

**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**

**October 4, 2006**

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

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

**PRESENT CONSTITUTING A QUORUM**

Mr. Arcelio Aponte  
Dr. Ronald K. Butcher  
Ms. Debra Casha  
Ms. Maud Dahme  
Ms. Kathleen A. Dietz  
Ms. Josephine E. Hernandez  
Dr. Ernest Lepore  
Dr. Thelma Napoleon-Smith  
Mr. Edward M. Taylor

**ABSENT**

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 October 4, 2006.

**STUDENT SPEAKERS**

Commissioner Davy recognized John Blakeslee, the 2006 State Board student representative and a junior from Holmdel High School (Monmouth County).

## **INTRODUCTIONS**

Acting Commissioner Davy recognized Frank Dragotta, interim Hunterdon County Superintendent of Schools, who represented the county superintendents. Mr. Dragotta has served in this position since April 2003.

### **Student Recognition Program**

The State Board recognized Kelsey Von Tish, Hunterdon Central Regional High School (Hunterdon 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 Kelsey for her outstanding accomplishments in academic programs and for service to her community.

On behalf of the State Board, President Hyndman congratulated Kelsey 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 meeting conducted on September 6, and September 20, 2006 and on September 13 as amended below. State Board members Maud Dahme, Josephine Hernandez and Thelma Napoleon-Smith abstained from voting on the minutes of the September 6 meeting. State Board members Maud Dahme, Kathleen Dietz and Edward Taylor abstained from voting on the minutes of the September 13 meeting as amended below. State Board members Maud Dahme and Ernest Lepore abstained from voting on the minutes of the September 20 meeting.

The heading for the minutes of the special meeting held on September 13 was amended as follows:

**New Jersey State Board of Education  
Minutes of the Special Meeting via teleconference  
in the Conference Room on the First Floor,  
100 River View Executive Plaza  
Trenton, NJ  
September 13, 2006**

## **PRESIDENT'S REPORTS**

### **October Work Session and Public Testimony Session**

President Hyndman stated that the October work session will be held on October 18, 2006 at 1:00 p.m. at the Department of Education. The items for discussion will be the Office of Licensure and Credentials Matrix and the Art Survey.

President Hyndman also stated that the October public testimony session will be held on October 18, 2006 at 3:00 p.m. The topics for consideration will be the Readoption of *NJAC* 6A:26, Educational Facilities and the Readoption of *NJAC* 6A:26A, Comprehensive Maintenance Plans.

## **State Board of Education Policy Retreat**

President Hyndman stated that the State Board of Education would begin its annual policy retreat following the October 4, 2006 monthly public meeting at the New Jersey Department of Education in the first floor conference room. President Hyndman also stated that the retreat would resume on October 5, 2006 at the Trenton Marriott at Lafayette Yard in Trenton, New Jersey. President Hyndman further stated that the State Board would be discussing its roles and responsibilities, educational priorities and state board operations.

## **COMMISSIONER'S REPORTS**

### **New Jersey Teacher of the Year**

Acting Commissioner Davy stated that Karen Ginty, a kindergarten teacher for 33 years at the Monmouth Beach Elementary School in Monmouth Beach, was named the 2006-07 New Jersey State Teacher of the Year. Acting Commissioner Davy also stated that as State Teacher of the Year, Ms. Ginty will receive a half-year sabbatical, sponsored by the Educational Testing Service, and a new car provided by the New Jersey Education Association and the Saturn Retailers of New Jersey. Acting Commissioner Davy further stated that the 2006-2007 State Teacher of the Year was selected from the list of County Teachers of the Year.

### **New Jersey Principals of the Year**

Acting Commissioner Davy stated that two principals were named Principals of the Year: Dr. Matthew Murphy of the Westwood Regional School District and Mr. Robert Roggenstein of the Jersey City School District. She further stated that each principal will receive a \$1,000 personal award from the New Jersey Principals and Supervisors Association and a \$5,000 award that may be used to leverage school-based improvements or to support professional development opportunities for the recipient or other district staff members.

On behalf of the State Board of Education, President Hyndman congratulated the Teacher of the Year and the Principals 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**

- Certified for a period of seven years the following school 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>Atlantic County</b>	<b>Ocean County</b>
Egg Harbor City	Island Heights
<b>Morris County</b>	<b>Warren County</b>
Dover	Warren County Vocational

Also, certified for a period of one year with conditions, the Clifton School District in Passaic County 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*.

