

New Jersey State Board of Education
Minutes of the Virtual Meeting of the New Jersey State Board of Education
November 4, 2020

Presiding: Kathy Goldenberg, President

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

Present Constituting a Quorum

Mr. Arcelio Aponte
Mrs. Mary Beth Berry
Mrs. Elaine Bobrove
Dr. Ronald Butcher
Mr. Jack Fornaro
Mrs. Mary Elizabeth Gazi
Dr. Nedd J. Johnson
Mr. Andrew Mulvihill
Dr. Joseph Ricca
Mrs. Sylvia Sylvia-Cioffi

Absent

Dr. Ernest Lepore
Mrs. Fatimah Burnam-Watkins

Convening

State Board of Education President Kathy Goldenberg convened the public meeting at 9:07 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 November 4, 2020, 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 November 4, 2020.

Reconvening

President Kathy Goldenberg reconvened the open meeting at 10:42 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 October 7, 2020.

On a motion duly seconded and carried, the State Board members approved the minutes of the public meeting conducted on October 23, 2020. State Board members Arcelio Aponte, Mary Beth Berry, Ronald Butcher, Mary Elizabeth Gazi, Joseph Ricca and Sylvia Sylvia 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 testimony today. She also stated that going forward the State Board would only accept written testimony on administrative code items currently pending before the State Board. She further stated that the State Board would receive written testimony on December 2, 2020, on the readoption with amendments pertaining to 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 spoke to the State Board about her experience as one of the keynote speakers at the New Jersey School Board's Association Virtual Conference this year. She stated that her 21-minute presentation focused on the current state of education and what she hoped the future of education would be.

Resolution to Recognize Parent Teacher Association (PTA) Membership Month

On behalf of the State Board and the Department of Education, President Goldenberg and Acting Commissioner Allen-McMillan presented the New Jersey Parent Teacher Association (PTA) with a resolution recognizing November as National PTA Membership Month in New Jersey. President Goldenberg acknowledged and welcomed the President of the New Jersey PTA, Cathy Lindenbaum.

On a motion duly seconded and carried, the State Board unanimously approved the following resolution read by State Board member Ronald Butcher:

Resolution In Recognition of November 2020 as Parent Teacher Association (PTA) Membership Month

Whereas, the New Jersey Parent Teacher Association (PTA) is an association acting for the benefit of children's education and well-being by focusing attention on issues affecting youth and public education; and

Whereas, the New Jersey PTA also promotes family engagement in schools and communities, and advocates for public education; and

Whereas, for more than 120 years, the New Jersey PTA has served the needs of children, teachers, parents, and schools through active volunteerism; and

Whereas, the New Jersey PTA provides a network of local, state, and national voices speaking together on behalf of all children; and

Whereas, among the millions of members of the National PTA, the New Jersey PTA ranks with more than 110,000 members in 600 Local PTAs; and

Whereas, the strength of the PTA lies in its Membership—the volunteers who tirelessly devote themselves to making this a better world for children and youth; and

Whereas, COVID-19 has certainly put many PTA leaders across the State in times of new adventure, new challenges, and new rewards; now, therefore, be it

Resolved, that the New Jersey State Board of Education and the Acting Commissioner of Education commend the hardworking individuals and members serving in their local, state, and national PTAs and recognize November 2020 as PTA Membership Month in New Jersey; and, be it further

Resolved, that the New Jersey State Board of Education and the Acting Commissioner of Education encourage everyone to join the PTA and become an advocate for children.

State Board Committee Reports

Policy Committee

Elaine Bobrove, chair, Policy Committee stated that the Policy Committee met on October 21, 2020. She stated that the State Board members in attendance via Microsoft Teams for the meeting, including herself, were Kathy Goldenberg, ex officio, Mary Beth Berry, and Joseph Ricca. Ms. Bobrove also stated that the Department staff in attendance were Daryl Minus-Vincent, Paula Bloom, Luiz Pereira, Kelly Allen, Diane Shoener, Beth Auerswald, Stephanie Russo, and that she was very pleased that the Acting Commissioner Angelica Allen-McMillan was also in attendance.

Ms. Bobrove stated that the Policy Committee has talked in the past about Chapter 16, which will be introduced today. Ms. Bobrove stated that the primary purpose of the meeting was to see if the committee still had any questions about it. She stated that Chapter 16 includes the rules and regulations for learning school and district policy, and that they talked about items such as school health services, drug prevention, incident reporting, code of conduct and all the things that fall within these broad buckets. She also stated that the Policy Committee removed all gender pronouns. She stated that no one had questions because they had exhaustively reviewed this chapter.

Ms. Bobrove stated that Diane Shoener presented the bylaws of the State Board and Chapter 6, which is State Board rulemaking. She stated that these are two of the three chapters that fall under the State Board Office's purview for rulemaking and under the State Board's purview in terms of direct input in making changes to these rules. She stated that the bylaws are essentially the rules that the State Board uses to function. Ms. Bobrove stated they are primarily set up by Robert's Rules of Order, committees, etc. She stated that those rules are mainly based on Robert's Rules and generally only change when there is some sort of systemic change that happens within the structure of Robert's Rules, or if there is a committee structure change. Ms. Bobrove stated that they updated the bylaws a bit by updating the reference to Robert's Rules and a couple of little other minor tweaks. She stated that Ms. Shoener also told them that the rulemaking process is usually a very complicated one. She stated there are 42 steps to the process and, therefore, it takes a long time and a lot of involvement of people.

