

notes digest

State of the State Address: 220,000 Students Gain Internet Access

The state has greatly narrowed the “digital divide” by providing internet service to more than 220,000 students in the past year, Gov. Phil Murphy said Jan. 12 during a prerecorded State of the State speech in an empty theater at the Trenton War Memorial. His speech was delivered remotely, without an audience, because of the pandemic.

When the pandemic first forced the closure of New Jersey’s schools in March, “an estimated 230,000-plus students — almost entirely from disadvantaged households — lacked either the laptops or internet accessibility, or both, for remote learning,” Murphy said.

“So we got to work closing that digital divide, and today, 95% of those students have the tools they need, and we’re close to getting the outstanding gap to zero,” the governor said.

The full text of the speech can be accessed at www.njsba.org/2021StateOfState.

On Dec. 23, Murphy said in a press briefing that 9,281 of New Jersey’s 1.4 million students remained without internet access.

The governor pledged to direct funding to school districts to help students who have fallen behind academically during the pandemic.

“I wish I could tell you that no child is falling behind in this disruptive year,” Murphy said. “But I can’t. That is why our focus must turn to ensuring our students have the academic and social-emotional support needed as they rebound from the stresses of the pandemic. We have already begun direct funding to school districts that need the most help in getting students back on track.”

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Murphy Suspends State Exit Exam Requirement for Graduation

Gov. Phil Murphy signed Executive Order No. 214 on Jan. 11, which waives the graduation test requirement for any 12th grade student who has met all other state standards to earn a diploma.

The order applies only to the 2020-2021 academic year and does not address standardized achievement tests typically administered in the spring. The governor has not said whether he will ask the federal government to waive the requirement to administer those tests, and the Biden administration has not made it clear whether those tests will be required. They were waived last year.

For now, degrees will be rewarded without

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Year-End Review: Construction Spending Dropped \$371 Million

Residents in 13 school districts across New Jersey voted on school construction proposals during 2020, taking action on projects including school additions, security enhancements, heating and ventilation work and more.

A total \$213,777,315 was approved in nine districts, with the last special election of the year taking place on Tuesday, Nov. 3.

Results show that 69% of the districts that held referenda throughout 2020 saw projects

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Governor, State Board Proclaim January 2021 ‘School Board Recognition Month’

Citing the meaningful contributions that boards of education make to public education and to the quality of life in New Jersey, Gov. Phil Murphy proclaimed January 2021 as School Board Recognition Month in New Jersey, and the State Board of Education adopted a resolution during its monthly meeting on Jan. 6, honoring board members’ service.

“New Jersey’s 5,000 local board of educa-

tion members devote countless hours, without remuneration, to the oversight of school district operations, including finances, policy, curriculum and staffing,” the governor said in his Jan. 5, 2021 proclamation. “New Jersey’s local boards of education endeavor to meet the challenges facing public schools and to help students attain the education necessary to excel in college and in the workplace and to enable them to compete in a global economy.”

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LEGISLATIVE UPDATE

NJQSAC Relief Bill Now Law; Diversity Legislation Advances

On Dec. 23, Gov. Murphy approved legislation that would provide districts relief from the periodic monitoring and district self-evaluation system known as NJQSAC. NJSBA strongly supported the measure throughout the legislative process.

"We are pleased that the governor signed this important common-sense legislation," said NJSBA Executive Director Dr. Lawrence S. Feinsod. "The NJQSAC relief bill approved by the Legislature will help school districts focus their resources on responding to the disruption caused by the pandemic."

The NJSBA worked closely with the bill's sponsor, education advocacy groups such as the N.J. Association of School Administrators, the NJDOE, and the governor's office. The NJSBA offers its sincere thanks to the bill's primary sponsor, Assemblyman Nicholas Chiravalloti, for his leadership in spearheading this measure through the Legislature.

NJQSAC relief has been part of the Association's "pandemic advocacy agenda." That agenda calls for additional federal and state financial support, statutory and regulatory flexibility in budgeting, assistance in securing PPE, and other changes to strengthen the ability of school districts to provide education during the public health crisis.

Under the legislation signed by the governor, A-4975/S-3187, districts that are required to undergo an NJQSAC review in the current (2020-2021) school year, and which were designated as "high performing" in their most recent review, will automatically have this year's review postponed until their next scheduled review in the 2023-2024 school year. Any districts that do not wish to have the review postponed will have to make a request to the commissioner of education.

