



# SCHOOL BOARD notes

## State Receives (and Approves) Fewer Requests to Exceed Tax Cap

Fewer New Jersey school districts sought to exceed the state's 4-percent property tax levy cap this year, and the state has approved a smaller share of those requests.

The New Jersey Department of Education recently approved \$12.28 million in cap waivers, a little more than a third of the \$35.4 million requested by 33 local districts.

This year's activity represented a significant drop from last year, when the state approved 57 percent of the \$58.6 million in waivers requested by 65 districts.

The property-tax cap law enacted in April 2007 placed a 4-percent local levy cap on school, municipal and fire district budgets. The law included a "cap waiver" system that allows school officials, under certain circumstances, to petition executive county school

superintendents to exceed the cap.

- Of this year's 33 applicants,
- 23 were partially approved
- Four were rejected in their entirety
- Two were approved in their entirety, and
- Four were withdrawn

Cap waivers either can result in a permanent base budget increase, or may be in effect for only a year. Three of this year's waivers were permanent; all three were granted to districts that faced the increased operating costs of opening a new school.

Waiver requests may be based on factors such as special education costs, particularly out-of-district placements; non-recurring revenue, such as the loss

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## Court Bars Withdrawal from Regionals

In two decisions issued last week, the Appellate Division of Superior Court denied attempts to withdraw from a regional school district, saying the financial burden of withdrawing would interfere with the districts' ability to provide the appropriate level of education.

In one case, the Borough of Oradell in Bergen County petitioned to hold a referendum to withdraw from the River Dell Regional High School District. In Warren County, meanwhile, the Township of Liberty also sought to withdraw from the Great Meadows Regional School District.

The cases went before the state Board of Review, which consists of four high-level state officials. The Board of Review denied both petitions, and last week's rulings by the Appellate Division affirmed the board's decision.

The River Dell Regional High School District consists of two constituent elementary districts: Oradell and River Edge. Oradell's withdrawal would result in the dissolution of the regional school district. The Board of Review determined that the dissolution would result in an excessive debt burden for River Edge, and would require additional high school administration and more teachers – which would prevent either school district from providing a thorough and efficient education without excessive costs.

The Great Meadows Regional School

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### Budget Watch: Revenue Fizzling

State revenue projections from now through June 2010 are \$605 million lower than the amounts anticipated by Gov. Jon Corzine when he proposed his 2009-2010 budget last month, according to a report by the non-partisan Office of Legislative Services (OLS). Presented to the Senate Budget and Appropriations Committee Monday, the estimate reflects revenue shortfalls of \$383 million for the current

budget year and \$222 million in 2009-2010. While not disputing the OLS numbers, State Treasurer David Rousseau told the Senate committee that if tax collection data compiled in May confirms a drop-off in revenue, revenue projections in the governor's proposed budget would be adjusted.

Direct state aid to elementary and secondary education was one of few areas not cut in the governor's proposed budget. Statewide, direct school aid increased by approximately \$300 million over last year's levels.

The Senate and Assembly Budget Committees are conducting meetings on the proposed budget with cabinet members and other state officials through early May. Commissioner of Education Lucille E. Davy is scheduled to appear before the Senate committee on April 29 and the Assembly panel on April 30.

# Board Charts New Course for Headquarters Project

NJSBA will retain its current Trenton headquarters, which will undergo a complete renovation. The decision to renovate, made by the Board of Directors last month, will result in significant savings over a previous plan to construct a new conference center/office building outside of the state capital.

The renovation will not require borrowing and will ensure that project costs do not affect future dues. Board approval of the renovation project was based on the recommendations of the 12-member ad hoc Facilities Committee, appointed by NJSBA President Harry J. Delgado in November.

“The committee took on the difficult task of realigning the Association’s facility needs to meet changing political and financial forces,” said Delgado. “Their work will result in a renovated headquarters that reflects our members’ resources, includes the technological infrastructure needed to provide services, and is free from the burdensome maintenance

costs found in older buildings.”

