

notes DIGEST

First Virtual Spring Education Symposium Offers 40 Sessions

Following the success of NJSBA's Virtual Workshop 2020 event, the Spring Education Symposium will feature more than 40 online sessions. The event will take place Wednesday, May 12 and Thursday, May 13. See the agenda for both days at www.njsba.org/Agenda.

Members of the New Jersey educational community are invited to attend this virtual conference to gain useful strategies and become more effective school leaders.

"The NJSBA Spring Education Symposium will bring New Jersey educators together to discuss the latest issues and explore new solutions to the complex challenges they are facing this year," said Dr. Lawrence S. Feinsod, NJSBA's executive director. "It is our

goal to give our members the information and resources they need to successfully address school safety and student achievement during the pandemic."

Symposium topics related to current school law regarding the new marijuana legislation, sound business operations, effective use of social media for community relations, and IT security are just a few of the sessions that will be presented. Other areas include social and emotional learning, special needs instruction and student learning loss due to the pandemic. Board members will have the opportunity to receive Board Member Academy credits, Qualified Purchasing Agent credits (Pending), and Continuing Education

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No Statewide Achievement Tests This Spring

No statewide student achievement tests will be administered this spring, the New Jersey Department of Education (NJDOE) announced on April 14.

Instead, the NJDOE said, the state will administer its "Start Strong" tests in the fall.

"(This) will satisfy the federal statewide assessment requirement to administer general assessments in English language arts, mathematics, and science for the 2020-2021 school year. Therefore, there will be no spring 2021 administration of the New Jersey Student Learning Assessments (NJSLA). This flexibility shall apply only to the 2020-2021 school year," the NJDOE memo said.

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More Students in Class; Vaccines Available to Older Students

Thirteen months after the pandemic first arrived in New Jersey, there are signs of progress.

Consider:

- About 20% of the school districts in New Jersey have now elected to offer in-person, full-time schooling.
- The state's 10 largest districts have elected for a mixture of remote and mixed models, according to NJ.com. Newark, the biggest public school district in New Jersey, began

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Voters Approve \$271.2 Million in Construction Spending

Voters on April 20 approved six of the eight construction questions on the ballot. The approved spending proposals totaled more than \$271.2 million.

Six school districts sought voter approval. Projects were approved in five of the six districts. The approved spending proposals were led by a \$168.3 million renovation project in Clifton, Passaic County, which the district called a "big picture, long-range approach" to upgrading all of its 19 buildings. In Bergen County, River Vale had three spending proposals on the ballot, and two were approved. Voters narrowly approved the district's plans to upgrade security but rejected a third proposal to build health and wellness centers for its students.

Projects were also approved for Buena Regional School District in Atlantic County, Waldwick in Bergen County, and East Amwell in Hunterdon County. Voters in Fairfield, Essex County defeated a \$29.7 million proposal to add classrooms.

Here are the statewide figures gathered by the New Jersey School Boards Association from the offices of the county clerks and from school district officials. Results are unofficial until they are certified by the county clerks.

Statewide amount proposed – \$302,667,142	Statewide amount approved – \$271,222,551
State funding proposed – \$106,780,818	State funding approved – \$103,336,643

READ MORE: Each district's construction projects are detailed in online *School Board Notes*, No. 40.



LEGISLATIVE UPDATE

Bills Signed to Stem Teacher Shortages and Require Parental Notification for Marijuana Offenses

Gov. Murphy has signed into law the following measures:

Reciprocity for Out-of-State Teaching Certificates S-2831/A-4783 (Ruiz/Beach/Quijano/Lampitt, Jasey) requires the N.J. Department of Education (NJDOE) to establish an Alternate Route Interstate Reciprocity Pilot Program. The bill is aimed at helping districts fill vacancies during the pandemic by making it easier to hire qualified, out-of-state teachers.

An out-of-state candidate who has not completed an approved educator preparation program would be required to enroll in a New Jersey-approved educator preparation program and complete any remaining college credits or coursework prior to the issuance of a standard instructional certificate.

After two years, NJDOE will publish a progress report on the success of the program. At the conclusion of the five-year pilot program, the department will submit a report evaluating the effectiveness of the program to the governor, the Legislature, and the State Board of Education. Specifically, the report will include an analysis of the impact of the program and the department's recommendation on the feasibility of continuing it.

NJSBA supported the bill throughout the legislative process.

Bias Training for Arbitrators S-699/A-5245 (Ruiz/Singleton/Sumter/Reynolds-Jackson, Stanley) would require members of the panel of arbitrators who hear and decide tenure charges to receive training related to cultural diversity and bias. The requirement builds upon a 2019 law that requires such arbitrators to complete training on conduct that is unbecoming of an employee, including issues related to allegations of sexual assault and child abuse. Any arbitrator already serving on the permanent panel upon the law's enactment will be required to complete the cultural diversity and bias training within 18 months of the date of enactment. NJSBA supports the measure.

