

**New Jersey State Board of Education
Minutes of the Regular Monthly Meeting
100 River View Executive Plaza
Trenton, NJ**

March 19, 2008

Presiding: Ronald Butcher, President

Secretary: Lucille E. Davy, Commissioner

PRESENT CONSTITUTING A QUORUM

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

ABSENT

Rev. Frederick LaGarde, Jr.

CONVENING

Ronald 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 March 19, 2008.

ADJOURN TO EXECUTIVE SESSION

President Butcher 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.

RECONVENING

President Butcher 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 *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.

STUDENT SPEAKERS

Kayla Stoll, the 2007 State Board student representative and a junior from High Point Regional High School (Sussex County) welcomed Jennifer Luck, a junior at South Brunswick High School (Middlesex County). Ms. Luck spoke about the importance of developing leadership abilities.

INTRODUCTIONS

Commissioner Davy recognized Dr. Bruce Greenfield, Ocean County Executive Superintendent of Schools, who represented the county superintendents.

Student Recognition Program

The State Board recognized Renee Winkler, a senior at Brick Township High School (Ocean 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 Renee for her outstanding academic and extra curricular achievements.

On behalf of the State Board, President Butcher congratulated Renee on her achievements.

AWARD RECOGNITION

Commissioner Davy introduced the new Schools To Watch program, a unique program that identifies and commemorates middle schools that are improving educational outcomes for students in middle level grades. Assistant Commissioner Rochelle Hendricks presented the three middle schools selected for the first New Jersey Schools To Watch award. The three middle schools receiving the award are Mountain View Middle School in Mendham Borough (Morris County), Morris River Elementary School in Morris River (Cumberland County), and Ocean City Intermediate School in Ocean City (Cape May County).

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 20, 2008.

PRESIDENT'S REPORTS

President Butcher stated that this was the first meeting that is a combined business meeting and public testimony. The State Board is considering moving to one meeting per month for the balance of the school year.

Public testimony will take place today at 3:00 pm. The topic is Managing Equality and Equity in Education.

The President will make committee assignments to fill vacancies and requests for an arts liaison and educational technology liaison.

COMMISSIONER'S REPORTS

Department Budget Hearing

The Department is preparing for the budget hearings before the Assembly and Senate Budget and Appropriations Committees in early April.

School Funding

The Commissioner stated that school aid has been successfully distributed. Districts seeking waivers of their local tax levies have been reviewed and notified.

Monitoring of School Districts

The Commissioner reported that the Department is in the process of finalizing the placement on the continuum of the 126 districts that completed the QSAC process. The Commissioner's final determinations will be provided to the State Board shortly.

Meeting with Commission on Higher Education

There will be a joint meeting of the Commission on Higher Education and the State Board on April 25, 2008 to discuss the common issues of concern regarding secondary school reform and design.

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. Resolution to Amend Calendar of State Board Meeting Dates

- Adopted the following resolution to amend the meeting schedule:

**RESOLUTION
AMENDMENT TO THE ANNUAL CALENDAR OF
STATE BOARD MEETING DATES**

WHEREAS, N.J.S.A. 18A:4-7 provides that the State Board of Education shall hold public meetings at least once each month at such times as its rules may prescribe and at such other times and such places within the state as in its judgment may be necessary, but no meeting may commence later than 8:00 p.m.; and

WHEREAS, N.J.A.C. 6A:1-2.2 requires that such meetings be held at such time, place, and on such dates as established by the State Board, pursuant to **N.J.S.A. 10:4-6 et seq.**, the Open Public Meetings Act, and notice of such meetings shall be made in a manner consistent with the law; and

WHEREAS, the State Board has historically met twice per month in a public business meeting and a public work session; and

WHEREAS, the State Board has expressed a desire to reduce the monthly meetings to one meeting day per month by holding the public business meeting and public work session on the same day; now therefore be it

RESOLVED, that the State Board amends the annual calendar of meeting dates for its monthly business meetings and public testimony sessions for the remainder of the 2007-2008 school year, and directs that a copy of the dates be sent to the Governor, the Secretary of State, the news media, the county superintendents, and the State Board agenda subscribers.

