



DELEGATE ASSEMBLY HANDBOOK

December 2, 2023 • Semiannual



Conference Center at Mercer



SEMIANNUAL DELEGATE ASSEMBLY

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

December 2, 2023

Agenda

8:00- 10:00 a.m.	REGISTRATION/ FULL BUFFET BREAKFAST	
9:00 a.m.	CALL TO ORDER Presiding: Karen Cortellino, M.D.	
	PLEDGE OF ALLEGIANCE	Delegates
	RECOGNITION OF COMMITTEE CHAIRS	Karen Cortellino, M.D.
	REPORT OF THE PRESIDENT	Karen Cortellino, M.D.
	REPORT OF THE EXECUTIVE DIRECTOR	Dr. Timothy J. Purnell
	ADOPTION OF THE RULES FOR THE CONDUCT OF THE DELEGATE ASSEMBLY	Karen Cortellino, M.D. Parliamentarian

-over-

MINUTES OF THE MEETING OF
May 13, 2023

Karen Cortellino, M.D.

REPORT OF THE V. P. FOR
LEGISLATION/RESOLUTIONS

Chanta L. Jackson

Resolutions Subcommittee Report

CONSIDERATION OF RESOLUTIONS

Chanta L. Jackson

ADJOURNMENT

Karen Cortellino, M.D.

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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 Semiannual Delegate Assembly on December 2, 2023.

SIGNATURE

ADDRESS

CITY/STATE/ZIP

**NEW JERSEY SCHOOL BOARDS ASSOCIATION
SEMIANNUAL DELEGATE ASSEMBLY
December 2, 2023**

Summary of Delegate Action

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

ACTION TAKEN

RESOLUTION NO. 1 - Plainfield Board of Education (Union County) proposes **revised** policy language seeking the ability for 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.

RECOMMENDATION: The Resolutions Subcommittee recommends the approval of this resolution with the following new policy language to be included in NJSBA’s Manual of Positions and Policies on Education, File Code 5119 - “Transfers - Student Mobility”:

“The NJSBA believes that school districts should be able to classify students as “excluded from cohort” once reasonable attempts have been made to confirm that the students are in fact transferred elsewhere, either domestically or internationally.”

RESOLUTION NO. 2 - Plainfield Board of Education (Union County) proposes additional policy language supporting a statutory provision that would allow non-English speaking career and technical education educators (CTE) who are skilled craftsmen to obtain certification through either traditional or alternative measures where such teachers are paired with an English-speaking co-teacher. In lieu of the alternate measures contemplated in existing statute and specified in regulation, the resolution seeks that educators be permitted to satisfy the alternate measure by pairing in the classroom with an English speaking “co-teacher.”

RECOMMENDATION: The Resolutions Subcommittee recognizes the challenges that boards of education across New Jersey have been and continue to experience in filling open teaching positions with qualified candidates. The RSC also recognizes the additional challenges of recruiting certificated CTE teachers.

Nevertheless, the Resolution Subcommittee does not recommend support of a statutory or regulatory revision to permit non-English speaking skilled professionals to obtain certification without English proficiency at this time, regardless of whether there is a requirement that the classroom placement include an English-speaking co-teacher.

Considering that revisions to the regulations 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 Public School Staff Shortages submitted their recommendations 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 Resolutions Subcommittee does not support this resolution.

RESOLUTION NO. 3 - The Essex County School Boards Association (“ECSBA”) resolution concerns “book bans and guidelines for evaluation and selection of instructional materials in New Jersey Public Schools. “

RECOMMENDATION: The Resolutions Subcommittee recommends approval of this resolution with the substitute policy language that would create additional policy language to be included in the NJSBA’s *Manual of Positions and Policies on Education*, File Code 6144, *Controversial Issues*.

The NJSBA believes that Boards of Education have the responsibility to ensure all instructional materials are age-appropriate, complement the district curriculum and/or student support programs, facilitate critical thinking, further learning, and are congruent with local community preferences. In light of this belief, a board of education book selection process should only restrict access to, or exclude a book or other learning materials from its curriculum, library, or other support resources following a process that evaluates the book or materials in a manner that is consistent with the constitutional and statutory protections afforded individuals by the State.

The NJSBA believes that in support of this belief NJSBA will encourage local boards to consult with other educational organizations and local stakeholders in the selection of curricular and support materials while retaining its statutory authority over such decisions.

RESOLUTION NO. 4 - The Franklin Township Board of Education (Warren County), proposes additional policy language supporting its belief that the State must support school district pre-employment practices/procedures by assuming responsibility for school district access to data resources that effectively and thoroughly document prior employment history(ies) of individual(s) whose conduct implicates the physical or emotional abuse of children.

RECOMMENDATION: The Resolutions Subcommittee recommends approval of the proposed resolution with the following substitute language

which would create additional policy language to be included in NJSBA's Manual of Positions and Policies on Education in File Code 1410:

The NJSBA believes the State of New Jersey should support local school districts by sharing and/or providing resources, technology, and related tools to assist school districts in collecting and maintaining information that will limit or prevent physical or emotional abuse of children by school employees.

RESOLUTION NO. 5 - The Union County Vocational-Technical Board of Education (Union County) proposes **revised** policy modifying the procedures for selection of NJSBA Nominating Committee members.

RECOMMENDATION: The Resolution Subcommittee recommends the adoption of this resolution with the following substitute resolved clause for inclusion in the NJSBA Bylaws amending Art. X, Sec. 3:

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. Any member representing the Urban Boards Committee or the county vocational boards 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.

NEW JERSEY SCHOOL BOARDS ASSOCIATION
BOARD OF DIRECTORS 2023-2024
(As of 11/16/23)

OFFICERS/EXECUTIVE COMMITTEE

<i>President</i>	Karen Cortellino, M.D. Montville Township Board of Education
<i>Vice President for County Activities</i>	Barry Fitzgerald Lenape Regional Board of Education
<i>Vice President for Finance</i>	Dr. Tom Connors Piscataway Board of Education
<i>Vice President for Legislation/Resolutions</i>	Chanta L. Jackson Neptune Township Board of Education
<i>Immediate Past President</i>	Irene LeFebvre Boonton Town Board of Education
EX OFFICIO	Timothy J. Purnell, Ed.D. <i>Executive Director</i> New Jersey School Boards Association

MEMBERS & ALTERNATES

ATLANTIC COUNTY

Louis Della Barca, Egg Harbor Township Board of Education
Doris Rowell, Pleasantville Board of Education (Alt.)

BERGEN

Michael Sprague, Norwood Board of Education
Behrooz (Bruce) Pasdar, Emerson Board of Education (Alt.)

BURLINGTON

Erica Campbell, Palmyra Board of Education
Michael McClure, Maple Shade 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 (Alt.)

CUMBERLAND

Brent Daly, Downe Township Board of Education
Vacancy (Alt.)

ESSEX

Benjamin Morse, 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

Hector Gonzalez, Jr., Bayonne Board of Education
Enrico Bolognino, Secaucus 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

Jennifer Bacchione, Berkeley Township Board of Education
Vacancy (Alt.)

PASSAIC

Alan Paris, Clifton Board of Education
Valdo Panzera, Jr., Manchester Regional Board of Education (Alt.)

SALEM

Eileen Miller, Woodstown-Pilesgrove Regional Board of Education
Timothy Hack, Pittsgrove Township Board of Education (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

Michael Jacobs, Ridgefield Board of Education
Tammeisha D. Smith, Knowlton Township 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)
Sheri Lowery, Pemberton Township Board of Education (Burlington) (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*)

11/16/23



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 Annual Delegate Assembly
May 13, 2023

The Annual Delegate Assembly of the New Jersey School Boards Association (NJSBA) was held at the Conference Center at Mercer County Community College on May 13, 2023. President Irene LeFebvre and Vice President for Legislation/Resolutions Karen Cortellino, M.D, presided over the meeting. Executive Director Dr. Timothy Purnell provided a report to the members. There were 108 delegates present, representing 19 counties.

President Irene LeFebvre called the meeting to order at 9:02 a.m. She reminded everyone in attendance that only certified delegates have the right to speak and vote on pending matters. She indicated that voting tallies and policy amendment language will be visible on the screen.

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.

She also noted that non-voting board of education members who do not have speaking privileges and guests are viewing this meeting through the NJSBA online conference platform.

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 and posting of notice in the first-floor lobby of NJSBA headquarters located at 413 West State Street in Trenton. The Association provided notices in the following ways: a preview of the agenda was published on the NJSBA website and a news advisory highlighting agenda items of interest to the news media was sent to all daily newspapers in the state; the Resolutions Subcommittee report was placed on the NJSBA website to allow boards of education time to discuss these items before today's meeting.

