

**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**

**May 4, 2005**

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

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

**PRESENT CONSTITUTING A QUORUM**

Ms. Margaret F. Bartlett  
Dr. Ronald K. Butcher  
Ms. Debra Casha  
Ms. Kathleen A. Dietz  
Mrs. Anne S. Dillman  
Mr. John A. Griffith  
Dr. Ernest Lepore  
Dr. Thelma Napoleon-Smith  
Mr. Edward M. Taylor  
Mrs. Roberta Van Anda

**ABSENT**

Ms. Maud Dahme  
Ms. Josephine E. Figueras

**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 May 4, 2005.

## **ADJOURN TO EXECUTIVE SESSION**

President Hyndman 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 *NJSA 10:4-12(b)*, the State Board of Education will now adjourn to executive session to discuss personnel matters.

The State Board immediately adjourned to executive session.

## **RECONVENING**

President Hyndman reconvened the public meeting 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 *NJSA 10:4-12(b)*, the State Board will now adjourn from executive session to resume the open session of this meeting.

## **STUDENT SPEAKERS**

Raymond Thompson, Jr., the 2005 State Board student representative and a senior from High Point Regional High School (Sussex County), introduced the student guest speaker.

Tim Burkly, a student from Mount Olive High School (Morris County), spoke to the State Board about the New Jersey Association of Student Councils' State Charity Program. He stated that the State Charity Program was first introduced to promote school and community pride for New Jersey students. Tim stated that the charity must be based in New Jersey and support those within the state. He also stated that although the chosen organizations have varied from year to year, the primary theme has been aiding in the research and prevention of a human disease or disorder. Tim stated that this year the charity program would focus on providing educational, social and recreational opportunities to children with autism.

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

## **INTRODUCTIONS**

Commissioner Librera recognized Thomas Kane, Morris County Superintendent of Schools, who represented the county superintendents. Dr. Kane has served in this position since April 2004.

### **Student Recognition Program**

The State Board recognized Amanda Tsukamoto, Madison High School (Morris 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 Amanda for her outstanding volunteer efforts to assist the victims of the Tsunami that occurred on December 26, 2004.

On behalf of the State Board, President Hyndman congratulated Amanda 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 unanimously approved the minutes of the meetings conducted on April 6, 2005, April 19 and April 20, 2005.

### **PRESIDENT'S REPORTS**

#### **Paperless Board Meetings**

President Hyndman announced that he along with State Board members Ronald Butcher and Ernest Lepore would be using laptop computers to follow the meeting agenda. He stated that the State Board office is continuing to research the use of technology to institute paperless board meetings.

#### **Mid-Year Retreat**

President Hyndman announced that the State Board held a successful and positive retreat on April 19-20, 2005. He stated that the State Board had an opportunity to discuss issues related to mathematics literacy and to conduct an evaluation of board operations. President Hyndman thanked the retreat committee for their efforts. Vice President Casha, chair, retreat committee acknowledged State Board members Ronald Butcher, Josephine Figueras, John Griffith and Ernest Lepore for serving as members of the retreat committee.

#### **Exemplary Programs Committee Report**

State Board member Roberta Van Anda stated that the Exemplary Programs Committee is dedicated to meeting the strategic objectives of Goal #2 of the State Board's Strategic Plan "to ensure that student performance at all levels is enhanced through participation in exceptional educational programs or activities. Mrs. Van Anda also stated that the committee has met with department staff to determine methods to advance the strategic objectives of Goal #2. Mrs. Van Anda stated that the committee has suggested a curriculum fair that would focus on the achievement gap and sharing of successful curricula among teachers to possibly take place during the Department sponsored literacy conference to be held this summer. In addition, the committee has also suggested collaboration between New Jersey Museums and the Department of Education to create a strong connection between the museums and the Core Curriculum Content Standards.

#### **Urban Education Committee Report**

State Board member John Griffith stated that the State Board Urban Education Committee, Commissioner Librera and Gordon MacInnes, assistant commissioner, Division of Abbott Implementation, met on March 30, 2005 with the leadership of each of the three state takeover

school districts. Each of the superintendents attended the meeting to provide an interim report of district operations.

