

notes digest

Murphy Signs Laura Wooten's Law, Strengthening Civics Instruction



On July 23, Governor Murphy signed "Laura Wooten's Law," which directs the N.J. Department of Education (NJDOE) to require at least one course specifically in civics or United States government as part of the

social studies credits needed for middle school graduation.

Beginning in the 2022-2023 school year, each board of education will be required to provide a course about the values and principles underlying the American system of constitutional democracy, the function and limitations of government, and the role of a citizen in a democratic society.

The course will be taken by all students in an appropriate middle school grade. The bill also directs the New Jersey Center for Civic Education at Rutgers University to prepare curriculum guidelines and provide professional development for high school social studies teachers to fulfill the requirement of integrating civics, economics, and the history of New Jersey into the United States history course.

"By deepening civics instruction in middle school and high school, we are giving students the tools they need to be more engaged and informed citizens," said Gov. Murphy. "An understanding of civics strengthens our democracy by ensuring an understanding of the role that everyone plays in the future of

their community, our state, and our nation. I am proud to sign this bill into law and honor Laura Wooten's incredible civic legacy."

The legislation is known as "Laura Wooten's Law" in honor of the longest continuously serving poll worker in American history. Wooten worked during elections, helping people cast their ballots, for 79 years before she died in 2019, according to the governor's office.

"Government leaders have been sounding the alarm about the civics crisis in this country for years, and I am grateful we are finally taking action," said bill sponsor Sen. Shirley Turner,

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Nominate the Next New Jersey School Board Member of the Year

Nominations are now being accepted for the NJSBA's 2021-2022 Board Member of the Year Award.

Each year, New Jersey's local board of education members make significant contributions to the public schools of their communities. NJSBA is currently seeking nominees for its 17th Annual Board Member of the Year Award, which recognizes a local school board member whose work exemplifies commitment not only to the children of his or her community, but also to public education throughout the state of New Jersey.

You are encouraged to nominate a board

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NJSBA 'Workshop Wind Down' at Workshop 2021

The New Jersey School Boards Association is excited to announce "Workshop Wind Down." These select Workshop 2021 evening sessions will give members more flexibility and convenience for participation and training.

Inspired by our popular County Café chats, NJSBA will deliver four regional county school boards association programs to expand the virtual offerings on Tuesday, Oct. 26, and Wednesday, Oct. 27.

"Workshop is not only about learning and training. It's about establishing a rapport with your colleagues while discussing common issues in a more relaxed setting," said NJSBA Executive Director Dr. Lawrence S. Feinsod. "I hope you will take advantage of this opportunity to establish a sense of camaraderie with your fellow board members."

Workshop Wind Down will offer smaller meet and greets and hot topic sessions produced by NJSBA staff and industry experts. These clinic-style online gatherings are intended to serve as discussion roundtables, where members can drop in to get their pressing questions answered.

NJSBA's Workshop, taking place Tuesday, Oct. 26 through Thursday, Oct. 28, is the largest training event for school officials in New Jersey and presents the latest information and advances in education and leadership. Visit <https://workshop.njsba.org/> to register or to get more information.

We look forward to seeing you there!

Murphy Signs Bill Permitting Parents to Ask That Their Child Repeat a Grade; Chapter 44 Measure, Affecting Health Benefits, Also Signed

Since June 30, Gov. Murphy has signed into law a number of bills affecting local school districts. A summary of each one follows below.

Grade Repetition A-5365/S-3872 (*P.L.* 2021, c. 141) This bill, signed into law on June 30, permits parents or guardians to ask that their child be allowed to repeat a grade during the 2021-2022 school year. The new law affects students in kindergarten through the eighth grade. Parents can submit a written request to the principal, asking to have their child held back.

The request must be evaluated by the school counselor, IEP team or child study team, and the student's teachers to determine whether holding the child back a year will meet the academic and social-emotional needs of the student.

The parent who submits a written request for grade repetition would consult with school personnel to review and evaluate whether grade retention is necessary. The results of this consultation would be submitted to the principal of the school. The parent may request a separate conference with the school principal to discuss the results of the consultation.

