

**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 2, 2005

Presiding: Arnold G. Hyndman, Ph.D., President

Secretary: William L. Librera, Ed.D., Commissioner

PRESENT CONSTITUTING A QUORUM

Dr. Ronald K. Butcher
Ms. Debra Casha
Ms. Maud Dahme
Ms. Kathleen A. Dietz
Mrs. Anne S. Dillman
Mr. John A. Griffith
Ms. Josephine E. Figueras
Dr. Ernest Lepore
Mr. Edward M. Taylor
Mrs. Roberta Van Anda

ABSENT

Ms. Margaret F. Bartlett
Dr. Thelma Napoleon-Smith

CONVENING

Arnold G. Hyndman, president, State Board of Education, convened the public meeting with the reading of the resolution pertaining to the public session of the State Board meeting as it complies with the Open Public Meetings Act.

WHEREAS, 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, and

WHEREAS, 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, now therefore be it

RESOLVED, that by adopting this resolution the State Board of Education states its intention to convene a public meeting to conduct the state's business on March 2, 2005.

STUDENT SPEAKERS

Raymond Thompson, Jr., the 2005 State Board student representative and a senior from High Point Regional High School (Sussex County), gave his first presentation to the State Board. In his remarks, Raymond introduced himself and spoke to the State Board about his academic interests and participation in extracurricular activities.

On behalf of the State Board, President Hyndman welcomed Raymond as the new State Board student representative. President Hyndman stated that he looked forward to Raymond's participation in upcoming State Board meetings.

Raymond then introduced the student guest speaker.

Diania Mariam, a student from Keansburg High School (Monmouth County), spoke to the State Board about the benefits of Abbott funding for students in economically disadvantaged communities. She stated that the Abbott designation provides opportunities that Keansburg students would not otherwise have due to economic status. Diania further stated that she and her peers are now able to compete for college admission and jobs with students that are more fortunate. She also stated that because of the Abbott designation, her school has been provided with school based health services and learning tools such as access to more computers and current textbooks.

President Hyndman, on behalf of the State Board, thanked the student speaker for her presentation.

INTRODUCTIONS

Commissioner Librera recognized Albert Monillas, Cape May Interim County Superintendent of Schools, who represented the county superintendents. Dr. Monillas has served in this position since July 2004.

Student Recognition Program

The State Board recognized Ashley Sobrinski, Ocean City High School (Cape May County), as a part of its monthly recognition program designed to honor a student or a group of students who have made a significant contribution to school, community, family or other groups. The State Board recognized Ashley for her work in the anti-tobacco movement. Ashley is also a volunteer for Habitat for Humanity, the Red Cross and the National Center for Missing and Exploited Children. Ashley maintains a 4.2007 grade point average which ranks her in the top 4 percent of her class.

Ashley spoke to the State Board about her efforts that made the Ocean City boardwalk smoke-free. Ashley stated that she also successfully fought to make Cape May County Zoo a smoke-free zoo and that she is currently working with Cape May county freeholders to adopt a smoke-free policy for all county parks.

On behalf of the State Board, President Hyndman congratulated Ashley for her achievements in academic studies and for her commitment to community service.

APPROVAL OF MINUTES OF THE MEETINGS

On a motion duly seconded and carried, the State Board members approved the minutes of the meeting conducted on February 2, 2005 with the following amendment to be included in the February President's report:

Congressional Conference on Civic Education

President Hyndman stated that in December 2004, he attended the Congressional Conference on Civic Education in Washington, D.C. He stated that the conference focused on the state of civic education in America and the role of policy makers in promoting civics education. He then introduced Arlene Gardner, Esq., Director of the New Jersey Center for Civic and Law Related Education at Rutgers University, who served as the leader of the New Jersey team at the conference.

Ms. Gardner spoke to the State Board about the programs and services that are offered by the Center and made available to teachers and students across the State. Ms. Gardner stated that professional development is offered to teachers in areas such as conflict resolution and U.S. History and programs such as *We the People...the Citizen and the Constitution* and *We the People...Project Citizen* are accessible to students. She stated that through these programs the Center is able to enhance the teaching of civics, law, justice, citizenship, history, government and humanities in K-12 schools in New Jersey.

