

**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
October 2, 2024**

Presiding: Kathy Goldenberg, President

Secretary: Kevin Dehmer, Acting Commissioner

Present Constituting a Quorum

Mr. Arcelio Aponte
Mr. Jack Fornaro
Ms. Mary Beth Berry
Ms. Elaine Bobrove
Dr. Nedd Johnson
Ms. Mary Bennett
Ms. Jeanette Peña
Dr. Claudine Keenan
Mr. Ahmed Shehata

Absent

Dr. Ronald Butcher
Dr. Joseph Ricca

Convening

State Board of Education President Kathy Goldenberg convened the public meeting at 9:16 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 ensure 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 (Department), 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 October 2, 2024, was called to order.

Adjourn to Executive Session

President Goldenberg 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 October 2, 2024.

Reconvening

President Kathy Goldenberg reconvened the open meeting at 10:19 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

The Pledge of Allegiance was led by State Board member Mary Beth Berry.

Welcome

President Goldenberg stated the State Board meetings are accessible to the public for viewing on YouTube Channel and would like to advise that YouTube provides readily accessible language translation options for closed captioning. She further stated if you are viewing this simulcast now, you can use the settings option in YouTube for information about sub-titles, auto translations and closed captioning in multiple languages.

Approval of Minutes of The Meetings

On a motion duly seconded and carried, the State Board members unanimously approved the minutes of the public meeting conducted on September 4, 2024.

President's Reports

Public Testimony

President Goldenberg stated that for the month of October, the State Board of Education will not hear public testimony as there are no educational topics for discussion.

President Goldenberg stated that for the month of November, the State Board of Education will hear public testimony on Chapter 30, the Evaluation of the Performance of School Districts.

Permanent Student Representative

President Goldenberg introduced the State Board of Education's permanent student representative, Miss Anna Paszkiewicz. Miss Paszkiewicz is a rising senior at Palmyra High School in Burlington County.

Miss Paszkiewicz stated that with the start of the school year comes a lot to forward to and one of those things is homecoming. She stated that each school has their own traditions which include spirit week, the homecoming football game and homecoming dance. She further stated that homecomings are a part of high school culture and bring much joy and school spirit across the State.

State Board Committee Reports

Policy Committee

Elaine Bobrove, chair of the Policy committee, stated the Policy committee met on September 23, 2024, to discuss the readoption with amendments of Chapter 23A, Fiscal Accountability, Efficiency and Budgeting Procedures. She stated that since this chapter is on today's agenda at adoption level, she will forgo her report.

NASBE Webinar

State Board member Mary Bennett stated that on September 26, 2024, she joined President Goldenberg on a call with state board members from Washington, D.C., Connecticut, Maine, Vermont, Massachusetts, and Delaware. She stated she found it very informative to listen to how people in similar positions function, and to learn about their policies and practices. She further stated that New Jersey in some instances is doing a good job, and in other instances we might want to consider adopting some practices from the other states. She further stated some state boards are truly managing all the business themselves without support of the state agency, and she is thankful for our State Board Office and to the team of Diane Shoener and her staff who work with the State Board members and help to facilitate our work.

Ms. Bennett stated it was interesting to hear how other states are working on their standards and the process in which they are updating them. She stated they talked about mental health standards and the research around those still adversely affected by the pandemic and lockdown. She further stated they discussed learning loss and how states are providing support to the districts to get students who are still struggling.

Ms. Bennett stated the discussion also included how long state board members in other states serve in their terms, and how the rulemaking process moves through the process from legislation over to the Department of Education then to the State Board and finally to districts. She stated participants from the national association were present and she was happy to listen and share what New Jersey does well and hear about the systems that are working well in other states.

