

**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**

May 19, 2010

Presiding: Josephine Hernandez, President

Secretary: Bret Schundler, Commissioner

PRESENT CONSTITUTING A QUORUM

Mr. Arcelio Aponte
Dr. Ronald Butcher
Ms. Kathleen Dietz
Ms. Edithe Fulton
Mr. Robert Haney
Dr. Ernest Lepore
Mr. Ilan Plawker
Dr. Dorothy Strickland

ABSENT

Ms. Florence McGinn

CONVENING

Josephine Hernandez, President, State Board of Education, convened the public meeting with the reading of the statement pertaining to the public session of the State Board meeting as it complies with the Open Public Meetings Act.

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.

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.

And seeing there was a quorum the meeting of May 19, 2010 was called to order.

ADJOURN TO EXECUTIVE SESSION

President Hernandez 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 issues.

The State Board immediately adjourned to executive session.

RECONVENING

President Hernandez reconvened the public meeting at 10:20 a.m. 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.

PLEDGE OF ALLEGIANCE

STUDENT SPEAKERS

In his last address before the State Board, Devon McRimmon, a junior at J.P. Stevens High School (Middlesex County) and school representative for the 2009-10 year who spoke about the skills and experiences he has encountered over the course of the past year as the state board student representative.

The State Board members approved a resolution congratulating and thanking Devon for his service and wished him well in the coming school year. President Hernandez announced that Tabitha Nicodemus, a student at Rancocas Valley Regional High School (Burlington County) will be the new student representative for 2010-2011 school year.

INTRODUCTIONS

Commissioner Schundler recognized Kathleen Serafino, Executive County Superintendent of Schools (Morris County), who represented the county superintendents.

Student Recognition Program

Dr. Serafino introduced Rachael Leva from Pequannock Township High School (Morris County). On behalf of the State Board, President Hernandez congratulated Rachael on her academic and humanitarian accomplishments.

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 April 21, 2010.

PRESIDENT'S REPORT

State Board Nominating Committee

President Hernandez announced the selection of the State Board Nominating Committee that will nominate the 2010-2011 State Board of Education president and vice president. Dorothy Strickland will serve as chairperson, and Robert Haney and Florence McGinn will serve as members. The nominating committee will give its report at the June State Board monthly meeting and the State Board will vote on officers at the July State Board monthly meeting.

Public Testimony

President Hernandez stated that the public testimony session will be held at 3:00 p.m. The topic for consideration will be *NJAC 6A:5*, Regulatory Equivalency and Waivers. Additionally, she stated that the public testimony session will also be an open topic session.

Calendar of State Board Meeting Dates for 2010-2011

The State Board members discussed two options for monthly public meeting dates for the 2010-2011 school year. State Board members discussed the merits of holding State Board meetings on the third Wednesday or the first Wednesday of each month. After this discussion, the State Board adopted the following resolution for the annual calendar of the 2010-2011 meeting dates of the State Board of Education pertaining to *NJAC 6A:1-2.2*, pursuant to *NJSA 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 2010-2011 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 2010-2011:

July 7	November 3	March 2
August 4	December 1	April 6
September 1	January 5	May 4
October 6	February 2	June 1

PUBLIC HEARING SESSIONS 2010-2011:

July 7	November 3	March 2
August 4	December 1	April 6

September 1*
October 6

January 5*
February 2

May 4*
June 1

*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.

Announcements

President Hernandez reminded State Board members to file their financial disclosure forms on or before August 25, 2010. She stated that instructions and information related to financial disclosure documentation is available at www.state.nj.us/ethics/disclosure/financial.

Professional Development

President Hernandez stated that she and State Board member Florence McGinn attended a conference on April 30th entitled Persistence in High School and College: Tools to Help Increase Retention and Degree Attainment.

President Hernandez also stated that she attended a lecture sponsored by the Education Law Center in Newark. She stated that the guest speaker was Linda Darling-Hammond, who in her remarks highlighted New Jersey as a national leader in education.