Marijuana Offenses & Parental Notification A-5472 requires law enforcement to provide written notice to the parent or guardian of a minor purchasing or possessing alcohol or cannabis. Recently enacted legislation legalizing cannabis had laid out a written warning system for minors found in possession of cannabis. However, parents or guardians were not to be notified until the second and subsequent violations. This bill addresses parental notification for first offenses.

NJSBA supported this bill.

On the Governor's Desk

The following bill cleared the Legislature and was sent to the governor:

Pilot Program for SEL in Early Elementary Years S-2486/A-4264 establishes a five-year

Clayton Model Pilot Program in the Department of Education to provide a social emotional learning program to elementary school students attending selected public schools. The pilot program would be based on the Clayton Model, which is a trauma-informed intervention program created by the Clayton School District in Gloucester County. Under the bill, the New Jersey Commissioner of Education would select three counties to participate in the pilot program: a county in the northern area of the state; a county in the central area; and Gloucester County to represent the southern area of the state. After each county is selected, the commissioner would select a maximum of 10 schools within each county to participate in the pilot program. NJSBA supports the bill.

School Regionalization Bill Advances

On March 25, the state Senate unanimously approved S-3488, which would provide financial incentives for smaller districts to regionalize if merging makes sense for them. The bill would establish criteria for state-funded regionalization studies, while making sure that any regionalization plan remains subject to voter approval — a key priority supported by the New Jersey School Boards Association.

"NJSBA supports the bill because it represents a voluntary, incentive-based opportunity for districts to explore regionalization and determine if it would be beneficial to their students and their communities," said NJSBA Executive Director Dr. Lawrence S. Feinsod.

In the Winter edition of the NJSBA's *School Leader* magazine, Senate President Steve Sweeney explained why his legislation might finally move regionalization forward in a significant way for the first time since 1993, when the state unsuccessfully tried to encourage some of its hundreds of districts to merge.

"Our legislation provides school board members, administrators, teachers and parents broad flexibility in designing K-12 regional or countywide school district implementation plans that work for them," Sweeney wrote. "It provides greater flexibility on teacher contracts, leaving the existing contracts in place until the next contract negotiation with the merged union for the consolidated district. It provides districts with flexibility to decide how to handle existing debt service or the sale of buildings that are no longer needed.

"Creating larger districts will create greater diversity in a state that is facing potential litigation over desegregation, and in fact, our legislation specifically prohibits any regionalization plan that would reduce diversity."

Passed by the General Assembly

Alleviating Learning Loss Grant Program A-5147 would establish the "Alleviating Learning Loss in New Jersey Grant Program" in the NJDOE to assist public schools in establishing or expanding certain educational programs to address

learning loss in students. The grant program would provide funds to school districts, charter schools, and renaissance schools for the creation or expansion of summer learning programs during the summer of 2021 and other student support programs during the 2021-2022 school year to mitigate student learning loss resulting from the pandemic. NJSBA supports the bill.

Passed by the Senate

Depression Screenings for Students S-2259/A-970 establishes a "Mental Health Screening in Schools Grant Program" in NJDOE. School districts would be able to apply for funding and resources to implement depression screening programs in order to identify students in the grades seven through 12 who are at risk of depression. Grant recipients would administer annual screenings for depression to students in those grades. The bill places a variety of conditions upon any school districts receiving a grant under the program, including assurances that student privacy will be protected and that parental consent be obtained prior to administering a screening on a student. The bill appropriates \$1 million towards the program.

This legislation previously required all boards of education to ensure that each student in grades seven through 12 receives an annual screening for depression. However, the bill was amended just before receiving final legislative approval to create this grant program instead of establishing a screening mandate. NJSBA supports this revised approach.

Mental Health and Security Staff on School Report Card S-2811 requires the school's annual report card, which provides information to parents and taxpayers, to include information concerning the number of school psychologists and security personnel employed by each school district. The bill was amended to include other kinds of school-based mental health professionals. The bill now heads to the full Senate for consideration. NJSBA is monitoring the bill.

Special Ed Services for 21+ Students S-3434 This bill would extend the age eligibility for special education and related services by requiring boards of education to provide the services included in a student's individualized education program (IEP) for those who reach the age of 21 during the 2020-2021 school year, the 2021-2022 school year, and the 2022-2023 school year.

During committee deliberations, while supporting its intent, NJSBA raised several concerns about the bill. However, those concerns have now been mitigated because the initiative will be funded through federal funds provided from the recent stimulus packages.

