

notes DIGEST

Registration Now Open for NJSBA's Virtual Workshop 2021

NJSBA's Virtual Workshop 2021 is taking place from Tuesday, Oct. 26 to Thursday, Oct. 28. The three-day conference, co-sponsored by NJASA and NJASBO, is the largest virtual training event for school officials in New Jersey.

Register to attend and learn from experts across multiple disciplines, and hear from compelling keynote speakers. NJSBA's Virtual Workshop will also present special events and entertainment, networking opportunities, and an interactive exhibit hall with vendors that cater to school districts.

Sessions will cover digital and distance learning, equity, cybersecurity, cost-savings, school finance, shared services, leadership best practices, school technology, social and emotional learning, sustainability, integrative STEAM (science, technology, engineering, the arts, and math), and more.

Registration Details NJSBA is offering a special group rate of \$900 for up to 25 team members, including school board members, superintendents, school business administrators, IT directors, facilities directors, principals, and other district staff. The individual member rate is \$450 per person. Registration is at bit.ly/Workshop21REG and must be handled by the business administrator.

To learn more, visit workshop.njsba.org.

Call for Virtual Workshop 2021 Program Proposals Share your expertise at Workshop 2021.

Given the extreme impact that COVID-19 has had on New Jersey school districts, please



use your proposal as an opportunity to share solutions and provide attendees with practical guidance that they could apply to create safe and thriving education communities next school year.

NJSBA is seeking engaging, creative and

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1300 Students from 50 Districts Compete in STEAM Tank Regionals

Three hundred fifty-five applications were received, and 271 teams, with more than 1,300 student competitors, qualified for this year's NJSBA Virtual STEAM Tank regional competitions.

In the midst of a pandemic, the NJSBA was delighted to see such a high level of student participation in the annual contest that challenges students to conceive, build and market products that can make the world a better place.

"The continued success of the Virtual STEAM Tank Challenge is a credit to the

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NJSBA Delegates Elect Leaders, Approve Resolutions

In a virtual meeting on May 15, NJSBA delegates elected leaders, approved two resolutions and heard a comprehensive report on goals and activities during the past year from Executive Director Dr. Lawrence S. Feinsod.

During the semi-annual Delegate Assembly, attendees elected the following slate of officers, who ran unopposed:

- **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

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Governor Says No Virtual Option for Students This Fall

Parents and students must be prepared to return to school in the fall, full-time, with no virtual option, Gov. Phil Murphy said on May 17 during a COVID-19 briefing.

Murphy's executive order that allowed for virtual schooling during the pandemic will not be renewed after this academic year, officially ending the option for online learning, the governor said Monday, according to NJ.com.

"Neatly stated, through this action, we are declaring that all students will be back in school for full-time, in-person instruction come the

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Mental Health, Summer School, Special Ed and Grade Repeat Measures Continue to Advance

Last week the Legislature returned from its customary budget break and kicked off what is expected to be a busy spring. On May 12 and May 13, the Assembly and Senate Education Committees convened and advanced school-related measures. A rundown of the committees' activity follows.

Assembly Education Committee (Wednesday, May 12)

Student Retention A-5365 permits a parent or guardian to request that a student repeat a grade during the 2021-2022 school year. The parent/guardian may make the request, which then goes to the principal. If it is determined that it is necessary for the student to repeat a grade to meet the academic and social and emotional needs of the student, the school principal or lead person of a charter school is required to grant the request of grade retention. NJSBA supports the bill, as amended, as it gives district superintendents final say over any decisions to have a student repeat a grade.

Special Education Students "Aging Out"

A-5366/S-3434 Requires boards of education to provide special education and related services to students exceeding the age of eligibility for special education and related services. Boards of education would be required to provide the education and services included in a student's individualized education program (IEP) to students attaining the age of 21 during the 2020-2021 school year, the 2021-2022 school year, and the 2022-2023 school year, provided that the parent of the student and the IEP team determine that the student requires additional or compensatory special education and related services, including transition services. Originally proposed as an unfunded mandate, the Legislature agreed to fully fund the bill. NJSBA thanks the sponsors for fully funding the bill.