**Shifting Focus** The board’s action represents a major shift in direction begun a year ago when it placed a moratorium on an earlier plan for a conference center/headquarters. That 50,000 square-foot building was to be built on Association-owned property approximately three miles from the New Jersey Turnpike, in Hamilton Township. The board approved its construction in May 2007, based on the premise—valid at that time—of developing an easily accessible training facility to host NJSBA statewide programs.

Recent state regulations, however, diminish the opportunity for board members to travel for in-service programs. In addition, the Accountability Act emphasizes regional and Web-based training over statewide meetings, further reducing the need for an NJSBA conference center.

The severe recession and a major shift

in the commercial real estate market also factored into the committee’s study.

Without the need for a statewide conference center, the panel was able to give high priority to NJSBA maintaining a physical presence in the state capital. The existing headquarters, located at 413 W. State St., Trenton, is less than three blocks from the State House.

**Four Times Less Costly** In arriving at its recommendation, the facilities committee compared the costs of constructing a building in Hamilton, purchasing and upgrading existing properties in Trenton, and renovating the existing headquarters. The *net* cost of a complete renovation was three times lower than that of purchasing an existing structure in Trenton and four times less than constructing a down-sized building without a conference center on the Association-owned property in Hamilton.

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## Voter Registration Defect did not Disqualify Candidate

A trial court ruled last week that a candidate for the Haledon school board was not disqualified even though she was not a registered voter when she signed the candidate’s acceptance and oath of allegiance.

In the case, Superior Court Judge Joseph J. Riva ruled on April 1 that the prospective candidate should be allowed to run because her failure to be a registered voter when she took the oath was an innocent mistake or oversight, and because she did register before filing her nominating petition.

At the time she signed her nominating petition, the candidate believed that she was registered to vote in the district – one of the legal qualifications to serve. However, she was not aware that election officials had removed her name from the list of eligible voters due to voter inactivity. The day after learning of her error, the candidate registered and filed her nominating petition by the submission deadline.

Because her certification was inaccurate, a challenge to her nominating petition was filed. After a hearing, the school board determined that the nominating petition was defective, and the candidate appealed the board’s decision.

**First Case on Point** Writing that “no reported New Jersey decisions... have squarely addressed this issue,” Judge Riva found previous rulings that were similar, but distinguishable. Ultimately, he relied largely on the approach taken in a 1996 Supreme Court decision in a Toms River school board race, where one of the signers of a petition (but not the candidate, as in Haledon) was an unregistered voter. The signer registered six days after the petition was due. The Supreme Court ruled that the signer’s late registration was a mere “technical deficiency” that did not undermine the electoral process.

Because there was no evidence that the

candidate realized her certification was false, and because she became a registered voter before filing her petition, the judge said allowing her to run would “neither promote election fraud nor frustrate administration of the electoral process.” Riva also warned against interpreting the election laws in a way that would deprive voters of their choices or invalidate an election on a technicality.

**Case Provides Guidance** Although the Superior Court ruling only applies to cases in Passaic County, boards across the state will find its guidance helpful when deciding how to resolve challenges based on alleged voter registration defects. Judge Riva’s analysis suggests that if a candidate’s error is made innocently and the candidate registers before filing the petition (or presumably by the deadline for amending a defective petition), the candidate’s name should be allowed to go on the ballot. 🗳️

# LAST CHANCE TO ATTEND THE NEW BOARD MEMBER ORIENTATION CONFERENCE




**Wednesday May 20, 2009 • Bally's, Atlantic City  
9:30 a.m. – 4:30 p.m.**

The **New Board Member Orientation** is mandated by the School Ethics and School District Accountability Acts.

Learn the essentials of school governance—so you can quickly assume an active role in school board decision-making. This intense, one-day program will immerse you in the basics of school law, policy, finance, curriculum, labor relations, advocacy and more!

**\$125 Members • \$250 Non-Members**

Cancellation Policy: Cancellations made up to 10 working days prior to the program date will be refunded the entire registration fee. Cancellations made between 10 working days and 72 hours of the program start will be charged \$25. Cancellations made within 72 hours and no-shows will be charged full fee.

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**This conference is open ONLY to board members elected or appointed between April 2008 and February 2009.**

The School District Accountability Act places travel restrictions on school board members. Advance travel approval is required. For details, visit [www.njsba.org/accountabilityact](http://www.njsba.org/accountabilityact).