She reported that the Delegate Assembly Handbook and other materials related to the May 13, 2023, agenda were mailed on May 2, 2023, to all pre-registered delegates and were posted on the NJSBA website.

President LeFebvre led the delegates in the Pledge of Allegiance.

She 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 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 J. 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)
Howard 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)
Karen Vick, Mantua (Gloucester)

President's Report - Irene LeFebvre presided over her last Delegate Assembly as president of the New Jersey School Boards Association saying that it has been an honor and a privilege to serve in this capacity and how grateful she is for the trust and support shown her during these two years.

President LeFebvre acknowledged the outgoing officers, members who have chaired or participated on committees as well as the delegates in attendance.

“Two years ago, in a virtual delegate assembly meeting of 2021, I realized that I had some really big shoes to fill,” she said. “As president, Mike McClure had found himself, the association and the entire educational world navigating the unprecedented worldwide COVID pandemic. Under Mike’s leadership, the Association took on the tremendous job of providing counsel and guidance to all 5,000 of our members as you struggled to create availability, equity, and excellence in virtual education as the primary way to provide programming to our 1.3 million students. I’d say, ‘Well done Mike.’ I’d say, ‘Well done’ to every serving board member and administrator and educator!”

Later in her speech, she said, “As a result of the pandemic, we have learned *so much* – that educating children in a 100% virtual format has its disadvantages ... but there are many ways we can use technology to our benefit.”

President LeFebvre also highlighted the success of NJSBA in navigating challenges, including delivering two successful Workshops in a virtual format and harnessing technology to deliver services in new ways. One of her most critical duties as president was helping to bring on Dr. Timothy Purnell as the Association’s new executive director.

“Dr. Purnell has brought new energy – *amazing* energy — and excitement to the Association.” He started by listening to *everyone* “as to their hopes and dreams for the Association” and how to move it forward.

She added, “I know the Association is in the most wonderful hands. Dr Karen Cortellino will do an amazing job as your next president. Under her leadership, our new slate of vice presidents will work effectively with Dr. Purnell and our highly skilled staff to build on the progress we have made.”

Executive Director’s Report - Next, Dr. Purnell delivered his executive director’s report, outlining the progress the Association has made under his leadership as well as some of his goals and objectives for the coming months.

“At the heart of our work is our content,” highlighting items such as the new “Board President’s Corner” published monthly in *School Board Notes* and a quarterly podcast titled “The Boardroom,” which Dr. Purnell hosts. The next episode will feature Lorenzo Richardson, a trustee with the Jersey City Board of Education.

He also touted the Association’s new Negotiations Data Portal and some recent and upcoming Association programs.

Dr. Purnell highlighted the important work of the Association’s Firearms Safety Task Force, which recently issued a final report filled with suggestions that local boards and other organizations can consider implementing at the local level.

When he shifted gears to focus on the upcoming Workshop in Atlantic City, the audience cheered upon hearing that soccer legend and Olympic gold medalist and two-time World Cup Champion Carli Lloyd would be the keynote speaker, as reported recently in *School Board Notes*. “We are very proud to have her and excited about her presentation.”

The Association is also recognizing Unsung Superheroes in Education in various categories, including:

- Librarian/media specialist.
- Coach/club adviser.
- School nurse.
- Bus driver/aide.
- Custodian/maintenance/building and grounds.
- Cafeteria/food services.
- Crossing guard.
- Secretary/administrative assistant.
- Paraprofessional/aide.
- School security personnel.

There is still time to submit an Unsung Superheroes nomination; the deadline is August 1.

Dr. Purnell credited Kimberly Lane of the Piscataway Board of Education and an alternate on NJSBA's board of directors representing Middlesex County, for coming up with the idea to honor school district staff members who do not always get the credit they deserve. He also lauded the Unsung Hero program that county associations promote at the local level to recognize students, playing an NJSBA video that highlighted one such student, Nicolas Velasquez, a senior at New Providence High School.

Another important task for the Association is to continue its advocacy efforts, which includes helping to ease the staff shortage at New Jersey schools. He highlighted his appointment by Gov. Phil Murphy to the Task Force on Public Staff Shortages in New Jersey, which released some initial recommendations in a March report. Dr. Purnell joined other leaders in education to attend a recent press conference featuring Assemblywoman Pamela Lampitt, who represents New Jersey's 6th Legislative District, and who announced a 12-bill package that would minimize barriers to entering the teaching profession.

One of the root causes of many of the challenges school districts face, he observed, is the 2% cap on the tax levy increase schools can pass on to residents. The cap creates a barrier to paying teachers more and ensuring that facilities are up to date. He also noted how important it is for the Association to remain nonpartisan and maintain its focus on the children of New Jersey.

Dr. Purnell's report included a discussion about some critical NJSBA staff being added to better serve member needs, including a business administrator in residence, an additional field service representative and personnel in the legal department. "We are listening to your concerns and addressing them by adding staff members."

Rules for Conduct of the Delegate Assembly - President LeFebvre announced participants will be using an electronic voting card for the meeting today. When a call for a vote is announced, wait for the overhead screen to indicate the polling is open. After the poll is open, enter your vote. Firmly press the corresponding number on the device, then press GO at the lower left of the device. When the little red/green light flashes on your device, your vote has been entered. Once you vote, you cannot vote again. Once the polling is closed, the tally of the vote will be shown on the screen. The procedure for voting will remain the same whether it is for a resolution, amendment, or any other procedure.

President LeFebvre pointed out that there are two stationary microphones stationed in the aisles and are numbered. If you wish to speak at any time, please walk to the nearest microphone and you will be recognized in the order you come to the microphone. Once you are recognized, you must identify yourself by name, board, and state if you are the voting delegate and if you are speaking for or against

the motion so that the official reporter can keep accurate minutes. Proposed amendments from the floor will be shown on the overhead screen. All deletions will be highlighted and [bracketed] and additional language will be underlined. It is required that amendments be submitted in writing when the motion is made. Amendments must be written before being presented at the microphone. After the amendment is proposed, the person making the motion will retain a copy and give the other copies to a staff member who will collect and deliver one copy to the amendment typist and the other to the parliamentarian.

President LeFebvre introduced parliamentarian Michelle Bobrow, who was prepared to address any questions on the rules. Ms. Bobrow stated that the *Rules and Procedures for the Delegate Assembly*, which are included in the handbooks, and the newly revised, 12th edition of *Robert Rules of Order* will be adhered to. All decisions, whether it is a majority vote or 2/3 vote – are determined by those present and voting. Abstentions do not count as affirmative votes. Only the delegates can vote. There were 108 delegates from 19 counties which represented a quorum. When the parliamentarian issues a decision, it will prevail, and the meeting continues.

Adoption of the rules for the conduct of the DA was moved by Holly Morrell, Fort Lee Board of Ed. (Bergen) and duly seconded.

*With no further discussion, the motion to adopt the rules for the conduct of the May 13, 2023 Delegate Assembly was **APPROVED**.*

Minutes of the November 19, 2022 Delegate Assembly - Hearing no corrections, additions, or deletions to the minutes of the November 19, 2022, Delegate Assembly, *President Febvre declared the minutes approved as submitted.*

Committee Reports - President LeFebvre announced that the following reports were published in the delegate handbook and do not require any action: Financial Report, Legislative Committee, School Finance Committee and Special Education Committee.

Report of the Nominating Committee - Michael McClure, Immediate Past President, Maple Shade (Burlington County), presented the Nominating Committee Report. Pursuant to NJSBA *Bylaws*, the report of the Association's Nominating Committee was published in *School Board Notes* and posted on the NJSBA website on February 14, 2023.

Nine applications were received; however, one withdrew from the interview process. Two were received for president, three for vice president for county activities, one for vice president for finance and two for vice president for legislation/resolutions. The Committee interviewed all eight candidates and prepared a report naming a candidate for each position. All candidates nominated by the Committee are eligible to serve pursuant to NJSBA *Bylaws*.

On behalf of the Nominating Committee, Mr. McClure placed in nomination the following individuals:

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

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 29 at 5:00 p.m.

The Nominating Committee report that was placed in *School Board Notes* and on NJSBA's webpage on February 14, 2023, also included information as to how candidates may be nominated by petition. In accordance with Association policy, advance publicity was given to the candidate nominated by petition, as well as the candidates selected by the Nominating Committee in the April 4, 2023, issue of *School Board Notes*. A biography and photograph of the candidates was also published in the Delegate Handbook for today's meeting.

On behalf of the candidate nominated by petition, Mr. McClure places the following individual in nomination:

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

A motion was made to elect the candidates for uncontested offices by acclamation by Michael Bertram, Morris Hills Regional Board of Education (Morris) and duly seconded by Jo Ann Groeger, Lawrence Township Board of Education (Mercer).