Special Education Unit A-5701 This bill creates a special education unit within the Office of Administrative Law and requires an annual report. The bill would establish a unit within the Office of Administrative Law (OAL) dedicated to special education cases. The special education unit would consist of administrative law judges having expertise in special education law. The number of administrative law judges in the unit would be proportional to the number and complexity of special education cases referred to the OAL. Under the bill, all contested cases concerning special education law referred to the OAL would be assigned to and adjudicated by the administrative law judges in the special education unit. NJSBA supports the bill.

Concussion Protocols Under S-225/A-679, student athletes who have sustained a concussion would be prohibited from returning to competition until they have returned to regular school activities and are symptom-free. The return of the student

athlete or cheerleader would be in accordance with the Center for Disease Control and Prevention's (CDC) graduated, six-step "Return to Play Progression" recommendations, which address time frames for participating in light aerobic activity; moderate activity; heavy, non-contact activity; practice and full contact; and competition. School districts policies will also need to be updated anytime the CDC updates the Return to Play Progression. NJSBA supported the bill.

Asian Heritage A-3369 establishes a Commission on Asian Heritage in the New Jersey Department of Education. The purpose of the commission is to survey, design, encourage, and promote the implementation of Asian cultural and educational programs in the state. Under the bill, the commission will provide assistance and advice to public and nonpublic schools about the implementation of cultural and educational programs concerning people of Asian descent. NJSBA supports the bill.

Board Member Ethics A-4693 prohibits school officials from using district resources to influence any partisan or nonpartisan election. In its testimony, the NJSBA pointed out that this bill was unnecessary as the behavior that the bill prohibits is already covered by *N.J.S.A. 18A:12-24(b)* which reads, "No school official shall use or attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others." NJSBA opposes the bill.

Senate Education Committee (Thursday, May 13)

Robotics A-2455/S-2240 establishes a pilot program in the New Jersey Department of Education (NJDOE) to support FIRST Robotics Programs in school districts. The New Jersey Commissioner of Education shall establish a three-year pilot program that provides grant funding to encourage and support school districts to establish "For Inspiration and Recognition of Science and Technology" (FIRST) nonprofit organization's robotics programs. NJSBA supports the bill.

Mental Health Partnership A-4433/S-2715 creates a grant program to encourage school districts to partner with institutions of higher education to train school-based mental health services providers, expand the pipeline of high-quality, trained providers, and address the shortages of mental health professionals in schools. NJSBA supports the bill.

Alleviating Learning Loss A-5147/S-3479 establishes the Alleviating Learning Loss in New Jersey Grant Program in NJDOE to assist public schools to establish or expand educational programs that address learning loss in students. The purpose of the grant program is to provide funds to school districts, charter schools, and renaissance schools for the creation or expansion of

summer learning programs and other student support programs during the summer of 2021 and the 2021-2022 school year. The programs are to address student learning loss resulting from the COVID-related school closures or the use of virtual or remote instruction. NJSBA supports this measure.

Suicide Prevention Training S-1025 requires additional school district personnel to complete a training program on suicide prevention. Under current law, public school teaching staff members receive instruction in suicide prevention as part of their professional development requirements. This bill provides that a school district employee who is not subject to the current professional development requirement, and an employee of a contracted service provider who has regular contact with students as determined by the board of education, be required to complete a one-time training program in suicide prevention, awareness, and response developed by the NJDOE. NJSBA supports the measure.

Remote Instruction Training S-3469 requires teacher certification candidates to have completed a course on virtual or remote education. The course will include revising curriculum for an online platform; the most effective tools available for content delivery; creating opportunities for student engagement and discussion; building and sustaining community and connection with, and among, students; and delivering assessments online and monitoring academic progress. NJDOE would approve the course content. NJSBA supports this bill.

Required Summer School S-3531 requires all school districts to develop and implement a summer school program for the summers of 2021 and 2022. NJDOE would develop and disseminate guidelines governing summer school programs. Parents/guardians wishing to enroll their children in the program would need to submit a written request within 45 days of the start of the summer program. School districts unable or unwilling to provide a summer program can contract with other districts to provide such services or request a waiver from NJDOE.

NJSBA opposes the bill on two principles. First, the bill would usurp and undermine a local board of education's discretion to determine what and to whom the district should provide summer services. Second, the timing of enacting such a requirement so close to the summer would leave districts little to no time to comply. A copy of NJSBA's testimony on the bill can be found at www.njsba.org/NJSBATESTIMONY/S3531.

