

notes DIGEST

NJSBA Issues Special Report on Pandemic-Related Gaps in Academic and Social-Emotional Learning

The New Jersey School Boards Association has issued “Rebuilding Opportunities for Students” — the fifth in a series of special reports on the issues facing school leaders, educators, students and their families since the pandemic began some 18 months ago.

The report looks at challenges facing school districts and students in dealing with pandemic-related gaps in academic and social-emotional learning and provides information on effective practices and programs, meeting the needs of special populations, the role of arts education in social-emotional learning, and directing coronavirus relief funding so that it has the optimal impact on growth and

learning for students.

The report represents the work of the NJSBA Committee on Post-Pandemic Gaps in Academic and Social-Emotional Learning. The study group explored challenges facing school districts and students, state and federal policy and financial support, and strategies at the local level, a number of which were put in place during the past year.

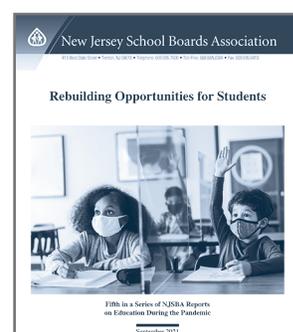
To develop the report, the committee drew upon the knowledge of experts in various fields and reviewed literature and research, including the Association’s previous work on education during the pandemic, student achievement, the career-focused learner, student mental health,

and other subjects.

“Educators are continuing to assess the impact of the pandemic on our local school communities, to

develop effective programs to overcome any gaps in learning, and to use this period of planning and adjustment as an opportunity

continued on page 2



Districts Seek Voter Approval for \$96.6 Million in Spending

On Tuesday, Sept. 28, voters in four school districts will act on spending proposals totaling nearly \$96,620,339.

Sept. 28 is one of five dates during the year when school boards may ask voters to approve school construction proposals. Under the Educational Facilities Construction and Financing Act, the state will fund at least 40% of eligible school construction costs through annual debt service aid. Proposed construction projects in all four school districts are at least partially eligible for state funds.

Here are the statewide figures gathered by the New Jersey School Boards Association

continued on page 1

NJSBA's Virtual Workshop 2021: Wellness Expert to Headline

This year's annual NJSBA Workshop keynote speaker is no stranger to the education world and is an expert in cultivating productive and healthy school climates and cultures.



Alisha De Lorenzo, who was an educator for nearly 20 years and is a licensed professional counselor, will speak live on educational leadership, forging relationships and connections and healing trauma, at 9 a.m. on Wednesday, Oct. 27.

The North Haledon, Passaic County native also has served as an advisor and resource to numerous school districts, the NJSBA, the New Jersey Department of Education and other education-related organizations. De Lorenzo has presented at Workshop conferences in the past and is back by popular demand.

De Lorenzo knows that school leaders must make a conscious decision to add mindfulness practices and ensure that mental health is a priority. Such actions can sharply reduce student discipline issues, open up learning opportunities for all and produce a more positive learning environment, where both educators and children can thrive.

“We know that the well-being of adults in schools has a direct impact on student outcomes,” said De Lorenzo, adding that if teachers are highly-stressed and have low coping skills, their students will be negatively impacted. “We can’t just talk the talk and say it’s important for self-care. We have to prioritize that and make sure that we make intentional space for that to happen.”

The Middletown resident is an experienced facilitator and speaker, who has provided professional development regarding social-emotional learning, mindfulness, leadership, trauma, equity and mental health at the local, national and international levels. *continued on page 3*

Reflections: Let's Restore Civility at Board of Education Meetings

By Dr. Larry Feinsod

The following appeared as an Opinion column on Nj.com on Sunday, Sept. 19, 2021, under the title 'Parents, Please Be Civil at School Board Meetings.'

"We cannot find common ground without civility, and we cannot solve our problems without finding common ground." This is how Sheila Suess Kennedy, a law professor at the joint Indianapolis campus of Indiana and Purdue universities, and the founder of that institution's Center for Civic Literacy, summarized the importance of courtesy in public life.

Being polite, reasonable and respectful at a board of education meeting might seem like a trivial nicety, but civility in public life matters. Civility isn't just an optional aspect of our system of government — it is an essential component of democracy. The word civility comes from the Latin word "civis," which means "citizen."