Mr. Griffith stated that Marion Bolden, superintendent, Newark Public Schools provided material related to student achievement. He also stated that Ms. Bolden discussed a variety of issues including community and parental involvement and outreach, successful elements of whole school reform, the use of the Special Review Assessment and the gang activity in the schools.

Mr. Griffith stated that Charles Epps, superintendent, Jersey City School District, also provided material related to student achievement. He also stated that Dr. Epps presented information on the success of his extensive inclusion program for special education students.

Mr. Griffith further stated that Dennis Clancy, interim superintendent, Paterson School District provided information on the district's overall progress. Mr. Griffith stated that Dr. Clancy discussed material related to student achievement, enrollment, literacy initiatives, and special education.

### **Superintendent Search for the Paterson School District**

Mr. Griffith stated that recently he along with Deputy Commissioner, Dwight Pfennig, and Chief of Staff, Michael Rush, and members of the Paterson School Board traveled to Fairfax, Virginia to conduct a site visit for one of the candidates being considered for the position of Superintendent in the Paterson school district. He also stated that the candidate has great leadership skills and vision. He further stated that the candidate has the administrative experience and background to create a positive environment in the Paterson school district.

### **County Vocational Schools Awards Dinner**

President Hyndman stated that he attended the County Vocational Schools Awards Dinner on April 24, 2005 at the New Brunswick Chateau in New Brunswick, NJ. He stated that he provided opening remarks on behalf of the State Board. He further stated that State Board members Maud Dahme, Kathleen Dietz, Josephine Figueras, and Roberta Van Anda also attended the event.

### **New Jersey School Boards Association**

President Hyndman stated that he will be the keynote speaker at the New Jersey School Boards Association Urban Boards committee meeting on May 6, 2005 in East Orange, New Jersey. He stated that he will be speaking to its members on behalf of the State Board on the challenges of being an effective school board member in an urban environment.

### **May Work Session and Public Testimony Session**

President Hyndman stated that the May work session will be held on May 18, 2005 at 1:00 p.m. at the Department of Education. The items for discussion will be Just for the Kids-New Jersey;, an update on Special Review Assessment (SRA) and Regional Support Centers for Teaching and Learning.

President Hyndman also stated that the May public testimony session will be held on May 18, 2005 at 3:00 p.m. He stated that the topic for consideration will be Student Conduct Amendments to *NJAC 6A:16, Programs to Support Student Development*. He also stated that the May 18 public testimony session will be an open topic session in which members of the public may present testimony to the State Board on any educational topic of their choice. He further stated that the State Board will not consider testimony on any legal cases that are currently before the State Board.

### **Resolution to Honor Anne S. Dillman**

On behalf of the State Board of Education, President Hyndman presented a resolution honoring Anne S. Dillman for her 30 years of service on the State Board and to the children of New Jersey.

On a motion duly seconded and carried, the State Board approved the following resolution read by Vice President Debra Casha:

#### **RESOLUTION TO HONOR ANNE S. DILLMAN**

**WHEREAS**, Mrs. Anne S. Dillman was first appointed to the New Jersey State Board of Education in 1975, has faithfully served as a State Board member for 30 years and is being honored for her commitment and dedication to public education through her role as an education policymaker having served under seven Governors, eight State Board of Education Presidents and collaborated with eight Commissioners of Education; and

**WHEREAS**, Mrs. Dillman also served as President of the State Board for four terms and led the State Board and the Department of Education in addressing far-reaching, comprehensive policy issues such as the development of core course proficiencies, which led to the eventual establishment of academic standards for all students to receive a thorough and efficient education; and

**WHEREAS**, Mrs. Dillman played a integral part in facilitating the institution of a variety of initiatives to support the needs of students including family life education, bilingual education and the establishment of early childhood education all of which challenged the education community to expand their view of a traditional education and consider the diverse needs of students; and

**WHEREAS**, Mrs. Dillman, to effectively involve students in matters of education policy, played a key role in the addition of a State Board Student Representative to serve as a liaison to the student community and provide a student's perspective regarding the impact of proposed policies on the student population; and

**WHEREAS**, Mrs. Dillman continues to provide a historical perspective to the decision-making process of the State Board and presents thoughtful, well-developed ideas centered on her non-compromising posture of "what's in the best interest of our children and our schools;" and

