

**New Jersey State Board of Education
Minutes of the Special Meeting via teleconference
in the Conference Room on the First Floor,
100 River View Executive Plaza
Trenton, NJ**

September 13, 2006

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

Secretary: Lucille E. Davy, Acting Commissioner

PRESENT CONSTITUTING A QUORUM:

Mr. Arcelio Aponte
Dr. Ronald Butcher
Ms. Debra Casha
Ms. Josephine E. Hernandez
Rev. Frederick LaGarde, Jr.
Dr. Ernest Lepore
Dr. Thelma Napoleon-Smith

ABSENT:

Ms. Maud Dahme
Ms. Kathleen A. Dietz
Mr. Edward M. Taylor

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 Wednesday, September 13, 2006.

LEGAL CASES

On motion duly seconded and carried, a decision in the following case was adopted by the board as presented by Arnold G. Hyndman, President.

IN THE MATTER OF THE REFUSAL TO GRANT FINAL APPROVAL TO THE CHARTER SCHOOL APPLICATION OF THE BENCHMARK ACADEMY CHARTER HIGH SCHOOL, ATLANTIC COUNTY, STATE BOARD DOCKET #35-06

Acting pursuant to an order issued by the Appellate Division on September 7, 2006 directing the State Board of Education to expedite the proposed charter school's appeal by hearing and deciding the issues presented on or before September 13, 2006, the State Board voted unanimously to remand this matter to the Acting Commissioner of Education so that she could provide the State Board with additional information regarding the proposed charter school. The State Board directed that the Acting Commissioner submit the additional information to the State Board by the end of the business day on Friday, September 15, 2006, that the matter be reviewed by the Legal Committee at its meeting on September 20, 2006, and that the State Board make a final decision at its regularly scheduled meeting on September 20, 2006.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its September 13, 2006 special meeting at 3:15 p.m.

Lucille E. Davy, Acting Commissioner
Acting Secretary, NJ State Board of Education