

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

October 17, 2007

Presiding: Ronald K. Butcher, President

Secretary: Lucille E. Davy, Commissioner

PRESENT CONSTITUTING A QUORUM:

Mr. Arcelio Aponte
Ms. Debra Casha
Ms. Edithe Fulton
Ms. Josephine E. Hernandez
Dr. Ernest Lepore
Mr. Kenneth Parker

ABSENT:

Ms. Kathleen A. Dietz
Dr. Arnold G. Hyndman
Rev. Frederick LaGarde, Jr.
Dr. Thelma Napoleon-Smith

CONVENING

Ronald K. Butcher, 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, October 17, 2007.

APPROVAL OF MINUTES OF THE MEETINGS

On a motion duly seconded and carried, the State Board members approved the minutes of the meetings conducted on September 5, 2007 and September 20, 2007. State Board member Ernest Lepore abstained from voting on the minutes of the meeting conducted on September 5,

2007. State Board member Debra Casha abstained from voting on the minutes of the meeting conducted on September 20, 2007.

PRESIDENT’S REPORTS

There were no President’s reports.

ITEMS FOR CONSIDERATION:

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

A. State Operated School District of Newark

- Adopted the resolution approving the proposal pertaining to the return of the Operation Management functions to the local control of the Newark City Public Schools, pursuant to N.J.A.C. 6A:30-7.1. State Board member Arcelio Aponte recused.

RESOLUTION TO RETURN FUNCTIONS OF OPERATIONS MANAGEMENT TO LOCAL CONTROL IN THE NEWARK SCHOOL DISTRICT

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WHEREAS, by administrative order issued by the State Board of Education on July 5, 1995, the State Board of Education removed the Newark School District Board of Education and created a State-operated school district in Newark pursuant to former N.J.S.A. 18A:7A-34; and

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Deleted: , and extended by resolutions adopted September 7, 1994, September 6, 1995, September 4, 1996, September 3, 1997, November 4, 1998, July 7, 1999 and July 5, 2000

WHEREAS, P.L. 2005, c.235 established the New Jersey Quality Single Accountability Continuum (NJQSAC), a new system for monitoring and evaluating public school districts in the State of New Jersey that involves an assessment of each school district’s performance in the five key components of school district effectiveness; namely, Operations Management, Personnel, Instruction and Program, Governance and Fiscal Management; and

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WHEREAS, NJQSAC requires, at N.J.S.A. 18A:7A-53, that State-operated districts shall be evaluated by a team of highly skilled professionals in the five key components of school district effectiveness within 120 days of the date on which rules promulgated pursuant to the statute became effective; and

WHEREAS, pursuant to the requirements of N.J.S.A. 18A:7A-53, Newark School District was evaluated by a team of highly skilled professionals, who issued a report of the evaluation to the Commissioner of Education on or about June 22, 2007; and

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WHEREAS, pursuant to N.J.S.A. 18A:7A-53 and N.J.A.C. 6A:30-8.3, the Commissioner reviewed the report of the team of highly skilled professionals, and in a report issued on July 23, 2007, determined that the Newark School District met 86% of the performance indicators in Operations Management, 32% of the performance indicators in Personnel, 39% of the performance indicators in Instruction and Program, 45% of the performance indicators in Governance, and 66% of the indicators in Fiscal Management; and

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WHEREAS, pursuant to N.J.A.C. 6A:30-8.3, the Newark School District filed a request for reconsideration of the Commissioner’s determination as set forth in her July 23, 2007 report,

and in a letter dated August 29, 2007, the Commissioner granted a portion of the reconsideration request and determined that the Newark School District had met 56% of the performance indicators in Governance; and

WHEREAS, based on this final determination by the Commissioner, the Newark School District has met the factors for initiating return of the functions of Operations Management to local control pursuant to N.J.A.C. 6A:30-7.1; now therefore, be it

RESOLVED, that the process for transition to local control of the functions of Operations Management shall be initiated forthwith in the Newark School District pursuant to N.J.A.C. 6A:30-7.2 and that the functions of Personnel, Instruction and Program, Governance and Fiscal Management shall be placed under partial State intervention pursuant to N.J.A.C. 6A:30-7.2 and -8.3. The Department of Education, in collaboration with the Newark School District shall develop a transition plan pursuant to N.J.A.C. 6A:30-7.2 and -7.3; and be it further

RESOLVED, that consistent with and upon approval by the Commissioner of a transition plan to return the functions of Operations Management to local control pursuant to N.J.A.C. 6A:30-7.2 and -7.3, the Newark Board of Education shall be empowered to vote on matters presented to the board relating to the functions of Operations Management, subject, however, to veto by the Commissioner or designee pursuant to the provisions of N.J.S.A. 18A:7A-53.

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ITEMS FOR DISCUSSION:

A. World Language Assessment

Dr. Carl Falsgraf, director of the Center for Applied Second Language Studies (CASLS) at the University of Oregon and the Chinese K-16 Flagship Program in the Portland Public School District, presented the results of an online pilot assessment program in world languages funded by a three-year Foreign Language Assistance Program federal grant.

