

**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**

**June 18, 2008**

**Presiding:** Ronald Butcher, President

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

**PRESENT CONSTITUTING A QUORUM**

Mr. Arcelio Aponte  
Ms. Debra Casha  
Ms. Kathleen Dietz  
Ms. Edithe Fulton  
Ms. Josephine E. Hernandez  
Dr. Ernest Lepore  
Mrs. Florence McGinn  
Mr. Kenneth Parker  
Dr. Dorothy Strickland

**ABSENT**

**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 June 18, 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.

### **SWEARING-IN OF STATE BOARD MEMBER**

Michelle Miller, AAG, administered the oath of office to Mrs. Florence McGinn as the newest member of the State Board of Education. Mrs. McGinn, a former teacher, is from Hunterdon County.

State Board members and Commissioner of Education Lucille Davy congratulated Mrs. McGinn on her appointment and welcomed her to the State Board of Education.

### **STUDENT SPEAKERS**

Kayla Stoll, the 2007 State Board student representative and a junior from High Point Regional High School (Sussex County) thanked the State Board for the opportunity to serve as the student representative and bid the State Board farewell as this is her last meeting as the student representative.

Vice President Aponte read a resolution from the State Board honoring Kayla's service to the State Board during the 2007-08 school year. On a motion duly seconded and carried, the State Board unanimously approved the adoption of the following resolution:

### **RESOLUTION FOR KAYLA STOLL**

**WHEREAS**, Kayla Stoll, a student at High Point Regional High School in Sussex County, has served with dedication as the student representative to the New Jersey State Board of Education from March 2007 to June 2008; and

**WHEREAS**, Kayla, as the State Board representative, served an unprecedented length of service during the period of revising the selection process of a new student representative; and

**WHEREAS**, Kayla has performed her 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 High Point Regional High School; and

**WHEREAS**, Kayla 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**, Kayla is a bright, outgoing young lady 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 Kayla Stoll 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 Kayla Stoll's personal and academic excellence as well as her leadership qualities, and that they wish her continued success in her future endeavors.

## **INTRODUCTIONS**

Commissioner Davy recognized Robert Gilmartin, Interim County Superintendent of Schools, Passaic County.

## **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 May 21, 2008. State Board members Debra Casha and Kathleen Dietz abstained from voting on the minutes.

## **PRESIDENT'S REPORTS**

- Nominating Committee Report – Chairperson Debra Casha reported that the Nominating Committee recommended the following slate of candidates: Josephine Hernandez for President and Arcelio Aponte for Vice President. The vote will occur at the July State Board meeting.
- Legal Committee Report – Chairperson Josephine Hernandez reported from August 1, 2007 to June 16, 2008, 67 new appeals have been filed, 38 decisions have been

- rendered, and 43 cases are currently pending before the State Board. Ms. Hernandez thanked staff for their support during this period.
- International Education Report – Chairperson Kathleen Dietz reported that the Office of Academic Standards has received funding from Longview Foundation for a project designed to support integration of international global knowledge and skills into the revised 2009 NJ Core Curriculum Content Standards in all content areas. In addition, the Department of Education will participate in a forum sponsored by the Asia Society where we will examine leading policy innovations and educational best practices in the states and worldwide. The new Office of Math and Science Education will include a focus on international/global perspectives in math and science education as part of its mission and goals.
  - New Jersey County Vocational Liaison –Debra Casha reported that the National Association of State Boards of Education (NASBE) convened a study group on career and technical education which met in January, March and June. The purpose of the study group is to provide professional development for the State Board members as well as examine policy issues to develop strategies for providing meaningful career technical education. Josephine Hernandez also reported that the Career Technical Education Advisory Council met periodically to continue with the development of a new Five-Year Plan State Plan for career and technical education.
  - NASBE HIV/AIDS Conference – Dorothy Strickland provided a report on her attendance at the conference which highlighted the alarming high rate of HIV/AIDS among the African-American population. Conference attendees worked to begin framing state plans to address this issue.

