

# SCHOOL BOARD notes

## Board Decides Significant Funding Case

The State Board of Education has issued a decision that could set in motion major changes in how New Jersey funds its public schools.

In its January 4 decision in *Bacon, et al. vs. New Jersey Department of Education*, the state board concluded that New Jersey's current school funding system—the Comprehensive Educational Improvement and Financing Act (CEIFA)—failed to provide a constitutionally required “thorough and efficient” education in the poor, mostly rural school districts that brought the suit. Significantly, the board's decision directs the commissioner of education to analyze, and develop changes to, the current system as it applies to all school districts.

The broadened scope arose from concern over the state's failure to use its existing funding formulas since 2001. The result has been significant shortfalls

in state aid that affect all districts, the board found.

“The reality is that CEIFA's fiscal provisions have not even been fully implemented for the past four years,” the board stated. “...this fact negates the possibility of correlating the current educational standards that have been established under CEIFA to the actual costs of the inputs essential to a thorough and efficient education.”

**Fair and Adequate System** NJSBA welcomed the decision.

“The State Board of Education recognizes the difficulty that stagnant state aid poses to local school districts,” said Edwina M. Lee, executive director. “The commissioner of education's analysis will play an important role in creating a school finance system that is fair and adequate for all students in New Jersey. NJSBA stands ready to assist the commissioner in this effort.”

The January 4 decision will require the commissioner to issue a report by March 1 that will include recommendations on the educational components essential to the establishment of a unified system for public education that “will equip all of the students of this state to perform their roles as citizens and competitors in the

*continued on page 2*

### Guide to Travel Regs On Line

Questions about reimbursement for travel expenses? Get answers to your most frequent questions concerning travel to the Federal Relations Network Conference, Washington D.C., February 5 – 7, and the National School Boards Convention, Chicago, April 8-11. Navigate to the NJSBA Web site at [www.NJSBA.org](http://www.NJSBA.org) for a new FAQ on travel reimbursement for board members who plan to attend these important events.



### State Board Honors Local Colleagues

The New Jersey State Board of Education approved a resolution commending the efforts of the state's 4,800 local school board members. The state board's action, on January 4, followed Acting Governor Richard Codey's recent proclamation, declaring January 2006 as “School Board Recognition Month in New Jersey.”

NJSBA Vice President for Finance Tanya M. Dickerson accepted the resolution from the state board, thanking it for its support of School Board Recognition Month for the fifth consecutive year. The state board was the first public body in New Jersey to recognize the event, in 2002. School Board Recognition Month helps to inform New Jersey citizens about the essential role that local boards of education play in the governance of public schools. It also gives communities the opportunity to thank their local school board members for the time and effort they dedicate to education.



*Tanya Dickerson, NJSBA vice president, accepts School Board Recognition Month resolution from the State Board of Education on January 4. From left to right are Dr. Arnold G. Hyndman, state board president; Lucille Davy, acting commissioner of education; Kathleen A. Dietz; Dickerson; Maud Dahme; John A. Griffith; and Arcelio Aponte. Dietz, Dahme, and Griffith formerly served on their local boards of education. Aponte is a former charter school trustee.*

## Significant Funding Case

continued

same society.”

The state board concluded that it cannot by itself make changes in school funding. It noted that its directive represents a first step toward establishing “a unified system for public education that fulfills the constitutional mandate” in terms of educational content and financing.

**Constitutional Issue** Often called the “rural district” lawsuit, Bacon was originally filed in 1997 by 17 southern and central New Jersey school districts that challenged the constitutionality of New Jersey’s current funding formula. The suit contended that the districts do not have strong enough tax bases and their citizens

do not have the personal income levels that would enable them to support the cost of state-mandated programs. Because of their financial situation, the districts believe they are similar to Abbott districts and deserve the same treatment under the finance system.

In 2003, then-Commissioner of Education William Librera issued a decision, which recommended that one of the districts, Salem City, receive Abbott status. (As a result, in June 2004, the governor signed legislation granting the designation.) The commissioner found that the remaining 16 districts failed to prove their claim. However, based on the evidence presented, he directed evaluation and intervention in four of the 16—Buena Regional, Commercial Township, Fairfield (Cumberland County) and Woodbine, as well as in Salem City.

**Abbott Status Denied** In all, 10 of the original plaintiff districts appealed the commissioner’s 2003 decision to the State Board of Education.

While the January 4 state board decision did not grant Abbott funding status to these districts, it did find that the funding formulas under CEIFA were unconstitutional as applied to them. Consequently, the state board directed the commissioner to conduct the following initiatives:

- Propose a needs assessment for the 16 districts by February 1, including a timetable for implementation.
- Submit results of remedial measures, ordered by the commissioner in 2003, in Buena Regional, Commercial, Fairfield (Cumberland County), Salem City and Woodbine.

