

**New Jersey State Board of Education
Minutes of the Regular Monthly Meeting
in the Conference Room on the First Floor,
100 River View Executive Plaza
Trenton, NJ**

July 18, 2007

Presiding: Ronald K. Butcher, President

Secretary: Lucille E. Davy, Commissioner

PRESENT CONSTITUTING A QUORUM

Mr. Arcelio Aponte
Ms. Maud Dahme
Ms. Kathleen A. Dietz
Ms. Edithe Fulton
Ms. Josephine E. Hernandez
Dr. Arnold G. Hyndman
Dr. Ernest Lepore
Dr. Thelma Napoleon-Smith
Mr. Kenneth Parker

ABSENT

Ms. Debra Casha
Rev. Frederick LaGarde, Jr.

CONVENING

Maud Dahme, member, State Board of Education, convened the public meeting with the reading of the resolution pertaining to the public session of the State Board meeting as it complies with the Open Public Meetings Act.

WHEREAS, the New Jersey 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, and

WHEREAS, 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, now therefore be it

RESOLVED, that by adopting this resolution the State Board of Education states its intention to convene a public meeting to conduct the state's business on July 18, 2007.

ADJOURN TO EXECUTIVE SESSION

Maud Dahme 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 *NJSA 10:4-12(b)*, the State Board of Education will now adjourn to executive session to discuss personnel and legal matters.

The State Board immediately adjourned to executive session to discuss personnel including new hires, separations and appointments and the deputy attorney general provided an update on legal cases specifically *Gillespie vs. Department of Education and the State Board of Education*, *The New Jersey Protection and Advocacy, Inc.*, *the Education Law Center*, *the Statewide Parent Advocacy Network of New Jersey* and *the ARC of New Jersey vs. State Board of Education* and on matters covered by the attorney-client privilege.

RECONVENING

President Hyndman reconvened the public meeting 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 *NJSA 10:4-12(b)*, the State Board will now adjourn from executive session to resume the open session of this meeting.

ELECTION OF STATE BOARD OFFICERS

Commissioner Lucille E. Davy, secretary to the State Board, conducted the annual election of State Board officers. Josephine Hernandez, chair, State Board Nominating Committee, presented the slate of officers. On motions duly seconded and carried, the State Board members elected Ronald K. Butcher as State Board President and Arcelio Aponte as State Board Vice President. Both were elected for a one-year term.

Commissioner Davy congratulated the elected officers.

Arnold Hyndman congratulated Ronald Butcher and presented him with a gift. Arnold Hyndman also thanked the State Board members and State Board Office staff for their support during his tenure as President. President Butcher acknowledged the work accomplished by the State Board during Arnold Hyndman's four terms as President. President Butcher also congratulated Arcelio Aponte on his re-election as State Board Vice President.

INTRODUCTIONS

Commissioner Davy recognized Bruce Greenfield, Ocean County Superintendent of Schools, who represented the county superintendents. Dr. Greenfield has served in this position since July 2002. Dr. Greenfield introduced Michael Ritacco, Superintendent of Toms River Regional High School to the State Board.

APPROVAL OF MINUTES OF THE MEETINGS

On a motion duly seconded and carried, the State Board members approved the minutes of the meeting conducted on June 6, 2007, and the meeting conducted on June 20, 2007. State Board

member Maud Dahme abstained from voting on the minutes of the meeting conducted on June 6, 2007. State Board member Kathleen Dietz abstained from voting on the minutes of the meeting conducted on June 20, 2007.

PRESIDENT'S REPORTS

July Work Session and Public Testimony Session

President Butcher stated that the July monthly public business meeting and work session agenda would be combined into today's meeting at the Department of Education. President Butcher also stated that the July public testimony session would be held today at 3:00 p.m. The topic for consideration will be the amendments to *NJAC 6A:16, Programs to Support Student Development*.

Committee Assignments

President Butcher stated that the current committee assignments would remain in effect and that he would announce the 2007-2008 committee assignments next month.

Assistant Commissioner Resignation

President Butcher stated that Penelope Lattimer has resigned from her position as the department's Assistant Commissioner, Division of District and School Improvement. Dr. Lattimer accepted a position at Rutgers University in the Graduate School of Education in New Brunswick, NJ. President Butcher acknowledged that both the Department and the State Board have greatly benefited from her contributions to the implementation of education policy.

