

**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**

May 3, 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
Dr. Ernest Lepore
Dr. Thelma Napoleon-Smith
Mr. Edward M. Taylor

Rev. Frederick LaGarde, Jr.

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 May 3, 2006.

ADJOURN TO EXECUTIVE SESSION

President 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 and legal 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

John Blakeslee, the 2006 State Board student representative and a sophomore from Holmdel High School (Monmouth County), spoke to the State Board about the upcoming annual spring convention and awards meeting of the New Jersey Association of Student Council at Six Flags Great Adventure in Jackson, New Jersey. John stated that he will be speaking to the participants about issues currently before the State Board of Education. John also stated that he will distribute a survey to the students asking about their likes and dislikes regarding their education. John further stated that if State Board members had questions that they would like included on the survey they could be emailed to him. The results of the survey will be provided to the State Board in the future.

President Hyndman, on behalf of the State Board, thanked John for his presentation.

INTRODUCTIONS

Lucille Davy, Acting Commissioner of Education, recognized Paul Stephenson, Camden County Superintendent of Schools, who represented the county superintendents. Dr. Stephenson has served in this position since August 2004.

Student Recognition Program

The State Board recognized Sescily Coney, Pennsauken High School (Camden 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 Sescily for her efforts to stop violence in the United States.

On behalf of the State Board, President Hyndman congratulated Sescily on her 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 April 5 and April 19, 2006. State Board member Thelma Napoleon-Smith abstained from voting on the minutes of the April 19 meeting.

PRESIDENT'S REPORTS

May Work Session and Public Testimony Session

President Hyndman stated that the May work session will be held on May 17, 2006 at 1:00 p.m. at the Department of Education. The items for discussion will be the New Jersey Assessment of Skills and Knowledge (NJ ASK 2006) and the Englewood Report.

President Hyndman also stated that the May public testimony session will be held on May 17, 2006 at 3:00 p.m. The topic for consideration will be Amendments to *NJAC 6A:19*, Vocational Education Programs. Additionally, he stated that the May 17 public testimony session will be an open topic session.

Selection of Nominating Committee

President Hyndman announced the members of the State Board Nominating Committee that will nominate the 2006-2007 State Board of Education president and vice president. Maud Dahme will serve as chairperson, and Josephine Figueras and Edward Taylor will serve as members. The nominating committee will give its report at the June State Board monthly meeting and the State Board will vote on officers at the July State Board monthly meeting.

Commission on the State of Financial Education

State Board Member Arcelio Aponte presented an update on the second meeting of the Commission on the State of Financial Education, a panel convened by the National Association of State Boards of Education, to review the status of Financial Education from K-12 throughout the country. Mr. Aponte stated that the panel's charge is to review the current standards of financial education; review curricula; policy; and publish and disseminate a comprehensive report providing recommendations to state policy makers on standardizing and incorporating financial education into the curriculum. Mr. Aponte also stated that the panel discussed adopting a common definition for financial literacy and investor education; reviewed existing programs implemented by other states including Kansas and Utah; reviewed the need to develop a list of resources, databases, and packaged programs currently available on the market; and considered public/private partnerships as well as public/public partnerships. Mr. Aponte stated that the panel met with national leaders on Financial Education including Dr. Lewis Mandel, a pioneer of the Financial Literacy Movement. The Commissioner on the Financial Education panel is scheduled to meet again in June to finalize the structure and contents of the report which will be distributed by NASBE to all State Boards of Education.

Paperless Board Meetings

President Hyndman stated that the State Board of Education is continuing to make progress in its transition toward using laptops at their monthly public meetings and work sessions for the review

and consideration of agenda items rather than using a paper agenda. President Hyndman also stated that the number of complete paper copies that will be printed for each State Board meeting for use by the public will continue to be dramatically reduced and that the monthly public meeting agenda will be available to the public and department staff on the department's website at www.state.nj.us/njded/sboe/meetings/agenda. State Board member Kathleen Dietz requested that at least one copy of the agenda be posted at each monthly public business meeting and work session.

COMMISSIONER'S REPORT

Standard Setting Scores for the Interim Assessments For Grades 5-7

Acting Commissioner Davy and members of her staff stated that standard setting sessions for the New Jersey Assessment of Skills and Knowledge (NJ ASK 2006), grades 5-7, will be held on May 11 and 12, 2006. Acting Commissioner Davy also stated that the main goal of the event is to establish the cut scores which differentiate Partially Proficient performance from Proficient performance, and Proficient performance from Advanced Proficient performance, i.e., to establish two cut scores that will yield three performance levels. Standards will be set for mathematics and language arts literacy at three grade levels, 5, 6, and 7. Acting Commissioner Davy further stated that the standard-setting will rely on a commonly used method called "modified-Angoff".