If, after consultation, it is determined that grade retention is necessary, the school principal is required to grant the request of grade repetition. If there is not a consensus as to whether grade retention is necessary, the superintendent of the school district would review the results of the consultation and make a final determination to grant or deny the written request.

The bill also permits a school district superintendent or a lead person of a charter school or renaissance school project to accept a written request of grade retention after June 30, 2021. A superintendent or lead person who chooses to accept a written request of grade retention after June 30, 2021 may grant the request in accordance with the same procedures required for written requests submitted prior to June 30. NJSBA supported this bill, as it gives district superintendents final say over any decisions to have a student repeat a grade.

Chapter 44 Amendments A-5825/S-3487 (*P.L.* 2021, c. 163) would make a series of adjustments to the 2020 law commonly known as "Chapter 44" that made significant changes to school employees' health benefits coverage and payment obligations.

The bill, which went into effect immediately upon the governor's signature, includes the following provisions:

- Requires boards of education and their unions to engage in negotiations to "substantially mitigate" any financial losses resulting from the implementation of Chapter 44. Under the bill, substantial mitigation may include changes to plan level offerings or contributions for the N.J. Educators Health Plan (NJEHP), or to both plan level offerings and contributions, which is not currently permissible under Chapter 44.

- Directs any school district with an increase in net cost as a result of Chapter 44 to commence negotiations immediately unless both the board and union agree to substantially mitigate the financial impact to the employer as part of the next collective negotiations agreement. The bill explicitly provides that such negotiations may include salary increases, step guides, or other terms and conditions of employment.
- Changes the effective date of the new Garden State Health Plan (GSHP), as established by Chapter 44, from July 1, 2021 to Jan. 1, 2022.
- Permits charter school and renaissance school employers to not implement Chapter 44 unless they have a collective negotiation agreement with any of their employees in place on or after the law's effective date.
- Clarifies that the provisions concerning mandatory enrollment in the NJEHP do not apply to any employee who was hired before the effective date of Chapter 44 but did not enroll or was not eligible to enroll at that time.
- Provides that for any period of time during which the school district, as an employer, does not have to pay a premium for a health benefits plan, an employee enrolled in such plan will not be required to make a contribution toward that premium unless a collective bargaining agreement dictates otherwise.

Regarding the bill's provision that will require boards and unions to engage in negotiations to mitigate the impact of any financial losses incurred by the district, the NJSBA views this as a positive, though small, step in the right direction. Most significantly, it makes it clear that boards and their unions will be able to collectively bargain changes to the design of their health care plans (including the NJEHP), employee contribution levels, or both. As it currently stands, Chapter 44 leaves no room for negotiations over the issues and does not return them to the bargaining table until 2028. While negotiating changes to health benefits is rarely a simple task, the amendments to Chapter 44 compel labor and management to come to the bargaining table to explore ways to mitigate any losses and allows them to consider all terms and conditions of employment when doing so.

However, while a slight improvement compared to the original law, the NJSBA argued that the bill does not go far enough toward alleviating the pain some districts have experienced since Chapter 44 went into effect. As the bill made its way through the legislative process, the NJSBA urged the Legislature to use A-5825/S-3487 as a vehicle to reverse the unintended consequences of Chapter 44. In the short-term, the NJSBA argued that the Legislature should appropriate funding to

offset the financial losses districts have already realized post-Chapter 44 and ensure each district is at least held harmless. Unfortunately, that recommendation was not included in the bill.

Securing Our Children's Future Grants

The following measures appropriate funding for various capital projects authorized under the "Securing Our Children's Future Bond Act." That act, which received voter approval during the November 2018 general election, authorized the state to borrow up to \$500 million to fund school district and county college capital projects. These measures will provide resources to school districts for school security projects, water infrastructure improvement and career and technical education expansion projects. Each bill specifies the dollar amount that each district that applied for the grants will receive. These measures appropriate funding for the first round of grants, which total over \$317 million when combined with other grants supporting improvements at the state's county colleges. Details and applications for the second round of grants will be announced at a later date.