Eight Diversity Bills Advance On Jan. 14, the Senate Education Committee advanced eight bills, sponsored by committee chair Sen. Teresa Ruiz, aimed at increasing the diversity of the state's education workforce, preventing teacher shortages, and cultivating inclusive learning environments.

Ruiz said the bills would foster "more inclusive professional environments to help ensure our educators reflect the diversity we see in our classrooms and our communities." She said the bills will "create new avenues for individuals to enter the profession, especially in high-need areas," with supports in place to help new teachers succeed. The bill package will help plan for "the classroom of the future," she said, "and the type of professional that will lead it."

A brief summary of each bill follows below:

S-2825 would establish a loan redemption program for teachers who teach in a bilingual education or English as a second language (ESL) program at public schools. The amount of the loan redemption would equal 25% of the participant's eligible student loan expenses, up to \$5,000, in return for each consecutive year of full-time employment at a school in which at least 10% of the students are enrolled in a bilingual education or ESL program. NJSBA supports the bill.

S-2826 would require the State Board of Education to establish procedures for the issuance of a "limited" certificate of eligibility with advanced standing (CEAS) and "limited" certificate of eligibility (CE) for certain teacher candidates. The bill creates new limited certificates for individuals who may not meet one of the general requirements for a CEAS or CE while seeking employment in a public school.

S-2827 would require teachers to complete two hours of professional development related to cultural competence in every two-year period as part of their existing professional development requirement. The instruction must include a discussion of personal and interpersonal awareness and sensitivities; acts of microaggression in the classroom, and implicit bias.

S-2829 would establish a three-year "Male Teachers of Color Mentorship Pilot Program." Under the program, the N.J. Commissioner of Education would select 10 male students of color from state public higher education institutions to work with 10 male teachers of color from participating schools. In that way, each student would be paired with a current teacher who would serve as the student's mentor through the candidate's last year of his educator preparation program and the first two years of the student's teaching career. The teacher will receive a stipend of \$5,000, funded by the state, for each year of participation in the program.

The NJSBA supports the bill. The Association requested and obtained an amendment to the bill to remove a requirement that participating school districts commit to hiring each student participating in the program, upon each candidate's graduation from an educator preparation program. Instead, such school districts shall make a "good faith effort" to hire a student if he or she receives a favorable performance review.

S-2830 would require each educator preparation program to annually report to the N.J. Department of Education on the first-time and overall test pass rates of candidates for an instructional certificate, and to disseminate information on test fee waiver programs to students. The bill provides that the educator preparation program must pay for testing fees for students seeking employment as a teacher in a subject area where there is a shortage of teachers.

S-2833 would establish a "Teacher Apprenticeship Program" to offer stipends and provide program participants with the education and field experience necessary to obtain a New Jersey certificate of eligibility with advanced standing (CEAS). The program would be open to public high school students entering twelfth grade and paraprofessionals with an associate degree who are employed in a public school. A public school and institution of higher education chosen to offer the program will jointly enter into an agreement with the NJDOE to provide program participants with the education and field experience necessary to obtain a CEAS.

S-2834 would mandate that all candidates for teaching certification complete a course or training on culturally responsive teaching. The bill defines "culturally responsive teaching" as a pedagogy that recognizes the importance of including students' cultural references in all aspects of learning, using research-based teaching strategies that make meaningful connections between what students learn in school and their cultures, languages, and experiences. This requirement would go into effect with the 2021-2022 school year.

S-2835 would establish the following reporting requirements concerning the current and projected teacher workforce in New Jersey:

- School districts will annually submit to the New Jersey Commissioner of Education information for the current school year on teaching positions, (e.g., vacant positions, the number of new teaching positions, the number of positions that were eliminated, and anticipated teacher retirements);
- School districts will also annually submit to the commissioner information on public school teacher retention, including the number of and reasons why teachers left employment with the district during the prior school year. The information would show the characteristics of the teachers who left the district, including age, sex, race, and tenure status;
- The New Jersey Education to Earnings Data System will issue a report on teacher workforce projections for the state for the following two years. After the issuance of this initial report, the Education to Earnings Data System will issue an annual report on teacher workforce projections for the subsequent three to five years; and
- The Executive Leadership Council of the New Jersey Education to Earnings Data System will semi-annually report to the Legislature each year on the progress of the annual teacher workforce projection report.