**WHEREAS**, Mrs. Dillman has been recognized not only for her extensive and outstanding service to public education statewide but also on the national level through her

efforts on various committees of the National Association of State Boards of Education and was awarded that association's prestigious Distinguished Service Award; and

**WHEREAS**, the State Board of Education recognizes Mrs. Anne S. Dillman's numerous accomplishments and her contributions to education in New Jersey through her qualities as a forward-looking policymaker and advocate for children and educators, as well as her personal qualities of warmth, humor, and individual style; now therefore be it

**RESOLVED**, that it is both fitting and proper that the New Jersey State Board of Education and the Commissioner of Education express their sincere appreciation for Mrs. Anne S. Dillman's commitment to her role as a State Board member and for her service to the education community; and be it further

**RESOLVED**, that the New Jersey State Board of Education appreciates her continued dedication and service to the children of New Jersey.

### **Selection of Nominating Committee**

President Hyndman announced the names of the State Board members to serve on the State Board Nominating Committee that will nominate the 2005-2006 officers of the State Board of Education. Anne Dillman will serve as chairperson, and Josephine Figueras and John Griffith will serve as members. The nominating committee will give its report at the June State Board monthly public meeting and the State Board will vote on its officers at the July State Board monthly meeting.

## **COMMISSIONER'S REPORT**

### **Presentation of New Charter Schools**

The Commissioner presented two new charter schools that were approved to open in September 2004. The Freedom Academy Charter School and the Ridge and Valley Charter School were both granted a charter to operate from July 1, 2004 to June 30, 2008.

### **Violence, Vandalism and Substance Abuse in New Jersey Public Schools**

Commissioner Librera presented the 2003-2004 report on violence, vandalism, and substance abuse in New Jersey public schools. The Commissioner stated that the report provides data in four broad categories of incidents: violence, vandalism, weapons and substance abuse. The Commissioner also stated that the report summarizes initiatives implemented by the department to assist schools in addressing problems of violence since the inception of the Safe Schools Initiative in 1994.

Isaac Bryant, assistant commissioner, Division of Student Services, noted that overall, there was a significant decline in the number of incidents of violence and vandalism, a small increase in the number of weapons incidents and a modest decrease in the number of substance abuse incidents.

The total number of incidents reported by school districts in 2003-04 was 20,207, a nine percent decrease from incidents reported in 2002-03. Summary highlights in the major reporting categories are as follows:

- Violence, down 11 percent, primarily as the result of a 24 percent reduction in the number of simple assaults, a 20 percent reduction in the number of threats and a 12 percent reduction in the number of fights reported;
- Vandalism, down 9 percent, producing the fewest number of incidents ever recorded;
- Weapons, increase by 3 percent, principally due to the increases in incidents involving knives; and
- Substance abuse, decreased 4 percent, driven primarily by an 8 percent decline in use of substances.

The full report contains charts itemized by category and is available on the department's web site at [www.state.nj.us/education](http://www.state.nj.us/education).

### **ITEMS FOR CONSIDERATION:**

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

#### **A. Appointments**

Unanimously approved the appointment pursuant to *NJSA 18A:7A-35* of:

- Michael E. Glascoe as state district superintendent of the Paterson School District. This vote was taken after endorsement by the State Board's Urban Education Committee.

Approved the appointment(s) pursuant to *NJSA 52:14B-3(1)* of:

- J. Michael Rush as Chief of Staff;
- Frederick Carrigg as Assistant to the Commissioner for Urban Literacy;
- Peter Genovese as Assistant to the Commissioner for Budgets and Efficiencies;
- Erika Leak as Assistant to the Commissioner for the State Board;
- Penelope Lattimer as Assistant to the Commissioner for Middle Grade Literacy and Secondary Education Programs;
- Annette Kaplan as County Assistant to the Northern Region;
- Daniel Mastrobuono as County Assistant to the Southern Region;
- Michael Klavon as Assistant to the Assistant Commissioner of Programs and Assessment;
- Rochelle Hendricks as Director of the Office of Vocational-Technical, Career and Adult Programs;
- Gail Robinson as Director of the Office of Research Development and Literacy;
- Diane Schonyers as Director of Administrative and Regulatory Affairs;
- Diane Shoener as Director of the State Board Office;
- Judith Cifone as Manager of the Office of Licensure and Credentials; and
- Mabel Williams as EEO/Affirmative Action Officer.

