



DELEGATE ASSEMBLY HANDBOOK

May 13, 2023



Conference Center at Mercer



ANNUAL DELEGATE ASSEMBLY

The Conference Center at Mercer
1200 Old Trenton Road
West Windsor, New Jersey

May 13, 2023

Agenda

8:00-
10:00 a.m. REGISTRATION/
FULL BUFFET BREAKFAST

9:00 a.m. CALL TO ORDER
Presiding: Irene LeFebvre

PLEDGE OF ALLEGIANCE

Delegates

RECOGNITION OF COMMITTEE CHAIRS

Irene LeFebvre

REPORT OF THE PRESIDENT

Irene LeFebvre

REPORT OF THE EXECUTIVE DIRECTOR

Dr. Timothy J. Purnell

ADOPTION OF THE RULES FOR THE
CONDUCT OF THE DELEGATE ASSEMBLY

Irene LeFebvre
Parliamentarian

-over-

MINUTES OF THE MEETING OF
November 19, 2022

Irene LeFebvre

REPORT OF THE NOMINATING
COMMITTEE

Michael McClure

Election of Officers

Michael McClure

REPORT OF THE V. P. FOR
LEGISLATION/RESOLUTIONS

Karen Cortellino

Resolutions Subcommittee Report

CONSIDERATION OF RESOLUTIONS

Karen Cortellino

SUNSET REVIEW

Karen Cortellino

INSTALLATION OF OFFICERS

Michael McClure
Irene LeFebvre

ADJOURNMENT

Irene LeFebvre

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**New Jersey School Boards Association
413 West State Street
Trenton, New Jersey 08618
(609) 695-7600**

DELEGATE CERTIFICATION FORM

I, the undersigned, hereby certify that I am a regular voting member of the _____ Board of Education in the County of _____; that to the best of my knowledge, said Board of Education is a member in good standing of the New Jersey School Boards Association, and that I am duly appointed and authorized to act as the Delegate from said Board of Education at the Annual Delegate Assembly on May 13, 2023.

SIGNATURE

ADDRESS

CITY/STATE/ZIP

**NEW JERSEY SCHOOL BOARDS ASSOCIATION
ANNUAL DELEGATE ASSEMBLY
May 13, 2023**

Summary of Delegate Action

Enclosed for your convenience to
report to your board of education.

ACTION TAKEN

ELECTION OF OFFICERS

*President – Karen Cortellino,
Montville Township Board of Education (Morris)*

*Vice President for County Activities – Barry Fitzgerald,
Lenape Regional Board of Education (Burlington)*

*Vice President for Finance – Jonathan Castaneda,
West New York Board of Education (Hudson)*

*Vice President for Legislation/Resolutions – Chanta L. Jackson,
Neptune Township Board of Education (Monmouth)*

Nomination by Petition

*Vice President for Finance – Tom Connors
Piscataway Township Board of Education (Middlesex)*

RESOLUTION NO. 1 – Hunterdon Central Regional High School District proposes new policy language limiting New Jersey mandated student assessments to one assessment or one assessment series that measures student proficiency in the New Jersey Student Learning Standards and that all other assessments be left to the discretion of local districts based on each district's assessment needs.

RECOMMENDATION:

The Resolutions Subcommittee recommends approval of the proposed resolution with the following substitute resolved clause which would create **new** policy language to be included in NJSBA's *Manual of Positions and Policies on Education*:

The NJSBA believes that state required assessments should be limited to one assessment series and the NJGPA that measures student proficiency in the NJSLS and that any additional testing should be left to the discretion of the local district based on individual district assessment needs.

Summary of Delegate Action

Enclosed for your convenience to report to your board of education.

ACTION TAKEN

RESOLUTION NO. 2 – Plainfield Board of Education (Union) seeks to allow skilled professionals to obtain certification and be excused from demonstrating basic skills proficiency through alternative methods to traditional tests in CTE programs without English proficiency for applicants who are non-English speaking.

RECOMMENDATION

Considering that revisions to the assessments to determine English proficiency were adopted just six months ago at the beginning of this school year as were modifications to permit retired teachers to return for two years without penalties and the Governor’s Task Force on Teacher Shortages submitted their recommendations less on February 1 of this year, the RSC recommends that any action to eliminate the English proficiency requirement for skilled professionals should be postponed until the new efforts to build the teaching force has the opportunity to have that impact.

The Resolution Subcommittee did not support the resolution seeking to amend a statute to allow skilled professionals to obtain certification without English proficiency for applicants who are non-English speaking.

RESOLUTION NO. 3 – Plainfield Board of Education (Union) proposes additional policy language that would enhance and support student health services by including training for teaching staff and administrators in the provision of emergency support services, including cardiopulmonary resuscitation, first aid, automated external defibrillators (“AED”), the emergency administration of epinephrine, insulin, glucagon, and asthma treatments. The resolution also seeks to expand the scope of Janet’s Law to afterschool programs and provides that NJSBA encourage all New Jersey schools to provide regular refresher courses and ongoing training opportunities to ensure that staff and administrators maintain their proficiency in these critical health-related skills.

Summary of Delegate Action

Enclosed for your convenience to report to your board of education.

ACTION TAKEN

RECOMMENDATION

The Resolutions Subcommittee approved this resolution with the following substitute resolved language which would create additional policy language to be included in NJSBA's *Manual of Positions and Policies on Education*:

The NJSBA believes, that New Jersey boards of education should be explicitly granted the statutory authority to adopt policies, in consultation with the school physician and school nurse, that provide appropriate emergency health services training to staff and volunteers as befit anticipated emergency circumstances.

The NJSBA believes, that immunity from legal process be extended to any staff member or volunteer acting in compliance with said emergency administration policies.

The NJSBA believes, that the State should provide specific funding for such emergency training.

RESOLUTION NO. 4 – Toms River Regional Board of Education (Ocean) proposes **new** policy language seeking the ability for boards of education that hold their elections in November to put a second question on the general election ballot that would apply for the next fiscal year, rather than the current year as required by law.

RECOMMENDATION

The Resolutions Subcommittee approves the resolution with the following substitute resolved language which would create **additional** policy language to be included in NJSBA's *Manual of Positions and Policies on Education*:

Summary of Delegate Action

Enclosed for your convenience to report to your board of education.

ACTION TAKEN

File Code 3100

Voter Approval of School Budgets

The NJSBA believes that there should be no requirement in Type II districts to submit to the voters the Department of Education – approved annual school budget. Boards of education should be able to maintain the option of requesting voter approval for additional locally financed spending characterized under State law as “second questions”. **Local boards of education that hold their elections in November should be permitted the flexibility to seek voter approval for “second questions” at the November election that would apply to the subsequent fiscal year.**

RESOLUTION NO. 5 - Union County Vocational-Technical Board of Education (Union) proposes a revision to the bylaw clarifying the NJSBA Nominating Committee’s authority to consider vocational-technical board members for participation on the Nominating Committee.

RECOMMENDATION

The Resolutions Subcommittee adopted the resolution proposing the revision of NJSBA bylaws such that, “Due consideration shall be given to the inclusion of vocational board members as members of the Nominating Committee.”

PERIODIC REVIEW OF POSITIONS AND POLICIES ON
EDUCATION
REVIEW OF SECTION 9000
ORGANIZATION/OPERATION OF LOCAL BOARDS
POLICIES RECOMMENDED FOR REAFFIRMATION
WITHOUT CHANGES

File code	Title
9110	Number of Members and Terms of Office
9111	Qualifications
9112	Elections/Appointment
9113	Filling Board Vacancies
9114	Resignation/Removal from Office
9125	Appointment of Treasurer of School Moneys
9126	Appointment of Attorney
9140	Board Representatives
9150	Board Consultants
9200	Orientation and Training of Board Members
9250	Expenses
9270	Conflict of Interest
9271	Code of Ethics
9300	Governance
9311	Formulation, Adoption, Amendment of Policies
9321	Time, Place, Notification of Meetings
9322	Public and Executive Sessions
9340	Membership in Associations

PERIODIC REVIEW OF POSITIONS AND POLICIES ON
EDUCATION
REVIEW OF SECTION 9000
ORGANIZATION/OPERATION OF LOCAL BOARDS
POLICIES RECOMMENDED FOR REAFFIRMATION
WITHOUT CHANGES

File code	title
9360	Legislative Program
9420	Recognition of Individuals – Citizens, Pupils, Staff Members or Members of Board

NEW JERSEY SCHOOL BOARDS ASSOCIATION
BOARD OF DIRECTORS 2022-2023
(As of 4/13/23)

OFFICERS/EXECUTIVE COMMITTEE

<i>President</i>	Irene M. LeFebvre Boonton Town Board of Education
<i>Vice President for County Activities</i>	Bruce R. Young Carlstadt-East Rutherford Board of Education
<i>Vice President for Finance</i>	Tammeisha D. Smith Knowlton Township Board of Education
<i>Vice President for Legislation/Resolutions</i>	Karen Cortellino, M.D. Montville Township Board of Education
<i>Immediate Past President</i>	Michael R. McClure Maple Shade Board of Education
EX OFFICIO	Timothy J. Purnell, Ed.D. <i>Executive Director</i> New Jersey School Boards Association

MEMBERS & ALTERNATES

ATLANTIC COUNTY

Vacancy
Vacancy (Alt.)

BERGEN

Sheli Dansky, River Edge Board of Education
Michael Jacobs, Ridgely Board of Education (Alt.)

BURLINGTON

Vacancy
Erica Campbell, Palmyra Board of Education (Alt.)

CAMDEN

Joseph Miller, Audubon Board of Education
Vacancy (Alt.)

CAPE MAY

Jacqueline McAlister, Ocean City Board of Education
Thomas Belasco, West Cape May Board of Education

CUMBERLAND

Vacancy
Vacancy (Alt.)

ESSEX

Shane Berger, Bloomfield Board of Education
Kathryn Weller-Demming, Montclair Board of Education (Alt.)

GLOUCESTER

Natalie Baker, Swedesboro Woolwich Board of Education
Michele Giaquinto, Clearview Regional Board of Education (Alt.)

HUDSON

Jonathan Castaneda, West New York Board of Education
Haissam Jaafar, North Bergen Board of Education (Alt.)

HUNTERDON

Laurie Markowski, Flemington-Raritan Regional Board of Education
Robert Imhoff, High Bridge Board of Education (Alt.)

MERCER

Dana Krug, West Windsor-Plainsboro Board of Education
Addie Lane, Trenton Board of Education (Alt.)

MIDDLESEX

Liwu Hong, East Brunswick Board of Education
Kimberly Lane, Piscataway Board of Education (Alt.)

MONMOUTH

Al Miller, Howell Township Board of Education
Vacancy (Alt.)

MORRIS

Paul Breda, Wharton Borough Board of Education
Diane Morris, Mine Hill Board of Education (Alt.)

OCEAN

Stephanie Wohlrab, Brick Township Board of Education
Vacancy (Alt.)

PASSAIC

Nancy Lohse Schwartz, Pompton Lakes Board of Education
Alan Paris, Clifton Board of Education (Alt.)

SALEM

Eileen Miller, Woodstown-Pilesgrove Regional Board of Education
Vacancy (Alt.)

SOMERSET

Robert B. Morrison, Watchung Hills Board of Education
Barry Walker, Bridgewater-Raritan Board of Education (Alt.)

SUSSEX

Marie S. Bilik, Green Township Board of Education
Ronald Hoffman, Hardyston Township Board of Education (Alt.)

UNION

J. Brendan Galligan, Westfield Board of Education
 Brittany Kirkland, Roselle Park Board of Education (Alt.)

WARREN

Paul Williams, Harmony Township Board of Education
 Scott Nodes, Greenwich Township Board of Education (Alt.)

COUNTY ASSOCIATION LEADERSHIP

Vacancy
 Mattia Scharfstein, Stanhope Board of Education (Alt.)

URBAN BOARDS

Rita Martin, Winslow Township Board of Education (Camden)
 Marsha Hershman, Lindenwold Board of Education (Camden) (Alt.)

Rosa E. Moreno-Ortego, Elizabeth Board of Education, (Union)
 Cynthia Atkins, Roselle Board of Education (Union) (Alt.)

Diane Johnson, Pennsauken Board of Education (Camden)
 Chanta Jackson, Neptune Township Board of Education (Monmouth) (Alt.)

VOCATIONAL BOARDS

Elizabeth Martin, Hunterdon County Vocational Board of Education
 Jon-Henry Barr, Union County Vocational Board of Education (Alt.)

NSBA REPRESENTATIVE (Non-Voting)

Vacancy
(Exclusive to NSBA Officer or NSBA BOD member)

4/13/23



PROCEDURAL SUGGESTIONS FOR DELEGATES

Action in delegate meetings is sometimes prolonged when parliamentary procedure has not been properly followed in difficult situations. To speed the meeting, delegates might consider the following procedures:

Making Motions

To be discussed, a resolution must be moved by a delegate, preferably from the sponsoring board. The Vice President for Legislation/Resolutions does not move the resolution but merely reads a summary of the objectives sought in the resolution and the Resolutions Subcommittee's recommendation for delegate action as sent to all boards of education.

The recommendations proposed to the Delegate Assembly at the end of the discussion pages in this Delegate Handbook are made by the Resolutions Subcommittee. The Subcommittee is authorized by the NJSBA Bylaws to review all resolutions to come before the Delegate Assembly for policy consideration. Research on the issues presented in these resolutions sometimes leads the Resolutions Subcommittee to offer an alternative solution to the objectives sought with the Subcommittee recommending a substitute resolved clause for delegate approval. If a board delegate so chooses, the substitute resolved clause may be moved as the original motion for delegate approval.

When moving a resolution as originally presented by the sponsoring board of education, please say:

I move Resolution No. ____ as originally submitted.

When moving a resolution with the substitute resolved clause recommended in the discussion pages, please say:

I move Resolution No. ____ with the substitute resolved clause and recommended policy language for NJSBA'S Manual of Positions and Policies on Education.

Making Amendments

Any motion to amend a resolution or committee report recommendations must be submitted in writing to the Chair and official reporter before or at the time the motion is made on the floor.

An amendment form can be obtained at the Legal Table in the meeting room. You can consult with a staff attorney if you want help writing an amendment. The Legal Table is located in the front of the meeting room to your right.

When moving to amend a motion, please clarify your intent by saying one of the following:

- I move to strike on page ____, line ____ the word(s)
_____.
- I move to strike on page ____, line ____ the word(s)
_____ and insert the word(s)
_____.
- I move to insert the word(s) _____ between
_____ and _____ on
page ____, line ____.
- I move to add at the end of line ____ on page ____ the word(s)
_____.

Postponing or Referring a Motion

When delegates wish to defer action in order to develop more information, they should move to refer a resolution to a committee for study or refer a report back to the original committee for further study.

Close Votes

Whenever a delegate doubts the result of a vote as inconclusive or a tie, he/she may move that the vote be recast. If this motion is seconded, a majority vote is required to order a recount.

RULES FOR THE CONDUCT OF THE DELEGATE ASSEMBLY MEETING

1. **Credentials:** (a) The credential cards of all voting delegates shall be kept visibly displayed during the meeting. Voting shall be by electronic device. (b) The delegate to the Delegate Assembly must be either the delegate of record or alternate of record, or show proof of designated representation by the local board. A signed statement by the school business administrator on school district letterhead must be provided to show proof of designated representation by the local board. The delegate must show proof of identity at time of registration. (c) The registration desk shall close during the voting process in any contested election and no credentials shall be issued during such period. (d) An official count of all registered delegates shall be prepared and submitted to the President for announcement at the meeting just prior to the distribution of ballots in a contested election.
2. **Parliamentary Procedure:** (a) *Robert's Rules of Order Newly Revised, current edition*, shall govern the proceedings unless otherwise inconsistent with these rules. (b) There shall be an official parliamentarian to whom questions may be directed only through the Chair.
3. **Seating:** (a) All voting delegates, officers, members of the Board of Directors, county school board association representatives and staff shall be seated in front sections for easy access to the microphones for speaking privileges. (b) All others shall be seated in the rear of the meeting room.
4. **Recognition by Chair:** (a) An eligible speaker shall use a microphone and gain recognition of the Chair before speaking. (b) He/she shall give his/her full name and local board or official capacity. (c) Speakers shall state, at the outset, if they are speaking for or against a motion.
5. **Written Amendments:** (a) All motions to amend a resolution or committee report shall be submitted by the maker in writing to the Chair before or at the time the motion is made. The Chair has discretion to require any other motion to be submitted in writing. A majority vote is needed to pass the motion.
6. **Time Limitations on Speakers:**
 - (a) The first presentation of a delegate moving a question shall be limited to three minutes. Subsequent presentations shall be limited to two minutes each. No authorized speaker shall speak a second time on the same question until all persons seeking the floor shall have had an opportunity to speak once.*
 - (b) The first presentation of a delegate moving an amendment to a question shall be limited to two minutes. Subsequent presentations shall be limited to one minute each. No authorized speaker shall speak a second time on the same amendment until all persons seeking the floor shall have had an opportunity to speak once.
 - (c) Discussion on a committee report shall be limited to 15 minutes with the provision that, if continuation is desired, a motion may be passed by a two-thirds vote of the delegates present and voting to extend discussion time for a period of not more than five minutes, with a separate motion being required for each such extension.*

Rules For The Conduct Of The Delegate Assembly Meeting (continued)

- (d) Discussion on a proposed amendment to the *Bylaws* shall be limited to 15 minutes with the provision that, if continuation is desired, a motion may be passed by a two-thirds vote of the delegates present and voting to extend discussion time for a period of five minutes, with a separate motion being required for each such extension.*
- (e) Discussion on a resolution shall be limited to 15 minutes with the provision that, if continuation is desired, a motion may be passed by a two-thirds vote of the delegates present and voting to extend discussion time for a period of not more than five minutes, with a separate motion being required for each such extension.*
- (f) If a motion to amend the main motion is made, time will be suspended on the main resolution or committee report and five minutes will be allowed for discussion of the proposed amendment with the provision for extension as noted above (d). At the conclusion of a vote on the proposed amendment, time will be resumed on the main resolution or committee report.*

* Time clocks will be stopped when questions on parliamentary procedure are discussed and while proposed amendments are being prepared for presentation.

- 7. **Straw Poll:** There shall be no straw poll vote while the meeting is in session.
- 8. **A Motion to Call the Question:** (a) May not be made by a delegate at the conclusion of his/her remarks; (b) Will be deemed out of order if there are delegates waiting to speak **and** if discussion on the matter has not exceeded five minutes. A two-thirds vote of the delegates present and voting is needed to pass the motion.
- 9. **Motion to Reconsider:** Notwithstanding any provisions to the contrary in *Robert's Rules of Order Newly Revised, current edition*, once a resolution or *Bylaws* amendment has been voted upon, the delegates may not reconsider the vote on that resolution or *Bylaws* amendment.
- 10. **Breach of Order:** In debate a member's remarks must be germane to the question before the assembly—that is, his statements must have bearing on whether the pending motion should be adopted. If a member commits only a slight breach of order—such as addressing another member instead of the chair in debate, or in a single instance, failing to confine his remarks to the merits of the pending question—the chair will advise the member to avoid it. The member can then continue speaking if he commits no further breaches. If the offense is more serious as when a member persists in speaking on completely irrelevant matters in debate, the chair will warn the member; but with or without such a warning the president or any delegate can “call the member to order.” If the chair does this, he says, ‘The member is out of order and will be seated.’ Another member wishing to call a member to order shall rise and say, without waiting to be recognized, ‘Mr. [Chair], I call the member to order,’ and then resumes his seat. If the chair finds this point of order well taken, he declares the offender out of order and directs him to be seated.
- 11. **Suspension of Rules:** These rules may be overridden by a two-thirds vote of the delegates present and voting.

NOTE: These Rules of Conduct for the Delegate Assembly will sunset at the conclusion of the Delegate Assembly.



Minutes NJSBA Semiannual Delegate Assembly November 19, 2022

The Semiannual Delegate Assembly of the New Jersey School Boards Association (NJSBA) was held on November 19, 2022 at The Conference Center at Mercer, West Windsor, New Jersey. President Irene LeFebvre and Vice President for Legislation/Resolutions Karen Cortellino, M.D, presided over the meeting. There were 62 delegates present, representing 20 counties.

President LeFebvre called the meeting to order at 9:00 a.m. She reminded everyone in attendance that only certified delegates have the right to speak and vote on pending matters. She noted that non-voting board members who do not have speaking privileges and guests are viewing the meeting through our online conference platform. Voting tallies and policy amendment language will be visible.

President LeFebvre also reminded the delegates that members of the staff, NJSBA Board of Directors members who are not serving as delegates, past presidents of the Association, and county school board presidents or their designees are afforded speaking privileges but do not have voting privileges.

President LeFebvre announced that adequate notice of the meeting had been provided to three major newspapers and filed with the New Jersey Secretary of State. She reported that the Delegate Assembly Handbook and other materials related to the November 19, 2022, agenda were mailed on November 4 to delegates who requested a paper copy of the Handbook by November 2. An electronic copy was also posted on the NJSBA website. Attendees can access the Delegate Assembly meeting materials through the NJSBA website at www.njsba.org/da.

President LeFebvre led the delegates in the Pledge of Allegiance.

President LeFebvre acknowledged the following officers for their contributions to the Association.

President - Irene LeFebvre, Boonton Town (Morris)
VP for County Activities - Bruce R. Young, Carlstadt-East Rutherford (Bergen)
VP for Finance and Chair of the Finance Committee - Tammeisha D. Smith, Knowlton Township (Warren)
VP for Legislation/Resolutions and Chair of the Legislative Committee - Karen Cortellino, M.D., Montville Township (Morris)
Immediate Past President - Michael R. McClure, Maple Shade (Burlington)

Ms. LeFebvre also acknowledged the special contributions of those who have chaired the Association's standing and *ad hoc* committees:

Audit Committee - Laurie Markowski, Flemington-Raritan Regional (Hunterdon)
Standards and Assessment Committee - Eileen Miller, Woodstown-Pilesgrove Regional (Salem)
Special Education Committee - Lisa Marshall, Warren Hills Regional (Warren)
Urban Boards Committee - Marsha Hershman, Lindenwold (Camden)
School Finance – Dr. Tom Connors, Piscataway (Middlesex)

NJSIAA Representatives

Tammy Wagner, Stafford Township (Ocean)
 Barry Fitzgerald, Lenape Regional (Burlington)
 Harold Krieger, Upper Freehold Regional (Monmouth)
 Steve Shohfi, Lavallette (Ocean)
 Daniel Sinclair, Lakeland Regional (Passaic)
 J. Brendan Galligan, Westfield (Union)

NJSIG Board of Trustees

Irene LeFebvre, Boonton Town (Morris)
 Richard Casey, Ocean Gate (Ocean)
 Josephine Sharp, Wildwood City (Cape May)

Report of the President - President LeFebvre began her remarks by thanking the members for attending the Association's Delegate Assembly.

President LeFebvre gave a warm welcome to Dr. Timothy Purnell, who became the ninth executive director on July 1, and mentioned this was Dr. Purnell's first Delegate Assembly in his new leadership role. She noted Dr. Purnell has renewed the Association's focus on member services, by evaluating what the Association needs to do to not only maintain services but also improve the services it provides to members. This includes currently assessing which departments may need additional personnel to fulfill the growing needs of boards of education – particularly in the field services and legal and labor relations areas – and that Dr. Purnell believes it is important to rebuild this in-house expertise.

She acknowledged the success of the first in-person Workshop in at the Atlantic City Convention Center in three years, which was co-sponsored by the NJ Association of School Business Officials and the NJ Association of School Administrators. Some 6,000 people were in attendance – and almost 4,000 attended the first day. The only criticism I heard about Workshop is that a handful of sessions filled up too quickly. You're doing something right when the chief complaint revolves around more people wanting to attend your training. She pointed out the acting commissioner of education was in attendance throughout the event, and she delivered some insightful remarks during her keynote session, focusing on how the state is seeking to be more supportive of school districts. President LeFebvre also recognized the success of Workshop was attributed to the Association's staff members and noted the retirement of Lynn Anderson, senior manager of exhibits, after 43 years of employment. She mentioned it is "the Lynn's of the world that make Workshop successful" and the auditorium applauded Ms. Anderson and the staff members.

President LeFebvre stated the Association has also formed a Dues Formula Committee to review the current dues formula, determine its appropriateness and make any recommendations for changes and updates. She also mentioned a Gun Safety Task Force will be convening in December, and a report should be completed by the May Delegate Assembly. Board members interested in participating on this Task Force are asked to provide their contact information to Dr. Purnell.

President LeFebvre asked for a motion to change the order of the day due to her attending a private family obligation. A motion was made by George Babula, Harmony Board of Education (Warren); duly seconded by Judith Bassford, Clifton Board of Education (Passaic).

Rules for Conduct of the Delegate Assembly – President LeFebvre explained that all the delegates or those designated by the board to represent the district will use an electronic voting card and explained how to use them. She then reviewed the rules for making a motion and/or amendment.

She introduced parliamentarian Michelle Bobrow, who was prepared to address any questions on the rules. She stated that the *Rules and Procedures for the Delegate Assembly*, which are included in the handbook, and *Robert Rules of Order, 12th Edition* will be adhered to. There were 62 delegates from 20 counties which represented a quorum.