- **A-5886/S-3959** (*P.L.* 2021, c. 145) awards project grants for school security projects. The grants will, in part, be used to offset the cost of alarms and silent security systems. These grants will also be used to fund other infrastructure improvements prescribed in state law after districts certify compliance with "Alyssa's Law," which requires all public schools to be equipped with a panic alarm for use in a school security emergency. Other school security upgrades include exterior lighting improvements, surveillance cameras, intercoms, remote locking/unlocking doors, shatter-resistant glass, signage improvements, generator installation, and impact-rated vehicle barriers.
- **A-5887/S-3960** (*P.L.* 2021, c. 146) will provide grants for the construction, reconstruction, repair, rehabilitation, or replacement of water supply infrastructure in K-12 schools. Eligible projects include improvements to drinking water outlets with a detectable level of lead or other contaminants, and whole system remediation.
- **A-5889/S-3962** (*P.L.* 2021, c. 148) provides project grants for career and technical education (CTE) expansion in county vocational school districts and allocates funds for construction projects that support CTE program expansion. These projects will fund renovation and new construction to increase student capacity in select county vocational CTE programs, including related demolition, site improvements and physical plant upgrades, and furniture and equipment in renovated, reassigned, or new spaces related to county vocational CTE program expansion.

Feinsod Awarded PTA Life Membership; Highest Honor a State PTA Can Bestow



Dr. Lawrence S. Feinsod, NJSBA's executive director, was recently honored with the New Jersey PTA Life Membership award, which is presented to a person

who has given outstanding service for the welfare of children and youth.

It is the highest honor a state PTA can bestow, and recognizes someone who has promoted the well-being of children by serving as an advocate for them in the areas of education, health, safety and legislation.

"Dr. Feinsod has been a tireless advocate for children throughout his career as a teacher, principal, superintendent, executive county superintendent, and as the executive director of NJSBA," said Cathy Lindenbaum, president of the NJPTA. "He was instrumental in encouraging a fruitful collaboration between the NJPTA and NJSBA, and he has made exceptional contributions to public education in New Jersey. We thank him for his service to our students."

USDOE: Students with 'Long COVID' May Qualify for Services

On July 26, the U.S. Department of Education's Office for Civil Rights (OCR) and Office of Special Education and Rehabilitative Services (OSERS) issued a new resource: *Long COVID under Section 504 and the IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families*.

The document can be accessed at www.njsba.org/LongCOVIDServices.

To date, many students have contracted COVID-19 and are still experiencing its effects, in the form of what has come to be called "long COVID."

The resource from OCR and OSERS

NJSBA Vice President Bruce R. Young Honored for Exemplary Service



On June 30, Bruce Young (holding plaque) was presented with the Archie F. Hay award for distinguished board service. In the photo (left to right) are Dr. Dario Sforza, superintendent of the Carlstadt-East Rutherford (Becton) Regional High School District; Board President Kathy Fukushima; Bruce Young and Ray Pinney, NJSBA's director of member engagement.

NJDOE, Rutgers Offer School Mental Health Services Planning Sessions

To support school districts in addressing the increased need for mental health services as a result of the pandemic, the New Jersey Department of Education (NJDOE) partnered with the Mental Health Technology Transfer Center (MHTTC) at Rutgers University to provide regional technical assistance sessions to help schools implement school-based mental health services.

During these sessions, the NJDOE announced in a July 21 broadcast memo,

the MHTTC will provide an overview of comprehensive school mental health services, strategies for identifying needs, and ideas for how to target funds to specific tiers and gaps in existing services (with emphasis on the use of COVID-relief funding).

NJSBA Executive Director Dr. Lawrence S. Feinsod stressed the importance of mental health programs for students.

"Effective education can't take place until students and staff have their social-emotional needs met," Feinsod said. "The technical assistance sessions will provide important information that will help districts deliver these fundamentally necessary services to students and staff."

NJDOE staff will be available during the sessions to address questions and provide support.

As we went to press, one date session remained available, on Tuesday, Aug. 10, from 3 p.m. to 4:30 p.m. To register, go to www.njsba.org/NJDOESession.

PLEASE NOTE: The Aug. 10 session was originally targeted for schools in northern New Jersey, but the NJDOE has said schools from other areas of the state are welcome to attend.

Contact Information Please contact Kristy Ritvalsky, kmr359@shp.rutgers.edu or OSEinfo@doe.nj.gov if you have any questions.

