

**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**

**February 16, 2011**

**Presiding:** Arcelio Aponte, President

**Secretary:** Christopher D. Cerf, Acting Commissioner

**PRESENT CONSTITUTING A QUORUM**

**ABSENT**

Dr. Ronald Butcher  
Ms. Claire Eckert  
Ms. Edithe Fulton  
Mr. Jack Fornaro  
Mr. Robert Haney  
Dr. Ernest Lepore  
Ms. Florence McGinn  
Mr. Andrew Mulvihill  
Mr. Ilan Plawker  
Mr. Peter Simon  
Dr. Dorothy Strickland

**CONVENING**

Arcelio Aponte, 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 February 16, 2011 was called to order.

**CONVENING**

President Aponte reconvened the public meeting at 10:15 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**

### **SWEARING-IN CEREMONY**

President Aponte introduced the Honorable Anthony Massi, a judge of the New Jersey Superior Court in Mercer County. Judge Massi administered the oath of office to four new State Board members Claire Eckert of Somerset County, Jack Fornaro of Warren County, Andrew Mulvihill of Sussex County and Peter Simon of Morris County.

Ms. Eckert is the former Vice President, Director of General Services at Goldman, Sachs and Co. Ms. Eckert replaces Kathleen Dietz. Her first term as a member of the State Board ends in 2016.

Mr. Fornaro is a former Senior Field Representative/Investigator for the NJ Department of Community Affairs. Mr. Fornaro replaces Frederick LaGarde. His first term as a member of the State Board ends in 2011.

Mr. Mulvihill is the CEO of Crystal Springs and Mountain Creek Real Estate Division. Mr. Mulvihill replaces Josephine Hernandez. His first term as a member of the State Board ends in 2015.

Mr. Simon is a co-founder of William E. Simon & Sons, and serves as co-chairman of this family office and the William E. Simon Foundation. Mr. Simon replaces Debra Casha. His first term as a member of the State Board ends in 2013.

### **STUDENT SPEAKERS**

Acting Commissioner Cerf recognized Tabitha Nicodemus, the student representative for the 2010-2011 school year.

### **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 January 5, 2011. State Board members Claire Eckert, Jack Fornaro, Andrew Mulvihill and Peter Simon abstained.

### **PRESIDENT'S REPORT**

#### **Public Testimony**

President Aponte stated that the public testimony session scheduled to be held at 3:00 p.m. is cancelled as no one registered to speak.

### **National Career and Technical Education Month**

President Aponte introduced the resolution to recognize National Career and Technical Education Month. State Board Vice President Ronald Butcher read the resolution.

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

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

**WHEREAS**, the month of February 2011, has been designated nationally as Career and Technical Education Month by the Association for Career and Technical Education; and

**WHEREAS**, teachers, administrators, and school counselors involved in career and technical education serve more than 180,000 secondary and postsecondary students in the Garden State; and

**WHEREAS**, career and technical education programs incorporate a rigorous academic core coupled with a high-level technical curriculum to prepare students to be college and career ready; and

**WHEREAS**, career and technical education builds collaborative connections among education, economic development and workforce development to support healthy economic growth; and

**WHEREAS**, career and technical education offers opportunities for student leadership experiences supporting personal and professional growth, opportunities to apply academic knowledge and skills in meaningful contexts through partnerships with post secondary institutions, business, industry, and community; and

**WHEREAS**, seven state career and technical student organizations serve more than 37,000 students in New Jersey through membership in Future Business Leaders of America (FBLA); National FFA Association; Family, Career and Community Leaders of America (FCCLA); DECA, an Association of Marketing Students; Health Occupations Students of America (HOSA); Technology Student Association (TSA) and SkillsUSA; and

**WHEREAS**, the comprehensive, innovative approach of career and technical education prepares students as global citizens for a lifetime of career and education choices; now, therefore, be it

**RESOLVED**, that the New Jersey State Board of Education does hereby recognize February 2011 as Career and Technical Education Month in New Jersey and the potential of career and technical education to successfully prepare students of all ages to meet the current and future demands of our rapidly changing global economy.

### **FFA Honoree**

The State Board recognized Shelly Grinsphun (Monmouth County), for her accomplishments through her Career and Technical Education Program at Biotechnology High School. The State Board recognized Shelly for her outstanding accomplishment as the 2009 National Agriscience Fair Winner for her project “The Effects of Various Bacteria on the Defense Mechanisms of Pure Yellow Pansies”. Shelly later participated in the 2010 National FFA Convention and received a Gold Award for her project “The Bacterial Inhibition Properties of Various Components of Tomato Plants” at the 2010 National FFA Agriscience Fair.