President Hyndman also stated the State Board Research and Development Committee should work with the department to explore ways to support the Center and report back to the full State Board with the committee's recommendations.

On a motion duly seconded and carried, the State Board members approved the minutes of the meeting conducted on February 16, 2005. State Board Members Kathleen Dietz and Thelma Napoleon-Smith abstained from voting to approve the minutes of the February 2, 2005 public meeting. State Board Member Kathleen Dietz abstained from voting to approve the minutes of the February 16, 2005 public work session.

PRESIDENT'S REPORTS

On behalf of the State Board, President Hyndman welcomed back State Board member Kathy Dietz, who had returned from her travels abroad.

State Board Student Representative

On behalf of the State Board, President Hyndman welcomed Raymond Thompson, Jr. to the State Board as the 2005-2006 State Board Student Representative. He stated that Raymond will be receiving an advanced copy of the State Board's monthly agenda for his use in preparing his presentations to the State Board. President Hyndman stated that this will ensure that the viewpoint of the student community is integrated into the discussions of the State Board.

March Work Session and Public Testimony Session

President Hyndman stated that the March work session will be held on March 16, 2005 at 1:00 p.m. at Hudson County Vocational School in Hudson County. The State Board will discuss issues related to vocational education. He expressed his appreciation to State Board member Edward Taylor for his role in coordinating the annual vocational education work session.

President Hyndman also stated that the March public testimony session is cancelled. However, the State Board and the Department will accept written comment on the amendments to the Student Conduct, Students at Risk, and Educational Facilities codes, and the re-adoption with amendments of the Standards and Assessment, State Board Appeals, Regulatory Equivalency and Waiver and Student Transportation codes.

Resolution Requesting an Extension of the Expiration of N.J.A.C. 6A:30, Evaluation of the Performance of School Districts

President Hyndman stated that N.J.A.C. 6A:30, Evaluation of the Performance of School Districts, is set to expire on May 1, 2005. He also stated that, at the April 6, 2005 monthly public meeting, the State Board would consider at adoption level a resolution requesting Acting Governor Richard Codey to extend the expiration date for one year to avoid a regulatory lapse.

Paperless Board Meetings

President Hyndman stated that the laptop would not be used this month for the monthly public meeting. He stated that the use of the laptop will resume next month as the State Board office works through issues related to implementation.

COMMISSIONER'S REPORT

Read Across America

Commissioner Librera stated that various activities would be held statewide throughout the week to celebrate literacy and to observe Read Across America Day. He stated that four state board members - Debra Casha, Maud Dahme, Josephine Figueras and Roberta Van Anda – went to elementary schools in Trenton to read to students.

Ensuring Quality Teaching and Learning of New Jersey's Students and Educators

Commissioner Librera discussed the response to the paper entitled "Ensuring Quality Teaching and Learning of New Jersey's Students and Education," which was presented in December 2004. He stated that the department received responses from over 55 individual citizens, professional associations, administrators, and teachers. He further stated that there is a great deal of interest and support in exploring the paper's three main ideas: recognizing and rewarding outstanding teaching; supporting and addressing struggling and substandard teachers; and reorganizing for quality professional learning.

Commissioner Librera stated that the summary of the comments as well as the actual testimony will be provided to all members of the newly created Teaching and Learning Task Force. He also stated that he has asked the task force to submit a report that will include their recommendations on how to implement policy changes in each of the aforementioned areas of the paper. The task force will submit their report by June 16, 2005.

World Languages Implementation

Commissioner Librera presented the data compiled by the department regarding the implementation of the World Languages in school districts across the state of New Jersey. He stated that last spring, all schools and school districts were surveyed regarding the

implementation of world languages in grades K-12. In the report, the Commissioner provided information about the qualifications of teachers, the languages taught, and the status of program implementation.