What You Need to Know About Educational Equity and Critical

Recently, educational equity and critical race theory (CRT) have attracted attention and caused confusion for some members of the public. Below is information designed to help boards of education understand these complex topics.

What is critical race theory?

Critical race theory (CRT) is a framework and/or analytical tool primarily used in higher-level university and graduate courses. Originating in the 1970s, CRT was first used to help law students think critically about the impact of historical and present-day racism in the legal system.

CRT in today's context: The term “critical race theory” is being inaccurately used by some to encompass a wide range of distinctly different topics including educational equity, social emotional learning (SEL), cultural awareness and restorative practices. It is also being used to describe discussion of racism in classroom instruction.

What is educational equity?

Educational equity seeks to provide opportunities and achieve excellent outcomes for all students by providing individual students with the supports they need to succeed. Students come to our schools from various backgrounds, with different strengths and at varying degrees of readiness.

What works for one student or in one school may not work for another. That's why local control of education — one of NJSBA's bedrock beliefs — is critically important. Simply put, pursuing educational equity is about identifying issues preventing students from fully engaging in their education and then providing targeted solutions or resources to address them. It is not a one-time program or event, but a way of operating that requires ongoing evaluation of data and adjustment of interventions.

Approaches to equity will be different in every district, but the goal is the same: excellent outcomes for all students. The term “educational equity” is closely associated with “No Child Left Behind” (NCLB) legislation that was led by former President George W. Bush and signed into law in 2002. This watershed

moment in U.S. education policy established clear requirements for school districts to not only study student achievement data by race, gender, socioeconomic levels and English language learners, but also to close achievement gaps where they exist.

How is curricula determined in New Jersey schools?

School districts develop curricula to comply with the New Jersey Student Learning Standards. Those standards are approved by the State Board of Education in consultation with stakeholders and after public hearings as required by law.

Boards of education rely on the educational experts to determine the curriculum that will meet the state standards, the needs of the students and the aspirations of the community.

Boards of education approve all curricula and textbooks after public review and discussion at school board meetings, as required by state statute and in compliance with district policy.

Does New Jersey require the teaching of critical race theory?

Critical race theory is not required by the New Jersey Student Learning Standards. It is important to remember that teaching social studies and history will at times require discussion about historic instances of racism. Students should understand the historically accurate past of our nation and that includes some difficult history around racial issues.

What is diversity, equity and inclusion (DEI) instruction, and what place does it have in schools?

In March 2021, A-4454/S-2781 was signed into law. The legislation requires school districts to include instruction on diversity and inclusion as part of the New Jersey Student Learning Standards.

Under the law, the instruction will highlight and promote diversity, and the instruction will also examine the impact that unconscious bias and economic disparities have at both an individual level and on society as a whole while encouraging a safe, welcoming and inclusive environment for all students, regardless of race, ethnicity, sexual or gender identities, mental

and physical disabilities, socioeconomic status and religious beliefs.

The law is applicable beginning in the 2021-2022 school year, and under the measure, the New Jersey Commissioner of Education will provide districts with sample learning activities and resources.

Why is diversity, equity and inclusion important to the success of our schools and students?

There are many benefits to diversity, equity and inclusion education. It encourages

Leadership Tips: Equity

The NJSBA has received questions and requests from districts for information on how to respond to equity issues in a divided community. The information below is provided to help boards of education deal with the current climate.

Respond as appropriate to critics, but reserve most of your energy for doing the good work of educating your community's children. Stay focused on your district's priorities, supporting and leading the team that gets this important work done, and your primary purpose: student achievement in a safe, caring, respectful climate.

Refocus the conversation on what your district is doing to achieve its equity priorities. Consider the following:

- “Some people are using terminology like ‘critical race theory’ in ways that are confusing, but our commitment here in ABC community is to making sure all students get what they need to be successful are pretty simple...”
- Highlight aspects of your strategic plan or district mission and values that reflect your work toward educational equity. For example: serving all students, ensuring all students are treated fairly, empowering all students to succeed, working to close achievement and opportunity gaps across the system and making sure our schools are safe and inviting places for all children to learn.
- Highlight any long-supported and existing board policies that commit the district to providing resources for all students.

Be persistent about promoting your positive vision of education, opportunity and inclusion in your community. Advocate and reiterate your school district's values.

