

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

September 13, 2017

Presiding: Arcelio Aponte, President

Secretary: Kimberley Harrington, Commissioner

PRESENT CONSTITUTING A QUORUM

Dr. Ronald Butcher-- via teleconference
Mrs. Mary Beth Berry
Ms. Edithe Fulton
Mrs. Mary Elizabeth Gazi
Dr. Nedd J. Johnson
Mrs. Kathy Goldenberg
Mr. Andrew Mulvihill
Dr. Joseph L. Ricca
Mrs. Sylvia Sylvia

ABSENT

Dr. Ernest Lepore
Mr. Jack Fornaro

CONVENING

State Board of Education President Arcelio Aponte convened the public meeting at 9:00 a.m. with the reading of the statement pertaining to the public session of the State Board meeting as it complies with the New Jersey Open Public Meetings Act.

The 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.

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.

And seeing there was a quorum, the meeting of September 13, 2017, was called to order.

ADJOURN TO EXECUTIVE SESSION

President Aponte 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 Education will now adjourn to executive session to discuss personnel and legal issues. The State Board immediately adjourned to executive session on September 13, 2017.

RECONVENING

State Board President Arcelio Aponte reconvened the open meeting at 10:00 a.m. 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.

PLEDGE OF ALLEGIANCE

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 August 2, 2017. State Board member Edithe Fulton abstained.

PRESIDENT'S REPORT

Announcements

Expression of Concern

President Aponte acknowledged the recent devastation in the United States due to hurricanes Irma and Harvey and encouraged all to reach out to communities in need.

September 11th Remembrance

President Aponte also acknowledged the 16th anniversary of the attacks that took place in the United States on September 11, 2001.

Welcome to the new school year

President Aponte further acknowledged the start of the new school year. He welcomed back to school the 1.4 million public school students the State Board serves. He thanked the teachers and school leaders and wished them great success in preparing our students for the next level in their educational journey.

In recognition of the transition to local control of Newark Public Schools

President Aponte recognized and invited Senator Teresa Ruiz, chair, Senate Education Committee to the podium to offer remarks regarding the start of the new school year and today's milestone for the community of Newark.

President Aponte also recognized and invited Mayor Ras Baraka to the podium to share his thoughts and support for the transition of local control of the school district to the citizens of the city of Newark.

President Aponte further recognized and invited Superintendent Christopher Cerf to the podium to acknowledge the importance of the return of the school district to local control.

Public Testimony

President Aponte stated public testimony would be held today at 2 pm. He also stated that the topics for the September 13 public testimony session included the amendments to chapter 19, Career and Technical Education Programs, pertaining to Private Career Schools; and the readoption with amendments to Marie H. Katzenbach School for the Deaf. He further stated that the September 13, 2017 public testimony is an

Open Topic opportunity and registered members of the public may present testimony before the State Board on any educational topic of their choice.

President Aponte stated that registration for the October 4, 2017 public testimony session would open on Thursday, September 14, 2017 and close at noon on Thursday, September 28, 2017. He also stated that the State Board would use this public testimony session to receive feedback from members of the public on what they would like to see included in the Newark City School District Local Control Transition Plan

President Aponte stated that anyone interested in speaking at or also attending the public testimony session must register so the State Board staff can make proper arrangements for space. He also stated that members of the public should contact the State Board office at 609-984-6024 or check the following website <http://education.state.nj.us/sboe/reg.php> for updates.

Permanent Student Representative

President Aponte welcomed Karan Chauhan the 2017-2018 permanent student representative to the State Board of Education. Karan Chauhan is a senior from Parsippany Troy-Hills High School in Morris County. Karan reported on the importance of civic engagement in high school students in order to become a well informed and competitive student body.

COMMISSIONER'S REPORTS

Assessment Update

Peter Shulman, Deputy Commissioner, Division of Talent and Performance provided a presentation to the State Board members on the progress that students are making statewide across all grade levels in English Language Arts and Mathematics.

State of New Jersey's English Language Learners (ELL's) Report

Commissioner Harrington requested that the state board table this report for a future board meeting due to time constraints.