Hiring Retired Teachers S-3685 permits a retired school teacher to return to employment during the current public health emergency for up to two years without re-enrollment in the pension system. NJSBA supports the measure.

Board Members Urged to Attend NSBA Advocacy Institute

The opportunity to speak with New Jersey's federal legislators is one of the highlights of the National School Boards Association's (NSBA) Advocacy Institute each year.

In the past, New Jersey's representatives in the U.S. House and Senate, and their staff members, have met with local board of edu-

“One of the most important jobs of school board members is to advocate on behalf of the students of their district.”

Dr. Lawrence S. Feinsod

cation members from New Jersey during the Advocacy Institute's “Day on the Hill.”

This year, board members will have the same opportunity to advocate for their schools before lawmakers — in a virtual environment.

NSBA's Advocacy Institute will be held virtually June 8-10, and the meetings with New Jersey's congressional delegate will take place on Thursday, June 10.

“One of the most important jobs of school board members is to advocate on behalf of the students of their district,” said Dr. Lawrence S. Feinsod, NJSBA executive director. “NSBA's Advocacy Institute offers board members information on vital educational issues, strategies for advocacy and the opportunity to make their voices heard to New Jersey's federal representatives.”

The conference will feature sessions on the latest developments in education policy and legislation including pandemic-related funding and policies, waivers, testing, and the Individuals with Disabilities Education Act (IDEA). There will also be a program that discusses the results of a new national education poll.

Registration information is available at www.njsba.org/InstituteRegister.



Left to right in photo: Dr. Lawrence S. Feinsod, NJSBA executive director; Karen Cortellino, vice president for legislation/resolutions; Irene LeFebvre, president; Tammeisba Smith, vice president for finance; Bruce Young, vice president for county activities; and Mike McClure, immediate past president

NJSBA Delegate Assembly

continued

Education, Warren County.

- **Vice President for Legislation/Resolutions: Karen Cortellino**, Montville Township Board of Education, Morris County.

“One of the great strengths of this Association has always been the quality of our leadership,” Feinsod said, “and this slate of officers is no exception. Irene, Karen, Tammy and Bruce are incredibly dedicated to the young people of our state and to our public schools. They are exceptional human beings.”

Feinsod also praised the service of outgoing president Mike McClure of Maple Shade, Burlington County, who will now become the NJSBA's Immediate Past President.

“It has been a pleasure to work alongside Mike,” Feinsod said, “and I have appreciated his amazing commitment, his insights and his wise counsel. Mike has a firm belief in the need for a strong system of public education, and a burning desire to promote the achievement of all students.”

Two resolutions were also approved. The first resolution concerned efforts to create an inclusive environment for all students. It read as follows:

“The NJSBA believes that local school boards and districts should make all necessary and appropriate efforts to raise awareness, employ best practices, and create an inclusive, safe and positive school climate for all students, including, but not limited to, those that are actual or perceived as being lesbian, gay, bisexual, transgender, questioning, or other sexual orientation, gender identity

or expression.”

The second approved resolution was proposed by the NJSBA Special Education Committee. This new policy language was approved:

The NJSBA believes that trained non-lawyer parent advocates provide a valuable service to parents and students. Mandatory training of non-lawyer parent advocates is essential to protect the interests of parents, students and districts. Training for parent advocates should result in an understanding of the appropriate role of a parent advocate as well as the requirements of federal and state special education laws and regulations; IEP development, and conflict resolution. Training should be ongoing. The state should provide funding for such training.

No Dues Increase During the meeting, Feinsod told delegates that the NJSBA would have no dues increase for the 12th consecutive year while maintaining effective training programs, legislative advocacy, consultation with field service representatives, and communications products such as *School Board Notes*, *School Leader* and special reports.

READ MORE: [Online School Board Notes, Number 44](#).

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.

NJSBA Online University Expands to Benefit K-12 Educational Community

A presentation on the highly-anticipated next phase of the growing NJSBA Online University was conducted at the May 7 meeting of the NJSBA Board of Directors. NJSBA will now offer engaging and interactive e-learning courses to all district stakeholders in the new service, branded as the “School District Professional Development Hub.”

Beginning in early June, in addition to serving school board members with enhanced e-learning methods, the online university also will provide comprehensive professional development courses for classroom teachers, district leadership and support staff. The highly interactive courses use scenario-based approaches to learner engagement and improved performance outcomes, including integrating social learning communities so educators can more effectively engage with colleagues.