*This article appeared in the January 6 electronic version of School Board Notes. Get a jump on the news! Call NJ SBA Communications at 1-888-886-5722, ext. 5209, and sign up for the electronic SBN. 🍏*

### A Message from Acting Governor Codey

Dear Friends,

Before I leave the Office of the Governor and return to the New Jersey Senate full time, I want to thank you for the confidence you have placed in me and for your understanding and support.

When I took office in November of 2004, I was scared to death. I did not know what to expect from the job or myself. Or, for that matter, what to expect from a public who had no clue who Dick Codey was. I thought of my parents who always gave me good advice. They told me: “If you can keep your sense of humor, stay humble, be true to your principles, and do what you think is best, you’ll come out okay.” I hope my parents and their parents can look down with some satisfaction that I have at least partially re-paid the huge debt the Codey clan owes this state.

For me, I look back with dignity at the time I served and take pride in our achievements. My Administration took on some pretty difficult tasks, we made some tough choices, but in the end New Jersey is in better shape than when we got here and that is all we can ask.

I have told it like it is since the day I took over, trusting the public with truth and the options. The public can handle a lot more straight talk than people think, and they deserve more than they have been given in the past.

We improved ethics in New Jersey government by passing the toughest ban on pay to play of any state, anywhere in America. We made ethics training mandatory for every state worker, restored the Office of the Public Advocate, and created the post of Inspector General. We banned junk food and soda from schools, and persuaded the Giants and Jets to work together to build a new stadium at no cost to New Jersey taxpayers. We cut the New Jersey budget more than anyone ever has before, and still found the money to expand health insurance for the working poor, while finally raising a minimum wage that has lagged behind that of our neighboring states.

Our schools are safer, our budget more responsible, and our residents better off than they were thirteen months ago. We have brought a new respect and compassion for the concerns of individuals with mental illness, and have committed to, above all else, governing in a different way.

I wish all the best to the people of New Jersey. You have given me the opportunity to accomplish so much, and you have opened your hearts and minds to the message my courageous wife, Mary Jo, has delivered on the stigma of mental illness and postpartum depression. May we never again pretend the issues of mental illness do not exist in our society.

As I move forward in my public service career, I will continue to fight for what I believe to be right for the Garden State, its present, its future and its people. Thank you for standing by me as I served as your Governor – it was an honor and a blessing.

With regards,  
Richard J. Codey  
Acting Governor

*The letter appeared in Acting Governor Codey’s “e-genda” publication this week.*



# Let Us Spotlight Your Successes

When your district creates an outstanding program, people notice. So does NJSBA. Our School Leader Award spotlights creative and innovative programs in New Jersey schools that improve student learning. If you have a unique program that has been in effect for at least two school years, let us know.



**Programs will be judged on:** • Degree of innovation and challenge. • How well the program addresses a need. • How the program integrates into the curriculum and Core Curriculum Content Standards. • Program evaluation strategies. • Community involvement, if applicable. • Future plans for improvement. • Length of time in effect (at least two, but not more than five years old).

**Each program should include:** • A typewritten description of the program, no longer than two double-spaced pages. • A clear and concise goal statement indicating who is responsible for the program, when it began, the number of students served, how it is funded, who participates, and evidence of and/or statistics on the program's results. • A separate list of the specific Core Curriculum Content Standards that the program covers and how. • Photos that show the program in action with student involvement. (All photos must be original and of reproductive quality.) • Supplemental materials, if available, including brochures, flyers, letters and announcements (no CDs, DVDs, videos or diskettes).

Winners of the School Leader Award will be honored at county school boards association meetings and will receive engraved plaques. The programs also will be featured in *School Leader* magazine.

Please enter our program in the 21st Annual School Leader Award Competition.

Program Title \_\_\_\_\_

Contact Person \_\_\_\_\_

Title \_\_\_\_\_

School District \_\_\_\_\_

County \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

E-mail Address (Necessary) \_\_\_\_\_

Superintendent \_\_\_\_\_

Board President \_\_\_\_\_

Check here if materials are to be returned

**Entries must be received by March 3, 2006**

**Mail to:** NJSBA School Leader Award Competition, c/o Communications,  
413 West State Street, P.O. Box 909, Trenton, NJ 08605-0909

# IDEA Claims Result in Conflict of Interest

The state Board of Education on January 4 found a local school board member, who filed federal special education due process claims against his school district, to have a conflict of interest, warranting his removal from office. The decision marked the first time that the state board has determined that such conflict existed under the “Inconsistent interests” statute (N.J.S.A. 18A:12-2) as a result of a board member/parent seeking due process through the federal Individuals with Disabilities Education Act.

In *Board of Education of the City of Sea Isle v. Kennedy*, the state board affirmed

a June 30, 2005 Commissioner of Education Declaratory Ruling removing the board member from office. According to the commissioner, the individual’s dual interests as a member of the board of education and as a father precluded his continued board membership, unless he abandoned his due process claims, which the commissioner considered “direct and personal” in nature.

While the board member routinely abstained from all matters regarding his child, the commissioner found that remedy to be insufficient. Statute (N.J.S.A. 18A:12-2) “does not provide for board members

in such situations to serve while abstaining from vote and discussion on selected issues,” the commissioner found.