Dr. Lattimer thanked Commissioner Davy for the opportunity to serve as Assistant Commissioner. She also thanked the State Board for their support over the past four years.

COMMISSIONER'S REPORTS

New Jersey Quality Single Accountability Continuum (NJQSAC)

Commissioner Davy stated that the department is coming close to the end of the 30-day period for the review of the external evaluations of the three State Operated School Districts and the six school districts in Level II monitoring status. She also stated that reports would be prepared and transmitted to both the State Board and the specific school districts in the near future. She further stated that she would bring recommendations regarding the State Operated School Districts to the State Board for their consideration at the August 1, 2007 monthly public business meeting.

Interdistrict Public School Choice

Jay Doolan, assistant commissioner, Division of Educational Standards and Programs, provided a power point presentation highlighting the history of the Interdistrict Public School Choice program which included data concerning the participating school districts and students, and the suggested recommendations of the department for this initiative.

GPA research study

Jay Doolan, and Robert Higgins, director, Office of Licensure and Credentials, provided an overview of Grade Point Average Research, which identified and summarized studies on the predictive validity of using GPA as a measure of teacher effectiveness. Dr. Doolan also presented a summary of additional studies on related topics, including: the general reliability and validity of GPA, teacher academic knowledge and student achievement, state policy considerations, grade inflation, alternate route teacher certification and private school teachers.

ITEMS FOR CONSIDERATION:

On motions duly seconded and carried, the State Board of Education took the following action:

A. Appointments

- There were no appointments.

B. Certification of Districts

- There were no districts for certification.

C. HSPA Science Standards Setting Resolution

- Adopted the resolution approving the New Jersey Assessment of Skills and Knowledge (NJ ASK) Standard Setting Scores for the Science Assessments for Grades 9-12.

RESOLUTION TO ESTABLISH SCORE STANDARDS FOR NEW JERSEY HIGH SCHOOL PROFICIENCY ASSESSMENT (HSPA) SCIENCE TEST

WHEREAS, the goal of public schools is to provide all students with a thorough and efficient education as defined by the *Core Curriculum Content Standards* so they may function politically, economically, and socially in our democratic society; and

WHEREAS, the High School Proficiency Assessment (HSPA) is provided for assessing student progress toward mastery of the essential knowledge and skills; and

WHEREAS, N.J.A.C. 6A:8-4.1(b) requires State Board of Education approval of student performance levels for statewide assessments in those grades as specified for district certification; and

WHEREAS, the established levels of proficiency are partially proficient, proficient and advanced proficient; now therefore be it

RESOLVED, that the scale score standards of 200 for the proficient level and 250 for the advanced proficient level, where the range is 100 to 300 and the corresponding raw cut scores of 20.5 and 43.0, recommended by the Commissioner of Education for the Science

component of the High School Proficiency Assessment, shall apply to the March 2007 administration and any future administrations of the test.

***D. School Ethics Commission**

- Adopted the regulations pertaining to the School Ethics regulations proposed at *NJAC* 6A:28 pursuant to *NJSA* 18A:12-34.

***E. Religious Holiday Calendar**

- Adopted as amended, the resolution pertaining to the annual calendar of religious holidays for the 2007-2008 school year as established at *NJAC* 6A:32-8.3(j), pursuant to *NJSA* 18A:36-14-16.

RESOLUTION

The List of Religious Holidays Permitting Pupil Absence from School

WHEREAS, according to N.J.S.A. 18A:36-14 through 16 and N.J.A.C. 6A:32-8.3(j);, regarding pupil absence from school because of religious holidays, the Commissioner of Education, with the approval of the State Board of Education, is charged with the responsibility of prescribing such rules and regulations as may be necessary to carry out the purpose of the law; and

WHEREAS, the law provides that:

1. Any pupil absent from school because of a religious holiday may not be deprived of any award or of eligibility or opportunity to compete for any award because of such absence;
2. Pupils who miss a test or examination because of absence on a religious holiday must be given the right to take an alternate test or examination;
3. To be entitled to the privileges set forth above, the pupil must present a written excuse signed by a parent or person standing in place of a parent;
4. Any absence because of a religious holiday must be recorded in the school register or in any group or class attendance record as an excused absence;
5. Such absence must NOT be recorded on any transcript or application or employment form or on any similar form; and
6. The Commissioner, with the approval of the State Board of Education, is required to:

- (a) prescribe such rules and regulations as may be necessary to carry out the purposes of this act; and
- (b) prepare a list of religious holidays on which it shall be mandatory to excuse a pupil. The list, however, is to be a minimum list. Boards of education, at their discretion, may add other days to the list for the schools of their districts; and

WHEREAS, the district board of education has the right to add any bona fide religious holiday to the list for its own schools; now therefore be it,

RESOLVED that the State Board of Education adopts the following list of religious holidays for the 2007-2008 school year:

September 1	Day of Ascension (Isra and Miraj) (Islamic)
	First Consecration of the Guru Granth Sahib ji, the Sikh Scripture
September 7	His Holiness Sakya Trizin's birth date (Buddhist)
September 7	Ganesha Chaturthi (Hindu)
September 13-14	Rosh Hashanah (Jewish New Year)
September 13	Ramadan begins
September 14	The Exaltation of the Holy Cross (Eastern, Greek, Russian Orthodox)
September 19	The Night of Power 9 (Laylatul Qadr) (Islamic)
September [21-]22	Yom Kippur (Day of Atonement) (Jewish)
September 23	Feast of Trumpets (World Wide Church of God, United Church of God and Global Church of God)
September 27-28	Sukkot (Feast of Tabernacles) (Jewish)
October 2	Day of Atonement (World Wide Church of God, United Church of God and Global Church of God)
October 4	Shemini Atzeret (Eighth Day of Sukkot) (Jewish)
October 5	Simhat Torah (Rejoicing of the Law) (Jewish)
October 7-13	First Day through Seventh Day Feast of Tabernacles (World Wide Church of God, United Church of God and Global Church of God)
October 13	Eid-al-Fitr (Islamic)/ September 30 - Dussera (Hindu)
October 14	Last Great Day (World Wide Church of God, United Church of God and Global Church of God)
October 20	Birth of the Bab (Baha'i)
October 20	Joint-Sovereignty of Guru Granth and Guru Panth declared to Guide the Sikh people
October 20	Guruship of Guru Granth Sahib ji declared by 10 th Guru (Sikh)
October 20 - 23	Deepavali (Hindu)
October 31	Reformation Day (Protestant, Lutheran)
November 1	All Saints Day (Roman Catholic, Protestant & Lutheran)
November 2	All Souls Day (Roman Catholic)

November 12	Birth of the Baha'u'llah (Baha'i)
November 15	Guru Nanak Dev ji's birth date (Sikh)
November 24	Guru Tegh Bahadur dev ji's Martyrdom (Sikh)
December 5	First Day of Hanukkah (Jewish)
December 8	Feast of the Immaculate Conception (Roman Catholic)
December 8	Bodhi Day (Buddhist)
December 20	Eid-al-Adha (Day of Sacrifice) (Islamic)
December 25	Christmas (Roman Catholic, Protestant, Eastern, Greek and Russian Orthodox)
December 26	Kwanzaa
January 1	New Year's Day
January 5	Gukru Gobind Singh ji's birth date (Sikh)
January 6	Feast of the Epiphany (Roman Catholic, Eastern, Greek and Russian Orthodox)
January 6	Christmas (Armenian)
January 10	Muharram (New Year) (Islamic)
January 14	Makara Sankranti (Hindu)
January 19	Day of Ashurah (10 th Day) (Islamic)
January 22	Mahayana New Year (Buddhist)
February 5	Shrove Tuesday
February 6	Ash Wednesday (Roman Catholic, Protestant)
February 7	New Year (Chinese, Korean and Vietnamese)
February 19	Bright Monday (Eastern, Greek and Russian Orthodox)
March 4	Holi (Hindu)
March 6	Maha Shivaratri (Hindu)
March 10	Lent (Eastern Orthodox)
March 19	Chandramana Yugadi
March 20	Holy Thursday (Roman Catholic, Protestant)
March 21	Birthday of the Prophet Muhammad (Islamic)
March 21	Feast of Naw-Ruz (Baha'i and Iranian New Year, also Persian New Year and Heritage Day)
March 21	Good Friday (Roman Catholic, Protestant, Lutheran, Eastern, Greek and Russian Orthodox))
March 21	Purim (Jewish)
March 21	Sikh New Year/Holla Mohalla
March 27	Rama Navami (Hindu)
March 22	Lord's Evening Meal
March 30	Chandramana Yugardi (Hindu)
April 2	Passover (World Wide Church of God, United Church of God and Global Church of God)
April 3	First Day of Feast of Unleavened Bread or Passover (World Wide Church of God, United Church of God and Global Church of God)
April 6-14	Rama Navami (Hindu)
April 14	Souramana Yugadi (Hindu)
April 14	Khalsa formation day and Vaisakhi
April 20-21	First Two Days of Pesach (Passover) (Jewish)
April 21	First Day of Ridvan (Baha'i)
April 24	Memorial Day (Armenian)
April 25	The 11 th Panchen Lama's birthday (Buddhist)

