

**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**

March 6, 2013

Presiding: Arcelio Aponte, President

Secretary: Christopher D. Cerf, Commissioner

PRESENT CONSTITUTING A QUORUM

Dr. Ronald Butcher
Ms. Claire Chamberlain
Mr. Joseph Fisicaro
Mr. Jack Fornaro
Ms. Edithe Fulton
Mr. Robert Haney
Dr. Ernest Lepore
Mr. Andrew Mulvihill
Mr. Ilan Plawker—via teleconference
Mr. Peter Simon
Dr. Dorothy Strickland

ABSENT

Mr. Mark Beidron

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 March 6, 2013, 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 March 6, 2013.

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 ALLEGIANCE

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 February 6, 2013. State Board member Claire Chamberlain abstained.

INTRODUCTIONS

Commissioner Cerf recognized Dr. Rosalie Lamonte, Interim Executive County Superintendent of Schools (Morris, Sussex and Warren Counties) who represented the county superintendents.

PRESIDENT'S REPORT

Public Testimony

President Aponte stated that a public testimony session would be held today following the board meeting. He also stated that the following topics are scheduled for today's public testimony session: Professional Licensure and Standards, Educational Facilities, Programs to Support Student Development, Standards and Assessment, Special Education and Student Residency regulations.

President Aponte also stated that the following topics are scheduled for the April 3, 2013 public testimony: Regulatory Equivalency and Waiver, Managing for Equality and Equity, Adult Education, TEACH NJ, Bilingual Education, School District Operations, Career and Technical Education Programs and Standards and Student Transportation regulations.

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.

COMMISSIONER'S REPORTS

Measures of Effective Teaching Study

Mr. Thomas Kane, Professor of Education and Economics at the Harvard Graduate School of Education and principal investigator of the Measures of Effective Teaching Study provided a

report to the State Board on the results of his work to identify effective teaching fairly and reliably.

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, the following school districts recommended by the Commissioner, pursuant to N.J.S.A. 18A:7A-14a and b.

Certified School District	County
Allendale	Bergen
Dumont	Bergen
Harrington Park	Bergen
New Milford	Bergen
Northern Highlands Reg. HS	Bergen
Norwood	Bergen
Alexandria Township	Hunterdon
Delaware Valley Reg. HS	Hunterdon
Hunterdon Central Reg. HS	Hunterdon
Kingwood Township	Hunterdon
Lebanon Township	Hunterdon
Milford	Hunterdon
Jamesburg	Middlesex
Freehold Regional HS	Monmouth

***C. Religious Holiday Calendar Resolution**

- Adopted the following resolution pertaining to the annual calendar of religious holidays for the 2013-2014 school year as established at N.J.A.C. 6A:32-8.3(j), pursuant to N.J.S.A. 18A:36-14-16.

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 2013-2014 school year:

2013-2014 School-Year	Observance
July 2013	
July 4	Lailat al Bara'ah (Islam)
July 9	Martyrdom of the Bab (Baha'i)
July 9	Ramadan begins (Islam)
July 13-15	Ulambana/Oban (Buddhist)
July 16	Tisha B'Av (Jewish)
July 22	Asalha Puja Day (Buddhist)
August 2013	
August 1	Fast in Honor of the Holy Mother of Lord Jesus (Eastern Orthodox Christian)
August 1	Lammas (Christian and Wicca)
August 3	Laylat as-Qadr (Islam)
August 6	Transfiguration of the Lord (Eastern Orthodox Christian)
August 8-11	Eid al Fitr (Islam)
August 15	Dormition of the Theotokos (Eastern Orthodox Christian)
August 15	Feast of the Assumption of the Blessed Virgin Mary (Christian)
August 21	Raksha Bandhan (Hindu)
August 28	Krishna Janmashtami (Hindu)
September 2013	
September 1	Ecclesiastical Year begins (Orthodox Christian)

September 5	Feast of Trumpets (Church of God, Philadelphia Church of God)
September 5-6	Rosh Hashanah (Jewish)
September 7	His Holiness Sakya Trizin's Birthday (Buddhist)
September 8	Nativity of Mary (Christian)
September 9	Ganesha Chaturthi (Hindu)
September 14	The Elevation of the Holy Cross (Eastern Orthodox Christian)
September 14	Day of Atonement (Christian, Church of God, Philadelphia Church of God)
September 14	Yom Kippur (Jewish)
September 19-25	Sukkot (Jewish); Feast of Tabernacles (Church of God, Philadelphia Church of God)
September 21	Nativity of the Theotokos (Eastern Orthodox Christian)
September 22	Mabon (Wicca)
September 26	Last Great Day (Church of God, Philadelphia Church of God)
September 26	Shemini Atzeret (Jewish)
October 2013	
October 5-13	Navaratri (Hindu)
October 14 *	Hajj Day (Islam)
October 14 **	Duserra (Hindu)
October 15-18	Eid al Adha (Islam)
October 20	Birth of B'ab (Baha'i)
October 20	Installation of the Scriptures as Guru Granth (Sikh)
November 2013	
November 1	All Saints' Day (Christian)
November 1	Samhain-Beltane (Wicca)
November 2	All Souls' Day (Christian)
November 3	Diwali [Deepavali] (Hindu, Jain and Sikh)
November 4	Al Hijra – 1 st Muharram (Islam)
November 12	Birth of Baha'u'llah (Baha'i)
November 15	Advent/Nativity Fast begins (Eastern Orthodox Christian)
November 17	Guru Nanak Dev Sahib Birthday (Sikh)
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 28	Ascension of 'Abdu'l Baha (Baha'i)
November 28-December 5	Hanukkah (Jewish)
December 2013	
December 1	First Sunday of Advent (Christian)
December 8	Bodhi Day (Buddhist)
December 8	Immaculate Conception (Christian)