Please register me for the **New Board Member Orientation Conference, May 20, 2009, 9:30 a.m. – 4:30 p.m., Bally's, Atlantic City.**

Total cost for the Conferences:     Member \$125     Non-member \$250     Payment enclosed     Bill Board (Voucher enclosed)

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**Return to:** New Jersey School Boards Association, Call Center  
413 W. State Street, P.O. Box 909, Trenton, New Jersey 08605-0909 or FAX: 609-695-2934

\*If you wish to be billed and a voucher is required for your records, please send it with your registration to avoid duplication. Travel directions will be provided when your registration is confirmed. For more information, contact the Call Center at (888) 886-5722 ext. 5217.


## Headquarters Project continued

The renovation project would involve reconstruction of the 46-year-old headquarters' interior and upgrading the exterior features. The changes would enable the building to obtain an energy-efficiency rating from the federal government, which would reduce utility fees and operating costs.

The total cost of renovation is estimated at \$4.6 million. Estimated revenue from the sale of the Hamilton Township property, at \$2.1 million, would result in a net cost of \$2.5 million for the project.

The project will be funded entirely by a capital reserve account, originally intended for the construction of the conference center/headquarters.

**Study Online** The Report of the ad hoc Facilities Committee is available at [www.njsba.org](http://www.njsba.org) under the "What's New" heading.

Committee members included Raymond Wiss, chairman, Northern Valley Regional Board of Education; Elizabeth Ames, Franklin Township, Warren County; Kim Law-Jackson, Burlington City; Michael E. Stargell, Pennsauken; Robert Iannacone, Galloway Township; Everett Jennings, East Orange; and Patrick D. McGuinness, Alexandria Township. Also on the committee were NJSBA President Delgado and vice presidents John Bulina (finance), Peter J. Calvo (county activities) and Eva M. Nagy (legislation/resolutions), as well as Immediate Past President Kevin E. Ciak. Walt Meyer, director of association and business development, was chief staff member to the committee. 



## NJSBA Delegate Assembly Handbook Mailing

The NJSBA Delegate Assembly Handbook will be mailed to the delegate, alternate or other board member who has been preregistered by April 22 to represent the board as delegate to the May 16 meeting. The handbook consists of all resolutions and other materials relevant to the meeting. If your district does not register a delegate by April 22, the delegate handbook will be

mailed to the school business administrator. It is the responsibility of the school business administrator to distribute it to the person who will represent the board at the meeting. Delegates may register on the NJSBA Web site at [www.njsba.org](http://www.njsba.org) by selecting "About NJSBA," then "Delegate Assembly" and then "Online Registration," or contact NJSBA's Call Center at (609) 275-5217 or toll free at (888) 88-NJSBA, ext. 5217.

# Districts Notified of Pension Deferral, Aid Reductions

In a letter to chief school administrators and school business administrators dated March 31, the New Jersey Department of Education said it would reduce the amount of state aid to regular and county vocational school districts for the 2008-2009 school year. This is being done in accordance with two recently enacted pieces of legislation.

The reduction was triggered by S-15, enacted in March, which directs the Commissioner of Education to withhold state aid payments to districts in the amount equal to the deferred pension payment. The education department's letter notes that the reduction will be the prorated amount of the lesser of 50 percent of a

district's PERS payment, 50 percent of its original budgeted PERS amount, or the district's remaining state aid payment. Aid reductions will be spread over five payments from the state to districts between April 8 and June 8, 2009.

The aid reduction is made possible by the passage of S-21 in March. That law permits local governments, including school districts, to defer half of their required Public Employees' Retirement System (PERS) payments. County special services school districts, charter schools and educational service commissions do not have the deferral option and must pay the full 2008-2009 PERS liability.

For all other districts, the pension

payment deferral is optional. A board resolution is required for districts that opt to defer 50 percent of the payment. The board could adopt the resolution at its public budget hearing or can do so at its April board meeting.

Under the law, state aid is reduced whether or not the district pays its full 2008-2009 pension liability or chooses to defer 50 percent of its payment. Districts must begin repaying the deferred amount starting in April 2012; the repayment period is 15 years.