READ MORE: For more legislative news, go to online *School Board Notes*, Numbers 24, 26 and 27.

The total amount of spending approved in 2019 — \$584.9 million — was about \$371.1 million higher than this year's total.

approved.

All of the projects approved include state funding; a total of \$45,199,844 in state dollars will go to proposals approved this year. State funding, provided through the Educational Facilities and Construction and Financing Act of 2000, provides at least 40% of eligible school construction costs through grants or debt service aid.

Fewer Proposals In comparison, last year, 39 districts put forth construction proposals and 26 won voter support, for an approval rate of 66%. The total amount of spending approved in 2019 — \$584.9 million — was about \$371.1 million higher than this year's total. Due to the pandemic, Gov. Murphy canceled special school elections scheduled to take place on Sept. 29 and Dec. 8, giving voters fewer opportunities to approve spending.

Local Priorities on the Ballot School districts sought approval of bond issues to meet a wide variety of local priorities in 2020. Voters in Woodbridge, Middlesex County, for example, approved \$87.7 million to build and equip a new Avenel Elementary School to replace Avenel Street School. East Rutherford in Bergen County, and Deptford in Gloucester County added classrooms. Other districts won approval for proposed renovations or improvements to health and safety conditions with projects such as the installation of new HVAC systems.

Only Mantua in Gloucester County sought approval for a multi-part construction proposal in 2020. Both questions were narrowly defeated.

Detailed descriptions of construction proposals are available on the NJSBA data webpage at www.njsba.org/ConstructionSpending.

COVID Relief Bill Includes School Aid

The president signed a COVID relief package on Dec. 27 that would provide widespread economic aid, including more financial support for schools. Congress passed the measure Dec. 21 as part of a broader bill to fund the federal government.

"The COVID relief bill represents a welcome first step," said NJSBA Executive Director Dr. Lawrence S. Feinsod. "The aid will be greatly appreciated but we remain concerned that more assistance will be necessary to help districts face, and effectively address, the enormous and ongoing challenges caused by the pandemic."

The \$900 billion relief package includes \$600 stimulus checks, small business relief, unemployment benefits, and support for vaccine distribution. This measure provides about \$82 billion for education. That includes:

- \$54.3 billion for K-12 schools, largely delivered through Title I funding. That's about four times what schools received in the CARES Act approved in March.
- \$22.7 billion for higher education with \$1.7 billion set aside for minority-serving institutions and close to \$1 billion for for-profit colleges
- \$4 billion for governors to spend at their discretion, with \$2.7 billion of that for private schools.

The \$54 billion will be allocated to states and then to districts according to the Title I formula based on numbers of low-income children. The money will not be tied to schools' reopening for in-person instruction, and districts will have the same flexibility as under the CARES Act to use the money. These uses will include funds to help schools prepare for reopening — including the purchase of personal protective equipment and better ventilation systems. The money will pay for computers and internet connections, teacher training and summer school.

The legislation will also give school districts a year's extension, until Dec. 31, 2021 to spend funding from the earlier Coronavirus Relief Fund, part of the CARES Act. The new funding also includes about \$10 billion for childcare and \$13 billion for nutrition programs.

NJSBA Comments on President Biden's U.S. Secretary of Education Nominee

Dr. Lawrence S. Feinsod, New Jersey School Boards Association executive director on Dec. 22 issued the following statement on President Biden's anticipated nomination of Connecticut Commissioner of Education Miguel Cardona as U.S. Secretary of Education.

"With his selection of Miguel Cardona to serve as U.S. Secretary of Education, President-Elect Biden has tapped a lifelong public school educator and leader. Today, I spoke with a colleague in the Connecticut public school community, who praised Dr. Cardona's collaborative approach to addressing educational issues. This leadership style will be critically important as we look toward education post-pandemic, including challenges such as promoting learning acceleration and closing the digital divide.

"In addition to his outstanding professional experience as a teacher, school administrator and state commissioner of education, Dr. Cardona's personal background will bring a critical perspective to the challenges facing our nation's increasingly diverse student population. He is

sensitive to the trials and tribulations facing students at risk due to economic disadvantage and other factors. He began speaking only Spanish and knows the challenges facing English language learners.

