

**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**

September 7, 2011

Presiding: Arcelio Aponte, President

Secretary: Christopher D. Cerf, Acting Commissioner

PRESENT CONSTITUTING A QUORUM

ABSENT

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

CONVENING

State Board of Education President Arcelio Aponte 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 New Jersey Open Public Meetings Act.

The 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 September 7, 2011, was called to order.

ADJOURN TO EXECUTIVE SESSION

President Aponte 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 on September 7, 2011. President Aponte reconvened the open meeting at 10:30 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

ANNOUNCEMENTS

President Aponte acknowledged that it was the first day of school in many districts throughout the state. He commended the many people, including school leaders, staff members and teachers, who worked very hard during the past few weeks to get schools ready for students, particularly in light of Hurricane Irene.

President Aponte also announced that Joseph Fisicaro's swearing in as the newest State Board member would not take place today as scheduled. He said it will occur at the October meeting.

INTRODUCTIONS

Acting Commissioner Cerf recognized Richard Stepura, Executive County Superintendent in Cape May and Cumberland counties.

STUDENT RECOGNITION

Acting Commissioner Cerf stated that the format for the student recognition program has been changed, and that all students will be recognized all together in the spring.

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 August 3, 2011. State Board members Dr. Ronald Butcher and Edithe Fulton abstained.

PRESIDENT'S REPORT

Legislative Committee Update

Vice President Ilan Plawker said he will develop in time for the October board meeting a proposal to encourage the board to engage both houses of the N.J. Legislature. He plans to have a list of items and positions to present at the next meeting for the board to vote upon. The list would be used by members when speaking with state legislators in an effort to enhance the

presence of the board and advance proposals that promote improved educational opportunities for students throughout the state.

Mr. Mulvihill said he will work with Ms. Eckert and Vice President Plawker to develop recommendations on how to enhance the board's public relations. He said he anticipates that the recommendations will be presented at the October meeting.

ETS Meeting

President Aponte said the board has been working with Michael T. Nettles, senior vice president of Educational Testing Service's Policy Evaluation and Research Center, on closing the achievement gap. A meeting with Mr. Nettles to continue the discussion is scheduled for September 29, 2011. President Aponte said stakeholders will be invited and the department will send a representative for Commissioner Cerf.

Public Testimony

President Aponte stated that today's public testimony session included Student Transportation code changes at second discussion and open topics. The members scheduled to hear testimony are Vice President Plawker, Mr. Mulvihill and Mr. Fornaro.

He also stated that the October 5, 2011, public testimony session likely would include NJQSAC amendments at second discussion.

President Aponte stated that information on public testimony is available by contacting the State Board office at 609-984-6024 or through the department's website at <http://education.state.nj.us/sboe/reg.php>.

He further stated that members of the public should check the State Board website <http://www.state.nj.us/education/sboe/meetings/pubtest.shtml> and/or call the State Board Office in mid- September to see if additional topics for the October public testimony session are scheduled.

COMMISSIONER'S REPORT

School Improvement Grants (SIGs) Update

Assistant Commissioner Barbara Gantwerk and Pat Mitchell, manager of the School Improvement Unit, provided board members with an update about the status and scope of the New Jersey schools that were awarded School Improvement Grants (SIGs). The grants, which are provided under Title I of the federal Elementary and Secondary Education Act, were made available to 12 of the state's lowest-performing schools during the first round of the competitive grant program.

Assistant Commissioner Gantwerk said the schools had to commit to using one of four intervention models (turnaround, restart, closure or transformation) and received substantial support from department personnel. Ten of the schools awarded SIGs in the first round were renewed for a second year. Nine additional schools were awarded grants for year two of the program.

Assistant Commissioner Gantwerk also stated that highlights of the first year of the program include academic growth, a focus on instruction and more student engagement, and increased learning opportunities and use of technology.

Teacher Evaluation Pilot

Deputy Commissioner Andrew Smarick stated that 10 districts have been selected for the teacher evaluation pilot program along with the schools and districts participating in the SIG program.