State board member Debra Casha abstained.

Also, unanimously approved the reappointment pursuant to *NJSA 52:14B-3(1)* of:

- William King as Warren County Superintendent of Schools.

**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*.

<b>Atlantic County</b>	<b>Gloucester County (con't.)</b>
Atlantic County Vocational	Greenwich Township
<b>Burlington County</b>	Harrison Township
Bordentown Regional	National Park
Eastampton Township	<b>Wenonah</b>
Westampton Township	Woodbury Heights
<b>Camden County</b>	<b>Hunterdon County</b>
Audubon	Alexandria Township
Laurel Springs	East Amwell Township
Mount Ephraim	North Hunterdon/Voorhees Regional
Oaklyn	<b>Mercer County</b>
Stratford	Mercer County Vocational
<b>Gloucester County</b>	<b>Warren County</b>
Delsea Regional	Lopatcong Township
Elk Township	<b>Mansfield Township</b>
Franklin Township	Warren Hills Regional
Gateway Regional	White Township

**C. Religious Holiday Calendar**

- Adopted the resolution pertaining to the annual calendar of religious holidays for the 2005-2006 school year pertaining to NJAC 6:3-9.3(a), pursuant to NJSA 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. 6:3-9, regarding pupil 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 pupil 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. Pupils 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 pupil 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 2005-2006 school year:

- |                        |   |
|------------------------|---|
| <b>September 1</b>     | Day of Ascention (Isra and Miraj) (Islamic)   |
| <b>September 7</b>     | His Holiness the 17 <sup>th</sup> Gyalawa Karmapa (Ugyen Trinley Dorje) birthdate (Buddist)                                     |
| <b>September 7</b>     | Ganesha Chaturthi (Hindu)   |
| <b>September 14</b>    | The Exaltation of the Holy Cross (Eastern, Green, Russian Orthodox)   |
| <b>October 3 or 4</b>  | First of Ramadan (Islamic)  |
| <b>October 4 – 5</b>   | Feast of Trumpets (World Wide Church of God, United Church of God and Global Church of God)                                     |
| <b>October 4 – 5</b>   | Rosh Hashanah (Jewish New Year)   |
| <b>October 10 - 12</b> | Dussera (Hindu)   |
| <b>October 13</b>      | Day of Atonement (World Wide Church of God, United Church of God and Global Church of God)                                      |
| <b>October 13</b>      | Yom Kippur (Day of Atonement) (Jewish)  |
| <b>October 18 - 19</b> | Sukkot (First & Second Days of Tabernacles) (Jewish)  |
| <b>October 18 - 24</b> | First Day through Seventh Day of Feast of Tabernacles (World Wide Church of God, United Church of God and Global Church of God) |

