

**New Jersey State Board of Education
Minutes of the Public Meeting
100 River View Executive Plaza
Trenton, NJ**

February 20, 2008

Presiding: Ronald K. Butcher, President

Secretary: Lucille E. Davy, Commissioner

PRESENT CONSTITUTING A QUORUM

Mr. Arcelio Aponte
Ms. Debra Casha
Ms. Kathleen Dietz
Ms. Edythe Fulton (by phone)
Ms. Josephine E. Hernandez
Dr. Ernest P. Lepore
Mr. Kenneth Parker
Dr. Dorothy Strickland

ABSENT

Rev. Frederick LaGarde, Jr.

CONVENING

Ronald Butcher, 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 20, 2008.

APPROVAL OF MINUTES OF THE MEETING

On a motion duly seconded and carried, the State Board members approved the minutes of the public meeting conducted on January 9, 2008.

PRESIDENT'S REPORTS

On a motion duly seconded and carried, the State Board members approved the following resolution recognizing February as National Career and Technical Education Month:

**RESOLUTION FOR NATIONAL CAREER AND TECHNICAL EDUCATION
RECOGNITION MONTH**

WHEREAS, February 2008 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 2008 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.

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. Resolution to Revise Calendar of State Board Meeting Dates

- Voted unanimously in favor of holding one meeting on March 19, 2008. This meeting will include the business, work and public testimony sessions.
- Tabled the following resolution until the March public meeting:

RESOLUTION
AMENDMENT TO THE ANNUAL CALENDAR OF
STATE BOARD MEETING DATES

WHEREAS, N.J.S.A. 18A:4-7 provides that the State Board of Education shall hold public meetings at least once each month at such times as its rules may prescribe and at such other times and such places within the state as in its judgment may be necessary, but no meeting may commence later than 8:00 p.m.; and

WHEREAS, N.J.A.C. 6A:1-2.2 requires that such meetings be held at such time, place, and on such dates as established by the State Board, pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act, and notice of such meetings shall be made in a manner consistent with the law; and

WHEREAS, the State Board has historically held one meeting per month, though for the past decade, a public work session has been held on a second meeting day each month; and

WHEREAS, the State Board has expressed a desire to reduce the monthly meetings to one meeting day per month by holding the public business and public work session meetings on the same day; now therefore be it

RESOLVED, that the State Board amends the annual calendar of meeting dates for its monthly business meetings and public hearings for the remainder of the 2007-2008 school year, and directs that a copy of the dates be sent to the Governor, the Secretary of State, the news media, the county superintendents, and the state board agenda subscribers.

PUBLIC BUSINESS/WORK SESSION MEETINGS 2008

March 19	May 21
April 16	June 18

PUBLIC TESTIMONY MEETINGS 2008

March 19	May 21*
April 16	June 18

*Open Topic Session

Members of the public may reserve time to speak at public hearing sessions by registering on-line at the following website: <http://www.state.nj.us/njded/sboe/meetings/pubtest.shtml> or by calling the State Board of Education Office by noon on the Friday before the public hearing session at (609) 292-0739.

Notice of changes in the above will be made in compliance with the requirements of the Open Public Meetings Act.

C. State Operation of the Paterson School District

- Adopted the following resolution pertaining to the status of state operation of the Paterson School District:

**RESOLUTION TO PLACE THE PATERSON SCHOOL DISTRICT
UNDER STATE INTERVENTION**

WHEREAS, by administrative order issued by the State Board of Education on August 7, 1991, the State Board of Education removed the Paterson School District Board of Education and created a State-operated school district in Paterson pursuant to former N.J.S.A. 18A:7A-34; and

WHEREAS, P.L. 2005, c.235 established the New Jersey Quality Single Accountability Continuum (NJQSAC), a new system for monitoring and evaluating public school districts in the State of New Jersey that involves an assessment of each school district's performance in the five key components of school district effectiveness; namely, Operations Management, Personnel, Instruction and Program, Governance and Fiscal Management; and

WHEREAS, NJQSAC requires, at N.J.S.A. 18A:7A-53, that State-operated districts shall be evaluated by a team of highly skilled professionals in the five key components of school district effectiveness within 120 days of the date on which rules promulgated pursuant to the statute became effective; and

WHEREAS, pursuant to the requirements of N.J.S.A. 18A:7A-53, Paterson School District was evaluated by a team of highly skilled professionals, who issued a report of the evaluation to the Commissioner of Education on or about June 22, 2007; and