Petition for Rulemaking – Caleb L. McGillvary-Employment Screening

President Goldenberg stated the State Board of Education received a petition for rulemaking on August 6, 2024, from Caleb L. McGillvary requesting the State Board adopt new rules to require applicants for positions involving work with children to undergo thermal imaging interviews. She stated the petitioner sought to require thermal imaging interviews of applicants to enhance the safety and well-being of children in educational and childcare settings. She further stated a notice acknowledging receipt of the petition was published in the September 3, 2024, *New Jersey Register*.

President Goldenberg stated the State Board and Department of Education takes seriously the safety and wellness of all students; however, the petitioner's request to establish new rules to require

applicants for positions involving work with children to undergo thermal imaging is not aligned to State law, which already prescribes a comprehensive remedy for screening potential applicants through the process of fingerprinting and background checks, and provides school districts the autonomy and authority to establish their own hiring practices, provided they comply with aforementioned State mandates. She stated the request also raises ethical and procedural concerns and lacks clear evidence that it would significantly enhance the existing screening processes. She further stated the petition for rulemaking partially falls outside of the agency's authority as neither the State Board nor the Commissioner has the authority to change background check requirements for childcare center employees, as requested by the petitioner. She stated lastly, the request failed to include all components of a petition for rulemaking required at N.J.A.C. 1:30-4.1(b) and 6A:6-4.1(b). President Goldenberg stated for the reasons mentioned and after due consideration pursuant to law, the petitioner's request has been denied.

Petition for Rulemaking – Caleb L. McGillvary-Relationship Skills and Curriculum

President Goldenberg stated the State Board received another petition for rulemaking from Caleb McGillvary on August 6, 2024, requesting the State Board adopt new rules to implement a mandatory curriculum that focuses on developing relationship skills and positive reinforcement techniques for students in middle school through grade 12. She stated the petitioner sought to require the curriculum to equip students with essential life skills that promote healthy interpersonal relationships, emotional intelligence, and positive behavior reinforcement. She stated the request sought to require the curriculum to utilize four specific books and to be integrated in existing health or social studies courses in all middle and high schools in the State. She further stated a notice acknowledging receipt of the petition was published in the September 3, 2024, *New Jersey Register*.

President Goldenberg stated the petitioner's request to establish new rules to require the specific curriculum and books would conflict with existing State law and regulations. She stated New Jersey is one of many states that emphasizes local control over educational decisions, and district boards of education and school districts generally have the authority to determine which books and materials that are aligned to the New Jersey Student Learning Standards (NJSLS) are to be included in their curricula and libraries. She further stated the existing NJSLS in Comprehensive Health and Physical Education include content focused on emotional health and social health that require instruction on each concept spanning kindergarten through grade 12 in developmentally appropriate ways. President Goldenberg stated the topics the petitioner requested are explicitly addressed across the entire K-12 continuum across a significant number of the Comprehensive Health and Physical Education performance expectations regarding the defined concepts of emotional health and social health. She further stated the Department and stakeholders from across the State in 2017 collaboratively developed the *New Jersey Social and Emotional Learning Competencies* to support school districts in their efforts to build and deepen positive school climate. President Goldenberg stated the Commissioner, and the State Board subsequently recommended that school districts implement the competencies to promote safe, supportive and challenging learning environments. She stated the Department continues to provide social and emotional learning resources for educators, as well as promote the implementation of the competencies. She further stated the petitioner's second request also failed to include all components of a petition for rulemaking required at N.J.A.C. 1:30-4.1(b) and 6A:6-4.1(b), and for all of the above-mentioned reasons, after due consideration pursuant to law, the petitioner's request has been denied. President

Goldenberg stated more details about both petitions from Caleb McGillvary and the reasons for denial can be found on the Department's [petitions for rulemaking website](#).