"We look forward to Dr. Cardona's leadership."

State of the State continued

During the State of the State, the governor said he was proud that New Jersey had expanded access to pre-kindergarten, and that the state has added "more than \$750 million in direct classroom funding — and we protected this investment despite the pandemic's fiscal impacts."

While the state has made increased investments in education over the past few years, school districts have maintained that additional resources are required to cover the costs of personal protective equipment (PPE) and other expenses related to the pandemic.

NJSBA Receives 10 Applications for Officer Positions

The New Jersey School Boards Association's Nominating Committee received 10 applications for four available association officer positions by the Dec. 18, 2020 deadline.

Available positions include president of the association, and three vice president positions including vice president for county activities; vice president for finance; and vice president for legislation/resolutions.

The Nominating Committee will present a slate of candidates for election at the Association's Delegate Assembly on May 15, 2021.

NJSBA policy (GO/8204) directs that all applicants seeking nomination as an officer by the Nominating Committee shall have their name, school district/county and position sought announced in *School Board Notes* following the deadline for submission of nominations.

As of the deadline, NJSBA received applications from the following local school board members:

President

- **Michael Dennison** – Alloway Township BOE (Salem)
- **Irene LeFebvre** – Boonton Town BOE (Morris)
- **Bruce Young** – Carlstadt-East Rutherford BOE (Bergen)

Vice President for County Activities

- **Melanie Biscardi** – Manchester Township BOE (Ocean)
- **Ronald Hoffman** – Hardyston Township BOE (Sussex)
- **Diane Johnson** – Pennsauken Township BOE (Camden)
- **Frank Kasper** – Clifton BOE (Passaic)

Vice President for Finance

- **Tammeisha Smith** – Knowlton Twp. BOE (Warren)

Vice President for Legislation/Resolutions

- **Paula Colbath** – Fort Lee BOE (Bergen)
- **Karen Cortellino, M.D.** – Montville Twp. BOE (Morris)

Nomination by Petition NJSBA Bylaws also provide for candidates to be nominated by petition, signed by at least 10 members from at least five different district boards of education

and filed with the NJSBA executive director. On March 4, 2021, petitions may be obtained by visiting the NJSBA's website. Petitions may not be circulated prior to March 4 and must be received by the executive director no later than March 30, 2021.

Signatures need not all appear upon a single petition and any number of petitions may be filed on behalf of a candidate, but no petition shall contain the endorsement of more than one candidate.

Nominations by petition should be sent via Federal Express or registered/receipt-requested mail. The written consent of the candidate for nomination by petition must be filed with the executive director within the same time limit.

Information with Petition When submitting nominations by petition, candidates should include a black-and-white "head and shoulders" photo and a resume that includes a 200-word statement explaining why they are seeking the position. Resumes should contain information under the following headings: local board activities; county activities; NJSBA activities; education; and employment/community activities. (A sample resume may be obtained from Cindy Harrison by calling 1-888-886-5722, Ext. 5254.) A report of all candidates by petition will be made no later than April 2, 2021. The report will appear in *School Board Notes* and on NJSBA's website.

Nominating Committee Members of the 2021-2022 Nominating Committee include: Daniel Sinclair, chair, immediate past president; Michael R. McClure, president, ex-officio (non-voting member of committee); Naomi Davidson, Runnemede BOE (Camden); James Gaffney, Oakland BOE (Bergen); J. Brendan Galligan, Westfield BOE (Union); Yuenge Groce, Salem City BOE (Salem); Jeffrey Hicks, Southampton BOE (Burlington); Dana Krug, West Windsor-Plainsboro BOE (Mercer); Charles Miller, East Amwell BOE (Hunterdon); Sharon Miller, South Plainfield BOE (Middlesex); Robert Morrison, Watchung Hills BOE (Somerset); Tara Rivera, Jackson BOE (Ocean); Mattia Scharfstein, Stanhope BOE (Sussex) and Paul Williams, Harmony BOE (Warren). 🍎

Exams continued

requiring seniors to pass the graduation test. The governor's executive order also provides for:

- Removal of Student Growth Objectives (SGOs) as a component of formal educator evaluations.
- Extension of the time in which certificated teachers or those in the process of becoming certificated teachers can serve as substitute teachers.