P-12 Report

Commissioner Librera stated that during the summer of 2003, the department funded a series of P-12 partnership grants. The purpose of the grant opportunity was to provide seed money to promote and support partnerships between public and independent institutions of higher education and public schools that would provide services to students and teachers.

The Commissioner provided the State Board with a final report of the P-12 year one partnership activities detailing the effectiveness, accomplishments and sustainability of the initiatives. He stated that, in April 2005, the State Board will receive an interim report on the most recent cohort of partnerships.

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 Districts

- Certified for a period of seven years, the following school districts pursuant to the Public School Education Act of 1975, NJAC 6A:30, Evaluation of the Performance of School Districts, and the *Manual for Evaluation of Local School Districts*.

Bergen County	Cumberland County
Bergen County Special Services	Commercial Township
Carlstadt-East Rutherford	Downe Township
Cliffside Park	Essex County
Fair Lawn	Caldwell-West Caldwell
Maywood	Essex Fells
New Milford	Millburn
Northern Highlands Regional	Montclair
Paramus	Roseland
Ramsey	Hunterdon County
Wood-Ridge	Clinton Town
Burlington County	Flemington-Raritan Regional
Burlington Township	Mercer County
Chesterfield Township	East Windsor Regional
Lumberton Township	
Camden County	
Haddon Township	
Somerdale	

Middlesex County	Ocean County
Highland Park Milltown Sayreville South Brunswick South River Spotswood	Berkeley Township Brick Township Manchester Township Pinelands Regional
Monmouth County	Passaic County
Avon Eatontown Freehold Regional Henry Hudson Regional Keyport Little Silver Manasquan Marlboro Township Middletown Red Bank Regional Rumson Borough Spring Lake Heights Tinton Falls Wall Township	Hawthorne Passaic Valley Reg. High School District #1
	Salem County
	Alloway Township Oldmans Township Pittsgrove Township Upper Pittsgrove Township Woodstown-Pilesgrove Regional
	Somerset County
	Franklin Township <i>(previously certified with conditions)</i> Hillsborough Township North Plainfield Somerset County Vocational Somerville South Bound Brook Watchung Hills
Morris County	Sussex County
Chester Denville <i>(previously certified with conditions)</i> Hanover Park Hanover Township Riverdale	Franklin Borough Hamburg Borough Lenape Valley Regional Stanhope Borough Sussex-Wantage Regional
	Warren County
	Pohatcong Township

- Also, Commissioner Librera notified the State Board that the Department had granted certification with conditions for a period of one year to Pemberton School District in Burlington County and Stow Creek Township School District in Cumberland County.

C. Controversies and Disputes

- Readopted with amendments the Controversies and Disputes regulations at NJAC 6A:3-1.1 et seq., pursuant to NJSA 18A:4-15, 18A:6-9, 18A:6-10 et seq., 18A:7G-12, 18A:11-3, 18A:12-29, 18A:29-14, 18A:38-1, 18A:38-13 and 18A:60-1.

D. Professional Teaching Standards Board

- Adopted the resolution approving the appointment to the Professional Teaching Standards Board to complete a term ending January 31, 2006, pursuant to *NJAC* 6A:9-15.

RESOLUTION
PROFESSIONAL TEACHING STANDARDS BOARD

WHEREAS, the State Board of Education has adopted regulations that require continuing professional development for all active teachers and education services personnel; and

WHEREAS, the regulations establish the creation of a Professional Teaching Standards Board to ensure that required continuing education experiences are challenging and meaningful to teachers and relevant to the tasks of enabling students to achieve the Core Curriculum Content Standards; and

WHEREAS, members of the Professional Teaching Standards Board are appointed by the Commissioner of Education with the approval of the State Board of Education pursuant to *NJAC* 6A:9-15; and

WHEREAS, the Commissioner, in accordance with *NJAC* 6A:9-15 has recommended the appointment of Patricia Wright to fill an administrator vacancy on the board; therefore be it

RESOLVED that the State Board of Education hereby approves the appointment of Patricia Wright, Principal of the Robert Frost School, to the Professional Teaching Standards Board to complete a term ending January 31, 2006 with the opportunity for reappointment.

