

**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 16, 2010

Presiding: Josephine Hernandez, President

Secretary: Bret Schundler, Commissioner

PRESENT CONSTITUTING A QUORUM

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

ABSENT

Ms. Kathleen Dietz

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 June 16 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

President Hernandez stated that the new State Board Student Representative Tabitha Nicodemus, a junior from Rancocas Valley Regional High School would officially begin to serve in that capacity in July. President Hernandez stated that Tabitha is here today with her advisor, Sandra Symczyk.

INTRODUCTIONS

Commissioner Schundler recognized Aaron Graham, Executive County Superintendent of Schools (Bergen County), who represented the executive county superintendents.

Student Recognition Program

Commissioner Schundler announced there was no student recognition during the summer months. Student recognition will resume in the fall.

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 19, 2010.

PRESIDENT'S REPORT

State Board Nominating Committee

Dorothy Strickland, chair of the Nominating Committee, presented the slate of candidates as: Arcelio Aponte for president and Ronald Butcher for vice president. The vote will occur next month. State Board members Robert Haney and [Edithe Fulton] Florence McGinn were also on the committee.

President Hernandez thanked the members of the State Board for their support during her tenure as President.

Public Testimony

President Hernandez stated that public testimony would not be held today as the items tentatively scheduled for the June 16 public testimony session had not yet been published in the *New Jersey Register*. President Hernandez also stated that once those items are published in the *New Jersey Register*, public testimony will be rescheduled.

Common Core State Standards Webinar

President Hernandez stated that the National Governor's Association (NGA) and the Council of Chief State School Officers (CCSSO) would host a webinar on the content of the Common Core State Standards on June 30, 2010 from 3:00-5:00 pm. She stated that Bill McCallum, lead writer of the Common Core State Standards for Mathematics and Jim Patterson, writer of the Common Core State Standards for English Language Arts are the guest speakers and will present on the content and development of the standards.

Interfaith Dialogue Center Recognition

President Hernandez stated that Rochelle Hendricks, assistant commissioner, Division for School Effectiveness and Choice, was honored on June 2, 2010 by the Interfaith Dialogue Center for her contributions in promoting peace and understanding the bridging the gap in cultural differences.

COMMISSIONER'S REPORT

New Jersey School Business Administrator of the Year

John Donohue, Executive Director of the New Jersey Association of School Business Administrators introduced Anthony Del Sordi from the Scotch Plains-Fanwood School District as the recipient of this year's NJASBO service award. State Board members congratulated Mr. Del Sordi for his service.

Middle Schools to Watch

David McNair, co-director of the NJ Schools to Watch program stated that in 2007, the department became one of 19 states involved with the Schools to Watch program. He stated that the program requires schools to engage in significant reflection about how they operate, the vision for their work, and the outcomes of programs and services. The goal of the program is to support student achievement through thoughtful, sustained practices that address the needs of the whole child. He also stated that the NJ Schools to Watch program assesses over 100 criteria in four key areas: academic excellence, developmental responsiveness, social equity and organizational structures. Over the last three years, 75 schools have applied to be part of this rigorous program, which currently recognizes only 243 schools nationally.

The New Jersey Schools to Watch program is a partnership with the Garden State Partnership for Teacher Quality, which includes Kean, Rowan and William Paterson Universities. Other organizations involved in the program include the New Jersey Principals and Supervisors Association, the New Jersey Middle School Association, and the New Jersey Association for Supervision and Curriculum Development.

Mr. McNair stated that New Jersey has a total of nine Schools to Watch and that personnel from two of those schools were in attendance to be introduced to the State Board. Robert Mullen, principal of Black River Middle School, Dr. Christina VanWoert, superintendent of the Chester School District, and former vice principal Carmine Ciriaco were recognized from Black River Middle School, Chester Township, Morris County. Michael Richards, principal of Montgomery Lower Middle School was recognized from Montgomery Lower Middle School, Montgomery Township, Somerset County

Mr. McNair stated that these two schools will also be recognized at the National Schools to Watch Conference in Washington DC next week. During the next three years, these schools will serve as models for others, sharing their successes and talking about ways they can continue to improve.