## **COMMISSIONER'S REPORTS**

### **New Jersey School Business Administrator of the Year Award**

John Donohue, executive director, New Jersey Association of School Business Administrators, introduced this year's recipient, Karen Dunn, school business administrator for Union Township School District (Union County). Ms. Dunn holds the certification of New Jersey School Business Administrator, New Jersey School Purchasing Agent and Registered School Business Administrator. She held the position of assistant to the business administrator/board secretary for five years before becoming school business administrator. She is a member of a variety of professional associations, as well as the Kappa Delta Pi, the International Honor Society in Education.

As School Business Administrator of the Year, Ms. Dunn was awarded \$1,500 scholarship that she can present to a high school student of her choice.

### **Monitoring of School Districts**

Deputy Commissioner Willa Spicer reported that letters have gone out to districts approving corrective action plans. The first set of six month reviews will start in July 2009.

**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 Annual Calendar of State Board Meeting Dates**

- Adopted the resolution below for the annual calendar of the 2008-2009 meeting dates of the State Board of Education pertaining to *N.J.A.C. 6A:1-2.2*, pursuant to *N.J.S.A. 18A:4-7* and *10:4-6 et seq.*

**RESOLUTION  
ANNUAL CALENDAR OF STATE BOARD MEETING DATES**

**WHEREAS, N.J.S.A. 18A:4-7** states 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., Open Public Meetings Act, and notice of such meetings shall be made in a manner consistent with the law; now therefore be it

**RESOLVED,** that the State Board establishes the following dates for its monthly business meetings and public hearings for the 2008-2009 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 2008-2009:**

July 16	November 19	March 18
August 20	December 17	April 15
September 17	January 21	May 20
October 15	February 18	June 17

**PUBLIC HEARING SESSIONS 2008-2009:**

July 16	November 19	March 18
August 20	December 17	April 15
September 17*	January 21*	May 20*
October 15	February 18	June 17

\*Open Topic Sessions

Members of the public may reserve time to speak at public hearing sessions 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. City of Newark – School Qualified Bonds, Series 2005**

- Adopted 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 *N.J.S.A. 18A:24-88(b)*. Arcelio Aponte recused himself. Debra Casha opposed.

**RESOLUTION FOR CITY OF NEWARK \$63,700,000  
SCHOOL QUALIFIED BONDS, SERIES 2005  
3<sup>rd</sup> AMENDED APPLICATION**

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**WHEREAS**, the issue before the New Jersey Board of Education is on the 3<sup>rd</sup> amended application of the State-Operated School District of the City of Newark (“District”) as to whether City of Newark in the County of Essex, New Jersey (“City”) is entitled to modify the original request for issuing \$63,700,000 of School Qualified Bonds (the “Bonds”) on behalf of the District as qualified bonds pursuant to the School Qualified Bond Act, N.J.S.A. 18A:24-85 et seq.; and

**WHEREAS**, the authority of the State Board is established pursuant to N.J.S.A. 18A:24-88c. et seq. when an investigation shows to the satisfaction of the Commissioner that such school district or municipality should be entitled to issue qualified bonds pursuant to the provisions of N.J.S.A. 18A:24-85 et seq. shall so recommend to the State Board which may by resolution determine that such school district or municipality is entitled to issue qualified bonds; and

**WHEREAS**, the State Board adopted a resolution at the October 19, 2005 State Board meeting regarding the original application submitted by the District as to whether the City is entitled to issue \$63,700,000 of Bonds on behalf of the District as qualified bonds; and

**WHEREAS**, the State Board adopted a resolution at the April 5, 2006 State Board meeting regarding the 1<sup>st</sup> amended application submitted by the District as to whether the City is entitled to issue \$63,700,000 of Bonds on behalf of the District as qualified bonds; and

**WHEREAS**, the State Board adopted a resolution at the September 5, 2007 State Board meeting regarding the 2<sup>nd</sup> amended application submitted by the District as to whether the City is entitled to issue \$63,700,000 of Bonds on behalf of the District as qualified bonds; and