"The pandemic has presented significant challenges to school districts across our State that have affected our administrators, educators, staff, and students," said Murphy. "(The) executive order will provide sensible adjustments to support our school districts during this unprecedented time."

Remove SGOs from Teacher Evaluations

SGOs are measurable and specific academic goals for groups of students set by educators in consultation with their supervisors. In light of the pandemic, Executive Order No. 214 will remove SGOs as a component of formal educator evaluations for the 2020-2021 school year. As a result, all educators will be evaluated solely on observations conducted by supervisors, principals, or other school leaders. SGOs may still be utilized for other purposes, such as professional development.

Extend Service Time Limitations for Certain Substitutes

During the COVID-19 public health emergency, Executive Order No. 214 will help districts manage the increase in temporary and permanent teacher vacancies by allowing those in the process of becoming certificated teachers to fill teaching vacancies for a maximum of 60 school days instead of 20 school days. Certificated teachers, currently employed as substitutes in an area outside their credentials, will be allowed to fill teaching vacancies for 60 school days instead of 40. 🍎

Get the Full Story Online

The print edition of *School Board Notes Digest* is published monthly, and it includes condensed versions of articles that have appeared in the weekly online version of the newsletter. The current issue is available at www.njsba.org/sbn. Follow links on that page to view archived editions.

Board Member Recognition

continued

"By making meaningful contributions to public education, the dedicated members of local school boards have greatly enhanced the quality of life in our State," the governor's proclamation said.

On behalf of the Association's members, NJSBA officials accepted the honors.

"The state's local boards of education set the goals and provide oversight for the entire school district," explained Michael McClure, president of the New Jersey School Boards Association. "The hard work and dedication of school boards have a direct impact on the classroom, and their efforts have helped make New Jersey's public schools a national leader in student achievement."

"No other public official, elected or appointed, has a greater impact on the lives of children than the local school board member," said Dr. Lawrence S. Feinsod, NJSBA executive director. "This year, boards of education in New Jersey overcame unimaginable challenges in continuing to provide instruction to students during the pandemic. We thank the governor for recognizing the dedication of our state's local school board members and the central role that they play in the governance of public education."

In part, the resolution prepared by the State Board reads:

"New Jersey's locally elected and appointed boards of education play a vital role in ... providing an outstanding education to prepare all students for college and the workplace and to enable them to compete in a global economy."

The State Board's resolution also says, "The efforts of local boards of education, in conjunction with state education officials and local educators, have built a foundation of success that has led to New Jersey's status as a leader in student achievement."

The New Jersey School Boards Association initiated the state's first School Board Recognition Month in 2002 to honor the dedicated local school board members who oversee the education of the state's nearly 1.4 million public school students. 🍎



Board Members May Sign Up for Required Training

Each year in January, board members begin to look to register for mandated trainings.

NJSBA offers our members as many avenues as possible to fulfill these requirements. New board members are required to take Governance 1- New Board Member Training. Second-year members are required to take Governance II- School Finance. Third-year members are required to take Governance III- Student Achievement. Newly re-elected or reappointed members are required to take Governance IV- Legal Update.

Governance II, III, and IV programs run 90 minutes when held in-person. But NJSBA offers members two options to fulfill this training. They can complete a self-paced course through the NJSBA University, which allows learners to move through the materials on their own and ask the staff questions as needed, but it does not include any scheduled times with a facilitator. Governance II and III are currently available through the NJSBA University. Governance IV will be updated and released by Feb. 1.

Option Two is to attend our live virtual events or the "Foundations" programs. In the age of COVID, these virtual programs have replaced face-to-face sessions. They allow the learners to participate in a facilitator-driven session, where questions can be answered **and** take place during the session. NJSBA hopes to keep these sessions more intimate, so that the attendees can engage with the facilitator and each other. They will be offered monthly from January through May. More sessions will be added as necessary.

New Board Member Training Governance I is a more intensive program, thus NJSBA has three different options available for the newest board members. Members may take the self-paced online course through NJSBA University. Members may also attend a live virtual event, but these programs are conducted in three parts.

If you attend the live virtual event you must attend all three sessions to complete the mandated training. These are in March and May. Finally, due to COVID, NJSBA will not be able to offer its in-person Weekend Orientation, but we have replicated the support and connection of that weekend program with a six-week course which will be offered from February through April.

