

**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**

**June 7, 2006**

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

**Secretary:** Isaac Bryant, Acting Commissioner

**PRESENT CONSTITUTING A QUORUM**

Mr. Arcelio Aponte  
Ms. Kathleen A. Dietz  
Ms. Josephine E. Figueras  
Mr. John A. Griffith  
Dr. Ernest Lepore  
Mr. Edward M. Taylor

**ABSENT**

Dr. Ronald K. Butcher  
Ms. Debra Casha  
Ms. Maud Dahme  
Rev. Frederick LaGarde, Jr.  
Dr. Thelma Napoleon-Smith

**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 June 7, 2006.

**ANNOUNCEMENTS**

President Hyndman stated that Isaac Bryant was serving as Acting Commissioner of Education in Lucille Davy's absence. As acting commissioner, Mr. Bryant served as Acting Secretary for the June 7, 2006 monthly public business meeting of the State Board of Education. Acting Commissioner Lucille Davy was absent due to her participation on a National Mathematics and Science Education Task Force sponsored by the Council of Chief State School Officers (CCSSO) in Washington D. C.

President Hyndman stated that this is the first paperless monthly public business meeting of the State Board of Education. He thanked Acting Commissioner Bryant and the State Board's staff for their efforts in establishing a paperless system of operations.

### **STUDENT SPEAKERS**

John Blakeslee, the 2006 State Board student representative and a sophomore from Holmdel High School (Monmouth County), introduced the student guest speaker.

Carly Lagrotteria, a student from Holmdel High School (Monmouth County), spoke to the State Board about random drug testing at her school.

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

### **INTRODUCTIONS**

Isaac Bryant, Acting Commissioner of Education, recognized David Livingston, Somerset County Superintendent of Schools, who represented the county superintendents. Mr. Livingston has served in this position since December 1997.

#### **Student Recognition Program**

The State Board recognized Brandon Holderbaum, Somerville High School (Somerset 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 Brandon for his outstanding accomplishments in academic and athletic programs and for service to his community.

On behalf of the State Board, President Hyndman congratulated Brandon on 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 May 3 and May 17, 2006. State Board members Arnold G. Hyndman, Ernest Lepore and Arcelio Aponte abstained from voting on the minutes of the May 17 meeting.

### **PRESIDENT'S REPORTS**

#### **Nominating Committee Report**

Josephine Figueras, member of the State Board Nominating Committee, announced the nominations for the State Board officers for 2006-2007. The committee nominated Arnold G. Hyndman for President and Debra Casha for Vice President. State Board member Arcelio Aponte was also nominated for Vice President. Debra Casha was also nominated for President.

#### **International Education Committee Report**

Kathleen Dietz, chair, International Education committee, stated that the level of interest and involvement of school districts in International Education is on the rise throughout the state. Ms.

Dietz provided copies of the spring issue of The Learning Language Journal and the World Languages Curriculum Handbook, a publication of the Association for the Supervision for Curriculum and Development to the State Board. Ms. Dietz stated that the World Languages Curriculum Handbook was co-authored by Janis Jensen, Coordinator of World Languages for the New Jersey Department of Education.

Ms. Dietz also stated that the Department has received a grant from the Longview Foundation to infuse International Education and cross-cultural awareness throughout the K-12 program. Ms. Dietz further stated that the grant will be implemented in collaboration with International Education and Resource Network (IEARN). Ms. Dietz stated that the grant will provide for professional development that will focus on the technical, collaborative and organizational skills needed to participate fully in global collaborative international learning based environments.

### **Bacon Report**

President Hyndman stated that the State Board of Education received from Acting Commissioner Davy, a report in response its January 4, 2006 decision and the Commissioner's request for a 90 day extension on February 1, 2006 regarding Bacon, et al. v. New Jersey Department of Education. The State Board recommended that the report be referred to the State Board Legal Committee for consideration. The State Board also directed the Legal Committee to report back to the full membership its findings relative to the report as well as any recommendations for additional action, if necessary.

