

**Resolution to Amend State Board of Education Public Comment  
and Open Topic Public Testimony Procedures**

The following is the accessible version of the Resolution to Amend State Board of Education Public Comment and Open Topic Public Testimony Procedures. The adoption resolution document includes two sections – [comments and responses](#) and the [resolution](#).

## State Board of Education Comment/Response Form

This comment and response form contains comments received since the July 10, 2024, State Board of Education (State Board) meeting when a resolution to amend State Board public testimony procedures was discussed.

**Topic:** State Board testimony procedures                      **Meeting Date:** September 4, 2024  
**Completed by:** Office of the State Board of Education                      **Level:** Adoption

### Summary of Comments and Agency Responses:

The following is a summary of the comments received from members of the public and the responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Beth Raff, President, New Jersey Association of School Librarians
2. Jean Public
3. Marcella Simadiris

**1. Comment:** The commenter expressed concern with the proposed change in start time of State Board oral public comment and open topic public testimony sessions to one half hour after the end of the public business meeting rather than 2 p.m. The commenter stated that the set start time has enabled members of the New Jersey Association of School Librarians to testify in person regarding issues that are important to school librarians. The commenter also stated that, if the State Board's intent is to hear matters of concern from the public, changing to a nebulous start time takes away the public's ability to present testimony.

The commenter stated that the association's members have been able to take off a half day from work to testify due to the set start time, but changing to a flexible start time will make it virtually impossible for members to testify before the State Board. The commenter also stated that having to take off an entire day from work presents an increased hardship, especially given the difficulty of finding substitutes to fill in for school librarians. The commenter further stated that members have indicated that the change would deter them from testifying because they would be unable to tell their employer or childcare provider when they will be available. **(1)**

**Response:** The State Board highly values public input in the policy-making process and regularly receives comments from the public on proposed rulemakings and resolutions being considered for action. However, it is difficult to establish a start time that efficiently considers and balances the availability of all public participants and the State Board members. The State Board anticipates, based on its experience with the current model, that the changes recommended in the resolution will promote greater public participation and will not result in uncertainty. Therefore, for the volunteer members of the State Board of Education who will be listening to public testimony and the members of the public who attend the business meeting and are registered to testify, the State Board will proceed with starting public testimony 30 minutes after the conclusion of the public business meeting. Further, written comment may always be submitted at any time to the Office of the State Board of Education and the comments will be forwarded to all State Board members.

2. **Comment:** The commenter expressed concern with the proposed change in start time of State Board testimony sessions to one half hour after the end of the public business meeting because it would create uncertainty that leads to barriers for people who have inflexible schedules. The commenter stated that taking time from work is a luxury for some people. The commenter further stated that people who now can take off half a day to attend public testimony in person might be forced to take off a whole day to ensure that they would be in Trenton in time for their turn to provide testimony. **(3)**  
**Response:** Please see response to Comment 1.
3. **Comment:** The commenter requested that the State Board find ways to make it easy and practical for the association's members to share their stories and concerns. The commenter suggested providing for virtual public comment during a set time period, evening time slots, and alternative locations throughout the State as possible ways to increase opportunities for public comment before the State Board. **(1)**  
**Response:** Currently, the State Board is not able to provide virtual or regional options on a rotating basis due to logistical and Open Public Meetings Act (OPMA) constraints but will continue to explore these suggested opportunities.
4. **Comment:** The commenter expressed support for the change to eliminate the two-hour limit on State Board public testimony sessions. **(3)**  
**Response:** The support is appreciated.
5. **Comment:** The commenter stated that, in an effort to ensure equity, accommodations should be made for people who cannot provide the prescribed six copies of written comments when providing in-person public testimony. The commenter also stated that no one should be made to feel like they cannot speak because they do not have written copies of their testimony. The commenter further stated that the requirement to provide six copies is wasteful and the Department should be moving toward greener practices. The commenter also asked if State Board members receive the audio recording of public testimony for which they are not present. **(3)**  
**Response:** The number of copies of public testimony is referenced on the registration page and is not addressed in the draft resolution. While State Board members strongly encourage people testifying to provide it afterward in writing, State Board members have not turned away individuals who have not provided written copies of their testimony when called to testify.  
Written copies of the public testimony provided in person before the State Board become part of the permanent agenda file for the specific meeting and, in accordance with the State's records retention schedule for State agencies, provided to the State Archives for archival review. The State Archives is the public repository for the State Board's historical records, including agendas and related materials. Recordings are not maintained in the same manner pursuant to the State's records retention schedule. Recordings also are subject to technical problems and may not adequately pick up the voices of people who speak softly or not into the microphone.  
Although people testifying often provide less than six copies of their testimony, ample copies enable Department staff to maintain one for the permanent agenda file and to provide a copy to each State Board member listening to the testimony so they can follow along, if they prefer to do so. Written testimony also is electronically provided to all State Board members, therefore, enabling members who were listening to testimony in another room or unable to attend the session to review the comments provided. Recordings are provided to State Board members upon request.