Hearing no opposition or abstentions to the motion to elect the candidates for the uncontested offices, Mr. McClure, Immediate Past President, declared the motion passed.

The following individuals have been elected to the stated office and will be installed at the end of this meeting:

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

Dr. Tom Connors, vice president of the Piscataway Board of Education, met the conditions to run taking on Jonathan Castaneda, president of the West New York Board of Education (Hudson), who was put forward by the Nominating Committee as its choice to serve in the role.

Each candidate was given two minutes to explain to the delegates why they deserve to serve in the position. Mr. Castaneda noted that he is a “proud product” of the state’s public school system who has been a board member for eight years. He added that he has a diverse professional background that is fitting for the role.

Dr. Connors noted how he is known as “the numbers guy” and has been advocating for a fair application of the state aid funding formula for years. In his professional life, he has managed multi-million-dollar projects for Colgate Palmolive Co. and knows firsthand how budgets are developed and how to advocate for change.

Delegates used their electronic voting card to cast their vote. When the votes were tallied, Dr. Connors received 65 votes and Mr. Castaneda received 35 votes. Dr. Connors was named as the winner and will serve as the Association's vice president for finance.

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 May 3, 2023. The Association received no Emergency Resolutions.

Dr. Cortellino presented the report of the Resolutions Subcommittee. The Association received ten resolutions by the official cutoff date of March 9. Three resolutions were removed from the Agenda 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.

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

Delegates were reminded that decisions made today establish policy for the Association for years to come on many significant issues.

Discussion of the Five Resolutions

Resolution No. 1

The Hunterdon Central Regional School Board of Education (Hunterdon) 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 this resolution with the following substitute resolved clause which would create new policy language at File Code: 6147, 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 New Jersey Graduation Proficiency Assessment ("NJGPA") that measures student proficiency in the New Jersey Student Learning Standards ("NJSLS") and that any additional testing should be left to the discretion of the local district based on individual district assessment needs.

A motion was made by Bernadette Dalesandro, Netcong Board of Education (Morris) to move the resolution with the substitute policy language. Motion was duly seconded.

Before discussion, staff discussed the background and research that was involved in the write-up, and the subsequent recommendation from the Committee.

After discussion the motion to approve the resolution with the substitute policy language was amended. The following are the proposed amendments:

Proposed Amendment 1

The NJSBA believes that state required assessments should be limited to one assessment series and the New Jersey Graduation Proficiency Assessment (“NJGPA”) that measures student proficiency in the New Jersey Student Learning Standards (“NJSLS”) and that any additional testing should be left to the discretion of the local district based on individual district assessment needs.

A motion was made by Anna Polozzo, Toms River Board of Education (Ocean County) to amend the resolution.

Proposed Amendment 2

The NJSBA believes that state required assessments should be limited to one assessment series ~~and the New Jersey Graduation Proficiency Assessment (“NJGPA”)~~ that measures student proficiency in the New Jersey Student Learning Standards (“NJSLS”) and that any additional testing should be left to the discretion of the local district based on individual district assessment needs.

A motion was made by Rebecca Peterson, Hunterdon Central Board of Education, (Hunterdon County), to move the resolution with the substitute policy language. Motion was duly seconded.

Another motion was made by Anna Polozzo, Toms River Board of Education (Ocean County) to amend the motion and strike out the word (“NJGPA”). Dyaa Terpstra, Jefferson Township Board of Education (Morris) also made a motion to amend in favor of the amendment.

Proposed Resolution as Originally Amended – Passed (vote of 93/7)

The NJSBA believes that state required assessments should be limited to one assessment series and the New Jersey Graduation Proficiency Assessment (“NJGPA”) that measures student proficiency in the New Jersey Student Learning Standards (“NJSLS”) and that any additional testing should be left to the discretion of the local district based on individual district assessment needs.

Resolution No. 2 – Withdrawn by Sarah Virgo, Plainfield Board of Education (Union County)

Resolution No. 3

The Plainfield Board of Education (Union County) 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.

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: File Code: 5141.21:

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.

A lot of discussion went back and forth regarding this resolution. There was also a motion to extend time which was voted down 67% said no – 33% said yes.

A motion was made by Sarah Virgo, Plainfield Board of Education (Union County) to move the resolution with the substitute policy language. Motion was duly seconded and passed.

Proposed Resolution with Substitute Policy Language – Passed (vote of 73/27)

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 to hold their elections in November to add a second question to 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 recommended approval of the resolution with the following substitute resolved clause which would create additional policy language at File Code: 3100, to be included in NJSBA’s Manual of Positions and Policies on Education:

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.

A motion was made by Anna Polozzo, Toms River Board of Education (Ocean County), to move the resolution with the substitute policy language. Motion was duly seconded.

Proposed Resolution with Substitute Policy Language – Passed (vote of 96/4)

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

The Union County Vocational-Technical Board of Education proposes a revision to the *Bylaws* authorizing the NJSBA Nominating Committee specific authority to consider vocational-technical board members for participation on the Nominating Committee.

Recommendation: The Resolutions Subcommittee adopted the resolution proposing the revision of Article X, Section 3, Paragraph (a)(2) of the NJSBA *Bylaws* such that, “Due consideration shall be given to the inclusion of vocational board members as members of the Nominating Committee.”

A motion was made by John Henry Barr, Union County Vocational Board of Education (Union County), to move the resolution with the substitute policy language. Motion was duly seconded.

Proposed Amendment 1

The Resolutions Subcommittee adopted the resolution proposing the revision of Article X, Section 3, Paragraph (a)(2) of the NJSBA *Bylaws* such that, “Due consideration shall be given to the inclusion of vocational board members and charter school members as members of the Nominating Committee.”

A motion was made by Erika Jacho, Belleville Board of Education (Essex County) to move the resolution as amended. Motion was duly seconded with the substitute policy language.

The motion to approve the amendment had not passed by a vote of 7/93.

Proposed Amendment 2

The Resolutions Subcommittee adopted the resolution proposing the revision of Article X, Section 3, Paragraph (a)(2) of the NJSBA *Bylaws* such that, “Due consideration shall be given to the inclusion of all school boards ~~charter school members~~ as members of the Nominating Committee.”

A motion was made by Lisa J. Marshall, Warren Hills Regional Board of Education (Warren County), to move the resolution as amended.

The motion to approve the amendment has not passed by a vote of 9/91.

A motion was made by Brian Trauman, West Essex Regional Board of Education (Essex County), to approve the original substitute language as recommended by the Resolutions Subcommittee. Motion was duly seconded.

Proposed Resolution with Substitute Policy Language – Fails (2/3 vote, yes: 60, no: 40)

The Resolutions Subcommittee adopted the resolution proposing the revision of Article X, Section 3, Paragraph (a)(2) of the NJSBA *Bylaws* such that, “Due consideration shall be given to the including of vocational board members as members of the Nominating Committee.”

Sunset 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 1000 and 2000 section of the NJSBA Manual of Positions and Policies on Education. Staff has reviewed all policies in the 9000 section.

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 which are included in the Delegate Assembly Handbook.

Recommendation: The Resolutions Subcommittee recommends approving reaffirmation of the above 20 policies in List 1.

Vice President Cortellino asked that the members consider all of the policies in the 9000 section, List 1, as a group.

A motion was made by Robert Waskis, Washington Twp. Board of Education (Morris County) to approve the reaffirmation of List 1 to the 9000 sections of the NJSBA Manual of Positions and Policies on Education. Motion was duly seconded and passed by a vote of 99/1.

Instillation of Officers

In accordance with the NJSBA *Bylaws*, the following officers, chosen by the members of the New Jersey School Boards Association, were sworn in to hold office from the conclusion of the May 13, 2023 Delegate Assembly to the annual meeting in the year 2025, to carry on the trust and betterment of public education in New Jersey, in accordance with established ethics and policy.

Karen Cortellino, for the Office of President

Barry Fitzgerald, for the Office of Vice President for County Activities

Dr. Tom Connors, for the Office of Vice President for Finance

Chanta L. Jackson, for the Office of Vice President for Legislation/Resolutions

Irene M. LeFebvre, for the Office of Immediate Past President

These officers were installed in accordance with the *Bylaws* and concepts of the Association, and, therefore will preside over the New Jersey School Boards Association at the conclusion of the Delegate Assembly.

Adjournment

President Lefebvre thanked everyone for taking the time to attend the Delegate Assembly. Having no further business, a Motion was made to adjourn the meeting. The motion was duly seconded and carried, the meeting was adjourned at 12:08 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carl Tanksley". The signature is fluid and cursive, with a large, sweeping initial "C" and a distinct "S" at the end.