The reductions in state aid are being used to address a part of New Jersey's fiscal year 2009 \$3.6 billion revenue shortfall. 🍌

## School Choice Program Up for Reauthorization

The State Board of Education is preparing to discuss the reauthorization of the Inter-district Public School Choice Program regulations at its April 15 meeting. The board is proposing to readopt the rules for the school choice program with amendments.

The school choice program currently allows one district in each county to be designated to participate in the program. Those schools can accept students from other districts at no cost to the students. State aid for the student flows to the school chosen. The program is seen as enabling students more options on where they can attend school, while providing schools which have the extra capacity to take out-of-district students as a way to increase enrollment revenues.

This program was originally established as a five-year pilot in October 1999, and has been amended since then. The school choice legislation is scheduled to expire in September.

In the pilot program's first year, 2000-2001, only 96 students enrolled in 10 choice districts. For the 2008-2009 school year, 872 students are enrolled in 16 districts. Fifteen choice districts are currently accepting applications from

students for 2009-2010. For a listing of the approved choice districts, go to [www.state.nj.us/education/choice](http://www.state.nj.us/education/choice) and select "Approved Choice Districts."

**Amendments Proposed** The State Board is currently proposing several changes to the school choice code, including an amendment that will allow any interested New Jersey school district to become a choice district even if another district within the same county has been so designated.

The changes would also allow kindergarten and eleventh and twelfth grade students to start the program; they are now prohibited from beginning the program in those years. It also does away with the requirement that a student attend school in his or her own home district for at least a year if the child is applying for kindergarten admission. If the choice district requires its resident students to have attended a pre-school program before kindergarten, the same requirement must be imposed on potential choice program students.

Under the proposed amendments, a choice district would be permitted to reject a student with a serious disciplinary record. Rejected students must be pro-

vided with the reason for their rejection and are permitted to appeal their rejection to the commissioner of education.

Transportation would be the responsibility of the student's home district under the amendments; the cost for a choice student placed in an out-of-district special school is paid for by the student's home district.

**NJSBA Supports Voluntary Choice** The New Jersey School Boards Association believes in local determination of school choice within the public schools. Options could include choice among schools within the district (intradistrict choice) including charter or magnet schools, or could extend to schools in other districts (interdistrict choice) when the school board has established a mutually agreed-upon contract with other districts. NJSBA also believes that state oversight of school choice should be limited to ensuring compliance with state law in such matters as racial balance. School districts that elect to offer intradistrict or interdistrict school choice programs should suffer no loss in money in the rate and method of calculation in governmental educational aid, as a result of their decision to offer choice programs. 🍌

# State Launches Personalized Learning Plans

School districts in New Jersey have until May 15 to apply to be part of the Personalized Student Learning Plan pilot program expected to be launched during the 2009-2010 school year.

Personalized student learning plans are a component of the state's high school redesign project to prepare students for the workforce and college. The plans help students recognize and achieve their goals by utilizing adult mentors, including parents, teachers and counselors.

Twenty states and the District of Columbia require individual learning plans for all students. Another five states encourage their use and provide state support but do not have mandates in place for every student.

Fifteen New Jersey middle and high schools will be chosen to take part in the two-year trial to implement personalized learning plans in Grades 6 and 9. Each participating district must develop a school team to design and implement the initiative.

**Measured Outcomes** Personalized Student Learning Plans will be studied during the pilot to determine the best methods to help students address their personal, academic and career goals. In addition to goal setting, activities that students may engage in while creating and carrying out the plans include surveying student learning

styles and interests; selecting courses for graduation; targeting individual student learning opportunities such as internships and service or independent learning; surveying career interests and carrying out career planning activities.

The pilot program will allow NJDOE to identify sample formats for personalized plans, as well as appropriate curricula, resource materials and assessment practices. Case studies of participating schools and examples of lessons learned from the pilot program will be published to help guide statewide implementation.

"Generations ago, students too often had limited choices for career paths," said state Education Commissioner Lucille E. Davy. "With the vast opportunities that exist today, students need additional support to be able to choose a career path that interests and challenges them. Personalized learning plans help students visualize the possibilities."