Recently we have read accounts from local news outlets and heard reports from our members about the public portion of board of education meetings where certain individuals engaged in threats and personal attacks on board members, disregard the board's procedures for public comment, insult other community members, and engage in profanity. Not long ago, two board members told me that as

they walked to their car after a board meeting, they were spat upon. It has been necessary in some cases to call the police to the meetings in order to keep the peace.

I have worked in public education for more than a half-century as a teacher, assistant principal, principal, superintendent, executive county superintendent and now as executive director of the New Jersey School Boards Association. During these years, there have been difficult times and hard decisions to make, and there have been intense differences of opinion within communities. This is to be expected. It's only natural to feel passionate about issues affecting our children's education.

But recently the level of public discourse has coarsened, and the number of bad-tempered people has greatly increased.

The volunteer members of local boards of education, who spend long hours in board and committee meetings, should not have to be subject to such rudeness and incivility.

Merriam-Webster defines an uncivil person as (1) not civilized: barbarous; (2) lacking in courtesy: ill-mannered, impolite; (3) not conducive to civic harmony and welfare. Anyone fitting this description is displaying behavior that is unacceptable, shameful, and always unproductive.

Public comment by citizens is welcomed — and mandated by law — at local board of education meetings in New Jersey. Almost all boards have policies and procedures governing public comment periods. These policies typically place an overall time limit on the public comment period, as well as a limit on how long any one member of the public can speak. Some boards ask people to line up to speak; others require a more formal sign-up sheet or online sign-up. These procedures are meant to ensure that board meetings run smoothly and permit the board to conduct the business that is on the agenda for that meeting.

A board's public comment period is just that: a time for citizens to make their opinions heard. If a member of the public has a question, school district staffers will sometimes answer and sometimes will get back to them later with the information.

There is another reason that we should all be conducting ourselves with civility at a board of education meeting. Our children are watching us — and learning. Will they learn to treat each other with respect and listen to those who hold opposing viewpoints? Or will they learn that in a disagreement, yelling loudly and talking over others is how they should act? Educators and parents know that adults need to model the behavior we want from our children — at school, at home, and yes, in public forums.

Local oversight of our public schools is a cornerstone of our democracy, and board members are performing a valuable public service that no one should take for granted. They care about the schools in their community, make difficult decisions, donate their time and talents, and open themselves to public scrutiny and criticism. These volunteers do not deserve to have abuse heaped upon them at meetings.

New Jersey has a public education system that is the envy of most states. A local board of education — working together with an engaged and respectful community — is key to keeping our schools strong. Let's dedicate ourselves to working together in a spirit of civility and cooperation.

These are my Reflections. I look forward to hearing yours. Contact me at feinsodreflections@njsba.org.

New Report continued

to ensure the academic progress and social-emotional growth of all of New Jersey's 1.4 million students." said Dr. Lawrence Feinsod, executive director of NJSBA.

Since March 2020, NJSBA has committed its resources to helping local boards of education meet the challenges of the pandemic through training, advocacy, direct services and research. In addition to *Rebuilding Opportunities for Students*, NJSBA has issued the following reports on education during the pandemic:

- *Eye on the Future as Districts Monitor Student Mental Health* (Jan. 27, 2021) shows how mental health programs are helping students withstand the pandemic.
- *Reopening Schools: Online Learning and*

the Digital Divide (Oct. 23, 2020) looks at the challenges facing school districts in delivering instruction remotely to all students during the pandemic and beyond.

- *Choosing the Best 'Road Back' for Our Children* (Aug. 31, 2020) provides an advocacy agenda for public education during the pandemic, including state and federal funding, assistance in securing personal protective equipment and technology, financial flexibility, and critical changes in law and regulation.
- *Searching for a 'New Normal' in New Jersey's Public Schools: How the Coronavirus Is Changing Education in the Garden State* (May 20, 2020) addresses the safe reopening of schools, students' mental health, academic and extracurricular programs, budgetary issues, and preparations for the future.

Spending Approval continued

from the respective offices of the county clerks:

Statewide amount proposed: \$96,620,339

State funding proposed: \$41,228,690

A synopsis of the proposed spending plans follows:

Wenonah (Gloucester County) This plan includes renovations, alterations and improvements at Wenonah Elementary-Middle School, as well as the acquisition and installation of fixtures, equipment, site work and related costs.

