

**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**

February 7, 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. Ernest Lepore
Dr. Thelma Napoleon-Smith
Mr. Edward M. Taylor

ABSENT

Mr. Arcelio Aponte
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 February 7, 2007.

STUDENT SPEAKERS

John Blakeslee, the 2006 State Board student representative and a junior from Holmdel High School (Monmouth County) gave his final presentation to the State Board. He thanked the State Board for the opportunity to serve as the 2006 State Board student representative. He stated that his interaction with the State Board has been a valuable experience. He also expressed his appreciation to the State Board in supporting him in his role as the State Board student representative.

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

INTRODUCTIONS

Commissioner Davy recognized Dr. Walther Keiss, Burlington County Superintendent of Schools, who represented the county superintendents. Dr. Keiss has served in this position since May 2000.

Student Recognition Program

The State Board recognized Esther Tetrushvily, Cherokee High School (Burlington 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 Esther for her outstanding achievements and academic excellence.

On behalf of the State Board, President Hyndman congratulated Esther 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 January 3, 2007 as amended below.

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.

On a motion duly seconded and carried, the State Board members approved the minutes of the meeting conducted on January 17, 2007. State Board member Thelma Napoleon-Smith abstained.

PRESIDENT'S REPORTS

February Work Session and Public Testimony Session

President Hyndman stated that the February work session will be held on February 21, 2007 at 1:00 p.m. at the Department of Education. The items for discussion will be the Civics Study Group/Rutger's Center for Law Related Education-Report and a Wellness and Nutrition Presentation.

President Hyndman also stated that the February public testimony session will be held on February 21, 2007 at 3:00 p.m. The topics for consideration will be amendments to *NJAC 6A:16*, Programs to Support Student Development and *NJAC 6A:11*, Charter Schools. Additionally, he stated that the February 21 public testimony session will be an open topic session.

Resolution for State Board Student Representative John Blakeslee

On behalf of the State Board, President Hyndman thanked John Blakeslee, for his outstanding job of representing the New Jersey Association of Student Councils as a nonvoting member on the State Board of Education for the past year. President Hyndman expressed his appreciation to John for his dedication and commitment to his position. President Hyndman wished John the best as he finished his high school years and presented him with a gift on behalf of the State Board members.

President Hyndman read the following resolution for John into the record. On a motion duly seconded and carried, the State Board unanimously approved the adoption of the resolution:

RESOLUTION FOR JOHN BLAKESLEE

WHEREAS, John Blakeslee, a student at Holmdel High School in Monmouth County, has served with dedication as the student representative to the New Jersey State Board of Education from March 2006 to February 2007; and

WHEREAS, John has performed his duties as the State Board's liaison to the student community with commitment and has been an excellent representative of both the New Jersey Association of Student Councils and Holmdel High School; and

WHEREAS, John participated in State Board meetings by making presentations which were articulate, thought-provoking, well-researched and a benefit to the State Board members; and

WHEREAS, John's school career demonstrates that he is an accomplished student of academics and his leadership activities and community services on the local and state level demonstrate that others have confidence in John and value his contributions; and

WHEREAS, John is a bright, outgoing young man who sets long range goals and pursues them with enthusiasm and commitment; now therefore be it

RESOLVED, that the members of the New Jersey State Board of Education and the Commissioner of Education, Lucille E. Davy, extend their sincere congratulations and appreciation to John Blakeslee for a job well done and be it further,

RESOLVED, that the New Jersey State Board of Education and the Commissioner of Education wish to acknowledge John Blakeslee's personal and academic excellence as well as his leadership qualities, and that they wish him continued success in his future endeavors.

COMMISSIONER'S REPORTS

State Assessment Results

Jay Doolan, acting assistant commissioner, Division of Educational Programs and Assessment, and Brian Robinson, director, Office of Evaluation and Assessment, provided a brief overview of the 2006 statewide assessment results. Dr. Doolan stated that the 2005-2006 year marked the first time that students in grades five through seven were assessed, in compliance with the No Child Left Behind Act of 2001. Dr. Doolan also stated that overall, Language Arts Literacy scores generally held steady or improved for New Jersey Assessment of Skills and Knowledge 3 (NJASK3), Grade Eight Proficiency Assessment, (GEPA), and High School Proficiency Assessment (HSPA) Additionally, math scores generally increased for NJASK 3 and 4 and achievement gaps are narrowing especially at the elementary level. Dr. Doolan further stated that special education and limited English proficient scores in the elementary grades continue to improve in math and continue to remain flat over the last three years in Language Arts Literacy.