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**
- There were no school districts recommended for certification.
- *C. **Religious Holiday Calendar**
- Adopted as amended the resolution pertaining to the annual calendar of religious holidays for the 2006-2007 school year as established at *NJAC* 6A:32-8.3(j), pursuant to *NJSA* 18A:36-14-16.

REVISED RESOLUTION

The List of Religious Holidays Permitting Pupil Absence From School

WHEREAS, according to N.J.S.A. 18A:36-14 through 16 and N.J.A.C. 6A:32-8.3(j);, regarding pupil absence from school because of religious holidays, the

Commissioner of Education, with the approval of the State Board of Education, is charged with the responsibility of prescribing such rules and regulations as may be necessary to carry out the purpose of the law; and

WHEREAS, the law provides that:

1. Any pupil absent from school because of a religious holiday may not be deprived of any award or of eligibility or opportunity to compete for any award because of such absence;
2. Pupils who miss a test or examination because of absence on a religious holiday must be given the right to take an alternate test or examination;
3. To be entitled to the privileges set forth above, the pupil must present a written excuse signed by a parent or person standing in place of a parent;
4. Any absence because of a religious holiday must be recorded in the school register or in any group or class attendance record as an excused absence;
5. Such absence must NOT be recorded on any transcript or application or employment form or on any similar form; and
6. The Commissioner, with the approval of the State Board of Education, is required to:
 - (a) prescribe such rules and regulations as may be necessary to carry out the purposes of this act; and
 - (b) prepare a list of religious holidays on which it shall be mandatory to excuse a pupil. The list, however, is to be a minimum list. Boards of education, at their discretion, may add other days to the list for the schools of their districts; and

WHEREAS, the district board of education has the right to add any bona fide religious holiday to the list for its own schools; now therefore be it,

RESOLVED that the State Board of Education adopts the following list of religious holidays for the 2006-2007 school year:

September 1	Day of Ascension (Isra and Miraj) (Islamic)
September 7	First Consecration of the Guru Granth Sahib ji, the Sikh Scripture
September 7	His Holiness Sakya Trizin's birth date (Buddhist)
September 7	Ganesha Chaturthi (Hindu)
September 14	The Exaltation of the Holy Cross (Eastern, Greek, Russian Orthodox)
September 19	The Night of Power 9 (Laylatul Qadr) (Islamic)

September 23	Feast of Trumpets (World Wide Church of God, United Church of God and Global Church of God)
September 23 - 24	Rosh Hashanah (Jewish New Year)
September 24	Ramadan begins
September 24	Eid-ul-Fitr (Islamic)
September 30 - October 2	Dussera (Hindu)
October 2	Yom Kippur (Day of Atonement) (Jewish) aya Dashami (Hindu)
October 2	Day of Atonement (World Wide Church of God, United Church of God and Global Church of God)
October 7 – 8	Sukkot (Feast of Tabernacles) (Jewish)
October 7 -13	First Day through Seventh Day Feast of Tabernacles (World Wide Church of God, United Church of God and Global Church of God)
October 14	Last Great Day (World Wide Church of God, United Church of God and Global Church of God)
October 14	Shemini Atzeret (Eighth Day of Sukkot) (Jewish)
October 15	Simchat Torah (Rejoicing of the Law) (Jewish)
October 20	Birth of the Bab (Baha'i)
October 20	Joint-Sovereignty of Guru Granth and Guru Panth declared to Guide the Sikh people
October 20	Guruship of Guru Granth Sahib ji declared by 10 th Guru (Sikh)
October 20 - 23	Deepavali (Hindu)
October 31	Reformation Day (Protestant, Lutheran)
November 1	All Saints Day (Roman Catholic, Protestant & Lutheran)
November 2	All Souls Day (Roman Catholic)
November 12	Birth of the Baha'u'llah (Baha'i)
November 15	Guru Nanak Dev ji's birth date (Sikh)
November 24	Guru Tegh Bahadur dev ji's Martyrdom (Sikh)
December 8	Feast of the Immaculate Conception (Roman Catholic)
December 8	Bodhi Day (Buddhist)
December 15	First Day of Hanukkah (Jewish)
December 25	Christmas (Roman Catholic, Protestant, Eastern, Greek and Russian Orthodox)
December 26	Kwanzaa
December 31	Eid-ul-Adha (Day of Sacrifice) (Islamic)
January 1	New Year's Day
January 5	Guru Gobind Singh ji's birth date (Sikh)
January 6	Feast of the Epiphany (Roman Catholic, Eastern, Greek and Russian Orthodox)
January 6	Christmas (Armenian)
January 14	Makara Sankranti (Hindu)
January 21	Muharram (New Year) (Islamic)
January 29	Day of Ashurah (10 th Day) (Islamic)
February 16	Maha Shivaratri (Hindu)
February 18	New Year (Chinese, Korean and Vietnamese)
February 19	Bright Monday (Eastern, Greek and Russian Orthodox)
February 20	Shrove Tuesday
February 21	Ash Wednesday (Roman Catholic, Protestant)
February 25	Lent (Eastern Orthodox)

