

**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**

December 5, 2012

Presiding: Arcelio Aponte, President

Secretary: Christopher D. Cerf, Commissioner

PRESENT CONSTITUTING A QUORUM

Mr. Mark Beidron
Dr. Ronald Butcher
Ms. Claire Chamberlain
Mr. Joseph Fiscaro
Mr. Jack Fornaro
Ms. Edithe Fulton
Mr. Andrew Mulvihill
Mr. Peter Simon
Mr. Ilan Plawker—via teleconference
Dr. Dorothy Strickland

ABSENT

Mr. Robert Haney
Dr. Ernest Lepore

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 December 5, 2012, 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 December 5, 2012.

RECONVENING

President Aponte reconvened the open meeting at 10:00 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 ALLEGANCE

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 November 14, 2012. State Board member Ronald Butcher abstained.

PRESIDENT'S REPORT

Public Testimony

President Aponte stated that a public testimony session would be held following today's meeting. He also stated that the following topics are scheduled for testimony: Educator Effectiveness Evaluation System, Fiscal Accountability, Efficiency and Budgeting Procedures, Bilingual Education, Career and Technical Education Programs and Standards and School District Operations amendments. He further stated that State Board members Edithe Fulton, Jack Fornaro and Joe Fiscaro would hear public testimony.

President Aponte stated that public testimony would be held on January 16, 2013 and that the State Board would receive comments on the Student Transportation and Charter School (Non Public School Conversion) regulations. He also stated that registration for the January 16, 2013 public testimony session will open on Friday, December 14, 2012 and close at noon on January 4, 2013. President Aponte further stated that members of the public should contact the State Board office at 609-984-6024 or through the following website <http://education.state.nj.us/sboe/reg.php> for updates.

Cancellation of the January 2, 2013 State Board meeting

President Aponte stated that the January 2, 2013 State Board meeting will be cancelled. He also stated that the State Board will hold its monthly public business meeting on Wednesday, January 16, 2013.

Agenda Subscriber's Renewal

President Aponte stated that requests for advanced paper copies of the public meeting agenda expire on December 30 of each year. He also stated that in order to continue to receive an

advanced paper copy of the agenda in 2013, subscriptions will need to be renewed. He further stated that electronic subscribers will continue to receive the agenda without renewing.

President Aponte stated that anyone who is not currently a subscriber and wishes to receive an advanced copy can subscribe by contacting the State Board Office.

COMMISSIONER'S REPORTS

Milken Award

The State Board of Education and the Commissioner of Education recognized the recipient of the following 2012 Milken award, Mr. Patrick O'Neil, a fourth grade teacher from Ocean Township Elementary School.

CREDO Study of NJ Charter Schools

Devor Davis, research manager and Yohannes Negassi and Bob Bellafiore, research associates from Stanford University's Center for Research on Education Outcomes (CREDO) provided a presentation to the State Board on their study of NJ Charter Schools.

Ms. Davis stated that their study found that students in New Jersey charter public schools on average make larger learning gains in both reading and mathematics compared to their traditional district school peers. She also stated that New Jersey charter school students on average gain an additional two months of learning per year in reading and an additional three months of learning per year in math compared to their district school counterparts.

Ms. Davis stated that the NJ study analyzed five years of data, from 2007-2011 and six tested grades (3rd - 8th). She also stated that a significant finding came from the results of the urban charter schools in the state. Students enrolled in urban charter schools in New Jersey learn significantly more in both math and reading compared to their traditional public school peers. In fact, charter students in Newark gain an additional seven and a half months in reading per year and nine months per year in math compared to their traditional public school counterparts. She further stated that students enrolled in suburban charter schools also learn significantly more in both math and reading compared to their peers in traditional public schools; however, students in rural charter schools learn significantly less than their district school peers in both reading and math.

Ms Davis stated that Charter schools in New Jersey, specifically in Newark, have some of the largest learning gains CREDO has seen to date. She also stated that in New Jersey, 61 percent of charter students are eligible for subsidized school meals. She further stated that the impact of charter schools on the learning of students in poverty is important in terms of student outcomes. Ms. Davis stated that Black and Hispanic students in poverty who are enrolled in charter schools show significantly better performance in reading and math compared to Black and Hispanic students in poverty in traditional public schools.

