.S.A. 18A:17-20.1. The Acting Commissioner agreed with the petitioner, concluding that, pursuant to the statute, he was entitled to retroactive reemployment as superintendent for another five-year term, from July 1, 2003 through June 30, 2008, with back pay and emoluments less mitigation, as a result of the educational services commission's failure to provide him with two years notice of non-renewal as required by the terms of his contract. The State Board of Education voted unanimously to affirm the decision of the Acting Commissioner.

**IN THE MATTER OF THE SUSPENSION OF THE CERTIFICATES OF COREY YOUNGER  
BY THE STATE BOARD OF EXAMINERS, STATE BOARD DOCKET #13-05**

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The State Board of Education voted unanimously to affirm the decision of the State Board of Examiners to suspend the appellant's certificates for two years for unbecoming conduct. The State Board agreed with the Board of Examiners that the appellant had exercised poor judgment in allowing female students to remain in his hotel room for a substantial period of time, regardless of what behavior had occurred, during the Penn Relays in 1998 while he was an assistant track coach.

**ADJOURNMENT**

On a motion duly seconded and carried the State Board of Education adjourned its January 4, 2006 public meeting at 3:55 p.m.

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Lucille E. Davy, Acting Commissioner  
Acting Secretary, NJ State Board of Education

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