Participants were reminded that under NJSBA *Bylaws*, only certified delegates have the right to both speak and vote on pending matters. Members of the staff; members of the Board of Directors, who are not also here as delegates; past presidents of the Association; and county school board presidents or their designee are afforded speaking privileges but not the right to vote. Guests do not have speaking privileges.

Participants were reminded that if they wished to speak at any time, they should walk to the nearest microphone and will be recognized in the order they come to the microphone. Once recognized, they must identify themselves by name, board and state if they are a voting delegate so that the official reporter can keep accurate minutes. Comments must be new, different, and germane to the matter before the body.

A preview of today's agenda was published in *School Board Notes* and placed on the NJSBA Web site.

*With no further discussion, the motion to adopt the rules for the conduct of the November 19, 2022, Delegate Assembly was **APPROVED**.*

Minutes of the May 14, 2022, Delegate Assembly – President LeFebvre declared the minutes of the May 14, 2022 Delegate Assembly approved.

Committee Reports – President LeFebvre announced that the following reports were published in the delegate handbook and do not require any action: Audit Committee Report; Legislative Committee; and Special Education Committee.

Report of the Vice President for Legislation/Resolutions - Karen Cortellino, M.D., Montville Township (Morris) presented the Emergency Resolutions Subcommittee report. The cutoff for Emergency Resolutions was November 9, 2022. The Association received no Emergency Resolutions.

Vice President Cortellino presented the report of the Resolutions Subcommittee. The Association received one resolution prior to the official cutoff date of September 15 for the November 19 Semiannual Delegate Assembly. The resolution was submitted by the Dover Board of Education and proposed policy language calling upon the NJSBA to support the protection of school students from gun violence. During the Resolutions Subcommittee meeting held on October 11, the Subcommittee removed the resolution from the Delegate Assembly agenda pursuant to Article V, Section 5f of the Bylaws because the resolution called for action that would constitute reaffirmation of existing Association policy.

According to Article V Section 6 of the Bylaws, any action taken by the Resolutions Subcommittee may be overridden by a majority vote of the Delegates where timely notice of an intent to override the Resolution Subcommittee determination is filed. The Dover Board initially filed such notice, then determined to withdraw the motion.

Dover's withdrawal means that there is no resolution proposed for action today. However, the task force that Present LeFebvre mentioned will address all of the concerns raised by that resolution.

Sunset Review of File Code 6000 (Instruction) and 7000 (Construction, Remodeling, Renovation) of the NJSBA's Manual of Positions and Policies on Education

In accordance with GO/8700, which directs the review of Association Positions and Policies on Education, staff has reviewed all policies in the 6000 section and 7000 sections and identified those policies which require reaffirmation.

Vice President Cortellino stated with the Delegate Assembly's consent, she proposes the Delegate Assembly consider all of the policies in the 6000 and 7000 series. Any member can move to separate a policy from the group for separate action.

However, any formal proposal for substantive language revision must be brought by a board-adopted resolution to the May 2023 Delegate Assembly, in order to provide the opportunity for staff review, analysis and recommendation.

Dr. Cortellino stated if anyone wants to move to separate a policy, the time is now.

Policies Recommended for Reaffirmation

Dr. Cortellino stated that at this time, she will entertain a motion to approve the proposed policies in List 1 of the 6000 and 7000 Sections as a reaffirmation of existing policy of the NJSBA Manual of Positions and Policies on Education.

A motion was made by Kimberly Lane, Piscataway Township Board of Education (Middlesex), to reaffirm the 6000 and 7000 Sections of the NJSBA Manual of Positions and Policies on Education.

Motion was duly seconded by Jo Ann Groeger, Lawrence Township Board (Mercer).

The move to a vote on the motion was made. The motion on the floor was to reaffirm the 6000 and 7000 Sections of the NJSBA Manual of Positions and Policies on Education and all were in favor of the motion by a voice vote. None were opposed, and there were no abstentions. The motion carried.

Report of the Executive Director - Dr. Timothy Purnell provided a summary of the new initiatives NJSBA has introduced since the last Delegate Assembly in May, as well as his personal highlights of his first six months as the new Executive Director.

Dr. Purnell recognized the retirement of NJSBA staff member, Steve McGettigan, the Association's longtime senior manager of policy, by asking the delegates to show their appreciation for him with a round of applause.

Workshop 2023

Dr. Purnell thanked the Association's staff members in helping to make Workshop 2023 such a success. He added that he and the officers went to every single booth to thank the vendors for their participation. The event attracted 8,000 registrants, some 6,000 attendees, 351 vendors and had 68 sponsors, he said.

He also highlighted the student performances, student film showcase, officers reception, art gallery, STEAM Tank and various other features that made Workshop a resounding success.

Dr. Purnell acknowledged the return of the School Law Forum on the last day of Workshop 2023, as it has shown to be very successful at previous Workshops.

Legislative Activities

Dr. Purnell acknowledged last week's news release with Governor Phil Murphy announcing the state would expand mental health services to a greater population of students in the state with the administration's N.J. Statewide Student Support Services network, while maintaining the existing School Based Youth Services Program through fiscal year 2024 for those districts that currently participate in that program. He said this came after NJSBA members sent comments to state officials and legislators after the Association sent out an action alert, urging them to voice concerns over discontinuing the School Based Youth Services Program.

Dr. Purnell stated when meeting November 2 with Governor Murphy and members of the LEE Group, a group of New Jersey educational organizations, he urged the governor to provide additional financial consideration for New Jersey's schools. President LeFebvre and Mr. Jonathan Pushman, Governmental Relations, were also present at this meeting.

Other recent legislative developments includes a requirement for all high schools to have threat assessment teams in place and \$45 million in grants to support schools in transitioning to electric school buses.

Dr. Purnell stated the Association is nonpartisan, and makes its offerings bipartisan by design.

Resources for Members

Dr. Purnell updated the delegation on the progress the Association has made on various items in its strategic plan, "Framework for the Future", including the goals of impacting opportunities for student growth, providing resources to boards to analyze and use data, offering professional learning opportunities for effective governance, engaging in effective advocacy and making advances in the area of technology.

He announced a soon-to-be-released "Negotiations Data Portal" available only to members. The portal will help districts engage in collective negotiations, allowing them to generate their own reports to get the most up-to-date data on labor trends throughout the state. It will include the ability to make comparisons by county and district size.

A new online community forum is expected to be launched early next year, that will enable members to create individual communities based on their needs; i.e. exclusive to board presidents or members from various counties posting on the forums when a member is seeking information. This will be powered by software from Higher Logic.

Dr. Purnell also stressed the Association's efforts in addressing school safety and security. In the past, NJSBA has conducted two task forces on school security – one in 2014 and an update in 2018. As President LeFebvre mentioned at the start of the meeting, a task force will be convening to study gun safety, comprised of board members and staff members. Dr. Purnell then introduced the meeting's guest speaker, Jeff Gale, Director of the Office of School Preparedness and Emergency Planning at the New Jersey Department of Education. Mr. Gale, a former trooper with the New Jersey State Police, has been with the NJDOE for 11 years. He stressed school boards with questions about school safety should reach out to his office to see what training and support they may be able to get for free, instead of paying a

consultant or vendor. Mr. Gale spent much of his time speaking about the law Murphy signed in August, S-2765/A-4075, requiring each school district and charter school to develop a policy for the establishment of a “threat assessment team” at each school beginning with the 2023-2024 school year. Mr. Gale’s office has been providing districts with training to create these teams and to learn how to engage in threat assessment. Mr. Gale pointed out that every school should have a team – not the district – as the school’s staff interact with students and know what is transpiring on a daily basis and if a student is exhibiting concerning behaviors.

Field Services Representative Updates

Dr. Purnell invited some of the members of the field services team to share the many ways they can help board members accomplish their goals.

Kathy Helewa, senior manager of field services, noted she is “humbled” to lead a team of such passionate and respected experts on governance.

Jesse Adams Jr. said they are here to help members be an effective team governing their district. One of the ways to do that, he stressed, is by welcoming new members of the team and providing them with basic primer information.

Gwen Thornton noted when a board member has a question that they do not want to ask colleagues, they are welcome to reach out to her or any other field service representative. She said every NJSBA field service representative formerly served on a local board of education.

Mary Ann Friedman highlighted the importance of setting goals and how the team can help in that area as well. She noted that after setting goals, a board should provide updates on where it stands on them at least three times per year.

Charlene Peterson focused on the importance of evaluating the superintendent. NJSBA, she noted, provides training on the process.

Michelle Kennedy discussed how the Association can help with superintendent searches. She highlighted the Association provides onboarding assistance, something that separates it from other parties offering superintendent search services.

Patricia Rees highlighted the ability for boards to achieve board certification. She stated that boards that are honored with the prestigious certification receive a plaque to display in their district.

Adjournment - Immediate Past President Michael McClure thanked everyone for taking the time to attend the Delegate Assembly. Having no further business, a motion was made to adjourn the meeting.

Christine Guerriero, Garwood Board of Education (Union) made a motion; the motion was duly seconded by Wanda Knox, Pemberton Township Board of Education (Burlington). The meeting was adjourned at noon.

Respectfully submitted,



Carl Tanksley, Esq.
Acting General Counsel

November 19, 2022 Delegate Assembly

County	District	Last Name	First Name
Atlantic	Mullica Twp Bd of Ed	Wyld	Joy
Bergen	Carlstadt-E Rutherford Bd of Ed	Young	Bruce
Bergen	Cresskill Bd of Ed	Klein	Mary
Bergen	Dumont Bd of Ed	DeWald	Robert
Bergen	Fort Lee Bd of Ed	Curry	Kimberly
Bergen	New Milford Bd of Ed	Ryan	Paige
Bergen	Norwood Bd of Ed	Sprague	Michael
Bergen	Ridgefield Bd of Ed	Jacobs	Michael
Bergen	River Edge Bd of Ed	Sim	Gyuchang
Burlington	Burlington Twp Bd of Ed	Riggi	Velina
Burlington	Delran Bd of Ed	Rafanello	Amy
Burlington	Maple Shade Bd of Ed	Wiest	Ellen
Burlington	Moorestown Twp Bd of Ed	Romano	Lauren
Burlington	Mount Holly Bd of Ed	DiFolco	Janet
Burlington	Mount Laurel Twp Bd of Ed	Declementi	Melissa
Burlington	Pemberton Twp Bd of Ed	Knox	Wanda
Burlington	Shamong Twp Bd of Ed	Locantore	Frank
Burlington	Southampton Bd of Ed	Hann	Russell
Camden	Brooklawn Bd of Ed	Cecilio	Michele
Camden	Gloucester Twp Bd of Ed	Reese	Ellen
Camden	Lindenwold Bd of Ed	Hershman	Marsha
Camden	Pine Hill Bd of Ed	Gallagher	Leslie
Cumberland	Cumberland Co Voc Bd of Ed	Hands	Ruth
Essex	So Orange-Maplewood Bd of Ed	Siders	Erin
Gloucester	Glassboro Bd of Ed	Hughes	Ryan
Gloucester	Logan Twp Bd of Ed	Russell	John
Gloucester	Pitman Bd of Ed	Miller	April
Gloucester	Mantua Bd of Ed	Vick	Karen
Gloucester	Washington Twp Bd of Ed - Gloucester	Pollard	Renee
Hudson	Jersey City Bd of Ed	Richardson	Lorenzo
Hunterdon	Kingwood Bd of Ed	Bloom	Kevin
Hunterdon	North Hunterdon-Voorhees Reg BOE	Hintz	Tara
Mercer	East Windsor Regional Bd of Ed	Bourjolly	Jeanne
Mercer	Lawrence Twp Bd of Ed - Mercer	Groeger	Jo Ann
Mercer	Mercer Co Special Services Bd of Ed	Morgan Santo	Stacy
Mercer	West Windsor-Plainsboro Regional	Krug	Dana
Middlesex	Jamesburg Bd of Ed	Luck-Deak	Anne
Middlesex	Middlesex Boro Bd of Ed	Schueler	Sharon
Middlesex	Piscataway Twp Bd of Ed	Lane	Kimberly
Middlesex	South Brunswick Bd of Ed	Mitchell	Mike
Monmouth	Howell Twp Bd of Ed	Malley	Mary Rose
Monmouth	Keyport Bd of Ed	Hausmann	John
Monmouth	Monmouth Reg Bd of Ed	Bruccoleri	Joseph

Monmouth	Oceanport Bd of Ed	Usatin	Neal
Monmouth	Union Beach Bd of Ed	Boyce	Sarah
Morris	Boonton Town Bd of Ed	Darling	Jennifer
Morris	Chester Twp Bd of Ed	Schultz	Sarah
Morris	Harding Twp Bd of Ed	Brunno	Richard
Morris	Jefferson Twp Bd of Ed	Stewart	Michael
Morris	Netcong Bd of Ed	Dalesandro	Bernadette
Morris	Rockaway Twp Bd of Ed	Mezik	Lisa
Morris	Town of Dover Bd of Ed	Miller	Scott
Ocean	Jackson Twp Bd of Ed	Rivera	Tara
Ocean	Lavallette Bd of Ed	Shohfi	Steve
Ocean	Ocean Township Bd of Ed	McDowell	Evelyn
Ocean	Toms River Reg Bd of Ed	Eagan	Kathleen
Passaic	Bloomington Bd of Ed	Wilson	Alexis
Passaic	Clifton Bd of Ed	Bassford	Judith
Passaic	Wayne Twp Bd of Ed	Kazan	Catherine
Salem	Alloway Twp Bd of Ed	Dennison	Michael
Salem	Woodstown-Pilesgrove Bd of Ed	Miller	Eileen
Somerset	Manville Bd of Ed	Harabin	Kelly
Somerset	Somerset Co Voc Bd of Ed	Wilkins	Nadine
Somerset	Somerville Bd of Ed	Van Horn	Denise
Sussex	Green Twp Bd of Ed	Bilik	Marie
Sussex	Hardyston Twp Bd of Ed	Hoffman	Ronald
Union	Cranford Bd of Ed	Hulse	William
Union	Garwood Bd of Ed	Guerriero	Christine
Union	Scotch Plains-Fanwood Bd of Ed	Boroff	Amy
Warren	Franklin Twp Bd of Ed - Warren	DiGilio	Rudolph
Warren	Great Meadows Reg Bd of Ed	DeSimone	Adam
Warren	Greenwich Twp Bd of Ed - Warren	Bayne	Kevin
Warren	Harmony Bd of Ed	Babula	George
Warren	Phillipsburg Bd of Ed	Zagra	Timothy
Warren	Warren Hills Reg Bd of Ed	Marshall	Lisa



MEMORANDUM

To: NJSBA DELEGATES AND ALTERNATES
From: TAMMEISHA D. SMITH, VICE PRESIDENT FOR FINANCE
Date: MAY 13, 2023
Re: FINANCIAL REPORT

The *Bylaws* of the New Jersey School Boards Association require that a “detailed report of the financial condition of the Association” be presented at each annual meeting of the Delegates. The financial reports through February 28, 2023 have been distributed to you. Included are the 2022-2023 year-to-date revenues and expenses and a balance sheet as of February 28, 2023.

The audit for fiscal year 2022-2023 will be completed in August and will be included in the annual report distributed at the November 2023 Board of Directors meeting.

NEW JERSEY SCHOOL BOARDS ASSOCIATION
STATEMENT of REVENUES and EXPENSES
For the Eight Months Ending Tuesday, February 28, 2023

	Month ended February		Year-To-Date Ended February		VARIANCE	FULL-YEAR	
	BUDGET	ACTUAL	BUDGET	ACTUAL		BUDGET	2021-2022
MEMBERSHIP DUES	\$592,666	\$592,675	\$9	\$4,741,335	\$60	\$7,112,000	\$7,112,092
MEMBERSHIP PROGRAMS	0	18,879	18,879	295,619	42,121	295,619	315,411
TOTAL MEMBERSHIPS	592,666	611,553	18,887	5,036,954	42,181	7,407,619	7,427,503
MEMBERSHIP EXPENSES:							
COMMITTEES	5,523	2,394	3,129	46,662	24,356	73,869	19,964
CONFERENCES- DUES BASED, NET	2,859	961	1,898	24,522	19,317	37,600	1,298
MEMBERSHIP SERVICES & PROGRAMS	28,598	15,694	12,904	228,784	100,143	343,177	266,034
PUBLICATIONS INCLUDED WITH MEMBERSHIPS, NET	10,228	730	9,498	25,156	11,277	42,710	38,277
TRAVEL & LIAISON	12,465	10,664	1,801	92,220	52,137	142,089	45,800
TOTAL MEMBERSHIP EXPENSES	59,673	30,442	29,231	417,344	219,568	639,445	371,374
OVERHEAD:							
SALARIES	441,805	414,142	27,663	3,771,611	(18,644)	5,715,555	5,514,956
PERSONNEL ADMINISTRATION & TRAINING	182,978	185,001	(2,023)	1,584,359	78,637	2,356,596	(145,502)
HEADQUARTERS HOUSING	33,587	22,651	10,936	273,696	36,040	408,038	800,372
INSURANCE	9,581	9,274	307	76,648	74,710	114,956	100,348
OFFICE EXPENSE	33,219	29,550	3,669	273,252	227,600	406,123	283,605
TOTAL OVERHEAD EXPENSES	701,170	680,619	40,551	5,979,566	5,835,943	9,001,268	6,553,778
NET MEMBERSHIPS	(168,177)	(79,508)	88,669	(1,359,956)	(976,374)	(2,233,094)	502,351
WORKSHOP REVENUE	0	(2,547)	(2,547)	1,661,300	2,548,031	1,661,300	757,789
WORKSHOP EXPENSES	0	(9,114)	9,114	961,275	850,443	961,275	138,215
NET WORKSHOP	0	6,567	6,567	700,025	1,697,588	700,025	619,574
FEE BASED SERVICE REVENUE	49,567	28,005	(21,562)	312,872	444,662	511,150	665,754
FEE BASED SERVICE EXPENSES	1,514	8,713	(7,199)	11,446	31,795	17,500	93,992
NET FEE BASED SERVICES	48,053	19,292	(28,761)	301,426	412,868	493,650	571,762
CONFERENCE REVENUE	8,663	398	(8,265)	75,304	57,039	230,460	150,738
CONFERENCE EXPENSES	5,017	8,094	(3,077)	20,936	8,496	61,761	1,860
NET CONFERENCES	3,646	(7,696)	(11,342)	54,368	48,543	168,699	148,878
NET PUBLICATIONS	1,500	256	(1,244)	12,000	3,566	18,000	21,059
NET ISTEAM & SUSTAINABILITY	9,835	720	(9,115)	49,480	16,388	89,220	100,167
NET MISC. REVENUE INCLUDING INVESTMENT INCOME	26,125	79,291	53,166	209,000	527,924	313,500	165,527
FREE BALANCE SURPLUS						450,000	
NET REVENUE OVER EXPENSES	(78,918)	18,922	97,840	(33,657)	1,764,159	0	2,129,318

NEW JERSEY SCHOOL BOARDS ASSOCIATION
BALANCE SHEET
For the Eight Months Ending Tuesday, February 28, 2023

	2023	2022	Prior year YTD June30
Assets and Deferred Outflow of Resources			
Current Assets:			
Cash and short-term investments	\$9,847,673	\$8,642,132	\$6,113,027
Accounts Receivable	74,831	81,282	553,820
Allowance For Doubtful Accounts	(15,000)	(15,000)	(15,000)
Prepaid Expenses	150,267	204,054	349,065
Deferred Compensation			
Total Current Assets	10,057,771	8,912,468	7,000,912
Fixed Assets:			
Land- HQ	1,686,534	1,686,534	1,686,534
Land	139,040	139,040	139,040
Building and Building Improvements	10,636,633	10,636,633	10,636,633
Furniture and Fixtures	1,074,177	1,004,074	1,004,074
Computer Hardware and Software	1,255,513	1,075,779	1,102,862
Telephone System	47,026	47,026	47,026
Automobiles	50,764	50,764	50,764
Total Fixed Assets	14,889,687	14,639,850	14,686,933
Less Accumulated Depreciation and Amortization	(7,645,664)	(7,196,434)	(7,645,664)
Total Fixed Assets - Net	7,244,024	7,443,416	7,021,269
Deferred Outflow of resources:			
Deferred Outflow of Resources - Pension Related	770,609	1,965,243	770,609
Deferred Outflow of Resources - OPEB Related	12,441,614	474,813	12,441,614
Total Deferred Outflow of Resources	13,212,223	2,440,056	13,212,223
Total Assets and Deferred Outflow of Resources	30,514,017	18,795,939	27,234,404

NEW JERSEY SCHOOL BOARDS ASSOCIATION
BALANCE SHEET
For the Eight Months Ending Tuesday, February 28, 2023

	2023	2022	Prior year YTD June30
Liabilities, Deferred Inflow of Resources and Fund Balance			
Current Liabilities:			
Accounts Payable & Accrued Liability	832,087	791,767	392,645
Prepaid Revenue	2,506,177	2,512,077	1,306,942
Accrued Vacation	538,948	594,872	628,515
Total Current Liabilities	3,877,213	3,898,717	2,328,101
Net Long-Term Liabilities:			
Net Pension Liability	8,287,700	11,785,521	8,287,700
Net OPEB Liability	11,596,359	1,894,824	11,596,359
Total Net Long-Term Liabilities	19,884,059	13,680,145	19,884,059
Deferred Inflow of resources :			
Pension Related	6,091,808	5,692,258	6,091,808
OPEB Related	13,629,711	11,818,850	13,629,711
Total Deferred Inflow of Resources	19,721,519	17,511,108	19,721,519
Fund Balances:			
Operating Fund Net Investment in facilities	7,244,024	7,443,416	7,021,269
Operating Fund Surplus Beginning Balance	4,127,682	4,256,977	1,998,364
Operating Fund Surplus Fiscal Year 2020-2021	1,730,502	534,563	2,129,318
Operating Fund Surplus Ending Balance	5,858,184	4,791,540	4,127,682
Unrestricted Fund - Net Pension Liability	(13,608,900)	(15,512,537)	(13,608,900)
Unrestricted Fund - OPEB Liability	(12,784,456)	(13,238,661)	(12,784,456)
Capital Fund - AMS	0	0	0
Capital Fund - Strategic Plan	122,148	222,211	195,128
Capital Fund - Building	200,226		350,000
Capital Fund - IT Replacement			
Total Fund Balances	(12,868,774)	(16,284,031)	(14,698,276)
Total Liabilities, Deferred Inflow of Resources and Fund Balances	30,514,017	18,795,939	27,234,404



REPORT OF THE LEGISLATIVE COMMITTEE

By

Dr. Karen Cortellino, M.D.

Vice President for Legislation/Resolutions

Prepared for the May 13, 2023 Delegate Assembly

As Vice President of Legislation/Resolutions, I would like to report the Legislative Committee's activities since the November 19 Delegate Assembly.

CHARGE:

1. The Committee shall encourage, promote and assist in the development of local, county and Statewide legislative networks.
2. The Committee may initiate legislative policy recommendations for consideration by the Board of Directors or the Delegate Assembly.
3. The Committee shall review issues and NJSBA's advocacy agenda and offer input on these matters.
4. The Committee shall clarify existing positions on legislation by analyzing bills pending in the Legislature.
5. The Committee shall recommend a biannual legislative agenda.
6. The Committee members may be called upon to testify at meetings and hearings of the State Legislature on issues.
7. The Committee shall serve as a membership base for the Resolutions Subcommittee.
8. The Committee members may participate in NJSBA's legislative training activities.
9. The Committee shall review federal legislation and other initiatives that affect local school boards and offer input on these matters.
10. The Committee shall serve as a united voice for the needs of all children by testifying, initiating local resolutions, writing/meeting/telephoning legislators, and communicating with local board members at county functions.

At the heart of the Committee's charge is its crucial service as a link between local boards of education and the New Jersey School Boards Association on current legislative and administrative code issues. Committee members encourage, promote and assist in the development of local, county and Statewide legislative networks.

The Legislative Committee consists of 80 members and alternates who represent their respective legislative districts. Having members from all legislative districts ensures that each legislator is contacted on a regular basis by board members who advocate and champion the needs of 1.4 million public school children. Having active Committee members and alternates ensures a stronger and more consistent message to ALL legislators. Please look at the vacancy list below. If you know of any board members in your district who would be great in our advocacy efforts, let us know.

Legislative Committee Vacancies (as of April 5, 2023)

<u>LD #</u>	<u>County</u>		
4-alt	Camden, Gloucester	17-alt	Middlesex, Somerset
6-alt	Burlington, Camden	18-alt	Middlesex
12-alt	Burlington, Middlesex, Monmouth, Ocean	29-alt	Essex
13-alt	Monmouth	30-alt	Monmouth, Ocean
14-alt	Mercer, Middlesex	31-alt	Hudson
15-alt	Hunterdon, Mercer	33-alt	Hudson

Since the last report, the Committee met on December 10, 2022 and March 4, 2023 during which it heard from invited guest speakers, received updates from the governmental relations staff, and held discussions on various timely educational and legislative issues.

December 10, 2022

Opening Remarks

Dr. Cortellino opened the virtual meeting by thanking the Committee members for their continued efforts on continuing to promote advocacy, especially during the pandemic. Dr. Cortellino stated the guest speakers Assemblywoman Kim Eulner, Assemblywoman Marilyn Piperno, and Assemblywoman Michele Matsikoudis would be speaking later.