March 4	Holi (Hindu)
March 4	Purim (Jewish)
March 14	Sikh New Year/Holla Mohalla
March 19	Chandramana Yugadi
March 21	Feast of Naw-Ruz (Baha'i and Iranian New Year, also Persian New Year and Heritage Day)
March 27	Rama Navami (Hindu)
March 30	Chandramana Yugardi (Hindu)
April 2	Passover (World Wide Church of God, United Church of God and Global Church of God)
[April 12] <u>April 2</u>	Lord's Evening Meal
April 3	First Day of Feast of Unleavened Bread or Passover (World Wide Church of God, United Church of God and Global Church of God)
April 3 - 4	First Two Days of Pesach (Passover) (Jewish)
April 5	Holy Thursday (Roman Catholic, Protestant, Lutheran, Eastern, Greek and Russian Orthodox)
April 6	Good Friday (Roman Catholic, Protestant, Lutheran, Eastern, Greek and Russian Orthodox))
April 9	Rama Navami (Hindu)
April 9 - 10	Last Two Days of Pesach (Passover) (Jewish)
April 11 or 12	Birthday of the Prophet Muhammad (Islamic)
April 14	Souramana Yugadi (Hindu)
April 14	Khalsa formation day and Vaisakhi
April 21	First Day of Ridvan (Baha'i)
April 24	Memorial Day (Armenian)
April 25	The 11 th Panchen Lama's birthday (Buddhist)
May 2	The 12 th Day of Ridvan (Baha'i)
May 2	Buddha's birthday (Buddhist)
May 23	Declaration of the Bab (Baha'i)
May 23 – 24	Shavuot (Feast of Weeks) 2 days (Jewish)
May 25	Ascension Day (Eastern Orthodox, Greek and Russian Orthodox, Roman Catholic & Protestant)
May 27	Day of Pentecost (World Wide Church of God, United Church of God and Global Church of God)
May 29	Ascension of Baha'u'llah (Baha'i)
June 16	Guru Arjun Dev ji's Martyrdom (Sikh)
June 26	His Holiness the 17 th Gyalawa Karmapa's (Ugyen Trinley Dorje) birth date (Buddhist)

***D. Special Education Advisory Council**

- Approved the appointments to the State Special Education Advisory Council pursuant *NJSA 18A:46-2* and *P.L. 94-142*.

**RESOLUTION
APPOINTMENTS TO
THE STATE SPECIAL EDUCATION ADVISORY COUNCIL**

WHEREAS, N.J.S.A. 18A:46-2 requires that the Commissioner shall appoint biannually an advisory council for special education with the approval of the State Board which will consist of not fewer than seven nor more than 15 members representative of professionals in the field of special education and parents of children with disabilities; and

WHEREAS, N.J.S.A. 18A:46-2 defines the role of the advisory council as advising in the promulgation of rules, regulations and implementation of N.J.A.C. 6A:14 and the establishment of standards and qualifications for the professional personnel and further provides that the council members shall serve without remuneration; and

WHEREAS, the reauthorized Individuals with Disabilities Education Act (IDEA) of 1997 amendments require each state education agency to have an advisory panel for special education; and

WHEREAS, the New Jersey Department of Education has established and maintains an advisory panel, known as the State Special Education Advisory Council, for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State; and

WHEREAS, the advisory panel consists of members, who are representative of the state population and are composed of individuals involved in, or concerned with, the education of children with disabilities, including: (i) parents of children with disabilities; (ii) individuals with disabilities; (iii) teachers; (iv) representatives of institutions of higher education that prepare special education and related services personnel; (v) state and local education officials; (vi) administrators of programs for children with disabilities; (vii) representatives of other state agencies involved in the financing or delivery of related services to children with disabilities; (viii) representatives of private schools and public charter schools; (ix) at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and (x) representatives from the state juvenile and adult corrections agencies; and

WHEREAS, a majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities; and

WHEREAS, the advisory panel shall: (i) advise the department of unmet needs within the state in the education of children with disabilities; (ii) comment publicly on any rules or regulations proposed by the department regarding the education of children with disabilities; (iii) advise the department in developing evaluations and reporting on data to the Secretary of the United States Department of Education under Part B Sec. 618 of the Individuals with Disabilities Education Act; (iv) advise the department in developing corrective action plans to address findings identified in federal monitoring reports under this part; and (v) advise the department

in developing and implementing policies relating to the coordination of services for children with disabilities; now therefore be it

RESOLVED, that the State Special Education Advisory Council meets the state mandate for an advisory council and the federal requirements for an advisory panel; and be it further

