

**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**

**March 7, 2007**

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

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

**PRESENT CONSTITUTING A QUORUM**

Mr. Arcelio Aponte  
Dr. Ronald K. Butcher  
Ms. Debra Casha  
Ms. Maud Dahme  
Dr. Ernest Lepore  
Dr. Thelma Napoleon-Smith  
Mr. Edward M. Taylor

**ABSENT**

Ms. Kathleen A. Dietz  
Ms. Josephine E. Hernandez  
Rev. Frederick LaGarde, Jr.

**CONVENING**

Arcelio Aponte, vice 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 March 7, 2007.

**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 to discuss new hires, resignations, new appointments, employment contracts and the organizational chart.

### **RECONVENING**

President Hyndman reconvened the 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.

### **STUDENT SPEAKERS**

Kayla Stoll, the 2007 State Board student representative and a junior from High Point Regional High School (Sussex County), gave her first presentation to the State Board. In her remarks, Kayla introduced herself and spoke to the State Board about her academic interests and participation in extracurricular activities. Kayla also spoke to the State Board about her concern with the addition of biology as a graduation requirement.

On behalf of the State Board, President Hyndman welcomed Kayla as the new State Board student representative. President Hyndman stated that he looked forward to Kayla's participation in upcoming State Board meetings.

### **INTRODUCTIONS**

Commissioner Davy recognized Dr. Aaron Graham, Bergen County Superintendent of Schools, who represented the county superintendents. Dr. Graham has served in this position since February 1996.

#### **Student Recognition Program**

The State Board recognized Ga Young (Gina) Jeong, Ridgefield Memorial High School (Bergen 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 Ga Young for her outstanding achievements and academic excellence.

On behalf of the State Board, President Hyndman congratulated Ga Young 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 meetings conducted on February 7 and February 21, 2007. State Board members Arcelio Aponte and Thelma Napoleon-Smith abstained from voting on the minutes of the meetings conducted on February 7 and February 21, 2007.

## **PRESIDENT'S REPORTS**

### **March Work Session and Public Testimony Session**

President Hyndman stated that the March work session will be held on March 21, 2007 at 1:00 p.m. at the Department of Education. The items for discussion will be the High School Graduation Survey and Career and Technical Education One-Year Transition Plan.

President Hyndman also stated that the March public testimony session will be held on March 21, 2007 at 3:00 p.m. The topics for consideration will be amendments to *NJAC 6A:25*, Qualified Zone Academy Bonds, *NJAC 6A:28*, School Ethics Commission and the Career and Technical Education One-Year Transition Plan Resolution.

## **COMMISSIONER'S REPORTS**

### **Bacon Report**

Commissioner Davy stated that in response to the State Board's directive those school districts identified in *Bacon, et al. v. New Jersey Department of Education*, are engaged in the New Jersey Quality Single Accountability Continuum (NJQSAC) assessment process to ascertain the needs of those school districts. She also stated that the Governor has also provided additional funding to school districts that have a population of free and reduced lunch students greater than 15%. Commissioner Davy further stated that each of the school districts identified in *Bacon, et al.* are receiving additional aid under that allotment in the Governor's budget. The department will set aside that money, complete the needs assessment of the school districts and work to determine those programs or initiatives that need to be made and the money in the Governor's budget will be made available to fund those programs or initiatives.

Commissioner Davy stated that the NJQSAC regulations have been filed. She also stated that amendments to those regulations will be filed after the Department analyzes the work done by the school districts identified in *Bacon, et al.* and others going through the NJQSAC process.

### **Department of Education Organizational Chart**

Commissioner Davy presented a new organizational chart for approval by the State Board. She stated that the new organizational chart includes six divisions and several offices. The major changes to the organizational chart include the creation of the Office of Abbott Implementation within a new Division of School and District Improvement; the creation of a Division of Early Education; and the restoration of the Division of Field Services to coordinate the work of the 21 county offices. She stated that there is still work to be completed on the final structure of each office within the various divisions. Additional changes to the organizational chart would be presented for consideration at the April 4 State Board public meeting. Commissioner Davy also

stated that some Department employees may be asked to work in a capacity that differs from their current work assignment.

**ITEMS FOR CONSIDERATION:**

On motions duly seconded and carried, the State Board of Education took the following action:

**A. Appointments**

Pursuant to NJSA 52:14B-3(1):

- Approved the appointment of Willa Spicer as Deputy Commissioner.
- Approved the appointment of Penelope Lattimer as the Assistant Commissioner for the Division of District and School Improvement.
- Approved the appointment of Jay Doolan as the Assistant Commissioner for the Division of Academic and Professional Standards.
- Approved the appointment of Barbara Gantwerk as the Assistant Commissioner for the Division of Student Support Services.
- Approved the appointment of Jacqueline Jones as the Assistant Commissioner for the Division of Early Education.
- Approved the appointment of William King as the Assistant Commissioner for the Division of Field Services.

**B. Certification of Districts**

- Certified the following school districts 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*.