PUBLIC BUSINESS MEETINGS/WORK SESSIONS 2008

April 16 May 21 June 18

PUBLIC TESTIMONY SESSIONS 2008

April 16 May 21 June 18

*Open Topic Session

Members of the public may reserve time to speak at public testimony sessions by registering on-line at the following website: <http://www.state.nj.us/njded/sboe/meetings/pubtest.shtml> or by calling the State Board of Education Office by noon on the Friday before the public testimony session at (609) 292-0739. Notice of changes in the above will be made in compliance with the requirements of the Open Public Meetings Act.

C. **Special Review Assessment**

Assistant commissioner Jay Doolan and Timothy Peters, director of the Office of State Assessment highlighted the revisions made to the proposal based upon the recommendations submitted by the public and other stakeholders to enhance the alternative instrument developed to satisfy the state graduation test requirements. The following resolution was moved and duly seconded:

**Intent to Amend the Standards and Assessment
for Student Achievement Code**

WHEREAS, the State Board is responsible under N.J.A.C. 6A:8-2.1(a) for establishing state educational goals and standards; and

WHEREAS, the High School Proficiency Assessment (HSPA) is provided for assessing student progress toward mastery of the essential knowledge and skills; and

WHEREAS, pursuant to N.J.A.C. 6A:8-5.1(a)5, all New Jersey public high school students are required to demonstrate proficiency in all sections of the High School Proficiency Assessment (HSPA) or through the Special Review Assessment (SRA) process applicable to the class graduating in the year they meet all other graduation requirements; and

WHEREAS, pursuant to N.J.A.C. 6A:8-4.1(c), district boards of education are required, according to a schedule prescribed by the Commissioner, to administer the applicable statewide assessments, which include the High School Proficiency Assessment (HSPA) and the Special Review Assessment (SRA); and

WHEREAS, the Special Review Assessment (SRA) serves as an alternate means of satisfying the state graduation proficiency test requirement; and

WHEREAS, the Commissioner has reviewed the Special Review Assessment (SRA) requirements at N.J.A.C. 6A:8-4.1 and 5.1, in consultation with educators and stakeholders statewide, and is recommending enhancements to that process designed to assure the integrity of state endorsed high school diplomas earned by means of the Special Review Assessment; now therefore be it

RESOLVED, that the New Jersey State Board of Education rescinds its August 3, 2005 resolution to eliminate the SRA component of the statewide assessment program; and be it further

RESOLVED, that the New Jersey State Board of Education announces its intent to amend the Statewide Assessment System requirements in N.J.A.C. 6A:8-4.1(c) to replace the SRA with an enhanced alternate high school assessment instrument embodying the recommendations of the Commissioner for improving the validity and integrity of the alternate high school assessment process, to be effective with the 2009-2010 school year, or as soon thereafter as the Commissioner determines possible; and be it further

RESOLVED, that all school districts in which 10 percent or more of their graduating students satisfy high school graduation testing requirements in whole or in part through the SRA, or the state's designated alternate high school graduation testing program, shall submit a plan for increasing the proportion of students graduating by means of the HSPA, to be effective annually starting in the 2008-2009 school year, with said plan to be submitted no later than November 15, 2009 and each year thereafter, as appropriate.

On a motion duly seconded the last resolved clause was amended as follows: (new language shown in italics)

RESOLVED, that all school districts in which 10 percent or more of their graduating students satisfy high school graduation testing requirements in whole or in part through the SRA, or the state's designated alternate high school graduation testing program shall submit a plan, *prepared in accordance with Department of Education guidelines*, for increasing the proportion of students graduating by means of the HSPA, to be effective annually starting in the 2008-2009 school year, with said plan to be submitted *to the Department of Education and made available to the public* no later than November 15, 2009 and each year thereafter, as appropriate.

The resolution as amended was unanimously adopted.