E. Professional Licensure and Standards

- Adopted the amendments at *NJAC* 6A:9 pertaining to structured learning experiences, a new endorsement for office administration/office systems technology and grandfathering provisions pursuant to *NJSA* 18A:4-15.

F. School Operations

- Approved for publication in the *New Jersey Register* the repeal of *NJAC* 6:3, *NJAC* 6:8 and *NJAC* 6A:9-7.1 and the repropoed adoption of a new chapter of School District Operations pertaining to *NJAC* 6A:32, pursuant to *NJSA* 9:6-8.40, 10:4-12, 18A:1-1, 18A:4-15, 18A:6-9, 18A:7A-1, 18A:7F-1, 18A:8-24, 18A:9-2, 18A:10-6, 18A:12-21, 18A:13, 18A:16-2, 18A:17-20, 18A:26-2, 18A:27-3, 18A:28-12, 18A:29-9, 18A:36-19.1, 18A:46-14, 47:1A-2, 47:3-15.

G. Adult Education

- Discussed the repeal and adoption of the new chapter of Adult Education regulations at *NJAC* 6A:13 pursuant to *NJSA* 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.

NEW BUSINESS

President Hyndman stated that he would not be attending the March 16, 2005 work session at Hudson County Vocational Technical School due to a week long meeting with of the Unit Accreditation Board of the National Council for Accreditation of Teacher Education (NCATE).

State Board member Ronald Butcher also stated that he would not be attending the March 16, 2005 work session due to a speaking engagement at a conference in Florida.

State Board member Edward Taylor stated that the vocational work session will focus on New Jersey's Five-Year Plan for Vocational Education as well as the obstacles faced by the vocational education community that may hinder student achievement and success.

State Board member Maud Dahme asked when the State Operated School Districts would be providing their annual report to the State Board of Education. Ms. Dahme also requested that all acting positions currently held by Department staff be included on the personnel form provided to the State Board members during the next executive session.

State Board member Ronald Butcher requested a report on the impact that President George W. Bush's proposed budget cuts would have on vocational education in New Jersey.

State Board member Anne Dillman requested directions to the Hudson County Vocational School for the March 16, 2005 vocational session.

State Board member Josephine Figueras requested an update regarding the search for a permanent Superintendent in Paterson.

LEGAL CASES

On motions duly seconded and carried, decisions in the following cases were adopted by the board as presented by legal committee members John A. Griffith, Roberta Van Anda, and Debra Casha, chairperson.

BOARD OF EDUCATION OF THE HUNTERDON CENTRAL REGIONAL HIGH SCHOOL DISTRICT, HUNTERDON COUNTY V. E.F. AND G.F., STATE BOARD DOCKET #39-04

The respondents, who had resided within the Branchburg school district from 1971 to 1997, leased an apartment in Flemington within the Hunterdon Central Regional School District in July 1997 and resided there full-time until September 2001 while retaining their home in Branchburg. The regional board filed a petition with the Commissioner of Education contending that the respondents had not been domiciled within the district during the 2000-01 school year and, as a result, that their child, C.F., had not been entitled to a free public education at Hunterdon Central Regional High School. The regional board sought reimbursement from the respondents for

tuition incurred during that year. The Commissioner determined that the respondents had not been domiciled within the regional district during 2000-01, concluding that the respondents' Flemington apartment was nothing more than a residential living arrangement of a limited duration. As a result, he directed the respondents to reimburse the regional board for tuition in the amount of \$13,742.

The State Board of Education reversed the Commissioner's decision. The State Board concluded that C.F. was entitled to a free public education in the regional district during the 2000-01 school year pursuant to the terms of *NJSA 18A:38-1(d)*, which provides that public school shall be free to "[a]ny person whose parent or guardian, even though not domiciled within the district, is residing temporarily therein, but any person who has had or shall have his all year-round dwelling place within the district for one year or longer shall be deemed to be domiciled within the district for the purposes of this section." The State Board observed that the regional board did not dispute the fact that the respondents had resided within the regional district on a full-time year-round basis from July 1997 through September 2001. Thus, notwithstanding the fact that the respondents had retained their residence in Branchburg, and regardless of whether they had intended to return to that home, the respondents had established that Flemington was their domicile for school attendance purposes during the 2000-01 school year pursuant to the express language of *NJSA 18A:38-1(d)*. Maud Dahme recused herself. Ronald Butcher abstained.