Carl Tanksley, Esq.
General Counsel

May 13, 2023 Delegate Assembly

County	District	Last Name	First Name
Atlantic	Absecon Bd of Ed	Cottrell	Christopher
Atlantic	Weymouth Twp Bd of Ed	Goldsmith	Henry
Bergen	Bogota Bd of Ed	Navarro	Marco
Bergen	Carlstadt-E Rutherford Bd of Ed	Young	Bruce
Bergen	Demarest Bd of Ed	Holzberg	Diane
Bergen	Dumont Bd of Ed	DeWald	Robert
Bergen	Edgewater Bd of Ed	Stefani-Rackow	Christina
Bergen	Fort Lee Bd of Ed	Morell	Holly
Bergen	Leonia Bd of Ed	Park	Isaac
Bergen	Norwood Bd of Ed	Sprague	Michael
Bergen	Oradell Bd of Ed	Walsh	John
Bergen	Pascack Valley Reg Bd of Ed	Stankus	James
Bergen	Ramsey Bd of Ed	Seltzer	Andrew
Bergen	Ridgefield Bd of Ed	Jacobs	Michael
Bergen	River Edge Bd of Ed	Sim	Gyuchang
Bergen	Teaneck Bd of Ed	Williams	Clara
Burlington	Burlington City Bd of Ed	Kamps	William
Burlington	Chesterfield Bd of Ed	Hoggan	Christina
Burlington	Eastampton Bd of Ed	DiGiacomo	Len
Burlington	Edgewater Park Bd of Ed	Holley	Lester
Burlington	Lenape Reg Bd of Ed	Fitzgerald	Barry
Burlington	Lumberton Bd of Ed	Colling	Thomas
Burlington	Maple Shade Bd of Ed	Richek	Jason
Burlington	Moorestown Twp Bd of Ed	Romano	Lauren
Burlington	Mount Holly Bd of Ed	DiFolco	Janet
Burlington	Pemberton Twp Bd of Ed	Knox	Wanda
Camden	Clementon Bd of Ed	Freiling	Randall
Camden	Gibbsboro Bd of Ed	Alexander	Geoff
Camden	Gloucester Twp Bd of Ed	Reese	Ellen
Camden	Haddon Twp Bd of Ed	Kendall	John
Camden	Lindenwold Bd of Ed	Hershman	Marsha
Cumberland	Cumberland Co Voc Bd of Ed	Redden	John
Essex	Belleville Bd of Ed	Jacho	Erika
Essex	Glen Ridge Bd of Ed	GOTTLIEB	Jocelyn
Essex	Verona Bd of Ed	Verzella	Denise
Essex	West Essex Reg Bd of Ed	Trauman	Brian
Essex	West Orange Bd of Ed	Rock	Brian
Gloucester	E. Greenwich Bd of Ed	Schonewise	Mark
Gloucester	Glassboro Bd of Ed	Esgro	Christopher
Gloucester	Logan Twp Bd of Ed	Russell	John
Gloucester	Pitman Bd of Ed	Grossman	David J
Gloucester	West Deptford Bd of Ed	Barna	Nancy
Hudson	Jersey City Bd of Ed	Richardson	Lorenzo
Hudson	West New York Bd of Ed	Castañeda	Jonathan

Hunterdon	Hunterdon Central Reg Bd of Ed	Petersen	Rebecca
Hunterdon	Kingwood Bd of Ed	Bloom	Kevin
Hunterdon	North Hunterdon-Voorhees Reg BOE	Hintz	Tara
Mercer	Lawrence Twp Bd of Ed	Groeger	Jo Ann
Mercer	Mercer Co Spec Serv Bd of Ed	Santo	Stacy Morgan
Mercer	Mercer Co Technical Bd of Ed	Panfili	Barbara
Mercer	Trenton Bd of Ed	Weakliem	Jeannie
Mercer	West Windsor Plainsboro Bd of Ed	Krug	Dana
Middlesex	Jamesburg Bd of Ed	Rutsky	Paul
Middlesex	Middlesex Boro Bd of Ed	Schueler	Sharon
Middlesex	Monroe Twp Bd of Ed	Rattner	Kate
Middlesex	Piscataway Twp Bd of Ed	Connors	Thomas
Middlesex	South Brunswick Bd of Ed	Mitchell	Mike
Middlesex	South Plainfield Bd of Ed	Miller	Sharon
Monmouth	Colts Neck Bd of Ed	DeNoia	Alison
Monmouth	Keyport Bd of Ed	Cunningham	Caitlin
Monmouth	Monmouth Reg Bd of Ed	Beaubrun	Ketsia
Monmouth	Neptune Twp Bd of Ed	Hubbard	Jerome
Monmouth	Oceanport Bd of Ed	Usatin	Neal
Morris	Boonton Twon Bd of Ed	Darling	Jennifer
Morris	Harding Twp Bd of Ed	Bruno	Richard
Morris	Jefferson Twp Bd of Ed	Terpstra	Dyaa
Morris	Mine Hill Twp Bd of Ed	Morris	Diane
Morris	Morris Hills Reg Bd of Ed	Bertram	Michael
Morris	Netcong Bd of Ed	Dalesandro	Bernadette
Morris	Rockaway Twp Bd of Ed	Mezik	Lisa
Morris	Roxbury Twp Bd of Ed	Coakley	Leo
Morris	Town of Dover Bd of Ed	Miller	Scott
Morris	Washington Twp Bd of Ed	Waskis	Robert
Morris	Wharton Boro Bd of Ed	Breda	Paul
Ocean	Brick Twp Bd of Ed	Pakala	Victoria
Ocean	Jackson Bd of Ed	Rivera	Tara
Ocean	Lavallette Bd of Ed	Shohfi	Steve
Ocean	Point Pleasant Boro Bd of Ed	Henry	Stephen
Ocean	Toms River Reg Bd of Ed	Polozzo	Anna
Passaic	Bloomington Bd of Ed	Wilson	Alexis
Passaic	Clifton Bd of Ed	Bassford	Judith
Passaic	Manchester Reg Bd of Ed	Fischer	Jeffrey
Passaic	North Haledon Bd of Ed	DeNova	Lucia
Passaic	Paterson Bd of Ed	Martinez	Dania
Salem	Woodstown-Pilesgrove Reg BOE	Miller	Eileen
Somerset	Bridgewater-Raritan Reg BOE	Pepe	Michael
Somerset	Somerset Co Voc Bd of Ed	Wilkins	Nadine
Somerset	Somerset Co. ESC	Walker	Barry
Somerset	Somerville Bd of Ed	Van Horn	Denise
Sussex	Hardyston Twp Bd of Ed	Hoffman	Ronald
Sussex	Newton Bd of Ed	Gill	Meghan
Sussex	Walkill Valley Reg Bd of Ed	Carlson	Robert

Union	Garwood Bd of Ed	Guerriero	Christine
Union	Plainfield Bd of Ed	Virgo	Sarah
Union	Rahway Bd of Ed	Robson	Bernard
Union	Union Co. Vo Tech Bd of Ed	Barr	Jon-Henry
Warren	Harmony Bd of Ed	Babula	George
Warren	Knowlton Twp Bd of Ed	Wittreich	Ronni
Warren	Lopatcong Bd of Ed	Thomas	Pamela
Warren	Phillipsburg Bd of Ed	Person	Rosemarie
Warren	Warren Hills Bd of Ed	Marshall	Lisa
Warren	Washington Twp Bd of Ed	Graf	Karen



ANNUAL REPORT
NJSBA AUDIT COMMITTEE REPORT

By
Laurie Markowski, Chairperson

Prepared for the Semi-Annual Delegate Assembly
December 2, 2023

In June 1991, the Delegate Assembly established the Audit Committee. The Committee consists of five members appointed by the president. A complete list of the committee members who served during 2022-2023 is attached to this report.

Following is a summary of the major items approved or reviewed by the Committee since last year's Delegate Assembly.

At the January 27, 2023 meeting, the Audit Committee reviewed and approved the minutes of its preceding meeting that was held on September 22, 2022.

At the March 24, 2023 meeting, the Audit Committee reviewed and approved the minutes of the previous Committee meeting held on January 27, 2023. Additionally, The Committee was informed that based on their previous guidance to NJSBA management, a three year contract was successfully negotiated with Suplee & Clooney, its auditing firm.

At the May 5, 2023 meeting, the Audit Committee reviewed and approved summaries of the 2023 – 2024 budgeted out-of-state travel expenses for both the Executive Committee and the Executive Director. These budgets assume that all such out-of-state conferences will be attended in person, but if that is not the case, the associated budget dollars will effectively be returned to the Association's free balance. Also, the Committee reviewed and approved the minutes of the previous meeting held on March 24, 2023. As an information-only item, the Audit Committee reviewed and accepted a summary of the year-to-date budget transfers through March 2023.

