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

April 16, 2008

Presiding: Ronald Butcher, President

Secretary: Lucille E. Davy, Commissioner

PRESENT CONSTITUTING A QUORUM	**ABSENT**
Mr. Arcelio Aponte	
Ms. Debra Casha	
Ms. Kathleen Deitz	
Ms. Edithe Fulton	
Ms. Josephine E. Hernandez	
Dr. Ernest Lepore	
Mr. Kenneth Parker	
Dr. Dorothy Strickland	

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 April 16, 2008.

ADJOURN TO EXECUTIVE SESSION

President Butcher 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 *N.J.S.A.* 10:4-12(b), the State Board of Education will now adjourn to executive session to discuss personnel and legal issues.

The State Board immediately adjourned to executive session.

RECONVENING

President Butcher 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 *N.J.S.A.* 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) spoke about the value of student counsel advisors. She commended the dedication of her student counsel advisor, Mr. Richard Dolce.

INTRODUCTIONS

Commissioner Davy recognized Mr. Thomas Dowd, Interim Essex County Superintendent of Schools, who represented the county superintendents.

Student Recognition Program

The State Board recognized Wynneh Beatrice Nagbe, a senior at Irvington High School (Essex 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 Wynneh for her outstanding academic and extra-curricular achievement.

On behalf of the State Board, President Butcher congratulated Wynneh 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 public meeting conducted on March 19, 2008.

PRESIDENT'S REPORTS

President Butcher announced the appointment of Dorothy Strickland to the Legal Committee of the State Board.

President Butcher stated that public testimony is not scheduled today because no one registered.

COMMISSIONER'S REPORTS

Monitoring of School Districts

Commissioner Davy presented an update on the statewide school budget vote. She reported that nearly 75% of the school budgets across the state were approved. She also announced a joint meeting with the Commission on Higher Education and the State Board of Education scheduled for April 25, 2008. The Commissioner also reported that the Department is very close to finalizing the placement on the continuum of the 126 districts that have completed the monitoring process established by the New Jersey Quality Single Accountability Continuum.

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. Religious Holiday Calendar

Adopted the following resolution pertaining to the annual calendar of religious holidays for the 2008-2009 school year:

RESOLUTION

The List of Religious Holidays Permitting Pupil Absence from School

WHEREAS, according to N.J.S.A. 18A:36-14 through 16 and N.J.A.C. 6A:32-8.3(j):, regarding student absence from school because of religious holidays, the Commissioner of Education, with the approval of the State Board of Education, is charged with the responsibility of prescribing such rules and regulations as may be necessary to carry out the purpose of the law; and

WHEREAS, the law provides that:

1. Any student absent from school because of a religious holiday may not be deprived of any award or of eligibility or opportunity to compete for any award because of such absence;

2. Students who miss a test or examination because of absence on a religious holiday must be given the right to take an alternate test or examination;

3. To be entitled to the privileges set forth above, the student must present a written excuse signed by a parent or person standing in place of a parent;

4. Any absence because of a religious holiday must be recorded in the school register or in any group or class attendance record as an excused absence;

5. Such absence must not be recorded on any transcript or application or employment form or on any similar form; and

6. The Commissioner, with the approval of the State Board of Education, is required to:
   (a) prescribe such rules and regulations as may be necessary to carry out the purposes of this act; and

   (b) prepare a list of religious holidays on which it shall be mandatory to excuse a pupil. The list, however, is to be a minimum list. Boards of education, at their discretion, may add other days to the list for the schools of their districts; and

WHEREAS, the district board of education has the right to add any bona fide religious holiday to the list for its own schools; now therefore be it,

RESOLVED that the State Board of Education adopts the following list of religious holidays for the 2008-2009 school year:

September 2	Ramadan begins (Islam)
September 3	Ganesa Chaturthi (Hindu)
September 7	His Holiness Sakya Trizin's birthday
September 8	Nativity of Mary (Christian)
September 14	Holy Cross Day (Christian)
September 15	Moon Cake Festival (Chinese Taoist)
September 28	Laylat al Kadar (Islam)
September 29-October 1	Rosh Hashanah (Jewish)
September 30	Feast of Trumpets (Philadelphia Church of God)
September 30-October 8	Navaratri (Hindu)
October 2	Eid al Fitr – Ramadan ends (Islam)
October 9	Yom Kippur (Jewish), Dasera (Hindu), Day of Atonement (Philadelphia Church of God)
October 14-20	Sukkot (Jewish), Feast of Tabernacles (Philadelphia Church of God)
October 20	Birth of the Bab (Baha'i), Installation of the Scriptures as Guru Granth (Sikh)
October 21	Semini Atzeret (Jewish), Last Great Day (Philadelphia Church of God)
October 22	Simhat Torah (Jewish)
October 27	Reformation Day (Protestant Christian)
October 28	Milvian Bridge Day (Christian), Diwali/Deepavali (Hindu, Sikh, Jain)
November 1	All Saints' Day (Christian)
November 2	All Souls' Day (Christian)
November 12	Birth of Baha'u'llah (Baha'i)
November 13	Birthday of Guru Nanak Dev Sahib (Sikh)
November 15	Nativity Fast begins (Orthodox Christian)
November 24	Guru Tegh Bahadur Martyrdom (Sikh)
November 26	Day of the Covenant (Baha'i)
November 28	Ascension of 'Abdu'l Baha (Bahi'i)
December 6-9	Hajj (Islam)
December 8	Immaculate Conception (Catholic Christian), Rohatsu/Bodhi Day (Buddhist)
December 9	Eid al Adha (Islam)
December 12	Advent Fast begins (Orthodox Christian)
December 22-29	Hanukkah (Jewish)
December 25	Christmas (Christian)
December 26	Zarathostht Diso (Zoroastrian), Kwanzaa
December 29	Muharram – first day of new year (Islam)
January 1	New Year's Day, Gantan-sai (Shinto)

January 5	Guru Gobind Singh (Sikh)
January 6	Epiphany (Christian, Armenian Orthodox), Theophany (Orthodox Christian)
January 7	Nativity of Christ (Orthodox Christian), Orthodox Christmas (Orthodox Christian, Oriental Orthodox Christian, Coptic Orthodox, Russian Orthodox), Ashura (Islam)
January 11-13	Mahayana New Year (Buddhist)
January 13	Maghi (Sikh)
January 14	Makara Sankranti (Hindu)
January 18	World Religion Day (Baha'i)
January 19	Feast of Epiphany (Orthodox Christian, Oriental Orthodox Christian, Russian Orthodox)
January 26	Chinese New Year (Confucian/Daoist/Buddhist)
January 31	Vasant Panchami (Hindu)
February 9	Tu B'shvat (Jewish)
February 15	Nirvana Day (Buddhist)
February 21	Saturday of Souls #1 (Orthodox Christian)
February 23	Maha Shivaratri (Hindu)
February 24	Shrove Tuesday (Christian)
February 25	Ash Wednesday/Lent begins (Christian)
February 26-March 1	Intercalary Days (Baha'i)
March 2	Lent begins, Clean Monday (Orthodox Christian)
March 8	Orthodox Sunday (Orthodox Christian)
March 9	Mawlid an Nabi (Islam)
March 10	Purim (Jewish),
March 11	Holi (Hindu), Holla Mohalla (Sikh)
March 13	L. Ron Hubbard's birthday (Scientology)
March 21	Norouz/New Year (Persian/Zoroastrian), Naw Ruz/New Year (Baha'i)
March 26	Khordad Sal (Zoroastrian), First Day of Sacred Year (Philadelphia Church of God)
March 27	New Year (Hindu)
April 3	Rami Navami (Hindu)
April 5	Palm Sunday (Christian)
April 7	Mahavir Jananti (Jain)
April 8	Passover (Philadelphia Church of God)
April 9-10	Pesach/Passover (Jewish)
April 9-11	Theravadin New Year (Buddhist)
April 9-15	Days of Unleavened Bread (Philadelphia Church of God)
April 9	Lord's Evening Meal (Jehovah's Witness), Maundy Thursday (Christian), Hanuman Jayanti (Hindu)
April 10	Good Friday (Christian)
April 12	Easter (Christian), Palm Sunday (Orthodox Christian)
April 14	Baisakhi (Sikh)
April 15-16	Pesach/Passover – final two days (Jewish)
April 16	Holy Thursday (Oriental Orthodox Christian)
April 17	Holy Friday (Orthodox Christian), Good Friday (Oriental Orthodox Christian)
April 18	Lazarus Saturday (Orthodox Christian)
April 19	Easter/Pascha (Orthodox Christian)
April 21	Yom HaSho'ah (Jewish), First Day of Ridvan (Baha'i)
April 25	The 11th Panchen Lama's birthday (Buddhist)
April 29	Yom Ha'Atzmaut (Jewish), Ninth Day of Ridvan (Baha'i)
May 2	Buddha's birthday (Buddhist), Twelfth Day of Ridvan (Baha'i)