NJSBA President Irene LeFebvre and Dr. Timothy Purnell, NJSBA Executive Director/CEO, provided opening comments. Dr. Purnell spoke about his experience serving on Governor Murphy’s Task Force on Public School Staff Shortages in New Jersey as well as meeting the LEE (Leadership for Excellence in Education) Group held with the governor himself. During his time on the task force and in the meeting with the governor, the NJSBA has been able to advocate for relief from the fiscal pressures boards of education. The Association has urged the governor, as well as the Legislature, to help districts cope with increased costs in the areas of health care (i.e., “Chapter 44”), transportation, special education and inflation.

A quorum count and new committee member introductions followed.

Guest Speakers

Dr. Cortellino welcomed and provided an introduction of the meeting’s guest speakers:

- Assemblywoman Kim Eulner, Legislative District 11

- Assemblywoman Marilyn Piperno, Legislative District 11
- Assemblywoman Michele Matsikoudis, Legislative District 21

The Assemblywomen discussed various legislative developments, recent enactments, and some of their priorities moving forward. Mr. Jonathan Pushman then moderated a discussion and presented the Assemblywomen with questions submitted by committee members both in advance and through the Chat function.

A range of topics and education-related legislation were addressed during the guest speaker portion of the meeting, including:

- The social, emotional and mental health of students, with specific references to the School Based Youth Services Program.
- Staffing shortages school and legislative proposals to alleviate the problem.
- Standardized testing and assessments.
- The school funding formula
- Miscellaneous pending and enacted legislation sponsored by the Assemblywoman:
 - A-2617: Establishes pilot program in DOE to provide assistive technology to elementary and middle school students with dyslexia and related conditions.
 - A-1516: Establishes certain program requirements for school counselor certification; outlines role and duties of school counselor; requires professional development for school counselors; establishes position of School Counselor Liaison in DOE.
 - A-4021: Requires Commissioner of Education to prepare report on learning loss of students with developmental disabilities during COVID-19 public health emergency.
 - A-3989: Removes basic skills testing requirements for certain teacher certification for three years.
 - A-3872: Requires school districts to provide instruction on mental health referral services as part of implementation of New Jersey Student Learning Standards in Comprehensive Health and Physical Education.
 - A-4075 (P.L.2022, c.83): Requires public schools to develop threat assessment teams.
 - A-3835 (P.L.2022, c.122): Requires public schools and nonpublic schools to submit critical incident mapping data to local law enforcement.

Legislative Updates

Mr. Pushman referred to the agenda and various meeting materials that were sent to attendees in advance of the meeting that highlight some of the most significant legislative developments and advocacy activities of the Association since the last committee meeting. He provided a series of updates on the Association's recent advocacy efforts. Specific items addressed included:

- Executive Order #309: Establishing Task Force to Help Address Public School Staff Shortages Across New Jersey. NJSBA will have a representative on the task force. Dr.

Purnell has been appointed to serve on the task force and was able to speak directly to the governor about the fiscal pressures school districts face.

- The meeting the LEE (Leadership for Excellence in Education) Group held with Governor Murphy. Items of discussion at that meeting included fiscal pressures BOEs are under; staffing shortages; student mental health; standardized testing; and school safety and security.
- The Legislative Panel and State Board of Education programs led by the governmental relations staff at NJSBA Workshop 2022.
- Status of the School Based Youth Services Programs and the NJ Statewide Student Support Services (NJ4S). During the virtual meeting, the social, emotional and mental health of students was a continuous theme.

Mr. John Burns and Mr. Jesse Young then led a PowerPoint presentation and discussed various new education-related laws, pending legislation, State Board of Education activity, and various actions taken by the Murphy Administration since the last committee meeting in September. Among the various topics during the presentation were:

- The governor's teacher shortage task force
- The NJ Statewide Student Support Services (NJ4S) initiative under development
- Two new law school security laws:
 - P.L.2022, c.83: Requires public schools to develop threat assessment teams.
 - P.L.2022, c.122: Requires public schools and nonpublic schools to submit critical incident mapping data to local law enforcement.
- Status of the "edTPA bill" (S-896, which the governor conditionally vetoed
- Pending regulations concerning the School Ethics Commission (Chapter 28), Educator Certification (Chapter 9), and Managing Equity and Equality (Chapter 7)
- 2020-2021 Statewide Assessment Results
- Various pieces of pending legislation:
 - S-588 (Informational literacy standards)
 - S-2256 (Specific learning disability classifications)
 - S-2692 (Remote psychological counseling sessions)
 - S-2912 (Police at school polling places)
 - S-2057 (Security drills and students with disabilities)
 - S-3080 (Student dropout prevention)
 - S-1221 (Access to menstrual products in schools)
 - A-4496 (SDA/School facilities project reforms)

Throughout and after the presentation, the Governmental Relations staff responded to member inquiries and questions that were submitted via the Chat function. A copy of the presentation was provided to committee members, along with an unedited copy of the public chat transcript as well as a summary of the meeting.

A summary of the meeting can be also be found in the December 13, 2022 edition of School Board Notes:

“Three Assemblywomen Headline Legislative Committee Meeting”

<https://www.njsba.org/news-publications/school-board-notes/december-13-2022-vol-xl-no-18/three-assemblywomen-headline-legislative-committee-meeting/>

Committee Sharing

The following issue was discussed during the meeting and the link below provides additional background:

- 2022 New Jersey Student Learning Assessment Data Presentation
https://www.nj.gov/education/sboe/meetings/agenda/2022/December/public/4b_2021-2022_Statewide_Assessment_Data_Overview.pdf

March 4, 2023

Opening Remarks

Dr. Cortellino opened the virtual meeting by thanking the committee members for their continued efforts on continuing to promote advocacy. Dr. Cortellino pointed out that much happens at the State House that affects education, and the work of the members is appreciated. Dr. Cortellino stated guest speakers Senator Andrew Zwicker and Assemblywoman Sadaf F. Jaffer would be speaking later. Opening comments were provided by President Irene LeFebvre and Dr. Timothy Purnell, Executive Director / CEO. A quorum count and new committee member introductions followed.

Guest Speakers

Dr. Cortellino welcomed and provided an introduction of the meeting’s guest speakers:

- Senator Andrew Zwicker, Legislative District 16
- Assemblywoman Sadaf F. Jaffer, Legislative District 16

Each of the legislators provided remarks to the audience. Mr. Pushman then moderated a discussion for nearly one hour and submitted questions from the committee members. Much of the discussion with the legislators centered on school funding issues and the governor’s proposed budget for FY2024, which was delivered earlier in the week. Two days after the budget address, districts were notified of their state aid figures for the fiscal year beginning July 1. While aid reductions were anticipated by many districts per the provisions of “S-2”, the legislators and committee members discussed at length how several districts were surprised by the magnitude of the funding cuts they will experience. There was discussion about the potential for relief from the aid reductions and the need for more predictability and transparency regarding school funding to avoid shocks in the future. Discussion also focused on the need for property tax levy cap flexibility to allow districts to raise more revenue locally, as well the prospect of reexamining the School Funding Formula to ensure it is working properly for all districts.

Other topics addressed included initiatives to support student mental health, the need to increase the pipeline of qualified teaching staff, and the state’s recent announcement regarding expansion of preschool funding.

Legislative Updates

Mr. Pushman referred to the agenda and various meeting materials that were sent to attendees in advance of the meeting that highlight some of the most significant legislative developments and advocacy activities of the Association since the last committee meeting. The materials included:

- A Governmental Relations Update that provides a detailed summary of recent legislative and Murphy administration activity
- A copy of the report containing the initial recommendations of the Task Force on Public School Staff Shortages in NJ
- Bios for Senator Zwicker and Assemblywoman Jaffer
- The FY2024 Budget in Brief

Mr. Pushman highlighted an advocacy win the Association achieved shortly after the December 2022 Legislative Committee when Governor Murphy signed the “edTPA” bill (S-896/A-677) into law. That measure prohibits the state from requiring the completion of a Commissioner-approved performance based as a condition for obtaining a teaching certificate. The NJSBA strongly supported the legislation along with several other advocacy groups. The bill was designed to remove what many consider an unnecessary and redundant barrier to entering the teaching profession.

Mr. Pushman referred to the recommendations of the task force that was established last year to develop recommendations for alleviating the public school staffing shortage crisis. Dr. Purnell had a seat on the task force and ensured that several of the Association’s advocacy priorities were included in the report. These included property tax cap flexibility, repeal of the state residency requirement for school staff, and revisiting educator health benefit plans.

Mr. Pushman provided a broad overview of the budget Governor Murphy proposed on February 28 for Fiscal Year 2024. The spending plan includes an increase of \$832 million in direct formula aid to schools; an investment that represents the sixth year of the seven-year plan (per “S-2”) designed to phase districts into their full funding amounts. Deliberations on the budget will begin in late March and continue throughout the spring.

Mr. John Burns and Mr. Jesse Young then led a PowerPoint presentation and discussed various new education-related laws, pending legislation, State Board of Education activity, and various actions taken by the Murphy Administration since the last meeting in December. The presentation included a detailed breakdown of the Governor’s proposed FY2024 budget, which includes an increase of \$832 million in formula aid and keep that state on the glide path towards full funding by FY2025. Mr. Burns also highlighted the newly adopted School Ethics Commission that will shorten the timeframe under which new school boards members must receive mandated training.

Other topics and legislation discussed during the presentation included:

- New Laws:

- P.L.2022, c.129 (Eliminates the edTPA requirement for educator certification)
 - P.L.2022, c.138 (Requires school districts to incorporate instruction on information literacy in the curriculum)
- The initial recommendations of the Task Force on Public School Staff Shortages, released in late February
- Preschool facilities grant funding and preschool expansion aid
- Federal grant the state received for youth mental health
- Adopting of the School Ethics Commission regulations
- Various pieces of pending legislation:
 - S-3554 (Mental health clearances for students)
 - S-3330 (Grief instruction)
 - S-2151 & S-2414 (Mental health excused absences)
 - S-1662 (Youth suicide prevention report)
 - S-3543 (Mental health service guidelines)
 - A-3681, S-1553 & A-3227 (teacher shortage proposals)
 - A-4639 (High school graduation assessment requirement)
 - A-4496 (SDA/School facilities project reform)
 - S-530 (Providing school meal info to parents)

Throughout and after the presentation, the Governmental Relations staff responded to member inquiries and questions that were submitted via the Chat function. A copy of the presentation has been provided to committee members, along with an unedited copy of the chat transcript and a summary of the meeting.

A meeting summary can be also be found in the March 7, 2023 edition of School Board Notes:

“Legislative Committee Meeting Features Two Legislators, Includes Discussion of Proposed Budget”

<https://www.njsba.org/news-publications/school-board-notes/march-07-2023-vol-xlvi-no-29/legislative-committee-meeting-features-two-legislators-includes-discussion-of-proposed-budget/>

Committee Sharing

The following topics were discussed:

- NJSBA Spring Symposium - Tuesday, April 25, 2023
<https://njsba.swoogo.com/SpringSymposium>
Governmental Relations will be moderating a panel discussion with other governmental relations experts from various education associations to discuss the latest developments at the state house, as well as advocacy techniques.
- Several members brought up SDA funding, ROD grants in particular, and how it impacts districts with charter schools. Mr. Young gave additional background information on the funding, and will provide updates as more information is released by the state.

- A member mentioned his school district is seeing a large increase in their deficit on school meals. They are going to pay approximately \$200,000. The member mentioned he will forward his specific budget sheets for the Governmental Relations staff to review. Mr. Young gave additional information on the governor's proposed budget including \$20 million in new funding to implement the "Working Class Families' Anti-Hunger Act" (P.L.2022, c.104), which expanded eligibility for free meals.
- A member asked on the status of S-2902, which allows ticket prices at postseason athletic events to be increased to offset event-related expenses. Governmental Relations confirmed this came out of the Senate Education committee in December, and there has been no additional movement to date.

Staff

Jonathan Pushman, Director, Governmental Relations

Carl Tanksley, Esq., General Counsel

Raymond Pinney, Director, County Activities and Member Engagement

John Burns, Esq., Senior Legislative Counsel

Jesse Young, Legislative Advocate

Anette Airey, Coordinator

**LEGISLATIVE COMMITTEE ROSTER****5/13/23** *

State District	Name	Title	Board of Education
1	Michele Barbieri	Member	Upper Township (Cape May)
	Josephine Sharpe	Alternate	Wildwood City (Cape May)
2	Patrick Ireland	Member	Egg Harbor Township (Atlantic)
	Dr. Anne Erickson	Alternate	Hamilton Township (Atlantic)
3	Carolyn Kegler	Member	Logan Township (Gloucester)
	Cheryl Potter	Alternate	Elk Township (Gloucester)
4	Linda Gilch	Member	Gloucester Township (Camden)
	Vacancy	Alternate	
	Maryjo Dintino	Resource	Gloucester Township (Camden)
5	Karen Vick	Member	Mantua Township (Gloucester)
	Naomi Davidson	Alternate	Runnemede (Camden)
6	Joyce Miller	Member	Gibbsboro (Camden)
	Vacancy	Alternate	
7	Lester Holley	Member	Edgewater Park (Burlington)
	Sean Toner	Alternate	Palmyra (Burlington)
8	Janet DiFolco	Member	Mount Holly (Burlington)
	Barry Fitzgerald	Alternate	Lenape (Burlington)
9	Kim Hanadel	Member	Pinelands (Ocean)
	Jennifer Bacchione	Alternate	Berkeley Township (Ocean)
10	Steve Shohfi	Member	Lavallette (Ocean)
	Anna Polozzo	Alternate	Toms River Reg. (Ocean)
11	Dr. Paul Christopher	Member	West Long Branch (Monmouth)
	Giuseppe Grillo	Alternate	Asbury Park (Monmouth)
12	Tara Rivera	Member	Jackson (Ocean)
	Vacancy	Alternate	

13	Matthew Kitchen Vacancy	Member Alternate	Keansburg (Monmouth)
14	Elliott Stroul Vacancy	Member Alternate	Jamesburg (Middlesex)
15	Jo Ann Groeger Vacancy	Member Alternate	Lawrence Township (Mercer)
16	Barry Nathanson Jean Trujillo	Member Alternate	South Brunswick (Middlesex) Hillsborough (Somerset)
17	Dr. Tom Connors Vacancy	Member Alternate	Piscataway (Middlesex)
18	Sharon Miller Vacancy	Member Alternate	South Plainfield (Middlesex)
19	Daniel Harris Lynn Kasics	Member Alternate	Woodbridge (Middlesex) South Amboy (Middlesex)
20	Jerry Jacobs Dr. Courtney Washington	Member Alternate	Elizabeth (Union) Roselle (Union)
21	William Hulse Robin McKeon	Member Alternate	Cranford (Union) Bernards Township (Somerset)
22	Sharon Schueler Bernard Robson	Member Alternate	Middlesex Borough (Middlesex) Rahway (Union)
23	Teresa Kane Lisa Marshall	Member Alternate	Milford (Hunterdon) Warren Hills (Warren)
24	Robert Carlson Raymond Morris	Member Alternate	Wallkill Valley Regional (Sussex) Newton (Sussex)
25	Dino Cappello Michael Bertram	Member Alternate	Denville (Morris) Morris Hills Regional (Morris)
26	Alison Cogan Christopher Natale	Member Alternate	Parsippany Troy (Morris) Jefferson Township (Morris)
27	Pamela Chirls Jennifer Tunncliffe	Member Alternate	Livingston (Essex) West Orange (Essex)
28	Jill Fischman Dawn Haynes	Member Alternate	Bloomfield (Essex) Newark (Essex)
29	Hasani Council Vacancy	Member Alternate	Newark (Essex)

30	Mary Rose Malley	Member	Howell Township (Monmouth)
	Vacancy	Alternate	
31	Lorenzo Richardson	Member	Jersey City (Hudson)
	Vacancy	Alternate	
32	Christina Stefani-Rackow	Member	Edgewater (Bergen)
	Adam Parkinson	Alternate	West New York (Hudson)
33	Melanie Tekirian	Member	Hoboken (Hudson)
	Vacancy	Alternate	
34	Judith Bassford	Member	Clifton (Passaic)
	Derrick Henry	Alternate	Orange (Essex)
	Cameron B. Jones, Sr.	Resource	East Orange (Essex)
35	Lucia DeNova	Member	North Haledon (Passaic)
	Dania Martinez	Alternate	Paterson (Passaic)
36	William Barnaskas	Member	Bergen County Spc Svcs (Bergen)
	Dr. Letizia Pantoliano	Alternate	Cliffside Park (Bergen)
37	Paula Colbath	Member	Fort Lee (Bergen)
	Denise Villani	Alternate	Cresskill (Bergen)
38	John Walsh	Member	Oradell (Bergen)
	Alma Morel	Alternate	Hawthorne (Passaic)
39	Charles Caraballo	Member	Bloomingtondale (Passaic)
	Dr. Jeffrey Pollack	Alternate	Dumont (Bergen)
40	Catherine Kazan	Member	Wayne (Passaic)
	Mary Ellen Nye	Alternate	Ho-Ho-Kus (Bergen)

***Note: Roster is current as of April 5, 2023. In may not include any changes or new appointments approved by the Board of Directors at its May 5, 2023 meeting.**



REPORT OF THE SCHOOL FINANCE COMMITTEE
Prepared for the Annual Delegate Assembly
May 13, 2023

CHARGE:

The School Finance Committee is a Standing Committee of the Association consisting of nine members appointed annually by the president. The committee shall monitor the school funding law in New Jersey and its impact on all types of school districts in the state. The committee shall also study issues relating to school finance, report periodically to the Delegate Assembly, recommend additions, modifications, or deletions to policy as needed, and take any other action as directed by the president, executive board, Board of Directors or Delegate Assembly.

REPORT:

Since the November 19, 2022 Delegate Assembly, the School Finance Committee has met virtually once, on March 4, 2023.

March 4, 2023 Meeting

Agenda/Discussion Items

- **Welcome** – Dr. Tom Connors, Chair
- **Remarks** – Dr. Timothy Purnell, NJSBA Executive Director/CEO, provided introductory remarks welcoming committee members and reiterating the Association’s commitment to advocating for equitable school funding for all districts.
- **Review of Committee Charge** – Dr. Connors read the mission of the committee, which is to monitor the school funding laws in New Jersey that impact school districts, and study issues related to school finance.
- **SFRA Presentation** –Jesse Young, Legislative Advocate, delivered a presentation to the Committee members, which provided an overview of K-12 formula aid under the School Funding Reform Act (SFRA). The presentation covered:
 - The background and timeline that culminated in the establishment of the SFRA
 - How a district’s “Adequacy Budget” is calculated and the various components that define adequacy (e.g., base cost, at-risk cost, limited English proficiency cost, combination cost, special education census, and the geographic cost adjustment)
 - Calculation of a district’s “local share”
 - Various types of categorical aid: Equalization aid; Special education categorical aid, Security aid, Transportation aid, and School choice aid
 - Extraordinary Special Education Aid reimbursement
 - The provisions of “S-2”, which redistributes state aid from overfunded to underfunded districts

The Committee briefly discussed the legislative history of attempts to provide districts with additional property tax levy growth cap flexibility in order to reach their local fair share and/or make up for any reductions in state aid.

- **Education Highlights of Governor Murphy’s Proposed FY2024 Budget** – Mr. Young and Jonathan Pushman, Director of Governmental Relations, provided an overview of education highlights from the governor’s proposed spending plan for fiscal year 2024, which he presented to the Legislature on February 28.

Highlights of the proposal include:

- An \$832 million increase in formula aid, keeping that state on track to fully fund SFRA by FY2025
- \$420 million for Extraordinary Special Education Aid (same as FY2023)
- An increase of \$109 million for preschool education aid
- \$20 million to fund programs that support teacher recruitment and retention efforts
- \$43 million to launch the NJ Statewide Student Support Services (NJ4S)
- \$30 million for high-impact tutoring and other academic recovery programs
- \$80 million for capital maintenance and emergent needs projects
- Funding to expand community schools

Additional information on the budget can be found in the *School Board Notes* article below:

<https://www.njsba.org/news-publications/school-board-notes/february-28-2023-vol-xlvi-no-28/governors-proposed-fiscal-year-2024-budget-includes-11b-for-k-12-schools/>

Next Steps

The Committee discussed the long-term importance of continuing to review whether the current SFRA formula accurately and appropriately captures the costs necessary to provide high-quality education programs.

School Finance Committee 2023-2024

Dr. Tom Connors, <i>Chair</i>	Piscataway	Middlesex
George Babula	Harmony	Warren
Judith Bassford	Clifton	Passaic
Paula Colbath	Fort Lee	Bergen
Daniel Harris	Woodbridge Township	Middlesex
Catherine Kazan	Wayne	Passaic
Matthew Kitchen	Keansburg	Monmouth
Cheryl Potter	Elk Township	Gloucester
Jean Trujillo	Hillsborough	Somerset
Irene LeFebvre	NJSBA President	Ex Officio
Tammeisha Smith	NJSBA Vice President for Finance	Ex Officio

Staff

Timothy J. Purnell, Ed.D.	Executive Director / CEO
Jonathan Pushman	Director, Governmental Relations
Jesse Young	Legislative Advocate
Anette Airey	Coordinator

**REPORT OF THE SPECIAL EDUCATION COMMITTEE****Lisa J. Marshall, Chair****Prepared for the Semi-Annual Delegate Assembly****May 13, 2023**

As Chair of the Special Education Committee, I would like to report on the Special Education Committee's activities since the November 19, 2022 Delegate Assembly.

CHARGE:

The Special Education Committee shall prepare and present appropriate testimony on special education issues affecting the delivery of special education services to children in New Jersey and in support of Association policies. The Committee shall report periodically to the Delegate Assembly and may recommend positions on special education issues for consideration by the Board of Directors.

MEETINGS:

The Special Education Committee met on November 22, 2022 and February 22, 2023. The agendas of those meetings included the topics and presentations outlined below:

Special Education Due Process--The committee met with Ellen Bass, Esq. a current school board attorney and former Retired Chief Judge and Acting Director of the New Jersey Office of Administrative Law (OAL). Ms. Bass spoke to the committee about her work as an administrative law judge and spoke about the challenges of the due process system in special education. One of the challenges of the due process system is that New Jersey's system of due process hearings are too slow to come to resolution quickly.

Ms. Bass opined that the regulations governing OAL due process hearings should be streamlined to allow for quicker resolution. She said that there is a difference between an administrative hearing in OAL and a hearing in the Superior Court of New Jersey. One of those key differences is that an administrative hearing should not take as long as a hearing in Superior Court. In OAL, there should be greater reliance on the papers submitted and less on oral argument and live witness testimony because the goal should be to ensure that the student is receiving the appropriate services. The more time that is spent in litigation is less time that the student may have with the appropriate instruction and services for that year. Additionally, the more time in court means more money going into litigation rather than education.

C.P. v. New Jersey Department of Education –This ongoing case in New Jersey Federal District Court alleges that the lengthy delays in New Jersey's special education due process system violate the federal Individuals with Disabilities Education Act (IDEA) on a systemic basis because the state does not meet the federal timelines in every case. Under the IDEA, when there is a dispute over a student's Individualized Education Plan (IEP), there are generally 45 days for the OAL to issue a final decision. 34 C.F.R. § 300.515. The plaintiffs in the case seek to stop the NJDOE from violating the 45-day rule and request the appointment of a monitor to develop and implement a remediation plan for cases that were not decided within the 45-day period going back to February 2005.

Report of the Special Education Committee
Prepared for the Semi-Annual Delegate Assembly – May 13, 2023
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Because of its conversation with Ms. Bass, the committee determined to learn more about possible solutions to New Jersey's backlog of due process cases. The chair of the Special Education Committee, with the consent of the NJSBA President, created a Due Process subcommittee made up of members Marshall and Adams with President Lefebvre, *ex officio*. The subcommittee interviewed the following individuals from both the district and parent perspective to gather more information on due process solutions for New Jersey:

Ellen S. Bass, Esq., School Board Attorney
Of Counsel
The Busch Law Group

Staci Greenwald, Esq., Parent Attorney
Partner
Sussan, Greenwald and Wesler

Jennifer Valverde, Esq., M.S.W., Parent Attorney
Clinical Professor of Law and Professor Nadine Taub Scholar
Rutgers University Law School

Esther Canty-Barnes, Esq., Parent Attorney
Director of the Education and Health Law Clinic
Rutgers University Law School

Rebecca Spar, Esq., Parent Attorney
Cole Shotz, P.C.

The NJSBA Special Education Committee thanks these individuals for sharing their time and expertise with the NJSBA. During the course of the interviews, many suggestions were made which are reflected below. Note that the compiled suggestions may not represent the particular views of each of the persons interviewed or the organizations that they represent:

General Suggestions

Training—Providing special education effectively and efficiently requires a commitment to ongoing training from everyone along the special education continuum. Parents need training to understand what the IDEA requires, not just as parents, but also as an integral part of their child's IEP team. As part of this training, the State should ensure that the *Parents Rights in Special Education* document is clearly written so that it is understandable to any parent with a child involved in the special education system. This would include ensuring that the *PRISE* is translated into the languages understood by the parents of our special education students. Local districts should ensure that special education staff and administrators also have the requisite training to carry out their responsibilities. School board members should also receive training to understand their role in the special education system. Training among all the participants in the special education system should not only be focused on their individual roles but also on

collaboration for the benefit of the special education student. Administrative Law Judges should also have the proper training in their role.