“NJSBA is committed to helping educators with diverse offerings to meet the shifting educational demands of today,” said Dr. Lawrence S. Feinsod, executive director of the New Jersey School Boards Association. “Our focus is to increase our membership services with fresh professional development instruction opportunities for boards and district employees. School boards will gain expediency and savings through the NJSBA Online University by not having to solicit bids for employee training, since this is an already-vetted, cooperative program.”

For this endeavor, NJSBA is partnering with SHI, a Somerset, N.J.-based company that serves districts and businesses with integrated IT services, and Eduscape of Montvale, N.J., a nationally recognized leader in K-12 professional development and innovation.

The partnership will deliver a subscription-based, remote learning hub of more than 100 courses across 30-plus learning paths that support today’s most relevant topics, including learning loss recovery, social-emotional learning, creative instruction, and STEM (science, technology, engineering and math) education. Individual subscriptions start at \$395 annually.

“We are thrilled to be growing our professional development offerings to members and very soon, to their broader school communities,” said Mike McClure, president of the NJSBA. “We believe that we will be providing high-caliber, customized programs that will

help everyone in the New Jersey education sector, from support staff to teachers and superintendents.”

Most of the online assessment-driven courses, which allow participants to determine their optimal learning path, are two hours each and can be accessed 24/7 with online help. In addition, NJSBA’s Online University will offer training on the platform through partners, including the Rutgers University Division of Continuing Studies and the International Society for Technology in Education (ISTE), which will offer the ISTE Certified Educator Program. More partners will be announced in the coming months.

More Advantages A bonus for school districts taking part in any of NJSBA’s Online University programs is that officials do not have to search outside of the state for the latest K-12 professional development. They can also bypass the often lengthy formal bidding process by participating in this training platform which is part of NJSBA’s state-approved cooperative pricing system, resulting in shared savings.

Even more, school districts may be able to access funding for these courses under the recently-approved federal American Rescue Plan Act of 2021.

Some of the NJSBA Online University School District Professional Development Hub’s courses include the Foundations of Virtual Instruction, Accelerated Learning Recovery for Teachers, Accessibility for All, Google for Tech-Enhanced Classrooms, Diversity and Equity in the Classroom, Principles of English Language Learning, and Social and Emotional Strategies.

Micro-credentialing, also referred to as nanodegrees, or mini-qualifications that certify workplace experience, skills and subject area proficiency, also will be offered from accredited universities as part of this new stage.

The Association’s intent with the online university has been to deepen interactive and engaging scenario-based courses and provide a life-long learning portal for everyone who works in K-12 public education in New Jersey.

Developed by educators, NJSBA’s Online University will present modern curricula that will allow participants to annotate and retrieve

notes from their coursework and proceed at their own speed. Board members, school administrators and teachers will also be able to access a digital portfolio to track credentials. In addition, the courses can be taken on any device via the internet, including a smartphone, tablet, or computer.

For further information about the NJSBA Online University, please email njsbatec@njsba.org.

NJSBA Virtual Workshop 2021 continued

thoughtful submissions presented through a teaching approach. Proposals should reflect best practices in education today.

The deadline for receiving completed forms is August 1. All program submissions will receive equal consideration. NJSBA will notify those submitting proposals with its decision via email by mid-August.

Submit a program proposal at bit.ly/WSPPF21.

Showcase Your School’s Visual and Performing Arts Does your school have talented singers? Can your high school marching band rev up even a socially-distanced crowd? Is your students’ digital media cutting edge?

Give their performances and visual artwork a statewide platform at this year’s NJSBA Annual Workshop 2021. NJSBA and Arts Ed NJ are looking for students to sing, dance, play music, perform theater or deliver poetry to engage and energize the audience.

Performances may be featured before keynote speakers; during the Arts in Education Showcase, which is produced in partnership with the N.J. Governor’s Awards in Arts Education and Arts Ed NJ; or at future virtual county school boards association meetings.

Please submit your school’s virtual or in-person performances that were recorded safely during the 2020 - 2021 school year in either art, music, theater, dance, digital media or other visual arts.

Submit a performance online at bit.ly/WSSSP21.

The submission deadline is Friday, June 25.