Dr. Doolan further stated that the gap between Abbott and non-Abbott districts continued to decrease and there is a sharp decline in language arts literacy and math scores starting in sixth grade. Dr. Doolan stated that science scores in fourth grade saw modest gains across all populations and students scored higher on science in eighth grade than on language arts literacy and math, but there are still sizable gaps across subgroup populations. Dr. Doolan also stated that New Jersey's students continue to rank very high on the National Assessment of Education Progress (NAEP).

School Report Card

Commissioner Davy stated that the 2006 New Jersey School Report Card was released at 9:00 a.m. on February 7, 2007 to the public. The New Jersey School Report Card has provided the public with information about every public school in New Jersey since 1995 when the Legislature mandated the annual accountability report. The reports also show how well each school is doing in meeting the requirements of the Core Curriculum Content Standards. Each year, the Department makes adjustments to the data fields to accommodate new federal or state mandates or to clarify the information that is presented in the report. The 2006 version includes the second year of NJASK 4 science results, the first year of data for NJASK 5, 6, and 7, and the SAT essay results.

Commissioner Davy also stated that while the report card is primarily a tool for each community to use in its own evaluation of its own schools' performance, the state-level comparisons included in the various report card fields allow us to identify some statewide trends. Internet connections for all rooms in the school have steadily risen to an average of 98.7% in 2005-06 and the number of students per computer available for supervised instruction has decreased from 3.9 to 3.7. Statewide mobility and dropout rates have been holding steady on a state level with wide variations among districts in the statistics at the school and district levels. The graduation rate has risen nearly two points to 93.2 percent for 2005-06, while the number of students who graduated via the alternative Special Review Assessment has dropped from about 15 percent to around 12 percent. New Jersey's SAT participation and performance have remained steady and Advanced Placement participation is holding around 15 percent.

The New Jersey Report Card and database can be found on the department's website at <http://education.state.nj.us/rc/>.

New Jersey Quality Single Accountability Continuum

Commissioner Davy stated that the draft regulations and draft District Performance Reviews were disseminated to the State Board for input. Commissioner Davy also stated that some revisions were made based on State Board member comments and that the Department is in the process of providing a response to the State Board regarding some of the comments. Commissioner Davy further stated that the regulations are scheduled to be filed within a few days.

The Commissioner stated that the regulations were disseminated to the educational community for input. The Commissioner also stated that since the statute authorizes the Commissioner to adopt rules and regulations in accordance with the Administrative Procedure Act for the next 24-month period. The Commissioner further stated that given that authority, the regulations will be revised as necessary in response to feedback received by the Department as it begins to implement the new monitoring system.

Resolution for Career and Technical Education Month

The State Board adopted the resolution making February "Career and Technical Education Month." This month will highlight the contributions of Career and Technical Education in preparing students for a broad range of career opportunities, and in providing for a strong, well-educated work force to support New Jersey's economy.

On a motion duly seconded and carried, the State Board unanimously adopted the following resolution:

RESOLUTION FOR NATIONAL CAREER AND TECHNICAL EDUCATION RECOGNITION MONTH

WHEREAS, February 2007 has been designated Career and Technical Education Month by the Association for Career and Technical Education; and

WHEREAS, the goals of education are to guide students in discovering a vision for their lives; developing positive character in support of a just society; and developing competence to become productive, contributing members of society; and

WHEREAS, career and technical education is uniquely well positioned to help students achieve these goals by preparing them with the knowledge, attitude, and skills needed to live and work as productive individuals who are successful in their careers, families, and communities; and

WHEREAS, career and technical education programs incorporate a rigorous academic core coupled with a high-level technical curriculum that prepare students to meet the challenges of a rapidly changing society; and

WHEREAS, career and technical education offers opportunities for student leadership experiences supporting personal and professional growth, opportunities to apply academic knowledge and skills in meaningful contexts through partnerships with business, industry, and community, and opportunities to pursue further education at the postsecondary level; and

WHEREAS, career and technical education offers individuals lifelong opportunities to learn new skills, which provide them with career choices and adaptability to enhance their personal and professional satisfaction; and

WHEREAS, the comprehensive, holistic approach of career and technical education offers great promise in preparing students for success in the 21st century; now, therefore, be it

RESOLVED, that the New Jersey State Board of Education does hereby proclaim February 2007 as Career and Technical Education Month in New Jersey and encourages awareness of the services and benefits offered by the career and technical education programs throughout the state and support for and participation in these programs.