The National FFA Agriscience Fair is a competition for FFA members who are interested in the science and technology of agriculture and is held each year during the National FFA Convention.

On behalf of the State Board, President Aponte congratulated Shelley on her achievements.

### **COMMISSIONER'S REPORT**

#### **Paterson Annual Report**

Acting Commissioner Cerf stated that the Paterson Annual Report is rescheduled to the March 2, 2011 meeting.

#### **Newark School District Update**

Acting Commissioner Cerf stated that the Department is searching for a permanent superintendent for the Newark Public School System. He also stated that, Rochelle Hendricks is leading a State transition team in the interim. He further stated that his goal is to have a permanent replacement no later than the end of the summer.

### **ITEMS FOR CONSIDERATION:**

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

#### **\*A. Appointments**

- Approved the following resolution appointing Ms. Deborah Terrell to the position of State District Superintendent for the State-Operated School District for the City of Newark for an interim period:

### **RESOLUTION FOR AN INTERIM APPOINTMENT STATE DISTRICT SUPERINTENDENT FOR THE STATE-OPERATED SCHOOL DISTRICT OF THE CITY OF NEWARK**

**WHEREAS**, on July 5, 1995, the State Board of Education issued an administrative order pursuant to P.L. 1987, c.399 (N.J.S.A. 18A:7A-15) directing the removal of the district board of education of the school district of the City of Newark and the creation of a state-operated school; and

**WHEREAS**, pursuant to N.J.S.A. 18A:7A-53, the State-Operated School District of the City of Newark was evaluated by a team of highly skilled professionals, based on the New Jersey Quality Single Accountability Continuum (NJQSAC); and

**WHEREAS**, based on the provisions of NJQSAC, the State-Operated School District of the City of Newark is under full intervention by the State and it is appropriate that the district be conducted by and under the supervision of a state district superintendent appointed by the State Board of Education upon recommendation of the Commissioner; and

**WHEREAS**, the current state district superintendent has resigned the position effective February 4, 2011; and

**WHEREAS**, Rochelle Hendricks, Acting Deputy Commissioner will be leading a transition team in State-Operated School District of the City of Newark during this time; and

**WHEREAS**, it is necessary for the Commissioner of Education to appoint a state district superintendent who will report directly to Ms. Hendricks and who will assume the duties of the state district superintendent on an interim basis in order to implement the provisions of NJQSAC until a permanent state district superintendent can be appointed and commence employment; now be it therefore

**RESOLVED**, that the New Jersey State Board of Education hereby approves the appointment of Deborah Terrell as State District Superintendent of the State-Operated School District of the City of Newark for an interim period, effective February 5, 2011.

**\*B. Certification of School Districts**

- Certified for a period of three years, those school districts recommended by the Commissioner, pursuant to N.J.S.A. 18A:7A-14a and b.

**\*C. Religious Holiday Calendar**

- Approved the resolution pertaining to the annual calendar of religious holidays for the 2011-2012 school year.

**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 2011-2012 school year:

2011-2012 School-Year	Observance
<b>July</b>	
July 9	Martyrdom of the Bab (Baha'i)
July 13-16	Ulambana/Oban (Buddhist)
July 15	Lailat al Bara'ah (Islam)
July 15	Asalha Puja Day (Buddhist)
<b>August</b>	
August 1	Fast in Honor of the Holy Mother of Lord Jesus (Eastern Orthodox Christian)
August 1	Lammas (Christian and Wicca)
August 1	Ramadan begins (Islam)
August 6	Transfiguration of the Lord (Eastern Orthodox Christian)
August 7	Laylat as-Qadr (Islam)
August 9	Tisha B' Av (Jewish)
August 13	Raksha Bandhan (Hindu)
August 15	Dormition of the Theotokos (Eastern Orthodox Christian)
August 15	Feast of the Assumption of the Blessed Virgin Mary (Christian)
August 21	Eid al Fitr (Islam)
August 22	Krishna Janmashtami (Hindu)
<b>September</b>	
September 1	Ecclesiastical Year begins (Orthodox Christian)
September 1	Ganesha Chaturthi (Hindu)
September 7	His Holiness Sakya Trizin's Birthday (Buddhist)
September 8	Nativity of Mary (Christian)
September 14	The Elevation of the Holy Cross (Eastern Orthodox Christian)
September 21	Nativity of the Theotokos (Eastern Orthodox Christian)
September 23	Mabon (Wicca)
September 29	Feast of Trumpets (Church of God, Philadelphia Church of God)