At the September 22, 2023 meeting, the Audit Committee reviewed and approved the annual reports of actual Executive Committee, Executive Director, Board of Directors and staff expenses for 2022-2023. During this review the Association's management noted that these expenses increased from the prior

year as a result of an increase in in-person meetings and an increased focus on professional development for NJSBA's staff. At this meeting the Committee also reviewed a full-year summary of the 2022 – 2023 budget transfers. Additionally, Mr. Butvilla, partner of our auditing firm Suplee, Clooney & Company, reviewed a draft of the 2022 – 2023 audit report with the Committee, noting that no exceptions were found but also noting that the state of New Jersey has not yet provided all necessary information for the pension plan and post-retirement medical benefits plan to enable his firm to complete those sections of the audit report. Finally, the Audit Committee reviewed and approved the minutes of its May 5, 2023 meeting.

The next Audit Committee meeting is scheduled for November 17, 2023.



AUDIT COMMITTEE 2023-2025

2023-2025 Dr. Tom Connors, Vice President of Finance, 10 Seward Ave, Piscataway, 08854
Piscataway Township Board of Education, Middlesex County
Phone: 732-491-3248 E-mail: tconnors@njsba.org

2023-2025 Laurie Markowski, 17 William Barnes Road, Flemington, 08822
Flemington-Raritan Regional Board of Education, Hunterdon County
Phone: 908-328-2813 E-mail: laurie.markowski@frsd.k12.nj.us

2022-2024 Diane Johnson, 1904 45th Street, Pennsauken, 08110
Pennsauken Board of Education, Camden County
Phone: 856-495-2474 E-mail: diane.johnson@pennsauken.net

2023-2025 Paul Williams, 2727 River Road, Phillipsburg, 08865
Harmony Township Board of Education, Warren County
Phone: 908-454-8104 E-mail: paulwms48@yahoo.com

2022-2024 J. Brendan Galligan, 535 Pierson Street, Westfield, 07090
Westfield Board of Education, Union County
Phone: 908-232-8855 E-mail: bgalligan@westfieldnj12.org

PRESIDENT

Karen Cortellino, M.D., President, 19 Jarombek Drive, Towaco, 07082
Montville Township Board of Education, Morris County
Cell: 973-464-4535 E-mail: karen.cortellino@montville.net

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John Faford, Director, Finance & Operations, NJSBA E-mail: jfaford@njsba.org

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REPORT OF THE LEGISLATIVE COMMITTEE
By
Chanta L. Jackson
Vice President for Legislation/Resolutions
Prepared for the December 2, 2023 Delegate Assembly

As Vice President of Legislation/Resolutions, I would like to report the Legislative Committee's activities since the May 13 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 November 3, 2023)

<u>LD #</u>	<u>County</u>		
2-alt	Atlantic	17-alt	Middlesex, Somerset
4-alt	Camden, Gloucester	18-alt	Middlesex
6-alt	Burlington, Camden	29-alt	Essex
12-alt	Burlington, Middlesex, Monmouth, Ocean	30-alt	Monmouth, Ocean
13-alt	Monmouth	31-alt	Hudson
14-alt	Mercer, Middlesex	32-alt	Bergen, Hudson
15-alt	Hunterdon, Mercer	33-alt	Hudson

Since the last report, the Committee met on May 6, 2023 and October 14, 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.

May 6, 2023

OPENING REMARKS

Dr. Karen Cortellino, Vice President Legislation/Resolutions, opened the virtual meeting by thanking the committee members for their continued efforts in continuing to promote advocacy. Dr. Cortellino stated that guest speakers Assemblyman Antwan L. McClellan and Assemblyman Erik K. Simonsen would be speaking later.

President Irene LeFebvre and Dr. Timothy Purnell, NJSBA Executive Director / CEO also provided greetings to the committee members and thanked them for their outstanding efforts. In addition, they both acknowledged this was Dr. Cortellino’s final meeting as Chair of the Legislative Committee. President LeFebvre and Dr. Purnell expressed their deep appreciation for Dr. Cortellino’s advocacy efforts, and her continuous dedication in chairing the committee. Dr. Purnell extended a warm welcome to Chanta L. Jackson, Neptune Township BOE, who has been selected by the NJSBA Nominating Committee for election by the NJSBA delegates to serve as the Vice President of Legislation/Resolutions from 2023-2025.

A quorum count and new committee member introductions followed.

Guest Speakers

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

- Assemblyman Antwan L. McClellan, Legislative District #1
- Assemblyman Erik K. Simonsen, Legislative District #1

Each of the Assemblymen provided remarks to the audience. Jonathan Pushman, Director, Governmental Relations, then moderated a very robust and lively discussion for one hour and

submitted questions from the committee members. Much of the discussion with the Assemblymen involved a conversation about school funding, acknowledging that many school districts face funding cuts under S-2 due to increasing local share, but then are prohibited from increasing the tax levy more than 2%. The Assemblymen both asserted that the funding formula needs to be revisited. Another topic discussed at great length was the school staffing shortage the entire state is facing, as well as concerns they have with certain teacher evaluation requirements (i.e., student growth objectives). The Assemblymen also provided their thoughts on HIB policies and reporting procedures, especially in light of the recent tragic events that have occurred.

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.
- The NJSBA's FY2024 Budget Testimony submitted to the Senate Budget and Appropriations Committee, April 25, 2023; and
- Bios for Assemblymen Antwan L. McLellan and Erik K. Simonsen

Mr. Pushman informed the committee that a package of bills will soon be introduced that are aimed at addressing the NJ teacher shortage and will be announced at a media event on Thursday, May 11. Below is a link to a press release and other news coverage of the event:

- <https://www.assemblydems.com/lampitt-announces-introduction-of-12-bill-package-to-address-nj-teacher-workforce-shortage/>
- <https://www.njspotlightnews.org/video/a-new-package-of-bills-is-aimed-at-reversing-teacher-shortage/>
- <https://newjerseymonitor.com/2023/05/12/n-j-lawmakers-look-for-more-solutions-to-teacher-shortage/>

Mr. Pushman discussed the announcement of the discontinuation of the Start Strong Assessment. In March, the DOE announced it would be discontinuing its administration of these assessments, effective the fall of 2023. NJSBA and the LEE Group partner organizations actively lobbied together to urge the NJDOE to eliminate the mandatory administration of these assessments. Mr. Pushman acknowledged that due to the active advocacy efforts of our members, this was considered a big win for the Association.

Mr. Pushman discussed the status of the School Based Youth Services Program, which approximately 100 districts receive funding from to provide mental and behavioral health supports to students in a school setting. There have been attempts by the Administration to eliminate this program, but the Association received encouraging news from the governor earlier this year that the program would be maintained through FY2024, with some uncertainty as to whether the program would be preserved for the long term. The Department of Children and Families' (DCF) commissioner had her hearing before the Senate Budget and Appropriations Committee earlier in the week, and was pressed on this issue by several legislators. She indicated that the program would be maintained for the foreseeable future, with the caveat that it will be continued to be monitored to ensure the programs are high quality. Therefore, they will continue to implement the NJ Statewide

Student Support Service (NJ4S) Network initiative, and continue to fund both programs moving forward.

Mr. Pushman mentioned the Legislature has been on a budget break as it deliberates the governor's proposed spending plan for FY2024. The Governmental Relations staff will therefore be very busy, as a full schedule of committee meetings and voting sessions will begin at the start of May. They will likely break at the end of June until after the November elections, when all 120 seats in the Senate and Assembly are up for election.

John Burns, Senior Legislative Counsel and Jesse Young, Legislative Advocate, then led a PowerPoint presentation and discussed various new education-related laws, pending legislation, and various actions taken by the Murphy Administration since the last meeting. They spent a significant amount of time discussing the education highlights of the governor's proposed FY2024 budget. They also discussed the April 25 Budget Testimony that had been provided by Mr. Young to the Senate Budget and Appropriations Committee.

The presentation included highlights of A-5060, which expands the scope of school district employee sick leave, a bill the Association opposes. Also discussed was recent legislation signed by the governor requiring the NJDOE to distribute a survey to measure how each district is meeting the state's requirement to include instruction on the Holocaust and Genocide in an appropriate place in the K-12 curriculum. They also provided information on the recent action taken by the State Board of Education to adopt the NJDOE's recommended NJGPA cut score of 725 for ELA and Math, as well adoption of the cut scores for the substitute competency assessments.

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 also be found in the May 9, 2023 edition of School Board Notes:

<https://www.njsba.org/category/news-publications/school-board-notes/may-9-2023-vol-xlvi-no-38/>

DISCUSSION AND COMMITTEE SHARING

The following topic was discussed:

- Committee members were provided the 2023-2024 Legislative Committee meeting dates:

2023-2024 Legislative Committee meeting dates

- ✓ Saturday, October 14, 2023
- ✓ Saturday, December 16, 2023
- ✓ Saturday, March 9, 2024
- ✓ Saturday, May 11, 2024

Unless otherwise indicated, Legislative Committee meetings begin at 9 a.m.