D. Career and Technical Education Five-Year Plan

- Adopted the following resolution to reauthorize the Carl D. Perkins Career and Technical Education Improvement Act of 2006:

**RESOLUTION TO ADOPT THE
NEW JERSEY FIVE-YEAR CAREER AND TECHNICAL EDUCATION
STATE PLAN**

WHEREAS, in accordance with the Carl D. Perkins Vocational-Technical Education Act of 1998, the New Jersey State Board of Education adopted a five-year State Plan for Vocational and Technical Education on April 7, 1999, which expired June 30, 2004; and

WHEREAS, the U.S. Department of Education granted annual extensions of that plan through state fiscal year 2007, pending the reauthorization of the Carl D. Perkins Vocational-Technical Education Act of 1998; and

WHEREAS, the new Carl D. Perkins Career and Technical Education Improvement Act of 2006, which was enacted August 2006, requires the New Jersey Department of Education to submit a State Plan adopted by the New Jersey State Board of Education in order to receive federal funding; and

WHEREAS, the New Jersey Department of Education developed, and the New Jersey State Board of Education adopted a one-year transition plan to secure federal funding under the Perkins Act for state fiscal year 2008; and

WHEREAS, the reauthorized Perkins Act requires states that previously submitted a one-year transition plan to submit by April 1, 2008 a five-year state plan to secure

funding that will become available as of July 1, 2008, estimated at \$25 million for New Jersey for state fiscal year 2009; now therefore be it

RESOLVED, that the New Jersey State Board of Education hereby adopts the New Jersey Five-Year Career and Technical Education State Plan, which will serve as the basis for implementing career and technical education in New Jersey beginning in state fiscal year 2009.

E. Managing for Equality and Equity in Education

- Approved the re-adoption of N.J.A.C. 6A:7 without amendments for the sole purpose of maintaining the rules in order to avoid a regulatory lapse.

F. Bilingual Education

- Approved the re-adoption with amendments of N.J.A.C. 6A:15. The State Board recommended including a definition of “semester” as one-half of the school year.

ITEMS FOR DISCUSSION

- Assistant commissioner Jay Doolan, Cathy Pine, director of Office of Professional Standards and Robert Higgins, director of Licensing presented a preview of the key amendments proposed for the re-adoption of N.J.A.C. 6A:9.

NEW BUSINESS

LEGAL CASES

Unless otherwise noted, on motions duly seconded and carried, decisions in the following cases were adopted by the Board as presented by the legal committee members Arcelio Aponte, Edith Fulton, and Josephine Hernandez, chairperson.

1. IN THE MATTER OF THE SUSPENSION OF DR. JOSEPH ATALLO PURSUANT TO N.J.S.A. 18A:12-29(c), STATE-OPERATED SCHOOL DISTRICT OF THE CITY OF PATERSON, PASSAIC COUNTY, STATE BOARD DOCKET #33-07

The State Board increased the Commissioner’s penalty of three month suspension to one year. Kathleen Dietz opposed.

2. IN THE MATTER OF THE CENSURE OF RAYMOND A. DELBURY PURSUANT TO N.J.S.A. 18A:12-21 et seq., BOARD OF EDUCATION OF THE SUSSEX-WANTAGE REGIONAL SCHOOL DISTRICT, SUSSEX COUNTY, STATE BOARD DOCKET #1-08

The State Board granted the Commissioner’s motion to participate in the appeal.

3. F.P., on behalf of minor child, K.P. V. BOARD OF EDUCATION OF THE HOPEWELL VALLEY REGIONAL SCHOOL DISTRICT, MERCER COUNTY, STATE BOARD DOCKET #32-07
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The State Board affirmed the Commissioner's decision finding that the district's decision not to move the bus stop was not discriminatory, arbitrary or capricious.

4. A.M.S., on behalf of minor child, A.D.S. V. BOARD OF EDUCATION OF THE CITY OF MARGATE, ATLANTIC COUNTY, AND BOARD OF EDUCATION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, STATE BOARD DOCKET #26-07
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The State Board affirmed the Commissioner's finding that petitioner-respondent was domiciled in Margate and thus his son, A.D.S., is entitled to a free public education in the Margate School District.

5. ALBERT ZIEGLER V. BOARD OF EDUCATION OF THE CITY OF BAYONNE, HUDSON COUNTY, STATE BOARD DOCKET #27-07
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The State Board affirmed the Commissioner's calculation of back pay in the amount of \$140,767.24.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned at 2:00 p.m. to go into executive session to conduct ethics training.

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