September 28 - October 25	Navaratri (Hindu)
September 29 and 30	Rosh Hashanah (Jewish)
<b>October</b>	
October 5	Hajj Day (Islam)
October 6	Dussera (Hindu)
October 8	Yom Kippur (Jewish)
October 8	Day of Atonement (Christian, Church of God, Philadelphia Church of God)
October 13-19	Sukkot (Jewish); Feast of Tabernacles (Church of God, Philadelphia Church of God)
October 20	Birth of B'ab (Baha'i)
October 20	Shemini Atzeret (Jewish)
October 20	Last Great Day (Church of God, Philadelphia Church of God)
October 20	Installation of the Scriptures as Guru Granth (Sikh)
October 21	Simhat Torah (Jewish)
October 26	Diwali [Deepavali] (Hindu, Jain, Sikh)
<b>November</b>	
November 1	All Saints' Day (Christian)
November 1	Samhain-Beltane (Wicca)
November 2	All Souls' Day (Christian)
November 6	Eid al Adha (Islam)
November 10	Guru Nanak Dev Sahib Birthday (Sikh)
November 12	Birth of Baha'u'llah (Baha'i)
November 15	Advent/Nativity Fast begins (Eastern Orthodox Christian)
November 21	The Presentation of the Theotokos to the Temple (Eastern Orthodox Christian)
November 24	Guru Tegh Bahadur Martyrdom (Sikh)
November 26	Day of Covenant (Baha'i)
November 26	Al Hijra – 1 <sup>st</sup> Muharram (Islam)
November 27	First Sunday of Advent (Christian)
November 28	Ascension of 'Abdu'l Baha (Baha'i)
<b>December</b>	
December 8	Bodhi Day (Buddhist)
December 8	Immaculate Conception (Christian)
December 21-28	Hanukkah (Jewish)
December 22	Yule (Wicca and Christian)
December 25	Christmas (Christian)
December 25	The Nativity of Christ (Eastern Orthodox Christian)
December 26	Zarathosht Diso (Zoroastrian)
<b>January</b>	
January 1	Gantan-sai (Shinto)
January 5	Birthday of Guru Gobind Singh Sahib (Sikh)

January 6	Epiphany (Christian)
January 6	Feast of Theophany (Eastern Orthodox Christian)
January 6	Nativity of Christ (Armenian Orthodox)
January 7	Feast of the Nativity (Orthodox Christian)
January 13	Maghi (Sikh)
January 14	Makar Sankranti (Hindu)
January 15	World Religion Day (Baha'i)
January 20	Vasant Panchami (Hindu)
<b>February</b>	
February 2	The Presentation of Our Lord to the Temple (Eastern Orthodox Christian)
February 2	Imbolic-Candlemas (Wicca)
February 3	Maha Shivaratri (Hindu)
February 4	Mawlid an Nabi (Islam)
February 8	Tu B'shvat (Jewish)
February 15	Nirvana Day (Buddhist, Jain)
February 21	Shrove Tuesday (Christian)
February 22	Ash Wednesday (Christian)
February 23	Chinese New Year (Confucian, Daoist, Buddhist)
February 26 through March 1	Intercalary Days (Baha'i)
February 27	Clean Monday (Eastern Orthodox Christian)
<b>March</b>	
March 8	Magha Puja Day (Hindu)
March 8	Purim (Jewish)
March 8	Holi (Hindu)
March 9	Hola Mohalla (Sikh)
March 13	L. Ron Hubbard's Birthday (Church of Scientology)
March 13	Chandramana Yugadi (Hindu)
March 20	Ostara (Wicca)
March 21	Narouz (Zoroastrian)
March 21	Naw Ruz (Baha'i)
March 24	First Day of Sacred Year (Philadelphia Church of God)
March 25	The Annunciation/The Annunciation of the Virgin Mary (Eastern Orthodox Christian; Christian)
March 28	Khordad Sal (Zoroastrian)
<b>April</b>	
April 1	Rami Navami (Hindu)
April 5	Holy Thursday (Christian, Eastern Orthodox Christian)
April 6	Hanuman Jayanti (Jain)
April 6	Mahavir Jayanti (Jain)
April 6	Hanuman Jayanti (Hindu)