READ MORE: Online *School Board Notes*, Nos. 37 and 40.

No Tests continued

NJSBA Executive Director Dr. Lawrence S. Feinsod said cancellation of the comprehensive NJSLA was a necessary step, and he commended the NJDOE for successfully working out a compromise with the federal government this year.

This is the second year in a row that the standardized achievement tests have been canceled due to the coronavirus.

According to an April 14 NJDOE broadcast memo, the federal department of education approved New Jersey's request to waive 2021 accountability and school identification requirements, which include:

- Measuring and reporting progress toward long-term goals and measurements of interim progress;
- Calculation of indicator scores and summative ratings;
- Adjusting proficiency rates if participation rates are below 95%;
- Identifying schools for comprehensive support and improvement (CSI), targeted support and improvement for consistently underperforming student groups (TSI), or additional targeted support and improvement for low-performing student groups (ATSI); and
- Reporting on student growth (median student growth percentiles).

Read the full NJDOE memo at www.njsba.org/TestMemo.

Spring Education Symposium continued

Facilities credits (Pending).

The Spring Education Symposium is a user-friendly event which will allow attendees to watch livestream sessions securely without having to download a separate program. Participants will have the opportunity to interact during sessions and access course information for up to 30 days after the event.

Registration Information NJSBA's Spring Education Symposium is only \$50 per team member. Ask your school business administrator to register your team online as soon as possible.

Register today at www.njsba.org/Register.

NJSBA Offers June 3 Public Relations Forum

Parents and taxpayers alike want to know how their money is being spent, the positive developments happening in their schools, and the everyday breakthroughs occurring – in and out of the classroom.

Public relations can better shape a district's brand identification and marketing through consistent and transparent messaging. Districts can apply an array of communication tools across a variety of methods.

"Boards of education are facing extraordinary pressures this year due to the pandemic. Communicating effectively with the public has never been more important," said NJSBA Executive Director Dr. Lawrence S. Feinsod. "This year's public relations forum will equip our members to face the significant challenges ahead as schools move safely toward a return to normal after many months of remote or hybrid instruction."

In addition to dealing with problems posed by COVID-19, boards of education need strategies in place so that when they present

a referendum to upgrade buildings, deal with an impasse in contract negotiations, or launch a superintendent search, the community has faith in the board's leadership and confidence in the message.

Join the NJSBA to hear helpful public speaking tips, valuable social media strategies, and a panel discussion about effectively communicating with parents, employees, students, and the public. The virtual NJSBA Public Relations Forum is slated for Thursday, June 3, from 9 a.m. to noon. The program offers two Board Member Academy credits.

Registration Information Registration may be completed online, but only by the school business administrator. A scanned copy of the purchase order must be included with the registration. The registration fee for members is \$50 per person. To register, go to www.njsba.org/PRRegistration.

For more information, email the NJSBA's Ann Marie Smith at amsmith@njsba.org.

More Students in Class continued

offering in-person education on April 12 after more than a year of all-remote schooling for its 39,000 students. About 14,300 students, or 40% of its population, returned to their classrooms under strict safety guidelines, according to an NJSpotlightNews report.

- Edison, New Jersey's largest suburban school district in Middlesex County, is planning to restart in-person education this school year.

"...There is now unmistakable movement back into our classrooms, and I know that for students and educators and for moms and dads and countless families, this is a tremendous positive sign and a great relief," Gov. Phil Murphy said at an April 12 coronavirus press briefing, the same day Newark opened its schools for in-person instruction.

In another sign of progress, on April 19 all adults 16 and older became eligible for the vaccine — affecting more than 100,000 high

school students in the state.

Sixteen- and 17-year-olds are only eligible for the Pfizer-BioNTech vaccine. The Moderna vaccine was not tested on people under the age of 18 prior to getting emergency approval for use from the federal government.

Murphy had announced earlier in the month that vaccines would be available to all adults on April 19 as his administration presses forward with its goal of vaccinating 70% of eligible adults by June 30.

If the goal, ultimately, is to return to pre-virus times, there's still a way to go.

Of the large school districts currently virtual, two do not have plans to bring students back. Paterson canceled a May 1 reentry date and has not established a new one, while Passaic has said it will remain virtual for the rest of the year. Both schools cited current virus loads for keeping students home, NJ.com reported.

As the situation evolves, *School Board Notes* will continue, in the weeks and months ahead, to provide updates on how the coronavirus is affecting education in the Garden State.

Four Experienced Candidates Seek Positions as NJSBA Officers

In accordance with NJSBA bylaws, a proposed slate of officers selected by the Nominating Committee will be presented to the delegates for their vote at the annual Delegate Assembly on May 15, 2021.