**C. State Board of Examiners**

- Adopted the resolution approving the appointments to the State Board of Examiners in accordance with *NJSA 18A:6-34* and *35*.

**RESOLUTION  
STATE BOARD OF EXAMINERS**

**WHEREAS**, pursuant to N.J.S.A. 18A:6-38, the State Board of Examiners is responsible for issuing, revoking and suspending educational certificates under rules prescribed by the State Board of Education; and

**WHEREAS**, pursuant to N.J.S.A. 18A:6-34, members of the State Board of Examiners are appointed by the Commissioner of Education with the approval of the State Board of Education; and

**WHEREAS**, the Commissioner, after consulting with members of the education community, has recommended the appointment of the following individual; and

**WHEREAS**, the individual recommended has an established reputation for distinguished service; now, therefore, be it

**RESOLVED**, that the State Board of Education hereby approves the appointment to the State Board of Examiners, for a term of one year, to fill an unexpired term of office, of the following person:

Michael Kruczek  
Teacher

**D. Charter Schools**

- Discussed the regulations pertaining to Charter Schools proposed for re Adoption with amendments at *NJAC 6A:11*, pursuant to *NJSA 18A:36A-1* et seq., specifically *18A:36A-18*.

## **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 Arcelio Aponte and Josephine E. Hernandez, chairperson.

### **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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The State Board of Examiners suspended the teaching certifications of the appellant for two years for unbecoming conduct. The appellant, who co-owned a preschool, had agreed to the request of a part-time employee of the school to have her salary payments made to her son, who performed maintenance, custodial and computer duties for the school, since she was concerned that income she received could disqualify her from receiving the social security benefits of her husband, who had recently died after a lengthy illness. The Board of Examiners concluded that the appellant's behavior violated the standard of conduct expected of a certificate holder, observing that, however well-intentioned the appellant may have been, her actions were dishonest and misleading even if they were designed to help a friend.

The State Board of Education agreed with the State Board of Examiners that the appellant's behavior violated the standard of conduct expected of a certificate holder and that suspension of her teaching certifications was warranted. However, upon review of the record and recent decisions by the Board of Examiners, the State Board voted unanimously to modify the penalty, concluding that a two-year suspension of the appellant's certificates was unduly harsh and that a one-year suspension was appropriate under the circumstances.

### **IN THE MATTER OF THE TENURE HEARING OF DARLENE DONAHUE, SCHOOL DISTRICT OF PEMBERTON AND DARLENE DONAHUE V. BOARD OF EDUCATION OF THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY, STATE BOARD DOCKET #25-06**

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The State Board of Education voted unanimously to affirm the decision of the Acting Commissioner of Education to dismiss the appellant from her tenured employment as a librarian/media specialist for unbecoming conduct. The State Board agreed that the district board had demonstrated the truthfulness of tenure charges alleging that the appellant had knowingly used a school computer to access pornographic websites during school hours and that such conduct was sufficiently flagrant to warrant her dismissal. State Board member Thelma Napoleon-Smith recused herself from the deliberations in this matter.

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

The State Board of Education voted unanimously to affirm the decision of the Acting Commissioner of Education not to renew the charter of the Gateway Charter School as the result of numerous deficiencies related to programmatic and fiscal problems. State Board member Arcelio Aponte recused himself from the deliberations in this matter.

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

The State Board of Education voted unanimously to affirm the decision of the School Ethics Commission that the appellant had violated the School Ethics Act when, as president of the Passaic County Educational Services Commission Board of Directors, she had voted to award a contract to the Passaic County Technical Institute, where she was employed as the superintendent. The State Board also affirmed the decision of the Acting Commissioner of Education that the appropriate sanction under the circumstances was a reprimand. State Board member Josephine E. Hernandez recused herself from the deliberations in this matter.

IN THE MATTER OF THE TENURE HEARING OF RALPH McCULLOUGH, SCHOOL DISTRICT OF THE CITY OF TRENTON, MERCER COUNTY, STATE BOARD DOCKET #12-06

The State Board of Education voted unanimously to deny the appellant's motion to supplement the record on appeal with an audio tape containing testimony from a previous tenure hearing. N.J.A.C. 6A:4-1.9(b). State Board member Thelma Napoleon-Smith recused herself from the deliberations in this matter.