<b>October 20</b>	Birth of the Bab (Baha'i) Joint-Sovereignty of Guru Granth and Guru Panth declared to Guide the Sikh people
<b>October 24</b>	Last Great Day (World Wide Church of God, United Church of God and Global Church of God))
<b>October 25</b>	Eighth Day of Tabernacles (Jewish)
<b>October 26</b>	Rejoicing of the Law (Simchat Torah) (Jewish)
<b>October 31</b>	Reformation Day (Protestant, Lutheran)
<b>October 31 - November 2</b>	Deepavali (Hindu)
<b>November 1</b>	All Saints Day (Roman Catholic, Protestant, Lutheran)
<b>November 3 or 4</b>	Eid El Fitr (End of Ramadan) (Islamic) [Date is approximate with sighting of the moon]
<b>November 12</b>	Birth of the Baha'u'llah (Baha'i)
<b>November 15</b>	Guru Nanak's Birth (Sikh)
<b>November 24</b>	Guru Tegh Bahadur's Martyrdom (Sikh)
<b>December 8</b>	Feast of the Immaculate Conception (Roman Catholic)
<b>December 25</b>	Christmas (Roman Catholic, Protestant, Eastern, Greek and Russian Orthodox)
<b>December 26</b>	First Day of Hanukkah (Jewish)
<b>December 26 - January 2</b>	Kwanzaa
<b>January 1</b>	New Year's Day
<b>January 2</b>	Eighth Day of Hanukkah (Jewish)
<b>January 5</b>	Guru Gobind Singh's Birth (Sikh)
<b>January 6</b>	Feast of the Epiphany (Roman Catholic, Eastern, Greek and Russian Orthodox)
<b>January 6</b>	Christmas (Armenian)
<b>January 6</b>	Feast of the Epiphany (Christian)
<b>January 10 -13</b>	Feast of Sacrifice (Eid of Adha) (Islamic) [Date is approximate with sighting of the moon]
<b>January 14</b>	Maha Shivaratri (Hindu)
<b>January 29</b>	New Year (Chinese, Korean and Vietnamese)
<b>January 31</b>	New Year (Islamic) [Date is approximate with sighting of the moon]
<b>February 17</b>	St. Vartanantz Day (Armenian)
<b>February 28</b>	Shrove Tuesday
<b>March 1</b>	Ash Wednesday (Roman Catholic, Protestant)
<b>March 6</b>	Lent (Eastern Orthodox)
<b>March 14</b>	Sikh New Year/Holla Mohalla
<b>March 14</b>	Holi (Hindu)
<b>March 14</b>	Purim (Jewish)
<b>March 21</b>	Feast of Naw-Ruz (Baha'i and Iranian New Year, also Persian New Year and Heritage Day)
<b>March 30</b>	Chandramana Yugardi (Hindu)

<b>April 7</b>	Rama Navami (Hindu)
<b>April 11 or 12</b>	Birthday of the Prophet Muhammad (Islamic)
<b>April 13</b>	Holy Thursday (Roman Catholic, Protestant)
<b>April 14</b>	Good Friday (Roman Catholic, Protestant)
<b>April 14</b>	Souramana Yugardi (Hindu)
<b>April 13 or 14</b>	Vaisakhi (Sikh)
<b>April 13 - 14</b>	First Day of Feast of Unleavened Bread or Passover (World Wide Church of God, United Church of God and Global Church of God)
<b>April 13 - 14</b>	First Two Days of Passover (Jewish)
<b>April 16</b>	Easter (Roman Catholic, Protestant)
<b>April 19 - 20</b>	Seventh Day of Feast of Unleavened Bread or Passover (World Wide Church of God, United Church of God and Global Church of God)
<b>April 19 – 20</b>	Seventh & Eighth Days of Passover (Jewish)
<b>April 20</b>	Holy Thursday (Eastern, Greek and Russian Orthodox)
<b>April 21</b>	Holy Friday (Eastern, Greek and Russian Orthodox)
<b>April 21</b>	First Day of Ridvan (Baha'i)
<b>April 23</b>	Easter (Eastern, Greek and Russian Orthodox)
<b>April 24</b>	Memorial Day (Armenian)
<b>April 24</b>	Bright Monday (Eastern, Greek and Russian Orthodox)
<b>April 29</b>	Ninth Day of Ridvan (Baha'i)
<b>May 2</b>	Twelfth Day of Ridvan (Baha'i)
<b>May 23</b>	Declaration of the Bab (Baha'i)
<b>May 25</b>	Ascension Day (Roman Catholic, Protestant)
<b>May 29</b>	Ascension of Baha'u'llah (Baha'i)
<b>June 1</b>	Ascension Day (Eastern Orthodox, Greek and Russian Orthodox)
<b>June 2</b>	Day of Pentecost (World Wide Church of God, United Church of God and Global Church of God)
<b>June 2 - 3</b>	Shavuot (Feast of Weeks) 2 days (Jewish)
<b>June 16</b>	Guru Arjun's Martyrdom (Sikh)

**D. School District Operations**

- Approved for publication in the *New Jersey Register* the revisions to the repropoed new School District Operations regulations at *NJAC 6A:32-11.2* and *12.2*, pursuant to *P.L. 2004, c.89*.

**E. Commissioner**

- Adopted amendments as revised pertaining to the organization rules and chart for the Department of Education at *NJAC 6A:2-2.4*, pursuant to *NJSA 52:14B-3(1)*.