The Nominating Committee selected the following school board members for election by the delegates to serve as NJSBA officers from 2021 to 2023:

- **President: Irene M. LeFebvre**, Boonton Town Board of Education, Morris County.
- **Vice President for County Activities: Bruce R. Young**, Carlstadt-East Rutherford Board of Education, Bergen County.

- **Vice President for Finance: Tammeisha D. Smith**, Knowlton Township Board of Education, Warren County.
- **Vice President for Legislation/Resolutions: Karen Cortellino**, Montville Township Board of Education, Morris County.

NJSBA bylaws also provide a process for candidates to be nominated by petition. No nominating petitions were received by the NJSBA by the March 31 deadline. According to guidelines set by the NJSBA Board of Directors, candidates for NJSBA officer positions are to receive publicity in *School Board Notes*. The information below is provided by the candidates.



Irene M. LeFebvre,
President

Candidate statement:

After 26 years of involvement with the NJSBA, and after leading my local board and county school

boards association, I now feel ready to assume a leadership role on the state level. It has been my pleasure and honor to support the NJSBA's work in multiple roles. As a member of the Delegate Assembly and the Board of Directors, and as a volunteer from my district and county, I have participated in setting a direction for the association by serving on committees that searched for the Executive Director, developed the current Strategic Plan and nominated the NJSBA's officers. I have fully supported the training mission of NJSBA by leading my board to achieve certification – twice – and by personally achieving the status of Certified Board Leader. I have helped the field service staff provide training on basic and advanced levels in weekend and one-day programs. By participating in several task forces and ad-hoc committees, I helped develop position and information papers on critical issues in education. While serving as chair of the NJSBA Special Education Committee, I maintained a balanced focus on meeting these most fragile students' needs and the impact on district finances. I have learned from the best leaders while developing my leadership style and skills. I currently have the time and resources and a sincere desire to serve the NJSBA in the role of president. I look forward to the collaboration and the challenge.

Local Board Activities

- Boonton Town Board of Education, 26 years of the past 27 years, serving as president and vice president several times, chairing many board committees.
- First won election to the Boonton board as a write-in candidate.
- Led the board through NJSBA board certification twice. Served as chair during the process.
- Served as liaison to the Morris County Educa-

tional Services Commission. The commission provides services such as transportation and purchasing to Morris County public school districts and educational programs for special education children.

County Activities

- Morris County School Boards Association. Served as president, as a member of the executive committee and as vice president of legislation.
- NJSBA County Association Leadership (CAL) committee representative.
- County representative to the NJSBA Board of Directors, as an alternate and also as a member.

NJSBA Activities

- School Board Member of the Year 2020-2021
- Certified Board Member
- Master Board Member
- Certified Board Leader
- Task Force Membership: Special Education Task Force (2017); Opportunities for Non-College-Bound Learner Task Force; Ambassador Program: Career Focused Students; Task Force on the Delivery of Mental Health Services; Health and Wellness Steering Committee.
- Chair, NJSBA Special Education Standing Committee. Presented testimony to legislative committees and the Montclair State University Summer Conference on Special Education.

Education

- BA in Mathematics; N.J. Teacher Certification (Math 7-12), Caldwell College, N.J. (1962-1966)
- Master of Arts in Educational Administration, Caldwell University, J. (2000-2002)

Employment (Retired 11/30/17)

- Boonton High School ('66-'71)
- Daytop Village Residential Drug/Alcohol Rehabilitation Center (~'92-'96)
- Teacher of Mathematics (Half Day)

- Boonton Recreation Director (~'92-'98)
- FGL & Associates (1984-2000)
- Passaic County Educational Services Commission (1999-2017)
- Teacher of Mathematics – Memorial Hall (Alternative High School for At-Risk & Special Education Students grades 7-12)
- Vice Principal – Memorial Hall
- Principal – Park School (Kindergarten and Primary Special Education School for Paterson School District)