Alternative High School Assessment (AHSA)

Deputy Commissioner Willa Spicer stated that New Jersey has provided an alternative test for seniors who failed to reach proficiency on the state test since 1995. She also stated that after some experimentation with format, the performance based alternative known as the Special Review Assessment (SRA) was established in its present form by about 1998. The test retained its performance prompts in both math and language arts but the overview function for both the district and state was eliminated. The state sent out a large variety of tasks, known as Performance Assessment Tasks (PATs) and rubrics for judging them. The districts gave the PATs when they wished and scored them as they wished. She further stated that the districts reported the results to the counties but not to the state; the only year we attempted to measure the percentage of students who passed was last year when we found that about 4% of the students attempting the SRA process did not graduate because of failing the SRA.

Deputy Commissioner Spicer stated that this year, with ample notice to all schools, the department moved to improve the validity of the assessments. The department kept the items and rubrics as they were but provided only two windows to take the test—one in December and one in April. The tests were scored centrally using our own teachers when we could and vendor scorers who scored the regular HSPA. The result is that many more students did not meet the standards on the AHSA the first time they took the test. She also stated that the department then looked at alternative methods of viewing these students so that we could be absolutely sure that we had examined every bit of evidence to ensure that each student who could read and write at the required level and do the mathematics would go forward.

Thus, in the last two weeks the department undertook a portfolio review for all students whose teachers and/or counselors believed that they had evidence of proficiency. In addition, the department is also providing students who have not exhibited proficiency with online preparation and courses and another opportunity to take the AHSA in August. All these data are still coming into the department so the numbers are preliminary and details such as race and ethnicity have not yet been collected. The full roster for the Class of 2010 is not yet available.

Deputy Commissioner Spicer further stated that:

Mathematics

- In March of 2009, 98,605 eleventh-grade students, the Class of 2010, took the HSPA for the first time. Of these, approximately 70,500 students passed the March 2009 HSPA math section on the first round of testing.
- In October of that year, students who failed the March 2009 test took the HSPA again and, at the end of that test, about 11,000 still had not met the math standard. Another 6900 were exempted from passing by their Individual Education Program (IEP) or took the APA for students with severe disabilities.
- In October of 2009, March of 2010 and April of 2010, the students who had not yet passed the HSPA could take it two more times and those who still had difficulty with the standardized test could take the AHSA twice. Approximately 11,000 students participated in this test cycle and all but about 2,400 students passed one or more of the tests.
- In this transition year, based on the criteria we provided districts in May and early June, many of these students were eligible for appeals and automatic approvals on other standardized assessments that would allow them to graduate in Spring 2010.

Language Arts Literacy (LAL)

- Of the original 98,605 eleventh-grade students, the Class of 2010, who took the HSPA for the first time, approximately 81,000 students passed the March 2009 HSPA LAL section on the first round.
- In October 2009, March 2010 and April 2010 the students who had not yet passed the literacy portion of the HSPA could take it two more times and those who still had difficulty could take the AHSA twice, Approximate 5,000 students participated in this test cycle and all but 1320 passed one or more of the tests.
- Again, based on the criteria the department provided districts in May and early June, many of these students were eligible for appeals and automatic approvals on standardized tests we acknowledge that would allow them to graduate in Spring 2010.

Automatic Test Approval

Any school that has evidence of student performance at a foundation level in literacy or math on a standardized test such as the SAT, ACT, Accuplacer or the military exam is able to certify a student for graduation automatically. The school forwards the evidence of the student performance to the department. To date, about 45 students have been certified in this way but we expect additional submissions.

Portfolio: Math and English

- Under the direction of Sandra Alberti and Mary Jane Kurabinski, the department examined 806 separate portfolios for students in the last two weeks.
- Of these, 239 math portfolios have been accepted as providing adequate evidence of proficiency and 374 have been accepted in language arts/English.
- To this point, 63 math portfolios have been denied and 143 have been denied in literacy.
- There are still a few portfolios in each area that have not been completed and perhaps 100 portfolios whose students did not meet the standards in both math and English that have not yet been read.