**WHEREAS**, the 3<sup>rd</sup> amended application is for the reallocation of funds and

**WHEREAS**, the Bonds would still be issued for the purpose of constructing and improving various district 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**, on October 27, 2004, the Capital Project Control Board originally agreed to finance various capital improvements to be undertaken by the District and then on December 12, 2005 amended the various capital improvements; and

**WHEREAS**, the amended projects that were reviewed by the Capital Project Control Board which are to be financed by the bonds, have been determined to be “other capital projects,” not entitled to State share funding under the Educational Facilities Construction and Financing Act, P.L. 2000, c.72 (EFCFA) ; and

**WHEREAS**, in February, 2005, the City introduced a bond ordinance appropriating \$63,700,000 on behalf of the District for the issuance of the bonds and then on February 15, 2006 introduced a bond ordinance amending the original bond ordinance to conform with the Revised School Capital Projects; and

**WHEREAS**, on March 22, 2005, the District submitted its original application to the Commissioner for investigation and recommendation and a determination by the State Board of Education and then subsequently submitted a 1<sup>st</sup> amended application on February 22, 2006, and submitted a 2<sup>nd</sup> amended application on July 11, 2007 to the Commissioner for the same; and

**WHEREAS**, the bond ordinance will be finally adopted after approval has been granted by both the State Board of Education and the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs; and

**WHEREAS**, in accordance with N.J.S.A. 18A:24-88b, the Department undertook an investigation of the statutory factors to be considered in making a recommendation on the amended application to the State Board; and

**WHEREAS**, the Commissioner found that all of the express statutory factors at N.J.S.A. 18A:24-88b supported a positive recommendation on qualification; and

**WHEREAS**, the Commissioner believes that the bonds to be issued by the City will support the ability of the District as amended to maintain a thorough and efficient system of education; and

**WHEREAS**, the Department concluded that (1) all of the amended projects proposed to be financed were indeed ineligible for State share under EFCFA, and (2) that the State education aid pledge was not tantamount to the use of State education aid or additional State education aid being used to actually fund projects otherwise ineligible for State share; and

**WHEREAS**, on August 25, 2005, the City sent the Commissioner written assurance that the District would be reimbursed within 60 days of each debt service payment made and the Commissioner believes this to be an acceptable time period; and

**WHEREAS**, pursuant to N.J.S.A. 18A:24-88(c), the Commissioner has undertaken an investigation of the statutory factors and now recommends to the State Board of Education that the City should be entitled to issue qualified bonds in conjunction with the Newark School District's Capital Bond Proposal dated October 27, 2004 in the amount of \$63,700,000 and as amended in the revised application dated February 22, 2006, 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 qualified bonds in conjunction with the Newark School District's Capital Bond Proposal dated October 27, 2004 in the amount of \$63,700,000 and as amended in the revised applications dated February 22, 2006, July 11, 2007, and February 28, 2008.

**D. State Board of Examiners**

- Adopted the following resolution approving an appointment to State Board of Examiners pursuant to *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 county superintendent of schools will become vacant by reason of the retirement of that member on July 1, 2008; 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 county superintendent; 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 county superintendent

seat on the State Board of Examiners, which term will become vacant on July 1, 2008 and will expire on August 31, 2009:

Terrence J. Crowley  
Executive County Superintendent  
Cape May County

**E. NJASK 5-8 Standards Setting Resolution - Draft**

- Discussed the draft resolution to establish the proficiency scores for the New Jersey Assessment of Skills and Knowledge (NJASK) for grades 5 through 8 pursuant to *N.J.A.C. 6A:8-4.1(b)*.

**F. Standards for New Jersey High School End of Course Biology Test**

- Discussed the standards proposed to approve the New Jersey High School End of Course Biology Test pursuant to *N.J.A.C. 6A:8-4.1(b)*.

**ITEMS FOR DISCUSSION**

- Reading First and Assessment Update – Jay Doolan, assistant commissioner, Division of Educational Standards and Programs, Mary Ann Capetola, director, Office of Reading First, and Gregory Kocher, assessment coordinator, Office of Reading First, provided outcome data based on the implementation of the Reading First Initiative.