Bruce R. Young, Vice
President for County
Activities

Candidate statement: I am pleased to submit my name to continue serving as the NJSBA's vice presi-

dent for county activities. My commitment to the advancement of public education, as well as my qualifications, experience, and years of service to NJSBA make me the right choice for this role. I am extremely approachable and organized and my vast expertise and knowledge of school board matters will help me to be successful in enhancing the education field. Over more than two decades, I have served as a dedicated board member on several school boards including the Bergen County School Boards Association (BCSBA). During my service on the Carlstadt-East Rutherford Board of Education, I was a four-term president. I also served as the chair for finance, negotiations, policy, and buildings and grounds committees, in which my involvement was key in the acquisition of funding through the FAA and Port Authority for the soundproofing of Becton Regional High School. Additionally, while president of the Carlstadt Board of Education, I was successful in implementing a campaign for a new school referendum. In 2010 when I was made aware of a need to serve on a county level, without hesitation I got involved with the BCSBA. There I served as vice president for four years and as President from 2017 to 2019. During my service on the BCSBA, I committed myself to visiting all Bergen County district

meetings. One of the highlights of my volunteering as a School Board member was when I was chosen as the NJSBA School Board Member of the Year in 2017. I have had the pleasure of being the NJSBA vice president for county activities for the past two years. Also during my service with the NJSBA, I was appointed to the Board of Directors, Finance Committee, Policy and Sub-resolution Committee, and most recently I was asked to participate in the Strategic Planning and School Security committees. I am proud to have obtained all of my NJSBA certifications (Certified Board Member, Master Board Member and Certified Board Leader).

Local Board Activities

- Carlstadt Board of Education, 1990 to 2008, and again from 2012 to 2018. Elected president four times. Member of various committees including finance, negotiations, shared services, building and grounds, and policy. Played a key role in passing a referendum to build the new Carlstadt Public School.
- Carlstadt-East Rutherford Regional Board of Education, 2002 to 2008, and again in 2018. Elected President for two terms. Chair of finance, negotiation, policy, and building and grounds committees. Key involvement in the acquisition of funding through the FAA and Port Authority for the soundproofing of Becton Regional High School.

County Activities

- Elected to the Bergen County School Boards Association. Served as vice president of legislation from 2012 to 2016.
- President of the Bergen County School Boards Association from 2017 to 2019.
- Appointed to the NJSBA Board of Directors in 2017.

NJSBA Activities

- Named NJSBA School Board Member of the Year, Oct. 2017 to Oct. 2018.
- Appointed to NJSBA's finance and school security committees.
- NJSBA Vice President for County Activities, 2019 to present.

Education

- East Rutherford High School, East Rutherford, N.J.

Employment/Community Activities

- Part-time zoning official, January 2015 to 2020.
- Carlstadt Director of Public Works, January 2014-15.
- Carlstadt Senior Friendship Club, 2013 to present. President, 2016 to 2018.
- Carlstadt VFW and American Legion, 1975 to present.



Tammeisha D. Smith,
Vice President for
Finance

Candidate statement: I have a passion for education and have exhibited a continued dedication to

New Jersey's 1.4 million students, ensuring they all receive a thorough and efficient education. I support the advancement of public education and promote the achievement of all students through diligent advocacy. With all my years of public service and volunteering in the areas of education, healthcare and social justice for all, I believe I deliver the qualities for a leadership role with the NJSBA and look forward to continuing as the NJSBA vice president for finance. My history of being fully engaged in NJSBA roles and opportunities on local, county and state levels, coupled with my achievements, impressive leadership in business and my community involvement illustrate a true acumen for helping to lead the NJSBA. Lastly, in these unsettling times of increased racial bias, inequities and social injustices, I plan to deliver an emboldened and passionate leadership to our diverse membership, demonstrating that NJSBA executive leadership is truly representative of all the districts it serves. Through my service, I will show NJSBA continues to support and promote increasing the diversity of the NJSBA officers on the Executive Committee and in leadership roles throughout the state. It has been a great experience and tremendous pleasure serving the last two years as the vice president for finance, and I look forward to continuing in that role.

***"If your actions inspire others to dream more, do more and become more, then you are a leader."*— John Quincy Adams**

Local Board Activities

- Board member, Knowlton Township Board of Education, Warren County, 2010-2011. Served on the Policy Committee.
- Board Vice President, 2012-2013. Member of finance, policy, and contract negotiations committees. Served as a member of the Delegate Assembly.
- Board President, 2014 to present. Served as a member of the finance, facilities, contract negotiations and community outreach committees. Represented the district as a member of the NJSBA Delegate Assembly.

County Level Positions

- Vice President, Warren County School Boards Association, 2017 to 2019. Served on legislative committee in 2018 (a new committee).

NJSBA Activities

- NJSBA vice president for finance, 2019 to present.

- Legislative and Finance Committees, 2017 to present.
- Certified Board Member, May 2018.
- Master Board Member, April 2020.
- Certified Board Leader, April 2021.

Education

- Bachelor of Science in Business Administration (BSBA), Trinity College & University.

Employment

- Currently semi-retired with ample time to be fully engaged with NJSBA responsibilities on a local, county and state level.