RESOLVED, that the Acting Commissioner recommends that Ms.Katherine Roberson be appointed to the State Special Education Advisory Council for a two-year term effective May 3, 2006. Ms. Roberson is currently the Policy and Information Coordinator at the Elizabeth Boggs Center on Developmental Disabilities. She is also the parent of a child with disabilities. She serves on the Developmental Disabilities Council's Regional Family Support Planning Council for her region and is a founding member of the Special Education Parents' Group in Middlesex, New Jersey; and be it further

RESOLVED, that Ms. Blanche Stetler be appointed to the State Special Education Advisory Council for a two-year term effective May 3, 2006. Ms. Stetler is a Parent Consultant Project Associate for the Deaf-blind Family and Community Educational Supports Project (DB FACES). She is a former president of the Prism Organization, a support group for parents and families of children with deaf-blindness. She is also a parent of a teenager with deaf-blindness; and be it further

RESOLVED, that Mr. Phillip Gartlan be appointed to the State Special Education Advisory Council for a two-year term effective May 3, 2006. Mr. Gartlan is currently the Executive Director of the Midland School in North Branch, New Jersey, a private special education facility recognized, while Mr. Gartlan was its principal, as a Blue Ribbon School of Excellence by the U.S. Department of Education. He is also currently serving as First Vice President of ASAH, an association of private schools and agencies for students with disabilities.

***E. Special Education**

- Approved for publication in the *New Jersey Register* the readoption with amendments of the Special Education regulations at *NJAC 6A:14*, pursuant to *NJSA Title 18A; 20 U.S.C. §1400 et seq.*

F. Evaluation of the Performance of School Districts

- Discussed the amendments pertaining to the implementation of the Quality Single Accountability Continuum (NJ QSAC) proposed at *NJAC 6A:30* pursuant to *NJSA 18A:7A-3 et. seq.*

G. Evaluation of the Performance of School Districts

- Discussed the school district performance review (DPR) as it pertains to the implementation of the Quality Single Accountability Continuum (NJ QSAC).

H. Vocational Education

- Discussed the regulations pertaining to Vocational Education proposed at *NJAC* 6A:19 pursuant to *NJSA*. 18A:1-1, 18A:4-15, 18A:4-16, 18A:4-24, 18A:4-25 through 4-27, 18A:4-32, 18A:4-34, 18A:6-9, 18A:7A-1 et seq., 18A:33-1 et seq., 18A:40-12.1 and 12.2, 18A:54-1 et seq., 18A:59-5, 34:15C-3, 29 C.F.R. Subpart C of Part 570; 20 U.S.C. §§ 2301 et seq.; P.L. 105-220.

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.

I.B., on behalf of minor child, M.A., III V. BOARD OF EDUCATION OF THE TOWNSHIP OF BELLEVILLE, ESSEX COUNTY, STATE BOARD DOCKET #51-05

The State Board of Education voted unanimously to grant the parties' motions to supplement the record on appeal.

IN THE MATTER OF THE SUSPENSION OF BARBARA J. BONDS PURSUANT TO N.J.S.A. 18A:12-29(c), STATE-OPERATED SCHOOL DISTRICT OF NEWARK, ESSEX COUNTY, STATE BOARD DOCKET #8-06

The School Ethics Commission concluded that the appellant, a school official, had violated the School Ethics Act by failing to file completed disclosure statements as required by N.J.S.A. 18A:12-25 and -26. The Ethics Commission recommended that the Commissioner of Education impose a sanction of suspension until the appellant filed her completed statements, removal if the completed statements were not filed within 30 days of the Commissioner's decision, and a reprimand if the completed statements were filed prior to issuance of the Commissioner's decision. The Acting Commissioner of Education, observing that the disclosure statements still had not been filed as of the date of her decision, suspended the appellant until those statements were filed.

On appeal to the State Board of Education, the appellant related that she had filed her disclosure statements prior to the Acting Commissioner's decision, a fact confirmed by the Executive Director of the School Ethics Commission, who also indicated that the Acting Commissioner had not been aware of such filing. In view of the circumstances, and in accord with the statutory framework, the State Board voted unanimously to set aside the Acting Commissioner's decision and to remand the matter to the Acting Commissioner to allow her to determine whether to accept the School Ethics Commission's recommendation that a reprimand would be the appropriate sanction under these circumstances.

BOARD OF EDUCATION OF THE TOWNSHIP OF EAST BRUNSWICK, MIDDLESEX COUNTY V. NEW JERSEY STATE DEPARTMENT OF EDUCATION, COMMISSIONER OF EDUCATION, STATE BOARD DOCKET #30-04

The district board filed a petition with the Commissioner of Education challenging the reduction of its extraordinary special education aid for the 2001-02 school year by the Department of Education in accordance with a formula established in a memorandum from the Assistant Commissioner, Division of Finance. The district board contended that the reduction should be set aside as a result of the Department's failure to comply with the rulemaking requirements of the Administrative Procedure Act (APA). Rejecting the determination of the Administrative Law Judge (ALJ), the Commissioner concluded that the Department's action did not bear the characteristics of rulemaking. However, since the ALJ had not reached the district board's contention that the Department's formula was arbitrary and capricious, the Commissioner remanded the matter to the Office of Administrative Law for further proceedings in order to resolve that claim.