ITEMS FOR CONSIDERATION:

**Items scheduled for a vote are marked with an asterisk.*

***A. Commissioner**

- Adopted the organization rules for the State Department of Education at N.J.A.C. 6A:2-1.1 et seq., pursuant to N.J.S.A.18A:4 et.seq and N.J.S.A 52:14B-3(1).

***B. Appointment(s)**

- Approved the following appointments pursuant to N.J.S.A. 18A:4-32-35 and N.J.A.C. 6A:2-1.1 et seq.:

Appointment

- Samantha Skabla-Price, Director, Office of Controversies and Disputes
- Kathleen Duncan, Director, Office of TEACHNJ Arbitration

***C. Certification of School Districts**

- There were no districts for certification

***D. State Operation of the Newark Public Schools**

- On a motion duly seconded and carried, the State Board unanimously adopted the following resolution pertaining to the status of state operation of the Newark Public Schools.

**RESOLUTION TO RETURN FUNCTIONS OF GOVERNANCE AND
INSTRUCTION AND PROGRAM TO LOCAL CONTROL IN NEWARK PUBLIC
SCHOOLS**

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 N.J.S.A. 18A:7A-34; and

WHEREAS, pursuant to N.J.S.A. 18A:7A-10 *et seq.*, effective on January 24, 2007, the New Jersey Legislature, in review and consultation with the Joint Committee on the Public Schools, directed the Commissioner of the Department of Education to develop and implement a system for monitoring and evaluating the thoroughness and efficiency of public school districts in the State of New Jersey to be called the New Jersey Quality Single Accountability Continuum (NJQSAC); and

WHEREAS, NJQSAC involves an assessment of each school district's performance in the five key components of school district effectiveness: Instruction and Program, Personnel, Fiscal Management, Operations, and Governance; and

WHEREAS, the State Board of Education passed resolutions on October 17, 2007; June 4, 2014; and August 3, 2016 to return the areas of Operations, Fiscal Management, and Personnel to local control, respectively, while the remaining key components of school district performance continued under partial State intervention; and

WHEREAS, Newark received an equivalency for the NJQSAC requirements for Instruction and Program on August 1, 2016; and

WHEREAS, the Newark Public Schools has demonstrated substantial and sustained progress in improving its NJQSAC scores in Governance from meeting an initial 56% of the performance indicators in 2007 to having met 75% in 2009, 56% in 2010, 89% in 2011, 55% in 2012, 76% in 2014, 72% in 2015, 88% of the performance indicators in 2016, and 100% in 2017, as well as substantial evidence that the public school district has adequate programs, policies and personnel in place and in operation to ensure that the demonstrated progress in Governance will be sustained; and

WHEREAS, the Newark Public Schools has demonstrated substantial and sustained progress in improving its NJQSAC scores in Instruction and Program from meeting an initial 39% of the performance indicators in 2007 to having met 50% in 2009, 49% in 2010, 64% in 2011, 34% in 2012, 33% in 2014, 58% in 2015, 64% of the performance indicators in 2016, and 92% in 2017, as well as substantial evidence that the public school district has adequate programs, policies and personnel in place and in operation to ensure that the demonstrated progress in Instruction and Program will be sustained; and

WHEREAS, in accordance with N.J.A.C. 6A:30-7.1 the Commissioner has determined that Newark has met the factors for initiating return of the function of Governance and the function of Instruction and Program to local control; now therefore, be it

RESOLVED, that the process for transition to local control of the function of Governance and the function of Instruction and Program shall be initiated forthwith in Newark Public Schools pursuant to N.J.A.C. 6A:30-7.2; and it is further and

RESOLVED, that all NJQSAC assessment areas are now returned to local control or in the process of being returned to local control pursuant to N.J.A.C. 6A:30-7.2. The Department of Education, in collaboration with Newark Public Schools, shall develop a full transition plan pursuant to N.J.A.C. 6A:30-7.2 and 7.3, which will incorporate a transition plan for the return of the function of Governance and the function of Instruction and Program to local control. The full transition plan will establish the framework for the return to local control of the district.

***E. State Operation of the Newark Public Schools**

- On a motion duly seconded and carried, the State Board unanimously adopted the following resolution pertaining to the status of state operation of the Newark Public Schools.

