

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

July 5, 2017

Presiding: Arcelio Aponte, President

Secretary: Kimberley Harrington, Acting Commissioner

PRESENT CONSTITUTING A QUORUM

Dr. Ronald Butcher
Mrs. Mary Beth Berry
Ms. Edithe Fulton-via teleconference
Mr. Jack Fornaro
Mrs. Kathy Goldenberg
Mr. Andrew Mulvihill-via teleconference
Mrs. Sylvia Sylvia

ABSENT

Dr. Ernest Lepore

CONVENING

State Board of Education President Pro Tem 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 July 5, 2017, was called to order.

ADJOURN TO EXECUTIVE SESSION

President Pro Tem 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 July 5, 2017.

RECONVENING

President Pro Tem 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

SWEARING IN CEREMONY

President Pro Tem Aponte introduced the Honorable R. Brian McLaughlin, a judge of the New Jersey Superior Court in Mercer County. Judge McLaughlin administered the oath of office to new State Board members Mary Beth Berry of Hunterdon County, Kathy Goldenberg of Burlington County and Sylvia Sylvia of Monmouth County. Judge McLaughlin also administered the oath of office to reappointed State Board members Arcelio Aponte and Jack Fornaro.

ELECTION OF STATE BOARD OFFICERS

Acting Commissioner Kimberley Harrington, secretary to the State Board, conducted the annual election of State Board officers. On motions duly seconded and carried, the State Board members elected Arcelio Aponte as State Board President and Andrew Mulvihill as State Board Vice President. Both were elected for a one-year term.

President Aponte and Vice President Mulvihill expressed their gratitude to the members of the State Board for electing them to their leadership positions. State Board member Sylvia Sylvia abstained.

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 June 30, 2017. State Board members Mary Beth Berry, Kathy Goldenberg and Sylvia Sylvia abstained. The vote on the June 7, 2017 was tabled until the August meeting.

PRESIDENT'S REPORT

Public Testimony

President Aponte stated public testimony would be held today at 2 pm. He also stated that the topics for the June 7 public testimony session included amendments to the Notice of Substantive Change to chapter 16, Programs to Support Student Development (ABR amendments) and the Notice of Substantive Change to chapter 27, Student Transportation (Abigail's Law amendments).

President Aponte stated that registration for the August 2, 2017 public testimony session would open on Thursday, July 13, 2017 and close at noon on Thursday, July 27, 2017. He also stated that the topics for the August 2, 2017 public testimony session include the readoption with amendments to chapter 32, Evaluation of the Performance of School Districts; amendments to the Educational Facilities regulations; the readoption with amendments to the Regulatory Equivalency and Waiver regulations; and amendments to the Standards and Assessment regulations. He further stated that the State Board would hear feedback from members of the public on what they would like to see included in the Jersey 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 junior from Parsippany Troy-Hills High School in Morris County. Karan introduced himself to the State Board members and expressed his excitement at being the new student representative.

COMMISSIONER'S REPORTS

There were no Commissioner's reports.

ITEMS FOR CONSIDERATION:

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

***A. Appointment(s)**

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

Appointment

- Joan Krasnisky, Superintendent, Marie H. Katzenbach School for the Deaf

State Board member Sylvia Sylvia abstained.

- Approved the following appointment pursuant to N.J.A.C. 6A:2, N.J.S.A. 18A:7A-15 and N.J.S.A. 18A:7A-15.1:

APPOINTMENT OF ACTING STATE DISTRICT SUPERINTENDENT

WHEREAS, on October 4, 1989, the State Board of Education issued an Administrative Order creating a State-Operated School District in the City of Paterson; and

WHEREAS, on October 4, 1989, the State Board of Education ordered the Commissioner of Education to take all actions as are necessary to implement the provisions of N.J.S.A. 18A:7A-34 et seq.; and

WHEREAS, Dr. Donnie W. Evans was appointed State District Superintendent of the Paterson School District on April 2, 2009; and his contract was due to expire on June 30, 2017; and

WHEREAS, Dr. Evans announced, on June 1, 2017, his retirement upon expiration of his contract on June 30, 2017; and

WHEREAS, it was necessary for the Commissioner to appoint an Acting State District Superintendent to assume the duties of the State District Superintendent on an interim basis in order to implement the provisions of N.J.S.A. 18A:7A-34 et seq.; and

WHEREAS, in order to relieve Dr. Evans of those duties upon his retirement, the Commissioner secured the professional services of Eileen Shafer to serve as Acting State District Superintendent until such time as a permanent State District Superintendent is appointed by the State Board of Education; and

WHEREAS, the Acting Commissioner, as agent for the State Board of Education, and Eileen Shafer have entered into a written agreement which specifically describes their relationship and that agreement has been provided to the State Board of Education; now therefore be it

RESOLVED, that the New Jersey State Board of Education reaffirms that the Commissioner shall take all actions necessary to implement the provisions of N.J.S.A. 18A:7A-34 et seq.; and be it further

RESOLVED, that the New Jersey State Board of Education supports the Acting Commissioner's appointment of Eileen Shafer as Acting State District Superintendent effective July 5, 2017.