WHEREAS, pursuant to N.J.S.A. 18A:7A-53 and N.J.A.C. 6A:30-8.3, the Commissioner reviewed the report of the team of highly skilled professionals, and in a report issued on July 30, 2007, determined that the Paterson School District met 73% of the performance indicators in Operations Management, 60% of the performance indicators in Personnel, 22% of the performance indicators in Instruction and Program, 11% of the performance indicators in Governance, and 41% of the indicators in Fiscal Management; and

WHEREAS, based on this final determination by the Commissioner, the Paterson School District has not met any of the factors for initiating return of the components of school district effectiveness to local control pursuant to N.J.A.C. 6A:30-7.1; now therefore, be it

RESOLVED, that the Paterson School District shall be placed under full State intervention pursuant to N.J.A.C. 6A:30-8.3.

D. Professional Teaching Standards Board

- Adopted the following resolution approving the appointments to the Professional Teaching Standards Board:

RESOLUTION
PROFESSIONAL TEACHING STANDARDS BOARD APPOINTMENTS
AND REAPPOINTMENTS

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, two teacher representatives, one college representative, a public sector representative, and a school board representative from the Professional Teaching Standards Board have retired and new members will be asked to serve; and

WHEREAS, three 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, Non-Public Advisory Committee, private business sector and the New Jersey School Boards Association has recommended the appointment of Marie Blistan, teacher; Ruth Davitt, teacher; Sister Mary Joan Kearney, college professor; Dr. Angelo Collins, public representative; and Daniel Sinclair, school board member; and

WHEREAS, the Commissioner has recommended the reappointment of Peggy Stewart, Joyce Powell, and Patricia Wright; and now therefore be it

RESOLVED, that the State Board of Education hereby approves the appointment of Marie Blistan, Ruth Davitt, Sister Mary John Kearney, Dr. Angelo Collins, and Daniel Sinclair and the reappointment of Peggy Stewart, Joyce Powell, and Patricia Wright to the Professional Teaching Standards Board for a two-year term beginning February 20, 2008 and ending December 31, 2009.

E. State Board of Examiners

- Adopted the following resolution approving the appointment of to the State Board of Examiners for a term of two years, pursuant to N.J.S.A. 18A:6-38 and N.J.S.A. 18A:6-34:

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 seat reserved by N.J.S.A. 18A:6-38 for a district school business administrator is now vacant by reason of the retirement of that member; and

WHEREAS, the Commissioner, after consulting with members of the education community, has recommended the appointment of the person named below to fill the seat reserved by N.J.S.A. 18A:6-38 for a district school business administrator; and

WHEREAS, the nominee has an established reputation for distinguished service; now, therefore, be it

RESOLVED, that the State Board of Education hereby approves the appointment of the following person to fill the unexpired term of the district school administrator seat on the State Board of Examiners, which term will expire on August 31, 2009:

Derek Jess
School Business Administrator
Perth Amboy School District

F. Alternate Route Study Report

Jay Doolan, assistant commissioner, Division of Educational Standards and Programs, presented the Alternate Route Study Report. The report is the result of an agreement between the Department and The College of New Jersey to evaluate the alternate route for teacher licensing. Sharon Sherman, professor, The College of New Jersey (TCNJ), Gregory Seaton, researcher, TCNJ, and Richard Grip, Statistical Forecasting, jointly presented the findings of the study of the impact and success of New Jersey's alternate route program.

G. Career and Technical Education Five Year Plan/Resolution

Jay Doolan, assistant commissioner, and Marie Barry, director, Office of Career and Technical Education were present to address questions regarding the five-year plan mandated pursuant to the reauthorized Carl D. Perkins Career and Technical Education Improvement Act of 2006. The Department will present a resolution for adoption at the March 2008 State Board meeting.

LEGAL CASES

Unless otherwise noted, on motions duly seconded and carried, decisions in the following cases were adopted by the board as presented by legal committee members Edithe Fulton, Arcelio Aponte and Josephine E. Hernandez, chairperson.

IN THE MATTER OF THE PLACEMENT OF THE BOARD OF EDUCATION OF THE CITY OF ELIZABETH ON THE PERFORMANCE CONTINUUM PURSUANT TO N.J.S.A. 18A:7A, ET SEQ., UNION COUNTY, STATE BOARD DOCKET #34-07

The Board of Education of the City of Elizabeth filed an appeal to the Commissioner of Education's ("Commissioner") evaluation and determination of the school district's performance and placement on the performance continuum in accordance with the requirements of N.J.S.A. 18A:7A-1 et seq. The Deputy Attorney General, representing the Commissioner, filed a motion to participate on the Commissioner's behalf to explain the Commissioner's determinations in response to the points that will be raised in appellant's brief. Based upon a thorough review of the papers filed, the State Board of Education granted the Commissioner's motion to participate in this matter.