<b>Bergen County</b>	<b>Somerset County</b>
Fairview	Somerset Hills
Fort Lee	<b>Sussex County</b>
Harrington Park	Fredon Township
Hillsdale	Stillwater Township
Northvale	<b>Mercer County</b>
Park Ridge	Ewing Township
River Edge	Hamilton Township
South Hackensack	<b>Hunterdon County</b>
Wallington	Hunterdon County Polytech

Also, certified for a period of one year with conditions, the Millville School District in Cumberland 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. Qualified Zone Academy Bond**

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

**D. Programs to Support Student Development**

- Discussed amendments to the regulations pertaining to voluntary drug abuse testing proposed at *NJAC* 6A:16, Programs to Support Student Development pursuant to *NJSA* 18A:36-25.

**E. Career and Technical Education One Year Transition Plan**

- Discussed the draft One-Year Career and Technical Education Transition Plan pursuant to the newly reauthorized Carl D. Perkins Career and Technical Education Improvement Act of 2006.

**F. Career and Technical Education One-Year Transition Plan Resolution**

- Discussed the resolution to adopt the One-Year Career and Technical Education Transition Plan, pursuant to the newly reauthorized Carl D. Perkins Career and Technical Education Improvement Act of 2006.

**\*G Organizational Chart**

- Adopted the organization chart for the State Department of Education at *NJAC* 6A:2-1.1 et seq., pursuant to *NJSA* 52:14B-3(1).

**NEW BUSINESS**

State Board member Edward Taylor requested that the State Board's Urban Education Committee meet on March 21, 2007 to discuss the possibility of the State Board members visiting an urban school district in the near future.

**LEGAL CASES**

On motions duly seconded and carried, decisions in the following cases were adopted by the board as presented by Arnold G. Hyndman, president, State Board of Education, and legal committee members Arcelio Aponte and Ernest P. Lepore.

M.L.P., ON BEHALF OF MINOR CHILD, C.L.P. V. BOARD OF EDUCATION OF THE TOWNSHIP OF BLOOMFIELD, ESSEX COUNTY, STATE BOARD DOCKET #39-06

The appellant filed a petition with the Commissioner of Education contesting the determination by the Bloomfield board that her daughter, C.L.P., was not entitled to a free public education in the district in the 2005-06 school year. The Bloomfield board filed a counterclaim for tuition.

The Administrative Law Judge (ALJ) concluded that C.L.P. had established a domicile with her grandmother in East Orange, rather than with her mother in Bloomfield. Therefore, the ALJ recommended that C.L.P. be disenrolled from Bloomfield's schools and that the appellant reimburse the Bloomfield board for tuition for the period of C.L.P.'s ineligible attendance. The Commissioner, emphasizing that a child cannot establish his or her own domicile, rejected the ALJ's recommendation, pointing out that the Bloomfield board did not contest the fact that the appellant, E.B.'s mother, was domiciled in Bloomfield. Thus, the Commissioner concluded that C.L.P. had been entitled to a free public education in the Bloomfield school district during the 2005-06 school year. The State Board of Education voted unanimously to affirm the decision of the Commissioner.

YOUTH CONSULTATION SERVICE, INC. V. NEW JERSEY STATE DEPARTMENT OF EDUCATION, OFFICE OF COMPLIANCE INVESTIGATION, STATE BOARD DOCKET #34-06

The appellant, a social service organization that provides educational and therapeutic programs at multiple locations, including a private school for the handicapped, filed a petition with the Commissioner of Education contending that the Office of Compliance Investigation in the Department of Education had acted improperly in disallowing from the school's approved tuition rate for the 2001-02 school year an excess maximum salary for the appellant's president. The Commissioner dismissed the petition, concluding that the Department had arrived at its determination through a reasonable application of the regulations in existence at the time.

On appeal to the State Board of Education, the appellant filed a motion to supplement the record on appeal with a document entitled 2005 Administrative Salaries Report. Concluding that the proposed exhibit was not material to the issue on appeal, the State Board voted unanimously to deny the appellant's motion and to affirm the decision of the Commissioner to dismiss the petition.

V.W., on behalf of minor child, E.B. V. STATE-OPERATED SCHOOL DISTRICT OF THE CITY OF NEWARK, ESSEX COUNTY, STATE BOARD DOCKET #38-06

The appellant, the mother of E.B., an elementary school student, filed a petition with the Commissioner of Education challenging the State-operated district's decision to transfer her son to an alternative school. The State-operated district countered that the transfer was appropriate in view of E.B.'s defiant and disruptive behavior and poor academic performance. The Commissioner agreed with the ALJ that the appellant had not demonstrated that the State-operated district's action was arbitrary, capricious or unreasonable. In so doing, the Commissioner found that E.B.'s transfer to an alternative school was warranted by his disruptive behavior and poor academic performance. The Commissioner also concluded that E.B. had received the process that was due him. Therefore, she dismissed the petition. The State Board of Education voted unanimously to affirm the decision of the Commissioner.

IN THE MATTER OF THE APPLICATION PURSUANT TO N.J.A.C. 6A:23-8.10 FOR RESTORATION OF BUDGET REDUCTIONS FOR THE 2006-07 SCHOOL YEAR, BOARD OF EDUCATION OF THE TOWNSHIP OF WILLINGBORO, BURLINGTON COUNTY, STATE BOARD DOCKET #33-06

The State Board of Education voted unanimously to grant the motion filed by the Commissioner of Education to participate in this matter.

**ADJOURNMENT**

On a motion duly seconded and carried the State Board of Education adjourned its March 7, 2007 public meeting at 2:55 p.m.

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