On appeal, the State Board of Education voted unanimously to dismiss this matter as moot. The State Board concluded that, regardless of whether rulemaking was required in this instance, the district board's claim to relief was moot. The State Board stressed that the district board's appeal was limited to whether the Department of Education had been required to comply with the APA in fashioning the budget formula in the 2001-02 school year and that the statute at issue, N.J.S.A. 18A:7F-19(b), had been amended thereafter so as to establish a specific formula for the calculation of extraordinary special education aid commencing in the 2002-03 school year. Under these circumstances, the State Board found that any claim raised by the district board under the education laws was moot. In addition, the State Board found that, despite being provided with several opportunities to do so, the district board had not demonstrated that the reduction of its extraordinary special education aid for the 2001-02 school year had had any impact on the aid awarded to it in subsequent years.

IN THE MATTER OF THE REVOCATION OF THE TEACHING CERTIFICATE OF STEPHEN FOX BY THE STATE BOARD OF EXAMINERS, STATE BOARD DOCKET #53-05

The State Board of Education voted unanimously to affirm the decision of the State Board of Examiners to revoke the teaching certificates of the appellant, a teaching staff member, who acknowledged that he had kissed on the lips a male student who had come to him for guidance. The State Board of Education, after giving the appellant the opportunity to specify the mitigating circumstances he intended to demonstrate, agreed with the Board of Examiners that a hearing with regard to mitigating factors at the Office of Administrative Law was not warranted. Like the Board of Examiners, the State Board found that the appellant's breach of trust was so egregious as to outweigh his previously unblemished record. Nor could the appellant's behavior be mitigated by the fact that he was a good teacher in other respects.

As established in earlier tenure proceedings, the appellant was well aware that the student involved was struggling with his sexual orientation and a difficult home life and was being bullied at school when he presented himself to the student as a concerned adult and counselor. As found by the ALJ, the appellant was aware of the student's emotional distress when he had physical contact with him and kissed him and quite probably knew that the student had been subjected to continuing sexual abuse by a 39-year-old man. Furthermore, the record clearly

showed that the appellant's conduct further damaged a student who, as appellant knew, already had serious emotional problems. The State Board concurred with the Board of Examiners that the appellant's behavior demonstrated his unfitness to teach and that revocation of his certification was the appropriate penalty under the circumstances.

IN THE MATTER OF THE CERTIFICATES OF SUSAN KANDELL, STATE BOARD DOCKET #9-06

On November 14, 2002, the State Board of Examiners acted to order the respondent to show cause why her teaching and administrative certificates should not be revoked or suspended. On April 14, 2005, an Order to Show Cause embodying the Board of Examiners' action was mailed to the respondent, thereby initiating the proceedings in this matter. The Order to Show Cause was based solely on allegations in a letter filed on June 24, 2002 by an alternate route candidate the respondent had supervised during the 2001-02 school year.

The matter was transmitted to the Office of Administrative Law for hearing. On December 8, 2005, the ALJ denied the respondent's motion to dismiss the matter, and on January 6, 2006, she granted the respondent's motion to compel the deposition of the alternate route candidate who had made the allegations. The ALJ directed that the accuser's deposition be taken on January 26, which was four days before the hearing was scheduled to begin.

On January 30, 2006, the Board of Examiners reversed the ALJ's directive, and the respondent filed a motion with the State Board of Education for leave to appeal the Board of Examiners' interlocutory decision.

The State Board of Education voted unanimously to grant the respondent's motion and reverse the Board of Examiners' determination. Stressing that the Order to Show Cause was based entirely on the alternate route candidate's allegations and that the respondent's livelihood and career as an educator had been placed at risk by such allegations, the State Board found that it was imperative that the respondent have the opportunity to prepare an adequate defense, which required that she be able to obtain specific information prior to hearing concerning the allegations being made against her. In view of the circumstances, the State Board concluded that there was good cause for compelling the requested deposition in this instance. Accordingly, the State Board directed the ALJ to schedule a deposition.

A.O.L., on behalf of minor children, A.L., A.L. and J.L. V. BOARD OF EDUCATION OF THE TOWNSHIP OF BLOOMFIELD, ESSEX COUNTY, STATE BOARD DOCKET #37-05

The State Board of Education voted unanimously to affirm the decision of the Commissioner of Education, agreeing that the appellant had not demonstrated that his children were living with him in Bloomfield for most of the 2002-03 school year so as to entitle them to a free public education in that district. The Commissioner had agreed with the ALJ that the appellant's children had lived with their mother in Newark for the majority of the school year. Accordingly, he had directed the appellant to pay tuition to the Bloomfield board in the amount of \$16,116.66 for the period of his children's ineligible attendance.