COMMISSIONER'S REPORT

Monitoring of School Districts

Commissioner Schundler stated that the first round of school districts is completed and that some school districts' systems are not currently at the level that they should be. Commissioner Schundler stated that the Department would continue to work with these school districts to ensure that there are in place. Commissioner Schundler also stated that the Department learned that they would not be allowed under current statute to suspend the second round of NJQSAC monitoring reviews. Commissioner Schundler stated that Department may propose that the legislature consider providing an alternative time frame for monitoring. For instance, those school districts with systems in positive working order would have a greater period of time between monitoring reviews. The State Board and the Commissioner discussed the development of a resolution supporting a revision of the NJQSAC process to present to the legislature.

Middle Schools to Watch

Rochelle Hendricks, Assistant Commissioner, Division of District and School Improvement is a middle grades improvement program sponsored by the National Forum to Accelerate Middle Grades Reform. NJ is one of 18 states using the Schools to Watch Framework for middle grades improvement. Ms. Hendricks stated that this program is a national, research-based program designed to take a critical look at the needs of middle level students, defined as students in

grades six and seven and/or eight by the forum. The New Jersey Middle Schools to Watch program is a partnership between the Department and the Garden State Partnership for Teacher Quality. The partnership includes Kean, Rowan and William Paterson Universities, NJ Middle School Association, NJ Principals and Supervisors Association and the NJ Association for Supervision and Curriculum Development.

The program focuses on four key areas academic rigor, developmental responsiveness, social equity and organizational structure and processes. Schools seeking to hold the title are required to engage in significant reflection about how they operate and to demonstrate outcomes that satisfy the criteria in the four key areas.

After a comprehensive review process and ten rigorous sight visits, the Department chose two schools: Black River Middle School, Chester Township in Morris County and Montgomery Lower Middle School in Montgomery Township in Somerset County.

Ms Hendricks stated the state board would learn more about these two schools at the June 16, 2010 monthly public meeting of the State Board.

Common Core Standards

Commissioner Schundler stated that NJ is working through the Council of Chief State School Officers and the Common Core Standards Initiative to develop a set of core Mathematics and English Language Arts Standards that will meet the central goal of being high standards that will lead to students being ready for college or careers, standards that are transparent and clear to teachers and superintendents, standards that are well sequenced developmentally. Commissioner Schundler stated that there has been a great deal of input into the development of the core standards through various committees, stakeholders, public input and state board member involvement on the national level. Commissioner Schundler further stated that this content can easily be incorporated into the NJ standards and will allow us to improve our standards in these areas.

Mary Jane Kurbinski, Director, Office of Early Literacy stated that this draft of the English Language Arts standards remains substantially the same from the previous draft with some additions to the type of text and clarification of the complexity of the text across grade levels, some developmental attention paid at the early grades in literacy as well as increased attention to the type of genre studied. Ms. Kurbinski stated NJ has always had strong standards and that these core standards will add value to our current standards.

Sandra Alberti, Director, Office of Mathematics stated that this is the first time in the process that the release of the national Mathematics standards has not been coordinated with the release of the national English Language Arts Standards. In past weeks, the Department held meetings with representatives of colleges and authors of the document, parents, stakeholders and associations to discuss draft. This feedback is being carefully considered and address. The reason for the staggered delay is that the design of the document is being addressed. Department anticipates receiving the final draft within a few weeks.

Commissioner Schundler stated that as a part of the requirements for the Race to the Top Application, the State Board would need to signal their support and intent to adopt these standards at a future board meeting.

Alternative High School Assessment (AHSA)

Willa Spicer, Deputy Commissioner stated that last year the Department and State Board agreed to adjust the former Special Review Assessment (SRA) so that the protocols would be more specific and the state would have an oversight on the alternative testing that the it has been conducting.

Dr. Timothy Peters, director of the Office of Standards and Assessments stated that about 9,500 students began the AHSA process in January. Of that number 90% of the students failed the first administration of the Alternate High School Assessment AHSA. Dr. Peters stated that about 4,800 students took the AHSA in Language Arts and the preliminary pass rate is 10% and about 9,500 participated in the first administration of the AHSA in Mathematics and the preliminary pass rate is 34%.