Deputy Commissioner Smarick said he was aware of the letters sent to members of the State Board expressing concerns about the pilot. He said the department agrees with most of the points made in the letters and they are embodied in the pilot program. He also stated that comments about the teacher evaluations relying almost completely on state assessments are not true. Evaluations for only educators who teach math and language arts in grades four through eight will use state tests as part of the review system.

Deputy Commissioner Smarick also stated that all teachers will be evaluated on a total of five or six measures, that every teacher and administrator doing the evaluations will be trained and that the information gathered from the evaluations is intended to help teachers improve and not be used just for salary and tenure decisions.

Anti-Bullying Law

President Aponte asked for an update on the state's new anti-bullying law and for the department to address recent criticism that the agency has not provided adequate guidance on the law's requirements.

Assistant Commissioner Gantwerk told the board that the department is meeting the law's requirements in terms of guidance to districts. She said the law also required training, which is taking place during September around the state.

Superintendent Survey

Acting Commissioner Cerf gave the board an overview of the recent survey of school district superintendents. He said the feedback showed that there are certain areas where the superintendents appreciate the work done by the department, but superintendents said most of their engagement with DOE does not advance the central mission of educating children.

Acting Commissioner Cerf said he used the feedback to help him reorganize the department.

Virtual Schools

The board discussed the future of online high schools in the state as there currently are no virtual schools. Deputy Commissioner Smarick said two virtual charter high schools have been approved by the department but currently are in a planning year. He said that the schools are slated to begin educating students in the fall of 2012. He also said there currently are many schools in the state that offer students some sort of online education experience.

PARCC Consortium

Acting Commissioner Cerf said the department is part of the Partnership for the Assessment of Readiness for College and Careers (PARCC) consortium that is developing the next generation of assessments that are to be paired with the new Common Core standards. He said a governing board meeting is coming up and Deputy Commissioner Smarick will be representing the department.

Race to the Top - Early Learning Challenge

Acting Commissioner Cerf said the department is still in the process of developing its application for the federal Race to the Top – Early Learning Challenge (RTTT-ELC) competitive grant.

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. 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. The following school districts were certified: Cape May County - North Wildwood; Cumberland County - Downe Township.

***C. Resolution to Approve Appointments to The State Special Education Advisory Council**

- Approved the resolution to reappoint members to the State Special Education Advisory Council.

Resolution to Approve Appointments To The State Special Education Advisory Council

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

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

WHEREAS, the reauthorized Individuals with Disabilities Education 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 Ms. Bonni Rubin-Sugarman be appointed for a two-year term effective September 7, 2011.

RESOLVED, that the Commissioner recommends that Ms. Myriam Alizo be appointed for a two-year term effective September 7, 2011.

RESOLVED, that the Commissioner recommends that Ms. Beth Kelley be appointed for a two-year term effective September 7, 2011.

RESOLVED, that the Commissioner recommends that Ms. Toba Knobel be appointed for a two-year term effective September 7, 2011.

RESOLVED, that the Commissioner recommends that Ms. Melanie McGackin

be appointed for a two-year term effective September 7, 2011.

D. Student Transportation

- Discussed amendments pertaining to school bus advertising at N.J.A.C. 6A:27 pursuant to N.J.S.A. 18A:39-31-33.

WORK SESSION

NEW BUSINESS

Acting Commissioner Cerf gave the board an update on the number of local education agencies still experiencing problems associated with Hurricane Irene. He said that at least 16 -- and possibly as many as 17 -- school districts and three charter schools have at least one school building not opening on time for the first day of the 2011-12 school year due to the hurricane.

Ms. Fulton said she hopes all board members consider attending the N.J. Education Association's annual convention in November to directly engage educators.

President Aponte announced that a number of State Board members will be in attendance for a special session at the N.J. School Boards Association's annual conference in October.

President Aponte also announced that Newark resident Stefan Pryor has been nominated as the Commissioner of Education in Connecticut. Mr. Pryor currently serves as deputy mayor in the City of Newark.

ADJOURNMENT

On a motion duly seconded and carried, the State Board of Education adjourned its September 7, 2011, public meeting at 12:30 p.m.

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