Englewood Report

Commissioner Davy presented a report to update the State Board of Education on progress made by the Englewood School District since the August 2006 report. The report was a part of the directive included in the State Board's June 1, 2005 decision, in which the State Board directed the Commissioner to develop benchmarks to measure the progress being made toward "achieving a racial balance in the composite student body at Dwight Morrow High School."

Commissioner Davy stated that the Department and the school district have worked in collaboration to identify a comprehensive approach with specific, measurable benchmarks to improve the racial balance at Dwight Morrow High School, and to establish a culture of high expectations and achievement for all students. Commissioner Davy also stated that the Englewood School District administration and board of education have continued to make significant, meaningful progress in implementing the recommendations and benchmarks identified in the November 2005 report to the State Board of Education. Commissioner Davy further stated that on November 13, 2006, Penelope Lattimer, Chief of Staff, and Rochelle Hendricks, Director, Office of Vocational-Technical, Career and Innovative Programs, conducted a site visit as a continuation of the commitment to promote cooperation and communication between the Department and the Englewood School District. During the visit, Dr. Lattimer and Ms. Hendricks met with the school district's leadership team, consisting of Superintendent Carol Lisa; Deputy Superintendent Susan Mullins; Director/Principal of Dwight Morrow High School/Academies@Englewood, Jim Smith; Supervisor of Dwight Morrow High School, Garry Dennis; Executive Director Richard Segall; and Director of Innovative Programs and Strategic Planning, Michael A. Polizzi.

Commissioner Davy stated that in addition to the meeting, Dr. Lattimer and Ms. Hendricks conducted a walk-through of the Dwight Morrow High School, held conversations with students and staff, and observed classrooms and other student-faculty settings. Commissioner Davy also stated that this report again includes first-hand observations which corroborate other information sources regarding the progress underway in the Englewood public schools. The initial signs of

progress reported in August 2006 have expanded and reflect the commitment and effort by the school district to ensure educational excellence and equity for the children it serves.

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 Kearney School District in Hudson County and the Lincoln Park and Madison 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*.

***C. Comprehensive Maintenance Plans**

- Adopted the regulations pertaining to Comprehensive Maintenance Plans proposed at *NJAC* 6A:26A, pursuant to N.J.S.A. 18A:7G-1 et seq.. State Board member Kathleen Dietz abstained.

***D. Educational Facilities**

- Adopted the regulations pertaining to Educational Facilities proposed at *NJAC* 6A:26 pursuant to P.L. 2000 c. 72; N.J.S.A. 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.

***E. City of Jersey City \$17,050,000 School Qualified Bonds, Series 2007**

- Adopted the resolution approving the City of Newark to allow \$17,050,000 of School Qualified Bonds, Series 2007, pursuant to *NJSA* 18A:24-88(b).

On a motion duly seconded and carried, the State Board unanimously adopted the following resolution:

RESOLUTION FOR THE CITY OF JERSEY CITY \$17,050,000 SCHOOL QUALIFIED BOND, SERIES 2007

WHEREAS, the issue before the New Jersey Board of Education is on the application of City of Jersey City in the County of Hudson, New Jersey (“City”) as to whether the City is entitled to issue \$17,050,000 of School Qualified Bonds (the “Bonds”) on behalf of the State-

Operated School District of the City of Jersey City (“District”) as qualified bonds pursuant to the School Qualified Bond Act, N.J.S.A. 18A:24-85 et seq. (the “Act”); and

WHEREAS, the Bonds would be issued for the purpose of refunding the short-term obligations financing the construction and improvement of various school facilities of the District; and

WHEREAS, qualified bonds are those where the credit status is strengthened by a pledge of State school aid to guarantee debt service payments on the bonds, and entail the State Treasurer withholding State school aid to be held in trust to pay the debt service, with the City, as issuer, replenishing the State school aid by repaying the debt service on the Bonds; and

WHEREAS, the Board’s action on the City’s application would be of a corrective nature, since the City applied for approval of the Bonds as qualified bonds around the time it adopted Ordinance No. McC-372, in December 26, 1991; issued short term obligations (the “Notes”) to finance two school projects; reached the end of the time period for issuing Notes under the Local Bond Law (N.J.S.A. 40A:2-1 et seq.); and when preparing to refund the Notes authorized under the 1991 City Ordinance and a 1997 City Ordinance with Bonds, was unable to retrieve resolutions evidencing approval by the State Board of Education or consent by the Local Finance Board in the Department of Community Affairs, as required by the Act; and thus sought to correct the matter by re-submitting applications to both public bodies; and