April 27	Good Friday (Lutheran, Eastern, Greek and Russian Orthodox)
April [24-]26-27	Last Two Days of Pesach (Passover) (Jewish)
May 1	Ascension Day (Eastern Orthodox, Greek and Russian Orthodox, Roman Catholic & Protestant)
May 2	The 12 th Day of Ridvan (Baha'i)
May 2	Buddha's birthday (Buddhist)
May 23	Declaration of the Bab (Baha'i)
May 27	Day of Pentecost (World Wide Church of God, United Church of God and Global Church of God)
May 29	Ascension of Baha'u'llah (Baha'i)
June 9-10	Shavuot (Feast of Weeks) 2 days (Jewish)
June 16	Guru Arjun Dev ji's Martyrdom (Sikh)
June 26	His Holiness the 17 th Gyalawa Karmapa's (Ugyen Trinley Dorje) birth date (Buddhist)

***F Professional Licensure and Standards Amendments (Phase 5)**

- Approved for publication in the *New Jersey Register* the amendments pertaining to the teacher licensure and standards proposed at *NJAC 6A:9*, Professional Licensure and Standards pursuant to *NJSA 18A:1-1, 18A:4-15, 18A:6-34, 18A:6-38, 18A:26-10* and *18A:26-2.7*. State Board member Arnold G. Hyndman abstained.

NEW BUSINESS

State Board member Edithe Fulton stated that Students from the Sussex County Technical School in Sparta competing in a human-powered submarine contest won the top prize for innovation at the event held June 25-29 in Bethesda, MD. State Board President Ronald Butcher requested that the State Board send a congratulatory letter to the team.

LEGAL CASES

On motion duly seconded and carried, a decision in the following case was adopted by the board as presented by Josephine E. Hernandez, legal committee chairperson.

EDUARDO NUNEZ V. NEW JERSEY STATE DEPARTMENT OF EDUCATION AND BOARD OF EDUCATION OF THE CITY OF UNION, HUDSON COUNTY, STATE BOARD DOCKET #46-06

The appellant filed a petition with the Commissioner of Education challenging his disqualification from school employment after a criminal history record check in 2001 revealed a conviction in 1984 for first-degree sale of a controlled dangerous substance in New York. In March 1998, the appellant was hired as a custodian by the district board. However, the Department of Education never received the application for a criminal record check purportedly sent by the district board on the appellant's behalf at the time of his initial employment. Consequently, the Department did not conduct a criminal history record check until 2001, at which time the appellant was disqualified from school employment pursuant to N.J.S.A. 18A:6-7.1 as a result of his conviction. Although the statute in effect in 2001 did not permit a

disqualified employee to demonstrate rehabilitation, the Commissioner remanded this matter to the Office of Administrative Law in order to provide the appellant with the opportunity to demonstrate his rehabilitation consistent with the statutory standard in effect in March 1998, when he was initially employed by the district board.

On remand, the Commissioner rejected the conclusion of the Administrative Law Judge that the appellant had demonstrated his rehabilitation. Stressing that the statute in effect in March 1998 required the appellant to demonstrate rehabilitation by clear and convincing evidence, the Commissioner found that there was not one scintilla of corroborating testimony or evidence for any of the various claims and statements made by the appellant. Thus, the Commissioner found that the appellant had failed to demonstrate his rehabilitation by clear and convincing evidence, and she dismissed the petition. The State Board of Education voted unanimously to affirm the decision of the Commissioner.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its June 18, 2007 public meeting at 12:35 p.m.

Lucille E. Davy, Commissioner
Secretary, State Board of Education