### **Committee Appointment**

President Hyndman announced the appointment of State Board Member Thelma Napoleon-Smith to the State Board Legal Committee.

### **June Work Session and Public Testimony Session**

President Hyndman stated that the June work session will be held on June 21, 2006 at 1:00 p.m. at the Department of Education. The item for discussion will be the State Board of Education Priority Issues.

President Hyndman also stated that the June public testimony session will be held on June 21, 2006 at 3:00 p.m. The topics for consideration will be Amendments to *NJAC* 6A:14, Special Education, Amendments to *NJAC* 6A:23, Finance and Business Services and Amendments to *NJAC* 6A:16, Programs to Support Student Development.

## **COMMISSIONER'S REPORT**

### **NJ School Business Administrator of the Year**

Acting Commissioner Bryant presented Thomas Fanuka, the 2006 School Business Administrator of the Year. Mr. Fanuka, the business administrator for the Lumberton Township Public Schools, received the award from John Donahue, assistant executive director, New Jersey Association of School Business Officials (NJASBO).

A scholarship will be given in Mr. Fanuka's name to a secondary school student in the school district of his choice. President Hyndman and Acting Commissioner Bryant congratulated Mr. Fanuka on behalf of the State Board for being selected School Business Administrator of the Year.

**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. Annual Calendar of State Board Meeting Dates**

- Adopted the resolution for the annual calendar of the 2006-2007 meeting dates of the State Board of Education pertaining to *NJAC* 6A:1-2.2, pursuant to *NJSA* 18A:4-7 and 10:4-6 et seq.

**RESOLUTION**  
**ANNUAL CALENDAR OF STATE BOARD MEETING DATES**

**WHEREAS, N.J.S.A. 18A:4-7 states that, the State Board of Education shall hold public meetings at least once each month at such times as its rules may prescribe and at such other times and such places within the state as in its judgment may be necessary, but no meeting may commence later than 8:00 p.m.; and**

**WHEREAS, N.J.A.C. 6A:1-2.2 requires that such meetings be held at such time, place, and on such dates as established by the State Board, pursuant to N.J.S.A. 10:4-6 et seq., Open Public Meetings Act, and notice of such meetings shall be made in a manner consistent with the law; now therefore be it**

**RESOLVED, that the State Board establishes the following dates for its monthly business meetings and public hearings for the 2005-2006 school year, and directs that a copy of the dates be sent to the Governor, the Secretary of State, the news media, the county superintendents, and the state board agenda subscribers.**

**PUBLIC BUSINESS MEETINGS 2006-2007:**

|             |            |         |
|-------------|------------|---------|
| July 5      | November 1 | March 7 |
| August 2    | December 6 | April 4 |
| September 6 | January 3  | May 2   |
| October 4   | February 7 | June 6  |

**PUBLIC WORK SESSIONS 2006-2007:**

|         |             |          |
|---------|-------------|----------|
| July 19 | November 15 | March 21 |
|---------|-------------|----------|

August 16  
September 20  
October 18

December 20  
January 17  
February 21

April 18  
May 16  
June 20

**PUBLIC HEARING SESSIONS 2006-2007:**

July 19  
August 16  
September 20\*  
October 18

November 15  
December 20  
January 17\*  
February 21

March 21  
April 18  
May 16\*  
June 20

\*Open Topic Sessions

Members of the public may reserve time to speak at public hearing sessions by calling the State Board of Education Office by noon on the Friday before the public hearing session at (609) 292-0739.

Notice of changes in the above will be made in compliance with the requirements of the Open Public Meetings Act.

**D. Controversies and Disputes**

- Adopted 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.