IN THE MATTER OF THE TENURE HEARING OF CHRISTOPHER MOLOKWU, STATE-OPERATED SCHOOL DISTRICT OF THE CITY OF PATERSON, PASSAIC COUNTY, STATE BOARD DOCKET #56-05

The State Board of Education voted unanimously to affirm the decision of the Acting Commissioner of Education to dismiss the appellant, a tenured teacher, from his tenured employment. The State Board agreed that the State-operated district had demonstrated the truthfulness of tenure charges alleging unbecoming conduct and insubordination by a preponderance of the credible evidence and that dismissal of the appellant from his tenured position was the appropriate penalty under the circumstances. In so doing, however, the State Board clarified that a district board is not necessarily barred from including in tenure charges conduct which had occurred prior to the staff member's achievement of tenure. Since a district board may consider a pattern of behavior in determining whether to certify tenure charges, and unfitness for a position is best evidenced by a series of incidents, a board would not necessarily be precluded from reviewing incidents prior to the staff member's attainment of tenure in order to demonstrate the cumulative effect of a continuing pattern of conduct.

IN THE MATTER OF THE REVOCATION OF THE CERTIFICATES OF LAURIE ROSEN BY THE STATE BOARD OF EXAMINERS, STATE BOARD DOCKET #52-05

The State Board of Education voted unanimously to affirm the decision of the State Board of Examiners to revoke the teaching certificates of the appellant, a teacher, who was found to have engaged in unbecoming conduct in hitting and kicking a 10-year-old special education student. The State Board agreed with the Board of Examiners that revocation of the appellant's certification was the appropriate penalty under the circumstances.

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

This matter was withdrawn from the agenda.

IN THE MATTER OF THE REVOCATION OF THE CERTIFICATE OF DAVID TOLER BY THE STATE BOARD OF EXAMINERS, STATE BOARD DOCKET #5-05

Pursuant to a remand by the Appellate Division, the State Board of Education remanded this matter to the State Board of Examiners for transmittal to the Office of Administrative Law for such proceedings as are necessary to fulfill the terms of the Court's decision. John A. Griffith abstained.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its May 3, 2006 public meeting at 12:50 p.m.

CONVENING

Arnold G. Hyndman, president, State Board, convened the retreat 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 May 3, 2006.

Welcome and Introduction

On behalf of the State Board, President Hyndman thanked the State Board Retreat Committee for their planning and coordination of this year's retreat. He stated that this retreat is critical for the State Board to identify. The Retreat Committee was chaired by Debra Casha with Ron Butcher, John Griffith, Josephine Figueras, Ernest Lepore and Maud Dahme as members. President Hyndman also welcomed the participants to the retreat.

Vice-President Casha also acknowledged the members of the retreat committee and thanked them for their hard work.

Purpose and Goals of the Retreat

Debra Casha, chair, Retreat Committee stated that the purpose of the Mid-Year Retreat is to review the recommendations of goals and objectives to address the State Board's identified priorities in education. Ms. Casha also stated that the State Board will also discuss a new process to select a student representative and will participate in training on ethics in state government.

Study Group Recommendations

International Education

Kathleen Dietz, chair, presented the following recommendations from the International Education study group:

Vision:

New Jersey citizens have the requisite knowledge to live and work effectively in a complex and dynamic world.

Mission:

The creation of a systemic approach to ensure that all New Jersey students are provided with the knowledge and skills to be able to function culturally, politically and economically in a global society.

Goals:

1. To help students understand, connect to and act on critical global issues by integrating international perspectives into curricula in all core curriculum content standards areas with special emphasis on:
 - World languages instruction that includes languages central to global literacy and that are important for future economic and security needs; and
 - Social studies instruction that focuses on global issues and how to address them within the diverse social, political and economic contexts that exist worldwide.
2. To connect student acquisition of international literacies to real world experiences both in New Jersey and beyond state and national borders.
3. To enhance teacher capacity for international teaching excellence through pre-service education, professional development and opportunities for exchange and study abroad.

The members of the International Education study group include Kathleen Dietz, Debra Casha, Maud Dahme, Ernest Lepore and Josephine Figueras.

Ethics Training

President Hyndman led the State Board members through the on-line training on ethics in state government.

RECESS

President Hyndman stated that the Mid-Year State Board Policy Retreat would continue at the Trenton Marriott at Lafayette Yard, 1 West Lafayette Street, Trenton, NJ 08608 at 8:30 a.m. President Hyndman then recessed the public meeting until the following morning.