State Board member Sylvia Sylvia abstained.

***B. Certification of School Districts**

- Certified for a period of three years, the following school district(s) recommended by the Commissioner, pursuant to N.J.S.A. 18A:7A-14a and b. State Board members Kathy Goldenberg and Sylvia Sylvia abstained.

Certified School District	County
Bergenfield	Bergen

***C. State Operation of the Jersey City Public Schools**

- Adopted the Commissioner's proposal pertaining to the status of state operation of the Jersey City Public Schools. State Board member Sylvia Sylvia abstained.

RESOLUTION TO RETURN FUNCTION OF INSTRUCTION AND PROGRAM TO LOCAL CONTROL IN JERSEY CITY PUBLIC SCHOOLS

WHEREAS, by administrative order issued by the State Board of Education on October 4, 1989, the State Board of Education removed the Jersey City Board of Education and created a State-operated school district in Jersey City 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 transition plan returning the local control of Governance, and Fiscal Management on April 17, 2008 and Operations and Personnel on May 31, 2016, respectively, were approved by the Jersey City Board of Education while the remaining key component of school district performance continued under partial State intervention; and

WHEREAS, Jersey City received an equivalency for the NJQSAC requirements for Instruction and Program on September 26, 2016; and

WHEREAS, the Jersey City Public Schools has demonstrated substantial and sustained progress in improving its NJQSAC scores in Instruction and Program from meeting an initial 57% of the performance indicators in 2007 to having met 65% in 2009, 66% in 2010, 62% in 2011, 64% of the

performance indicators in 2015, and 90% 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 Jersey City has met the factors for initiating return of 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 Instruction and Program shall be initiated forthwith in Jersey City 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 Jersey City 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 Instruction and Program to local control.

***D. State Operation of the Jersey City Public Schools**

- Adopted the Commissioner’s proposal pertaining to the status of state operation of the Jersey City Public Schools. State Board member Sylvia Sylvia abstained.

**RESOLUTION TO RETURN JERSEY CITY PUBLIC SCHOOLS
TO FULL LOCAL CONTROL**

WHEREAS, by administrative order issued by the State Board of Education on October 4, 1989, the State Board of Education removed the Jersey City Board of Education and created a State-operated school district in Jersey City 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 transition plan returning the local control of Governance, and Fiscal Management on April 17, 2008 and Operations and Personnel on May 31, 2016, respectively, were approved by the Jersey City Board of Education while the remaining key component of school district performance continued under partial State intervention; and

WHEREAS, the State Board of Education passed a Resolution on July 5, 2017 to initiate the return to local control of Instruction and Program; and

WHEREAS, in accordance with N.J.A.C. 6A:30-7.1 the Commissioner has determined that Jersey City 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 Jersey City Public Schools pursuant to N.J.A.C. 6A:30-7.2; and be it further

RESOLVED, the Department of Education, in collaboration with Jersey City 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 Jersey City Public Schools from partial State intervention.

***E. Charter Schools**

- Adopted the amendments to the regulations pertaining to charter schools, proposed at N.J.A.C. 6A:11, 23A and 26, pursuant to N.J.S.A. 18A:1-1, 18A:4-15, 18A:6-38, 18A:7G-26, 18A:23-1 et seq., 18A:26-2.10, and 18A:36A-1 et seq. State Board members Kathy Goldenberg and Sylvia Sylvania abstained.

***F. Controversies and Disputes**

- Adopted the readoption with amendments of the Controversies and Disputes regulations at N.J.A.C. 6A:3-1.1 et seq., pursuant to N.J.S.A. 18A:4-15, 18A:6-9 and 10, 18A:7A-15 and 42.a(3), 18A:7F-9, 18A:7G-12, 18A:11-3, 18A:12-29, 18A:20-36, 18A:26-10, 18A:28-8, 18A:29-4 and 14, 18A:33-2, 18A:38-1 and 13, 18A:39-28 et seq., 18A:54-4, and 18A:60-1, P.L. 2007, c. 260 and P.L. 2012, c. 26. State Board member Sylvia Sylvania abstained.

***G. Marie H. Katzenbach School for the Deaf**

- Approved for publication in the *NJ Register* the sunset readoption with amendments of the Marie H. Katzenbach School for the Deaf regulations at N.J.A.C. 6A:21, pursuant to N.J.S.A. 18A:61-2 and 18A:4-15. State Board member Sylvia Sylvania abstained.

***H. Career and Technical Education**

- Approved for publication in the *NJ Register* the amendments pertaining to Private Career Schools at N.J.A.C. 6A:19-7, pursuant to N.J.S.A. 18A:35-4.2, 18A:59-5 and 18A:4-15. State Board members Kathy Goldenberg and Sylvia Sylvania abstained.

I. Standards and Assessment

- Discussed 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

President Aponte announced that former State Board of Education President Mark W. Biedron and former State Board of Education Vice President Joseph Fiscaro will be in attendance at the August 2, 2017 meeting to be honored for their tremendous commitment and contributions to the State Board of Education.

ADJOURNMENT

On a motion duly seconded and carried, the State Board of Education adjourned its July 5, 2017, public meeting at 11:30 a.m.

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