Ensure the implementation of P.L. 2021 c. 390—This law establishes a special education unit within the OAL. This unit will have ALJs that will specialize in special education to whom all due process cases will be assigned. The law also requires that an annual report be completed by the OAL, which will include the number of cases decided or settled within 45 days, and those that were settled or decided after the 45-day period, along with the reason that they were not settled within the regulatory timeframe. This annual report will also include recommendations for improving the due process system and for increasing the number of ALJs, if needed. The law also requires the appointment of 15 new ALJs. The deadline for this to occur is February 2024. The Governor’s proposed 2023-24 budget includes a funding increase to accomplish these goals.

Encourage the use of the Facilitated IEP process and Mediation—If disputes can be resolved before the due process hearing, that benefits all parties as less time and money is spent on litigation, allowing more funds to be spent on programming to benefit the special education student. IEP Facilitation is a free and voluntary service that the New Jersey Department of Education’s Office of Special Education offers to individualized education program (IEP) teams to promote effective communication and assist the team in developing a mutually agreed upon IEP. Mediation is also a free and voluntary service provided by the state to resolve disputes.

Office of the Special Education Ombudsman—The Special Education Ombudsman was legislatively created in 2015 to serve as a resource to provide information and support to parents, students, and educators regarding special education rights and services. *N.J.S.A. 18A:46-2.4*. The legislature should examine the legislation to determine if it needs amendment to meet the ongoing challenges of districts, special education students and their families.

Suggestions for Improvement in the Hearing Process

Informal hearing panels—While the federal IDEA mandates certain timelines and procedures, the remaining procedures and timelines are left up to the individual states. For instance, in Pennsylvania, the due process hearings generally last only 2-4 days.¹ This is in contrast to New Jersey, where such hearings can go on far longer, due in part to the much more formal nature of the due process hearings in New Jersey. For instance, New Jersey could simplify its procedures by requiring parties to agree to joint exhibits, limit the amount of oral testimony and rely more on the written statements, records and reports as a way to make due process hearings shorter. New Jersey and the federal government should look at innovative practices around the country to shorten the length of due process.

¹ See, *Understanding Special Education Due Process Hearings: A Guide for Parents and Families*, Pennsylvania Office for Dispute Resolution, 2022 version p. 93 (https://odr-pa.org/wp-content/uploads/ODR_Parent_Guide_English.pdf, last accessed 4/8/2023)

Report of the Special Education Committee
Prepared for the Semi-Annual Delegate Assembly – May 13, 2023
Page 4

Continue remote hearings where practicable—Remote hearings were a byproduct of the COVID-19 pandemic. The advantage of remote hearings is that they can be more efficient because parents, attorneys, and witnesses do not need to travel to the OAL offices, which are located in Atlantic City, Trenton and Newark. Therefore, less time and money is spent on travel. Remote hearings can be more convenient and perhaps less intimidating for parents. Additionally, with remote hearings any ALJ could hear the case regardless of where the case originates from in New Jersey. Right now, litigants are assigned to go to one of the three regional offices depending on where the case originates. Remote hearings could allow an ALJ from Atlantic City to hear a special education case from Sussex County for instance, depending on whether the office had room on its docket.

Special Consideration for *pro se* parents—The OAL must be sure to give consideration to parents that cannot afford an attorney. First, the OAL should ensure that these parents clearly understand, in their spoken language, the rights and responsibilities of a *pro se* litigant. The more knowledgeable these parents can be about the administrative process, the more confidence that they may have in that process. ALJs should also receive training in the needs of the *pro se* special education parent.

Create a corps of special education parent attorneys—Finding a parent attorney to work for no fee can be a near impossible endeavor. As a matter of equity, New Jersey should invest in an office that can provide a competent special education attorney for each parent who needs but cannot afford one.

Burden of Proof and Production—*N.J.S.A. 18A:46-1.1* provides that the school district shall have the burden of proof and the burden of production in a due process hearing. This is unlike most other types of hearings where the party seeking a remedy is the one to have the burden. This can create inefficiencies because the district is placed in a position of having to prove why its placement of a child is correct. The burden of proof should be on the party bringing the case. In the alternative, the burden should remain on the district only where the parent is *pro se*. Where the parent is represented by an attorney, the burden should be on the party bringing the case.

Settlement--Allow for more creative settlements where the district and the parents are in partnership with one another for the benefit of the student. A district should carefully weigh the advantages and disadvantages of the time and expense of due process and not lose sight of the purpose of the IDEA, which is to ensure that the special education student has the services and instruction needed to “prepare them for further education, employment, and independent living.” 20 *U.S.C.* 1400.

Conclusion

Again, the committee thanks the experts that shared their suggestions for improving New Jersey’s due process system. The Special Education Committee will continue its work on the issues raised above to develop a list of recommendations for making the due process system better for districts and the special education families that they serve.

SPECIAL EDUCATION COMMITTEE MEMBERS 2022-2023

Member Name

Cherie L. Adams
Erica Campbell
Sheli Dansky
Lisa J. Marshall, *Chair*
Cathy A. Moncrief
Holly Morell
Sharon Schueler
Eleanore Shaffer

District Name

Belmar Bd. of Ed.
Palmyra Bd. of Ed.
River Edge Bd. of Ed.
Warren Hills Regional Bd. of Ed
Lindenwold Bd. of Ed.
Fort Lee Bd. of Ed.
Middlesex Borough Bd. of Ed.
Hampton Twp. Bd. of Ed.

Staff

John J. Burns, Esq.
Jonathan Pushman

Senior Legislative Counsel
Director, Governmental Relations



REPORT OF THE NJSBA NOMINATING COMMITTEE

By
Michael McClure, CHAIR

**Prepared for the Annual Delegate Assembly
May 13, 2023**

The NJSBA Nominating Committee met pursuant to Article VII, Section 5 of the *Bylaws* of the Association to interview candidates for NJSBA offices. Nine applications were received; however, one applicant withdrew from the interview process. Two candidates interviewed for the office of NJSBA president, three candidates for vice president for county activities, one candidate applied for vice president of finance and two candidates applied for vice president for legislation/resolutions.

The Nominating Committee submits the following candidates to serve as Association Officers for the 2023-2025 term:

- ***President – Karen Cortellino, Montville Township Board of Education (Morris)***
- ***Vice President for County Activities – Barry Fitzgerald, Lenape Regional Board of Education (Burlington)***
- ***Vice President for Finance – Jonathan Castaneda, West New York Board of Education (Hudson)***
- ***Vice President for Legislation/Resolutions – Chanta Jackson, Neptune Township Board of Education (Monmouth)***

Additional Information for Filling Officer Positions According to NJSBA bylaws, candidates for all positions may also be nominated by petition, signed by at least ten members from at least five different boards of education, filed with the NJSBA Executive Director, on or before March 29th at 5:00 p.m. The following candidate has met the requirements of the *Bylaws* and submitted a petition which qualifies him for nomination to the following office:

- ***Vice President for Finance – Tom Connors, Piscataway Township Board of Education (Middlesex)***

The following Nominating Committee members were present at the meetings for selection of candidates:

- Michael McClure, Chair, Immediate Past President, NJSBA
- Marie Bilik, Green Township Board of Education, Sussex County
- Michael Jacobs, Ridgefield Board of Education, Bergen County
- Erica Campbell, Palmyra Board of Education, Burlington County
- Diane Johnson, Pennsauken Board of Education, Camden County
- Bernadette Dalesandro, Netcong Board of Education, Morris County
- Lorenzo Richardson, Jersey City Board of Education, Hudson County
- Alix Hayes, Ocean Township Board of Education, Monmouth County
- Carolyn Kegler, Logan Township Board of Education, Gloucester County

- Christy Biedron, Bedminster Board of Education, Somerset County
- Christine Guerriero, Garwood Board of Education, Union County
- Steve Shohfi, Lavallette Board of Education, Ocean County
- Eileen Miller, Woodstown-Piles Grove Board of Education, Salem County
- Irene LeFebvre, Boonton Town Board of Education, Morris County (president non-voting)

STAFF

- Carl Tanksley, Jr., Esq., General Counsel
- Cynthia Harrison, Executive Administrative Assistant

EXPERIENCED CANDIDATES SEEK POSITIONS AS NJSBA OFFICERS

In accordance with New Jersey School Boards Association bylaws, a proposed slate of officers selected by the Nominating Committee – as well as a candidate running by petition – will be presented to the delegates for their vote at the semiannual Delegate Assembly on May 13, 2023.

The Nominating Committee selected the following school board members for election by the delegates to serve as NJSBA officers from 2023-2025.

- **President** – Karen Cortellino, Montville Township Board of Education (Morris).
- **Vice President for County Activities** – Barry Fitzgerald, Lenape Regional Board of Education (Burlington).
- **Vice President for Finance** – Jonathan Castaneda, West New York Board of Education (Hudson).
- **Vice President for Legislation/Resolutions** – Chanta L. Jackson, Neptune Township Board of Education (Monmouth).

NJSBA bylaws also provide a process for candidates to be nominated by petition. This year, one such candidate filed a petition by the deadline: Tom Connors, vice president of the Piscataway Board of Education, is running for vice president for finance.

According to guidelines set by the NJSBA board of directors, candidates for NJSBA officer positions are to receive publicity in *School Board Notes*. The information below is provided by the candidates.

KAREN CORTELLINO, PRESIDENT (SELECTED BY NOMINATING COMMITTEE)



Candidate's statement: I am currently completing my second term as the NJSBA vice president for legislation/resolutions. I have found the experience extremely rewarding. This has been a difficult time, yet I have learned a great deal. I have been privileged to learn of legislative actions in real time. I have had the opportunity to work closely with the skilled NJSBA Governmental Relations staff and have honed my parliamentary skills.

Prior to my term as an officer, I served in many other leadership positions, including on my local school board and at the county association. I have developed relationships with state legislators in my capacity as president of the Morris County School Boards

Association and as a member of the MCSBA Legislative Committee, as well as my service as the board president for the Montville Township Board of Education.

I am a candidate for the position of president of the Association because I believe I have the skillset to continue Dr. Timothy Purnell's successful onboarding as executive director. I am always prepared, open-minded and willing to hear all sides. I am accessible and available. I am an active listener with a firm belief in servant leadership.

MEMBER MONTVILLE TOWNSHIP BOARD OF EDUCATION-MAY 2006-PRESENT

- Nominated School Board Member of the Year four times by fellow board members: 2013, 2017, 2018 and 2019.
- Served on every standing board committee.
- Served on various ad hoc committees.
- Served on five MTEA teacher negotiations.
- Chaired last three successful negotiations with the MTEA.
- Served on MTAA negotiation.
- Chaired MTESA negotiation.
- Created and chaired a separate Communications Committee.
- Participated in three superintendent searches.
- Delegate to Morris County School Boards Association, 2006 – 2014.
- Delegate to New Jersey School Boards Association, 2014-present.
- Liaison to Cedar Hill Elementary School Home and School Association, 2010 – present.

PRESIDENT MONTVILLE TOWNSHIP BOARD OF EDUCATION- MAY 2010 TO JANUARY 2016

- Instituted board liaisons to parent teacher groups at all seven schools.
- Instituted small celebrations for board member birthdays.
- Instituted and organized board member "breaking bread" dinners.
- Increased board representation and visibility at school and community events.
- Improved communication during public participation portion of public meetings.
- Initiated Safety and Security Committee.
- Led two superintendent searches.
- Led strong advocacy efforts on various issues, including superintendent's salary cap, unfunded mandates and school funding. We held many meetings with state legislators, in and out of Morris County; we met with the Department of Education; we passed relevant resolutions.

MORRIS COUNTY SCHOOL BOARDS ASSOCIATION

- First recipient of the *Irene LeFebvre Excellence in Boardmanship Award*, as presented by the Morris County School Boards Association, June 2022.
- Vice president, Morris County SBA – May 2010 – May 2013.
- Board of directors, Morris County SBA – May 2008 – April 2010.
- Present active member – May 2006.

PRESIDENT, MORRIS COUNTY SCHOOL BOARDS ASSOCIATION 2013-2019

- Visited all 41 school districts in Morris County with our message “Learn, Network, Eat” to encourage participation in county activities.
- Strong, relevant programming.
- Introduced *Good News and Sharing* in our agenda to share an innovative or original student program, a best practice, an achievement or something else of interest in Morris County schools. A few examples include original science research, robotics, genocide studies gallery walk, elementary financial literacy, STEM pals project, a collaborative initiative between school districts.
- We were the first county to start a county specific Legislative Committee, improving legislative advocacy for Morris County.
- Our political advocacy was strong. We held many meetings with state legislators, in and out of Morris County; we met with the Department of Education; we passed relevant resolutions; and we spoke with one Morris County voice.
- We improved communication with the membership for meeting information, advocacy and other activities.
- Sent out an introduction letter and “Welcome Back to School” letters.
- Reminded board presidents of upcoming meetings.
- We provided *Highlights* of every meeting to recap and enhance interest in attendance.
- We provided for the PowerPoint presentations from our meeting programs to be uploaded to the NJSBA/MCSBA website.
- Moved meetings to a different, larger catering venue.
- We updated our bylaws to make them more current and relevant.
- Recognized those individuals or boards with perfect attendance with a certificate of appreciation.
- Overall, we improved communication with the membership for meeting information, advocacy and other activities.
- Our attendance at meetings has grown.
- To recap what I am most proud of is our strong voice and comradery as school board members.
- Featured in the July/August 2018 *School Leader*, *A Salute to NJ’s County School Boards Associations*.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

- Vice president legislation/resolutions May 2019 – present.
- Chair, Legislative Committee, May 2019 – present.
- Chair, Resolutions Subcommittee, May 2019 – present.
- Board of directors, 2019.
- Certified Board Leader, March 2015.
- Master Board Member, March 2014.
- Certified Board Member, May 2008.
- Invited to participate in NJSBA Strategic Planning 2018-2020, Sept. 9 and Oct. 6, 2017.
- Invited to participate in a Leadership Weekend Conference, April 2018.
- Member and alternate, Legislative Committee, District 26, 2009 – 2017.
- Member and alternate, Resolutions Subcommittee, 2012 – 2017.
- Member, Emergency Resolutions Sub-Committee, January 2016.

- Alternate, Resolutions Sub-Committee, January 2012 – December 2016.
- New Board Member Orientation Group Leader Governance I, January 2015.
- Ad Hoc Committee on NJSBA Governance, 2013.
- Strategic Planning, 2020.
- Ad Hoc Charter Schools Committee, 2017.
- County Association Leadership, May 2008.
- Conducted an Action Lab “*How We Make an Effective Board Work*” with 3 other board colleagues, Workshop 2013.
- Invited to participate in a Mock Board Learning Lab “*Public Participation at Board Meetings*,” sponsored by Schwartz Simon Edelstein & Celso, Workshop 2013.
- Invited to participate in “*Building and Maintaining an Effective Governance Team*,” sponsored by NJSBA, Workshop 2014.
- Invited to participate in “*Pitfalls in Ethics and Board Governance for Board Members*,” sponsored by Schwartz Simon Edelstein Celso, Workshop 2015.

VICE-PRESIDENT OF LEGISLATION 2019-PRESENT

- Transitioned to the virtual environment smoothly and effectively.
- Attracted participation by influential members of the state Legislature.
- Chaired efficient and fair Legislative Committee and Resolutions Committee meetings.
- Managed the resolution portion of the Delegate Assembly effectively and efficiently in the virtual environment.
- Improved after-meeting reporting with expanded detailed summaries, embedded links and PowerPoints.
- Participated in NJSBA strategic planning, 2022 – 2024
- Faithfully attended the meetings of the four counties assigned, Mercer, Morris, Somerset, Union, as well as other county meetings around the state.
- NJSBA Ethics Committee, 2021 – present.
- Featured in the Winter 2022 *School Leader*, *Advocacy Toolkit: How local school board members can impact legislation and regulations*.

NATIONAL SCHOOL BOARDS ASSOCIATION

- Virtual Congressional Hill visits conducted by NJSBA Governmental Relations staff, June 2021, March 2022.
- Advocacy Institute, Equity Symposium, Washington D.C., January – February 2020.

AWARDS

- First recipient of the *Irene LeFebvre Excellence in Boardmanship Award*, as presented by the Morris County School Boards Association, June 2022.
- Carole E. Larsen Master Board Certification, June 2022.
- Montville Good Scout Award, Boy Scouts of America, 2017.
- Project Playground, 2000 Chamber of Commerce Volunteer of the Year.

COMMUNITY SERVICE

- Chair 2018, 2019, 2021 Boy Scouts of America Montville Good Scout Award committee and master of ceremonies at awards dinner celebration.

- Board of trustees and charter member, Towaco Civic Association.
- Towaco Civic Association, Montville Township Chamber of Commerce 2020 Organization of the Year.
- One Montville-Acceptance, Respect, Kindness.
- One Montville Response Team.
- Boy Scouts of America, Patriots Path Council, executive board member, retired.
- Greater Montville Township Relay for Life – 2019, 2020, 2021, 2022.

EDUCATION/EMPLOYMENT

- Physician specializing in radiology, with subspecialty in breast imaging and intervention.
- Pink Breast Center, Paterson, New Jersey.
- Post-graduate training: New York Medical College, Valhalla, New York.
- Medical school: Universidad Autonoma de Guadalajara, Guadalajara, Mexico.
- Undergraduate College: Queens College of the City University of New York, New York.

BARRY FITZGERALD, VICE PRESIDENT OF COUNTY ACTIVITIES (SELECTED BY NOMINATING COMMITTEE)



Candidate's statement: I applied for the position of vice president of county activities because I saw all the great things that Bruce Young has done for Burlington County and the county leadership. I look forward to continuing in his footsteps.

If I am elected vice president of county activities, my leadership and past experience as a board member can help the NJSBA county boards with ideas for funding issues, ideas for county meetings and help to guide their schools and children with the changing climate surrounding social justice. I also bring a background in school safety from my time on the Lenape Regional High School District building and grounds committee. I am very excited to be part of the NJSBA team and learn from all the awesome people involved with NJSBA.

LOCAL BOARD ACTIVITIES

- Evesham Township School Board, 10-year member.
- President for three years, serving on various committees, including negotiations, personnel, policy and building and grounds.
- Lenape Regional High School Board, nine-year board member.
- Past president for two years. Served on various committees, including executive planning chair, policy and public relations chair, negotiations chair, nominating, transportation and food services and building and grounds.

COUNTY ACTIVITIES

- Vice president of Burlington County School Boards Association.

NJSBA ACTIVITIES

- District 8 alternate on the Legislative Committee.
- NJSIAA Executive Committee.
- NJSBA delegate.

EMPLOYMENT

- Miller Truck Leasing, Lumberton, serving as the rental director for 27 years.

COMMUNITY ACTIVITIES

- Evesham Township Municipal Alliance board member for 15 years.
- Commissioner of Marlton soccer for 10 years.
- Evesham Celebrations Foundation board member for 14 years.
- Evesham Township Town Watch vice president for eight years.
- Marlton Rec Council coach for 14 years.

JONATHAN CASTANEDA, VICE PRESIDENT FOR FINANCE (SELECTED BY NOMINATING COMMITTEE)



Candidate's statement: I am running for vice president of finance because our work as board members has a profound impact on the development of our children. A proud product of West New York public schools, of the Head Start program, and a graduate of EOF, I hold dear the countless educational investments that have helped pave the way for me and my family.

NJSBA's continued advocacy on behalf of our students, especially on matters of diversity and inclusion, and the invaluable support that the organization offers our board members is essential to ensuring

our schools and students continue to be top in the nation, and I look forward to working with NJSBA to accomplish just that.

LOCAL BOARD ACTIVITIES

- West New York Board of Education, 2016 – present.
- Certified Board Member, Master Board Member, Certified Board Leader.
- Vice President, January 2023 – present.
- Chair, Finance, January 2016 – present.

COUNTY ACTIVITIES

- Hudson County representative, 2016 – 2018.

NJSBA ACTIVITIES

- NJSBA delegate, 2017-2019.
- Hudson County representative, board of directors 2022 – present.

EDUCATION

- BS, diplomacy and international relations, Seton Hall University.
- MPA, Master of Public Administration, Seton Hall University.
- MCRP, Master of City and Regional Planning, Rutgers University.

EMPLOYMENT/ COMMUNITY ACTIVITIES

- Special projects manager, town of West New York, December 2021 – present.
- Municipal administrator, town of West New York, May 2019 – December 2021.
- Chair, West New York Housing Corp., February 2017 – present.
- Member, West New York Planning Board, May 2019 – present.

TOM CONNORS, VICE PRESIDENT FOR FINANCE (NOMINATION BY PETITION)



Candidate's statement: I'm seeking this position because it's important to ensure that the Association maintains the proper resources to support our membership. From my professional work at a Fortune 500 company and as two-time president of the Piscataway Board of Education, I know how organizations' budgets are developed and understand the complexities of public education. At the local level, I chaired our board's Fiscal Planning and Operations Committee for seven years. As chairperson of the NJSBA School Finance Committee for five years, I helped districts understand the state funding formula

law that impacts all types of New Jersey school districts. I have also served on the NJSBA Finance Committee, developing the Association's annual budget. Also, from 2015 to 2020, I was a trustee and member of the Finance Committee of the New Jersey Schools Insurance Group. Most recently, I served on the Association's Ad Hoc Dues Reassessment Committee that had the charge to develop a dues formula that was equitable for all school districts. Lastly, I ask a lot of questions and am known as "the numbers guy." I think this is because of my science background. I would love to be given the opportunity to serve as our vice president for finance.

BOARD ACTIVITIES

- Piscataway Township Board of Education.
- Type of board: K-12 district.
- Length of service: 14 years.
- Board president, 2022; vice president, 2023
- Committees served on include (served as chair in some cases): Fiscal Policy and Operations; Policy; Legislation; Curriculum and Programs, Community Relations
- Board liaison service includes Children's Corner Preschool; Randolphville Elementary; Arbor Intermediate; Piscataway High School.
- Term expiration: January 2025.

COUNTY POSITIONS/COMMITTEES AND DATES OF SERVICE

- March 2011 to May 2014: Board representative to Middlesex County School Boards Association.

NJSBA POSITIONS/COMMITTEES AND DATES OF SERVICE

- NJSBA Board of Directors, alternate delegate.
- NJSBA Board Member Academy: Certified Board Member, 2013; Master Board Member, 2015; Certified Board Leader, 2018.
- Committees served on include (served as chair in some cases): School Finance; Finance; Legislative; Resolutions Subcommittee; Resolutions Emergency Subcommittee; Dues Reassessment, Bylaws Review; Governance Task Force; Nominations.
- Trustee, New Jersey Schools Insurance Group.
- Delegate, Delegate Assembly.

EDUCATION

- 1987: Harold Spencer Schwenk Postdoctoral Fellow.
- University of Connecticut Institute of Water Resources.
- Connecticut State Department of Health.
- Laboratory Bureau, Hartford, Connecticut.
- 1986: Ph.D., analytical chemistry, University of Connecticut, Storrs, Connecticut.
- 1983: M.Sc., analytical chemistry, University of Connecticut, Storrs, Connecticut.
- 1980: B.A., molecular biology, Eastern Connecticut State College, Willimantic, Connecticut.

EMPLOYMENT

Connors is retired from the Technology Division of Colgate-Palmolive, a Fortune 500 global consumer products company. He worked at their Corporate Technology Center in Piscataway, New Jersey for 24 years from 1988 to 2012. He did global research and development and managed multimillion dollars budgets and projects. He did new product development, worked as a Ph.D. formulation chemist and helped commercialize many new products. He holds 41 formulation patents. He has been a member of the American Chemical Society and American Association for the Advancement of Science since 1982. In his research career, he authored/co-authored 33 scientific peer-reviewed publications and is an academic “Google Scholar.”

COMMUNITY ACTIVITIES

Connors is a former Piscataway Soccer Club executive board member and USSF licensed coach. He was also a youth sports coach in Little League and middle school recreation basketball. He was a coach when Piscataway Township received the Sports Illustrated “Sports Town USA” Award in 2003. He’s a former member of the High School Athletic Booster Club and on the executive board of the Superchief Band Parents Association. He is also a former member of the Piscataway Township Mayor’s Environmental Advisory and Open Space Committees.

CHANTA L. JACKSON, VICE PRESIDENT FOR LEGISLATION/RESOLUTIONS (SELECTED BY NOMINATING COMMITTEE)



Candidate's statement: As a 25-year journalist and communications professional, I have been trained to be objective and accurately represent the views of others. I also have worked with all levels of government and understand the delicate balance that should exist. I have been a registered parliamentarian with the National Association of Parliamentarians since 2020. My desired focus areas include advocating for legislation to streamline the teacher certification process/expand reciprocity agreements, allowing traditional public schools to offer CTE programs independent of county vocational schools, teaching local boards to reduce reliance on aid, and expanding social-emotional learning supports.

LOCAL BOARD ACTIVITIES

- Neptune Township, February 2012 – December 2018; January 2020 – present.
- President, 2021 – present.
- Vice president, 2013 – 2017.
- Superintendent search chair, 2015.
- Former operations, personnel chair.

COUNTY ACTIVITIES

- Monmouth County School Boards Association, vice president of legislation, 2016 – 2017.
- Monmouth County School Boards Association, vice president, 2017 – 2018.

NJSBA ACTIVITIES

- Urban Boards, 2012 – present.
- Accountability Regulations Task Force, 2015 – 2017.
- Bylaws Committee, 2015.
- Nominating Committee, 2016.
- Certified Board Leader, 2016.
- Urban Board Alternate Delegate BOD, 2021 – present.

