

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

January 3, 2007

Presiding: Arnold G. Hyndman, President

Secretary: Lucille E. Davy, Commissioner

PRESENT CONSTITUTING A QUORUM

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

ABSENT

Rev. Frederick LaGarde, Jr.
Dr. Ernest Lepore

CONVENING

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

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

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

RESOLVED, that by adopting this resolution the State Board of Education states its intention to convene a public meeting to conduct the state's business on January 3, 2007.

STUDENT SPEAKERS

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

Jose Tavarez, a student from Met East High School (Camden County), spoke to the State Board about the benefits of attending his school and its physical location for the upcoming school year.

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

INTRODUCTIONS

Commissioner Davy recognized Dr. Patrick Piegari, Middlesex County Superintendent of Schools, who represented the county superintendents. Dr. Piegari has served in this position since November 2002.

Student Recognition Program

The State Board recognized Kimberly Lin and Joyce Holowatch, Academy for Science, Mathematics and Engineering Technologies (Middlesex 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 Kimberly and Joyce for their outstanding leadership and academic excellence.

On behalf of the State Board, President Hyndman congratulated Kimberly and Joyce on their 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 December 6, 2006, and the minutes of the meeting conducted on December 20, 2006 as amended. State Board member Debra Casha requested that the resolution adopted by the State Board on December 20, 2007 be included in the December 20, 2006 minutes. State Board members Maud Dahme abstained from voting on the minutes of the December 20, 2006 meeting.

PRESIDENT'S REPORTS

January Work Session and Public Testimony Session

President Hyndman stated that the January work session will be held on January 17, 2007 at 1:00 p.m. at the Jersey City Public School District, 346 Claremont St., Jersey City, NJ. The item for discussion will be an Overview of the State Operated School District of Jersey City.

President Hyndman also stated that the January public testimony session is cancelled. However, the State Board and Department will accept written comment on the State Board's Rulemaking code.

Resolution for School Boards Recognition Month

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

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

RESOLUTION FOR SCHOOL BOARD RECOGNITION MONTH

WHEREAS, New Jersey's public schools serve 1.4 million children in pre-kindergarten through 12th grade; and

WHEREAS, the Core Curriculum Content Standards instituted by the New Jersey State Board of Education set rigorous expectations of academic achievement for all New Jersey students; and

WHEREAS, New Jersey's 4,800 non-partisan local board of education members work tirelessly and without remuneration to meet those standards by dedicating their time to the oversight of school district operations, sound finances, comprehensive policies, curriculum and staffing; and

WHEREAS, the efforts of local boards of education have contributed to New Jersey's status as a leader in academic quality, including benchmarks of success such as high school graduation rates, National Assessment of Educational Progress scores, teacher-to-student ratios, and college preparation through advanced-placement offerings and SAT assessments; and

WHEREAS, the National School Boards Association and the New Jersey School Boards Association have declared January 2007 to be School Board Recognition Month; now, therefore, be it

RESOLVED, that the New Jersey State Board of Education recognizes the contributions of our state's local boards of education to the academic success of its public school students and expresses its sincerest appreciation to local school board members for their focus on the well-being and achievement of children throughout the state; and be it further

RESOLVED, that the New Jersey State Board of Education encourages qualified New Jersey citizens to consider serving as members on their local boards of education.

COMMISSIONER'S REPORTS

Hurricane Education Recovery Act (HERA) Grant

Commissioner Davy stated that on December 30, 2005, Congress passed the *Hurricane Education Recovery Act (HERA)* that acknowledged the devastating impact of Hurricanes Katrina and Rita on displaced students, their families and the public and nonpublic schools outside those impacted areas that enrolled these students. Commissioner Davy also stated that this Act authorized one-time only emergency funding through the United States Department of Education for the 2005-2006 school year earmarked for three purposes: (1) immediate aid to restart school operations; (2) assistance for homeless youth; and (3) temporary emergency impact aid for displaced students. The latter two funding programs pertained to New Jersey.