**\*E. Educational Facilities**

- Discussed the readoption of rules pertaining to Educational Facilities proposed at *NJAC* 6A:26 pursuant to P.L. 2000 c. 72; *NJSA* 18A:1-1, 18A:4-15; 18A:6-9; 18A:6-27, 18A:7A-11; 18A:7A-46.1 et seq.; 18A:7f-34; 18A:7G-1 through 13, 15, 20, 26, and 31 through 37; 18A:18A-16, 18, 36 and 39; 18A:17-49 et seq.; 18A:20-1.1 et seq.; 18A:20-4.2; 18A:20-36; 18A:21-1 through 5; 18A:22-18 through 20; 18A:22-27 through 30 and 39; 18A:24-1 et seq.; 18A:33-1 seq.; 18A:46-1 et seq.; 18A:54-21; 18A:55-2; 40:55D-31; 47:1A et seq.; 52:27D-130; 18A:76-15.

**\*F. Comprehensive Maintenance Plans**

- Discussed the readoption of rules pertaining to Comprehensive Maintenance Plans proposed at *NJAC* 6A:26A pursuant to *NJSA* 18A:7G-1

## **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 and John A. Griffith.

### **IN THE MATTER OF THE GRANT OF THE CHARTER SCHOOL APPLICATION OF THE BERGEN ARTS AND SCIENCE CHARTER SCHOOL, BERGEN COUNTY, STATE BOARD DOCKET #5-06**

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The State Board of Education voted unanimously to dismiss the appeal in this matter for failure to perfect. *NJAC 6A:4-1.12(a)*.

### **IN THE MATTER OF THE NONRENEWAL OF THE CHARTER OF THE GATEWAY CHARTER SCHOOL, HUDSON COUNTY, STATE BOARD DOCKET #4-06**

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The State Board of Education granted the motion filed by the Acting Commissioner of Education to participate in this matter. Arcelio Aponte abstained.

### **BOARD OF EDUCATION OF THE TOWNSHIP OF HAMILTON, MERCER COUNTY V. CHRISTINE APPLIGATE AND BARBARA ZIMMERMAN, STATE BOARD DOCKET #55-05**

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This matter had its origins in September 2004 when the district board determined that minor children A.A., N.A. and J.A. were not domiciled in the district and therefore not entitled to a free public education in the district's schools. The district board filed a petition with the Commissioner of Education against the appellants, the mother and grandmother of the children, seeking tuition for the period of the children's attendance. After the appellants failed to appear at a hearing scheduled in the Office of Administrative Law, the Acting Commissioner directed them to pay tuition to the district board in the amount of \$22,499.

The appellants filed an appeal to the State Board of Education and also filed a motion to supplement the record with documents purporting to show that the children were residing in the district. The State Board voted unanimously to grant the appellants' motion to supplement the record, set aside the Acting Commissioner's decision and, in the interests of justice, remand this matter to the Acting Commissioner for such expedited proceedings as are necessary to determine the merits of the district board's petition. Taking into consideration the appellants' status as pro se litigants and the circumstances presented on appeal, the State Board concluded that the appellants had offered sufficient justification for providing them with the opportunity to present a defense to the district board's claim.

### **IN THE MATTER OF THE SUSPENSION OF SHARON KIGHT FROM THE BRICK TOWNSHIP BOARD OF EDUCATION, OCEAN COUNTY, PURSUANT TO *NJSA 18A:12-29(c)*, STATE BOARD DOCKET #10-06**

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The State Board of Education voted unanimously to grant the motions filed by the School Ethics Commission and the Acting Commissioner of Education to participate in this matter.

IN THE MATTER OF THE REPRIMAND OF DIANA LOBOSCO PURSUANT TO *NJSA* 18A:12-29(c), PASSAIC COUNTY EDUCATIONAL SERVICES COMMISSION, PASSAIC COUNTY, STATE BOARD DOCKET #6-06

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The State Board of Education granted the motion filed by the School Ethics Commission and the Acting Commissioner of Education to participate in this matter. Josephine E. Figueras abstained.