Closing Remarks

Dr. Cortellino thanked the committee, the Association, Governmental Relations staff, and Legal staff for the opportunity to serve as both VP of Legislation/Resolutions and as Chair of the committee. Dr.

Cortellino said she truly appreciates seeing the entire Legislature being more involved and more educated in the Association's advocacy efforts, and this is in thanks to the collaboration of the Legislative Committee, board members and the Association efforts towards the betterment of the students and public schools in NJ.

October 14, 2023

OPENING REMARKS

Chanta L. Jackson, Vice President of Legislation/Resolutions, called the meeting to order and led the pledge of allegiance. This marked the first in-person Legislative Committee meeting since before the COVID-19 pandemic began. It was also the first meeting presided over by Ms. Jackson, who was elected to be an NJSBA officer at the May 2023 Delegate Assembly.

Dr. Timothy Purnell, NJSBA Executive Director/CEO, and Dr. Karen Cortellino, NJSBA President, provided welcome remarks to the Committee members. Ms. Jackson then introduced herself to the committee and provided information on her background and professional experience. She also highlighted some of the advocacy items she plans to focus on during her tenure, including:

- Advocating for legislation to streamline the teacher certification process and expanding reciprocity agreements;
- Promoting the career and technical education programs in traditional public schools independent of county vocational schools;
- Teaching local boards how to reduce their reliance on state aid;
- Advocating for a more equitable funding formula; and
- Expanding social-emotional learning supports for our students.

A quorum count and new committee member introductions, as well as recognition of former committee members, followed.

LEGISLATIVE UPDATES

Jonathan Pushman, Director, Governmental Relations, referred to the agenda and various meeting materials that were sent to attendees in advance of the meeting. The materials included:

- A Governmental Relations Update that provides a detailed summary of recent legislative and Murphy administration activity.
- The NJSBA 2022-2023 Legislative Advocacy Agenda/Action Plan

The Governmental Relations staff of Mr. Pushman; John Burns, Senior Legislative Counsel; and Jesse Young, Legislative Advocate, then led a detailed presentation of the latest developments within the State House since the last committee meeting. The presentation included discussion of the following:

- Education highlights of the FY2024 state budget;
- Recently signed education-related enactments, including the sick leave expansion law signed in July;
- Bills pending on the governor's desk, including one that creates an alternative pathway to teacher certification;

- News from the Executive Branch, including recognition of the passing of Lieutenant Governor Sheila Oliver and an update on the progress of the NJ Anti-Bullying Task Force;
- Recent State Board of Education activity (e.g., Chapters 7 and 15, and adoption of the NJ Student Learning Standards for Math and ELA);
- Recent developments on the school desegregation lawsuit;
- A preview of the November election and potential issues the Legislature may address in the “lame duck” session post-Election Day; and
- Promotion of various Workshop 2023 programs led by the governmental relations department, such as the Legislative Panel Discussion, the State Board of Education session, and an opportunity for a committee “meet-up” at the conference (additional information below).

During the presentation, Mr. Pushman explained the Legislative Committee roster will be adjusted to reflect the new Legislative District map that goes into effect at the beginning of the 2024-2025 legislative session. The towns that several committee members currently represent will be moved into a different legislative district, compared to the one in which they are presently situated. Due consideration will be given to maintaining continuity of membership on the committee. An update on this process will be provided at the December committee meeting, before the new roster is presented to the Board of Directors for its traditional annual approval in January.

A copy of the PowerPoint presentation and a meeting summary has been provided to the committee members.

A meeting summary can also be found in the October 17, 2023 edition of School Board Notes:

<https://www.njsba.org/news-publications/school-board-notes/october-17-2023-vol-xlvi-no-12/legislative-committee-members-meet-in-person-at-njsbas-headquarters/>

Advocacy Agenda Development

Mr. Pushman explained the NJSBA Bylaws concerning the Association’s Legislative Advocacy Agenda/Action Plan. The committee develops an advocacy agenda every two years that coincides with the two-year legislative session. The next legislative session begins in January 2024.

The committee broke into small groups to review the current 2022-2023 advocacy agenda and to discuss and compile feedback on what should be included in the NJSBA Advocacy Agenda/Action Plan for 2024-2025. The full committee then reconvened to share their ideas. Governmental Relations staff took detailed notes and will use the feedback received in drafting the agenda. Approval of the new Legislative Advocacy Agenda/Action Plan will be included on the agenda for the next committee meeting date, December 16. It will then be forwarded to the NJSBA Executive Committee and Board of Directors for final review and approval in January 2024.

Legislative Committee members are welcome to continue providing feedback to the Governmental Relations department before the next committee meeting date.

Upcoming 2023-2024 Legislative Committee Meeting Dates

- Saturday, December 16, 2023 (Virtual)
- Saturday, March 9, 2024 (Virtual)
- Saturday, May 11, 2024 (Location/Format TBD)

Unless otherwise indicated, Legislative Committee meetings begin at 9 a.m.

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, Administrative Assistant



LEGISLATIVE COMMITTEE ROSTER

12/2/23 *

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

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)
	Vacancy	Alternate	
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 November 3, 2023. It may not include any changes or new appointments approved by the Board of Directors at its November 17, 2023 meeting.**



REPORT OF THE SPECIAL EDUCATION COMMITTEE

Lisa J. Marshall, Chair

Prepared for the Semi-Annual Delegate Assembly

December 2, 2023

As Chair of the Special Education Committee, I would like to report on the Special Education Committee’s activities since the May 13, 2023 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 May 13, 2023. The agenda of that meeting included the following topic:

Special Education Due Process—The committee met with John K. Worthington, Esq., Coordinator of Special Education Law at the NJ Principal and Supervisors Association. Mr. Worthington is a former Director of the Office of Special Education Policy and Procedure at the NJ Department of Education. He spoke to the committee about a number of topics concerning due process including timeframes, with many special education due process cases settling within the 45-day mandated timeframe. Mr. Worthington also spoke about the importance of a strong mediation program to resolve disputes early. He also suggested cases that could not be settled through mediation be subject to strict timelines for testimony when hearings are held. He said that in other states, many due process cases are resolved in 1-3 days. Mr. Worthington suggested that one of the ways to make due process cases more efficient is to ensure that P.L.2021, c.390, the law establishing a special education unit within the Office of Administrative Law is fully implemented. He said other states have achieved efficiencies in due process by creating independent standalone offices that would be dedicated solely to special education mediation and due process.

SPECIAL EDUCATION COMMITTEE MEMBERS 2022-2023

<u>Member Name</u>	<u>District Name</u>
Cherie L. Adams	Belmar Bd. of Ed.
Erica Campbell	Palmyra Bd. of Ed.
Lisa J. Marshall, <i>Chair</i>	Warren Hills Regional Bd. of Ed
Cathy A. Moncrief	Lindenwold Bd. of Ed.
Holly Morell	Fort Lee Bd. of Ed.
Sharon Schueler	Middlesex Borough Bd. of Ed.

Staff

John J. Burns, Esq.
Jonathan Pushman

Senior Legislative Counsel
Director, Governmental Relations



REPORT OF THE RESOLUTIONS SUBCOMMITTEE

by

**Chanta L. Jackson
Vice President for Legislation/Resolutions**

**Prepared for the Semiannual Delegate Assembly
December 2, 2023**

The Resolutions Subcommittee met virtually on Wednesday, November 1, 2023, via Webex, to review the resolutions that will come before the Semiannual Delegate Assembly on December 2, 2023.

The Association received twenty-six (26) resolutions prior to the official cutoff date of September 28 for the Semiannual Delegate Assembly. Twenty-one (21) resolutions were not submitted to the Resolutions Subcommittee due to procedural concerns. These concerns were discussed with district representatives prior to the Resolution Subcommittee meeting. Five resolutions were forwarded to the Resolution Subcommittee for action. Of these, four resolutions were adopted by the Resolution Subcommittee and forwarded to the Delegate Assembly for consideration. The Resolution Subcommittee declined to support one resolution.

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 Semiannual Delegate Assembly agenda by the subcommittee.