Dr. Falsgraf stated that the goal of the pilot was to collect data on 8th grade student performance in world languages programs that will drive program improvement and lead to higher levels of student achievement. He also stated that approximately 40,000 students in over 120 school districts have participated in the pilot with an anticipated 60,000 students, or 60% of the 8th grade student population, participating by June 2008. He further stated that students were assessed in speaking and reading in Chinese, French, German, Italian, Japanese and Spanish using the STAMP Test, which is a proficiency test that is delivered, graded and reported online. He stated that the STAMP engages students in real-world, culturally authentic tasks they will encounter in real life situations. He also stated that students have reacted positively to this type of test and using technology to showcase their language abilities.

Commissioner Davy stated that over 500 New Jersey world languages teachers have received professional development on data-driven instruction through this grant program. She also stated that the New Jersey pilot is the largest statewide proficiency assessment in multiple world languages that has ever taken place in the country.

B. National Association of Educational Progress Results (NAEP)

Jay Doolan, assistant commissioner, Division of Educational Standards and Programs, Timothy Peters, director, Office of State Assessments, and Barbara Smey-Richman presented an overview of the state's NAEP results and their implications. Dr. Doolan stated that the National Assessment Governing Board released the results of the 2007 National Assessment of Educational Progress (NAEP). Dr. Doolan also stated that the results for New Jersey are very encouraging and particularly exciting in the area of grade 4 reading.

C. Strategic Plan Update

President Butcher stated that the State Board met during its annual retreat to discuss its educational priorities in order to develop a joint strategic plan with the Department. He also stated that information will be posted on the New Jersey Department of Education's website.

LEGAL CASES

On motions duly seconded and carried, decisions in the following cases were adopted by the board as presented by legal committee members Arcelio Aponte, Edythe Fulton, and Josephine E. Hernandez, chairperson.

IN THE MATTER OF THE TENURE HEARING OF CARL A. HILL, SCHOOL DISTRICT OF THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, STATE BOARD DOCKET #14-07

The State Board of Education voted unanimously to affirm the decision of the Commissioner of Education to dismiss the appellant, a teacher, from his tenured employment for unbecoming conduct. The State Board agreed that the district board had demonstrated the truthfulness of the charges – which included allegations of insubordinate and disrespectful behavior towards his supervisor, vulgar language and gestures directed at teaching staff members, excessive absences and lateness, and inappropriate language towards a student – by a preponderance of the credible evidence and that dismissal of the appellant from his tenured position was the appropriate penalty. The State Board added, that, even assuming *arguendo* that some of the allegations relating to the appellant's performance of his duties could be characterized as inefficiency, the district board had more than amply demonstrated the appellant's unbecoming conduct, and it concluded that such charges warranted the appellant's dismissal.

IN THE MATTER OF THE REVOCATION OF THE CERTIFICATE OF JULIETTE KERSAINT BY THE STATE BOARD OF EXAMINERS, STATE BOARD DOCKET #16-07

The State Board of Education voted unanimously to affirm the decision of the State Board of Examiners to revoke the certification of the appellant, a school nurse, for unbecoming conduct. The State Board of Education agreed that the appellant's failure to properly fulfill her duties was of such gravity as to warrant revocation of her certification.

THOMAS MORRIS V. STATE-OPERATED SCHOOL DISTRICT OF THE CITY OF NEWARK, ESSEX COUNTY, STATE BOARD DOCKET #52-06

The appellant, a tenured teaching staff member employed as a special education teacher by the State-operated school district, filed a petition with the Commissioner of Education challenging the State-operated district's decision to withhold his salary increment for the 2005-06 school

year. The State-operated district charged that the appellant had hit an 11-year-old student on the arm with a ruler. Stressing that this matter turned on the credibility of the witnesses, the ALJ concluded that the appellant had not demonstrated that the State-operated district's action was arbitrary or capricious. The ALJ found that the appellant's denial of the incident was not sustainable, and she was satisfied that a student witness had witnessed inappropriate physical contact. Accordingly, the ALJ recommended that the Commissioner uphold the State-operated district's action and dismiss the petition. The Commissioner adopted the ALJ's findings and conclusions and dismissed the petition. The State Board of Education voted unanimously to affirm the decision of the Commissioner.

R.O., on behalf of minor child, R.O., II V. BOARD OF EDUCATION OF THE WEST WINDSOR-PLAINSBORO SCHOOL DISTRICT, MERCER COUNTY, STATE BOARD DOCKET #22-06

The State Board of Education voted unanimously to dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6A:4-1.12(a).

IN THE MATTER OF THE APPLICATION PURSUANT TO N.J.A.C. 6A:23-8.10 FOR RESTORATION OF BUDGET REDUCTIONS FOR THE 2006-07 SCHOOL YEAR, BOARD OF EDUCATION OF THE TOWNSHIP OF WILLINGBORO, BURLINGTON COUNTY, STATE BOARD DOCKET #33-06

After the governing body of the Township of Willingboro reduced the Willingboro board's general fund base budget tax levy of \$29,056,624 by \$6,024,854, the Willingboro board applied to the Commissioner of Education for restoration of the reductions. The Commissioner determined to restore \$5,170,982 of the tax levy reduction, concluding that such reductions would negatively impact on the stability of the district given the need for long term planning and budgeting. The State Board of Education voted unanimously to affirm the decision of the Commissioner.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its October 17, 2007 special meeting at 3:00 p.m.

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