In addition, if the department found a student who missed only one prompt in math and who scored a 191 or above on the HESPA (200 is proficiency) we permitted that student to have

another chance at a new prompt. Three hundred and eleven (311) students passed the one prompt and 50 failed.

Summary Estimate

Math and Literacy

The numbers below are preliminary and will be refined as data become available. They represent instances in each content area as the department does not yet know the degree of overlap. Given the test information from local districts that we do not yet have, the department anticipates about 2200 individuals will require summer remediation.

Number who did not pass the HSPA or the AHSA	2400	1,320
Students showing proficiency via alternative methods (as of this date)	550	374
Data still to be collected for	1860	946

Deputy Commissioner Spicer stated that there are many lessons to be learned in the portfolio review but, most important, there has been careful evaluation of student performance in many high schools in the state. She also stated that it is clear that our cities have presented their students thoughtfully and their portfolios have been approved at a high rate. Camden presented 18 students and 16 showed adequate evidence; Newark presented 75 students and 56 were approved. Not all the suburbs did as well; some attaining only a 50% rate. She further stated that during the summer, when the data are complete, the department will look at the issues raised in the process and review fully the learning issues for the students and adults that arise from this experience.

Monitoring of School Districts

Commissioner Schundler stated that he would provide a full report in July of the entire past year.

ITEMS FOR CONSIDERATION:

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

A. Commissioner

- Adopted the organization chart for the State Department of Education at NJAC 6A:2-1.1 et seq., pursuant to N.J.S.A.18A:4 et.seq.

B. Appointments

- Approved the appointments pursuant to NJSA 18A:4-32-35 and N.J.A.C. 6A:2.
 - Approved the appointment of Norris Clark as Director of the Office of Parental Information.
 - Approved the appointment of Christopher Emigholz as Director of the Office of Legislative Services.

- Approved the appointment of Alan Guenther as Director of the Office of Public Information and Records.
- Approved the appointment of Valarie Smith as the Director of the Office of Inter-District Choice and Opportunity Scholarships.
- Approved the appointment of Eric Taylor as the Director of the Office of Statute and Code Review.
- Approved the appointment of Stephanie Wilson as the Director of the Amistad Commission.

C. Evaluation of the Performance of School Districts

- Approved the readoption with amendments of the NJ Quality Single Accountability Continuum regulations at N.J.A.C. 6A:30 pursuant to N.J.S.A. 18A:7-3 et seq.

D. School District Operations

- Approved the resolution requesting that Governor Christie continue in effect *NJAC* 6A:32 from July 23, 2010 until the effective date of readoption, pursuant to *NJSA* 52:14B-5.1(d).

**RESOLUTION
REQUESTING AN EXTENSION OF THE EXPIRATION OF N.J.A.C. 6A:32, SCHOOL
DISTRICT OPERATIONS**

WHEREAS, the State Board of Education sets rules necessary to carry out state education law including rules for the supervision and governance of the state's 2,500 public schools serving 1.38 million students; and

WHEREAS, the State Board of Education recognizes that N.J.A.C. 6A:32, School District Operations, that establishes requirements for school districts and district boards of education regarding the daily operations of their schools, are scheduled to expire on September 6, 2010; and

WHEREAS, if the regulations in N.J.A.C. 6A:32, School District Operations expire prior to the effective date of the readopted regulations, the State will have no regulations in place after September 6, 2010; and

WHEREAS, proceeding with the extension of the expiration of N.J.A.C. 6A:32, School District Operations would ensure that there would be no regulatory lapse until a comprehensive review of the current policies pertaining to the regulations at N.J.A.C. 6A:32, School District Operations can be resolved; and

WHEREAS, N.J.S.A. 52:14B-5.1(d) provides that the Governor may continue in effect an expiring rule for a period to be specified by the Governor; now therefore be it

RESOLVED that the State Board of Education respectfully requests Governor Christie continue in effect N.J.A.C. 6A:32, School District Operations from September 6, 2010 until the effective date of the adoption.