Enclosures



RESOLUTIONS SUBCOMMITTEE OF THE LEGISLATIVE COMMITTEE

JANUARY--DECEMBER 2023

CHAIR Chanta L. Jackson, 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 11	Giuseppe Grillo,	Asbury Park BOE (Monmouth)
District 15	Jo Ann Groeger,	Lawrence Twp. BOE (Mercer)
District 16	Jean Trujillo,	Hillsborough BOE (Somerset)
District 20	Jerry Jacobs,	Elizabeth BOE (Union)

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)
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 13	Matthew Kitchen,	Keansburg BOE (Monmouth)
District 14	Kate Rattner	Monroe Twp. BOE (Middlesex) (NEW)
District 18	Sharon Miller	So. Plainfield BOE (Middlesex) (NEW)
District 19	Daniel Harris,	Woodbridge Twp. BOE (Middlesex)

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: **Karen Cortellino, M.D.,** NJSBA President, Montville Twp. BOE (Morris)

STAFF: Carl Tanksley, Esq., General Counsel **E-mail:** ctanksley@njsba.org
Cindy Harrison, Senior Legal 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\December 2, 2023\Resolutions Subcommittee\CommitteeRoster

RESOLUTION NO. 1

SYNOPSIS

Resolution No. 1 from the Plainfield Board of Education (Union County) proposes **revised** policy language seeking the ability for 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 classification¹.

BACKGROUND

By way of the background, in 2011, the NJ Department of Education (“NJDOE”) as required by the Federal “Every Student Succeeds Act” (“ESSA”) began to calculate graduation rates through the use of student cohorts. This cohort model tracks the number of students entering 9th grade in comparison to the number of students graduating within a four or five year period. This figure is then adjusted by the number of students who leave the school district for various reasons. This information is reported for State purposes in accordance with the New Jersey Standards Measurement and Resource for Training (“NJ SMART”).

The district alleges that several factors cause it to suffer negative results using the current cohort classifications under State and Federal law. These factors include: high rates of poverty and non-English speaking students; and high student mobility including students repatriating back to their countries of origin outside of New Jersey and those students whose whereabouts are either unknown or who have not enrolled in another New Jersey System

Plainfield sets forth that this issue is pervasive not just in its district but throughout the 30 large urban districts, formerly known as the Abbott Districts, as well as rural districts, citing Salem and Cumberland Counties specifically. Plainfield has a 36 percent student mobility rate in its district. Additionally, throughout the life of a graduation cohort, between 8 percent and 14 percent of their population is affected and remains on the student roles despite not being present in this district for months or years to receive an education. In Plainfield’s case, the primary population at issue involves migrant students. Other districts affected also typically have large migrant student and military connected student populations.

Plainfield follows a robust verification process for attempting to verify the status of students who have “transferred out” of their district including, letters sent by various means, home visits, interviews, etc. However, often these methods do not yield results sufficient to remove the students from the graduation cohort under NJ SMART’s criteria. The district utilizes significant administrative time and resources in this endeavor, often to no avail. Plainfield has attempted to

¹ Plainfield’s resolution does not reference the specific language of NJSBA’s *Manual of Policies and Procedures* that the district seeks to revise. After discussion with the district representatives, it was agreed that this submission more accurately seeks “new language” for inclusion in NJSBA’s *Manual of Policies and Procedures* with specific placement into File Code 5119 - “Transfers - Student Mobility.” The district suggested adding this proposed belief statement as letter “C” and designating the current letter “C” as “D.”

work within the Program seeking technical assistance through the Department of Education but with limited success due to the mandates of the Federal and NJSMART requirements.

DISCUSSION

Federal Guidance

Pursuant to the ESSA High School Graduation Rate Non-Regulatory Guidance the following FAQs are helpful to understand the concepts relevant to this resolution:

B-1. How does a school or LEA “adjust” a cohort?

The four-year Adjusted Cohort Graduation Rate (“ACGR”) follows a cohort, or a group of students, who begin as first-time grade 9 students in a particular school year and who graduate with a regular high school diploma in four years or less. An extended-year graduation rate follows the same cohort of students for an additional year or years. The cohort is “adjusted” by adding any student transferring into the cohort and by subtracting any student who, during the years covered by the rate, transferred out, emigrated to another country, transferred to a prison or juvenile facility, or died. (ESEA section 8101(23), (25); 34 C.F.R. § 200.34(b)). Additional requirements for adjusting a cohort apply to students eligible to receive a State-defined alternate diploma, which are described in question A-18.

B-2. When may a school or LEA remove a student from a cohort?

Only a student who transfers out and enrolls in another high school or in an educational program (including a program in a prison or juvenile facility) from which the student is expected to receive a regular high school diploma or State-defined alternate diploma that meets the requirements described in question A-16, emigrates to another country, or dies may be removed from a high school’s or LEA’s cohort. Before removing a student from a cohort, a school or LEA must obtain confirmation in writing that the student transferred out, emigrated, transferred to a prison or juvenile facility, or died. A student may not be removed from the cohort for any other reason (see question A-18 for how to include students eligible to receive a State-defined alternate diploma in the cohort). Thus, a State must ensure that its LEAs and schools ensure that a student who drops out of high school is not deemed a transfer for purposes of calculating the ACGR; rather, the student must remain in the adjusted cohort—that is, the denominator of the graduation rate calculation. (ESEA section 8101(23)(B) and (25)(B); 34 C.F.R. § 200.34(b)(3)). Under the Elementary and Secondary Education Act (“ESEA”), a State is not required to track and report on the dropout rate, although data on dropouts is collected by the Department independently of these requirements.

B-11. Why is written confirmation required before a student may be removed from a cohort?

Before a student is removed from a cohort, a school or LEA must have written confirmation that a student has transferred, emigrated to another country, transferred to a prison or juvenile facility, or died. (ESEA section 8101(23)(B) and (25)(B); 34 C.F.R. § 200.34(b)(3)). Written

documentation facilitates audits and, thus, will help ensure that a school, LEA, and State have an accurate measure of graduation rates. Often a State and LEA have classified as a transfer, a student who leaves a high school for any reason, even if the student does not enroll in another school or in an educational program from which the student can expect to receive a regular high school diploma or State-defined alternate diploma that meets the requirements described in question A-16. Unless a school or LEA can confirm in writing that a student has transferred out, emigrated to another country, transferred to a prison or juvenile facility, or died, the school or LEA must continue to consider that student to be in the adjusted cohort for purposes of calculating the four-year or extended-year graduation rate.

B-13. What documentation is required to confirm that a student has emigrated to another country?

A school or LEA must have written confirmation that a student has emigrated to another country but need not obtain official written documentation. (ESEA section 8101(23)(B) and (25)(B); 34 C.F.R. § 200.34(b)(3)(ii)). For example, if a parent informs a school administrator that the family is leaving the country, the school administrator may document this conversation in writing and include it in the student's file. **The regulations do not require written documentation to be "official" for a student who emigrates to another country because the Department recognizes that it may be difficult, if not impossible, to obtain transcripts or other official documentation from another country confirming that the student is enrolled in school.**

B-15. How can a school or LEA confirm the transfer of a migrant student?

The Department's Migrant Student Information Exchange system includes information on migrant students that can be accessed by all States and LEAs to help ensure that the academic records of these highly mobile students are preserved during their frequent moves. This system should be used by States and LEAs in documenting the enrollment of migratory students, as defined in section 1309 of the ESEA, in another school or in an educational program from which a student is expected to receive a regular high school diploma or State-defined alternate diploma that meets the requirements described in question A-16

B-16. If, after multiple attempts, an LEA cannot obtain official written documentation that a student has transferred out, may the LEA remove the student from the cohort?

No. Although in some cases it may be difficult for an LEA to obtain official written documentation of a student's transfer, the student may not be removed from the cohort simply because the student's status cannot be documented. Removing from the cohort a student whose status cannot be documented could produce an inaccurate graduation rate if that student dropped out of school rather than transferred. It is critical that an LEA carefully document student transfers and accurately calculate the graduation rate in order to (a) give parents and the public accurate information about the success of a school, LEA, and State in graduating students and (b) ensure that accountability determinations are based on valid graduation rate calculations. States should establish clear and consistent business rules and data checks to safeguard against

incorrect coding of students who leave a school or LEA. Along with establishing business rules, States should also train staff on how to properly code student transfers.

