

New Jersey State Board of Education
Minutes of the Virtual Meeting of the New Jersey State Board of Education
February 3, 2021

Presiding: Kathy Goldenberg, President

Secretary: Angelica Allen-McMillan, Ed.D., Acting Commissioner

Present Constituting A Quorum

Dr. Ronald Butcher
Mrs. Mary Beth Berry
Mrs. Elaine Bobrove
Mr. Jack Fornaro
Mrs. Mary Elizabeth Gazi
Dr. Ernest Lepore
Mr. Andrew Mulvihill
Dr. Joseph Ricca
Mrs. Sylvia Sylvia-Cioffi

Absent

Mr. Arcelio Aponte
Mrs. Fatimah Burnam-Watkins
Dr. Nedd Johnson

Convening

State Board of Education President Kathy Goldenberg convened the public meeting at 9:20 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 February 3, 2021 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 February 3, 2021.

Reconvening

President Kathy Goldenberg reconvened the open meeting at 10:15 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 January 6, 2021. No State Board members abstained.

President's Reports

President Goldenberg welcomed everyone to the State Board's virtual meeting and extended her best wishes on behalf of the State Board that all are safe and healthy.

Public Testimony

President Goldenberg stated that the State Board would not receive public testimony. She also stated that in March the State Board would accept written testimony on Chapter 16, Programs to Support Student Development.

Report of the Permanent Student Representative

President Goldenberg introduced and welcomed the State Board of Education's permanent student representative, Sabrina Capoli. Sabrina is a senior at Seneca High School in Burlington County. She stated to the State Board that she would like to thank Acting Commissioner Allen-McMillan and the Department of Education staff for meeting with her last Wednesday to further discuss her view of the pandemic and its challenges. Sabrina also spoke to the State Board about school closure announcements and the efforts of her district to welcome student's back to school.

State Board Committee Reports

Career and Technical Education (CTE) Committee

Mary Beth Berry, chair, CTE Committee, stated that the CTE Committee met on January 20, 2021. She stated that the State Board members in attendance via Microsoft Teams for the

meeting, including herself, were Kathy Goldenberg, ex officio, and Sylvia Sylvia. Ms. Berry also stated that the Department staff in attendance were Commissioner Allen-McMillan, Lisa Gleason, Tonya Breland, Erskine Glover, Kathleen Paquette, Dave Gehrke, Diane Shoener, Beth Auerswald and Stephanie Russo.

Ms. Berry congratulated the entire CTE Committee as February is CTE month. She stated that CTE prepares students for careers, not just jobs. She further stated it provides students with academic and technical skills they need to succeed in college and in all types of highly skilled and high paying in demand careers. She stated it focuses students on cutting edge technology in their chosen field, work place skills, and real work learning opportunities. Ms. Berry stated it incorporates partnerships with colleges and universities, as well as employers, to help students find clear pathways to success. She stated that CTE integrates academics in the real world and hands on context, and that we are fortunate in New Jersey to have such outstanding programs. Ms. Berry stated that part of their agenda looked at the status of where CTE is right now and what programs are hybrid. She stated that Mr. Erskine Glover spoke to them about a recent roundtable he held with 68 districts, or roughly 60% of CTE programs throughout the state capturing what happens in the field. Ms. Berry stated that out of the 68 districts, 20 districts were fully remote, 26 were hybrid, and 2 districts were in person. She stated these numbers are always changing, and that it's important to see who is making things work and who is not. She further stated that Mr. Glover spoke to them about how schools are using creative scheduling in A and B schedules maximizing the amount of time in front of the teacher. She stated that in addition teachers have been creative in professional development groups where they can work collaboratively across all the county vocational schools. She further stated that principals and superintendents are looking at curriculum and maximizing instruction while making sure that every student is meeting their end of course certification requirements, which is difficult because so many of these programs have specific requirements that require out of the box thinking. Ms. Berry stated some schools with culinary programs are sending students home with baking kits to keep up on their baking techniques. She stated there are also programs utilizing Go Pro cameras so that students can watch a mechanic under the hood of a car. She stated there are required mandatory hours that must be filled, therefore, the Attorney General's office is currently working on guidance relating specifically to how students will be able to fill these requirements. She stated that hours will not be waived, but students will be able to graduate and continue to get their hours beyond that.

Ms. Berry stated they then had a presentation from Dave Gehrke, who reported on the status of work-based learning and apprenticeship programs. She stated that Mr. Gehrke spoke about some of the transitioning going on from what was originally called structured learning experiences to work-based learning experiences. She further stated that SLE's were defined in administrative code, but now under the work with Perkins V they are moving more toward the national understanding of what these experiences are. Ms. Berry stated that as they transition from SLE to work-based learning, it's important to know that both programs are aligned with the curriculum and instruction happening in the classroom. She stated that the Perkins V traditional program and the work-based learning transition will take some time, but with Perkins V all students enrolled will engage in some type of work-based learning prior to the completion of their program.