Total amount: \$2,996,964

State funds: \$1,198,786

Mine Hill (Morris County) The spending proposal addresses various improvements, alterations, renovations and upgrades at Canfield School, including acquisition and installation of fixtures, furniture, equipment and any site work.

Total amount: \$4,958,240

State funds: \$1,840,668

Walkkill Valley Regional (Sussex County) The plan includes auditorium renovations; HVAC, shop room and fire alarm upgrades; locker replacements and site improvements including at the football field and the tennis courts.

Total amount: \$5,300,000

State funds: \$1,797,694

Rahway (Union County)

Proposal 1: Critical capital improvements to the building interior and envelope and building system upgrades, safety and security, involving alterations, renovations and improvements, new construction and roofing at Franklin Elementary School, Grover Cleveland Elementary School, Madison Elementary School, Roosevelt Elementary School, the 7th and 8th Grade Academy and Rahway High School, including fixtures, furnishings, equipment, site work and related work.

Total amount: \$38,714,049

State funds: \$16,738,135

Proposal 2: (Contingent upon approval of Proposal 1): Additional capital improvements related to interior building reconfiguration impacting gym, art and educational space and playground, parking, driveway and bus drop off improvements at Franklin Elementary School, Grover Cleveland Elementary School, Mad-

ison Elementary School, Roosevelt Elementary School, the 7th and 8th Grade Academy and Rahway High School, including renovations, alterations, improvements, fixtures, furnishings, equipment, site work and related work.

Total amount: \$39,407,833

State funds: \$17,038,095

Proposal 3 (Contingent upon approval of Proposal 1): Mechanical improvements at Franklin Elementary School, Grover Cleveland Elementary School, Madison Elementary School and Roosevelt Elementary School consisting of renovations, alterations, improvements,

fixtures, furnishings, equipment, site work and related work.

Total amount \$6,049,019

State funds: \$2,615,312

Virtual Workshop 2021 continued

De Lorenzo served as the first social-emotional learning coordinator in the Asbury Park school district and the state. She was charged with designing and implementing an integrative education model by taking trauma into account and integrating practical mindfulness techniques. After putting her initiatives into place, Asbury Park experienced a substantial decline in discipline issues. De Lorenzo shared her experience with other districts in 2016, when she first connected with the NJSBA and county school boards associations throughout the Garden State.

She has been recognized for her dedication to the mental health field and for her community organizing as a recipient of the following: the state Department of Education's New Jersey Governor's Educational Service Professional of the Year Award; the United States Army Award of Excellence; Monmouth University Outstanding Alumni Award; and the Monmouth County, N.J. Latino American Society Outstanding Community Activism Award. According to De Lorenzo, however, the role of which she is most proud is being a mother to her two young sons.



Student Keynote Speaker Displays Grit and Purpose Maura Baker, a 16-year-old junior from West Orange High School in Essex County who serves as the student representative to the State Board of Education will help kick off workshop with a speech at 9 a.m. on Tuesday, Oct. 26.

She epitomizes the character, empathy and leadership that educators seek to impart to their learners.

As a teen who lives with dyslexia, Baker has used that lifelong diagnosis as a launchpad to enlighten others about the neurologically-based condition.

Baker focuses on abilities, rather than disabilities. She founded a blog, website and Twitter account called Smart Kid — Mad Myths, where she provides students with information about the importance of time management, communicating their needs, staying academically sharp during the summer, understanding personal learning differences, and seeking classroom accommodations that might help.

Her goal is to improve all student experiences in New Jersey, both academically and emotionally.

"Maura's authenticity is her superpower," said Dr. Lawrence S. Feinsod, NJSBA executive director. "I hope that her honesty and courage inspires others to normalize learning disabilities and understand that they do not define who students are or what they can achieve in life. That is a remarkable lesson for all of us."

About Virtual Workshop 2021 Virtual Workshop 2021, co-sponsored by the New Jersey School Boards Association, the New Jersey Association of School Administrators and the New Jersey Association of School Business Officials, will offer multiple tracks of training sessions over three full days. It will also feature an interactive exhibit floor and exciting special events.