This program will allow a limited number of members to work in cohorts of 10 with a seasoned board member on the required topics and materials. Course attendees will meet with their cohort once a week for six weeks, where they will discuss the videos, readings, and do activities to enhance their understanding of the role of a board member. This course will be intensive and rewarding!

NJSBA is excited to bring our new 2021 versions of training to the membership. As COVID continues to impact our lives, NJSBA continues to adjust and adapt to meet the needs of our members.

All sessions are listed on our webpage at www.njsba.org/MandatedTraining.

Registration Open for Virtual NJ Student Climate Challenge

The New Jersey Student Climate Challenge is a pilot program to highlight the role youth can play in addressing the climate crisis.

The free program includes a virtual climate summit and a contest that will provide support and recognition to teams of middle and high school students in Atlantic City Electric's service area.

Hear from more than 30 clean energy and climate professionals and practitioners who will offer engaging, lively discussions at the climate summit.

Learn more about #NJStudentClimateChallenge and register your class or club to

participate.

See which schools are eligible at www.njsba.org/EligibleSchools.

To learn more and to register, go to www.njsba.org/LearnMore.

The virtual learning experience includes opening and closing plenaries with keynote speakers, a variety of topic-focused student sessions and teacher professional development sessions held over a four-week period from Feb. 23 through March 22, 2021. 🍎

READ MORE: Online *School Board Notes*, No. 27.

Can Government Mandate That All Schoolchildren Receive a COVID Vaccine?

With the development and approval of two highly effective COVID-19 vaccines, it appears as though the nation and the state are at the beginning of the end of the unprecedented outbreak that has lasted almost the entirety of 2020.

In some surveys, confidence in the vaccine seems surprisingly low, with only two-thirds of Americans expressing a willingness to take the vaccine once it is distributed. When efficacy rates of approximately 95% are contrasted against a potential vaccination rate as low as 65%, the question arises as to whether the government can mandate that all schoolchildren receive a COVID-19 vaccination to reduce the spread of this deadly disease.

The short answer is that the government can, and has, mandated vaccinations in the past and this authority is well established. The legal precedent for mandatory vaccinations was first established in 1905 by the U.S. Supreme Court decision, *Jacobson v. Massachusetts*. In that case, the state of Massachusetts, with an exception for children, adopted a law providing that:

[T]he board of health of a city or town if, in its opinion, it is necessary for the public health or safety shall require and enforce the vaccination and revaccination of all the inhabitants thereof and shall provide them with the means of free vaccination. Whoever, being over twenty-one years of age and not under guardianship, refuses or neglects to comply with such requirement shall forfeit five dollars.

Subsequently, the city of Cambridge adopted a regulation requiring all the inhabitants of the city be vaccinated against smallpox, a disease with a 30% mortality rate which has since been eradicated, due to worldwide vaccinations. *Jacobson* refused to be vaccinated, was criminally charged, fined, and jailed until he paid the fine. *Jacobson* appealed the conviction, arguing that the statute requiring vaccinations violated the 14th Amendment of the United States Constitution. That amendment provides, "No State shall make or enforce any law abridging the privileges or immunities of citizens of the United States, nor deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

The *Jacobson* court ruling determined that the state's authority to enact the statute derived from its "police powers" and further "recognized the authority of a State to enact quarantine laws and 'health laws of every description...'"

In New Jersey, a similar argument, with similar results, was made in *Sadlock v. Board of Education*, where the New Jersey Supreme

Court, under similar facts, reached a similar conclusion. The state's authority with respect to students is found in *N.J.S.A. 26:1A-9* which provides, "Every...board of education having control of any public or private school in this State shall insure compliance with the State Sanitary Code as it pertains to the immunization against disease of children attending or having the right to attend such school, including any provision of the code which prohibits attendance by a child who has not been immunized."

The law also allows for an exemption if the immunization would interfere with the free exercise of the student's religious rights. In addition, *N.J.A.C. 6A:16-2.2* provides that each student is required to be tested for tuberculosis based on rates in specific communities or population groups. Moreover, the district must report any communicable disease, confirmed or presumed, to the local health office.