Ms. Berry stated they ended with a presentation from Lisa Gleason, who spoke about a legislative update with the Bridge Year Program. She stated that a bill was signed last summer sponsored by Senator Sarlo for a bridge year pilot program, which will afford students in the graduating class of 2021-2022 the opportunity to offset some of the disruption caused by the pandemic. Ms. Berry stated that it provides students with the ability to participate in extra-curricular activities, specifically spring athletics, and/or additional coursework that may mitigate some of the gaps that happened since school closures in March. She further stated that a broadcast went out relevant to the bridge year program and specifics are mandated so that schools will know how to enroll students in this program. She stated she appreciates the outside of the box thinking as we are coming out of a very different world that no one could have ever imagined, and programs like the bridge year pilot program are just one more opportunity to help our young people succeed and not be held back by the pandemic. Ms. Berry stated that the CTE Committee will meet again in February, and she thanks the Department staff for their time and effort on behalf of CTE.

Petitions for Rulemaking

President Goldenberg stated the State Board Office received two petitions for rulemaking from Jamie Epstein, Esq. She stated the first petition pertains to special education and the second petition pertains to student records. She also stated that the first petition requested the State Board of Education amend the rules in Chapter 14 related to due process hearings and resolution meetings when a student's parent and a district board of education disagree regarding identification, evaluation, reevaluation, classification, or educational placement, the provision of a free, appropriate public education, or disciplinary action.

President Goldenberg stated that she and the Acting Commissioner reviewed the petitioner's request. She further stated the Federal Individuals with Disabilities Education Act (IDEA) and its implementing regulations provide for a 30-day resolution period prior to the commencement of a due process hearing before an independent hearing officer. She also stated the Department is responsible for ensuring the implementation of the IDEA, which protects the rights afforded to children with disabilities and governs the delivery of special education and related services. She further stated that the Department is precluded from adopting State regulations that conflict with the provisions of the IDEA or its implementing regulations, therefore, the petitioner's request has been denied.

President Goldenberg stated that the second petition requested the State Board of Education amend the definition of "student record" in Chapter 32, School District Operations, to add that a student record does not include information after it is de-identified and no longer relates to an individual student. President Goldenberg stated that she and the Acting Commissioner reviewed the petitioner's request, and they agree, in part, that the code should be amended to address the New Jersey Supreme Court decision in *L.R. v. Camden City Public School District*, 238 N.J. 547, that existing State regulations do not incorporate the concept of personally identifiable information or include a procedure whereby student records may be disclosed following the redaction of personally identifiable information. She also stated that the Department intends to amend Chapter 32 but has determined that the petitioner's requested amendment is not the most appropriate way to address the issue. She further stated that therefore, the petitioner's request has been denied.

President Goldenberg stated that the State Board Office also received two petitions for rulemaking from Gerald Reiner on February 6, 2020. She stated that the first petition requested that the State Board of Education add new rules to Chapter 23A, Fiscal Accountability, Efficiency and Budgeting Procedures, to require school districts to certify the availability of funds for an entire project before beginning a new project, such as new construction or a boiler replacement. She also stated that the second petition requested amendments to Chapter 26, Educational Facilities, to include language that prohibits lease purchases for equipment from being used to fund a project unless the lease-purchase agreement is approved before the project is awarded.

President Goldenberg stated that she and the Acting Commissioner reviewed the petitioner's requests and have determined that the requested amendments are unnecessary because State statute and regulations already contain sufficient protections and fiscal controls that require school districts to demonstrate appropriate funding levels to meet their obligations under lease-purchase agreements and through the effective expenditure of funds. She stated that therefore, both petitions are denied.

Commissioner's Reports

Honoring New Jersey Department of Education Retiring Employees

Acting Commissioner Allen-McMillan stated that beginning this month she would devote the first few minutes of her report acknowledging New Jersey Department of Education retiring employees for their dedicated and loyal years of service to the children and state of New Jersey. She stated that this month the following five employees have made the momentous decision to retire.

Laura Bitter, Office of School Finance, Division of Finance, July 2000 - February 2021, 20 years of service

Allen Continanza, Office of Information Technology, Division of Finance, December 2012 - February 2021, 8 years of service

Dale Schmid, Office of Standards, Division of Academics & Performance, November 2001 - February 2021, 19 years of service

Dawn Klitus, Office of Budget & Accounting, Division of Executive Services, September 1990 - December 2020, 30 years of service

Daryl Jones, Office of Human Capital Resources, Division of Executive Services, September 1977 – January 2021, 43 years of service

On behalf of herself and her colleagues at the Department Acting Commissioner Allen-McMillan thanked all retirees for their dedication, commitment and hard work over the years. She also wished them all the best of health, happiness and good luck in retirement.