Registration To make training accessible to more district members, NJSBA is offering a special group rate of \$900 for up to 25 team members. The individual member rate is \$450 per person. School business administrators must handle registration for their districts. Review the registration instructions before starting.

To learn more, visit workshop.njsba.org.

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.

NJDOE Announces Additional American Rescue Plan Allocations

On Sept. 15, the New Jersey Department of Education (NJDOE) released its plan for the use of funds it received under the federal American Rescue Plan (ARP) enacted earlier this year. New Jersey was the recipient of more than \$2.7 billion in Elementary and Secondary Schools Emergency Relief (ESSER) Funds under the ARP, the third major stimulus package enacted by Congress since the COVID-19 pandemic began in March 2020. ARP ESSER provides direct aid to states and districts to help safely reopen and sustain the safe operation of schools and address the impact of COVID-19 on schools.

Under the ARP, at least 90% of any state's allocation of ESSER funds must go directly to local school districts, with each state department of education having discretion over how the remaining 10% is spent. Districts were granted access to two-thirds of their individual allocations earlier this spring. However, the ARP ESSER funding was structured in such a way that districts would not have access to the remaining one-third until the U.S. Department of Education approved the NJDOE's plan for the state set-aside portion of the ARP ESSER

funds. That plan was approved in mid-August, so the department can now begin disbursing the remaining ESSER funds.

In a memo, the NJDOE informed districts that they will soon have access to the remaining ESSER funds and provided details on various new grant programs:

- **Remaining one-third (1/3) of ARP ESSER Fund awards:** Local education agencies (LEAs) are now able to access the full amount of their ARP ESSER award. LEAs that have already submitted an application for the first installment of their ARP ESSER Fund award will need to submit an amendment for the additional funds.
- **Grants for otherwise unfunded entities:** The NJDOE allocated approximately \$14.1 million of the State's ARP ESSER funds to non-Title I districts and other educational entities, including state agencies and public receiving schools, to aid their efforts to prepare for and respond to the COVID-19 pandemic.
- **Accelerated Learning Coaching and Educator Support Grant:** New Jersey allocated another \$135.1 million in grants to LEAs to

provide professional learning for educators and other school staff in skills and topics that will empower them to better meet the needs of their students. Each LEA will receive a minimum allocation of \$50,000.

- **Evidence-Based Summer Learning and Enrichment Activities Grant:** Building on the progress of the ESSER II Learning Acceleration grant, this grant, totaling about \$27.7 million, is designed to support research-based summer activities that reinforce the broader learning ecosystem of students, staff, and families. Each LEA will receive a minimum allocation of \$40,000.
- **Evidence-Based Comprehensive Beyond the School Day Activities Grant:** Building on the progress of the ESSER II Learning Acceleration Grant, the \$27.7 million for this grant is intended to provide resources for research-based academic enrichment activities during out-of-school time (e.g. before-school, after-school, weekends, and holiday breaks). Each LEA will receive a minimum allocation of \$40,000.
- **New Jersey Tiered System of Supports (NJTSS) Mental Health Support Staffing Grant:** Finally, New Jersey directed \$48 million to NJTSS Mental Health Support Staffing Grants to LEAs to aid in the development and implementation of Tier II (targeted, small group interventions) and Tier III (intensive interventions) services in accordance with a multi-tiered systems of support framework that addresses students' and educators' mental health and social emotional needs. Each LEA will receive the minimum allocation of \$45,000.

Later this month, the department will open up the application process for these grants. The application deadline is Nov. 24, 2021. Additional information and guidance on ARP ESSER can be found on the NJDOE's website at www.nj.gov/education/esser/arp/index.shtml.

Each school district can find out how much it is receiving in ARP ESSER funding, including how much they will be allocated under each of the grant programs described above, by going to the webpage above, scrolling down, and clicking on "SEA and LEA Allocations." 

NJSBA Committee Meeting Notices

In accordance with the Open Public Meetings Act, notice is hereby provided of the following New Jersey School Boards Association committee meetings. All meetings are open to the public.

Audit Committee *A virtual meeting of the NJSBA Audit Committee will be held on Friday, Oct. 1, 2021, at 5:30 p.m.* The meeting will be held remotely. Participants can call into the meeting by phone at 1-415-655-0002 US Toll and meeting number (access code: 2556 546 3909).