Professional Experience

- Chief Executive Officer and Owner: Dunbar Center, Inc. – 2016 – Current
- Insurance Consultant: Foundation Risk Partners – May 2016 – Current

Community Service

- Governor Appointee to N.J. Department of Health – Office on Minority and Multicultural Health Board Member.
- St. Luke's University Health Network – Board of Trustees
- Saint Michael's Medical Center – Community Advisory Board
- United Negro College Fund (UNCF) N.J. Leadership Council



Karen Cortellino, M.D.,
Vice President for
Legislation/Resolutions

Candidate statement: I am currently completing my first term as the NJSBA vice president for legisla-

tion/resolutions. I have found the experience rewarding. This has been a difficult time, yet I have learned a great deal. I have been privileged to learn of legislative actions in real time. I have had the opportunity to work closely with the competent NJSBA staff and have honed my parliamentary skills. Prior to my term as an officer, I served in leadership positions on my local school board and in the County Association. I have developed relationships with state legislators in my capacity as president of the Morris County School Boards Association (MCSBA) and as a member of the MCSBA legislative committee, as well as my service as the board president for the Montville Township Board of Education for more than five years. I am seeking a second term, first because I enjoy the work, but also, I believe that consistency in leadership at this difficult time aids the Association. I believe I will be a strong voice and advocate for public schools in our state. I look forward to continuing to serve in this crucial position.

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FROM THE COURTS

SEC: Board Member Can't Evaluate Superintendent Who Employs Her Children

A complaint filed with the School Ethics Commission (SEC) on Nov. 2, 2020 alleged that a school board member violated *N.J.S.A. 18A:12-24(c)* on multiple dates in 2020.

Specifically, the complaint alleged that the school board member violated the law which says that no school official shall act in an official capacity in any matter where he or she, or a member of the immediate family, has a personal involvement that creates some benefit to the school official or member of the immediate family.

In this case, two school districts shared the services of a superintendent. The school board member who was the subject of the complaint represented one of the two school districts served by the superintendent. The board member had two adult children working in the other district served by the same superintendent.

During the spring and summer of 2020, the board member took multiple actions regarding the merit goals and evaluation of the superintendent as well as shared services agreements for other staff. The board member, in her response to the complaint, cited an SEC advisory opinion [A09-18] she sought in 2018, seeking guidance as to whether she could participate in the search and hiring process for the superintendent while she had adult children working in another district. In this advisory opinion, the SEC did not find that the member was prohibited from participation in the superintendent search and hiring process in 2018.

Thereafter, the board member said "it stood to reason" that if it was okay to hire the superintendent, then it would be appropriate to take actions on merit goals and evaluations after the superintendent was hired.

However, the SEC noted that in the original application for an advisory opinion, the person seeking the opinion left out some important details, including that the search would be for a superintendent sharing services with a district in which she had children working.

In the decision dated March 23, 2021, the commission found no probable cause to pursue the complaint against the school board member.

However, while the SEC did not pursue the complaint, it said the board member was "clearly prohibited in the future from participating in any action related to the superintendent and/or any other individual who may have supervisory authority over her children ..."

The SEC ultimately found that the children, because they were fully independent, were not members of the board member's immediate family but rather were considered "others." As

the complainant did not allege a violation of *N.J.S.A. 18A:12-24(b)*, which limits the actions of school board members related to "others," the SEC could not find a violation as alleged in the complaint as written.

More information on this case can be found at www.njsba.org/SECOpinion.

This case holds an important lesson for school board members. While the SEC's advisory opinion program is an invaluable tool, it is imperative that the SEC be given all the "operative" facts necessary to make a determination. Additionally, the SEC cautioned against extrapolating permission for certain future actions not specifically sought in the request for guidance.

Committee on Unauthorized Practice of Law Rescinds Opinion

The Committee on the Unauthorized Practice of Law is a committee appointed by the Supreme Court of New Jersey and is charged with issuing advisory opinions to and processing complaints against individuals alleged to have engaged in the unauthorized practice of law. The committee is also authorized to refer violations of law to law enforcement or other agencies. Opinions issued by the Advisory Committee are valued by the state bar and are strictly adhered to by practitioners, much like those issued by the School Ethics Commission.

Earlier this month, the Advisory Committee issued a rare reversal of an opinion pertaining to special education advocates, individuals or entities that assist parents of special needs children to obtain special education and related services for students in school districts around the state.

The earlier advisory opinion, Opinion 56, recognized that any party in a due process proceeding has the right be accompanied by and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities, 20 U.S.C. §1415(h)(1).

That earlier opinion goes on to note that the New Jersey Supreme Court recognizes the role of non-lawyers in Court Rule 1:21-1(f) which provides that, subject to applicable limitations and procedural rules established by the Office of Administrative Law, a non-lawyer may appear in a contested case before that office "to represent parents or children in special education proceedings, provided the non-attorney has knowledge or training with respect to handicapped pupils and their educational needs so as to enable the non-attorney to facilitate the presentation of the claims or defenses of the parent or child."