Routinely remind your staff, families and community of these shared values, which may include fairness, respect, inclusion, kindness, responsibility, equity, and adaptability.

Race Theory

critical thinking by allowing students to consider perspectives and opinions beyond those they have already experienced. It also fosters creativity, since the more ideas and experiences people are exposed to, the more creative they can be.

It also helps students successfully move forward in the professional world, where employers want employees who are able to work with people from diverse backgrounds.

Districts are equipping children to thrive, manage and lead in a multi-racial democracy and information-based society.

What is 'culturally responsive teaching,' sometimes known by the acronym CRT, and is it the same as critical race theory?

Culturally responsive teaching recognizes the importance of including a diverse array of students' cultural references in all aspects of learning. It seeks to make school learning relevant and effective for learners by drawing on students' cultural knowledge, life experiences, and frames of reference. An example of culturally responsive teaching would be when a math teacher writes word problems that link to student interests, such as by measuring the distance of a shot made by a famous soccer player. Working toward improving student achieve-

ment for all students is the essential work of school boards. NJSBA can be a resource for our members in this work, providing district leaders with leadership strategies and promising practices for closing the achievement and opportunity gaps. 🍏

The NJSBA hopes you find this information helpful as questions arise about these topics. Your board's field service representative can help you with more resources. To contact your NJSBA Field Service Representative, go to www.njsba.org/services/

For a PDF of these documents go to www.njsba.org/wp-content/uploads/2021/07/equity-leadership-tips.pdf

in a Divided Community...Stay Focused on Students, Their Needs and Local Actions

Anticipate and accept that this issue brings out strong emotions. Strengthen your ability to hear people who are emotionally charged without becoming dismissive, defensive or emotionally charged yourself. It is not appropriate to dismiss the content of constituents' concerns simply because we don't agree, or they might be expressed in a way that is uncomfortable for us.

Attitudes around educational equity, diversity and inclusion are divided right now in the United States. No matter what your district does, there is almost certainly going to be a wide variety of opinions about it. There is no one course of action that is universally supported. Whether your district is doing very little related to educational equity or whether your district is actively pursuing it, your motives and actions may be called into question. For this reason, it is important to be clear about what actions your district is taking and why.

Be able to confidently articulate your "why" in your own words. Having clarity about student needs that are guiding your decisions and actions will give you strength to stay on course if you are questioned and not be pulled into unproductive debates. There is no benefit in debating about whether a particular word or phrase like "equity" or "critical race theory" (CRT) is being used correctly. Stick to terms you have already used and defined in your community to describe the work you are doing to improve outcomes for all students.

Be honest and emotionally neutral in your assessment and description of your community's current reality. Acknowledge any division that exists and resist the urge to minimize differences. It is disingenuous and harms trust. Use emotionally neutral words and phrases such as:

- "This is an area where our community has differences of perspective..."
- "We acknowledge that there is a wide variety of opinions on this issue ..."

Have strong procedures in place to ensure fair and safe public meetings. Given the renewed interest in citizens participating in the public comment portion of board meetings, it is imperative that districts review their policy and procedures and share them with the public to avoid questions or confusion during a meeting. A board's policy and procedures concerning how long the public comment portion lasts, how long each individual can speak, and how to sign up to speak at a meeting should be made clear to the public.

If you have not already, talk with local law enforcement leaders about how to work together, if needed, to ensure the safety of public meetings or address potential harassment.

Use active listening strategies. Resist the urge to lump those critical of educational equity together and dismiss their concerns. Educational equity work asks us to seek to understand the perspectives of others. What personal concerns and emotions are driving them to think and behave as they are? Listen respectfully to those who are critical of educational equity and emphasize common ground, even if it is small.

Acknowledge that there are some instances where you will need to agree to disagree. However, while it is important that you remain open and respectful, bigotry, racism and abusive language should not be tolerated. When this occurs, calmly, respectfully, and firmly reiterate your personal and organizational commitment to equity and the celebration of all members of your educational community.

Be aware of who is present and who is not. Consider whether those present represent the totality of your community. Does the majority coming to speak at meetings accurately reflect the population you serve? If not, how can you increase opportunities to hear from the rest of your community?