For further information, contact Samantha Matias at smatias@njsba.org or (609) 278-5264.

Board of Directors *The NJSBA Board of Directors will meet remotely on Friday evening, Oct. 1, 2021 at 7 p.m.* The agenda, to the extent known at this time, includes recognition of new and retiring members; reports on NJSBA initiatives, advocacy, Virtual Workshop 2021, revised regulation 6603.1R NJSBA Board Member Academy, approval of extension of payment of dues for BOD members' boards, ACES grant request from ELFNJ, open and closed session minutes of the May 7, 2021 meeting, Legislative Committee appointments, and comments from the NJSBA officers and Executive Director.

Members of the public may join the meeting by telephone at 1-415-655-0002 US Toll (access code: 2551 173 7644).

For further information, contact Ann Marie Smith at (609) 278-5209 or amsmith@njsba.org.

Resolutions Subcommittee to Meet Oct. 12 *The NJSBA Resolutions Subcommittee will meet virtually on Tuesday, Oct. 12 at 5 p.m.* The public may call in to 1-415-655-0002 (Access Code 2554 519 7805). The agenda, to the extent known at this time, will include sunset review of the 3000 and 4000 series of the Positions and Policies on Education which will come before the Semiannual Delegate Assembly on Nov. 20, 2021.

Notice is also provided that the Emergency Resolutions Subcommittee may be required to meet on Nov. 15 if any resolutions are received by the Association to be considered as emergency resolutions, prior to the cutoff date of Nov. 10, for the Delegate Assembly agenda.

Policy Update: Face Coverings, Vaccination and Testing

NJSBA has added the following policies for compliance with Executive Order No. 251 and Executive Order 253 pertaining to preventing the spread of COVID-19 when schools reopen in September.

5141.10 Face Coverings This is a new policy covering the requirements of Executive Order No. 251, and Executive Order 253, and the recommendations of the Centers for Disease Control and Prevention (CDC), and the American Academy of Pediatrics (AAP). The school district shall require that all staff, students, and visitors use face coverings in the indoor portion of the school premises.

Executive Order 253, specifies that individuals seeking a medical exemption from mask wearing shall produce written documentation from a medical professional (e.g. licensed physician, nurse practitioner, physician’s assistant, or registered nurse) to support the exemption. Self-attestations and parental attestations are not sufficient for this purpose.

5141.11 Vaccination and Testing This is a new policy covering the requirements of Executive Order 253.

In accordance with Executive Order 253, as of Oct.18, 2021, all staff members who are eligible to be vaccinated against COVID-19 must receive the vaccine or be subject to routine COVID-19 testing. Executive Order 253 also applies to contracted employees, vendors, providers and any other individuals working in the schools, where regular visits to the schools are part of the individual’s job duties, including volunteers.

Routine testing for COVID-19 must, at minimum, be administered one to two times weekly. The board has the discretion to determine if unvaccinated employees will be required to be tested for COVID-19 one or two times a week or more often.

The employee is required to demonstrate proof of full vaccination. The district is responsible for tracking test results and reporting such results to local public health departments.

The collection of and storage of test results, examination results and proof of vaccination

Nearly 20 School Districts Receive New Pre-K Funding

Gov. Phil Murphy recently announced \$17 million in new state funding for 19 school districts to either expand or create high-quality pre-K programs this school year.

During the Murphy administration, some 140 school districts have received funding to either start or expand their preschool programs, opening more than 9,000 new pre-K seats to date.

Universal Pre-K for All The governor also announced that the state would commit to providing universal pre-K to all New Jersey families over the next several years. The New Jersey Department of Education will develop a strategic plan that will set a roadmap to expand pre-K throughout the Garden State. The plan will focus on:

- Prioritizing districts and setting a timeline for expansion
- Ensuring students have appropriate facilities and quality programming
- Involving childcare providers and Head Start in planning to avoid displacing existing high-quality early learning centers
- Optimizing funding streams, including federal funds from the federal Build Back Better Plan
- Using best practices from other states that offer expanded/universal pre-K programs

“High-quality pre-K has been shown to have a dramatic effect on a child’s life,” said Dr. Lawrence S. Feinsod, NJSBA executive director. “NJSBA welcomes the news that more children will have access to these programs.”