EDUCATION

- University of Maryland College Park, B.A., communications (RTVF).
- Northwestern Maynard Management at Kellogg Fellowship.

EMPLOYMENT

- Communications officer/registrar, Asbury Park School District.

COMMUNITY ACTIVITIES

- Monmouth County Youth Services Commission, 2016 – present.
- University of Maryland New Jersey Alumni Network Board, 2022 – present.
- Monmouth County Alumnae Chapter Delta Sigma Theta Sorority, Inc.



REPORT OF THE RESOLUTIONS SUBCOMMITTEE

by

Karen Cortellino

Vice President for Legislation/Resolutions

Prepared for the Annual Delegate Assembly

May 13, 2023

The Resolutions Subcommittee met on Tuesday, April 4, 2023 and Monday, April 10, 2023 via virtual Webex, to review the resolutions that will come before the Annual Delegate Assembly on May 13, 2023.

The Association received ten resolutions prior to the official cutoff date of March 9 for the May 13 Annual Delegate Assembly. Three resolutions were removed from the agenda of the Delegate Assembly by the Resolutions Subcommittee pursuant to Article V of the *Bylaws*. Two resolutions were combined due to the similarity of the proposed resolved clauses and one resolution was withdrawn by the sponsor. Pursuant to Article V, Section 6, action taken by the Resolutions Subcommittee may be overridden upon a motion and simple majority vote. The motion to override must state specifically the remedy sought by the moving party. The motion to override shall not be subject to debate except that both the maker of the motion and the chair of the Resolutions subcommittee shall be given three minutes to address the delegates concerning the motion.

Enclosed are the resolutions admitted to the Delegate Assembly agenda by the subcommittee.

Enclosures



RESOLUTIONS SUBCOMMITTEE OF THE LEGISLATIVE COMMITTEE

JANUARY--DECEMBER 2023

CHAIR

Karen Cortellino, NJSBA VP for Legislation/Resolutions

REGION A - MEMBERS

District 1	Michele Barbieri,	Upper Twp. BOE (Cape May)
District 6	Joyce Miller,	Gibbsboro BOE (Camden)
District 7	Lester Holley,	Edgewater Park BOE (Burlington)
District 10	Steve Shohfi,	Lavalette BOE (Ocean)

REGION B – MEMBERS

District 14	Elliott Stroul,	Jamesburg BOE (Middlesex)
District 15	Jo Ann Groeger,	Lawrence Twp. BOE (Mercer)
District 16	Jean Trujillo,	Hillsborough BOE (Somerset)
District 17	Tom Connors,	Piscataway BOE (Middlesex)

REGION C – MEMBERS

District 22	Sharon Schueler,	Middlesex Borough BOE (Middlesex)
District 23	Lisa Marshall,	Warren Hills BOE (Warren)
District 24	Robert Carlson,	Walkkill Valley Regional BOE (Sussex)
District 28	Jill Fischman,	Bloomfield BOE (Essex)

REGION D – MEMBERS

District 31	Lorenzo Richardson,	Jersey City BOE (Hudson)
District 34	Judith A. Bassford,	Clifton BOE (Passaic)
District 37	Paula Colbath,	Fort Lee BOE (Bergen)
District 40	Catherine Kazan,	Wayne Twp. BOE (Bergen)

REGION A – ALTERNATES

District 2	Patrick Irelend,	Egg Harbor Twp. BOE (Atlantic) NEW
District 3	Carolyn Kegler,	Logan Twp. BOE (Gloucester)
District 8	Janet DiFolco,	Mount Holly BOE (Burlington)
District 9	Kim Hanadel,	Pinelands Reg. BOE (Ocean)

REGION B – ALTERNATES

District 11	Giuseppe Grillo,	Asbury Park BOE (Monmouth)
District 13	Matthew Kitchen,	Keansburg BOE (Monmouth)
District 19	Daniel Harris,	Woodbridge Twp. BOE (Middlesex)
District 20	Jerry Jacobs,	Elizabeth BOE (Union)

REGION C – ALTERNATES

District 21	William Hulse,	Cranford BOE (Union)
District 24	Raymond Morris,	Newton BOE (Sussex)
District 25	Michael Bertram,	Morris Hills Regional BOE (Morris)
District 27	Pamela Chirls,	Livingston BOE (Essex)

REGION D – ALTERNATES

District 32	Cristina Stefani-Rackow,	Edgewater BOE (Bergen)
District 38	John Walsh,	Oradell BOE (Bergen)
District 39	Charles Caraballo,	Bloomington BOE (Passaic)
District 40	Mary Ellen Nye	Ho-Ho-Kus BOE (Bergen)

EX-OFFICIO: **Irene LeFebvre,** NJSBA President, Boonton BOE (Morris)

STAFF: Carl Tanksley, Esq., General Counsel **E-mail:** ctanksley@njsba.org
Cindy Harrison, Executive Assistant to General Counsel **E-mail:** charrison@njsba.org

New Jersey School Boards Association
413 West State Street
Trenton, New Jersey 08618

Phone: (609) 695-7600 **Fax:** (609) 695-0413 **800 #:** 1-888-88NJSBA

G:\DA\May 13, 2023\Resolutions Subcommittee\CommitteeRoster

RESOLUTIONS REMOVED FROM THE AGENDA (May 13, 2023)

Sponsor	Objective Sought/NJSBA Policy #	Status Report/Activities
Orange (Essex) Pay for Board Members	Proposed new policy granting local boards of education the discretion to compensate board members for their service.	Withdrawn.
Plainfield No. 1 (Union) Cohort Attendance	The resolution proposed that the NJSBA support the ability of school districts to classify students as “excluded from cohort” as it relates to the graduation cohort coding for students who have exited the respective school system, but whose location cannot be verified, following due diligence as it relates to graduate rate classification.	The Resolutions Subcommittee removed the resolution from the DA agenda in order to seek clarification from the district as to the severity of the impact on the district as well as the scope of the classification issue identified in the filed resolution in order to fully explicate the record so that delegates may make a fully informed decision.
Plainfield No. 2 (Union) CTE (ASVAB)	The resolution proposed revised policy language seeking the addition of the Armed Services Vocational Aptitude Battery (“ASVAB”) to be added to the list of Commissioner-approved exams for demonstration of basic skills aptitude for certain teacher certification purposes including Career-Technical Education (“CTE”).	The Resolutions Subcommittee removed the resolution from the DA agenda in order to seek more information from the district.

<p>Toms River No. 1 (Ocean) And South Brunswick (Middlesex)</p> <p>2% Tax Levy</p>	<p>Proposed additional policy language for adoption by the Delegate Assembly and inclusion in NJSBA's <i>Manual of Positions and Policies on Education</i>. The resolution requests that the NJSBA support allowing districts to exceed the 2% tax levy growth cap by an amount up to the amount of the district's year-over-year state aid reduction in the budget year, in addition to the other currently permitted adjustments to the 2% tax levy growth cap, provided the district's total general fund tax levy does not exceed the district's adequacy budget.</p>	<p>The Resolutions Subcommittee combined the South Brunswick and Toms River resolutions and removed the combined resolution from the agenda pursuant to Article V, Section 5f of the Bylaws because the resolution called for action which would constitute a reaffirmation of existing Association policy.</p>
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RESOLUTION NO. 1

SYNOPSIS

Resolution No. 1 from the Hunterdon Central Regional High School District proposes new policy language limiting New Jersey mandated student assessments to one assessment or one assessment series that measures student proficiency in the New Jersey Student Learning Standards and that all other assessments be left to the discretion of local districts based on each district's assessment needs.

BACKGROUND

New Jersey has a long history of mandated assessments dating back to 1978-1982 when third, sixth and ninth grades students participated in the Minimum Basic Skills (MBS) assessment in reading and mathematics. From those assessments, NJ moved to adopting a grade 9 High School Proficiency Test (HSPT9) and in 1988 moved the assessment to grade eleven (HSPT11) and added an eighth grade Early Warning Test (EWT) for placement and program planning purposes only.

With the adoption of the Core Curriculum Content Standards (CCCS) in 1996, NJ began assessing academic achievement in grades 3 through 12. The elementary assessment was known as the elementary school proficiency assessment, grade 8 as the Grade Eight Assessment (GEPA) which replaced the EWT, and in grade 11, the High School Proficiency Assessment (HSPA) replaced the HSPT11.

In response to the Federal No Child Left Behind Act (NCLB) 2001, NJ, adopted revised assessments – the NJ Assessment of Skills and Knowledge (NJASK) Grades 3-8. The State maintained the High School Proficiency Assessment, the Alternate Proficiency Assessment for students with severe cognitive disabilities, and end of year high school competency assessments in biology and algebra. This assessment scheme remained in place until June 2010.

In 2010, the NJ State Board of Education adopted the Common Core State Standards (CCSS) in math and ELA. NJ joined The Partnership for Assessment of Readiness for College and Careers (PARCC). This consortium worked to develop a series of assessments to replace existing state assessments. In 2014-2015 PARCC assessments replaced NJASK, and the HSPA.

More recently, in 2015 the NJ State Board of Education reviewed the common core standards and revised them to ensure that NJ consistently set high standards for all students. In 2016, NJ adopted revised mathematics and English language arts standards and changed the name of all nine (9) areas of NJ standards to the New Jersey Student Learning Standards. In the 2018-2019 school year, the New Jersey Student Learning Standards Assessments replaced the PARCC assessments.

In March 2020, with the Covid pandemic impacting all students, the state developed an assessment, entitled Start Strong to assist districts in determining where students needed additional academic assistance. The tests were designed to be administered efficiently within one period on paper or electronically in the following grades and subject areas:

Grades 4 through 8 in English

Grades 4 through 10 in math including algebra I and II, and geometry, and

Grades 6, 9, and 12 also tested in science.

The administration of Start Strong tests was optional for fall of 2020 but required for all districts in 2021 and again in the fall of 2022. On March 22, 2023, the NJ DOE announced the elimination of the Strong Strong Assessments, effective fall of 2023,

Finally in July of 2022, Governor Murphy signed a law that requires that the State Board of Education administer the New Jersey Graduation Proficiency Assessment (NJGPA) as a field test for the class of 2023 and it will be administered for the classes of 2024 and 2025.

RELEVANT NJSBA POLICY

File Code 6147: Standards of Proficiency

School Performance Indicators

- A. The NJSBA believes that local district policy should define a set of performance indicators to be used to monitor the quality of each school and that it is important for the State Department of Education to annually collect information from each district that provides the community with a profile of each school's performance on significant indicators.
- B. The NJSBA believes that the format for data should permit local boards of education and school officials to compare the performance of their schools to similar schools across the state or in selected districts. [Authority: DA 12/82-CR (Urban Education) DA 11/97 SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR]

Uniform Statewide Standards

- A. **The NJSBA believes** in uniform statewide standards as set out in the New Jersey Student Learning Standards. [Authority: DA 5/76-18; DA 5/00-1, DA 11/97 SR, 6/93-SR, DA 5/00-1].
- B. **The NJSBA believes** that efforts designed to ensure pupils meet these standards should:

Not cause undue hardship to students unable to meet them immediately

- 1. Require the provision of remedial programs (including during the summer) and appropriate evaluations for students failing to meet the standards;
- 2. Be accompanied by State provision for the cost of both effective remediation, instructional materials and the professional development needed for improving the instruction necessary for that remediation. [Authority: DA 5/76-18, DA 5/00], and

3. Provide adequate time and flexibility to districts in the development and adoption of curriculum and hiring of staff. *[Authority: BD 10/02, DA 11/02-SR, DA 11/07-SR]*
- C. The NJSBA believes that the annual reporting to the public on progress of all students in meeting the New Jersey Student Learning Standards as measured by the statewide assessment system, in each subject area assessed, should use the baseline data obtained in the previous academic year in lieu of an absolute standard. *[Authority: DA 5/00-1, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR]*

DISCUSSION

The Hunterdon Central Board of Education finds itself in a position that is similar to that of many districts across the state, the need to address learning gaps that resulted from extended covid restrictions and the attendant disruptions to the “regular” educational process that existed prior to the pandemic, including for example, Remote learning, technology issues, staffing, condensed learning times/schedules, limited co-curricular program, increases in food instability etc.

Upon return to in person instruction, the district administered in class diagnostic benchmark assessments to identify learning gaps and worked to accelerate learning to reduce covid induced learning loss. The benefit to in district diagnostic assessments is the ability to address the identified areas of need and institute programs/initiatives/supports immediately. However, the Start Strong test results from the fall of 2022 were not made available to school districts until December of 2022, almost four months into the school year.

Additionally, the Start Strong tests are designed to be a “snapshot” and as such do not provide the same comparisons or inferences as outcomes from the NJSLA and the NJ Graduation Proficiency Assessment. The administration of this additional assessment consumes needed instructional time that would be better spent in remediating and accelerating learning.

According to a bulletin issued by the Office of Assessments, Division of Teaching and Learning Services, the Start Strong Assessment was not intended to “[r]eplace local standards-based benchmark assessments districts may already have in place.” Moreover, the assessment was not intended to “[r]eplace the spring 2023 New Jersey Student Learning Assessments (“NJSLA”) statewide summative assessments or be used to meet the State graduation assessment requirements.” As such, the continued utility of the Start Strong assessment comes into question.

STATEMENT OF REASONS

1. The Start Strong assessments, are extra state-mandated tests that have a duplicative effect in measuring student proficiency and growth and creates a loss of instructional time that can be more effectively used to identify and remedy learning gaps.
2. The NJSLA in conjunction with the utilization of in district diagnostic assessments provide the necessary information to educators to enable districts to maximize instructional time effectively to closing learning gaps.

3. Eliminating another administration of Start Strong assessments or other state mandated assessments will free districts to plan instructional methodologies and strategies with the additional instructional time for the next and subsequent school years.
4. The district assessments are formative/diagnostic and used to determine learning gaps as opposed to the NJSLA and NJGPS which are summative assessments.
5. The limited length of the assessment and the small number of questions does not provide sufficient information on the NJSLA versus the NJGPS.

RECOMMENDATION

1 The Resolutions Subcommittee recommends approval of the proposed resolution with the
2 following substitute resolved clause which would create **new** policy language at File Code: 6147,
3 to be included in NJSBA's *Manual of Positions and Policies on Education*:

4
5 **The NJSBA believes** that state required assessments should be limited to one assessment
6 series and the NJGPA that measures student proficiency in the NJGPS and that any
7 additional testing should be left to the discretion of the local district based on individual
8 district assessment needs.

RESOLUTION NO. 1

NEW JERSEY SCHOOL BOARDS ASSOCIATION

**413 West State Street
Trenton, NJ 08618**

1-888-886-5722

**ANNUAL DELEGATE ASSEMBLY
May 13, 2023**

**The following resolution was received from the
Hunterdon Central Regional High School
Board of Education (Hunterdon):**

- WHEREAS, In July 12, 2022, Governor Murphy alerted school districts that they would be required to administer both the Start Strong and the NJSLA during the 2022-2023 school year with the purpose of providing fast results to inform instructional practices; and
- WHEREAS, The Start Strong District summative files and individual Student Reports were not made available to the school districts until late December, 2022; and
- WHEREAS, The Start Strong assessment was administered in addition to in-class diagnostic benchmarks and did not assess the depth and breadth of standards seen on the NJSLA or the NJGPA and do not support the same comparisons or inferences about student proficiency; and
- WHEREAS, Requiring extra state-mandated tests has a duplicative effect in measuring student Proficiency and growth and creates a loss of instructional time that can be more effectively used to identify and remedy learning gaps; and
- WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and
- WHEREAS, Education-related policies from prior Delegate Assembly and Board of Directors actions are codified in the NJSBA's Manual of Positions and Policies on Education; now, therefore, be it
- RESOLVED, That the Hunterdon Central Regional High School Board of Education proposes the following new policy language for adoption by the Delegate Assembly and inclusion in NJSBA's Manual of Positions and Policies on Education:

The NJSBA believes state-mandated testing is an important tool for the State and local districts to measure student learning when used in conjunction with other achievement indicators.

The NJSBA believes that the state-mandated testing should be limited to one assessment or assessment series that measures student proficiency in the New Jersey Student Learning Standards and that any additional testing should be left to the discretion of the local district. Based on Individual district assessment needs; now, therefore, be it

RESOLVED, That this resolution be placed on the agenda for consideration at the May 13, 2023 Delegate Assembly.

Adopted at a regular meeting of the
Hunterdon Central Regional High School
Board of Education
on March 1, 2023

Karen Bishop-Johnson
Assistant School Business Administrator/
Board Secretary

RESOLUTION NO. 2

SYNOPSIS

Resolution No. 2 from the Plainfield Board of Education (Union) seeks to allow skilled professionals to obtain certification and be excused from demonstrating basic skills proficiency through alternative methods to traditional tests in CTE programs without English proficiency for applicants who are non-English speaking.

BACKGROUND

Due to today's shortage of teachers in most, if not all certifications, the Plainfield Board of Education, like other NJ Boards of Education, has experienced difficulty recruiting qualified teachers in all areas and especially those certified in CTE (Career & Technical Education) programs including those in trades like stone masons.

The State of New Jersey has been proactively addressing the shortage of teachers specifically the challenge of English proficiency among CTE educators:

- On January 18, 2022, New Jersey Governor Phil Murphy signed Bill S4074 *P.L.2021, c.420* (N.J.S.A. 18A:26-34) into law which eliminates the requirement to pass a basic skills test of basic reading, writing, and mathematics in order to obtain a standard certificate as a career and technical education teacher and allows candidates to demonstrate such basic skills proficiency in another manner. It allows for an alternate demonstration of proficiency in the use of English language and mathematics in place of basic skills testing requirements for certain teacher certifications including career and technical education (CTE).
 - Alternative Measure is defined in the statute as “any demonstration of basic skills proficiency, other than a test, that is approved by the Department of Education including, but not limited to: a portfolio of work produces as approved by the superintendent of a candidate’s employing school district; obtainment of an occupational license or certification; or an industry certificate or registration.”
- **Hiring Retired Teachers** S-3685/A-5576 permits a retired teacher, or retired professional staff member who provides services such as speech language and other therapies, to return to employment for up to two years without reenrollment in the pension system. In addition, a recent law permits the employment of retired school nurses on an interim basis. The law goes into effect immediately but will only apply to retirees hired during the 2021-2022 or 2022-2023 school year.

Since the demonstration of proficiency in the English language may be an impediment to CTE certification of certain highly skilled craftsmen, the Plainfield Board of Education proposes that a statute be created to allow skilled professionals to obtain certification without English proficiency.

RELEVANT POLICY

A review of relevant policy and related discussions discloses that there is neither currently NJSBA policy exempting NJ the English language proficiency of certificated educators, nor has it been either proposed or discussed.

File Code 2130

Preparation and Certification of Administrators

The NJSBA believes that certification requirements for school administrators and graduate programs in administration should include: increased training in personnel management, communications and supervision; recognition of the different skills required by building and district administrators, and provision for a field practicum prior to certification. [Authority: DA 12/82-CR Urban Education, DA 11/95-SR, DA 5/01-SR, DA 5/06-SR, DA 5/11-SR, DA 5/16-SR]

File Code 6142: Elementary/Middle School Curriculum

The NJSBA believes that the elementary/middle school curriculum should foster an enthusiasm for learning and the development of the individual's abilities. The curriculum should provide a sound base for study in high school and later years in such areas as English language development and writing, computational and problem-solving skills, science, social studies, foreign language, and the arts. [Authority: DA 12/83-1, DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR]

File Code 6142.2: Bilingual Instruction

The NJSBA believes that the federal government should provide the financial support for bilingual education to ensure that students of limited English proficiency are learning English and receiving equal educational opportunities. [Authority: DA 12/81-CR Bilingual; DA 11/97-SR)

The NJSBA believes that bilingual education should be treated as part of a "thorough and efficient" education and that the state should pay for the full cost of bilingual programs. [Authority: BD 11/74; DA 12/81-CR; DA 11/97-SR]. The above referenced subcommittee reports are related to bi-lingual instruction and not teacher's English proficiency.

DISCUSSION

Difficulty recruiting teachers in all certifications is not limited to the State of New Jersey, but is causing challenges in school districts across the nation. Teacher shortages due to the decline of undergraduates enrolled in teacher preparation programs continues.

In February of 2002, in response to teacher shortages, NJSBA wrote legislation, Bill A1914, that was introduced by Assemblywoman Elba Perez-Cinciarelli and Assemblyman Joseph V. Doria, Jr. It was forwarded to Committee, and never acted upon. This proposed legislation would have provided an exemption from reenrollment

for certain retirees of the Teachers' Pension and Annuity Fund and amending and supplementing Title 18A of the New Jersey Statutes, thus making them eligible to return as teachers when districts were unable to secure certified teachers.

Legislators have also taken measures to address the teacher and school staff shortage, in addition to *P.L.2022 c.129*, which would prohibit the State Board from requiring the completion of a Commissioner of Education approved performance-based assessment (i.e., the edTPA) as a requirement for the receipt of a certificate of eligibility with advanced standing, a certificate of eligibility, or a standard certificate. In addition, the law granted a waiver to any candidate who earned a certificate of eligibility with advanced standing or a certificate of eligibility during the 2019-2020, 2020-2021, or 2021-2022 school years, yet was unable to complete a Commissioner approved performance-based assessment due to disruptions caused by the COVID-19 health emergency.

Additionally, Gov. Phil Murphy signed the following bills into law in January 2022:

- **Addressing CTE Teacher Shortage** *P.L.2021, c.420* eliminates the requirement to pass a basic skills test to become a career and technical education teacher, and allows candidates to demonstrate basic skills proficiency in another manner. The bill went into effect at the beginning of the 2022-2023 school year.
- **Hiring Retired Teachers** *P.L.2021 c.408* permits a retired teacher, or retired professional staff member who provides services such as speech language and other therapies, to return to employment for up to two years without reenrollment in the pension system. In addition, a recent law permits the employment of retired school nurses on an interim basis. The law goes into effect immediately but will only apply to retirees hired during the 2021-2022 or 2022-2023 school year.

In January of 2023, the Governor's Task Force on the Teacher Shortage released its comprehensive report of recommendations to address systemic and other barriers to earning a permanent teaching certificate in NJ. Action plans are being developed to address the recommendations.

STATEMENT OF REASONS

1. Across New Jersey and beyond, school districts have continued to experience major challenges in filling open teaching positions in all certificated areas including the CTE programs referenced in the Plainfield BOE proposed resolution.
2. The impact of revised regulations (18a:26-34) provides the opportunity for these candidates to demonstrate English proficiency through alternate measures (i.e., portfolios, etc.). However the revised regulations continue to require the demonstrations of English proficiency. Since these revisions were implemented as of the current (2022-23) academic year and the change is just six months old, the impact of this revision has not yet been determined.

3. On February 1 of this year, the *Governor’s Task Force on Teacher Shortages* issued its report that includes thirty-one recommendations that will increase the pool of potential NJ educators. The flexibility provided by these revisions will increase the pool of potential teaching candidates. However, since these revisions are in the process of being implemented, their impact will not be understood until they are assessed after implementation.
4. Recognizing the need for NJ students to have proficiency in English, NJSBA Policy 6142 and 6142.2 support the belief that all students must be able to communicate effectively in English and that the Federal Government should fund bi-lingual education to ensure our non-native speakers have the same advantages as native born English speakers. Since our students have a need to be proficient in English for future successes, it is imperative that their instructors model that same proficiency in their respective employment settings.

RECOMMENDATION

1 The Resolution Subcommittee (“RSC”) does not recommend support of a statutory revision to
2 permit non-English speaking skilled professionals to obtain certification without English
3 proficiency at this time. The NJSBA Resolutions Subcommittee recognizes the challenges that
4 boards of education across New Jersey have been and continue to experience in filling open
5 teaching positions with qualified candidates. The RSC also recognizes the additional challenges
6 of recruiting certificated CTE teachers.

7
8 Considering that revisions to the assessments to determine English proficiency were adopted just
9 six months ago at the beginning of this school year as were modifications to permit retired
10 teachers to return for two years without penalties and the Governor’s Task Force on Teacher
11 Shortages submitted their recommendations less on February 1 of this year, the RSC
12 recommends that any action to eliminate the English proficiency requirement for skilled
13 professionals should be postponed until the new efforts to build the teaching force has the
14 opportunity to have that impact.

15
16 **The Resolutions Subcommittee did not** support the amendment of a statute to allow skilled
17 professionals to obtain certification without English proficiency for applicants who are non-
18 English speaking.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

413 West State Street
Trenton, NJ 08618

1-888-886-5722

ANNUAL DELEGATE ASSEMBLY
May 13, 2023

The following resolution was received from the
Plainfield Board of Education (Union):

WHEREAS, On January 18, 2022, New Jersey Governor Phil Murphy signed Bill S4074 (N.J.S.A. 18A:26-34) into law which allows for alternative demonstration of proficiency in the use of English language and mathematics in place of basic skills testing requirements for certain teacher certifications including career and technical education (CTE); and

WHEREAS, Alternate Measure is defined in the statute as “any demonstration of basic skills proficiency, other than a test, that is approved by the Department of Education including, but not limited to: a portfolio of work produces as approved by the superintendent of a candidate’s employing school district; obtainment of an occupational license or certification; or an industry certificate or registration;” and

WHEREAS, Demonstration of proficiency in the English language may be an impediment to CTE certification of certain highly skilled craftsmen, such as stone masons;

WHEREAS, The Plainfield Board of Education proposes that a statute be created to allow skilled professionals to obtain certification without English proficiency.

WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and

WHEREAS, Education-related policies resulting from prior Delegate Assembly and Board of Directors actions are codified in the NJSBA's *Manual of Positions and Policies on Education*; now, therefore, be it

RESOLVED, That the Plainfield Board of Education proposes the following revised language for adoption by the Delegate Assembly and inclusion in NJSBA's *Manual of Positions and Policies on Education*:

The NJSBA supports the amendment of a statute to allow skilled professionals to obtain certification without English proficiency for applicants who are non-English speaking.

RESOLVED, That this resolution be placed on the agenda for consideration at the May 13, 2023 Delegate Assembly.

Adopted at a regular meeting of the
Plainfield Board of Education on
February 28, 2023

Cameron E. Cox, MPA, SSS
Acting School Business Administrator

RESOLUTON NO. 3

SYNOPSIS

Resolution No. 3 from the Plainfield Board of Education (Union) proposes additional policy language that would enhance and support student health services by including training for teaching staff and administrators in the provision of emergency support services, including cardiopulmonary resuscitation, first aid, automated external defibrillators (“AED”), the emergency administration of epinephrine, insulin, glucagon, and asthma treatments. The resolution also seeks to expand the scope of Janet’s Law to afterschool programs, and that the NJSBA encourage all New Jersey schools to provide regular refresher courses and ongoing training opportunities to ensure that staff and administrators maintain their proficiency in these critical health-related skills.

BACKGROUND

The provision of medical support services to New Jersey students has been and continues to be a top priority in public education. A school district’s obligation to ensure the health and safety of students in their charge must be one of a school district’s most important duties. New Jersey has historically accepted this obligation willingly and has been in the forefront of protecting the health and safety of students. The current resolution seeks to enhance that obligation by ensuring that teachers and administrators are properly and fully trained in the provision of emergency health services to students.

RELEVANT NJSBA POLICY

DISCUSSION

Currently, New Jersey has adopted a number of statutes and regulations designed to address student health needs, both routine and emergent, to ensure that school employees are properly trained to address such needs. For example:

1. Chapter 40 of Title 18A generally addresses the promotion of health and the prevention of disease. Of particular interest, *N.J.S.A. 18A:40-6 In General*, authorizes boards of education to provide such equipment supplies, and services as it believes will aid in the preservation and promotion of student health. Arguably, this statutory provision authorizes school districts to take reasonable and appropriate steps to protect student health in addition to the requirements enumerated in statute or regulation.
2. While not specifically addressed to emergency health procedures, *N.J.S.A. 18A:40A-3* requires the Commissioner of Education to establish inservice workshops and training programs designed to train selected public school teachers to teach an education program on drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances. Each local board must provide time for the inservice training and during the usual school schedule in order to insure that appropriate teaching staff members are prepared to teach the education program in each grade in each school district. In addition, the

Commissioner is required to make the training programs available to other instructional and supervisory personnel as deemed appropriate.

3. Along the same lines, *N.J.S.A. 18A:40A-15* requires the Commissioner of Education, in consultation with the Commissioner of Health, to develop an inservice training program to enable teachers to recognize and respond to substance abuse by pupils. Boards are required to ensure that all teaching staff members that are involved with instruction are provided with the inservice training program.
4. According to *N.J.S.A. 18A:40-41.2*, the Department of Education created an athletic head injury safety program that is required to be taken by the school physician, a person that coaches an interscholastic or intramural sport.
5. In addition, while not devoted exclusively to emergencies, the following statutes address student health:
 - a. *N.J.S.A. 18A:40-7* – Exclusion of students that are ill;
 - b. *N.J.S.A. 18A:40-10* – Exclusion of students and teachers exposed to disease;
 - c. *N.J.S.A. 18A:40-11* - Exclusion of students with communicable tuberculosis
 - d. *N.J.S.A. 18A:40-12.1* – Protective eyewear for students and teachers;
 - e. *N.J.S.A. 18A:40-12.3* – Self-administration of medication by students
 - f. *N.J.S.A. 18A:40-12.5* – Administration of epinephrine to students;
 - g. *N.J.S.A. 18A:40-12.6* – Policy for administration of epinephrine;
 - h. *N.J.S.A. 18A:40-12.6a* – Guidelines for food allergies;
 - i. *N.J.S.A. 18A:40-12.6c* – Training for volunteers administering epinephrine;
 - j. *N.J.S.A. 18A:40-12.7* – Nebulizers in schools
 - k. *N.J.S.A. 18A:40-12-9* – Asthma education opportunities
 - l. *N.J.S.A. 18A:40-12.13* –Health care plans for students with diabetes;
 - m. *N.J.S.A. 18A:40-12.14* – Employees authorized to administer glucagon;
 - n. *N.J.S.A. 18A:40-12.22* – Administration of medical cannabis to students;
 - o. *N.J.S.A. 18A:40-12.24* – Policy for emergency administration of opioid antidotes;
 - p. *N.J.S.A. 18A:40-12.29* - Administration of hydrocortisone sodium succinate;
 - q. *N.J.S.A. 18A:40-12.32* – Training protocols
 - r. *N.J.S.A. 18A:40-12.35* – Annual submission of student’s seizure action plan.
6. In addition, *N.J.S.A. 18A:40-41a* thru *41c*, colloquially known as *Janet’s Law*, requires each public and non-public school teaching any grade from kindergarten through grade twelve to ensure an automated external defibrillator is accessible during the school day and any other time that a school-sponsored event or team practice is taking place, when district students or nonpublic school students are participating.
7. In specifically addressing cardiac health, *N.J.S.A. 18A:40-41b* requires that no less than five school employees, team coaches, or licensed athletic trainers hold an active certification from the American Red Cross, American Heart Association, or other training program recognized by the Department of Health and Senior Services, in cardio-pulmonary resuscitation and in the use of a defibrillator.

8. In addition to cardiac arrest, the same section addresses athletic head injury and establishes a program training for such injuries. *N.J.S.A. 18A:40-41.2* requires the Commissioner of Education to develop an athletic head injury safety training program which must be completed by the school physician, a person who coaches a public school district or nonpublic school interscholastic sport, intramural sport, or cheerleading program, and an athletic trainer involved in a public or nonpublic school interscholastic sports program, intramural sports program, or cheerleading program.
9. Turning to the State Board of Education, New Jersey's administrative code also provides guidance in the provision of health services to students:
 - a. *N.J.A.C. 6A:16-2.1* – Health services policy and procedural requirements. This regulation specifically requires each local board to adopt policies regarding the provision of health, safety, and medical emergency services and to ensure that all staff are informed as appropriate. This includes the administration of medication to students by the following individuals: the school physician, a certified school nurse or noncertified nurse; a substitute nurse employed by the district; the student's parent; students authorized to self-administer medication; other school employees who volunteer to be trained and designated by the school nurse to administer epinephrine in an emergency; and other employees who volunteer who volunteer to be designated and trained to administer glucagon.
 - b. *N.J.A.C. 6A:16-2.2* – Required Health Services. Requires specific services and screenings to be provided to students including, a review of immunization records to ensure compliance with the state schedule, tuberculosis testing, nebulizer availability, medical examinations prior to engaging in interscholastic or intramural sports for students in grades six through twelve, upon enrollment in school or transfer to a new school, when applying for working papers, for a comprehensive child study team evaluation, and when a student is suspected of being under the influence of alcohol or a controlled dangerous substance.
 - c. *N.J.A.C. 6A:16-2.2* also requires a number of student health screenings including for height, weight and blood pressure annually, visual acuity biannually, annual auditory screening for students in kindergarten through grade three and again in grades seven and eleven. Students are also screened for scoliosis biannually when between the ages of ten and eighteen.
 - d. *N.J.A.C. 6A:16-2.3* – Health Services Personnel. In this regulation, the State Board of Education has directed board of education to appoint a properly licensed school physician who has appropriate training and a scope of services that includes child and adolescent health and development. The duties required of the school physician include consultation in the development and implementation of district policies and regulations related to health, safety, and medical emergencies. These duties also include consultation with and direction of district medical staff, the establishment of standards of care for emergency situations and medically

related care involving students and staff, and consultation with the school nurse in regard to the development of the school nursing services plan.

- e. *N.J.A.C. 6A:16-2.3* also directs the employment of a certified school nurse who works under the direction of the school physician. The regulation specifies certain duties of the school nurse, including reviewing and maintaining student health records, directing and supervising the emergency administration of epinephrine, and glucagon and training designated school staff, as well as assisting in the development of and implementing healthcare procedures for students in the event of an emergency.
- f. *N.J.A.C. 6A:16-2.5* authorizes a board to adopt policies providing nursing services to students enrolled in a nonpublic school and specifically authorizes the adoption of policies and procedures for the extension of emergency care to nonpublic school students to the extent those services are provided to public school students. Other provisions in Chapter 16 address alcohol, tobacco and other drug abuse programs, intervention and referral services and instruction for students that are not able to attend the regular school program.

STATEMENT OF REASONS

At the outset, it is noteworthy that the above statutes and regulations appear to provide a comprehensive framework to address specific student health issues. However, the provision of training to district staff seems less comprehensive. While it must be acknowledged that the statutes could not possibly address every ailment or emergent situation arising in schools, it must also be acknowledged that schools should be granted the discretion to address anticipated or emergency student and staff health issues in a manner best suited to address the immediate health concern. While *N.J.S.A. 18A:40-6* may generally grant boards the authority to address student health, schools statewide would benefit from a clarification of the training required to properly implement this grant of authority.

For example, in *N.J.S.A. 18A:26-2.3*, the Legislature directed the State Board of Education to promulgate regulations that require swimming teachers to have the appropriate first aid skills necessary to protect the health and safety of students. However, this first aid requirement has not been generally extended to other staff members. *N.J.S.A. 18A:40-12.34* requires every “seizure action plan” to include seizure first aid treatments, the statute is silent as to which staff is required to be trained in such treatments. In addition, *N.J.S.A. 8A:40-12.36* requires epilepsy and seizure disorder first aid training for bus drivers transporting a student with either disorder, such training is not mandated for other teachers or staff members that may have educational responsibility for such students.

However, it should also be noted that a broad grant of discretion raises additional oversight concerns. For example, *N.J.S.A. 18A:40-12.29* authorizes boards to adopt a policy addressing the emergency administration of hydrocortisone sodium succinate to students suffering from adrenal insufficiency. Section 12.30 also allows the emergency administration of hydrocortisone sodium succinate by the school nurse or other designated employees when the pupil is authorized to self-

administer. However, the New Jersey State School Nurses Association has taken issue with this statute. The School Nurses Association objects to self-administration of this particular drug due to intricacies involved in the preparation of the medication, which is not contained in an auto-injector mechanism and can be challenging to a student undergoing an adrenal crisis.

In such a case, any board adopting a policy authorizing staff members, or volunteers other than the school nurse, should closely consult with both the school physician and school nurse as to whether it would be appropriate to authorize other, properly trained, individuals to administer hydrocortisone sodium succinate. That being said, the district must also comply with the requirements of the statute which require parental notice and consent to the administration of this particular drug. The Nurses Association raises additional concerns regarding the self-administration of this medication (see attached).

It should also be noted that *N.J.S.A. 18A:35-4.28* directs regular operating districts and charter schools providing instruction to students in grades nine through twelve, provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to each student prior to graduation as part of the district's implementation of the Core Curriculum Content Standards in Comprehensive Health and Physical Education.

RECOMMENDATION

- 1 The Resolutions Subcommittee approved this resolution with the following substitute resolved
- 2 language which would create **additional** policy language to be included in NJSBA's *Manual of*
- 3 *Positions and Policies on Education*:
- 4
- 5 **The NJSBA believes**, that New Jersey boards of education should be explicitly granted the
- 6 statutory authority to adopt policies, in consultation with the school physician and school nurse,
- 7 that provide appropriate emergency health services training to staff and volunteers as befit
- 8 anticipated emergency circumstances.
- 9 **The NJSBA believes** that immunity from legal process be extended to any staff member or
- 10 volunteer acting in compliance with said emergency administration policies.
- 11 **The NJSBA believes**, that the State should provide specific funding for such emergency
- 12 training.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

**413 West State Street
Trenton, NJ 08618**

1-888-886-5722

**ANNUAL DELEGATE ASSEMBLY
May 13, 2023**

**The following resolution was received from the
Plainfield Board of Education (Union):**

- WHEREAS, The safety and well-being of students are a top priority for the New Jersey School Boards Association (NJSBA); and
- WHEREAS, Incidents can occur at any time and at any place, and the availability of trained personnel is critical to ensuring the safety of all students; and
- WHEREAS, Research has shown that prompt action by trained personnel can greatly improve the outcomes of medical emergencies; and
- WHEREAS, New Jersey law requires public schools to maintain a supply of epinephrine auto-injectors, glucagon, and naloxone, which can be lifesaving in emergencies; and
- WHEREAS, The availability of trained personnel who can safely and effectively administer these medications is critical to ensuring student safety; and
- WHEREAS, Training in health-related skills such as CPR, first aid, AED, epinephrine administration, insulin administration, glucagon administration, asthma treatment, and other emergency procedures can save lives; and
- WHEREAS, Staff and administrators in N.J. public schools have a responsibility to provide a safe and healthy environment for all students as set forth in the New Jersey Health Statutes, N.J.S.A. 18A:40-1 et seq., and as recognized in the NJSBA Positions and Policies on Education, File Code 5141 – Health and File Code 5142.21-Administration of Medication; and
- WHEREAS, The Plainfield Board of Education believes that the services to students can be enhanced by expanding the school district's ability to permit additional self-administration of medication and by providing additional professional

development and other staff training and continuing certification in emergency medical identification and treatment; and

WHEREAS, The State of New Jersey has significantly addressed the health needs of students, there are still significant unaddressed areas of global student health needs; now, therefore, be it

RESOLVED, That the NJSBA Delegates Assembly proposes to expand the provision of health services to students by expanding staff and administrators' training in health-related skills such as CPR, first aid, AED, epinephrine administration, insulin administration, glucagon administration, asthma treatment, and other emergency procedures; and, be it further

RESOLVED, That the scope of Janet's Law be extended to afterschool programs; and be it further

RESOLVED, That the NJSBA Delegates Assembly strongly encourages of all NJ public schools to provide regular refresher courses and ongoing training opportunities to ensure that staff and administration maintain their proficiency in these critical health-related skills.

This resolution is intended to ensure the safety and well-being of all students in New Jersey public schools, and we urge all schools to comply with these requirements to provide the best possible care for students in need; and, be it further

RESOLVED, That this resolution be placed on the agenda for consideration at the May 13, 2023 Delegate Assembly.

Adopted at a regular meeting of the
Plainfield Board of Education
on February 28, 2023

Cameron E. Cox, MPA, SSS
Acting School Business
Administrator

RESOLUTION NO. 4

SYNOPSIS

Resolution No. 4 from the Toms River Regional (Ocean) Board of Education proposes **new** policy language seeking the ability for boards of education that hold their elections in November to put a second question on the general election ballot that would apply for the next fiscal year, rather than the current year as required by law.

BACKGROUND

The Toms River Regional Board seeks the ability to raise additional funds at the November annual school election beyond the 2% tax levy cap that would be applicable to the following fiscal year, rather than the year in which the question is asked, as is the current law.

What current law requires

Under current law, *N.J.S.A. 18A: 7F-39* says “A school district may submit to the voters at the annual school election, or on such other date as is set by regulation of the commissioner, a proposal or proposals to increase the adjusted tax levy by more than” two percent.¹

If a district wishes to exceed the cap, then it must submit a separate proposal or “second question” to the voters. If the voters approve, then the tax levy is adjusted to include that separate proposal. However, the district cannot include in a separate proposal any programs or services necessary to achieve the NJ Student Learning Standards, or in other words, a thorough and efficient education (“T&E”). *N.J.S.A. 18A:7F-39*. Note that this second question does not include “any capital outlay(s) necessary for health and safety reasons or that constitutes eligible costs of a T&E construction project.” *N.J.A.C.6A:23A-12.1*

The November Election Option

In 2012, with the intention of increasing voter turnout, the legislature passed and the governor enacted *P.L. 2011, c. 202*. This law permitted local school districts the opportunity to move their annual school elections to November to coincide with the general election. As a condition of moving to November, boards of education would forego the vote on the T&E budget. The law still permitted votes on “second questions” which would be placed on the November ballot, concurrent with the vote for board members.

A question of timing

While the key difference between an April election and a November one is the vote on the T&E budget, another difference is the timing of the second question with the annual budget. With an April election, any second question on the ballot passes or fails *before* the start of the fiscal year in July when the budget is implemented. Therefore, the April board knows well in advance of the start of the budget year whether it will implement the program(s) that are the subject of the second question.

¹ Note that this is a “hard cap” with limited exceptions. A district may exceed its tax levy cap for increases in enrollment, health care and pension costs.

The timing and impact are slightly different for a second question that fails or succeeds in November because current law only permits a second question to go on the ballot for the current fiscal year that commenced earlier in July. Therefore, a district with a November election cannot implement a full year non-T&E program because it will not know if it has the authority for the spending until November, which is five months into the fiscal year and three months into the school calendar. This may limit the types of questions that can be asked on a November ballot as they may be implemented for a partial school year, unlike a district with an April election where the second question is approved/disapproved *prior* to the start of the fiscal year.

When the November election law was enacted, the Department of Community Affairs issued a memo to municipalities explaining its provisions. It explained: “A successful separate proposal (cap over-ride) is merged with the current budget and would allow the district to increase spending in the current budget year for the purpose cited in the voter-approved referendum.”² If approved, the entire amount is included in the current levy and raised from the taxpayers in the February and May tax bills of the current fiscal year.

N.J. Department of Education regulations accommodate November election districts when a separate question is approved. The fiscal regulations require that if the item in the separate proposal cannot be started mid-year, and the amount therefore not be spent in the current year, then the district must reserve and designate the amount of the separate proposal in one of the next two subsequent years. *N.J.A.C. 6A:23A-12.1(a)11*. Despite this regulation, a district may only ask the voters on the November ballot for spending authority for the year in which the question is asked.

The Toms River Regional Board seeks changes to NJSBA’s Manual on *Policies and Positions on Education* to establish policy permitting November districts to ask the voters for future spending authority in the subsequent fiscal year, rather than the current fiscal year in which the question is asked. This will allow the board to get approval to raise funds for a second question in the year preceding the implementation of the program(s), just like April election districts do.

RELEVANT NJSBA POLICY

File Code 3100

Voter Approval of School Budgets

The NJSBA believes that there should be no requirement in Type II districts to submit to the voters the Department of Education – approved annual school budget. Boards of education should be able to maintain the option of requesting voter approval for additional locally financed spending characterized under State law as “second questions”. [Authority: DA 6/91-4, DA 6/93-10, DA 5/96-CR (*School Finance*), DA 5/99-3, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]

Protection of Local Control

² N.J. Department of Community Affairs, Local Finance Notice 2012-3, January 25, 2012. [2012-3.pdf \(nj.gov\)](#) (Last accessed March 19, 2023.)

NJSBA believes that local boards of education have the primary responsibility over the receipt of revenues and expenses and will oppose any directives that would compromise that authority and responsibility. [Authority: DA 6/79-8, DA 6/93-SR, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]

DISCUSSION

The Toms River Regional Board is seeking the legal authority to ask the voters in a second question at the November election for additional spending in the *subsequent* year, rather than just for spending in the current year. Current regulation *N.J.A.C. 6A:23A-12.1(a)11*, permits districts to carryover amounts raised in a November second question but not able to be spent in the current year to be spent the next year. But, by law, a board cannot initially ask the voters for future spending in a second question.

For example, if a November election district wanted to expand from half-day kindergarten to full-day kindergarten in the 2023-2024 school year and the question is approved by the voters, but they cannot implement a full-day kindergarten program in that year (because they would be starting the program mid-year), then those unexpended funds must be reserved for one of the next two years. Rather than rely on accounting practices to spend the money in a future year, the law should permit November boards to just ask for the authority to spend the funds in the next fiscal year and delay the collection of the taxes until the next full year. Such a law provides greater transparency for taxpayers and brings greater certainty to school districts in their budgeting and program implementation.

There is currently a bill in the legislature, A-3218, which would achieve the goals that this board seeks. The summary to the bill states:

In light of the fact that a school district that has moved its annual school election to November is already well into the school year by the time a separate question for that budget year is approved by the voters, which makes budget planning difficult, this bill will provide such districts with flexible options to increase their ability to do sound budget planning.... [U]nder current law the tax levy would begin to be collected in the school year in which it received voter approval and the collection could not be delayed until the next school year. Under this bill, the collection of the taxes could be delayed. Assembly Bill 3218 (2022-23), p. 11, lines 1-16,
https://pub.njleg.state.nj.us/Bills/2022/A2500/2218_11.PDF (last accessed 3/19/23)

NJSBA has been able to lend its general support to this bill through its current policies. However, additional policy language would enhance the Association's advocacy efforts.

STATEMENT OF REASONS

1. Current law permits local districts with school elections in November to place non-T&E second questions on the ballot.
2. However, November second questions can only be asked for the current fiscal year in which it is already operating, unlike an April election district that seeks second question approval for the upcoming fiscal year.

3. While current accounting practices permit November election districts to postpone spending to a subsequent year, current statute still requires that the voters authorize the spending for the current fiscal year, creating a lack of transparency for taxpayers and budgetary uncertainty for local districts.

RECOMMENDATION

The Resolutions Subcommittee approves the resolution with the following substitute resolved language which would create **additional** policy language at File Code: 3100, to be included in NJSBA's *Manual of Positions and Policies on Education*:

File Code 3100

Voter Approval of School Budgets

The NJSBA believes that there should be no requirement in Type II districts to submit to the voters the Department of Education – approved annual school budget. Boards of education should be able to maintain the option of requesting voter approval for additional locally financed spending characterized under State law as “second questions”. **Local boards of education that hold their elections in November should be permitted the flexibility to seek voter approval for “second questions” at the November election that would apply to the subsequent fiscal year.**

RESOLUTION NO. 4

NEW JERSEY SCHOOL BOARDS ASSOCIATION

**413 West State Street
Trenton, NJ 08618**

1-888-886-5722

**ANNUAL DELEGATE ASSEMBLY
May 13, 2023**

**The following resolution was received from the
Toms River Regional Schools Board of Education (Ocean):**

WHEREAS, The Toms River Regional Board of Education believes that New Jersey's system of financing public schools should enable all local school districts to provide an equal educational opportunity for all children in New Jersey to receive a thorough and efficient education; and

WHEREAS, The Delegate Assembly is the official policy making body of the New Jersey School Boards Association; and

WHEREAS, Education-related policies resulting from prior Delegate Assembly and Board of Directors actions are codified in the NJSBA's Manual of Positions and Policies on Education; now, therefore, be it

RESOLVED, That the Toms River Regional Schools Board of Education proposes the following additional policy language for adoption by the Delegate Assembly and inclusion in NJSBA's Manual of Positions and Policies on Education State Funds FILE CODE 3220 State School Finance System:

The NJSBA believes...Local Boards of Education should have the ability to propose a separate question in the November Election that would be effective beginning with the subsequent school year; and, be it further

RESOLVED, That this resolution be placed on the agenda for consideration at the May 13, 2023 Delegate Assembly.

Adopted at a regular meeting of the
Toms River Regional Board of Education
on February 15, 2023

Wendy Saxton
Board Secretary

RESOLUTION NO. 5

SYNOPSIS

Resolution No. 5 from the Union County Vocational-Technical Board of Education (Union) proposes **revised** policy authorizing the NJSBA Nominating Committee specific authority to consider vocational-technical board members the ability to be considered for participation on the Nominating Committee.

BACKGROUND

The Union County Vocational-Technical Schools Board of Education has timely filed a resolution seeking to revise NJSBA bylaws to specifically provide for consideration of a vocational technical school board member as a member of the NJDSBA Nominating Committee. As written, the bylaws do not provide for such consideration. The resolution does not seek to mandate such participation, merely due consideration.

The sponsoring board has respectfully asserted that the interests of the state's vocational boards within the NJSBA may be under-represented by the inability of vocational board representatives to participate on the Nominating Committee and would therefore seek the proposed revision.

RELEVANT NJSBA BYLAW

With respect to the composition of the NJSBA Nominating Committee, Article X Sect. 3 provides:

- (a) There shall be a standing committee of the Association called the Nominating Committee consisting of the following persons, selected in the following order at least 170 days prior to the annual meeting:
 - (1) Four members of the Board of Directors, one from each of the geographical areas of the state as defined in Article X, Section 15 shall be elected by the Board of Directors. Each Board of Directors member selected by the Urban Boards Committee or the President shall participate in the election of the Board of Directors members of the Nominating Committee by deliberating with the Board of Directors members from the geographical area in which his or her local board is located;
 - (2) Four persons, one from each of the geographical areas of the state as defined in Article X, Section 15, shall be elected by the county school board association presidents;
 - (3) Four persons shall be appointed at large by the President with the advice and consent of the Board of Directors;
 - (4) The immediate past president shall be a member of the Committee; provided, however, that the immediate past president shall be a nonvoting member when,

because of a vacancy in the office of president, he or she is performing the duties of president; and

- (5) The president shall be a nonvoting member of the Nominating Committee.