April 6	Lord's Evening Meal (Christian, Jehovah's Witness)
April 6	Passover (Philadelphia Church of God)
April 6	Good Friday (Christian)
April 6-9	Theravadin New Year (Buddhist)
April 7	First Day of Unleavened Bread (Church of God)
April 7-13	Days of Unleavened Bread (Philadelphia Church of God)
April 7-14	Pesach/Passover (Jewish)
April 8	Easter (Christian)
April 9	Easter Monday (Christian)
April 13	Last Day of Unleavened Bread (Church of God)
April 13	Holy Friday (Eastern Orthodox Christian)
April 14	Baisakhi (Sikh)
April 14	Souramana Yugadi (Hindu)
April 15	Pascha (Eastern Orthodox Christian)
April 21	First Day of Ridvan (Baha'i)
April 25	The 11 <sup>th</sup> Panchen Lama's Birthday (Buddhist)
April 26	Yom Ha'Azmaut (Jewish)
April 29	Ninth Day of Ridvan (Baha'i)
April 30	Lazarus Saturday (Eastern Orthodox Christian)
<b>May</b>	
May 1	Palm Sunday (Christian/Eastern Orthodox Christian)
May 1	Beltane (Wicca)
May 2	Twelfth Day of Ridvan (Baha'i)
May 6	Buddha Day – Visakha Puja (Buddhist)
May 10	Lag B'Omer (Jewish)
May 17	Ascension of Our Lord (Eastern Orthodox Christian)
May 23	Declaration of the Bab (Baha'i)
May 27	Pentecost (Christian, Eastern Orthodox Christian, Church of God, Philadelphia Church of God)
May 27-28	Shavuot (Jewish)
May 28	Buddha's Birthday (Buddhist)
May 29	Ascension of Baha'u'llah (Baha'i)
<b>June</b>	
June 16	Martyrdom of Guru Arjan Dev Sahib (Sikh)
June 20	Litha (Wicca)
June 26	His Holiness the 17 <sup>th</sup> Gyalawa Karmapa's birthday (Buddhist)
June 28	Lailat al Miraj (Islam)

*\*\* 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.*

**\*D. Student Transportation**

- Approved for publication in the *New Jersey Register* the amendments pertaining to the Student Transportation regulations at N.J.A.C. 6A:27, pursuant to P.L.2010, c.65, the School Choice Law and P.L.2010, c.69, the Educational Stability Law.

**\*E. Professional Licensure and Standards (Combined Amendments)**

- Approved for publication in the *New Jersey Register* the amendments to the Professional Licensure and Standards regulations pertaining to persons assigned to work with interscholastic swimming and diving programs, substitute teachers, and elementary school with subject matter specialization certification pursuant to N.J.S.A. 18A:1-1, 18A:4-15, 18A:6-34, 18A:6-38, 18A:26-10 and 18A:26-2.7.

**\*F. Professional Licensure and Standards**

- Approved for publication in the *New Jersey Register* the amendments to the Professional Licensure and Standards regulations pertaining to certification for state operated superintendents and districts in need of improvement pursuant to *N.J.S.A.* 18A:1-1, 18A:4-15, 18A:6-34, 18A:6-38, 18A:26-10 and 18A:26-2.7.

**WORK SESSION**

**Harassment, Intimidation and Bullying**

Barbara Gantwerk, Assistant Commissioner, Division of Student Services and her staff provided a presentation on the Federal and State policies, department activities and school district responsibilities related to the laws regarding Harassment, Intimidation and Bullying. In addition, she also provided information on recent changes to those laws and the impact the changes will have at the state and local levels.

**NEW BUSINESS**

State Board President Arcelio Aponte announced that State Board member Florence McGinn will be resigning effective March 1, 2011.

State Board member Edithe Fulton stated that she attended the 2010 National Educator Award presentation at the Nellie F. Bennett Elementary School in the Point Pleasant Borough School District sponsored by the Milken Family Foundation.

**ADJOURNMENT**

On a motion duly seconded and carried the State Board of Education adjourned its February 16, 2011 public meeting at 12:52 p.m.

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Christopher Cerf, Acting Commissioner  
Acting Secretary, State Board of Education