

**New Jersey State Board of Education
Minutes of the Public Work Session
in the Conference Room on the First Floor,
100 River View Executive Plaza
Trenton, NJ**

December 19, 2007

Presiding: Ronald K. Butcher, President

Secretary: Lucille E. Davy, Commissioner

PRESENT CONSTITUTING A QUORUM:

Ms. Kathleen A. Dietz
Ms. Edithe Fulton
Ms. Josephine Hernandez
Dr. Arnold G. Hyndman
Dr. Thelma Napoleon-Smith

ABSENT:

Mr. Arcelio Aponte
Ms. Debra Casha
Mr. Ernest Lepore
Rev. Frederick LaGarde, Jr.
Mr. Kenneth Parker

CONVENING

Ronald K. Butcher, president, 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 Wednesday, December 19, 2007.

ITEMS FOR CONSIDERATION:

Resolution Honoring Thelma Napoleon-Smith

On behalf of the State Board of Education, President Butcher presented a resolution honoring Thelma Napoleon-Smith for her service to the State Board of Education and to the children of New Jersey. On a motion duly seconded and carried, the State Board approved the following resolution:

RESOLUTION TO HONOR THELMA NAPOLEON-SMITH

WHEREAS, Dr. Thelma Napoleon-Smith has served with distinction and integrity as a member of the New Jersey State Board of Education since 2003; and

WHEREAS, Dr. Napoleon-Smith has contributed significantly to the work of the State Board through her service on the Urban Education Committee, Legislative/Administrative Code Committee, Strategic Planning/Retreat Committee and Legal Committee; and

WHEREAS, Dr. Napoleon-Smith exhibited her unwavering belief in a child's right to a quality education through her role as chair of the State Board Study Group, *Implications of Desegregation on Student Achievement and the Community*, that not only examined the deleterious and lasting effects of discrimination on all students but also presented a comprehensive strategy to identify and eliminate all forms of discrimination in public education policies and programs; and

WHEREAS, Dr. Napoleon-Smith, during her tenure as member of the State Board, tirelessly advocated for equality in education and consistently demonstrated her commitment to ensuring that all children, regardless of color and socioeconomic status, have equal access to educational opportunities and resources; and

WHEREAS, the State Board of Education has greatly benefited from Dr. Napoleon-Smith's perspective and insight from having served as a teacher and school administrator and the tremendous fortitude she demonstrated despite the personal challenges she faced during her tenure; and now therefore be it

RESOLVED, that it is both fitting and proper that the New Jersey State Board of Education and the Commissioner of Education extend their sincerest gratitude to Dr. Thelma Napoleon-Smith for her commitment to the children of New Jersey by devoting her time and energy to the State Board in the development of public education policy in New Jersey; and be it further

RESOLVED, that the New Jersey State Board of Education and the Commissioner of Education extend best wishes for health and happiness to Dr. Thelma Napoleon-Smith and her family.

NJ Higher Education Task Force

Jay Doolan, assistant commissioner, Division of Educational Standards and Programs, presented the report of the New Jersey Higher Education Task Force, which was chaired by Dr. Ada Beth Cutler, dean, College of Education and Human Services, Montclair State University. Dr. Cutler stated that the task force conducted its work with the underlying premise that "the state, higher education, and P-12 education communities have collective responsibility to ensure that programs prepare, graduate, and recommend educator candidates of high quality who meet state and national standards." As a result of its work and research of the task force, Dr. Cutler presented the following recommendations:

- Create a set of specific program standards by licensure area that are, where applicable, aligned to the New Jersey Professional Standards for Teachers, School Leaders, and the New Jersey Core Curriculum Content Standards, and use these standards for State program approval.

- Develop and implement performance-based assessments to provide evidence that professional preparation programs enable candidates to meet the State standards adopted for each certification area. This evidence will also be used for on-going program improvement and adjustment.
- Create a State Program Approval Council (PAC) and a two-tiered peer review program approval process.
- Create a professional learning continuum and promote greater articulation and cooperation between the department of education, institutions of higher education, and the P-12 schools.
- Extend the provisional licensure period for all novice teachers to a minimum of two years and provide additional resources during this provisional period to align and support existing district induction and mentoring programs using standards and performance-based assessments in support of beginning educators.
- Create a professional educator database and tracking system to gather and analyze data on graduate performance.

Christopher Campisano, coordinator of higher education programs, and Eileen Aviss-Spedding, coordinator of professional development, NJ Department of Education, spoke to the State Board about the next steps that would be required to fulfill the aforementioned recommendations.

LEGAL CASE

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

TODDLERTOWN CHILD CARE CENTER V. BOARD OF EDUCATION OF THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY and TODDLERTOWN CHILD CARE CENTER V. BOARD OF EDUCATION OF THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, AND NEW JERSEY STATE DEPARTMENT OF EDUCATION, DIVISION OF EARLY CHILDHOOD EDUCATION (consolidated), STATE BOARD DOCKET # 35-07

In February 2007, the district board notified the petitioner, Toddlerstown Child Care Center, a provider of Abbott preschool services, that its Abbott preschool program contract would not be renewed for the 2007-08 school year. The petitioner filed petitions with the Commissioner of Education challenging the district board's decision and the affirmation of that decision by the Division of Early Childhood Education in the Department of Education. The petitioner claimed that it did not receive proper notification of the non-renewal of its contract from the district board as required by the regulations.

On October 15, 2007, an Administrative Law Judge (ALJ) agreed with the petitioner and recommended that the Commissioner reverse the decision of the Division of Early Childhood Education and direct the district board to enter into a contract with the petitioner for the 2007-08 school year for the purpose of providing Abbott preschool services to eligible students. Pursuant to N.J.S.A. 52:14B-10(c), the Commissioner had 45 days, until November 29, 2007, to issue a final decision adopting, rejecting or modifying the ALJ's recommendations. Pursuant to the provisions of N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, and over the petitioner's objection, an Order of Extension was signed by the Deputy Commissioner of Education on November 29, 2007 and by the Director and Chief Administrative Law Judge of the Office of Administrative Law on November 30, 2007 extending the time for the Commissioner to render her final decision for 45 days until January 14, 2008. As stated in the Order, the request for an extension was made by the Commissioner "to allow adequate time for consideration of the record in light of exceptions and replies filed by the

parties in accordance with an extended time frame – and in view of continued staffing limitations and the press of numerous concurrent matters.”

On December 10, 2007, the petitioner filed a “Motion for Emergent Relief” with the State Board of Education seeking an order compelling the Commissioner to issue a final decision by December 21, 2007. The petitioner contended that it would suffer irreparable harm if the Commissioner’s decision in this matter were delayed until January 14, 2008 since it was operating without a contract and with an all-volunteer staff. The petitioner indicated that it was providing free preschool to approximately 125 students and that the additional delay created by the extension would seriously impact its ability to provide such a program and ultimately force it to cease operation.

Finding that the petitioner’s submission was actually a motion for leave to appeal an interlocutory order, the State Board denied the motion, concluding that the petitioner had not demonstrated good cause for reviewing the extension order. However, the State Board urged the Commissioner to issue her final decision in this matter as expeditiously as possible. State Board member Ronald K. Butcher abstained.

NEW BUSINESS

Josephine Hernandez, chair, State Board Legal Committee, stated that she would like for board members to consider joining the legal committee. President Butcher stated that he would address her concern.

State Board Member Kathy Dietz stated that she would like for the Commissioner to provide information on status of staffing in the State Board Office and State Board Appeals Office.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its December 19, 2007 public work session at 3:05 p.m.

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