DISCUSSION

As noted above, NJSBA Bylaws establish the rules for formation of one of the most important governance functions of the Association, the formal consideration of candidates for NJSBA office. The Association, as the statewide advocate for all board of education in New Jersey, should encompass the views of various constituencies throughout the state. It should also be noted that the viewpoints of vocational-technical school boards of education is seen to enhance the discussion of topics germane not only to such schools, but to the conversation for all school that serve vocational-technical students.

NJSBA seeks to be as inclusive as is reasonably possible. While the current rules do not preclude vocational-technical schools from consideration for appointment to the Nominating Committee. As the rules stand, Article X, Para. 3(a)(2) authorizes the county school board association presidents to select the county representatives on the Nominating Committee. Because the bylaws specify that those presidents shall select persons for each of the geographical areas specified in the bylaws, it is not clear that those presidents would also consider appointing representatives from county vocational-technical schools. The proposed amendment is intended to clarify that county-vocational school board members may be considered for appointment by the county association presidents.

STATEMENT OF REASONS

1. NJSBA bylaws, as written, currently do not contemplate the consideration of vocational-technical school board for membership on the Nominating Committee.

RECOMMENDATION

The Resolutions Subcommittee adopted the resolution proposing the revision of NJSBA bylaws such that, "Due consideration shall be given to the inclusion of vocational board members as members of the Nominating Committee."

NEW JERSEY SCHOOL BOARDS ASSOCIATION

**413 West State Street
Trenton, NJ 08618**

1-888-886-5722

**SEMIANNUAL DELEGATE ASSEMBLY
May 13, 2023**

**The following resolution was received from the
Union County Vocational-Technical Board of Education (Union):**

- WHEREAS, The interests of the public school Boards of Education are represented by the New Jersey School Boards Association (NJSBA); and
- WHEREAS, The state's vocational school boards are represented on the NJSBA Board of Directors through a vocational schools Delegate and an Alternate Delegate; and
- WHEREAS, The officers of the NJSBA may be selected by being nominating through the Nominating Committee of the NJSBA; and
- WHEREAS, The current By-Laws of the NJSBA do not provide for participation by vocational board representatives on the Nominating Committee; and
- WHEREAS, The interests of the state's vocational boards within the NJSBA may be under-represented by the inability of vocational board representatives to participate on the Nominating Committee; and
- WHEREAS, Only a change in the By-Laws of the NJSBA, approved by the NJSBA Delegate Assembly, would permit vocational board members to serve on future Nominating Committees; now, therefore, be it
- RESOLVED, That the Board of Education of the Union County Vocational-Technical Schools urges the NJSBA Delegate Assembly to amend its Nominating Committee By-Laws, under Section A(2), such that "Due consideration shall be given to the inclusion of vocational board members as members of the Nominating Committee;" and be it further

RESOLVED, That this Resolution be placed on the Agenda for consideration by the NJSBA
May 2023 Delegate Assembly.

Adopted at a regular meeting of the
Union County Vocational-Technical Schools
Boards of Education
on February 27, 2023

Janet Behrmann
Board Secretary



REPORT OF THE RESOLUTIONS SUBCOMMITTEE
ON
The Periodic Review of Positions and Policies on Education
and review of
9000 (Organization/Operation of Local Boards)
in accordance with GO/8700
By
Karen Cortellino, Chairperson
To the Annual Delegate Assembly
May 13, 2023

Review of Sections 9000 (Organization/Operation of Local Boards): In accordance with GO/8700 which directs the review of Association positions and policies on education according to certain standards/criteria, staff have reviewed all policies classified as part of the 9000 section of the NJSBA Manual of Positions and Policies on Education. Staff have identified those policies which require reaffirmation and those which require change including wording, amendment or deletion.

Policies Recommended for Reaffirmation: Twenty (20) policies were identified as still relevant and recommended for reaffirmation as written because the facts and philosophy remain current. These policies comprise List 1; copies of these policies follow List 1.

Recommendation: The Resolutions Subcommittee recommended approval of the reaffirmation of the twenty (20) policies included in List 1.

The criteria/standards against which the policies were reviewed are:

- A. Is the policy still relevant to today's education system and operation?
- B. Does the policy provide a basic philosophy or overarching belief on an issue to guide the actions of the Association?
- C. Does the policy address only a portion of a complex issue and not provide the comprehensive guidance necessary for thorough Association action?

- D. Has the action requested in policy been wholly or partially accomplished through legislative or State Board Action?
- E. Will a change to the policy affect any other policy area?
- F. Is the intent of this policy more appropriately addressed in another policy area?



PERIODIC REVIEW OF POSITIONS AND POLICIES ON EDUCATION

REVIEW OF SECTION 9000

ORGANIZATION/OPERATION OF LOCAL BOARDS

POLICIES RECOMMENDED FOR REAFFIRMATION WITHOUT CHANGES

FILE CODE	TITLE
9110	Number of Members and Terms of Office
9111	Qualifications
9112	Elections/Appointment
9113	Filling Board Vacancies
9114	Resignation/Removal from Office
9125	Appointment of Treasurer of School Moneys
9126	Appointment of Attorney
9140	Board Representatives
9150	Board Consultants
9200	Orientation and Training of Board Members
9250	Expenses
9270	Conflict of Interest
9271	Code of Ethics
9300	Governance
9311	Formulation, Adoption, Amendment of Policies
9321	Time, Place, Notification of Meetings
9322	Public and Executive Sessions
9340	Membership in Associations

PERIODIC REVIEW OF POSITIONS AND POLICIES ON EDUCATION

Review of Section 9000 – Organization/Operation of Local Boards

Policies recommended for reaffirmation without changes (continued)

FILE CODE	TITLE
9360	Legislative Program
9420	Recognition of Individuals – Citizens, Pupils, Staff Members or Members of Board

POSITIONS AND POLICIES ON EDUCATION

Number of Members and Terms of Office

FILE CODE

9110

Board Member Term of Office

- A. **The NJSBA believes** that the current three-year term for board members should be maintained. While NJSBA recognizes the many problems engendered by rapidly changing membership, and appreciates the importance of having consistent school policy to allow educational and organizational initiatives a chance to work, it believes that extending the present term would have the overriding disadvantage of discouraging candidates for board office. *[Authority: DA 5/76-CR (Competency), DA 11/98-SR, DA 11/03-ER(A)]*
- B. **The NJSBA believes** that the term of office of members of boards of education of county vocational schools should expire July 1, and a newly appointed member of a board of education of a county vocational school should be appointed during the month of June and should assume office on July 1. *[Authority: DA 6/85-13, DA 11/98-SR, DA 11/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Board Size

The NJSBA believes the number of board members should be a local option since each district is most familiar with its own characteristics and can most appropriately balance its desire for efficiency and representation. *[Authority: DA 6/85-13, DA 11/98-SR, DA 11/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Membership of Special Services School Boards

The NJSBA believes that the County Board of Chosen Freeholders should be able to appoint six or eight public members to the board of education of a county special services school district, provided that changes in the number of members shall not occur more than once every three years. *[Authority: DA 6/79-29, DA 6/93-SR, DA 11/98-SR, DA 11/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Reapportioning Membership on Regional Boards

- A. **The NJSBA believes** that whenever a change in census produces a realignment of regional board members and election imbalances are created in any one year for one or more constituent districts, the constituent districts should be able to appeal to the Commissioner of Education. The Commissioner should have the statutory authority to hear the appeal and to change the length of term or terms of the necessary number of board members to provide a better balance, by either extending a term or terms to four years or shortening a term or terms to two years. *[Authority: DA 5/75-15, DA 11/98-SR]*
- B. **The NJSBA believes** that revised periodic estimates of New Jersey population should be used, in addition to federal census figures, to apportion regional districts every five years. *[Authority: DA 5/74-14, DA 11/98-SR, 11/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Membership of County Vocational School Boards

The NJSBA believes that the board of education of a county vocational school should consist of five, seven or nine members, as determined by the appointing authority, and that the appointing authority should not be permitted to change the number of board members more than once every three years. *[Authority: DA 5/76-11, DA 11/98-SR, DA 11/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Cross References: 1410 Local units
6130 Organization plan

Key Words: term, membership, boards, vocational

Residency and Literacy Requirements

The NJSBA believes that qualifications for board of education candidates should include being a registered voter, residency in the district for one year, and the ability to read and write. *[Authority: DA 5/76-CR (Competency), DA 6/93-SR, DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Definition of Competency and Local Control

The NJSBA believes that competence to serve as a school board member is a subjective concept that is best determined locally by voters or the appointing authority. *[Authority: DA 5/76-CR (Competency), DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Criminal Background Checks

The NJSBA believes that board members and charter school trustee members should have the opportunity to demonstrate affirmatively to the Commissioner of Education evidence of rehabilitation upon finding of a criminal offense that would disqualify them from membership. *[Authority: DA 11/11-1, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Cross Reference:

9112	Elections/Appointment
9114	Resignation/Removal from Office
9200	Orientation/Training

Key Words: residency, literacy, board member, criminal background, rehabilitation

POSITIONS AND POLICIES ON EDUCATION

Elections/Appointment

FILE CODE

9112

Uniformity in School Elections

- A. **The NJSBA believes** that a uniform statewide system of school elections run by county election officials standardizes the election process, avoids confusion and encourages voter turnout. A collaborative relationship should exist between election officials and school officials. Interested groups at the statewide and county levels, including the New Jersey Association of Election Officials, should work collaboratively to promote procedures that foster the cost-efficiency of school elections and encourage voter turnout. *[Authority: DA 5/01 CR - Committee on School Elections, 11/98-SR, DA 5/13-SR]*
- B. **The NJSBA believes** that election costs should be billed to school districts according to a standardized format that is uniform throughout the state, itemized in a clear, detailed manner, and designed to permit any school district to compare itemized costs per voter with any other school district in the state, with the goal of developing a statewide model for permissible charges. *[Authority: DA 5/01 CR - Committee on School Elections, 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Voting Places

- A. **The NJSBA believes** that school district elections should be held in the same nonpublic voting places as are permissible for general and primary elections. *[Authority: DA 1/80-11, 11/98-SR]*
- B. **The NJSBA believes** that during school board elections, the polls should remain open, at a minimum, between the hours of 5:00 p.m. and 9:00 pm and during any additional time that the school board may designate between the hours of 7:00 a.m. and 9:00 p.m. and should remain open as long as necessary to permit those in line at the time set for closing the polls to cast their ballots. *[Authority: DA 5/62-5, DA 5/66-1, 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Ballots

- A. **The NJSBA believes** in the use of a single ballot when more than one school election is held on the same day in the same polling place, but believes that boards should be able to waive the single ballot requirement whenever both the regional and constituent districts agree that it is within their mutual best interests to use a separate ballot in each school district. *[Authority: BD 10/79, BD 4/93-SR, DA 11/96-3, 11/98-SR]*
- B. **The NJSBA believes** that one sample ballot should be mailed to each mailing address in the municipality or municipalities served by the school district. *[Authority: DA 5/96-4, 11/98-SR]*
- C. **The NJSBA believes** that each county clerk should be required to place a single absentee ballot notice, including the addresses of each school district in the county, in a county newspaper circulation in all districts in the county. If no one newspaper satisfies such requirements, then the county clerk should be required to place the notice in a sufficient number of newspapers to insure circulation of the notice in each school district. *[Authority: DA 6/77-15, 11/98-SR]*
- D. **The NJSBA believes** that a regional school district should be authorized to include additional information on the ballot showing the exact amount of taxes a constituent district will be required to raise to support the regional school budget. *[Authority: DA 11/98-2, 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Candidates

- A. **The NJSBA believes** standard nominating petitions should provide for: the printed identification of

signatories and their addresses, instructions for completion; personal delivery of the petition by the candidate; reasonable evening hours to accept delivery of the petition; and such standard nomination petitions should authorize the candidate to witness the signatories execution of the petition and certify the petition. *[Authority: DA 6/84-11, DA 11/98-1, 11/98-SR]*

- B. **The NJSBA believes** each candidate for election to a board should be authorized to appoint no more than three challengers in addition to himself for each polling place, and to permit the appointment of no more than five challengers on behalf of each choice on each question on the ballot. *[Authority: DA 12/65-8, 11/98-SR]*
- C. **The NJSBA believes** that the deadline for withdrawing from school board election candidacy should conform to the ballot printing schedule *[Authority: DA 6/84-11, 11/98-SR]*
- D. **The NJSBA believes** that in any election where no candidate has timely filed a nominating petition, a write-in candidate must receive at least ten (10) write-in votes in order to qualify to fill the seat. In the event no write-in candidate must receive at least ten (10) write-in votes, the local board of education should have sixty (60) days to fill the vacancy or vacancies; failing this, the County Superintendent should have the right to appoint. *[Authority: DA 12/84-15, 11/98-SR]*
- E. **The NJSBA believes** that, to ensure an informed electorate, those candidates that file petitions must disclose any past criminal convictions as defined by Title 2C of the NJ Criminal code on the date of filing their petition. *[Authority: DA 5/05-1, DA 5/03-SR, DA 5/08-SR]*
- F. **The NJSBA believes** that the deadline for the submission of the nominating petition for school board candidates in the November school board election should be in closer proximity to the school election than as presently set forth in statute. Timeframes for the November school election should be modeled after the calendar for the municipal non-partisan elections held at the general election, and the April school election calendar, to establish practical and workable deadlines. The NJSBA further believes that the law should be amended to address inconsistencies between the statute addressing the filling of vacancies, and the date for filing the nominating petition for the November school election. *[Authority: DA 5/12-3, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Officials

- A. **The NJSBA believes** that County Boards of elections should provide training in election procedures for both school and general election workers and should issue certificates to demonstrate that the workers have received proper instruction in the use of voting machines. *[Authority: DA 12/81-9, 11/98-SR]*
- B. **The NJSBA believes** parity in compensation for school election officials with that of district (municipal election board workers). *[Authority: DA 6/81-10, 11/98-SR, DA 5/03-SR, DA 5/08 –SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Permanent Voting Record

The NJSBA believes that a permanent record of the names of voters in each school election should be maintained. This record should be made available to candidates for board membership. *[Authority: DA 5/65-20, 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Increasing Election Turnout

The NJSBA believes in continuing efforts to increase voter turnout in school district elections. *[Authority: DA 12/82-17, 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Non-Binding Referenda

The NJSBA believes local boards should be able to conduct a non-binding referendum on a public question which directly pertains to the district. [Authority: BD 6/95, 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/23-SR]

Interim Regional Board Members

- A. **The NJSBA believes** the executive county superintendent should be obligated to select interim regional board members for newly created districts only from lists submitted by and after consultation with local boards of constituent districts.
- B. **The NJSBA believes** the executive county superintendent should be obligated to select members for enlarged regional districts only from lists submitted by and after consultation with each new constituent district. In the case of any local board's failure to act within 15 days after the passage of the referendum creating a new or an enlarged regional district, the county superintendent would select members from qualified citizens in those districts. [Authority: DA 12/68-3, 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]

Disclosure of Criminal Convictions

The NJSBA believes that any school official, as defined by the School Ethics Act, shall disclose in the Annual Statement by School Officials any past criminal convictions as defined by Title 2C of the NJ Criminal Code. [Authority: DA 5/05-1, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]

Timing of Elections

The NJSBA believes that annual school elections, including the election of candidates, should not be conducted on or near the date of any partisan election. [Authority: BD 5/05, BD 5/06, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]

Notice of Election Date

The NJSBA believes that a board of education and the public should, in addition to the notice requirements of the Open Public Meetings Act, receive additional notice and an opportunity to be heard whenever a municipal governing body determines to move the school board election. [Authority: DA 5/13-3, DA 5/18-SR, DA 5/23-SR]

Cross Reference: 9111 Qualifications

Key Words: elections, voting, ballots, referenda, disclosure

POSITIONS AND POLICIES ON EDUCATION

Filling Board Vacancies

FILE CODE

9113

Filling Board Vacancies

- A. **The NJSBA believes** that vacancies should be filled by special elections only in the case of tie votes or the failure to elect due to improper election procedures;
- B. **The NJSBA believes** that executive county superintendents should not be authorized to fill vacancies, except where the number of vacancies negates a quorum or the board fails to act within 65 days;
- C. **The NJSBA believes** that local boards should have the authority to fill vacancies occurring for any other reason. Vacancies filled by either the executive county superintendent or the board would be on an interim basis only until the next annual school election.
- D. **The NJSBA believes** that school boards should conduct public interviews of candidates for vacancies on boards. *[Authority: DA 12/80-8, BD 4/93, DA 11/98-SR, DA 11/03-SR, DA 5/08-SR, DA 5/18-SR]*
- E. **The NJSBA believes** that a vacancy in membership of a board of education of a limited purpose regional school district should be filled by majority vote of the board of education of the constituent district represented by the former board member. Where the constituent district has no board of education of its own, the consolidated district from which the students originate shall be authorized to fill the seat with a qualified member from the constituent community. *[Authority: DA 6/20-2]*
- F. **The NJSBA believes** that a board member whose seat is not up for re-election in the upcoming election cycle should resign the seat currently held, before submitting a nominating petition to become a candidate for a board seat other than the seat currently held by the member on that same board. *[Authority: DA 11/20-1, DA 5/23-SR]*

Cross References: 9112 Elections/appointment
9322 Public and executive sessions

Key Words: vacancies, election

POSITIONS AND POLICIES ON EDUCATION

Resignation/Removal from Office

FILE CODE

9114

Implementation of Recall

- A. **The NJSBA believes** that board members should not be the subject of recall efforts based on the member's lawful exercise of an explicitly delegated constitutional, statutory regulatory obligation or authority;
- B. **The NJSBA believes** that recall efforts should provide procedural and substantive due process for the recall candidate, including but not limited to requiring a recall petition to state the basis of the recall;
- C. **The NJSBA believes** that any recall election that is brought against a board member should be administered by a neutral entity such as the county clerk in order to avoid the appearance of a conflict of interest on the part of any board employee; and
- D. **The NJSBA believes** that any school board member who becomes subject to a recall effort, wherein the recall petition does not assert a criminal or quasi-criminal conviction as a basis for the recall effort, should be entitled to indemnification from the board of education for any cost incurred in any civil, administrative or other legal proceeding opposing the recall election. *[Authority: DA 5/98-11, DA 11/98-SR, DA 11/03-1, DA 11/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Board Member Removal

- A. **The NJSBA believes** that whenever an elected or appointed member of any board of education ceases to reside in the local or constituent district, or shall become mayor or a member of the governing body of either the local or constituent municipality, his membership in the board should immediately cease.
- B. **The NJSBA believes** that whenever an elected or appointed member of a county special services or county vocational school district ceases to be a resident of the district or takes office as a member of the governing body of a county, his membership on the board should immediately cease.
- C. **The NJSBA believes** that any member who fails to attend three consecutive public meetings of the board without good cause may be removed by it. Boards of education should also be authorized to remove board members who, without good cause, during any year of their elective term, fail to attend two-thirds of the board's public meetings as defined by the Open Public Meetings Act.
- D. **The NJSBA believes**, that whenever a member of a board of education is disqualified as a voter or is convicted of false swearing, his membership on the board should immediately cease. *[Authority: DA 5/98-11, DA 11/98-SR DA 11/03-1, DA 11/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Cross References: 9271 Code of ethics
 9322 Public and executive sessions

POSITIONS AND POLICIES ON EDUCATION

Appointment of Treasurer of School Moneys

FILE CODE

9125

Optional Position

- A. **The NJSBA believes** that the employment of a Treasurer of School Moneys should be at the option of the local board of education and that local boards of education should be permitted to hire any qualified individual as the Treasurer of School Moneys provided that individual is not an employee of the district and/or a holder of an elected or appointed position in that district. *[Authority: DA 11/96-7, DA 11/98-SR]*
- B. **The NJSBA believes** that the duties and responsibilities of a Treasurer of School Moneys should be defined by each local board of education. *[Authority: DA 11/96-7, DA 11/98-SR DA 11/03-1, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Key Words: treasurer

POSITIONS AND POLICIES ON EDUCATION

Appointment of Attorney

FILE CODE

9126

Frivolous Litigation

- A. **The NJSBA believes** that school boards should be authorized to pay reasonable counsel fees (not to exceed \$10,000) to the prevailing party in an action brought pursuant to the Open Public Meetings Act. School boards should be authorized to collect reasonable counsel fees from the non-prevailing party, in any frivolous action brought under the Open Public Meetings Act. *[Authority: BD 4/93, DA 11/98-SR]*
- B. **The NJSBA believes** that school boards should be authorized to collect all reasonable litigation costs and reasonable attorney fees from the non-prevailing party, including fees and costs on appeal, in any action brought before the Commissioner of Education, where the Commissioner finds that the position of the non-prevailing party is frivolous. *[Authority: DA 11/96-4, DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Cross Reference: 9322 Public and executive sessions

Key Words: Litigation, fees, counsel

POSITIONS AND POLICIES ON EDUCATION

Board Representatives

FILE CODE

9140

Students as Board Members

The NJSBA believes that “full-time” students should be legally prohibited from being elected or appointed to serve on the board of education of the district in which they are enrolled. *[Authority: DA 5/74-23; DA 11/98 – SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Student Participation in Government

The NJSBA believes that local school districts should promote and provide students with the opportunity for appropriate participation in units of government such as the town council, the local board of education, the county board of freeholders and the state legislature. *[Authority: DA 6/82-7; DA 11/98 – SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Cross References: 1410 Local units
1420 County and intermediate units
1430 State and national units

Key words: students, representatives

POSITIONS AND POLICIES ON EDUCATION

Board Consultants

FILE CODE

9150

District Staff as Consultants

The NJSBA believes the use of local district staff as paid consultants to other districts, in areas of the staff member's expertise, would enable districts to share proven and validated programs and would keep educational dollars within the public education community. *[Authority: DA 12/91-CR QEA, DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Cross Reference: 1600 Relations between other entities and the district

Key Words: board consultants

POSITIONS AND POLICIES ON EDUCATION

Orientation and Training of Board Members

FILE CODE

9200

Inservice Training

- A. **The NJSBA believes** that local board members, in order to be effective, should have opportunities to participate in on-going inservice training activities throughout their term of service. Board of education policies should endorse board member attendance at programs designed to improve their knowledge and skill in governing the district and statutorily required board member attendance at an NJSBA Board Member Orientation Conference. *[Authority: 6/91-7: DA 11/98 – SR]*
- B. **The NJSBA believes** that boards of education should provide an orientation program for their new board members regarding district operations. The program should include information about the policies and practices of the local board, as well as providing copies of recent board minutes, negotiated contracts, and committee reports in the public domain. *[Authority: 12/77-CR(Turnover) 11/98-SR]*
- C. **The NJSBA believes** that board members and chief school administrators should have on-going joint training in their roles, responsibilities and ethics, collaborative teamwork, leadership team performance and self-assessment, to enable them to understand their distinct policy-making and administrative roles and how to carry them out successfully. *[Authority: DA 11-03 ER (A)]*
- D. **The NJSBA believes** that school board members should not be singled out for mandated continuing education because they are public officials who perform roles in our public school system which are parallel to those performed by all other state, county, and municipal officials. *[Authority: DA 5/03-SR; DA 11/06-2, DA 5/08, DA 5/13-SR]*
- E. **The NJSBA believes** that board of education members should receive training that includes exposure to the legal, fiscal and programmatic aspects of special education to help promote the achievement of all of the students in their districts. *[Authority: DA 5/14 (Special Education Task Force), DA 5/18-SR, DA 5/23-SR]*

Preservice Training

- A. **The NJSBA believes** that school board candidates should have access to board candidacy publications.
- B. **The NJSBA believes** that the Association should make preservice training available to board of education candidates, both on the county and regional levels. *[Authority: DA 6/91-7; DA 5/76-CR (Competency); DA 12/92 – SR; 11/98 – SR; DA 5/03-SR, DA 5/08, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Assistance to State-Operated School Districts

The NJSBA believes that it is well-suited to provide assistance to state-operated school districts, including, but not limited to inservice training for members of school boards who are appointed to serve in an advisory capacity in state-operated school districts. *[Authority: BD 3/90; DA 5/03-SR, DA 5/08, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Cross References: 9111 Elections/appointment

Keywords: orientation; training; board members; inservice

POSITIONS AND POLICIES ON EDUCATION

Expenses

FILE CODE

9250

Compensation and Reimbursement

The NJSBA believes that board members should remain unpaid, but that as volunteer officials they should not be burdened financially. Board policies should allow board member reimbursement for expenses incurred for board member training, travel or other legitimate expenditures. *[Authority: DA 5/59-5, 6, DA5/76-CR (Competency) DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Travel Reimbursement Regulations

The NJSBA believes that regulations governing travel and related reimbursable expenditures provide accountability to the public; and such regulations should be identical for all districts. *[Authority: DA 5/06-1, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Cross References: 9270 Conflict of interest
9271 Code of ethics

Key Words: expenses, reimbursement

POSITIONS AND POLICIES ON EDUCATION

Conflict of Interest

FILE CODE

9270

Conflict of Interest

- A. **The NJSBA believes** that board members and school administrators should be precluded from participation in the collective negotiation process when they have immediate family members employed in the district in the bargaining unit in question.
- B. **The NJSBA believes** that board members and school administrators should be authorized to fully participate in the collective negotiation process where their conflict is limited to an out-of-district union affiliation. *[Authority: DA 12/94-1, DA 11/98-SR]*
- C. **The NJSBA believes** that the position of teacher and member of the board of education in the same school district are incompatible and represent intolerable potential conflicts of interest. District employment of board members should be prohibited unless the member resigns or ceases to be a member 6 months prior to accepting such employment. *[Authority: DA 5/59-5, 6, DA 12/92-SR, DA 11/98-SR]*
- D. **The NJSBA believes** that an employee of a board of education should not be permitted to hold the position of mayor, chief executive officer or member of the governing body in the same municipality. *[Authority: DA 6/81-1, DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Nepotism