May 9	Visakha Puja/Vesak (Buddhist)
May 12	Lag b'Omer (Jewish)
May 23	Declaration of the Bab (Baha'i)
May 29-30	Shavuot (Jewish)
May 29	Ascension of Baha'u'llah (Baha'i)
May 31	Pentecost (Philadelphia Church of God)
June 16	Guru Arjan Dev Martyrdom (Sikh)
June 26	His Holiness the 17th Gyalawa Karmapa's (Ugyen Trinley Dorje) birthday

*** Disclaimer: New Jersey Department of Education has made every attempt to ensure the accuracy of the dates. The information has been verified through the use of various sources and some dates may vary due to the lunar, Gregorian and Julian calendars.*

C. <u>State Special Education Advisory Council</u>

Approved the appointment of the following additional members and re-appointment of current members for 2 year terms:

RESOLUTION
ONE APPOINTMENT AND FOUR REAPPOINTMENTS TO
THE STATE SPECIAL EDUCATION ADVISORY COUNCIL

WHEREAS, N.J.S.A. 18A:46-2 requires that the Commissioner shall appoint biannually an advisory council for special education with the approval of the State Board which will consist of not fewer than seven nor more than 15 members representative of professionals in the field of special education and parents of children with disabilities; and

WHEREAS, N.J.S.A. 18A:46-2 defines the role of the advisory council as advising in the promulgation of rules, regulations and implementation of N.J.A.C. 6A:14 and the establishment of standards and qualifications for professional personnel and further provides that the council members shall serve without remuneration; and

WHEREAS, the reauthorized Individuals with Disabilities Education Improvement Act (IDEA) of 2004 requires each state education agency to have an advisory panel for special education; and

WHEREAS, the New Jersey Department of Education has established and maintains an advisory panel, known as the State Special Education Advisory Council, for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State; and

WHEREAS, the advisory panel consists of members, that are representative of the state population and are composed of individuals involved in, or concerned with, the education of children with disabilities, including: (i) parents of children with disabilities; (ii) individuals with disabilities; (iii) teachers; (iv) representatives of institutions of higher education that prepare special education and related services personnel; (v) state and local education officials; (vi) administrators of programs for children with disabilities; (vii) representatives of other state agencies involved in the financing or delivery of related services to children with disabilities; (viii) representatives of private schools and public charter schools; (ix) at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and (x) representatives from the state juvenile and adult corrections agencies; and

WHEREAS, a majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities; and

WHEREAS, the advisory panel shall: (i) advise the department of unmet needs within the state in the education of children with disabilities; (ii) comment publicly on any rules or regulations proposed by the department regarding the education of children with disabilities; (iii) advise the department in developing evaluations and reporting on data to the Secretary of the United States Department of Education under Part B Sec. 618 of the Individuals with Disabilities Education Act; (iv) advise the department in developing corrective action plans to address findings identified in federal monitoring reports under this part; and (v) advise the department in developing and implementing policies relating to the coordination of services for children with disabilities; now therefore be it

RESOLVED, that the State Special Education Advisory Council meets the state mandate for an advisory council and the federal requirements for an advisory panel; and be it further

RESOLVED, that the Commissioner recommends that Michael Nevin III be appointed for a two-year term effective May 1, 2008. Mr. Nevin graduated in June of 2002 from Nutley High and attended Bergen Community College until 2005. Michael is a motivational speaker who has presented for the New Jersey Department of Education, Office of Special Education Programs' Dare to Dream Student Conferences, Seton Hall University, William Paterson University and the 2007 Governor's Conference, "DiscoverAbility". Mr. Nevin works at 1st Cerebral Palsy of New Jersey in Belleville; and be it further

RESOLVED, that the Commissioner recommends that Carolyn Hayer be reappointed to the State Special Education Advisory Council for a two-year term effective May 1, 2008. Carolyn Hayer is a parent of a child with disabilities. This led to her involvement in a number of organizations supporting families with disabilities. Ms. Hayer is currently Director of Parent and Professional Development for the Statewide Parent Advocacy Network, a member of the Hackensack School Board, a member of the Hackensack Special Education Advisory Council and Chairperson of Public Policy, for the New Jersey Council of Developmental Disabilities; and be it further

RESOLVED, that the Commissioner recommends that Katherine Roberson be reappointed to the State Special Education Advisory Council for a two-year term effective May 1, 2008. Katherine Roberson is currently the Policy and Information Coordinator at the Elizabeth M. Boggs Center on Developmental Disabilities. She is also the parent of a child with disabilities and is a founding member of the Special Education Parents' Group in Middlesex, New Jersey. Ms. Roberson also serves as Vice President of the Family Support Coalition of New Jersey; and be it further

