

**New Jersey State Board of Education
Minutes of the Public Work Session
in the Conference Room on the First Floor,
100 River View Executive Plaza
Trenton, NJ**

September 20, 2006

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

Secretary: Lucille E. Davy, Acting Commissioner

PRESENT CONSTITUTING A QUORUM:

Mr. Arcelio Aponte
Dr. Ronald Butcher
Ms. Debra Casha
Ms. Kathleen A. Dietz
Ms. Josephine E. Hernandez
Rev. Frederick LaGarde, Jr.
Dr. Thelma Napoleon-Smith
Mr. Edward M. Taylor

ABSENT:

Ms. Maud Dahme
Dr. Ernest Lepore

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 Wednesday, September 20, 2006.

ITEMS FOR CONSIDERATION

**Items scheduled for a vote are marked with an asterisk.*

***A. Legal Case**

On motion duly seconded and carried, a decision in the following case was adopted by the board as presented by legal committee member Josephine E. Hernandez, chairperson.

IN THE MATTER OF THE REFUSAL TO GRANT FINAL APPROVAL TO THE CHARTER SCHOOL APPLICATION OF THE BENCHMARK ACADEMY CHARTER HIGH SCHOOL, ATLANTIC COUNTY, STATE BOARD DOCKET #35-06

On January 13, 2006, the Acting Commissioner of Education granted contingent approval to the proposed Benchmark Academy Charter High School to operate a charter school commencing in the 2006-07 school year. The Acting Commissioner notified Benchmark that a charter would be granted once all required documentation was received and approved. However, on August 31, 2006, the Acting Commissioner notified Benchmark that, upon review of the documents submitted, she had determined that it was not in compliance with the Charter School Program Act of 1995, the implementing regulations and the Department of Education's policies and procedures. She therefore denied it final approval to operate a charter school.

The State Board of Education voted to reverse the decision of the Acting Commissioner and to direct the issuance of a charter to Benchmark. Based upon its review of the record and the papers filed on appeal, including additional information provided by the Acting Commissioner and the proposed school, the State Board was satisfied that Benchmark had met the contingencies established in the Acting Commissioner's letter of January 13, 2006 and had demonstrated its capability to operate a charter school in the 2006-07 school year. The State Board concluded that Benchmark was capable of operating consistently with the Charter School Program Act of 1995 and the implementing regulations, and it found no grounds for denying final approval of a charter. In this respect, the State Board found that the current enrollment and budgetary information provided by the proposed school demonstrated that it would be able to operate in a fiscally responsible manner. State Board member Kathleen Dietz abstained.

ITEM FOR DISCUSSION:

B. Reading First Grant Update

Linda Morse, acting director, Office of Academic Programs and Standards and Maryann Capetola, director, Office of Reading First provided a report of New Jersey's efforts to implement the federally funded Reading First Grant, a focused nationwide effort to enable all students to become successful early readers

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its September 20, 2006 public work session at 2:45 p.m.

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

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