- A. **The NJSBA believes** that the School Ethics Act, including the Code of Ethics for School Board Members, as well as related policy models in the Association's Critical Policy Reference Manual provide sufficient guidance to prevent nepotism and conflicts of interests in board hiring decisions.
- B. **The NJSBA believes** that any regulations governing nepotism should be adopted pursuant to the Administrative Procedures Act and should be identical for all districts. *[Authority: DA 5/07-1, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Doctrine of Necessity

The NJSBA believes the Doctrine of Necessity is a vital tool to be used by boards of education when needed. The use of the Doctrine of Necessity should be permitted when a board is searching for and selecting a new superintendent. *[Authority: DA 11/14-3, DA 5/18-SR, DA 5/23-SR]*

Cross References:

1410	Local units
4135.3	Negotiations
9140	Board Representatives
9250	Expenses
9271	Code of ethics

Key Words: conflict, nepotism, Abbott

POSITIONS AND POLICIES ON EDUCATION

Code of Ethics

FILE CODE

9271

Board Member Ethics

The NJSBA believes that it is necessary and desirable to set forth a guide to conflict of interest situations and unethical activity for board members and suggests the following Code of Ethics for adoption by individual boards:

A CODE OF ETHICS FOR SCHOOL BOARD MEMBERS

1. I will uphold and enforce all laws, state board rules and regulations, and court orders pertaining to schools. Desired changes should be brought about only through legal and ethical procedures.
2. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools which meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.
3. I will confine my board action to policymaking, planning, and appraisal and I will help to frame policies and plans only after the board has consulted those who will be affected by them.
4. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.
5. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action which may compromise the board.
6. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.
7. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. But in all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.
8. I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.
9. I will support and protect school personnel in proper performance of their duties.
10. I will refer all complaints to the chief administrative officer and will act on such complaints at public meetings only after failure of an administrative solution. *[Authority: BD 2/71, DA 5/75-CR Ethics, BD 6/85, DA 5/97-7, 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Penalty for Violation of Ethics Code

The NJSBA believes that the School Ethics Commission should be authorized to reprimand, censure or remove a board member for any violation of NJSBA's Code of Ethics for School Board Members. The rights of the accused board member should be balanced with the board's need for an orderly and efficient operation and shall include an expedited hearing process before the School Ethics Commission to ensure a decision within 60 days of receipt of notice of violation; indemnification for the accused board member for civil, administrative, criminal or quasi-criminal or other legal action for any act or omission arising out of and in the course of the performance of the accused board member's duties as a member of the board of education. The burden of proof should be placed on the accusing party, whether an individual or the board of education, to factually establish a violation of NJSBA's Code of Ethics. *[Authority: DA 5/75-CR Ethics, DA 5/97-7, DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

School Ethics Committee Advisory Opinions

The NJSBA believes the statutory language of *N.J.S.A. 18A:12-31* should be revised so that all ethics advisory opinions should be made public, unless the school official whose proposed conduct is the subject of the advisory opinion seeks to keep it private. *[Authority: DA 11/14-1, DA 5/18-SR, DA 5/23-SR]*

Cross References: 3530 Insurance management
 9114 Resignation/removal from office
 9250 Expenses
 9270 Conflict of interest

Key Words: code of ethics, indemnification

Articulation of Curriculum in Sending-Receiving Districts

The NJSBA believes that to ensure that students are provided with the best opportunity to succeed under the New Jersey Student Learning Standards, the standards should require sending and receiving districts to demonstrate how they are articulating their curriculum to maximize student success. *[Authority: DA 11/98-CR (School Finance) DA 11/98-SR, DA 11/02-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Contractual Relationship

- A. **The NJSBA believes** that all sending and receiving relationships should operate under the terms of a negotiated contract of at least three-five years. The contract should outline the parameters for the operation of an existing sending-receiving relationship in a formal, negotiated agreement. Districts that currently operate a sending-receiving relationship without a term-specific contract should be required to negotiate such a contract within two years of the effective date of enabling legislation. Districts currently operating under a fixed-term contract would continue to the end of their current contractual term. *[Authority: DA 11/98-CR (School Finance)]*
- B. **The NJSBA believes** that the termination of a sending-receiving relationship between school districts where the contract term has expired, one year's notice is given and the sending district has an appropriate educational alternative equal to or better than the existing educational program for its students should be permitted. *[Authority: DA 6/86-18, DA 6/88-16, DA 6/89-CR Sending to Level III Districts DA 11/98-CR (School Finance)]*
- C. **The NJSBA believes** that a receiving district's being placed at Level III of the monitoring process should not act as a triggering mechanism for severance of a sending-receiving relationship. Rather, it is but one component that should be considered by the Commissioner in making an assessment as to the quality of education being received by the sending district's students. *[Authority: DA 6/89-CR Sending to Level III Districts, DA 11/98 SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Sending-Receiving Students

The NJSBA believes in sending-receiving circumstances that involve the use of discretion on the part of either board of education, decisions should be based on the best interests of students -- both in the sending district and in the receiving district. To this end, each community needs to be involved in discussions between the sending and receiving boards at all levels. *[Authority: DA 11/98-CR (School Finance), DA 11/98 SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Apportionment of Pupils Among High Schools

The NJSBA believes that the apportionment of pupils from sending districts among two or more high schools should be mutually determined by each of the districts involved. *[Authority: DA 6/84-CR Sending-Receiving, DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Dispute Resolution Process

- A. **The NJSBA believes** that the State Board of Education's Administrative Code should include a dispute resolution process for issues that cannot be resolved between sending and receiving boards of education that includes the following steps: a local negotiation process, including meetings between administration, board of education and community members; when local negotiations fail, a county-office based mediation process; and when all else fails, require the districts to enter into binding arbitration. *[Authority: DA 11/98-CR (School Finance)]*

- B. **The NJSBA believes** that in the case of petitions from sending-receiving districts seeking conflict resolution, the State Board of Education, rather than the Commissioner, should be the next level of review for Initial Decisions of Administrative Law Judges. *[Authority: DA 6/84-CR Sending-Receiving, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Sending-Receiving Handbook

The NJSBA believes that a sending-receiving best practices handbook can assist both sending and receiving districts in their joint effort to provide an effective, articulated educational program based on the Student Learning Standards adopted by the State Board of Education. *[Authority: DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Availability of Receiving District Information

- A. **The NJSBA believes** sending-receiving districts should establish meaningful communication, which would include but not be limited to: periodic re-evaluation of the sending-receiving relationship by a neutral party; full utilization of NJSBA resources; and regularly scheduled meetings between the boards and administrative staff of the districts involved in the relationship.
- B. **The NJSBA believes** all information pertaining to the operation of the receiving district should be readily available to a sending district, including, but not limited to: a copy of the budget submitted to the county superintendent; board minutes; curriculum guides; district goals and objectives; audits; the master plan; and Middle States and monitoring reports. *[Authority: DA 6/84-CR Sending-Receiving, DA 6/89-CR Sending to Level III Districts, DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Sending-Receiving Tuition and Budget Development

The NJSBA believes that there should be effective procedures and practices for addressing tuition and budget development in sending-receiving relationships to include:

- Allowing sending and receiving boards of education to make budgetary provisions for abrupt shifts in tuition costs so that programmatic cuts do not have to be made in order to accommodate tuition increases;
- A tuition reserve account outside the district's spending cap;
- Permitting districts to restrict fund balance for anticipated adjustments in tuition outside the excess fund balance calculation;
- Instituting budgetary procedures so that large tuition increases are spread over several years;
- Adjusting the tuition notification calendar to more closely reflect the current budget process so that tuition can be more accurately estimated: move the January 15 tuition notification date (to sending district) to February 15; move the December 15 enrollment notification date (to receiving district) to January 15; allow more time between the time of notification of state aid figures and budget adoption. *[Authority: DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Sending-Receiving Tuition Increases

- A. **The NJSBA believes** that year-over-year per pupil tuition increases levied by receiving districts and schools have adversely impacted tuition-paying districts' ability to provide effective educational programs in their districts.

The NJSBA recognizes that year-over-year per pupil tuition increases levied by receiving districts and schools have forced some tuition-paying districts to seek voter approval for tax increases well in excess of the 2% cap on the tax levy contravening the intention of P.L. 2010, c.44 and imposing a severe burden on their taxpayers in the event of an affirmative vote and placing the districts' programs at risk in the event of a negative vote.

- B. **The NJSBA believes** there should be a statutory cap on year-over-year per pupil tuition increases levied by receiving districts and schools. *[Authority: DA 11/14-2, DA 5/18-SR, DA 5/23-SR]*

Proportional Representation/Sending-Receiving

The NJSBA believes that sending boards of education should have proportional representation, including voting privileges, on receiving districts' boards of education. Representation should be determined by the percent of enrollment that students from the sending district(s) comprise among the student population in the grades for which a sending/receiving relationship exists. Representation and voting privileges of a sending board of education or combination of sending boards should be limited to ensure that a receiving district board of education always retains the majority voting privilege. Such limits should never preclude any individual sending boards from participating on the receiving board. *[Authority: DA 6/89-CR (Sending to Level III Districts), DA 11/98-CR (School Finance), DA 11/02-CR (Sending/Receiving- 2002, DA 5/03-SR, DA 5/08-SR), DA 5/13-SR, DA 5/18-SR; DA 6/20-1, DA 5/23-SR]*

Sending Representative Voting Rights

The NJSBA believes the statutory language of N.J.S.A. 18A:38-8.1 should be revised to expand the voting rights of sending district representatives on matters before the receiving district board of education to include the ability to vote on all matters that impact the students of the sending district in the receiving district; all district-wide issues, all board governance issues and all matters related to the grade levels to which the sending district sends its students. *[Authority: DA 5/14-4, DA 5/18-SR, DA 5/23-SR]*

Merger, Consolidation or Regionalization of School Districts

- A. **The NJSBA believes** that when districts determine after thorough study that regionalization would provide educational and/or financial benefits to the districts involved, they should be encouraged to regionalize. *[Authority: DA 10/79-CR Regionalization, DA 12/80-CR Deregionalization, DA 12/91-1, DA 11/98 SR]*
- B. **The NJSBA believes** that the Commissioner of Education and the State Board of Education should be prohibited from ordering the merger, consolidation or regionalization of two or more existing school districts without a prior public referendum in each of the affected districts approving such action provided that any such legislation should not permit the denial of rights guaranteed under the Constitution of the United States or the State of New Jersey. *[Authority: DA 5/72-1, 1a, DA 10/79-CR Regionalization, DA 12/80-CR Deregionalization, BD 1/81, DA 11/98-CR (School Finance)]*
- C. **The NJSBA believes** that prior to the submission of a regionalization proposal by any district or districts which desire to join with any other district or districts and become an all-purpose or limited-purpose regional school district, all of the districts involved shall be required to participate in a study of the proposed regionalization. The study of the proposed regionalization should include, but not be limited to the following factors: enrollment trends, goals, philosophy, board member apportionment, racial balance, education program, tax rates, and long-range implications of regionalization. All findings and conclusions of the study should be forwarded to the executive county superintendent who should consider these in his/her determination as to the advisability of regionalization. State aid should be provided for regionalization studies. *[Authority: DA 12/80-CR Deregionalization, DA 12/91-1, DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Tax Impact

The NJSBA believes there should be a ten-year phase in of any increase in the tax levy of a constituent member of a newly-formed regional school district that results from the manner in which costs are apportioned among the members of a regional school district under current statute. *[Authority: DA 10/79-CR Regionalization, DA 12/91-1, DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 6/18-SR, DA 5/23-SR]*

Constituent District Representation on Regional Boards

The NJSBA believes that regional boards of education should be authorized to permit a board member from a constituent district to serve on a regional board with discussion privileges but without voting rights. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/23-SR]*

Deregionalization

- A. **The NJSBA believes** that in order to facilitate deregionalization for districts desiring it all districts that comprise the regional district should be required to participate in an all-encompassing study in the event one of the constituent districts desires to withdraw from the regional district. This study shall be developed jointly by the regional and constituent districts prior to the submission of a resolution for withdrawal from a regional district and shall be conducted as follows:
- The committee involved in the study shall be comprised of one representative from each constituent board of education and one representative from the regional board itself and the chairperson of the committee shall be a non-voting neutral, appointed by the Commissioner of Education from outside the county;
 - The study shall be completed within six months after the district desiring to withdraw notifies the other constituent districts of its intent;
 - The study shall include long-range data on financial, educational and population trends, and should explore educational and organizational alternatives. In the event that agreement cannot be reached by the committee, any constituent district or the regional board may prepare its own position statement. These position statements, together with any other conclusions and recommendations of the committee, shall be forwarded to the executive county superintendent of schools along with the resolution for withdrawal;
 - All discussion and actions of the committee shall be conducted in closed session;
 - The cost of the study shall be borne by the district or districts desiring to withdraw;
 - The executive county superintendent of schools shall consider all conclusions and recommendations of the committee and include them in his/her report to the Board of Review. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*
- B. **The NJSBA believes** that if two or more constituent districts submit resolutions for withdrawal the executive county superintendent and Board of Review should be required to consider these resolutions simultaneously. Simultaneous consideration shall be required where one constituent district submits a resolution for withdrawal, and one or more other constituent districts submit their own resolutions within 30 days after receiving notice of the first resolution. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*
- C. **The NJSBA believes** that the question of withdrawal should go to public referendum if the Board of Review does not comply with the prescribed timetable for conducting hearings and reaching its final determination. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*

- D. **The NJSBA believes** that each member of the Board of Review should be able to appoint a designee. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*
- E. **The NJSBA believes** that the executive county superintendent should be required to include in his/her initial report an inventory of all assets, and to specify the division and distribution of assets and liabilities based on the amount of ratables in the withdrawing school district on which the last school tax was levied. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*
- F. **The NJSBA believes** that the Commissioner of Education should be required to appoint a neutral person or group of persons from outside the regional district to certify all financial and educational data, enrollment projections and related statistics. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*
- G. **The NJSBA believes** that when a withdrawing district has no regional district lands or buildings within its geographical boundaries at the time of withdrawal, the withdrawing district should be allotted a share of the equity in the regional district's lands and buildings based on the amount of ratables in the respective districts.
- H. **The NJSBA believes** when a withdrawing district has regional district lands and buildings within its geographical boundaries at the time of withdrawal, the regional district be allotted a share of the equity in such lands and buildings based on the amount of ratables in the respective districts; and
- I. **The NJSBA believes** that any unappropriated balance (surplus) in the regional district should be distributed between the withdrawing district and the regional district based on the amount of ratables in the respective districts. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance) , DA 5/03-SR, DA 5/08-SR, DA 5/18-SR, DA 5/23-SR]*

Transfer of Employee Rights to Withdrawing Districts

The NJSBA believes that every local school district should have the right to select its own teaching staff and that there should not be a provision for transfer of employment rights, tenure and seniority from regional districts to withdrawing districts. *[Authority: DA 12/81-14, 11/96-SR, 11/98-CR (School Finance, DA 5/03-SR, DA 5/08-SR), DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Send-All Districts

The NJSBA believes the current organizational structure of send-all districts, communities that have chosen not to operate a school building, but rather to send their students to other districts, serves the educational and financial needs of their communities therefore, any efforts by the state to eliminate send-all districts should be strenuously and vigorously opposed. *[Authority: BOD 5/04, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Effective Governance

- A. **The NJSBA believes** effective governance of public education, carried out by well-trained local school boards, can have a direct impact on student achievement.
- B. **The NJSBA believes** that local boards of education should adopt policies that enable their professional staffs to implement programs and practices that advance the achievement of all students and result in the efficient functioning of schools. *[DA 5/17-CR (Task Force on Student Achievement), DA 5/18-SR, DA 5/23-SR]*

Cross References: 1400 Relations between other governmental agencies and the district
3100 Budget planning, preparation and adoption
3240 Tuition income
4110 Tenure
4111 Recruitment, selection and hiring
6147 Curriculum Standards
9325.4 Voting method

Key Words: curriculum, sending receiving, consolidation, regionalization, send-all

POSITIONS AND POLICIES ON EDUCATION

Formulation, Adoption, Amendment of Policies

FILE CODE

9311

School Board Policy

- A. **The NJSBA believes** that sound school board policy is essential to the successful and efficient functioning of the public schools.
- B. **The NJSBA believes** that in order to meet legal requirements and to provide effective direction for the operation of the district and its schools, local district policies should be reviewed on an ongoing basis. Boards should involve all stakeholders, including members of the community in the policy development and review process when appropriate. *[Authority: DA 5/76-CR (Policy Advisory), DA 12/82-CR (Urban Education), DA 6/93-SR, DA 11/98-SR]*
- C. **The NJSBA believes** that the role of the State Department of Education in approving local district policy should not exceed the requirements of administrative code or encroach on the authority of local boards of education regarding the management and operation of the district. *[Authority: DA 12/87-5, DA 6/93-SR, DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Cross Reference: 1430 State and national units

Key Words: policy

POSITIONS AND POLICIES ON EDUCATION

Time, Place, Notification of Meetings

FILE CODE

9321

Timing, Notification and Agenda of School Board Meetings

- A. **The NJSBA believes** that boards should be permitted to commence their meetings no later than 9:00 p.m. *[Authority: DA 5/69-21; DA 11/98-SR]*
- B. **The NJSBA believes** each local school district should have the option of holding its organization meeting on any day of the first two weeks following the April school election. *[Authority: DA 12/85-3; DA 11/98-SR]*
- C. **The NJSBA believes** that any notification and agenda requirements for school board meetings should effectuate a balance between the public's right to attend board meetings and the board's need to conduct its business efficiently, and without unreasonable delay or undue expense or administrative burden. *[Authority: BD 4/93]*
- D. **The NJSBA believes** that advisory committees should not be subject to notification, agenda or other requirements of the Open Public Meetings Act. *[Authority: BD 4/93, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Cross Reference:

6115	Ceremonies and observances
3100	Budget planning, preparation and adoption
9112	Elections/appointment
9322	Public and Executive Sessions

Key Words: meetings, notifications, agenda

POSITIONS AND POLICIES ON EDUCATION

Public and Executive Sessions

FILE CODE

9322

Open Public Meetings Act

- A. **The NJSBA believes** that it should play an important role in educating board members regarding their obligations under the Open Public Meetings Act. *[Authority: DA 12/77-20; DA 11/98-SR]*
- B. **The NJSBA believes** that fines should be imposed for violations of the Open Public Meetings Act that involve gross negligence. *[Authority: BD 4/93]*
- C. **The NJSBA believes** that the Open Public Meetings Act should provide specific criteria for when minutes of a closed meeting must be released to the public. Criteria should recognize the need for confidentiality in certain actions and should not require release of minutes until the "need for confidentiality ceases" and should not set arbitrary time limits on the release of minutes. *[Authority: BD 4/93]*
- D. **The NJSBA believes** that where a public body is subject to a court order for failure to comply with the Open Public Meetings Act, the court should not appoint an overseer or order a rehearing of local actions voided, but rather, the public body should be required to report back to the court that voided its action, on what it has done to comply with the court's order. *[Authority: BD 4/93, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Cross References: 9126 Appointment of attorney
9321 Time, Place, Notification of Meetings
9325.4 Voting method

Key Words: open public meetings act

POSITIONS AND POLICIES ON EDUCATION

Membership in Associations

FILE CODE

9340

NJSBA's Statutory Status

The NJSBA believes in mandatory membership of all local boards of education in the New Jersey School Boards Association, as established in the originating statute enacted in 1914. *[Authority: BD 6/94, DA 6/94, DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Cross Reference: 1410 Local units

Key Words: NJSBA, membership

POSITIONS AND POLICIES ON EDUCATION

Legislative Program

FILE CODE

9360

Legislative Activity

The NJSBA believes that County School Boards Associations should encourage active participation of board members in legislative and political matters. *[Authority: DA 12/77-CR Governance, DA 6/93-SR, DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Cross Reference: 1420 County and intermediate units

Key words: county, legislative

POSITIONS AND POLICIES ON EDUCATION

Recognition of Individuals--Citizens, Pupils,
Staff Members or Members of Board

FILE CODE

9420

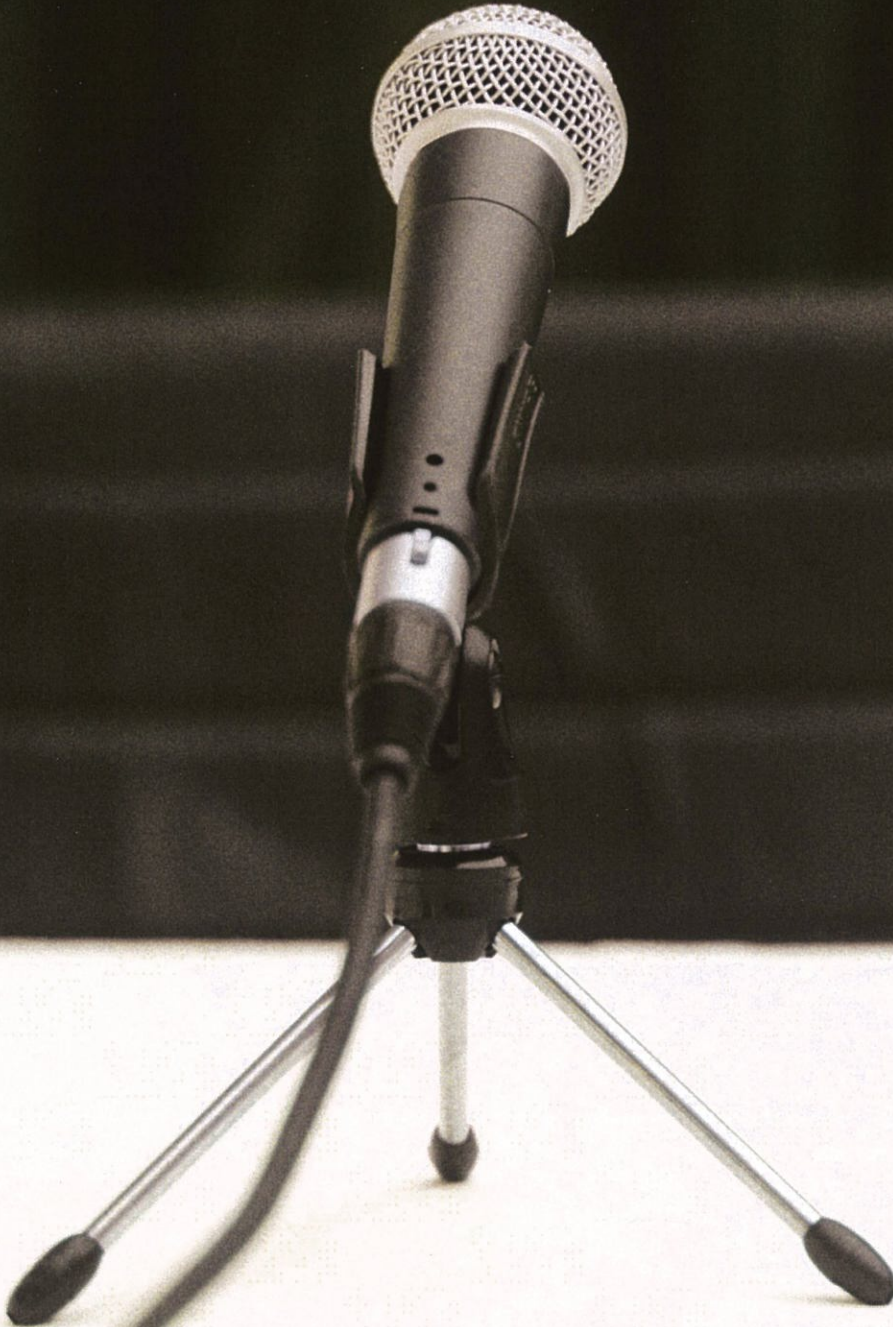
Recognition of Outstanding Performance

- A. **The NJSBA believes** that the recognition and reward of outstanding performance is one of many ways to attract and retain quality staff.
- B. **The NJSBA believes** that local districts should, after careful study and assessment, develop both financial and nonfinancial means of recognizing and rewarding outstanding performance. Approaches to recognizing outstanding performance should include: criteria and indicators appropriate to each position; criteria for staff eligibility; and procedures to administer the program. *[Authority: DA 12/82-CR Urban Education, DA 11/98-SR]*
- C. **The NJSBA believes** appropriate information and assistance should be provided to local boards of education to assist them in developing staff recognition programs. *[Authority: DA 12/83-1, DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Cross References: 2400 Evaluation of administrative effectiveness
 4111 Supply of Qualified Candidates
 4116 Evaluation

Key Words: staff recognition

The Delegate Assembly is the policymaking body of the New Jersey School Boards Association. These materials are submitted for consideration by the delegates at the Annual Meeting on May 13, 2023.



New Jersey School Boards Association

413 West State Street • Trenton, New Jersey 08618-5697

📞 1-888-88NJSBA or 609-695-7600 🌐 www.njsba.org

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