The latest round of school districts that will receive the new funding include:

County	School District	Amount
Atlantic	Mullica Township	\$ 512,823
Bergen	Palisades Park	\$ 823,860
Camden	Audubon Boro (Audubon Park)	\$ 440,319
Camden	Berlin Township	\$ 336,713
Cape May	Cape May City	\$ 376,033
Cumberland	Commercial Township	\$ 563,112
Cumberland	Deerfield Township	\$ 415,831
Gloucester	Monroe Township	\$1,399,892
Gloucester	Washington Township	\$1,113,420
Gloucester	Westville	\$ 655, 573
Hudson	East Newark	\$ 337,039

documentation shall comport with board policies (3570 District Records and Reports, 4112.6/4212.6 Personnel Records) and all federal and state laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information.

You may directly download this policy update from NJSBA’s Critical Policy Reference Manual (CPRM) district or charter versions or the Policy Update List on your password-protected Policy Resources webpage at njsba.org/services/policy/.

You may also contact an NJSBA policy consultant at (609)278-5268 or via email at jharkness@njsba.org.

Stabilization Aid and Education Rescue Act Grants Available

On Aug. 25, the New Jersey Department of Education (NJDOE) announced that it is now accepting applications from school districts for stabilization aid grants.

In the fiscal year 2021-2022 state budget, some \$50 million was included in stabilization aid grants to assist districts that are adjusting to new funding levels as determined by the school funding reform measure enacted in

continued on page 8

National Blue Ribbon Recognition Awarded to Nine N.J. Schools

Nine New Jersey public schools have received the distinguished federal recognition as 2021 National Blue Ribbon schools based on their overall academic performance or their progress in closing achievement gaps.

On Tuesday, Sept. 21, U.S. Secretary of Education Miguel Cardona recognized 325

schools across the country as National Blue Ribbon Schools, including the following in New Jersey:

- **Cedar Grove:** North End School, Cedar Grove Township, Essex County
- **Closter:** Hillside Elementary School, Closter Public School District, Bergen County

- **Dorothy:** Weymouth Township Elementary School, Weymouth Township School District, Atlantic County
- **Jackson:** Lucy N. Holman Elementary School, Jackson School District, Ocean County
- **Jamesburg:** John F. Kennedy Elementary School, Jamesburg Public School District, Middlesex County



FROM THE COURTS

N.J. Supreme Court Declines to Hear Challenge to Exemption of Tenure Charge Discussion from Open Public Meetings

On Sept. 9, 2021, the New Jersey Supreme Court declined to hear a case challenging the Tenure Employees Hearing Law's (TEHL) exemption of tenure charge certification discussions from open public meeting proceedings. NJSBA appeared as *amicus curiae* in the case, arguing in support of the Paterson Board of Education.

Before the court was an appeal of the Appellate Division's Jan. 21, 2021 decision which was reported in the Jan. 26, 2021 edition of *School Board Notes*.

In the matter, a teacher challenged the board's vote to certify tenure charges in closed session. The teacher argued that she was not given sufficient notice or an opportunity to request that the discussion be held in public. The teacher relied on a part of the Open Public Meetings Act (OPMA) that allows a board to discuss certain personnel issues in closed session, unless the affected employee makes a written request that the discussion be held in public. The employee further alleged that she did not receive a "Rice" notice, so named from a 1977 Appellate Division decision finding that boards must provide "reasonable advance notice" to employees "whose rights could be adversely affected" by board discussion in closed session about the employee's terms and conditions of employment.

However, the tenure employee hearing law exempts discussion of certification of tenure charges from open public meeting proceedings. Specifically, it states: "The consideration and actions of the board as to any charge shall not take place at a public meeting." By way of further background, once boards of education certify tenure charges, the charges are forwarded to the New Jersey Commissioner of Education for a hearing and determination. This is unlike most other employment actions, including actions relating to nontenured

employees, where the board itself makes the determination.