Focus and Prerequisite Standards/Skills Units

Acting Commissioner Allen-McMillan stated that as the Department continues to ensure that all students have access to a high-quality and equitable education, the Department knows that our educators need meaningful resources and support. Therefore, today, she is releasing Units 3 and 4 of the Focus and Prerequisite Standards Units. She also stated that this resource, which highlights both the grade level focus standards and prerequisite skills from the prior grade level, were developed to support educators in accelerating instruction and learning, while providing the individualized instruction needed to meet students where they are.

Acting Commissioner Allen-McMillan also debuted an informational video the Department created to accompany the release of the units, featuring Dr. Lisa Gleason, Assistant Commissioner, Division of Academics and Performance, with a personalized message to educators that will be showcased on the Department's website.

Career and Technical Education Month

Acting Commissioner Allen-McMillan stated that the Department is excited to celebrate Career and Technical Education (CTE) Month[®] by highlighting CTE programs in schools throughout the state, as well as the incredible work of New Jersey's approximate 76,500 secondary students. She stated that CTE educates students for a range of career options through the 16 Career Clusters[®] and 79 career pathways. She further stated that throughout the month of February, the Department will use social media and other communication platforms to showcase the great accomplishments of CTE students and educators as they continue to build collaborative connections with business, industry and the community. Acting Commissioner Allen-McMillan thanked the State Board for their support of the Department's efforts to expand student participation in CTE programs and introduced Dr. Lisa J. Gleason, Assistant Commissioner, Division of Academics and Performance; and Erskine Glover, Acting Director, Office of Career Readiness who shared a brief video highlighting CTE programs statewide.

Resolution in Honor of Career and Technical Education Month

Acting Commissioner Allen-McMillan requested the State Board consider the following ceremonial resolution designating February as Career and Technical Education Month in New Jersey.

Resolution for National Career and Technical Education Month

Whereas, the month of February 2021 has been designated nationally as Career and Technical Education Month[®] by the Association for Career and Technical Education; and

Whereas, teachers, administrators and school counselors involved in career and technical education help more than 149,970 secondary and postsecondary students in New Jersey pursue a range of career pathway; and

Whereas, career and technical education programs incorporate rigorous academic core coupled with high-level technical curriculum to deliver an opportunity for students to earn

college credit, industry certifications, and work-based learning to be college and career ready; and

Whereas, career and technical education prepares New Jerseyans for the jobs that exist today, and equips them with the skills employers will need in the future; and

Whereas, the New Jersey Department of Education has continued to implement a variety of career and technical education initiatives including the Early College Model Program, CTE Teacher Pathway Initiative, Building Capacity for Career Pathways initiative, and Expanding Pre-Apprenticeship in a New Direction (ExPAND) program; and

Whereas, career and technical education offers opportunities for student leadership experiences supporting personal and professional growth through seven state career and technical student organizations currently serving approximately 42,361 students in New Jersey through membership in Future Business Leaders of America (FBLA); National FFA Association; Family, Career and Community Leaders of America (FCCLA); DECA, an Association of Marketing Students; Health Occupations Students of America (HOSA); Technology Student Association (TSA); and SkillsUSA; now, therefore, be it

Resolved, that the New Jersey State Board of Education and the Commissioner of Education hereby recognize February 2021 as Career and Technical Education Month in New Jersey and the potential of career and technical education to fully prepare our students for postsecondary success.

Comprehensive Accountability Report-Jersey City Public School District

Transition to Local Control Report

The Commissioner stated that members of her team will provide an update on the Jersey City School District's transition to full local control. She stated that Chris Huber, Special Assistant to the Commissioner, and Paula Bloom, Acting Deputy Assistant Commissioner from the Division of Field Services, will provide a summary of the Comprehensive Accountability Office's Interim Report and the report from the Highly Skilled Professional on the transition of the Jersey City School District.

The Commissioner stated that at the January State Board meeting, she publicly announced that the Start Strong Presentation was the first of a two-part presentation that would continue in February. She stated that they are further collecting data and that Part II will be delayed and will be presented at the March meeting.

Items for Consideration:

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

***A. Appointments**

- There were no appointments.

***B. Certification of School Districts**

- There were no certifications.

***C. Bylaws of the State Board of Education**

- Adopted the regulations pertaining to the readoption with amendments of the State Board Bylaws at N.J.A.C. 6A:1 pursuant to N.J.S.A. 18A:4-15 et seq.

New Business

There was no new business.

Public Testimony

The State Board accepted no public written testimony today.

Adjournment

On a motion duly seconded and carried, the State Board of Education adjourned its February 3, 2021, public meeting at 12:50 p.m.

Angelica Allen-McMillan, Ed.D., Acting Commissioner
Acting Secretary, N.J. State Board of Education