However, the court rule provides that "[n]o representation or assistance may be undertaken pursuant to subsection (f) by any disbarred or suspended attorney or by any person who would otherwise receive a fee for

such representation." Rules also require that the non-attorney advocate submit a written notice of appearance/application explaining their experience or expertise and certify that they are not receiving a fee for the appearance before the Office of Administrative Law.

In that hearing, the non-lawyer may submit evidence, speak for the party, make oral arguments, and conduct direct and cross-examinations of witnesses. However, the non-lawyer/advocate may not sign a consent order or stipulation for a party. A non-lawyer/advocate is granted an advocate-client privilege and work-product privilege. In Opinion 56, the committee concluded that in IEP meetings, the non-lawyer/advocate may not "represent" the parents or speak on their behalf, but was allowed to attend the meeting and consult with the parents regarding the development of the program and assist in the negotiations between the parents and the school. After Opinion 56 was issued, the Advisory Committee received a request to stay the opinion, which the committee granted. The committee then solicited comments from interested parties and issued Advisory Opinion 57, which superseded and modified the findings made in Opinion 56.

In Opinion 57, the committee determined that non-lawyer/advocates are practicing law when they advise, represent, or speak on behalf of parents and children about the child's legal rights or the legal obligations of the school district at IEP meetings because the IEP is legally binding on the school district.

However, the committee determined that "[s]pecial education is one of the fields of law where the court permits non-lawyers to represent and assist parties in Office of Administrative Law cases when such conduct would otherwise be the unauthorized practice of law. R. 1:21-1(f)(8). Accordingly, where non-lawyers are sufficiently qualified, make the required application, and do not charge a fee for the representation, they are not engaging in the unauthorized practice of law."

The opinion clarified that the non-attorney/advocate may charge fees for advising parents regarding educational problems, evaluating such problems, advising as to the proper educational placement for children with disabilities, producing technical reports, and serving as an expert witness. According to Opinion 57, lawyers may work with such non-lawyer educational consultants but may not "partner" with the consultant or share legal fees; the lawyer must be hired by the parents separately from the consultant.

More information about Opinion 57 can be found at www.njsba.org/CommitteeOpinion.

Board members seeking additional information on either of the cases discussed here may wish to speak to the board attorney or call the NJSBA Legal, Labor, and Policy Department at (609) 278-5254.

**NJSBA Candidate Statement by
Karen Cortellino, M.D.**
continued

Local Board Activities

- Member Montville Township Board of Education, May 2006 to present.
- Served as board president, May 2010-January 2016.
- Served on every standing board committee and various ad hoc committees.
- Served during four MTEA teacher negotiations.

County Level Activities

- Morris County School Board Association, President, 2013 – present.
- May 2006 to present. Active member.
- May 2008-April 2010 – Board of Directors.
- May 2010-May 2013 – Vice President.

NJSBA Activities

- NJSBA vice president for legislation/resolutions, 2019 – present.
- March 2014 – Master Board Member.
- March 2015 – Certificated Board Leader.
- Invited to participate in NJSBA strategic planning.
- Participated in more than a dozen NJSBA committees and training events, including serving as a new board member orientation group leader; serving, since 2008, on the County Association Leadership (CAL) committee; and making Workshop presentations on effective board governance.

Education

- Post Graduate Training: Maryland General Hospital, Baltimore, Maryland.
- Medical School: Universidad Autonoma de Guadalajara, Guadalajara, Mexico.
- Undergraduate College: Queens College of the City University of New York, New York.

Employment/Community Service

- Chair, 2018 and 2019 Boy Scouts of America Montville Good Scout Award.
- Board of Trustees Towaco Civic Association.
- Towaco Civic Association named Montville Township Chamber of Commerce 2020 Organization of the Year.
- Charter member Towaco Civic Association.
- Member, One Montville Response Team.
- Executive Board Member, Boy Scouts of America, Patriots Path Council.
- Member, Greater Montville Relay for Life.

Budget Hearings: Questions Raised about Surplus and Statewide Tests

Following the conclusion of public testimony on the proposed fiscal year 2021-2022 state budget, the budget committees of both legislative houses have moved on to taking testimony from commissioners and other heads of administrative departments. This phase started with both the state Treasurer and the Office of Legislative Services (OLS, a non-partisan arm of the legislature) providing revenue forecasts and discussing the proposed budget before the Senate Budget and Appropriations and Assembly Budget committees on April 6 and 7 respectively.