Commissioner Davy further stated that the *HERA* program was launched in January of 2006 with a letter to the Chief School Administrators of both the public and nonpublic schools as well as the Charter School Lead Persons announcing the availability of the relief and providing instructions for application. School districts in 20 of the 21 counties in the state applied for

assistance by the January 26, 2006 submission deadline, and the applications encompassed a total of 128 districts serving 265 eligible students.

Commissioner Davy stated that students flowed in and out of New Jersey school districts the entire academic year, and by the end of the program cycle in June 2006, a total of 379 students had been served. The majority of the students (346) were served in public schools (318 regular education, 28 special education), with another 33 served in the nonpublic schools (32 regular education, 1 special education).

Commissioner Davy also stated that New Jersey's federal award for the *HERA* program totaled a little over \$1.4 million while allotting \$1,500 per student for those without disabilities, and \$1,875 per student for those with disabilities. Commissioner Davy further stated that to help defer the administrative costs incurred by the state education agencies (SEAs), federal guidelines permitted the allocation of up to 1% of the award amount for administrative costs at the SEA level. In addition, as an SEA that has a homeless reimbursement program in place, the NJDOE was permitted to retain a proportionate share of the per student allocation as state aid reimbursement for a total of approximately \$890,000. Commissioner Davy stated that the remaining *HERA* funds in the amount of approximately \$525,000 were issued to the school districts, with subsequent state aid payments made to them at the end of the academic year.

Commissioner Davy also stated that the department is now moving forward with the development of final reporting guidelines for the school districts and monitoring mechanisms to be used by the department to ensure compliance with the federal funding parameters of the program.

New Jersey Quality Single Accountability Continuum

Commissioner Davy stated that

Commissioner Davy stated that the Legislature adopted amendments to the current state monitoring law. The amended bill provides the Commissioner of Education with the authority to adopt rules to implement NJQSAC in an expedited manner for a period of one year. The Commissioner also stated that the amendments give the department 120 days rather than 45 days to conduct school district evaluations. The Commissioner further stated that the department is in the process of revising the regulations to reflect the current statutory amendments. The Commissioner stated that the State Board will be provided with an opportunity to review and comment on the proposed regulations before they are filed with the Office of Administrative Law. The Commissioner also stated that State Board members should send their comments to the State Board Office to be compiled.

The statutory amendments also authorize the Commissioner to adopt rules and regulations in accordance with the Administrative Procedure Act for the next 24-month period. The Commissioner stated that this process will be accomplished collaboratively with the State Board members and educational community.

Quality Counts 2007

Commissioner Davy stated that Education Week has released its annual report *Quality Counts 2007: From Cradle to Career* which tracks state progress on K-12 standards, assessments and

accountability systems. Commissioner Davy also stated that New Jersey's commitment to preschool is reflected positively in the report.

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 the Boonton School Districts in Morris County for a period of seven years 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*. State Board member Debra Casha abstained.

C. Professional Teaching Standards Board

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

RESOLUTION

PROFESSIONAL TEACHING STANDARDS BOARD

WHEREAS, the State Board of Education has adopted regulations that require continuing professional development for all active teachers and education services personnel; and

WHEREAS, the regulations establish the creation of a Professional Teaching Standards Board to ensure that required continuing education experiences are challenging and meaningful to teachers and relevant to the tasks of enabling students to achieve the Core Curriculum Content Standards; and

WHEREAS, members of the Professional Teaching Standards Board are appointed by the Commissioner of Education with the approval of the State Board of Education pursuant to N.J.A.C. 6A:9-15.3(b)1; and

WHEREAS, five teacher representatives and one district administrator representative from the Professional Teaching Standards Board have retired and new members will be asked to serve; and

WHEREAS, five current members of the board have requested reappointment to the board; and

WHEREAS, the Commissioner, after consulting with members of the New Jersey Education Association and the New Jersey Principals and Supervisors Association, has recommended the appointment of Eileen Gilbert, teacher; Kimberly Tucker, teacher; Joseph Coppola, Jr., teacher; Geraldine Headley, teacher; Ronald Schott, teacher; and Sarah Lucille Jones, school district principal; and