New Law Signed on COVID Supply Purchase; NJSBA Offers Money-Saving Program

The New Jersey School Boards Association (NJSBA) applauded Gov. Murphy for signing into law legislation that will help school districts purchase, at an affordable price, the COVID-19 supplies they need to restart and maintain in-person instruction.

The new law, which was signed on May 5, directs the state to enter into contracts and coordinate with cooperative purchasing systems to help public schools find what they need to safely reopen the state's schools.

"This legislation will provide school districts with both cost savings and the ability to more easily procure COVID-19 goods and services," said Dr. Lawrence S. Feinsod, executive director of the NJSBA. "It will aid school districts in their efforts to get students, teachers, and staff back to in-person learning with the necessary health safeguards. We are grateful to the governor, the Legislature and the bill's chief sponsors, Senate Education Committee chair M. Teresa Ruiz and Assembly Education Committee chair Pamela Lampitt for taking this action."

The NJSBA actively supported the bill, which was part of the Association's "Pandemic Advocacy Agenda" outlined in its August 2020 report, *Choosing the Best Road Back for Our Children*.

By participating in cooperative purchasing plans, school districts gain the benefits that result from a cooperative's joint purchasing power. A cooperative also lessens the administrative burden on boards of education by relieving them of the need to advertise or solicit bids for the types of COVID-19 related products and services recommended by the federal Centers for Disease Control and Prevention (CDC).

NJSBA's Cooperative Pricing System NJSBA member districts can gain this collective procurement capability by becoming members of the Association's Cooperative Pricing System (CPS). The CPS, which includes the Alliance for Competitive Energy Services (ACES) and the NJSBA Technology for Education and Careers (TEC) program, has been expanded to include COVID-19 goods and services.

As part of the CPS, NJSBA can help districts acquire medical products, technology security services, support for educators delivering hybrid instruction, and other programs to meet both immediate needs and those expected for fall 2021. Personal protective equipment (PPE) such as face shields, masks and gloves, hand sanitizer, non-contact digital infrared thermometers, sterilization tools, and plexiglass guards are among the items available through the CPS.

No Virtual Options

continued

start of the 2021-2022 school year," Murphy said during his COVID-19 media briefing in Trenton.

But Murphy insisted that all in New Jersey continue to wear masks when inside, even if they are fully vaccinated. While that conflicts with the latest recommendation from the federal Centers for Disease Control and Prevention, Murphy said it is necessary to protect unvaccinated individuals from potential infection and to spare retail employees from mask-enforcement duties, according to a May 18 article in NJSpotlight.com.

New Jersey is the only state in the Northeast to continue to require people to wear masks indoors.

"While we have made tremendous progress, we aren't out of the woods yet," Murphy said at his May 17 pandemic news conference. "The majority of New Jerseyans are still unvaccinated and we're not checking anyone's

"...we aren't out of the woods yet."

Governor Murphy

vaccine status at the door when you go to the supermarket or the hardware store.

"I don't know how we can expect workers to be able to tell who is vaccinated from who isn't," he continued. "And it is unfair to put the burden on business owners and frontline employees to police every patron," NJSpotlight reported.

Last year, in the midst of the public health crisis and before vaccines were available, Murphy insisted that school districts prepare to teach students in-person. Late in the summer, the governor changed course, requiring schools to offer a virtual option for instruction.

As pandemic conditions continue to evolve, the NJSBA will provide updates and information in the online editions of *School Board Notes*. 🍎

4 Million Adolescents Receive Vaccines in First Week

The race is on to vaccinate the nation's nearly 17 million 12- to 15-year-olds, after the Food and Drug Administration authorized the Pfizer-BioNTech vaccine for their age group, the *New York Times* reported on May 11.

The United States administered COVID-19 vaccinations to around 600,000 children ages 12 to 15 between May 12 and May 18 after regulators cleared Pfizer Inc's and BioNTech's shots for use in that age group, U.S. Centers for Disease Control and Prevention Director Rochelle Walensky said in a media call.

In total, more than 4 million people under 17 have been vaccinated in the United States so far, she added.

Top U.S. infectious disease specialist Anthony Fauci said he expects that by the end of 2021 the United States will have enough safety data to vaccinate children of any age, according to a May 18 story published by the Reuters news service.

U.S. regulators have authorized Pfizer's COVID-19 vaccine for use in children as young as 12. Most states began issuing shots to children on May 12, but some, including Georgia, started sooner.