Additionally, the Senate committee had a hearing on April 6 with the treasurer and state auditor regarding federal funds already received and expended. The Acting Commissioner of the Department of Education and the Executive Director of the Schools Development Authority also discussed the proposed education budget on April 8.

Overall State Budget

OLS and the treasurer testified before both budget committees, and it appears the state will finish this fiscal year (FY2021) with a surplus of \$6.4 billion — \$3.5 billion higher than expected. This does not include additional federal aid, but is based mainly on a unique borrowing scheme adopted last year and approved by the Supreme Court to mitigate potential revenue losses due to the pandemic.

Republicans on both committees said reliance on borrowing for this budget looks unnecessary now.

For their part, Democrats sought to turn the conversation toward how to use the revenue. They said the budget surplus and the anticipated \$6 billion in federal aid would shore up the state's financial house and avoid a potential "fiscal cliff" starting in fiscal year 2023, when spending will outpace revenue collection.

According to OLS, the three big items in this budget are:

- \$6.4 billion for the state pension system (the first full payment since 1996);
- \$578 million increase in state formula education aid (returning the state to be on

course to full funding of the formula by 2025); and

- \$319 million for the Middle Class Tax Rebate Program (a new program).

In total, Governor Murphy proposes to spend \$44.8 billion for the upcoming fiscal year. To meet a June 30 deadline, the Legislature may either enact the governor's budget, make changes, or draft a spending plan of its own.

Acting Education Commissioner Addresses Questions about Standardized Tests

The discussion of the proposed NJDOE budget turned to an announcement that the federal Department of Education had approved NJDOE's request to skip administering a standardized test this year. A key legislator, Sen. Teresa Ruiz, raised questions about the announcement.

Ruiz (D-Essex), who serves on the Senate budget and appropriations committee and is also chair of the Senate Education Committee, questioned the terms federal education department's response to New Jersey's request to suspend the statewide New Jersey Student Learning Assessment (NJSLSA) this year.

The response indicates the Start Strong assessment will substitute for the usual student achievement tests administered in the spring. However, Ruiz noted that Start Strong is not a summative assessment, like the NJSLSA, and only had a 10% participation rate last year, which was the first time the test was administered.

Acting Commissioner Angelica Allen-McMillan responded that NJDOE is in a continuing dialogue with the federal DOE on how to enhance Start Strong to ensure that it serves as a proper substitute.

READ MORE: *Online School Board Notes*, No. 39.

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.



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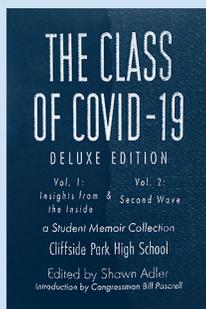
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Heartbreak and Healing: Cliffside Park Students Publish Memoir of COVID-19

In boldly personal, sometimes heartbreaking essays, the students of Cliffside Park High School in Bergen County documented their feelings during their long struggle to cope with COVID-19.

The high school students of English and psychology teacher Shawn Adler poured their feelings into *The Class of COVID-19*, their memoir about living through the pan-

demic. It's available on Amazon.com.

Christian Cruz wrote about his father.

"Let's pray," Christian wrote. "My mom looked at me with surprise in her eyes. It was the first time I had ever suggested that we pray." His addicted father had just stormed out of the house after an hour of arguing, and after too much time passed, Christian knew what had happened.

"We lost," he wrote. "After spending a week worrying about where he was going every night, my mother and I had come to the conclusion that my father relapsed. We could tell by the look of desperation and detachment in his face that the father we knew wasn't present anymore. His dilated pupils told us the whole story. There was nothing

my mom and I could do."

During the school's graduation ceremony, Adler said, Christian's father approached him and hugged him, saying that reading his son's essay had given him the courage to get sober again.

In an Education Matters video interview with the NJSBA's Ray Pinney, student Winnie Zhao said that it was easier for her to write about her feelings than to tell her mother how she felt.

"I was weak," she wrote in the book. "I didn't know how, but I got COVID-19. I felt sick, but more than that, I felt guilty, and ashamed, and alone." At first, she thought that she had infected her sister, but that's not the person in her family who got sick. It was her mother.

Winnie wrote, "...my mom started to cough and develop a high fever, too. At this point, neither of us were able to do much. ... But my mom still worried about me. She would come into my room, while she herself was in as much pain as I was, and pour me ginger tea. Even breathing was hard. Every night, I thought about how she did it."

In the interview with Pinney, Cliffside Park Principal Lawrence C. Pinto said, "I'm just very proud and really can't say anything more than thank you, guys, for doing something so great for our community."

The full story, and Pinney's video interview, can be found at www.njsba.org/COVIDMemoir.