**NEW BUSINESS**

There was no new business.

**LEGAL CASES**

**LINDA AIELLO V. BOARD OF EDUCATION OF WESTWOOD REGIONAL SCHOOL DISTRICT, BERGEN COUNTY, STATE BOARD DOCKET #20-08**

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The State Board affirmed the Commissioner's decision finding a tenured school social worker who was the subject of a reduction in force was not entitled to an elementary position although she had the requisite certificate because she had never served under that instructional certificate.

**IN THE MATTER OF THE DENIAL OF THE CHARTER SCHOOL APPLICATION OF THE CAMDEN CAREER EDUCATION CHARTER SCHOOL, STATE BOARD DOCKET #11-08**

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**IN THE MATTER OF THE DENIAL OF THE CHARTER SCHOOL APPLICATION OF THE TRENTON CAREER EDUCATION CHARTER SCHOOL, STATE BOARD DOCKET #12-08**

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**IN THE MATTER OF THE DENIAL OF THE CHARTER SCHOOL APPLICATION OF THE CAMDEN ENVIRONMENTAL CHARTER SCHOOL, STATE BOARD DOCKET #13-08**

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The State Board denied Appellants' motion to supplement the record with information regarding another charter school whose charter application was approved.

**AMELIA COLON-SERRANO V. BOARD OF EDUCATION OF THE CITY OF PLAINFIELD, UNION COUNTY, STATE BOARD DOCKET #10-08**

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The State Board affirmed the Commissioner's decision which rejected the notion that a tenured attendance aide who voluntarily transferred to a non-tenurable position of classroom aide was entitled to "bump back" into a tenurable position upon notice of non-renewal as a classroom aide.

**IN THE MATTER OF THE CENSURE OF RAYMOND A. DELBURY PURSUANT TO N.J.S.A. 18A:12-21 et seq., BOARD OF EDUCATION OF THE SUSSEX-WANTAGE REGIONAL SCHOOL DISTRICT, SUSSEX COUNTY, STATE BOARD DOCKET #1-08**

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The State Board affirmed the Commissioner's decision imposing a penalty of censure against a board member for violations of the code of ethics.

**IN THE MATTER OF THE TENURE HEARING OF ANDREW GALL, STATE OF NEW JERSEY, DEPARTMENT OF HUMAN SERVICES, NEW LISBON DEVELOPMENTAL CENTER, STATE BOARD DOCKET #3-08**

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The State Board affirmed the Commissioner's decision dismissing the appellant from employment for unbecoming conduct. Kathleen Dietz and Debra Casha opposed.

**IN THE MATTER OF THE REVOCATION OF THE TEACHING CERTIFICATES OF AKATERINI KARIS BY THE STATE BOARD OF EXAMINERS, STATE BOARD DOCKET #7-08**

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The State Board reversed the State Board of Examiners' decision to revoke respondent's teaching certificates and instead adopted the decision and penalty recommended by the ALJ which was to suspend respondent's certificates for the remainder of the 2007-08 school year. Kathleen Dietz opposed.

**BOARD OF EDUCATION OF THE TOWNSHIP OF NEPTUNE, MONMOUTH COUNTY V. STATE OF NEW JERSEY, DEPARTMENT OF EDUCATION, DIVISION OF ABBOTT IMPLEMENTATION, STATE BOARD DOCKET #14-08**

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The State Board affirmed the Commissioner's decision not to issue a declaratory ruling because the appellant failed to meet the necessary requirements for a declaratory ruling.

**IN THE MATTER OF THE CENSURE OF MARLENE POLINIK PURSUANT TO N.J.S.A. 18A:12-29(c), WAYNE TOWNSHIP BOARD OF EDUCATION, PASSAIC COUNTY, STATE BOARD DOCKET #24-08**

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The State Board granted the motion to allow the Commissioner to participate in the appeal of the School Ethics Commission's decision.

**ADJOURNMENT**

On a motion duly seconded and carried the State Board of Education adjourned its June 18, 2008 public meeting at 3:51 p.m.

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