CONVENING

Arnold G. Hyndman reconvened 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.

Study Group Recommendations

School Funding

Ronald Butcher and Arcelio Aponte presented the following recommendations from the School Funding study group:

Goal:

1. To advocate for the introduction of legislation that creates a new funding system for New Jersey: a system that equitably funds our public schools and that complies with the “T & E” clause of the N.J. Constitution.

Objectives:

- To meet with the Governor’s education policy and financial advisors in the summer of 2006 and discuss the need for such legislation and the role the State Board of Education could play in the developmental process.

- To meet with members of the Joint Committee on the Public Schools in early fall 2006 to discuss the need for such legislation, and to pursue a role the State Board of Education might play in bringing about such legislation.

The members of the School Funding study group include Ronald Butcher and Arcelio Aponte.

ADJOURN TO EXECUTIVE SESSION

President 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 and legal 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.

Study Group Recommendations

Implications of Discrimination on Student Performance and the Community

Thelma Napoleon Smith presented the following recommendations from the Implications of Discrimination on Student Performance and the Community study group:

Goals:

1. Identify and eliminate all forms of discrimination in public school policies, practices, and programs.
2. Identify, correct and/or prevent the negative effects of past or current discrimination on the academic achievement and social development of students in the public schools in New Jersey.
3. Advocate to decision makers and elected officials that the elimination of all forms of discrimination should be a top priority and considered in the promulgation of all future legislative action.

Objectives:

- The Department of Education shall establish an office reporting directly to the Commissioner responsible for ensuring that local districts identify and remediate all practices of discrimination at all levels from grades PreK-12.
- Enhance mentoring opportunities for all teachers and administrators with the aim of improving retention and student success.
- Encourage the creation of innovative programs and practices that foster respect and acceptance of diversity, as well as civility within their learning communities.
- Identify and retain experts to analyze data and report annually to the State Board of Education on the progress toward closing the academic achievement and social development gaps among students.
- Mandate the teaching of interpersonal skills including acceptance and respect at every grade level, PreK-12.

The members of the Implications of Discrimination on Student Performance and Community study group include Thelma Napoleon-Smith, Debra Casha, John Griffith, Frederick LaGarde, Josephine Figueras and Ernest Lepore.

Vocational-Technical Education

Edward Taylor presented the following recommendations from the Office of Vocational-Technical, Career and Innovative programs and the New Jersey Council of County Vocational-Technical Schools for Vocational Education:

Goals:

1. All students, regardless of locality, will have access to high quality CTS programs, and the programs will be delivered through a variety of methods, including relevant, readily available distance learning programs.
2. Student performance data will be collected, analyzed, and published as part of the school report card and used to improve CTE programs, providing strong accountability for student performance, including high academic and technical achievement.
3. Support only the highest quality CTE programs, as shown by continuously improving program performance measures.
4. All approved CTE programs will be evaluated regularly for effectiveness and viability.
5. All students of approved CTE programs will have access to a Career and Technical Student Organization (CTSO) appropriate for the approved CTE instructional program.
6. Establish a system that delivers timely, relevant technical assistance to approved CTE programs through a well-informed, highly respected and motivated professional staff.
7. CTE instructional programs will be powered by a well-trained, highly motivated teaching workforce. Teachers will be provided relevant high quality pre-service and in-service educational development programs targeted to both new and veteran CTE teachers and administrators.

8. All approved CTE programs will be linked, as appropriate, to business and industry to insure industry credentialing, when available, to program completers.
9. All students enrolled in secondary CTE programs will be provided the opportunity to link their secondary education directly to appropriate postsecondary education.
10. Create/expand county programs to address economic priorities.
11. Increase career and technical opportunities for urban youth.
12. Increase opportunities for urban youth and dropouts.
13. Provide full-time county vocational options in every county.
14. Expand county vocational facilities to serve more students.
15. Inform parents and students about education/career choices.
16. Recognize CTE as a vehicle for high school reform.

The members of the Vocational Education study group include Edward Taylor and Arcelio Aponte.

Updates on Priority Issues

Assessment

Jay Doolan, acting assistant commissioner, Division of Educational Programs and Assessment presented an update on the ongoing effort in the area of assessment. Mr. Doolan stated that Department is reviewing the current High School Proficiency Assessment (HSPA) in order to accommodate the elimination of the Special Review Assessment (SRA). Mr. Doolan also stated that the department is working with 11 other states through Achieve to develop an end of course assessment in Algebra II to gauge the progress students have made in high school and also to be used as a gateway for college placement. Mr. Doolan further stated that the Assessment Advisory committee has been reviewing the current assessment system primarily in grades 3 through 8. The committee recommended the following multi-tiered approach to assessment in order to meet the federal No Child Left requirements, while also looking at the State's priorities for assessing New Jersey's students:

Tier I

- Local diagnostic assessments, approved by the state but administered, scheduled, scored, and interpreted locally, throughout the school year that includes but is not limited to resources provided by the state contractor for grade 3-8 assessments.
- The diagnostic assessment would include formative and diagnostic assessment materials in the form of non-secure item/mini-test pools, with supporting test authoring/administration software.
- The diagnostic assessment would also include performance assessment tasks to be completed by local school districts in cooperation with a consortia of school districts and/or stakeholder groups.