YARA MARTIN V. BOARD OF EDUCATION OF THE CITY OF ASBURY PARK,
MONMOUTH COUNTY, STATE BOARD DOCKET #46-04

The State Board of Education voted unanimously to dismiss the appeal in this matter as a result of the appellant's failure to correct deficiencies in her filings and perfect the appeal.

IN THE MATTER OF THE REVOCATION OF THE CERTIFICATES OF DR. NEYEMBO
MIKANDA BY THE STATE BOARD OF EXAMINERS, STATE BOARD DOCKET #44-04

The State Board of Education voted unanimously to affirm the decision of the State Board of Examiners to revoke the appellant's certificates, concurring that the respondent's absences from his teaching position over a five-year period were chronic and excessive. The charges indicated that the respondent had been absent from school 109 days during the 1997-98 school year, 185 days during 1998-99, 136 days during 1999-2000, 140 days during 2000-01 and 185 days during 2001-02. The respondent did not deny the number of absences and provided nothing more than unsubstantiated allegations regarding them. Finding that the respondent's excessive absenteeism adversely affected the continuity of instruction to his students and illustrated his disregard of his responsibilities as a teacher, the State Board agreed with the Board of Examiners that the respondent's absences constituted unbecoming conduct and just cause warranting the revocation of his certificates.

IN THE MATTER OF THE REMOVAL OF REMOND PALMER PURSUANT TO *NJSA*
18A:12-29(c), ASBURY PARK BOARD OF EDUCATION, MONMOUTH COUNTY, STATE
BOARD DOCKET #53-04

The State Board of Education voted unanimously to grant the motion filed by the School Ethics Commission for leave to participate in this matter.

CHARLES SORIANO V. BOARD OF EDUCATION OF THE SOMERSET HILLS REGIONAL SCHOOL DISTRICT, SOMERSET COUNTY, STATE BOARD DOCKET #48-04

On June 23, 2003, the petitioner, a tenured teaching staff member, submitted a letter of resignation to the regional board with an effective date of August 22, 2003. In so doing, the petitioner provided the regional board with 60 days written notice of his resignation as required by *NJSA 18A:28-8*. The regional board voted to accept the petitioner's resignation, but it unilaterally changed the effective date to June 30, 2003. The regional board contended that its action was appropriate since the petitioner, who had been approved for 37 vacation days by the outgoing superintendent just prior to submitting his letter of resignation, never intended to work until his resignation on August 22. The petitioner challenged the regional board's action, claiming that the board's unilateral determination to change his resignation date violated his tenure rights.

The Deputy Commissioner of Education agreed with the petitioner, concluding that, by unilaterally changing the petitioner's proffered resignation date, the regional board had forced the petitioner's premature resignation and improperly terminated his employment. The Deputy Commissioner stressed that the petitioner had provided 60 days notice of his resignation as required by statute and, in view of the petitioner's tenure status, the regional board could not unilaterally change the date of his resignation without proceedings pursuant to the Tenure Employees Hearing Law. He therefore directed the regional board to compensate the petitioner for the period between the effective date of his improper termination on June 30, 2003 and his proffered resignation date of August 22, 2003. The State Board of Education voted unanimously to affirm the decision of the Deputy Commissioner.

GEORGE WATSON, JR. V. BOARD OF EDUCATION OF THE CITY OF ASBURY PARK, MONMOUTH COUNTY, STATE BOARD DOCKET #45-04

The State Board of Education voted unanimously to dismiss the appeal in this matter as a result of the appellant's failure to correct deficiencies in his filings and perfect the appeal.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its March 2, 2005 public meeting at 3:50 p.m.

William L. Librera, Ed.D., Commissioner
Secretary, NJ State Board of Education