The New Jersey report provides a first-ever in-depth examination of the results for charter schools in the state.

2012 Statewide Assessment Results and Graduation Rate Data

Bari Erlichson, Chief Performance Officer, provided a presentation on the results of the New Jersey Assessment of Skills and Knowledge (NJ ASK), the High School Proficiency Assessment (HSPA) and state-wide graduation rates for the 2011-2012 school year.

Ms. Erlichson stated that the state's graduation rate increased from 83% in 2011 to 86% in 2012, the second year the state is using the new federal methodology for calculating the graduation rate. She also stated that on the NJ ASK, the average proficiency rates across all grades and subjects remained steady, while proficiency rates on the HSPA increased in both LAL and math. She further stated that the School Improvement Grant (SIG) schools on the whole made significant gains over the past two years.

Ms Erlichson stated that the graduation rate is calculated using a new, federally-mandated methodology that provides a more accurate and complete accounting of students who graduate by tracking based on the number of students in a four-year cohort.

Ms. Erlichson stated that several of the state's largest school districts, including Newark, Paterson and Trenton showed marked improvement in their 2012 graduation rates over the previous years. She also stated that there were decreases in Camden and Jersey City. She further stated that the achievement gap on NJASK remained constant for the fourth consecutive year for low-income, African American, and Hispanic students.

Petition for Rulemaking

Commissioner Cerf stated that the State Board received a petition for rulemaking from Mr. Ryan O'Shea requesting that the State Board amend the rules pertaining to costs that are non allowable in the calculation of the certified actual cost per student. The Commissioner also stated that the petition was reviewed and it was determined that the request should be denied because the Federal government through the Child Nutrition Program provides reimbursement for the cost of meals to nonprofit organizations that comply with the program requirements. The Commissioner further stated that the full cost of these meals should not be charged to tuition when other funds exist.

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**

- There were no school districts to be certified.

***C. Charter Schools**

- Adopted the amendments to the regulations pertaining to Charter Schools at N.J.A.C. 6A:11, pursuant to N.J.S.A. 18A:36A-1 et seq., specifically N.J.S.A. 18A:36A-18.

***D. State Special Education Advisory Council Resolution**

- Adopted the following resolution approving the following two-year appointment and reappointment to the State Special Education Advisory Council.

**RESOLUTION
ONE APPOINTMENT AND ONE REAPPOINTMENT 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 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 Dr. Dorothy Van Horn be appointed for a two-year term effective December 5, 2012

RESOLVED, that the Commissioner recommends that Michael Nevin III be reappointed for a two-year term effective December 5, 2012.

***E. Professional Licensure & Standards**

- Approved for publication in the *New Jersey Register* the amendments to the regulations pertaining to teacher licensure and standards proposed at N.J.A.C. 6A:9, Professional Licensure and Standards 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. State Board member Edithe Fulton opposed.

F. Bilingual Education

- Discussed the amendments to the regulations pertaining to bilingual education proposed at N.J.A.C. 6A:15, Bilingual Education pursuant to N.J.S.A. 18A:35-15 to 26.

G. Career & Technical Education Programs and Standards

- Discussed the readoption with amendments to the regulations pertaining to career and technical education proposed at N.J.A.C. 6A:19, Career and Technical Education Programs and Standards pursuant to 20 U.S.C. §§ 2301 et seq. and N.J.S.A. 18A:4-15.

H. School District Operations

- Discussed the amendments to the regulations pertaining to school district operations proposed at N.J.A.C. 6A:32, School District Operations pursuant to N.J.S.A. 18A:4-15.

I. Student Transportation

- Discussed the readoption with amendments to the regulations pertaining to student transportation proposed at N.J.A.C. 6A:27, Student Transportation pursuant to N.J.S.A. 18A:39-21.

WORK SESSION

The State Board members discussed meeting with staff from the Division of Student Services to develop recommendations to the Commissioner on alternative sentencing for non-violent crimes involving students.

NEW BUSINESS

State Board member Ronald Butcher inquired if student artwork would be displayed in the conference room in the near future.

ADJOURNMENT

On a motion duly seconded and carried, the State Board of Education adjourned its December 5, 2012, public meeting at 12:58 pm.

Christopher D. Cerf, Commissioner
Secretary, State Board of Education