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

This is an appeal from the Acting Commissioner of Education's dismissal of a petition challenging the decision by the South Brunswick Board that denied the appellants' request to provide transportation for their child. The appellants, who lived approximately one mile from school, claimed that the walking route to school was not safe. The Acting Commissioner concluded that appellants failed to meet their burden to prove that their child should be provided transportation to and from school even though they lived only one mile from the school. Appellant filed an appeal and a motion with the State Board seeking permission to supplement the record with photographs. Appellants also filed a motion to settle the record with the Commissioner. Both the State Board and the Commissioner denied the respective motions.

In addition to filing a reply brief, Appellants also filed a motion for alternative handling of the record on appeal in order to alter the requirements for ordering transcripts of the hearing below. The State Board denied the motion but granted Appellants 60 days to obtain the transcripts. Appellant later filed a new motion seeking permission to order an abbreviated transcript from an alternative source because the transcription service used by the Office of Administrative Law only prepares copies of an entire transcript, not portions. Appellants' motion, however, contained numerous deficiencies which appellants failed to correct despite repeated notices from the State Board Office, and instead filed a revised motion for a change of transcriber.

Due to Appellants' failure to correct the deficiencies, the State Board dismissed Appellants' motion to obtain an abbreviated transcript from an alternate source because Appellants failed to perfect the motion as directed by the State Board Office and after a thorough review of the record on appeal, the State Board affirmed the decision of the Acting Commissioner of Education dismissing the petition.

IN THE MATTER OF THE TENURE HEARING OF ARDEENA LONG, STATE-OPERATED SCHOOL DISTRICT OF THE CITY OF PATERSON, PASSAIC COUNTY, STATE BOARD DOCKET #47-06

The State-operated School District of the City of Paterson ("State-operated District") certified 15 tenure charges alleging unbecoming conduct and insubordination against the respondent, a tenured teacher assigned to the Great Falls Academy, an alternative high school. An administrative law judge ("ALJ") concluded that the State-operated District had demonstrated eight of the charges, in whole or

part, by a preponderance of the credible evidence. Taking into consideration the nature of the sustained charges and the fact that the respondent had received positive evaluations, the ALJ concluded that the charges did not rise to a level sufficient to revoke the respondent's tenure. She concluded that the appropriate penalty was a six-month suspension without pay, withholding the respondent's salary increments for the 2004-05 and 2005-06 school years, and withholding her increments for an additional two years.

The Commissioner agreed with the ALJ regarding the charges proven by the State-operated District, but she disagreed with the ALJ's recommended penalty, concluding that the sustained charges necessitated the respondent's dismissal from her tenured position.

The respondent filed an appeal to the State Board, challenging the tenure charges which were sustained by the Commissioner and arguing that dismissal was excessive in light of Respondent's history with the school system and the extremely short period of time in which the alleged events occurred when compared with Respondent's twenty four years of employment with the School District.

A motion was made for the State Board to affirm the Commissioner's findings regarding the specific charges proven by the State-operated District, but modify the penalty imposed by the Commissioner to a six-month suspension without pay plus the loss of salary increments for the 2004-05 and 2005-06 school years. By a vote of four to three with two abstentions, this motion failed. Debra Casha, Kathleen Dietz, Kenneth Parker and Ernest Lepore voted against the motion. Arcelio Aponte, Edithe Fulton, and Ronald Butcher voted in favor of the motion. Josephine Hernandez and Dorothy Strickland abstained.

IN THE MATTER OF THE TENURE HEARING OF MICHELLE BATTLE, SCHOOL DISTRICT OF THE CITY OF EAST ORANGE, ESSEX COUNTY, STATE BOARD DOCKET #28-07

The State Board of Education affirmed the Commissioner of Education's decision to terminate the appellant based on her excessive tardiness and absenteeism.

LEON VARJIAN V. BOARD OF EDUCATION OF THE BOROUGH OF MIDLAND PARK, BERGEN COUNTY, STATE BOARD DOCKET #30-07

The State Board of Education denied the appellant's motion to supplement the record.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its February 20, 2008 public meeting at 3:30 p.m.

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