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 AND 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 (consolidated)

Z.S., a student residing in Neptune, was adjudicated delinquent by a Family Court judge and placed on three years' probation conditioned on completion of a program to be recommended by the Central Regional Assessment Program. After the recommendation was made that Z.S. attend a program at the KidsPeace Center in Pennsylvania, the Judge ordered that Z.S. be placed into the care, custody and supervision of the Division of Youth and Family Services (DYFS) in the Department of Human Services for placement in KidsPeace. The Department of Education thereafter determined that the Neptune board was responsible for the educational costs involved in Z.S.'s placement in KidsPeace since Neptune was his district of residence.

The Neptune board challenged that determination in a petition filed with the Commissioner of Education against the Department of Education and DYFS. In an interlocutory decision affirmed by the Acting Commissioner, the Administrative Law Judge (ALJ) dismissed DYFS as a party to

the case, stressing that the Neptune board's challenge to the Department of Education's determination of Z.S.'s district of residence did not involve DYFS. On the merits of the case, the Acting Commissioner adopted the ALJ's recommendation and dismissed the petition. The ALJ stressed that since the placement at issue was directed by a Family Court judge, the Commissioner of Education could not undertake to review the propriety of that placement, which was part of a probationary sentence. Moreover, since there was no dispute that Neptune was Z.S.'s district of residence, the Neptune board was responsible for the educational costs of Z.S.'s placement in KidsPeace under N.J.S.A. 18A:7B-12(b). The Acting Commissioner agreed with the ALJ that she did not have jurisdiction to review or change the Family Court judge's order directing DYFS to place Z.S. at KidsPeace.

The State Board of Education voted unanimously to affirm the decision of the Acting Commissioner to dismiss the Neptune board's petition and, in so doing, also affirmed the interlocutory determination of the Acting Commissioner to dismiss DYFS as a party to this matter.

### **ADJOURNMENT**

On a motion duly seconded and carried the State Board of Education adjourned its October 4, 2006 public meeting at 12:20 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 October 4, 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 review its roles and responsibilities and evaluate its internal operations. He also stated that this retreat will include a discussion with the department on the implementation of the State Board strategic plan and priorities. The Retreat Committee was chaired by Arcelio Aponte with Debra Casha, Kathleen Dietz, Ernest Lepore and Thelma Napoleon-Smith as members. President Hyndman also welcomed the participants to the retreat.

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

### **State Board Roles and Responsibilities**

President Hyndman and Vice President Aponte lead a discussion of the roles and responsibilities of the State Board of Education in order to clarify the State Board's role in relation to the Department of Education.

State Board member Edward Taylor led a discussion of the State Board's role in the state-operated school districts with assistance from Chief of Staff Penelope Lattimer.

President Hyndman stated that he would use this discussion to formulate a draft recommendation regarding a visit to the state-operated school districts to share with the President's Advisory committee. President Hyndman also stated that he would share the draft recommendation of the President's Advisory committee with acting Commissioner Davy. President Hyndman further stated that he would share the final recommendation with the State Board.

### **RECESS**

President Hyndman stated that the Annual State Board Policy Retreat would continue at the Trenton Marriott at Lafayette Yard, 1 West Lafayette Street, Trenton, NJ 08608 at 1:00 p.m. President Hyndman then recessed the public meeting until the following morning.

### **CONVENING**

### **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 retreat 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.

**State Board Priorities**

Jay Doolan, acting assistant commissioner, Division of Educational Programs and Assessment provided an update on the implementation of the State Board's strategic plan and educational priorities in order to determine a framework for developing a future strategic plan. The presentation highlighted the progress made by the department in the following eight areas: Quality Teachers and School Leaders, Teacher Preparation and Professional Development, Language Arts and Mathematics Literacy, Literacy, Statewide Assessments, International Education, Exemplary Educational Practices and Career and Technical Education.

**ADJOURNMENT**

On a motion duly seconded and carried, the State Board adjourned the October 5, 2006 Annual State Board Policy Retreat at 3:40 p.m.

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