E. Common Core Standards

- Approved the resolution to adopt the final K-12 Common Core State Standards, pursuant to N.J.A.C. 6A:8-2.1(a)5.

RESOLUTION TO ADOPT COMMON CORE STATE STANDARDS IN ENGLISH LANGUAGE ARTS AND MATHEMATICS

WHEREAS, the State Board of Education has adopted rigorous Core Curriculum Content Standards and associated cumulative progress indicators which establish the basis for local curriculum and instruction for all students, the Statewide assessment system, and the evaluation of local district boards of education; and

WHEREAS, the Common Core State Standards Initiative is a state-led effort coordinated by the National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO); and

WHEREAS, the standards were developed in collaboration with teachers, school administrators, and experts, to provide a clear and consistent framework to prepare our children for college and the workforce; and

WHEREAS, the standards are informed by the highest, most effective models from states across the country and countries around the world, and provide teachers and parents with a common understanding of what students are expected to learn; and

WHEREAS, consistent standards will provide appropriate benchmarks for all students, regardless of where they live; and

WHEREAS, these standards define the knowledge and skills students should have within their K-12 education careers so that they will graduate high school able to succeed in entry-level, credit-bearing academic college courses and in workforce training programs; and

WHEREAS, the Department has elicited extensive public input through regional feedback sessions, written comments, and electronic feedback submitted through the its website; now therefore be it

RESOLVED, that the New Jersey State Board of Education hereby directs that school district curricula for all students be aligned with these revised K-12 standards in mathematics and English language arts & literacy in history/social studies, science, and technical subjects, according to the attached timeline; and be it further

RESOLVED, that the adopted Common Core State Standards and accompanying indicators mathematics and English language arts & literacy in history/social studies, science, and technical subjects, dated June 16, 2010, will serve as the basis for any state or local

assessments deemed appropriate by the Department of Education and the State Board of Education; and be it further

RESOLVED, that the State Board of Education commends the individuals and organizations, both within the State and beyond its borders, who have contributed to the development and revision of the Common Core State Standards.

F. State Special Education Advisory Council

- Approved the reappointments to the State Special Education Advisory Council pursuant N.J.S.A. 18A:46-2 and *P.L.* 94-142

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 Mr. Michael Nevin be reappointed for a two-year term effective June 16, 2010. Michael Nevin graduated in June 2002 from Nutley High School and attended Bergen Community College until 2005. Michael is a motivational speaker who has presented at numerous advocacy events for individuals with disabilities. Michael is employed by 1st Cerebral Palsy of New Jersey.

RESOLVED, that the Commissioner recommends that Ms. Kathy Roberson be reappointed to the State Special Education Advisory Council for a two-year term effective June 16, 2010. Kathy Roberson is the policy and information coordinator at the Elizabeth M. Boggs Center on Developmental Disabilities. She is also a parent of a child with disabilities and is currently serving as president of the Family Support Coalition of New Jersey.

RESOLVED, that the Commissioner recommends that Ms. Blanche Stetler be reappointed to the State Special Education Advisory Council for a two-year term effective June 16, 2010. Blanche Stetler is family specialist for the state deaf-blind project at the College of New Jersey. Mrs. Stetler is a former president of PRISM Organization, a support group for parents and families of children with deaf-blindness. She currently serves on the executive board for the National Family Association of the Deaf-Blind. She is the parent of a teenage son with disabilities.

RESOLVED, that the Commissioner recommends that Mr. Phil Gartlan be reappointed for a two-year term effective June 16, 2010. Philip Gartlan is the executive director of The Midland School, a private school for students with disabilities in North Branch, New Jersey and executive director of the Midland Adult Services Program. He also currently serves as president of the Association of Private Schools and Agencies for Students with Disabilities.