Board members are encouraged to discuss the implications of this decision with their board attorneys. A detailed analysis of the decision is featured on the Legal Department section of NJSBA’s Web site, [www.njsba.org](http://www.njsba.org). The full decision can be viewed at the NJ School Law section of the state Department of Education Web site, [www.nj.gov/education](http://www.nj.gov/education). 🍏

## CONFERENCE NOTES



**Board-Superintendent Institute** Second annual program, presented by NJSBA, Friday evening, February 3, through late Saturday afternoon, February 4, at the Doral Forrestal in Princeton.

Highly interactive program will give school board members and superintendents an opportunity to develop mutual understanding of each other’s roles and responsibilities and to plan strategies for district improvement. Small-group activities will stress collaboration, team development, setting goals for the management team and the school district, professional growth plans, problem-solving and communicating change.

Program is designed for attendance by school board-superintendent teams. However, registration is also open to individual board members.

Board member attendees will earn three Board Member Academy credits toward their Certificated Board Member or Master Board Member awards. If a district sends enough members to qualify for Board Certification credit (as outlined in the *Board Member Academy Catalog*), three Board Certification credits will also be awarded.

Registration fees: \$325/single room and \$245/double room. Cost for commuters is \$170. To register, call the NJSBA Inservice Education Department at 1-888-886-5722, extension 5232.

**Building Community Support in Tight Financial Times**, NJSBA Annual School Public Relations Forum, Friday, January 27, 9 a.m.-Noon (registration, 8:30 a.m.), Sheraton at Woodbridge Place, Iselin.

Program will address “Conducting a Successful Budget Campaign,” “Fostering School-Municipal Cooperation,” and “Helping the Public Understand Budget Constraints Facing School Districts.”

Board members attending will receive one credit through the NJSBA Board Member Academy. Registration fees: \$75 per person for NJSBA members; \$150 for non-members. To register, call the NJSBA Inservice Education Department at 1-888-886-5722, extension 5232.

**School Integrated Pest Management: Making the Plan Work**, three locations, January through March, sponsored by NJ Environmental Federation/Clean Water Fund,

Rutgers Cooperative Research and Extension, NJ Buildings and Grounds Association, NJ Association of Designated Persons. *Public, private and charter schools are required to complete IPM school coordinator training.*

Program will facilitate implementation of New Jersey’s Integrated Pest Management law by School IPM coordinators and other personnel. School IPM coordinator attendance will fulfill training requirements under New Jersey Department of Environmental Protection regulations.

Sessions and locations: *January 19*, Atlantic-Cape Community College, Cape May Court House; *February 16*, Rider College, Lawrenceville; *March 16*, Montclair State University. All programs run from 8:30 a.m. to 12:30 p.m.

No registration fee. Attendance is limited and on a first-come, first-served basis. To register, contact Jan Nogaki at (856) 767-1110 or by e-mail at [janogaki@cleanwater.org](mailto:janogaki@cleanwater.org).

(For a sample school district policy on Integrated Pest Management, consult NJSBA Critical Policy Reference Manual, File Code 3510, on line at [www.njsba.org](http://www.njsba.org).)



**FRN: Exciting, Rewarding Experience**

Last year, I had an opportunity to be a part of the New Jersey delegation that met with Federal legislators and lobbied for increased funding for education on behalf of the children of New Jersey. I look forward to attending again this year, and I encourage other board members to participate in this exciting and rewarding experience.

– Nancy Stern, President, Fort Lee Board of Education, first-time FRN participant (2005)

*Educate Each Child: Build a Nation*, the annual Federal Relations Network Conference will take place February 5-7 in Washington, DC. This year's program will give board members the opportunity to meet with their Congressional delegations and discuss issues ranging from No Child Left Behind to federal education funding. The National School Boards Association sponsors the FRN conference.

In consideration of New Jersey travel regulations, NJSBA is pleased to offer two ways for board members to participate: attend the full conference or join us simply for the February 7 "Day on the Hill." To find out how to join New Jersey's growing FRN delegation and to register for the conference, contact Sarah Kohl at skohl@njsba.org or call 1-888-88NJSBA, extension 5215.

**Informative Conferences  
– See Page 4 –**

**C A L E N D A R**

**January 21**

- ✓ Legislative Committee Meeting, Ramada Inn/National Conference Center, East Windsor, 8:30 a.m.
- ✓ Ad Hoc Facilities Committee Meeting, NJSBA Headquarters, Trenton, 9 a.m.


**January 25**

- NJSBAIG Meeting, Forsgate Country Club, Jamesburg, 6:30 p.m.
- Union County SBA Meeting, Union County Vo-Tech School, ETTC Building, Scotch Plains, 6:30 p.m.
- Salem General Membership Meeting, Salem City School, Salem City, 6:30 p.m.

For more information on county school boards association activities, log on to [www.njsba.org](http://www.njsba.org) and click on the appropriate county association.

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