6. **Comment:** The commenter stated that there should be a public comment session of two hours set aside for the public and that they should not have to mandatorily sign up by August 2 to speak. The commenter also stated that ability to speak should be offered at the meeting itself for those who were not advised of the agenda, which was issued on August 5 advising that people had until August 2 to sign up to speak, which, the commenter contended, is unfair to the public. The commenter further stated that the public should be able to sign up until the email saying there will be a public session arrives in the recipients' inboxes. **(2)**

**Response:** The space available to hold the State Board's public testimony sessions can become limited, particularly depending on the amount of public members who intend to participate. Given those potential space limitations, the State Board asks public participants to register ahead of time in an effort to maximize public participation and efficiency, and so the Department can ensure that additional space is secured in advance of the session, if necessary.

7. **Comment:** The commenter advocated for the New Jersey Administrative Code to include a grievance structure, if there is not one already. The commenter stated that the public should have an opportunity to resolve grievances regarding public comments.

The commenter also stated that historical context and opinion were left out of the comment and response form for the last readoption with amendments at N.J.A.C. 6A:7, Managing for Equity in Education. The commenter contended that the testimony of a former Department employee was disregarded and not acknowledged, as well as the historical artifacts provided by the commenter during testimony on the chapter's proposed readoption with amendments. The commenter stated that matters like this must be resolved and, if they are not, the Department sends the message that equity is not important.

The commenter further stated that the Department did not update the directions on how to complete comprehensive equity plans (CEPs) since substantive amendments at N.J.A.C. 6A:7 were adopted also is an indicator that equity is not important. **(3)**

**Response:** The Department's guidance to school districts is outside the scope of the oral public comment and open topic public testimony procedure resolution.



State of New Jersey  
STATE BOARD OF EDUCATION

Adoption Resolution  
September 4, 2024

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and Open Topic Public Testimony Procedures**

**Whereas**, the New Jersey State Board of Education recognizes its responsibility as the entity authorized to enact statewide policy governing the supervision and control of public education in this State; and

**Whereas**, within that responsibility, it is the State Board's duty to make its statewide policy enactments, including those pertaining to rulemaking, subject to comment from the public; and

**Whereas**, the Administrative Procedure Act requires that the State Board receive public comment on a rulemaking during the formal comment period; and

**Whereas**, in addition to accepting written public comment on rulemaking, the State Board previously established a process for accepting oral public comment on rulemaking from the public,

**Whereas**, the State Board also has established a process for scheduling three open topic public testimony opportunities each year; and

**Whereas**, that policy implementing a process to allow for oral public comment on rulemaking and to schedule separate open topic public testimony sessions before the State Board was originally adopted on September 2, 1987; and revised on June 6, 2012, and March 6, 2013; and

**Whereas**, the State Board has currently deemed it necessary to reconsider its policy for oral public comment on rulemaking and open topic public testimony sessions; now therefore be it

**Resolved**, that the members of the New Jersey State Board of Education amend its oral public comment and open topic public testimony procedures policy so that it may begin an estimated 30 minutes following the conclusion of the regular public business meeting agenda rather than at 2:00 pm; and be it further

**Resolved**, that the members of the New Jersey State Board of Education further amend its oral public comment and open topic public testimony procedures policy and remove the previously established two-hour time limit; and be it further

**Resolved**, that this policy will take effect immediately beginning with the first public testimony session following adoption of this resolution.

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Kathy Goldenberg, President  
N. J. State Board of Education

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Nedd James Johnson, Ed.D, Vice President  
N. J. State Board of Education