WHEREAS; the Commissioner has recommended the reappointment of Joyce Albrecht, Carol Brown, Debra Jennings, Janet Parmelee, and Laura Strauber; and now therefore be it

RESOLVED, that the State Board of Education hereby approves the appointment of Eileen Gilbert, Kimberly Tucker, Joseph Coppola, Jr., Geraldine Headley, Ronald Schott, and Sarah Lucille Jones and the reappointment of Joyce Albrecht, Carol Brown, Debra Jennings, Janet Parmelee, and Laura Strauber to the Professional Teaching Standards Board for a two-year term beginning January 3, 2007 and ending December 31, 2008.

***D. Charter Schools**

- Approved for publication in the New Jersey Register the regulations pertaining to Charter Schools proposed for readoption with amendments at NJAC 6A:11, pursuant to NJSA 18A:36A-1 et seq., specifically 18A:36A-18.

***E. Programs to Support Student Development**

- Approved for publication in the New Jersey Register the regulations pertaining to Programs to Support Student Development proposed for amendments at NJAC 6A:16, pursuant to NJSA 18A:4-15, and NJSA 18A:36-25. State Board member Maud Dahme opposed.

F. State Board Rulemaking

- Discussed the regulations pertaining to the proposed readoption with amendments of the State Board Rulemaking proposed at NJAC 6A:6, pursuant to NJSA 18A:4-15 and 52:14B-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 Arcelio Aponte, Thelma Napoleon-Smith, and Josephine E. Hernandez, chairperson.

CEREBRAL PALSY LEAGUE, INC. V. NEW JERSEY DEPARTMENT OF EDUCATION,
STATE BOARD DOCKET #40-06

The State Board of Education voted unanimously to dismiss the appeal in this matter for failure to file notice thereof within the statutory time limit.

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 affirmed the decision of the Commissioner of Education to dismiss the respondent, a tenured custodial employee, from his tenured position for unbecoming conduct. The State Board agreed that the district board of education had demonstrated the truthfulness of the charges – which alleged that the respondent had been rude, abusive and threatening at a staff meeting – by a preponderance of the credible evidence and that dismissal of the respondent from his tenured employment was the appropriate penalty under the circumstances. State Board member Thelma Napoleon-Smith recused herself from the deliberations in this matter.

IN THE MATTER OF THE TENURE HEARING OF ADELPHIA POSTON, SCHOOL
DISTRICT OF THE CITY OF ORANGE TOWNSHIP, ESSEX COUNTY, STATE BOARD
DOCKET #44-06

This matter was withdrawn from the agenda.

T.F.S. AND C.S., on behalf of minor child, J.R.S. V. BOARD OF EDUCATION OF THE
TOWNSHIP OF SOUTH BRUNSWICK, MIDDLESEX COUNTY, AND DR. SAMUEL
STEWART, SUPERINTENDENT, STATE BOARD DOCKET #36-06

The State Board of Education voted unanimously to deny the appellants' motion to supplement the record on appeal. N.J.A.C. 6A:4-1.9(b).

IN THE MATTER OF THE REVOCATION OF THE TEACHING CERTIFICATES OF
JO'ANN TROUBLEFIELD BY THE STATE BOARD OF EXAMINERS, STATE BOARD
DOCKET #21-06

The State Board of Examiners had revoked the certification of the appellant, a teaching staff member, as a result of several incidents involving the methods she used in disciplining students. The State Board of Education reversed the decision of the State Board of Examiners and reinstated the appellant's certificates. The State Board concluded that, even if the allegations were demonstrated, the conduct alleged did not rise to a level warranting the suspension or revocation of the appellant's certifications so as to preclude her from serving as a teacher in any district in the State on either a temporary or permanent basis. State Board members Maud Dahme and Kathleen Dietz opposed.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its January 3, 2007 public meeting at 2:30 p.m.

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