December 21	Yule (Wicca and Christian)
December 25	Christmas (Christian)
December 25	The Nativity of Christ (Eastern Orthodox Christian)
December 26	Zarathosht Diso (Zoroastrian)
January 2014	
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 6	Feast of Epiphany (Eastern Orthodox Christian)
January 7	Feast of the Nativity (Orthodox Christian)
January 13*	Mawlid an Nabi (Islam)
January 13	Maghi (Sikh)
January 14	Makar Sankranti (Hindu)
January 19	World Religion Day (Baha'i)
January 26	Tu B'shvat (Jewish)
January 31	Chinese New Year (Confucian, Daoist, Buddhist)
February 2014	
February 2	The Presentation of Our Lord to the Temple (Eastern Orthodox Christian)
February 2	Imbolic-Candlemas (Wicca and Christian)
February 4	Vasant Panchami (Hindu)
February 15	Nirvana Day (Buddhist)
February 24	Purim (Jewish)
February 26 through March 1	Intercalary Days (Baha'i)
February 28	Maha Shivaratri (Hindu)
March 2014	
March 4	Shrove Tuesday (Christian)
March 5	Ash Wednesday (Christian)
March 10	Clean Monday (Eastern Orthodox Christian)
March 13	L. Ron Hubbard's Birthday (Church of Scientology)
March 17*	Hola Mohalla (Sikh)
March 17	Holi (Hindu)
March 20	Ostara (Wicca)
March 21	Narouz (Zoroastrian)
March 21	Naw Ruz (Baha'i)
March 25	The Annunciation/The Annunciation of the Virgin Mary (Eastern Orthodox Christian; Christian)
March 28	Khordad Sal (Zoroastrian)
April 2014	
April 8	Rami Navami (Hindu)
April 11	Chandramana Yugadi (Hindu)
April 12	Lazarus Saturday (Eastern Orthodox Christian)

April 13	Palm Sunday (Christian/Eastern Orthodox Christian)
April 13	Mahavir Jayanti (Jain)
April 14	Baisakhi (Sikh)
April 14	Passover (Philadelphia Church of God)
April 14 *	Souramana Yugadi (Hindu)
April 15	First Day of Unleavened Bread (Church of God)
April 15	Lord's Evening Meal (Christian, Jehovah's Witness)
April 15	Hanuman Jayanti (Hindu)
April 15-21	Days of Unleavened Bread (Philadelphia Church of God)
April 15-22	Pesach (Jewish)
April 17	Holy Thursday (Christian, Eastern Orthodox Christian)
April 18	Holy Friday (Eastern Orthodox Christian)
April 18	Good Friday (Christian)
April 20	Easter (Christian)
April 20	Pascha (Eastern Orthodox Christian)
April 21	Last Day of Unleavened Bread (Church of God)
April 21	Easter Monday (Christian)
April 21	First Day of Ridvan (Baha'i)
April 25	The 11 th Panchen Lama's Birthday (Buddhist)
April 29	Ninth Day of Ridvan (Baha'i)
May 2014	
May 1	Beltane (Wicca)
May 2	Twelfth Day of Ridvan (Baha'i)
May 5	Yom Ha'Azmaut (Jewish)
May 14	Buddha Day – Visakha Puja (Buddhist)
May 15-18	Theravadin New Year (Buddhist)
May 17	Buddha's Birthday (Buddhist)
May 18	Lag B'Omer (Jewish)
May 23	Declaration of the Bab (Baha'i)
May 27	Lailat al Miraj (Islam)
May 29	Ascension of Our Lord (Eastern Orthodox Christian)
May 29	Ascension of Baha'u'llah (Baha'i)
June 2014	
June 4-5	Shavuot (Jewish)
June 8	Pentecost (Christian, Eastern Orthodox Christian, Church of God, Philadelphia Church of God)
June 8	Pentecost (Eastern Orthodox Christian)
June 16	Martyrdom of Guru Arjan Dev Sahib (Sikh)
June 21	Litha (Wicca)
June 28	Ramadan (Islam)

*Approximate date based on lunar calendar.

***D. Resolution to Amend State Board Public Testimony Procedures**

- Adopted the following resolution amending the current public testimony procedures. State Board member Edithe Fulton abstained.