Ms. Bobrove stated that Chapter 6, State Board of Education Rulemaking Process, sets forth the process that the State Board uses to review regulations. She stated that the process is governed by the State's Administrative Procedures Act (APA), as well as the additional steps that the State Board set forth in regulation years ago. Ms. Bobrove stated that the steps include first discussion, second discussion, public testimony, proposal level, a 60-day public comment period, and adoption level. She also stated there is also public testimony during the 60-day comment period. Ms. Bobrove stated the steps for requesting a public hearing are the only thing that will be significantly altered since there is no formal application for requesting a public hearing. She stated that anyone who would like to make a request will be able to submit the required information by email instead of filling out a form.

Ms. Bobrove stated that the bylaws don't follow the traditional process for rulemakings. She stated that the bylaws can be readopted at one State Board meeting as long as the State Board members receive the rules at least two weeks before the meeting at which they will be presented. She stated that Chapter 6 follows the traditional rulemaking process.

Assessment Committee

Arcelio Aponte, chair, Assessment Committee, stated that the Assessment Committee met on October 26 and October 28, 2020. He stated that the State Board members in attendance via Microsoft Teams for the meetings, including himself, were Kathy Goldenberg, ex officio, Mary Beth Berry, and Andrew Mulvihill. Mr. Aponte also stated that the Department staff in attendance were Diana Pasculli, Gilbert Gonzalez, Diane Shoener, Beth Auerswald, and Stephanie Russo. He also stated that Kevin Dehmer participated in the last meeting.

Mr. Aponte stated that they covered a number of topics including the Start Strong Assessment, spring assessments and graduation. He stated that they reviewed the purpose of the Start Strong Assessment as previously mentioned and presented by the Department. Mr. Aponte also stated that the Start Strong Assessments are free and flexible assessment tools that can provide educators with an early indication of the level of support students may need for the 2020-2021 academic year. Mr. Aponte stated that it was created in response to Covid-19-related disruption in schools and lack of available data from the spring of 2020 because State assessments were cancelled last spring. He stated that the Start Strong Assessment is available as an optional classroom assessment resource at no cost to school districts. Mr. Aponte stated that the Department hopes the assessment provides a snapshot of the amount of support students are likely to need this fall. He also stated it is not meant to replace any preferred assessment strategies being used locally, but that Start Strong can be used to supplement existing efforts to gather standard based data throughout the fall. He stated that assessments are based on prior-year academic standards and can be administered remotely or in person within a 45- to 60-minute period. Mr. Aponte stated that the Start Strong Assessment is available in English language arts in grades four through 10; mathematics in grades four through eight, Algebra I, Geometry, and Algebra II; and science in grades six, nine and 12. Mr. Aponte stated that the accommodations that are available for the Start Strong Assessment are a subset of the same accommodations that would be available for the New Jersey Student Learning Assessments (NJSLA). He stated that, as of last week, there were approximately 61,000 registrations throughout the State and 2,000 Start Strong Assessments completed. Mr. Aponte also stated that the testing window for the Start Strong Assessments started September 28, 2020, and will run through December 14, 2020. He stated that since the release of the Start Strong Assessments, the Department's Office of Assessments has engaged with school and school district leaders, as well as educational organizations that support the implementation of these optional tools.

Mr. Aponte stated that, in terms of the spring NJSLAs, staff has met with the U.S. Department of Education to discuss and confirm federal requirements that relate to statewide assessments and accountability. He stated that, at this time, the U.S. Department of Education has been messaging to all states that they should be expected to administer statewide assessments in the spring. He also stated that the Department has been actively engaged in trying to confirm the requirements and how those assessments will be administered. Mr. Aponte stated the committee discussed extensively the current constraints and that committee members recognize administering State assessments during these unprecedented times may cause additional stress to students and their families. He stated they are having active discussions about what is required by federal law, and that they hope to provide some updates at the December board meeting.

Social and Emotional Committee Meeting

Kathy Goldenberg stated that the Social and Emotional Committee met on October 28, 2020, and that she will wait for the chair of the committee, Fatimah Burnam-Watkins, to join next month to give a report on that meeting.

Commissioner’s Reports

Items for Consideration:

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

***A. Appointments**

- 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.:
 - Dr. Lisa Gleason, Assistant Commissioner, Division of Academics and Performance
 - Dr. Rebecca Lubot, Chief Education Policy Advisor

***B. Certification of School Districts**

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

Districts	County
Hopewell Valley Regional	Mercer

***C. Resolution to Approve the Appointments to the State Special Education Advisory Council**

- Adopted the resolution approving the appointments to the State Special Education Advisory Council for a period of two years, pursuant to *NJSA* 18A:4-66.1 and *USPL* 94-142.