**RESOLUTION TO RETURN NEWARK PUBLIC SCHOOLS
TO FULL LOCAL CONTROL**

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 N.J.S.A. 18A:7A-34; and

WHEREAS, pursuant to N.J.S.A. 18A:7A-10 et seq., effective on January 24, 2007, the New Jersey Legislature, in review and consultation with the Joint Committee on the Public Schools, directed the Commissioner of the Department of Education to develop and implement a system for monitoring and evaluating the thoroughness and efficiency of public school districts in the State of New Jersey to be called the New Jersey Quality Single Accountability Continuum (NJQSAC); and

WHEREAS, NJQSAC involves an assessment of each school district's performance in the five key components of school district effectiveness: Instruction and Program, Personnel, Fiscal Management, Operations, and Governance; and

WHEREAS, the State Board of Education passed resolutions on October 17, 2007; June 4, 2014; and August 3, 2016 to return the areas of Operations, Fiscal Management, and Personnel to local control, respectively, while the remaining key components of school district performance continued under partial State intervention; and

WHEREAS, the State Board of Education passed a Resolution on September 13, 2017 to initiate the return to local control of the function of Governance and the function of Instruction and Program; and

WHEREAS, in accordance with N.J.A.C. 6A:30-7.1 the Commissioner has determined that Newark has met the factors for initiating withdrawal from partial intervention and a return to full local control; now therefore, be it

RESOLVED, that all NJQSAC assessment areas are now returned to local control or in the process of being returned to local control and the process for withdrawal from partial intervention shall be initiated forthwith in Newark Public Schools pursuant to N.J.A.C. 6A:30-7.2; and be it further

RESOLVED, the Department of Education, in collaboration with Newark Public Schools, shall develop a full transition plan pursuant to N.J.A.C. 6A:30-7.2 and 7.3, and hereby initiating the process of withdrawal of the Newark Public Schools from partial State intervention. The full transition plan will establish the framework for the return to local control of the district. The effective date of the return to local control shall be established in the full transition plan.

***F. State Board of Examiners**

- On a motion duly seconded and carried, the State Board unanimously adopted the following resolution approving the reappointments to the State Board of Examiners in accordance with N.J.S.A. 18A:6-34 and 35.

**RESOLUTION
STATE BOARD OF EXAMINERS REAPPOINTMENTS**

WHEREAS, pursuant to N.J.S.A. 18A:6-38, the State Board of Examiners is responsible for issuing, revoking and suspending educational certificates under rules prescribed by the State Board of Education; and

WHEREAS, pursuant to N.J.S.A. 18A:6-34, members of the State Board of Examiners are appointed by the Commissioner of Education with the approval of the State Board of Education; and

WHEREAS, the Commissioner, after consulting with members of the education community, has recommended the reappointments of five member to the Board of Examiners; and

WHEREAS, the persons whom the Commissioner has recommended have established a reputation for distinguished service in their profession and on the Board of Examiners; now, therefore, be it

RESOLVED, that the State Board of Education hereby approves the reappointments of the following persons, whose terms shall expire on September 14, 2018:

Mr. Derek Jess
Administrator
Perth Amboy School District

Ms. Naomi Johnson-Lafleur Business
Teacher
Trenton School District

Dr. Mary Jane McNally
Library Media Specialist
Bernards Township School District

Ms. Dayna Desiderio Orlak
Teacher
Waldwick School District

Dr. Richard Stepura
Executive County Superintendent
Atlantic and Cape May Counties

***G. Student Transportation**

- Adopted the amendments to Chapter 27 pertaining to student transportation regulations implementing Abigail’s Law, including the notice of substantive change, pursuant to P.L. 2015, c. 266, N.J.S.A. 39:3B-26 and N.J.S.A. 18A:4-15.

***H. Standards and Assessment**

- Approved for publication in the New Jersey Register the amendments pertaining to the State Seal of Biliteracy at N.J.A.C. 6A:8, pursuant to P.L. 2015, c. 303 and N.J.S.A. 18A:4-15.

WORK SESSION

There was no work session.

NEW BUSINESS

ADJOURNMENT

On a motion duly seconded and carried, the State Board of Education adjourned its September 13, 2017, public meeting at 12:51 p.m.

Kimberley Harrington, Commissioner
Secretary, N.J. State Board of Education