READ MORE: [Online School Board Notes, No. 24.](#)

School Districts Reminded to Review Computer Safety and Usage Policies and Procedures

Many school districts now face a new area of liability as they seek to educate their students remotely via district-issued equipment. In light of the vast numbers of New Jersey students now possessing and using district-owned computers and having district internet access, it is more important than ever to review school district computer usage and protection policies and procedures.

Not only are districts responsible for the usage by employees, they are also responsible for the usage of their students and communications that students may receive from persons not associated with the district.

It is imperative that computer policies require and implement proper limitations or controls to prevent students from accessing unauthorized or inappropriate sites. Additionally, district-issued computers should have proper limitations or controls installed which would prevent third parties from communicating with minor students within the district. Policies in place to monitor the students' use of the technology on school computers and/or laptops must be put in place and continually reviewed.

Communication with parents is more important than ever when it comes to student usage of district-owned computers. Any and all allegations made by parents of improper communications whether by students or by third parties must be taken seriously, investigated and vetted through the proper chain of command, up to and including law enforcement.

READ MORE: [Online School Board Notes, No. 26.](#)

Commissioner Backs School Board for Withholding Stipend Over Student's Inappropriate Comment in Yearbook

The New Jersey Commissioner of Education, in a December decision, determined that a board of education did not act in an arbitrary, capricious, or unreasonable fashion when it determined to withhold the increment of an assistant principal for failing to provide sufficient oversight over the publication of the annual student yearbook.

In the case, the district's assistant principal of humanities was not a member of any collective bargaining unit. As part of his job duties, the assistant principal had administrative oversight over the teachers who were appointed as advisors to the Yearbook Club.

In their capacity as yearbook advisors, the two teachers, both serving in their first year as advisors to the yearbook, reported to the student activities coordinator. However, the coordinator did not report to the assistant principal.

When the 2019 student yearbook was published, the district soon discovered that it contained a controversial statement by a graduating senior. Due to the nature of the statement, a public controversy was sparked which drew the ire of parents, the public, and the board of education.

After an investigation, the board imposed an increment withholding on the assistant principal and the two teachers who served as yearbook advisors. The board also issued a written reprimand to the student activities coordinator, rescinded the salary increases of both the principal and assistant principal, and issued a public reprimand to the superintendent.

The assistant principal appealed his withholding to the New Jersey Commissioner of Education, arguing that the board was arbitrary and capricious in implementing the withholding because it was the yearbook advisors and student activities coordinator who made the editing error.

The commissioner determined that the assistant principal's burden of proof argument was misplaced because case law has long held that, when appealing a board's increment withholding, the challenger must demonstrate that the board "acted arbitrarily without rational basis or was induced by improper motives." The commissioner then determined that while the assistant principal may not have had direct responsibility to review the yearbook content, he was not completely divorced from the matter.

For more information about these legal matters, board members may wish to consult with their board attorney or the NJSBA Legal and Labor Relations Department at (609) 278-5254.

State Board of Education: Modest Start for 'Start Strong' Assessment

At its monthly meeting on Jan. 6, in addition to commemorating New Jersey School Board Recognition Month, the State Board heard updates and took action on the following items:

Start Strong Assessment The State Board heard an update on the New Jersey Department of Education (NJDOE) tool to measure the delay of students' learning progression as a result of the pandemic. The optional standards-based test is meant to provide a snapshot of the amount of support students were likely to need in the fall of 2020. The assessments were not meant to replace any preferred assessment strategies being used locally, but could be used to supplement existing efforts to gather standards-based data at the beginning of the school year. Participation was optional in order to avoid compelling schools to replace effective established local assessment strategies, and with the understanding that results are not diagnostic, nor intended to be used in isolation. NJDOE recognized the significant challenges districts were facing in reopening schools and did not want to place any additional burdens by compelling participation. Between Oct. 2 and Dec. 14, 2020, about 88,000 students participated statewide. NJDOE reported that, of about 800 districts, charter schools and special-education schools statewide, 81 participated. The NJDOE will provide an update on the results of the assessment at a future State Board meeting.