Pfizer's shot is the first to be cleared in the United States for children 12 to 15. Vaccinating younger ages is considered important for getting children back into schools safely.

U.S. President Joe Biden has asked states to make the vaccine available to younger adolescents immediately.

The vaccine has been available under an emergency use authorization to people as young as 16 in the United States since December.

Mild Symptoms Most children with COVID-19 develop only mild symptoms or no symptoms. Yet children remain at risk of becoming seriously ill, and they can spread the virus, according to the Reuters report.

Widely vaccinating 12- to 18-year olds could allow U.S. schools and summer camps to relax masking and social distancing measures suggested by the CDC. 🍎

Teacher Removed on Tenure Charges Also Loses Teaching Certificates

On April 1, 2021, the New Jersey Board of Examiners revoked the teaching certificates of a teacher five years after she had been terminated as a tenured computer instructor for inefficiency and conduct unbecoming pursuant to the TEACH NJ statutes.

In a lengthy procedural history beginning with the certification of tenure charges against the computer teacher on April 23, 2015 and decided on June 27, 2016, the TEACH NJ arbitrator sustained 22 of the 23 charges against the teacher (one was withdrawn by the district).

The arbitrator found that in the 2014-2015 school year, the teacher repeatedly failed to acknowledge and cooperate with the administration with regard to submitting reports and meeting deadlines, failed to acknowledge feedback in observations, falsified student records by giving students A+ grades who either did not take or did not complete the final exam, left students unattended and failed to report to team teaching assignments — among other charges.

The matter was thereafter referred to the Board of Examiners as is required in tenure removal matters. The Board of Examiners reviewed the arbitration decision on March 1, 2018 and issued an order to show cause as to why the conduct found should not result in the revocation of her Teacher of Electronic Technology Certificate of Eligibility and her Teacher of Electronic Technology Standard Certificate.

After receiving the responsive papers, the board found that there may be material facts in dispute, limited to the subject of the penalty. The matter was transmitted to the Office of Administrative Law for a hearing limited only to penalty.

The administrative law judge issued a decision on April 20, 2020 finding that the teacher's conduct "was not just unbecoming, but 'outrageously inappropriate.'" The judge also held that the teacher demonstrated no remorse or explanation for her actions and sought only to blame others including district personnel, and her own husband. As such, the judge ordered the revocation of the teacher's two teaching certificates.

The Board of Examiners would have normally decided whether to accept, modify or reject the judge's decision. However, prior to the May 20, 2020 meeting, the teacher requested to appear in-person at the board's meeting.

While not required to do so, the board permitted this request and attempted to have the teacher appear at the board's next virtual meeting. The teacher did not want to appear

virtually and sought to appear at the meeting in-person. Because an in-person appearance was not permitted due to the pandemic, the matter was extended until April 1, 2021 at which point no more extensions of time could be granted and the teacher made a statement at the virtual meeting.

The board thereafter adopted the administrative law judge's initial decision in full and revoked the teacher's certificates effective immediately. More information on this matter can be found at www.njsba.org/Teaching-Certificates.

Boards of education are reminded of the importance of carefully drafted tenure charges and documentation, as these records may be relied upon, not just for tenure purposes, but by other agencies, such as the Board of Examiners, at a later time.

Appellate Division Overrules Education Commissioner in Tenure Case

In a surprising ruling, the Appellate Division, the state's second highest court, determined that a terminated administrative assistant was actually tenured as a secretary under 18A:17-2, reversing the New Jersey Commissioner of Education's ruling that the administrative assistant had not accrued tenure in that position. The Appellate Division remanded the matter to the commissioner, and the district will provide the administrative assistant a tenure dismissal hearing.

In this matter, the administrative assistant was initially hired as a secretary in the business department of the school district in January 2010. At the time, her duties were clerical in nature — answering phone calls and typing documents.

During the 2011-12 school year, she was transferred to the position of administrative assistant to the assistant superintendent, where she stayed for the balance of that school year and the next two school years, accruing tenure in the district, according to her 2013-14 employment contract. In July of 2015, the assistant superintendent the employee worked for was appointed superintendent of schools, and the employee followed along with a substantially increased salary.