**NEW BUSINESS**

President Hyndman asked State Board members to identify what the State Board has done for the children of New Jersey as a result of today's monthly public meeting. State Board member John Griffith stated that through the discussion on the Violence and Vandalism report efforts

have been made to ensure the safety of children in order to promote a positive learning experience within all school environments. State Board members Roberta Van Anda and Thelma Napoleon-Smith stated that by appointing Dr. Michael Glascoe as superintendent of the Paterson School District the State Board has given the new hope to the people of Paterson. State Board member Debra Casha stated that the adoption of the list of religious holidays' calendar demonstrates the diversity and acceptance of the residents of the State of New Jersey. State Board member Edward Taylor stated that the efforts of other agencies in communities and the Attorney Generals Office help to make our schools safer. State Board member Thelma Napoleon-Smith stated that the approval of the new positions recommended by the Commissioner will assist the Department in reaching its mission. Commissioner Librera recognized that department staff needs to further the efforts and commitment to good practice made by Mrs. Anne Dillman during her 30 year tenure on the State Board of Education.

### **LEGAL CASES**

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

#### **ANNE MARIE ABERCROMBIE V. BOARD OF EDUCATION OF THE CITY OF ELIZABETH, UNION COUNTY, STATE BOARD DOCKET 6-05**

The State Board of Education directed that the parties supplement the record on appeal pursuant to N.J.A.C. 6A:4-1.9(b). Roberta Van Anda recused herself.

#### **BECTON EDUCATION ASSOCIATION, SCOTT B. SIGMON AND JANICE WEHRLE V. BOARD OF EDUCATION OF THE CARLSTADT-EAST RUTHERFORD REGIONAL SCHOOL DISTRICT, BERGEN COUNTY, STATE BOARD DOCKET #3-05**

Petitioners, members of the regional board's child study team, alleged that the regional board had violated their tenure rights when it eliminated their positions and contracted with the South Bergen Jointure Commission for the provision of basic child study team services. The Commissioner of Education adopted the recommended findings and conclusions of the Administrative Law Judge (ALJ) and dismissed the petition. The ALJ found that the regional board had not violated the petitioners' tenure rights in choosing, for reasons of economy, to provide child study team services through a jointure commission. In this respect, the ALJ stressed that jointure commissions were public entities authorized by statute and regulation to provide child study team services and that this was not a case in which a board employee or private entity was performing duties which had been the responsibility of tenured members of the child study team. The State Board of Education voted unanimously to affirm the Commissioner's decision.

#### **IN THE MATTER OF THE REVOCATION OF THE CERTIFICATES OF HATTIE BLACK BY THE STATE BOARD OF EXAMINERS, STATE BOARD DOCKET #25-03**

Pursuant to a remand by the Appellate Division, the State Board of Education voted unanimously to remand this matter to the State Board of Examiners to fulfill the terms of the Court's decision.

#### **JANE BLADES V. BOARD OF EDUCATION OF THE TOWNSHIP OF HILLSBOROUGH, SOMERSET COUNTY, STATE BOARD DOCKET #49-04**

This matter was withdrawn from the agenda because the appeal was withdrawn.

KATHLEEN DONVITO V. BOARD OF EDUCATION OF THE NORTHERN VALLEY REGIONAL HIGH SCHOOL DISTRICT, BERGEN COUNTY, AND LOUISE RYAN, STATE BOARD DOCKET #1-04

Consideration of this matter was postponed until the June 1, 2005 meeting of the State Board of Education.

IN THE MATTER OF THE GRANT OF THE CHARTER SCHOOL APPLICATION OF THE ECOLE DE LA MER: FRENCH IMMERSION CHARTER SCHOOL OF NEW JERSEY, CAPE MAY COUNTY, STATE BOARD DOCKET #14-05

The State Board of Education voted unanimously to dismiss the appeal filed by the Upper Township board as a result of its failure to file notice thereof within the statutory time limit.