**Funds Available** School districts selected for the pilot program will be notified by June 5 and an orientation is scheduled for June 25. Participating districts will be eligible to receive up to \$7,500 for each year of the program to assist with related costs.

More information about the pilot program and the application can be found at [www.state.nj.us/education/ser/pslp/](http://www.state.nj.us/education/ser/pslp/)

## Withdrawal from Regionals continued

District consists of the constituent school districts of Liberty and Independence. Liberty's withdrawal would result in the dissolution of the regional school district. The Board of Review's findings were similar to the River Dell decision, in that a dissolution would create an excessive debt burden on Liberty and would prevent the ability of both districts to maintain a thorough and efficient education without excessive costs. Additional administrative staff and teachers would be needed and programs would be eliminated in Liberty, while the remaining school district in Independence would be underutilized.

The Board of Review includes the education commissioner, a member of the State Board of Education, the State Treasurer or his designee, and the director of the Division of Local Government Services in the Department of Community Affairs.

The decisions can be found by using the searchable database of the Judiciary's Web site at [www.judiciary.state.nj.us/opinions/](http://www.judiciary.state.nj.us/opinions/)

## NJSBA Officials Join Middlesex SBA at Student Recognition Event



The annual Middlesex County Student Recognition Awards program held early last month recognized 68 high school students who have overcome obstacles to achieve success. Pictured above, from left to right are: Dr. Patrick Piegari, executive county superintendent; Marie Bilik, NJSBA executive director; John Rodecker, president of the Middlesex County Association of School Administrators; Harry J. Delgado, NJSBA president; Terry Kohl, president of the Middlesex County School Boards Association; Peter Calvo, NJSBA vice president for county activities; John Bulina, NJSBA vice president for legislation; and Kevin E. Ciak, NJSBA immediate past president.

## A Dialogue with Eighth Graders

On April 2, the Salem County School Boards Association hosted its annual Eighth Grade Dialogue at the Pennsville Middle School. Participating schools in the county sent one eighth grade student to answer a variety of questions asked by school board members about their



experiences in school, and what they might change if they were a member of the local school board. After the program, the 11 students who participated received an award.

*At left is Evern Ford, president of the Salem County School Boards Association. From left to right are Darby Catalano of Woodstown (with microphone); Alexis Clark of Upper Pittsgrove; Brandi Dennis of Elsinboro Township; and Erin Feldman of Oldmans Township.*



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**SCHOOL BOARD NOTES**

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**Cap Waivers**  
 continued

of surplus that was available the previous year; and increases in the costs of hazardous route busing, insurance, and sending-receiving tuition.

Part of the reason for the decline in cap waiver proposals may be attributed to school officials not seeking to increase the school budget during a poor economy.

State officials would not grant waivers if they could find other areas of the budget that could be cut, or if they could identify additional revenue such as surplus or tuition.

In addition, local school officials had to demonstrate they met efficiencies outlined in the state Department of Education's Accountability Regulations, such as limiting the number of non-required aides, ensuring a certain number of custodians per square feet of facilities, and adhering to transportation efficiency standards. 🍏

## Two New Jersey Districts Win National Honors

Two New Jersey school districts have been recognized in the American School Board Journal's 15th annual Magna Awards program, which recognizes districts across the country for outstanding programs that advance student learning and encourage community involvement.

Passaic Valley Regional High School in Little Falls is a first-place winner in the under 5,000 enrollment category. The school's program, Science in the Cinema STARS (Students, Teachers, and Research Scientists), allows students to interact with research scientists through videoconference discussions. Recent projects have included visits from research scientists in medicine, genetics, anthropology and cellular biology.

Upper Freehold Regional School District in Allentown received an honorable

mention in the under 5,000 enrollment category for its random drug testing program for high school students. The program emphasizes deterrence and remediation rather than punishment, and promotes voluntary testing.

*American School Board Journal*, which is published by the National School Boards Association, initiated the Magna Awards in 1995. This year's three grand prizes, 15 first place and 15 honorable mention awards, were selected from more than 340 submissions by an independent panel of school board members, administrators and other educators. For more information, go online to [www.asbj.com/magna](http://www.asbj.com/magna). 🍏

**NJSBA Board OKs Facility Plan  
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