Be conscious of outside influences. While there may be varying opinions within your community, boards should also be conscious of the growing presence of national groups, critical of educational equity, that are attempting to influence local boards through a variety of tactics. Do not let yourself get distracted from the good work you are doing to address the needs of all students.

Consider whether additional community discussion is needed. It is much harder to stereotype and dismiss each other if we truly know each other. Supporting strong relationships within your educational community is one way to help avoid polarization. Point out the many opportunities to provide input into district decision-making. If needed, set aside time for people to connect and discuss the issues, outside the regular board meeting, to create greater understanding of your district's equity goals.

Remember, you are not alone. More and more districts are working to address opportunity gaps and increase student achievement. Remember to connect with others you trust. Talk about your experiences, share your concerns, seek support and guidance. Contact NJSBA to be connected to resources.

Finally, remember that self-care is a leadership decision. Leaders who take care of their personal needs for rest, activity, social support, and good nutrition are better able to make decisions under pressure than people who are depleted, stagnated, exhausted, or hungry. Take extra care of yourself when stress levels are highest (especially in advance of big public meetings and times of anticipated conflict) and encourage the rest of your district's leadership team.

The information in this article is adapted from material provided by the Arizona School Boards Association.

U.S. Supreme Court Clarifies School District Authority to Punish Off-Campus Student Speech

On June 23, 2021, the United States Supreme Court ruled that a public high school violated the First Amendment when it suspended a cheerleader over a vulgar social media post, but the court declined to outright prohibit public schools from regulating off-campus speech.

The case, *Mahanoy Area School District v. B.L.*, initially reported in *School Board Notes* on July 21, 2020, involved a public high school student, B.L., who outside of school hours and away from the school's campus, transmitted a post containing vulgar language and gestures to her Snapchat friends, criticizing the school and the school's cheerleading team. Despite the fact that the post was only available for a short period of time and was limited to certain students, when school officials learned of the post, they suspended B.L. from the junior varsity cheerleading squad for the upcoming year, stating the post violated program rules and the school's rules for student-athlete conduct.

After unsuccessfully challenging that discipline before the board, B.L. and her parents sought relief in federal court, arguing that the one-year cheer team suspension violated B.L.'s First Amendment rights. The District Court agreed and entered judgment in B.L.'s favor.

On appeal, the Third Circuit Court of Appeals, hearing an argument in which the NJSBA participated as *amicus curiae*, not only ruled in B.L.'s favor but concluded public school districts have no authority to punish students for off-campus speech. More specifically, the Third Circuit concluded the standard set in *Tinker v. Des Moines Independent Community School District* (1969) 393 U.S. 503 — that school authorities can regulate student speech where the exercise of speech "materially disrupts classwork or involves substantial disorder or invasion of the rights of others" — does not apply to off-campus speech. In response to the Third Circuit's ruling, the school district appealed to the U.S. Supreme Court.

The Supreme Court affirmed the Third Circuit's judgment but disagreed with its reasoning, stating that "the special characteristics that give schools additional license to regulate student speech do not always disappear when a school regulates speech that takes place off-campus." The court provided several examples of "off-campus behavior" that "may" call for school regulation, such as severe bullying or harassment targeting particular people, threats aimed at teachers or other students, participation in online school activities, and breaches of school security devices, including material maintained within school computers. Accordingly, the high

court rejected the Third Circuit's reasoning that *Tinker* was never applicable in the off-campus context.

However, the Supreme Court also declined to endorse a bright-line rule for deciding what off-campus speech is protected by the First Amendment. Instead, the court explained that three non-exhaustive features of off-campus speech diminish the strength of the school's regulatory power. First, where a student speaks off campus, it is generally the responsibility of parents, not school officials, to supervise students' conduct. Second, courts should be skeptical of off-campus regulation of speech, because allowing schools to regulate both on- and off-campus speech could subject all of a student's speech to potential school discipline. Third, since schools are the "nurseries of democracy," they have an interest in protecting the freedom of speech and teaching respect for people's right to express messages over which there is disagreement.

Applying those principles, the high court determined that the school could not discipline B.L. for her off-campus Snapchat post, which denigrated the school and its cheerleading team but did not substantially disrupt the school's operation. The court reasoned that the school's interests, including teaching good manners, preventing classroom disruption, and preserving team morale, did not outweigh student's interest in free speech.