Commissioner's Reports

Petition for Rulemaking-Oscar Feijoo

Acting Commissioner Dehmer stated on July 18, 2024, he received a petition for rulemaking from Oscar Feijoo, requesting amendments to Chapter 4, Appeals, to include another group of appellants for State Board of Examiners' decisions. He stated N.J.A.C. 6A:4-2.1(a) states, in part, that any party aggrieved by a State Board of Examiners decision suspending or revoking a certificate may appeal to the Commissioner in accordance with N.J.A.C. 6A:4. N.J.A.C. 6A:4-2.1(a)1 states that any party aggrieved by a State Board of Examiners decision denying issuance of a certificate shall proceed in accordance with N.J.A.C. 6A:3, Controversies and Disputes. He further stated the remainder of N.J.A.C. 6A:4-2.1(a) applies to actions by the School Ethics Commission. Acting Commissioner Dehmer stated the petitioner requested to amend the regulations and add a new paragraph that would allow a revoked certificate holder who later receives an order of expungement pursuant to N.J.S.A. 2C:52-2 to file an appeal as an "aggrieved" party to have the language in the docket (referred to as a "decision" at N.J.A.C. 6A:9B) changed to remove any reference to the revoked certificate holder's criminal record. He stated specifically, the petitioner explained that this new class of "aggrieved" parties would include only revoked certificate holders who committed a crime in their personal life, unconnected from the certificate holder's position.

Acting Commissioner Dehmer stated the law establishing the authority for chapter 4, states that "any appeal of a determination of the State Board of Examiners shall be to the Commissioner of Education." He stated the rules in chapter 4 state that the purpose of the chapter is to establish "standards and procedures for the filing, briefing, and adjudication of appeals." He further stated the requested amendments at N.J.A.C. 6A:4 are not related to procedures for the filing of an appeal of a determination of the State Board of Examiners to revoke a teacher's certificate(s) and, therefore, would extend beyond the chapter's statutory authority. Acting Commissioner Dehmer stated therefore, the request is denied. He stated more details about the petition from Oscar Feijoo and the reasons for denial can be found on the Department's [petitions for rulemaking website](#).

Presentation of the 2024-2025 New Jersey State Teacher of the Year

Dr. Jorden Schiff, Acting Assistant Commissioner, Division of Teaching and Learning Services, introduced Ms. Stefanie Lachenauer, a civics and mindfulness teacher at the Montgomery Upper Middle School in the Montgomery Township School District, as the 2024-2025 New Jersey State Teacher of the Year.

Representatives from the following organizations celebrated Ms. Lachenauer with a presentation of these items for a one year term: New Jersey Education Association - a car equipped with EZ Pass, complimentary access to all NJEA major workshops and training opportunities, \$1500 clothing allowance, media training and communications support, and a trip to Washington DC to meet with other State Teachers of the Year; and Educational Testing Service – finance a half-year sabbatical and a laptop or computer.

Items for Consideration

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

***A. Appointments**

- 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.:

Mr. Ambrose Duckett, Assistant Commissioner, Division of Field Support and Services.

***B. Certification of School Districts**

- Approved for a period of three years, those school districts recommended by the Commissioner, pursuant to N.J.S.A. 18A:7A-14.a and b.

Districts	County
Wyckoff Township Public School District	Bergen
Lawrence Township Public School District	Mercer
Cranbury Township School District	Middlesex
South Plainfield School District	Middlesex
Boonton Town Public School District	Morris
Boonton Township School District	Morris
Kinnelon School District	Morris
Lincoln Park School District	Morris
Morris Plains School District	Morris
Morris School District	Morris
Mountain Lakes Public School District	Morris
Randolph Township School District	Morris
New Providence School District	Union
Roselle Park Public School District	Union

***C. Fiscal Accountability, Efficiency and Budgeting Procedures**

- Adopted the proposed readoption with amendments to the rules at N.J.A.C. 6A:23A, pursuant to N.J.S.A. 18A:4-15, 18A:36A-18, 18A:36C-7, and 18A:46-15.

Work Session

There was no work session.

New Business

There was no new business.

Adjournment

On a motion duly seconded and carried, the State Board of Education adjourned its October 2, 2024, public meeting at 11:45 p.m.

Kevin Dehmer, Acting Commissioner
Acting Secretary, N.J. State Board of Education