As assistant to the superintendent, in addition to previous secretarial duties, the employee's new duties included drafting agendas for board meetings and coordinating professional development for staff members district-wide. She was responsible for the Read Across America program in the district, renewed contracts for the early childhood program(s), and arranged accommodations for out-of-district seminars. However, on June 5,

2018, the employee was relieved of her duties for conduct unbecoming and given a certain amount of pay in lieu of notice. She contested her termination by filing a petition of appeal with the New Jersey Commissioner of Education, arguing that as a tenured employee, she was entitled to a tenure dismissal hearing.

At the initial hearing in the Office of Administrative Law, the administrative law judge determined that she did not serve sufficient time as a secretary in the business office to attain tenure. The judge further said that the employee could not add her time as secretary in the business office to her time as a confidential employee in the superintendent's office.

Nor, according to the judge, did the employee accrue tenure in the superintendent's office because she lacked sufficient time in that position. Moreover, the judge relied on commissioner's precedent to distinguish the secretarial position from the confidential position to defeat tenure accruing for the employee. The commissioner adopted the initial decision as a final decision in the matter and the employee appealed to the Appellate Division.

In that appeal, the Appellate Division relied on the fact that while no specific job description existed for any of the positions the employee held while employed by the district, testimony revealed that the duties of each position were essentially the same, with the exception of a few additional duties added to the confidential position.

After noting that the district job descriptions, and other district documentation, did not differentiate the positions, the court relied on prior judicial precedent, which in similar circumstances held:

"We...take the view that where an employee holding a position covered by tenure is promoted to a position which encompasses his former duties and additionally requires the performance of services which are not covered by tenure, and he thereafter continues to render services in both capacities, his right in his tenure position continues until terminated in accordance with the statute." [*Quinlan v. Bd. of Educ. of Twp. of N. Bergen*, 73 N.J. Super. 40, 51-52 (1962).]

The court concluded, "If a secretary moves to a position that still requires secretarial duties, but adds additional duties in a position that is not specifically culled from the tenure statute's 'secretarial position,' we see no reason why the employee should not retain tenure-track status."

More information about this matter can be found at www.njsba.org/TenureCase.

Questions regarding either of these legal matters should be discussed with the board attorney or with NJSBA's Legal, Labor Relations and Policy Department at (609) 278-5254.

STEAM Tank Regionals

continued

determination and imagination of students and educators across New Jersey,” said NJSBA Executive Director Dr. Lawrence S. Feinsod. “This unique program brings students together online to invent and build a marketable product as part of an exciting, creative, real-world learning experience.”

Many school districts had to work through problems to conduct classes virtually this year, and the STEAM Tank Challenge was no different. Just like STEAM Tank student teams solve problems, the NJSBA and U.S. Army STEAM Team had to do the same, and thus the virtual STEAM Tank Design Challenge was created. After much time, effort and coordination, the season started during the week of April 12.

This year, as in years past, student teams showed their innovation, creativity and ability to find solutions. For example, a student team from the Gloucester Institute of Technology presented a three-position water-conserving faucet. The team built a full-scale working prototype for the judges. The innovation to an existing bathroom or kitchen sink would reduce water consumption.

The Portal for Possibility STEAM Tank is the inspirational and innovative portal for possibility. It is truly amazing what happens when students put on their creative and design thinking caps. Student regional presentations addressed COVID-19 personal protective equipment, safety devices to prevent fires in homes, and portable desks to help people quarantining at home. Other projects addressed air pollution and climate change.

In addition to engaging talented students, STEAM Tank relies on an expert judging panel. STEAM Tank judges ask questions and provide valuable feedback to the teams to improve their designs. They are volunteers from the public and private sector, business and industry leaders, school-based organizations, and the U.S. Army.

The judges play a critical role in the regionals and finals, and they are dedicated to student achievement. Parents, school staff and other district members are encouraged to attend the student presentations to support their teams.

Students learn by pitching their ideas to a virtual audience and receive crucial feedback.

Innovative Special Education Programs Honored

In partnership with ASAH, the New Jersey School Boards Association was proud to celebrate Special Education Week in New Jersey while recognizing four imaginative programs that are helping some of the state’s 250,000 special needs students.

Detailed descriptions of the award-winning programs are available in the May 4 edition of online *School Board Notes*.

As part of its celebration of Special Education Week, the NJSBA and ASAH, since 2002, have sponsored an “Innovations in Special Education” program. This year, public and private schools from across New Jersey submitted 41 eligible entries.