BOARD OF EDUCATION OF THE BOROUGH OF ENGLEWOOD CLIFFS, BERGEN COUNTY V. BOARD OF EDUCATION OF THE CITY OF ENGLEWOOD, BERGEN COUNTY V. BOARD OF EDUCATION OF THE BOROUGH OF TENAFLY, BERGEN COUNTY, STATE BOARD DOCKET #81-96

The State Board of Education voted unanimously to grant the request of the Commissioner of Education to modify its decision of April 2, 2003 in this matter so as to require the Commissioner to submit his semi-annual reports as to the progress being made toward achieving racial balance in the composite student body at Dwight Morrow High School in Englewood at the State Board's August and November meetings, rather than in July and November.

IN THE MATTER OF THE EQUIVALENCY GRANTED TO THE BOARD OF EDUCATION OF THE BOROUGH OF FRANKLIN, SUSSEX COUNTY, STATE BOARD DOCKET #2-04

The Franklin Education Association appealed to the State Board of Education from the grant of an equivalency to the Franklin board by the Commissioner of Education in December 2003. Specifically, the Franklin board had applied for and was granted an equivalency from N.J.A.C. 6:3-4.3, "Evaluation of tenured teaching staff members," so as to establish an evaluation process that relied primarily on self-assessment. N.J.A.C. 6:3-4.3, which establishes the minimum requirements for the evaluation of tenured teaching staff members, requires an annual evaluation of all tenured teaching staff members by appropriately certified personnel. The regulation defines "appropriately certified personnel" as "personnel qualified to perform duties of supervision which includes the superintendent, assistant superintendent, principals, vice-principals, and supervisors of instruction who hold the appropriate certificate and who are designated by the board to supervise instruction."

Upon review, the State Board voted unanimously to invalidate the equivalency. The State Board found that the equivalency constituted a waiver of the certification requirements and compromised the district's ability to provide a thorough and efficient education. The State Board observed that, as embodied in statute and regulation, it was critical to the education process that teaching staff members be evaluated by individuals who are qualified to supervise the work of instructional personnel by virtue of the certification they possess. In this respect, the State Board stressed that in order to be qualified to provide continuing direction to school staff

and to guide their work, an individual must possess certification which qualifies him or her to supervise and evaluate staff. In order to obtain such certification, school administrators and principals must successfully complete prescribed studies at the graduate level in leadership and human resource management, and supervisors must successfully complete graduate level studies in staff supervision. The State Board concluded that limiting the role in the evaluation process entrusted by the regulations to personnel qualified to perform the duties of supervision constituted a waiver of the certification rules. Such a waiver was detrimental to the educational process and compromised the district's constitutional obligation to provide its students with a thorough and efficient education.

The State Board directed the Commissioner to notify all other districts which had been granted equivalencies or waivers that impacted the evaluation of tenured teaching staff members and, in accordance with the dictates of its decision, to conduct a review of those waivers and equivalencies in order to ensure that they did not similarly compromise a district's ability to provide a thorough and efficient education. In the event that the Commissioner, upon review, found it necessary to modify or rescind any such equivalencies or waivers, the State Board directed that his action be applied prospectively. Similarly, it directed that its decision with regard to the equivalency at issue in this matter be prospective in nature.

C.G., on behalf of minor child, T.G. V. BOARD OF EDUCATION OF THE CITY OF EAST ORANGE, ESSEX COUNTY, STATE BOARD DOCKET #50-04

The State Board of Education voted unanimously to deny the appellant's motion to compel production of documents and supplement the record on appeal.

BOARD OF EDUCATION OF THE TOWNSHIP OF LACEY, OCEAN COUNTY V. NEW JERSEY STATE DEPARTMENT OF EDUCATION, STATE BOARD DOCKET #8-05

The district board alleged that the Department of Education had failed to provide it with the appropriate level of funding for the 1998-99 school year pursuant to the Comprehensive Education Improvement and Financing Act. The district board contended that the method of determining the municipal income component for State aid purposes when the aid was recalculated in March 1998 after the Department of Treasury discovered an inadvertent error constituted rulemaking in violation of the Administrative Procedures Act. The Commissioner dismissed the petition, concluding that rulemaking had not occurred.