RESOLVED, that the Commissioner recommends that Blanche Stetler be reappointed to the State Special Education Advisory Council for a two-year term effective May 1, 2008. She is Parent Consultant Project Associate for the Deaf-Blind Family and Community Educational Supports project (DB FACES). Ms. Stetler is a former president of the Prism Organization, a support group for parents and families of children with deaf-blindness. Ms. Stetler is a parent of a teenager with deaf-blindness. Blanche serves on the Executive Board for the National Family Association of Deaf-Blind; and be it further

RESOLVED, that the Commissioner recommends that Philip Gartlan be reappointed to the State Special Education Advisory Council for a two-year term effective May 1, 2008. Phillip Gartlan is currently the Executive Director of the Midland School, a private school for students with disabilities in North Branch, New Jersey. He is currently serving as President of ASAH, an association of private schools and agencies for students with disabilities and as Executive Director of Midland Adult Services Program.

D. Professional Licensure and Standards

- Discussed the readoption with amendments of the regulations pertaining to teacher licensure and standards proposed at *NJAC* 6A:9, Professional Licensure and Standards pursuant to *NJSA* 18A:1-1, 18A:4-15, 18A:6-34, 18A:6-38, 18A:26-10 and 18A:26-2.7

E. City of Newark – School Qualified Bonds, Series 2005

- Moved to table the adoption of the resolution approving the third amendment to the original October 2005 application to allow the City of Newark to issue $63,700,000 of School Qualified Bonds, Series 2005, pursuant to *NJSA* 18A:24-88(b). Arcelio Aponte abstained.

ITEMS FOR DISCUSSION

Jacqueline Jones, assistant commissioner, Division of Early Childhood Education and Ellen Wolock, director, Office of Preschool Education, gave a presentation on the proposed expansion of preschool that is included into the new school funding formula.

Commissioner Davy presented the draft of the School Funding Reform Act Program Regulations that will govern standards-based instructional priorities. She asked the State Board members to review the draft regulations and provide input. She stated that the regulations will likely be adopted in May 2008.

NEW BUSINESS

President Butcher encouraged board members to attend the joint meeting on April 25, 2008, with the Commission on Higher Education. He also stated that State Board members should pay particular attention to invitations received and to participate when possible.

The Board recessed for lunch at 12:30 p.m. The meeting reconvened at 1:15 p.m.

LEGAL CASES

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

IN THE MATTER OF THE DENIAL OF THE CHARTER APPLICATION OF THE CAMDEN CAREER EDUCATION CHARTER SCHOOL (DKT #11-08)

IN THE MATTER OF THE DENIAL OF THE CHARTER APPLICATION OF THE TRENTON CAREER EDUCATION CHARTER SCHOOL (DKT #12-08)

IN THE MATTER OF THE DENIAL OF THE CHARTER APPLICATION OF THE CAMDEN ENVIRONMENTAL CHARTER SCHOOL (DKT #13-08)

The State Board granted the Commissioner's motions to permit her to respond to the points to be raised on these appeals.

IN THE MATTER OF THE DENIAL OF THE CHARTER SCHOOL APPLICATION OF THE RITES OF PASSAGE PREPARATORY CHARTER SCHOOL (DKT #6-08)

The State Board moved to dismiss the appeal for failure to perfect the appeal by filing a brief in support of the appeal. Debra Casha did not participate in the vote.

MOHAMED F. EL-HEWIE V. BOARD OF EDUCATION OF THE BERGEN COUNTY VOCATIONAL SCHOOL DISTRICT, BERGEN COUNTY (DKT #5-08)

The State Board affirmed the Commissioner's denial of the motion for emergent relief. In addition, the State Board reserved ruling on the motion to supplement the record until the full case is heard on the merits.

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

The State Board affirmed the Commissioner's findings with regard to the specific charges proven by the State-operated District, but adopted the penalty imposed by the ALJ. Josephine Hernandez abstained and Kathleen Dietz opposed.

IN THE MATTER OF THE TENURE HEARING OF ABRAHAM MOORE, PASSAIC COUNTY VOCATIONAL SCHOOL DISTRICT, PASSAIC COUNTY (DKT #36-07)

The State Board affirmed the Commissioner's findings for the reasons stated in the Commissioner's decision. Debra Casha did not participate in the vote.

IN THE MATTER OF THE SUSPENSION OF DR. JOSEPH ATALLO PURSUANT TO N.J.S.A. 18A:12-29(c), STATE-OPERATED SCHOOL DISTRICT OF THE CITY OF PATERSON, PASSAIC COUNTY (DKT #33-07)

The State Board denied Appellant's request for emergency relief for failure to satisfy the standards set forth in Crowe v. DeGioia, 90 N.J. 126 (1982) for granting emergency relief. Kathleen Dietz abstained.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its April 16, 2008 public meeting at 1:50 p.m.

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