Court Denies Mother's Request for Hearing on Access to Child's Special Education Records

In a decision dated July 19, 2021, the Superior Court of New Jersey determined that neither federal nor state law provides a right to a "due process" hearing when the dispute concerns a parent's right of access to their child's educational records.

In this matter, a brief history is necessary. In July 2015, the plaintiff, a mother of a minor eligible for special education services under the Individuals with Disabilities Education Act (IDEA), filed a due process complaint with the New Jersey Department of Education. The complaint was directed to the department's Office of Special Education Programs (OSEP), alleging that the school district failed to provide her child with the free and appropriate public education required by the IDEA. After filing the due process complaint, the mother requested a complete copy of her child's general and special

education records in advance of an administrative hearing. In response, the district produced two sets of records.

In September 2015, the mother filed a second due process complaint with OSEP, alleging that the district failed to provide a complete copy of student records as required under IDEA regulations. The OSEP transmitted the matter to the Office of Administrative Law. In response, the school district filed a "sufficiency challenge" and sought dismissal of the complaint. The administrative law judge dismissed the complaint, the trial judge affirmed the ruling, and the mother appealed.

The matter was then remanded to the trial court, which granted the district's motion for summary judgment, finding the mother was not entitled to a due process hearing pursuant to *N.J.A.C. 6A:14-2.7* or *34 C.F.R. 300.507*. The mother appealed the trial court's decision.

On appeal, the Superior Court noted the case implicated numerous federal and state statutes and regulations. The court found the IDEA was silent as to whether parents seeking educational records had a right to a hearing if records were withheld, and state statute also did not address a parent's access rights to a child's education records.

Specifically, the court held that although 20 U.S.C. § 1415(f)(3)(E)(iii) does not "preclude a hearing officer from ordering a local education agency to comply with procedural requirements" under the IDEA (which would include an opportunity for parents of disabled children to examine their children's education records), it does not create an independent right to a due process hearing when a parent wishes to pursue a stand-alone denial-of-access claim.

Moreover, consistent with the IDEA, the New Jersey special education statute, at *N.J.S.A. 18A:46-1.1*, limits the scope of a due process hearing held pursuant to the IDEA, Title 18A, Chapter 46, or the implementing regulations, to "identification, evaluation, reevaluation, classification, educational placement, the provision of a (free and appropriate public education) or disciplinary action, of a child with a disability." Thus, the Superior Court agreed with the trial court that neither federal nor state law provided a right to a due process hearing when the dispute concerns a parent's right of access to their child's educational records.

More information about this decision can be found at www.njsba.org/CourtDeniesMothersRequest.

To learn more, board members are encouraged to contact their board attorney, in compliance with board policy, or contact the Legal, Labor, and Policy Department of the New Jersey School Boards Association at (609) 278-5254.

Laura Wooten's Law

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D-Mercer. "The crisis reached a breaking point after the November election, which culminated in an insurrection at our U.S. Capitol in January. Safeguarding our democracy is now more urgent than ever, and one of the best ways we can do that is by teaching our future generations about the importance of civic skills, engagement, and participation and the value of a democratic process. The lack of civics knowledge creates a challenge to maintaining a perfect union, establishing justice, and ensuring domestic tranquility. We must learn to work together for the good of all of our communities and begin to bridge the deep political divide that exists in this country."

Murphy signed the bill into law just days before the first hearing of the special House committee investigating the Jan. 6 insurrection.

Dr. Angelica Allen-McMillan, acting commissioner of education, said the new law would strengthen civics education.

"While civics has been a key element of our state's learning standards for decades, this new law greatly increases the focus and attention that schools will place on civics instruction," said Allen-McMillan. "The additional instruction that students will receive will ultimately lead to a well-informed and well-rounded citizenry." 🍏

School Board Member of the Year

continued

member whom you believe has been an outstanding trustee of public education. Nominations can be submitted by fellow board of education members, district administrators, staff, and members of the community.

NJSBA established the Board Member of the Year award in 2004 to honor an individual board member for exemplary leadership, dedication to his or her professional development, participation in efforts to advance education governance at the local, county and state levels, and strong commitment to the children of New Jersey.