The State Board of Education voted unanimously to affirm the ultimate determination of the Commissioner to deny the relief sought by the district board. In so doing, it concurred with the district board that rulemaking was required when the Department of Education recalculated State aid for the 1998-99 school year. However, the State Board further found that, for the same reasons, rulemaking would also have been required when the Department originally calculated State aid for that year. That being the case, the State Board concluded that there was no basis on the record for providing relief to the district board. The State Board stressed in that regard that the district board's claim was limited to the 1998-99 school year and that it had made no allegations with regard to any other years. Thus, the State Board concurred with the ultimate determination of the Commissioner to dismiss the petition.

A.M., on behalf of minor children, A.M.C. AND J.M.C. V. BOARD OF EDUCATION OF THE TOWNSHIP OF UNION, UNION COUNTY, STATE BOARD DOCKET #52-04

This matter was withdrawn from the agenda because the parties had arrived at a tentative settlement.

**BOARD OF EDUCATION OF THE TOWNSHIP OF MINE HILL, MORRIS COUNTY V. BOARD OF EDUCATION OF THE TOWN OF DOVER, MORRIS COUNTY, STATE BOARD DOCKET #12-01**

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The Mine Hill board filed a petition with the Commissioner of Education requesting to withdraw its seventh and eighth grade middle school students from the Dover school district. The Commissioner denied Mine Hill's request. Although recognizing that N.J.S.A. 18A:38-13 by its terms applied only to sending-receiving relationships at the high school level, the Commissioner, invoking his implied powers, concluded that the requirements of that statute were applicable in this case. Under that standard, the Commissioner found that there would be a substantial negative impact on the racial balance and the quality of education in both districts.

On August 1, 2001, the State Board reversed the Commissioner's determination that the requirements of N.J.S.A. 18A:38-13 were applicable to sending-receiving relationships at the elementary level. The State Board found that both the express terms of the statute and the legislative history clearly indicated the Legislature's intent that N.J.S.A. 18A:38-13 applied only to sending-receiving relationships at the high school level. However, given its responsibility for the general supervision and control of public education in the state, N.J.S.A. 18A:4-10, the State Board stressed that it could not allow such withdrawals to occur at the discretion of the sending district. It therefore remanded this matter to the Commissioner to allow him in the first instance to identify those circumstances under which withdrawal from a sending-receiving relationship at the elementary school level should be permitted and to ascertain whether such circumstances were present in this case.

In his decision on remand, the Commissioner concluded that the appropriate standards for evaluating requests for withdrawals at the elementary level were those applicable to the high school level. The Commissioner found that the requirement that there be "no substantial negative impact" before granting permission to terminate a sending-receiving relationship was essential for the maintenance of a thorough and efficient education regardless of the grade level of the schools in question. The Commissioner observed that avoiding a negative racial impact might be even more significant at the elementary level. The Commissioner found that severance in this case would result in a substantial negative impact on the racial balance of both districts and, consequently, on the quality of the education in those districts. Hence, he concluded that he was precluded from granting Mine Hill's request for termination. The State Board affirmed the Commissioner's decision on remand. Ronald K. Butcher and Arnold G. Hyndman abstained.

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

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The School Ethics Commission concluded that the appellant, a member of the Asbury Park board, had violated N.J.S.A. 18A:12-24.1(a) and (e) of the Code of Ethics for School Board Members. The Ethics Commission found that the appellant had improperly asked a staff member to remove certain personnel items from the district board's agenda and, when they were not removed, told one of the newly-employed individuals that she did not have a job when the board clearly had approved the appointment. The Commission observed that the appellant's actions were an attempt to circumvent the Open Public Meetings Act. Upon review of the

penalty, the Commissioner of Education concluded that removal of the appellant from his seat on the district board was the appropriate penalty under the circumstances.

The State Board of Education voted unanimously to affirm both the decision of the School Ethics Commission that the appellant had violated the Code of Ethics for School Board Members and the decision of the Commissioner of Education that removal of the appellant from his seat on the district board was the appropriate penalty.

**IN THE MATTER OF THE SUSPENSION OF THE CERTIFICATES OF COREY YOUNGER  
BY THE STATE BOARD OF EXAMINERS, STATE BOARD DOCKET #13-05**

The State Board of Education voted unanimously to deny the appellant's motion to conduct additional discovery and supplement the record on appeal.

**ADJOURNMENT**

On a motion duly seconded and carried the State Board of Education adjourned its May 4, 2005 public meeting at 1:55 p.m.

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