The trial court sided with the teacher, finding that the teacher was entitled to a "Rice" notice in regard to the discussion of tenure charges. However, the New Jersey Appellate Division reversed the trial court, ruling that because boards of education may not discuss certification of tenure charges in an open public meeting, a district has no obligation to provide an employee with a "Rice" notice prior to such discussion in closed session. In reaching its conclusion, the court distinguished the process to certify tenure charges, where the board decides if there is probable cause, from other employment actions where the board makes the final determination.

The plaintiff appealed the decision to the New Jersey Supreme Court, and the NJSBA supported the board in successfully arguing that this case did not merit the state's highest court hearing the case. By declining to hear the plaintiff's appeal, the New Jersey Supreme Court did not disturb the Appellate Division's finding that the TEHL exempts tenure charge discussions in closed session from the "Rice" notice requirement. The finding is important in affirming what has been regarded as common practice regarding tenure charge certification in New Jersey.

NJSBA as *Amicus* NJSBA participates as *amicus curiae*, or "friend of the court," in cases that have an impact on school districts statewide. This NJSBA advocacy service helps shape legal decisions affecting public education in New Jersey. For more information about this case as well complying with the Open Public Meetings Act in employment-related topics, board members should consult with their board attorney or call the NJSBA legal, labor relations and policy unit at (609) 278-5254.

"Our New Jersey school district leaders and educators continue to lead the nation with their exemplary programs and efforts to teach every child..."

Dr. Lawrence S. Feinsod

- **Madison:** Torey J. Sabatini Elementary School, Madison Public School District, Morris County
- **Manalapan:** Wemrock Brook School, Manalapan-Englishtown Regional School District, Monmouth County
- **Old Bridge:** Walter M. Schirra Elementary School, Old Bridge Township, Middlesex County
- **Scotch Plains:** Academy For Information Technology, Union County Vocational-Technical School District, Union County

The National Blue Ribbon Schools Program has bestowed approximately 10,000 awards to more than 9,000 schools nationwide since its inception in 1982.

"We congratulate all the schools and educators on receiving this coveted national achievement," said Dr. Lawrence S. Feinsod, executive director of the NJSBA. "Our New Jersey school district leaders and educators continue to lead the nation with their exemplary programs and efforts to teach every child, despite the challenging circumstances in our world. It is outstanding and inspires all of us to keep working our hardest to make a difference." 🍎

State Board of Education Rescinds Emergency Action Permitting Virtual Instruction for Special Ed Students

At its September monthly meeting, the State Board of Education rescinded its April 2020 emergency pandemic action permitting boards of education to provide instruction to special education students virtually during the pandemic. The rescission took effect Sept. 8, 2021.

Districts may continue to provide virtual related services to special education students up to Jan. 11, 2022.

Although the declared public health emergency has expired, *P.L. 2021, c. 103* provides that rule waivers, suspensions, and modifications adopted under the authority of Executive Order 103 will expire in January 2022. The law also allows agency heads to terminate rule waivers, suspensions, and modifications prior to the expiration date. If certain conditions require a school to be closed for in-school instruction for more than three school days, *P.L. 2020, c. 27* will allow special education and related services to be provided through electronic communications, virtual, or other online platforms during the closure.

Homeless Children and Students in State Facilities: The regulations concerning homeless students were formally proposed for re-adoption. These regulations ensure that homeless children, students placed in state facilities, and children in resource family care (formerly known as foster care) are provided a thorough and efficient education.

Dynamic Learning Maps Cut Scores for English Language Arts/Mathematics and Science: The State Board adopted a resolution on cut scores for the Dynamic Learning Maps (DLM). The DLM is used as the state's alternate assessment aligned with alternate academic achievement standards (AA-AAAS) for students with the most significant intellectual disabilities, as required by the Every Student Succeeds Act (ESSA) and *N.J.A.C. 6A:8-4*. The DLM suite of assessments took the place of the Alternate Proficiency Assessment (APA) in New Jersey.

ACCESS for ELLs: The State Board also adopted cut off scores for the ACCESS assessments test of English language proficiency in four domains: speaking, listening, writing and reading. Students enrolled in the bilingual, English

as a Second Language (ESL), or English language services program are assessed annually using an NJDOE-approved English language proficiency test.