RESOLUTION TO AMEND STATE BOARD OF EDUCATION
PUBLIC TESTIMONY PROCEDURES

WHEREAS, The New Jersey State Board of Education recognizes its responsibility as the entity authorized to enact statewide policy governing the supervision and control of public education in this state; and

WHEREAS, within that responsibility, it is the State Board's duty to make its statewide policy enactments subject to comment from the public; and

WHEREAS, a policy implementing public testimony before the State Board was originally adopted on September 2, 1987; and revised on June 6, 2012; and

WHEREAS, the State Board has deemed it necessary to reconsider that revised policy for public testimony at this time; now therefore be it

RESOLVED, that the members of the New Jersey State Board of Education amend its public testimony policy and schedule public testimony to begin at 2:00 p.m. following the regular public business meeting agenda and limit testimony to two hours; and be it further

RESOLVED, that this policy will take effect beginning with the April 3, 2013 public meeting of the New Jersey State Board of Education.

***E. Charter Schools**

- Adopted the regulations pertaining to nonpublic charter school conversion set forth at N.J.A.C. 6A:11, pursuant to N.J.S.A. 18A:36A-4.1

F. Special Education

- Discussed the proposed readoption with amendments pertaining to special education proposed at N.J.A.C. 6A:14, pursuant to N.J.S.A. 18A:4-15, 18A:7A-1 et seq., 18A:7B-1 et seq., 18A:7C-1 et seq., 18A:39:1-1, 18A:40-4, 18A:46-1 et seq., 18A:46A-1 et seq., U.S.P.L. 93-112, Sec. 504, 94-142, 99-457 101-476, 105-17, and 108-446

G. TEACH NJ

- Discussed the repeal of N.J.A.C. 6A:32-4.6 and amendments pertaining to educator evaluation and tenure charges proposed at N.J.A.C. 6A:10 and N.J.A.C. 6A:3-5, pursuant to N.J.S.A. 18A:4-15 and P.L. 2012, c. 26.

H. Educational Facilities

- Discussed the amendments to the regulations pertaining to school facilities proposed at N.J.A.C. 6A:26 and 26A, pursuant to N.J.S.A. 18A:7G-5k, N.J.S.A. 18A:7G-13, 18A:7G-26 and P.L. 2000, c. 72, P.L. 2007, c.137, and P.L. 2008, c. 39.

I. Student Residency

- Discussed the amendments to the rules pertaining to student residency proposed at N.J.A.C. 6A:22, Student Residency, pursuant to N.J.S.A. 18A:38-1.

J. Programs to Support Student Development

- Discussed the proposed readoption with amendments pertaining to student services proposed at N.J.A.C. 6A:16, pursuant to N.J.S.A. 2A:4A; N.J.S.A. 2A:170; N.J.S.A. 2C:12; N.J.S.A. 2C:33; N.J.S.A. 2C:35; N.J.S.A. 2C:36; N.J.S.A. 2C:39; N.J.S.A. 9:6; N.J.S.A. 9:16; N.J.S.A. 18A:4; N.J.S.A. 18A:6; N.J.S.A. 18A:17; N.J.S.A. 18A:23; N.J.S.A. 18A:25; N.J.S.A. 18A:36; N.J.S.A. 18A:37; N.J.S.A. 18A:38; N.J.S.A. 18A:40; N.J.S.A. 18A:40A; N.J.S.A. 18A:46; N.J.S.A. 24:21; IDEA; Section 504; N.J.A.C. 8:57.

K. Adult Education

- Discussed the readoption and recodification with amendments pertaining to adult education proposed at N.J.A.C. 6A:20, pursuant to N.J.S.A. 18A:1-1, 18A:4-15, 18A:7C-1 et seq., 18A:27-2, 18A:48-1, 18A:49-1 through 8, 18A:50-12, 13, and 14, and the Adult Education Act, 20 U.S.C. §§ 1201 et seq.

L. Managing for Equality and Equity in Education

- Discussed the repeal and recodification with amendments of the regulations pertaining to educational equity proposed at N.J.A.C. 6A:32, pursuant to N.J.S.A. 10:15-1 et seq. and 18A:36-20.

M. Regulatory Equivalency & Waiver

- Discussed the amendments to the Regulatory Equivalency and Waiver regulations at N.J.A.C. 6A:5, pursuant to N.J.S.A. 18A:36-1 et seq., specifically 18A:36A-18.

N. Standards and Assessment

- Discussed the amendments to the regulations pertaining to standards and assessment proposed at N.J.A.C. 6A:8, Standards and Assessment, pursuant to N.J.S.A. 18A:7A-49; 18A:7C; 18A:7E-2 through 5; 18A:35-4.2; 18A:54; 18A:59-5.

WORK SESSION

There was no work session.

NEW BUSINESS

State Board member Ilan Plawker inquired as to the proper course for a discussion on funding for Special Education programs.

ADJOURNMENT

On a motion duly seconded and carried, the State Board of Education adjourned its March 6, 2013, public meeting at 2:20 pm.

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