G. Regulatory Equivalence & Waiver

Approved for publication in the *New Jersey Register*, the proposed the readoption with amendments of the Regulatory Equivalency and Waiver regulations at N.J.A.C. 6A:5, pursuant to N.J.S.A. 18A:4-15.

WORK SESSION

Petition for Rulemaking-North Hanover Township School District

The State Board considered a petition for rulemaking filed by the North Hanover school district seeking an amendment to the N.J.A.C. 6A:9, Professional Licensure and Standards. The new rule sought by the district would allow K-5 certified teachers to teach 6th grade in K-6 districts under the same authorization as K-5 teachers who instruct in grades K-5. Approximately 10 percent of the state's school districts (62 districts) have a K-6 configuration. The State Board denied the request.

Petition for Rulemaking-Project Vote, ACLU of NJ, Fair Elections Legal Network, NJ Department of the Public Advocate

The State Board considered a petition for rulemaking filed by Project Vote, ACLU of NJ, Fair Elections Legal Network, NJ Department of the Public Advocate requesting that the State Board adopt rules requiring local districts to provide both voter registration services and a voter education programs to students annually. The voter registration services shall include distributing to every high school student 17 years or older a voter registration form, instructions on how to complete it and the necessary time to complete it. The voter education programs shall also include instruction about the importance of voting, the role of citizens, and voter registration eligibility requirements. In addition, all public and private schools would be required to demonstrate compliance with these mandates, with public schools demonstrating compliance through the NJQSAC process. Schools would also be required to collect and transmit voter registration forms to elections officials or provide students the option to return the forms themselves. The State Board denied the request.

Role of the State Board

Commissioner Schundler and the members of the State Board had a discussion about the role of the State Board. The Commissioner stated that the Constitution establishes responsibility for funding and maintaining the system of free and appropriate public education. The legislature passes laws that fund and maintain these systems.

The Commissioner stated that the State board is part of the executive branch and assumes duties that otherwise fall under the responsibility of the Commissioner in other state agencies. The State Board is the rulemaking or policy making entity. The Commissioner also stated that the State Board is not directly answerable to the Governor in the same way that he is, although the State Board is a part of the executive branch. He also stated that once statute is promulgated, the executive branch makes the rules to implement the policy in conformance with the statutory framework adopted by the Legislature and the Governor. The State Board adopts regulations and the Commissioner is charged with ensuring compliance with those regulations. State Board members discussed possibilities for using this current structure to be most productive.

State Board members discussed that the State Board was created by statute and therefore the State Board also has a responsibility to the Legislature. The State Board is the agency head which has been established not only by the Legislature but also through case law. State Board members also stated that although the Governor and the Legislature establish education policy, the State Board is a policy board and would like to be seen as a partner in the legislative process.

State Board members discussed having an orientation with Department staff. State Board members also considered continuing attendance and association at the National Association of State Boards of Education (NASBE) sponsored orientation. State Board members discussed the need to have a more active committee structure in order to have a more active policy

development system. The State Board also discussed establishing working relationships with members of the senior staff for more effective policy development.

State Board members discussed that in the past new business provided an opportunity for them to present ideas for future consideration. The State Board members and the Commissioner also discussed methods of communicating information between the State Board and the Department and the bill in the Legislature to restore some authority for an appeals process to the State Board.

The Commissioner and the State Board further discussed the future of the State Board including appointments of members to the State Board. The Commissioner and State Board members discussed meeting annually with the Governor to understand his vision and structure for education and education policy making. The State Board also discussed a long term initiative to consider why the State Board is generating particular code, with a goal of establishing fewer regulations which are more goal oriented and reflect accountability.

NEW BUSINESS

President Hernandez stated that the state board calendar of meeting dates changed from the third Wednesday to the first Wednesday of every month. President Hernandez also stated that the next monthly public meeting of the state board is scheduled for July 7, 2010.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its June 16, 2010 public meeting at 2:35 p.m.

Bret Schundler, Commissioner
Secretary, State Board of Education