Tier II

- The diagnostic assessment would include focused thematic modules or clusters of items addressing particular content standard strands and contain additional items in non-module content areas.
- The diagnostic assessment would be administered in late February.

- The diagnostic assessment would be composed largely of constructed response items, with limited multiple choice content.
- For Language Arts Literacy, the modules would focus on the assessment of writing, with varying types of prompts and tasks.

Tier III

- The diagnostic assessment would be administered by the State in May and composed primarily of multiple-choice assessments covering the breadth of New Jersey's CCCS.
- The diagnostic assessment would be used for federal NCLB accountability reporting, supplemented by some Tier II content and contain more items than the current test.

Quality Teaching and Educational Leadership

Debra Casha presented the following recommendations of the Quality Teaching and Educational Leadership study group:

Goals:

1. To implement policy that supports the New Jersey Department of Education's efforts to promote quality educational leadership, teaching and learning.
2. To implement policy that enables an adequate supply of teachers and education leaders.

The study group also recommended that the following list of objectives be prioritized by each State Board member:

Objectives:

- Support the Department of Education's initiative in the re-culturing of schools and education environments that establish communities of learners, shared leadership opportunities and practices and on-going professional development for all educators.
- Support an on-going review of New Jersey's Professional Teaching Standards, Professional Development Standards and Professional Standards for Education Leaders.
- Review the Quality Teaching and Learning Task Force Report and the recommendations of the Professional Teaching Standards Board around quality teaching and learning issues.
- Request that the Department of Education in collaboration with the Professional Teachers Standard Board (PTSB) examine the current professional development initiative and then provide the State Board of Education with policy recommendations for any change to the initiative.
- Request the Department of Education prepare an annual report, reviewed with the Professional Standards Teaching Board, which examines the work of and the interfaces among the Professional Teaching Standards Board (PTSB), the County Professional Development Boards (CPDB's) and the Local Professional Development Committees (LPDC's) and accesses the various professional development activities in districts for

their effectiveness in meeting the needs of the State, local Boards of Education and individual teachers.

- Request that the Department of Education survey districts and provide a status report on the current teacher/leader evaluation systems throughout New Jersey and then provide suggested recommendations for policy changes to develop model standards based on teacher/leader evaluation processes.
- Request that the Department of Education showcase district evaluation systems that are aligned with the Professional Standards for Teachers.
- Support the Department of Education's efforts to build a cohesive, standards-based education leadership system which develops and supports quality leadership across the continuum of practice from pre-service preparation through retirement.
- Request that the Department of Education evaluate the results of the distributed leadership pilot projects and report the results to the State Board of Education as well as develop policy recommendations, which support effective distributed leadership practices.
- Encourage the Department of Education to support the creation of teacher leadership programs that train, recognize and utilize teacher leaders at the state, district and school levels.
- Request that the Department of Education provides projections of anticipated demands for teachers and education leaders and recommends policy to insure there is an adequate supply in specific subject areas and geographic locations.

Ms. Casha stated that the prioritized information will be used to inform the future direction of the State Board and the department related to this topic.

Language Arts and Math Literacy

President Hyndman presented an update on the ongoing effort in the area of language arts/math literacy. President Hyndman stated that the Math Literacy Task Force report is still under review in the Governor's office. President Hyndman stated that the task force recommendations in concert with the requirements for New Jersey's participation in the American Diploma Project, the State Board will result in the State focusing on better preparation in mathematics for students beginning at earlier levels; higher levels of mathematics available to students taught at earlier levels; and better trained teachers.

Student Representative Selection Criteria

The State Board members discussed recommendations for a new process for selection of the nonvoting permanent student representative to the State Board of Education.

Retreat Wrap Ups and Next Steps

President Hyndman stated that each of the power point presentations provided during the retreat be emailed to the State Board office. He also stated that Vice President Casha, chair, Retreat committee will summarize the retreat for the public at the June 7, 2006 monthly public business meeting. He further stated that future work sessions should be devoted to the goals and objectives presented by the study groups at the retreat and that these work sessions should provide for the blending of the goals and objectives of both the State Board and the department.

ADJOURNMENT

On a motion duly seconded and carried, the State Board adjourned the May 4, 2006 Mid-Year State Board Policy Retreat at 4:00 p.m.

Lucille Davy, Acting Commissioner
Acting Secretary, State Board of Education