State Operation of the Paterson Public Schools

The State Board of Education unanimously returned Paterson back to full local control after 30 years of state control. For the last two years, the district and the NJDOE executed a transition plan to prepare the district for full local control. Additionally, the district was certified as high-performing by the Acting Commissioner of Education. This certification came about following a qualitative report by the district's highly skilled professionals that the district had met the standards for a full-return of local control. The Comprehensive Accountability Office issued its quantitative report in October 2020 which found that Paterson had achieved "fully implemented" and "substantially implemented" status on the

The New Jersey Department of Education recognized the significant challenges districts were facing in reopening schools and did not want to place any additional burdens by compelling participation.

required metrics.

Adult Education The State Board adopted regulations updating the requirements for adults obtaining a high school diploma. The regulations describe how a high school diploma can be earned for persons age 16 years or older. For example, a person 16 or older who is no longer enrolled in high school, can earn a state-issued high school diploma by attending an adult education program that receives Title II funding under the Federal Workforce Innovation and Opportunity Act (WIOA) and passing a New Jersey High School Equivalency Assessment (NJHSEA). The New Jersey Department of Labor and Workforce Development (NJDOLE) monitors adult education programs that receive Title II funding under the WIOA, but the Department of Education provides the state-issued high school diploma.

Programs to Support Student Development

The NJDOE proposes to readopt the regulations with minimal amendments to ensure the existing rules do not expire and to avoid additional stress on schools and school districts during the 2020-2021 school year. The proposed amendments will align the chapter to *N.J.S.A. 18A:37-2a*, which was enacted in 2016 to prohibit the suspension of students in kindergarten to second grade, unless required by the "Zero Tolerance for Guns Act," *P.L. 1995, c. 127, N.J.S.A. 18A:37-7 et seq.*

READ MORE: Online *School Board Notes*, No. 26.

Important: Update Your Listing in the NJSBA Membership Census

The NJSBA Membership Census is vitally important to help ensure school board members can fulfill their leadership requirements.

Providing accurate census information to NJSBA benefits both board members and business administrators, making it easier to use NJSBA's online functions. Accurate information also allows NJSBA to communicate with members, and is required so that members can:

- Fulfill their mandated training requirements
- Register for NJSBA training programs
- Earn professional development credit
- Complete the online CSA Evaluation process
- Complete the online board self-evaluation process

How do I review my census?

The NJSBA Member Census may only be completed by the school business administrator. NJSBA launched its new member portal and district census in January 2020. If you are accessing the new portal for the first time, you must reset your password. Once at the login page for the Member Portal, click the "Get Started" button on the right side of the screen. Please review the full instructions on resetting your password.

Under "Manage Census," please click on the following links to complete the district census:

- **Update Board Information** to review basic district information including the district address, website, and telephone number.
- **Manage Board Members** to edit/add current board member information. (Required: All members' email addresses must be verified.)
- **Manage Board Leadership Positions** to add current board members to leadership roles. (Minimum required: President, Vice President, Delegate, Rep to the County)
- **Manage Board Staff** to add or remove district staff members on the census.

continued on page 8



NEW JERSEY SCHOOL BOARDS ASSOCIATION

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Governor Postpones Special School Elections until April 20

On Dec. 21, Gov. Murphy signed Executive Order No. 211, postponing the March special school elections, and all other special elections for filling vacancies, to April 20, 2021.

A decision on whether those seeking to participate in the election will be allowed to vote by mail or in person will be made in the coming months, the governor's office said.

Murphy had previously postponed school elections scheduled for January until March. 🗳️

Census continued

IMPORTANT: *All four census sections must be reviewed and verified for accuracy.* Updates will appear on your census in one to two business days. You must complete all parts



BRIEFLY NOTED

Middlesex County Teacher Sends 800 Gifts—and Joy—to Her Students



Every year, Jennifer Olawski, a health and physical teacher in the New Brunswick School District, makes sure that all her students get an educational gift for the holiday. During the 2020 pandemic, however, she faced a daunting challenge to raise enough money to deliver presents to her 800 students at the Paul Robeson Community School.

In an Education Matters video with the NJSBA's Ray Pinney, she explains how she successfully spread joy to each and every one of her students. The video is available at www.njsba.org/GiftsOfJoy.

of the census for it to be marked as complete by the NJSBA Call Center.

For further instructions, and to see a video explaining the process, go to the NJSBA Member Census webpage at www.njsba.org/

[about/the-njsba-member-census/](http://www.njsba.org/about/the-njsba-member-census/)

For questions, please email callcenter@njsba.org. 🗳️