Deputy Commissioner Spicer stated that some school districts reported that in a number of cases students had no warning that their writing, reading or mathematics skills were too low to be on par with New Jersey. She also stated that this has resulted in enormous public outcry over concerns about what will happen to the students over the summer. The Department is working with the Morristown-Ocean County Jointure Commission to establish a virtual summer school in reading and mathematics for any students who still have not passed the test. The students will have an opportunity to retake the test and scoring will be conducted at the end of July and the beginning of August. The Department is also establishing an appeals process because there is a set of students accepted to participate in the Education Opportunity Fund, to begin on July 1, 2010 and won't be able to participate without a high school diploma. The appeals process would permit consideration of other acceptable passing scores on tests such as the College Boards, ACT or the Army admissions test.

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. **Marie H. Katzenbach School for the Deaf**

Approved for publication in the *New Jersey Register*, the readoption with amendments of the Marie H. Katzenbach School for the Deaf regulations at N.J.A.C. 6A:21 pursuant to N.J.S.A. 18A:1-1, 18A:4-15, 18A:6-10 et seq., 18A:39-1, 18A:46-1 et seq., 18A:60-2 through 60-3 and 18A:61-1 et seq.

C. **Educational Facilities**

Approved the grant funding code for facilities for regular operating school districts including county vocational schools pursuant to N.J.A.C. 6A:26-18.

D. **Special Education**

Approved for publication in the *New Jersey Register* the proposed amendments to the Special Education Code to implement new federal requirements regarding revocation of consent by parents of students with disabilities pursuant to N.J.S.A. 18A:46-1 et seq.

E. **Professional Licensure and Standards**

Approved for publication in the *New Jersey Register* the proposed amendment 6A:9-8.8, 11.20, 12.4, 12.5, 12.8 and 13.72 to the licensure code for reciprocity for out-of-state certificates.

F. **Adult Education**

Approved for publication in the *New Jersey Register* the proposed amendments to the adult education code permitting school districts to charge tuition at N.J.A.C. 6:30. State Board members Kathleen Dietz and Ilan Plawker opposed.

WORK SESSION

School Choice

Commissioner Schundler stated that the “Opportunity Scholarship Act” is a new five-year pilot program that creates scholarships for low-income students to attend other private or public schools. This program will give some students an opportunity to transfer out of underperforming schools. Commissioner Schundler stated that this program is designed to reduce class sizes, provide more choices to students in the state’s lowest performing schools, and spur the innovation necessary to turn around these same schools.

Commissioner Schundler stated that the scholarship amounts will be the greater of \$6,000, or 40 percent of the chronically failing schools’ district’s average cost per student for grades kindergarten through 8th grade, and the greater of \$9,000, or 59 percent for grades 9th through 12th grades. The \$6,000 to \$9,000 amount is the current average cost per student at non-public schools and will increase proportionately as the per student spending increases in public schools during the five year pilot program. This will not, however, change the total amount of tax credits given under this legislation. At least 75% of the scholarships have to be made available to children attending schools of low proficiency.

These scholarships will enable between 2,500 and 3,800 children from low income families attending chronically failing public schools to go to private schools or better public schools in the program’s first year.

Race to the Top

Commissioner Schundler stated that the Department plans to submit its Race To The Top Application on June 1, 2010 to the federal government. The commissioner stated that three of the four major sections of the application have marginal changes as those sections scored rather high in the first round. The fourth section, which is the section in which NJ lost most of its

points, had to do with lack of participation from the various state education associations and local association presidents. The Commissioner stated that there are areas of broad agreement and the biggest area of concern is centered around providing bonus dollars either school-wide or to an individual educator. Commissioner Schundler described various situations such as incentives and accountability mechanisms in which the state's application would receive points. The Commissioner stated that New Jersey was applying for \$400,000, 000 in its application. Commissioner Schundler stated that the Department is putting together an implementation plan and is requesting the State Board's support on the implementation plan.

Role of the State Board

Due to time constraints, this discussion was postponed to the June 16, 2010 monthly public meeting of the State Board.

NEW BUSINESS

There was no new business.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its May 19, 2010 public meeting at 3:35 p.m.

Bret Schundler, Commissioner
Secretary, State Board of Education