Nominees must have five consecutive years of experience as a board of education member and must hold the NJSBA Certified Board



School Leader: A Look at What's Ahead for Schools—and NJSBA

The summer 2021 issue of *School Leader* magazine, available online now, provides glimpses of the challenges that school districts and the NJSBA will be facing in the months to come.

The cover article features an interview with NJSBA's new president, Irene LeFebvre, who shares her hopes and vision for New Jersey's students and for the Association.

The magazine includes a special section, "Education After the Pandemic," which looks at how schools are confronting challenges involving technology in schools, special education services, and career and technical education. The section also spotlights the efforts of the Kenilworth school district to use accelerated learning to help students catch up and move forward.

In addition, this issue of *School Leader* includes an interview with Long Branch's new director of diversity, equity and inclusion, and profiles the winners of this year's Innovations in Special Education awards.

Each issue of *School Leader* includes a handy listing of all school districts mentioned in the issue, for the convenience of readers.

School Leader is published four times a year, and is mailed to all school board members and school administrators in the state.

Reflections: We Salute You!

By Dr. Lawrence S. Feinsod, Executive Director, NJSBA

As we close this historic school year, we need to pause and acknowledge our distinguished board members and educators for their remarkable achievement during the 2020-2021 school year in overcoming unforeseen circumstances and going to extraordinary lengths to reach — and teach — our students.

Not surprisingly, New Jersey school leaders have stepped up to face challenges and keep to their guiding principle: to provide children with the best instruction possible during a global pandemic that gripped our state early on.

Thankfully, we now find ourselves in a healthier place with many COVID-19 restrictions lifted, and districts able to hold school proms, performances, championship games

and graduations in person once again. That is truly something to celebrate!

Renewed purpose, personal and professional growth, and community are among the important takeaways from this time.

So whether you're off to the Jersey Shore, a day trip to the city, or that long-awaited vacation that you have been dreaming about, we want you to know that we appreciate your unwavering efforts and we hope that you enjoy some much-deserved time off.

As always, NJSBA will continue to promote the importance of strong public schools, represent the interests of New Jersey's 1.4 million public school students, and provide resources and training to the state's boards of education.

These are my Reflections. I look forward to hearing yours.

Contact me at feinsodreflections@njsba.org. 🍏

Member designation. NJSBA officers are not eligible to nominate or be nominated for this award.

The winner will be recognized at NJSBA's Virtual Workshop 2021. Deadline for receipt of nominations is 4:30 p.m. Friday, September 10, 2021.

For a nomination form, go to www.njsba.org/NominateBoardMemberToday. 🍏

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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BRIEFLY NOTED

Greater Egg Harbor Regional High School District Receives NJSBA Top Award

The Greater Egg Harbor Regional High School District Board of Education recently was honored for receiving the Carole E. Larsen Master Board Certification through the New Jersey School Boards Association's Board Member Academy.

The award recognizes high-performing school boards that have undergone additional training that is designed to give school board members a firm foundation in the governance skills needed to carry out their elected responsibilities.

The Board of Education received its award at the May 12 virtual meeting of the Atlantic County School Boards Association. Jane Kershner, NJSBA's director of field services, was present at the board's June 7 meeting to present the award during an in-person ceremony.

The Carole E. Larsen Master Board Certification is the NJSBA Board Member Academy's highest honor. To earn this award, a currently certified or recertified board must complete at



Greater Egg Harbor Regional High School District board members accept the NJSBA's Master Board Certification award. Front row, from left, board members Margaret Guenther, Vice President; Carol Houck, President; Anne Erickson, Lois Garrison, with Jane Kershner, N.J. School Boards Association Director of Field Services. Back row, from left, board members Peggy Capone, Darrell Edmonds, Greg Kebrli, Brian Sartorio and Mike Baldwin.

least 10 hours of additional training. The board attends the training along with its superintendent, and the board must provide evidence to demonstrate an emphasis on student achievement in their board actions.

"I congratulate our school board members

on this outstanding accomplishment, and I want to thank them for their dedication to the students of Oakcrest, Absegami, and Cedar Creek High Schools, and the advancement of public education," said Board President Carol Houck.