Resolution to Appoint State Special Education Advisory Council Members

Whereas, N.J.S.A. 18A:46-2 states that the Commissioner shall appoint biannually, with the approval of the State Board of Education, an advisory council for special education that consists of not fewer than seven nor more than 15 members representative of professionals in the field of special education and parents of children with disabilities; and

Whereas, N.J.S.A. 18A:46-2 defines the role of the advisory council as advising in the promulgation of rules, regulations and implementation of N.J.A.C. 6A:14 and the establishment of standards and qualifications for the professional personnel; and

Whereas, the Individuals with Disabilities Education Act (IDEA) of 2004 requires each state education agency to have an advisory panel for special education; and

Whereas, the New Jersey Department of Education (Department) has established and maintains an advisory panel, known as the State Special Education Advisory Council, for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State; and

Whereas, the advisory panel consists of members who are representative of the State's population and who are involved in, or concerned with, the education of children with disabilities, including: (i) parents of children with disabilities; (ii) individuals with disabilities; (iii) teachers; (iv) representatives of institutions of higher education that prepare special education and related services personnel; (v) State and local education officials; (vi) administrators of programs for children with disabilities; (vii) representatives of other State agencies involved in the financing or delivery of related services to children with disabilities; (viii) representatives of private schools and public charter schools; (ix) at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and (x) representatives from the State juvenile and adult corrections agencies; and

Whereas, a majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities; and

Whereas, the advisory panel shall: (i) advise the Department of unmet needs in the education of children with disabilities within the State; (ii) comment publicly on any rules or regulations proposed by the Department regarding the education of children with disabilities; (iii) advise the Department in developing evaluations and reporting of data to the Secretary of the United States Department of Education under Part B Sec. 618 of the Individuals with Disabilities Education Act (IDEA); (iv) advise the Department in developing corrective action plans to address findings identified in federal monitoring reports under this part of the IDEA; and (v) advise the Department in developing and implementing policies relating to the coordination of services for children with disabilities; now therefore be it

Resolved, that the State Special Education Advisory Council meets the State mandate for an advisory council and the federal requirements for an advisory panel; and be it further

Resolved, that the Acting Commissioner recommends that Ms. Lonjeté Nias be appointed to the State Special Education Advisory Council for a two-year term effective November 4, 2020. In addition to being the parent of a student with a disability, Ms. Nias serves as the Supervisor of Special Services for the Neptune City Board of Education, is a former member of a district Child Study Team, and has experience as a school and clinical social worker; and be it further

Resolved, that Dr. Patricia White be appointed to the State Special Education Advisory Council for a two-year term effective November 4, 2020. Dr. White is a physician and the parent of a student with a disability. Dr. White is the co-founder of the

National Down Syndrome Cognitive Research Foundation and has published research articles in several medical journals; and be it further

Resolved, that Mr. Vikas Jain be appointed to the State Special Education Advisory Council for a two-year term effective November 4, 2020. In addition to being the parent of a student with a disability, Mr. Jain has volunteered for organizations that develop and provide programming for students with developmental disabilities and has consistently advocated for inclusion in educational and workplace settings; and be it further

Resolved, that Mr. Mark Brugger be appointed to the State Special Education Advisory Council for a two-year term effective November 4, 2020. In addition to being the parent of a student with a disability, Mr. Brugger is an individual with specific learning disabilities and has more than 30 years of experience advocating for students with disabilities. Mr. Brugger founded a day camp for children with disabilities, and currently serves as the Associate Director of Marketing and Development for the Boys and Girls Clubs of Mercer County; and be it further

Resolved, that the State Board of Education hereby approves the Acting Commissioner's recommended appointments to the State Special Education Advisory Council for two-year terms effective November 4, 2020.

D. Programs to Support Student Development

- Discussed the proposed readoption with amendments at Chapter 16 to establish policies and procedures and to operate programs to support the social, emotional, and physical development of students pursuant to *N.J.S.A.* 2A:4A-60, 2C:33-19, 18A:4-15, 18A:17-46, 18A:25-2, 18A:36-5.1, 18A:36-19, 18A:36-19a, 18A:36-25, 18A:37-1 through 12, 18A:37-13 et seq., 18A:38-25 through 31, 18A:40A-7.1, and 18A:46A-1 et seq.; 20 U.S.C. § 1232g, 20 U.S.C. § 1232h, and 20 U.S.C. § 1400; Section 504 of the Rehabilitation Act of 1973; Health Insurance and Portability and Accountability Act; and the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015 (P.L. 115-141).

New Business

State Board member Arcelio Aponte offered his condolences to State Board member Ronald Butcher on the recent passing of Dr. Butcher's mother. Dr. Butcher thanked Mr. Aponte and the State Board members for their thoughts, as well as the gift basket sent to him on their behalf.

Acting Commissioner Allen-McMillan offered also offered her condolences to Dr. Butcher on behalf of herself and the Department of Education.

Public Testimony

The State Board did not accept written testimony today as there were no administrative code topics scheduled for testimony.

Adjournment

On a motion duly seconded and carried, the State Board of Education adjourned its November 4, 2020, public meeting at 11:43 a.m.

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