Standards and Assessment: The board adopted updated regulations on standards and assessment. The most significant change concerns the portfolio appeals process. Current seniors and juniors have three avenues to meet the graduation exam requirement. For these classes, there is no requirement that a student take a particular assessment prior to participating through the portfolio appeals process. However, the classes of 2023, 2024, and 2025 will have a new graduation exam that will be a comprehensive assessment — rather than an

end-of-course test — and will include geometry standards, making it more rigorous than the current graduation assessment standard of Algebra I. Under this revised rulemaking, the classes of 2023, 2024, and 2025 will also be able to use a non-standardized, portfolio appeals option or a menu of substitute competency tests. However, students will be required to take the state graduation proficiency test before accessing the substitute competency tests or portfolio appeals process.

Praxis Mathematics, Middle School Mathematics, Middle School Science, and New Qualifying Scores for edTPA: The State Board adopted a resolution concerning new qualifying scores for the Praxis and the edTPA. 🍎

Sustainable Jersey for Schools Announces Newly Certified Schools; First Digital Schools Star Recipients Named

Sustainable Jersey for Schools, the state-wide environmental certification program, announced on Sept. 13 that 115 public schools achieved certification in 2021. Thirty-two schools received the more challenging silver-level certification with 21 of these schools reaching that level of certification for the first time.

This cycle marks a milestone for the largest increase in the number of schools certified at the silver-level in an application cycle since the program began in 2015.

A full list of the 2021 Sustainable Jersey for Schools certified schools can be found at www.sustainablejerseyschools.com/news/news-releases/.

Digital Schools Star Recognition Thirty-seven schools from nine school districts were the first schools in New Jersey to earn Digital Schools Star recognition as part of their Sustainable Jersey for Schools certification.

A Digital Schools Star embraces the implementation of effective digital learning and communication tools, resources and practices — a commitment that is evident in its mission, culture, classrooms and interactions with its stakeholders. Star schools document their

This cycle marks a milestone for the largest increase in the number of schools certified at the silver-level in an application cycle since the program began in 2015.

successful digital learning strategies in the action areas of leadership, learning practices, technology access, school culture and climate and student learning in order to qualify for star recognition.

“We applaud the New Jersey schools which have achieved certification, both in the sustainability area and in the digital schools program,” said Dr. Lawrence S. Feinsod, NJSBA executive director. “In both cases, boards of education, school administrators, and the entire staff have shown real leadership and commitment.” 🍎



NEW JERSEY SCHOOL BOARDS ASSOCIATION

Headquarters: 413 West State Street, Trenton, New Jersey 08618
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SCHOOL BOARD NOTES

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Stacy Moorhead, graphic design specialist
Adriana DiGiacomantonio, manager, graphic design

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BRIEFLY NOTED

U.S. Education Secretary Visits Delran to Learn About Labor-Management Collaborative

On Sept. 8, U.S. Secretary of Education Miguel Cardona and National Education Association (NEA) President Becky Pringle visited the Delran school district to learn more about the New Jersey Public School Labor Management Collaborative.

The initiative, of which NJSBA is a partner, encourages teachers, administrators, school boards and unions to work together on school-related issues, such as developing and revising curricula and updating instructional practices and policies.

Delran is a pilot district in the initiative. Currently there are 23 districts and 128 schools in New Jersey participating in the collaborative; collectively those districts serve 77,000 students.

NJSBA's Educator-in-Residence Vince DeLucia attended the meeting and briefed the participants about NJSBA's role in the initiative.



Rutgers School of Management and Labor Relations Professor Saul Rubinstein (right) presents his research on collaborative school leadership to (from left to right) Becky Pringle, NEA president (left); Brian Brotschul, Delran superintendent; and Secretary Cardona.

Stabilization Aid

continued

2018. Districts that experienced a reduction in state aid; or face a structural budgetary imbalance may apply for stabilization aid. The fiscal year Appropriations Act also provides for stabilization aid to military-impacted districts if certain criteria are met.

Additionally, NJDOE is making Education Rescue Grants available to any district that saw a reduction in teaching staff in 2021-2022 and are to be used to rehire or retrain teaching staff. Any district that meets this criteria is eligible to apply, regardless of that district's status under S-2.

More information on both grants can be found at www.nj.gov/education/broadcasts/2021/aug/25/StabilizationAidandEducationRescue-GrantsApplicationNotification.pdf. 