BOARD OF EDUCATION OF THE TOWNSHIP OF NEPTUNE, MONMOUTH COUNTY V. NEW JERSEY STATE DEPARTMENT OF EDUCATION, DIVISION OF FINANCE, STATE BOARD DOCKET #17-06

and

BOARD OF EDUCATION OF THE TOWNSHIP OF NEPTUNE, MONMOUTH COUNTY V. NEW JERSEY STATE DEPARTMENT OF EDUCATION, DIVISION OF FINANCE, AND NEW JERSEY STATE DEPARTMENT OF HUMAN SERVICES, DIVISION OF YOUTH AND FAMILY SERVICES, STATE BOARD DOCKET #50-05

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The State Board of Education voted unanimously to grant the district board's motion to consolidate these matters.

ANGELO N. RAIMONDI V. BOARD OF EDUCATION OF THE WESTWOOD REGIONAL SCHOOL DISTRICT, BERGEN COUNTY, STATE BOARD DOCKET #3-06

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The appellant, who had been employed by the regional board as board secretary and school business administrator until he resigned effective July 1, 2004, filed a petition with the Commissioner of Education claiming that the regional board had failed to comply with the requirements of *NJSA* 18A:17-24.1 before it entered into an interlocal services agreement with the Bergen County Vocational School District for the period from July 1, 2004 through June 30, 2006 for the provision of business administrator services. The appellant argued that he was entitled to employment as school business administrator by virtue of his tenure and seniority rights and that his resignation had been forced on him by the regional board's decision to eliminate his position in favor of the interlocal services agreement.

The Acting Commissioner of Education dismissed the petition, concluding that the regional board's action was governed by the Interlocal Services Act, *NJSA* 40:8A-1 *et seq.*, which sets forth the process for subcontracting for the services of a business administrator, and not by *NJSA* 18A:17-24.1 *et seq.*, which governs the sharing of a school business administrator by two or more districts. The Acting Commissioner observed that it was undisputed that the regional board had entered into an agreement with the vocational school district for the purpose of subcontracting for the services it required. As a result, the regional board was not required to comply with the requirements of *NJSA* 18A:17-24.1 *et seq.* Finally, the Acting Commissioner found that the appellant had not been pressured or coerced into resigning from his position. Since he had ended his employment relationship with the regional board by voluntarily tendering his resignation, the appellant had relinquished any rights he may have had and there was no basis upon which relief could be granted with respect to the other claims raised in his petition. The State Board of Education voted unanimously to affirm the decision of the Acting Commissioner.

IN THE MATTER OF THE CERTIFICATES OF THEODORE WURSTER, STATE BOARD  
DOCKET #18-06

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The respondent filed a motion for leave to appeal an interlocutory decision of the State Board of Examiners, seeking a stay of proceedings that were initiated against him in November 2005 when the Board of Examiners issued an order to show cause as to why his teaching certificates should not be revoked or suspended. The respondent sought a stay of the proceedings before the Board of Examiners until resolution of tenure charges that had been certified against him in May 2005 and which had been transmitted by the Acting Commissioner of Education to the Office of Administrative Law for a hearing.

The State Board of Education voted unanimously to grant the respondent's motion, stay the proceedings before the State Board of Examiners and direct the Board of Examiners to transmit the matter to the Office of Administrative Law for consolidation with the pending tenure proceedings. Observing that the allegations against the respondent in the show cause order arose from the same conduct being adjudicated in the tenure proceedings, the State Board concluded that the Board of Examiners should refrain from exercising its jurisdiction to revoke or suspend the respondent's certificates until the tenure charges were fully adjudicated and the Commissioner had rendered a final decision with respect to those charges. The State Board stressed that the respondent was entitled to the same degree of due process when his ability to practice his profession was at risk as he was being accorded when his employment by a specific district board was at issue.

**ADJOURNMENT**

On a motion duly seconded and carried the State Board of Education adjourned its June 7, 2006 public meeting at 12:30 p.m.

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Isaac Bryant, Acting Commissioner  
Acting Secretary, NJ State Board of Education