The programs were part of a Facebook Live broadcast on May 11. The broadcast included comments from state Senate President Steve Sweeney; Assembly Speaker Craig Coughlin; Acting Commissioner of Education Dr. Angelica Allen-McMillan; and State Board of Education President Kathy Goldenberg.

NJSBA Executive Director Dr. Lawrence S. Feinsod, who spoke during the broadcast, said he was pleased to take part in the 36th annual Special Education Week, celebrated from May 9 through May 15.

This teaches students a valuable lesson about preparedness and how to field questions. Developing communication skills is a part of the challenge, and pitching concepts with clarity is critical. By design, STEAM Tank Challenge is open-ended so student teams will have the opportunity to reimagine and redesign products to ensure communities are sustainable, healthy, equitable and safe for everyone.

\$15,000 in Prize Money from PSEG The NJSBA would like to acknowledge and is grateful to the PSEG Foundation for providing \$15,000 in prize money for this year’s students.

To join the growing STEAM Tank community, or to start a STEAM Tank program in your school or district, please email the STEAM Team at steamtank@njsba.org and please follow us on Facebook at www.facebook.com/njsbasteamtank.

READ MORE: Online *School Board Notes*, Number 41. 🍎

“In my 40-plus years as an educator, I have always kept children who face learning challenges close to my heart,” Feinsod said. “As a former special education teacher, I know that, with the proper support, every student can achieve his or her potential. We need to ensure that all students have access to the most appropriate, high-quality special education services — whether they are provided in-district or in a separate setting.”

During the broadcast, NJSBA President Mike McClure and William Weiss, president of ASAH, recognized the following programs:

The 2021 Innovations in Special Education Award Honorees

Bergenfield School District, Bergenfield Public School: *College and Careers for All*

Contact: Dr. Christopher Tully, Superintendent, Bergenfield School District at ctully@bergenfield.org.

Morris-Union Jointure Commission, Developmental Learning Center-New Providence: *Salt Brook Buddies*

Contact: Denise Smallcomb, assistant superintendent, Morris-Union Jointure Commission, Developmental Learning Center-New Providence, at dsmallcomb@mujc.org

Vineland School District, Vineland High School: *Beautifying Batsto: A Community Partnership*

Contact: Therese Godlewski, director of special services, Vineland School District at tgodlewski@vineland.org.

Westwood Regional School District, Westwood Junior & Senior High Schools: *T.E.A.M. Therapeutic Day School (Targeting Emotional Aptitude Mindfully)*

Contact: Ray Renshaw, director of special services, Westwood Regional School District at ray.renshaw@wwrsd.org

Two other districts received honorable mention for their program:

East Hanover Township Board of Education: *iCan IEP*

Contact: Alexis Piombino, director of special services, East Hanover Township Board of Education at apiombino@easthanoverschools.org.

High Bridge School District, High Bridge Middle School: *Unified Club*

Contact: Gregory Hobough, High Bridge School District at hobough@hbschools.org. 🍎



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BRIEFLY NOTED

High in the Pecking Order: Two NJ Schools Win National Awards

The U.S. Department of Education last month awarded two New Jersey schools with the prestigious federal Green Ribbon award for promoting and achieving smart environmental, health and wellness programs.

Ocean County's Switlik Elementary School in Jackson, and Camden County's Winslow Township Middle School in Atco, are among the 27 schools, districts or institutions of higher education in the U.S. that earned the national recognition this year.

Pursuing eco-friendly methods not only makes schools healthier, but the winning schools have found that it also promotes a culture of responsibility and accountability.

Principals in each of the schools attributed their success to the ingenuity and collaboration of their teachers, staff, students and the backing of their school boards, superintendents and parents in realizing their visions for healthier and more environmentally sound schools.

The winners are scheduled to be invited to a fall celebration ceremony in Washington, D.C. National school officials encourage other Garden State schools to learn about the contest-winning entries and adopt environmentally friendly mechanisms and sustainability lessons for their own use.

For a comprehensive story, featuring interviews with the winners and details about their programs, go to www.njsba.org/GreenRibbonWinners.



Starting in Kindergarten at the Switlik Elementary School in Jackson, Ocean County, students learn about the life cycle of a chicken by observing a classroom incubation chamber. Students get to hold the chicks once they've hatched.