WHEREAS, on December 14, 2006, the City submitted an application to the Local Finance Board requesting approval for the issuance of \$17,050,000 of Qualified School Bonds under the Act; and

WHEREAS, on January 10, 2007, the Local Finance Board considered the application at its meeting, but because its action is statutorily required to follow that of the State Board under the Act, did not make a determination at that time on the Bonds; and

WHEREAS, on January 11, 2007, the City submitted its application to the Commissioner for investigation and recommendation on the qualified status of the Bonds and a determination by the State Board of Education; and

WHEREAS, on January 23, 2007, the City revised its application to the Commissioner, reducing its scope to the Bonds that would be issued under the 1991 Ordinance, since it had retrieved a copy of the State Board resolution approving the Bonds that would be issued under a 1997 City Ordinance; and

WHEREAS, the Local Finance Board has scheduled a special meeting for February 8, 2007, when it may endorse its consent of both the 1991 City Ordinance and the 1997 City Ordinance, which consent is required under the Act for the Bonds to be qualified; and

WHEREAS, as required by N.J.S.A. 18A:24-88b, the Department undertook an investigation of the express statutory factors to be considered in making a recommendation to the State Board (i.e., whether the projects will assist the District in providing a thorough and efficient education after issuance of the Bonds) as well as additional factors permitted by statute; and

WHEREAS, because the Bonds authorized under Ordinance No. McC-372 would be used to refund the Notes financing a new elementary school and facilities renovations and improvements to the McNair Academic High School, and both projects were completed in 1997 and 2000, the Commissioner found that all of the express statutory factors at N.J.S.A. 18A:24-88b and the additional factors considered supported a positive recommendation on whether the City is entitled to issue the Bonds as qualified bonds; and

WHEREAS, pursuant to N.J.S.A. 18A:24-88(c), based upon the express statutory factors and additional factors considered in the course of the Commissioner's investigation, the Commissioner now recommends to the State Board of Education that the City should be entitled to issue the Bonds authorized by City Ordinance No. McC-372 as qualified bonds in the amount of \$17,050,000; now, therefore, be it

RESOLVED, that the New Jersey State Board of Education, upon the recommendation of the Commissioner, has determined that the City is entitled to issue the Bonds authorized by City Ordinance No. McC-372 as qualified bonds in the amount of \$17,050,000.

***F. School Ethics Code**

- Approved for publication in the *New Jersey Register* the regulations pertaining to School Ethics Commission proposed for amendment at *NJAC 6A:28*, pursuant to *NJSA 18A:12-34*.

G. Qualified Zone Academy Bond

- Discussed the regulations pertaining to Qualified Zone Academy Bond proposed for readoption with amendments at *NJAC 6A:25*, pursuant to *NJSA 18A:4-15*, *18A:7G-26* and *18A:36A-18* and *26 U.S.C. §1397E*.

NEW BUSINESS

State Board member Maud Dahme requested a report on a recent conference hosted by the National Association of State Boards of Education and Achieve on December 7-8, 2006. The theme of the conference was: *The 2006 Post Election Conference: Sustaining High School Redesign in a Post-Election Era*. President Hyndman attended this conference and stated that he would make a report when Commissioner Davy presents this issue to the State Board for consideration.

State Board member Maud Dahme requested a report on the status of a new school funding formula. Commissioner Davy stated that the funding formula would not be in place for the next FY 2008 school year. Commissioner Davy also stated that three experts reviewed the department's report on the cost of education. This review revealed that additional work needs to be conducted to ensure that the new funding formula is constitutional, equitable and affordable to the State. Commissioner Davy further stated that the Department has not abandoned this effort and would continue to work to develop a new formula.

President Hyndman read the following announcement at the request of State Board member Frederick LaGarde, who was not present:

Dear Fellow Board Members and Commissioner Davy:

After months of being absent due to two hospitalizations and a relocation to another town, I was looking forward to being present today. Please know that my desire to serve and be effective has not changed.

Due to a sudden tragic death this morning in our church congregation, I have been called to minister to the family. Please accept my apologies and I truly, with all hopes, look forward to seeing you all on February 21. I felt that this letter was necessary to be read in session today to extinguish any wondering or lack of understanding as to why I have been absent for this extended period of time.

LEGAL CASES

There were no legal cases.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its February 7, 2007 public meeting at 12:40 p.m.

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