Other Federal Sources of Guidance:

- ESEA – High School Graduation Rate ESEA Section 8101(23)B and (25) B; 34 CFR Section 200.34 (b)(3) [ESSA Graduation Rate Guidance Jan 6, 2017 \(PDF\) \(ed.gov\)](#)

NJSMART Guidance:

- [An Introduction to the Adjusted Cohort Graduation Rate.pdf \(njsmart.org\)](#)
- [Understanding Adjusted Cohort Graduation Rates \(nj.gov\)](#)
- [NJ SMART SID Management Student Data Handbook.pdf](#)

Graduate Cohort Program:

The current State and Federal law allow for the following cohorts:

- Graduated (State)
- Graduated (Federal)
- On-Track - continuing
- Off-Track - continuing
- Active student – status unknown
- Transfer in
- Transfer out – inactive
- Dropout
- **Excluded from Cohort.**

There are nine possible cohort statuses for any given high school student within NJ SMART. Five of these possible statuses refer to inactive students (i.e., students who have exited the school district and have not transferred to another New Jersey public school district) and four statuses refer to active students (i.e., students who are currently enrolled in a New Jersey school). The cohort status options differ slightly depending on whether the state or federal version of the calculation is used. The Cohort status for individual students is updated through the mandatory submission of Student Information Data (“SID”) Management in NJ SMART, which provides supplemental information for those same students, including grade level and socioeconomic indicators. At the beginning and end of each school year, LEAs submit this data to NJ SMART. The quality of the data submitted in these collections impacts the accuracy of students’ cohort statuses. As a result of this method of tracking students, graduation rates in Plainfield, with a high level of poverty and student mobility, are negatively impacted. Additionally, the district is forced to dedicate high levels of administrative time and resources, in its attempts to secure the information sought under the aforementioned cohort designations, often to no avail.

RELEVANT NJSBA POLICY

There is no current NJSBA Policy on this issue. Plainfield’s resolution does not reference the specific language of NJSBA’s *Manual of Policies and Procedures* that the district seeks to revise. After discussion with the district representatives, it was agreed that this submission more accurately seeks “new language” for inclusion in NJSBA’s Manual of Policies and Procedures with specific placement into File Code 5119 - “Transfers - Student Mobility.” [POSITIONS AND POLICIES ON EDUCATION \(njsba.org\)](#).

The Plainfield Board is seeking the legal authority to code students who have left the district and have not enrolled in another New Jersey School District as ‘out of cohort.’ This would have the effect of removing these students from Plainfield’s student roles. Plainfield discusses the concept that the “out of cohort” designation would only be utilized after “reasonable attempts” have been made to determine a student’s status for coding purposes.

STATEMENT OF REASONS

1. The change in graduation cohort training as suggested in Plainfield’s proposal as written would suggest a change to both State and Federal laws.
2. The law as written and applied negatively affects Plainfield and districts with high poverty and student mobility using the current cohort classifications under State and Federal law.
3. There are no existing policies on this issue in NJSBA’s *Manual of Policies and Procedures on Education*.

1 **RECOMMENDATION**

2

3 The Resolutions Subcommittee recommends the approval of this resolution with the following
4 new policy language to be included in NJSBA’s Manual of Positions and Policies on Education,
5 File Code 5119 - “Transfers - Student Mobility”:

6

7 “**The NJSBA believes that school districts should be able** to classify students as “excluded
8 from cohort” once reasonable attempts have been made to confirm that the student are in fact
9 transferred elsewhere, either domestically or internationally.”

NEW JERSEY SCHOOL BOARDS ASSOCIATION

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

1-888-886-5722

**SEMIANNUAL DELEGATE ASSEMBLY
December 2, 2023**

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

- WHEREAS, Beginning in 2011, the New Jersey Department of Education began calculating graduation rates through the use of student cohorts in accordance with the Every Student Succeeds Act (“ESSA”) State Plan and reporting the information in accordance with the New Jersey Standards Measurement and Resource for Training (“NJSMART”); and
- WHEREAS, The Cohort model essentially tracks the number of students entering 9th Grade in comparison to the number of students who graduate within a 4 or 5 year period adjusted by the number of students who leave a school district; and
- WHEREAS, The method for accounting for and reporting students who leave a district, in general terms, depends upon whether the departure is verified or unverified, meaning if a student’s whereabouts are known subsequent to leaving the District versus; and
- WHEREAS, The current cohort statuses include the following: graduated (state version), graduated (federal version), on-track continuing, off-track continuing, active student-status unknown, transfer in, transfer out-inactive, dropout, and excluded from the cohort; and
- WHEREAS, Per the NJDOE, the “transfer out-inactive” status includes students who were exited with a transfer-out school exit withdrawal code in NJSMART but have not yet been enrolled by another NJ SMART submitting district; and
- WHEREAS, A student classified as transferring out “unverified” continues to be counted on the last attended school district; and
- WHEREAS, School districts such as the Plainfield Public School District with the high rates of poverty and non-English speaking student population are most frequently among

the New Jersey districts with high mobility rates of students repatriating to their country of origin, allegiance, citizenship, or outside of New Jersey whose whereabouts are unknown or who have not enrolled in another New Jersey system; and

WHEREAS, Although the students have exited the Plainfield Public Schools, they are considered as “unverified” departures and consequently, remain counted as part of the initial cohort for graduation rate purposes; and

WHEREAS, The Plainfield Board of Education proposes that the classification requirements for cohort status “transfer out-inactive” be amended in order to classify students who have exited the respective school system, but whose location cannot be verified following due diligence, be reclassified as “excluded” for purposes of the graduation rate classification; and

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 allowing school districts to classify students as “excluded from cohort” once reasonable attempts have been made to confirm that the student has in fact transferred elsewhere, either domestically or internationally; and, be it further

RESOLVED, That this resolution be placed on the agenda for consideration at the December 2, 2023 Delegate Assembly.

Adopted at a regular meeting of the
Plainfield Board of Education on
September 26, 2023

Cameron E. Cox, MPA, SSS
School Business Administrator

RESOLUTION NO. 2

SYNOPSIS

Resolution No. 2 from the Plainfield Board of Education (Union County) proposes additional policy language supporting a statutory provision that would allow non-English speaking career and technical education educators (CTE) who are skilled craftsmen to obtain certification through either traditional or alternative measures where such teachers are paired with an English-speaking co-teacher. In lieu of the alternate measures contemplated in existing statute and specified in regulation, the resolution seeks that educators be permitted to satisfy the alternate measure by pairing in the classroom with an English speaking “co-teacher.”

BACKGROUND

In May 2023, Plainfield submitted a similar resolution for consideration by the Delegate Assembly (DA). That proposed resolution requested adoption of additional policy language in NJSBA’s *Manual of Positions and Policies on Education* (“P&P”) permitting skilled craftspeople with limited English or no English proficiency to be excused from demonstrating English language proficiency as part of the eligibility criteria for earning CTE certification. This resolution is distinct from the current resolution in that the prior resolution did not offer the option of having the educator paired with an English-speaking co-teacher.

In support of the May 2023 resolution, Plainfield asserted it was difficult to fill CTE positions in schools across New Jersey and beyond. Providing flexibility in certification could increase the capacity of the educator pipeline and/or allow districts to retain existing educators who are effective in the classroom.

In May 2023, Plainfield’s proposed resolution was not recommended for adoption by the Resolutions Subcommittee because the statutory change which permitted use of alternative measures for CTE educators was new and the impact of the statutory change(s) remained to be seen. The resolution, at that time, could not assert that the statutory change(s) did not, or would not in the future, increase the pool of non-English speaking CTE educators, such that further amendment was required.

Moreover, NJSBA P&P File Codes 6142 and 6142.2 exemplify the belief that New Jersey students have a need to be proficient in English for future success; it is therefore imperative that their instructors model that same proficiency in their respective employment settings. Accordingly, the May 2023 resolution was not adopted.

The current resolution is distinguishable from the original filing because it adds the requirement that a non-English speaking CTE educator who cannot meet the traditional or alternate proficiency measure requirements be paired with an English speaking “co-teacher.”

RELEVANT POLICY

The proposed resolution seeks to add a belief statement that is not currently contained within NJSBA's P&P. Although Plainfield did not cite a specific P&P file code where it would seek to add the proposed resolution language, there are several relevant P&P file codes which relate generally to the substantive content of the proposed resolution.

File Code 4111 Recruitment, Selection and Hiring – Certified Staff

Supply of Qualified Candidates

The NJSBA believes that continuous efforts to improve and increase the supply of qualified candidates for school employment are beneficial as long as those efforts do not compromise the quality of the applicant pool and do not result in state mandated intrusions into the authority of local boards of education, including but not limited to their right to: determine their local budgets and deliver an instructional program that best meets the needs of their students and their local communities. *[Authority: DA 5/00-9]*

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 English-language proficiency.

DISCUSSION

Difficulty recruiting teachers in all content areas is not a concern limited to school districts in New Jersey; rather it is a concern and challenge for school districts across the nation. Speculation on the reason for this shortage includes, but is not limited to, a decline of undergraduates enrolled in teacher preparation programs, restrictive certification requirements, insufficient salary, or excessive government oversight in the classroom.

On December 2, 2019, in response to concerns regarding shortage of CTE certified educators, the Department of Education (DOE) amended N.J.A.C. 6A:9B-11.3. Most applicable to the proposed resolution is the DOE's amendment of N.J.A.C. 6A:9B-11.3(b)1i, which removed the requirement that a candidate who uses the employment experience option to earn the certificate of eligibility ("CE") to have acquired the experience within 10 years of the application for certification.

Moreover, New Jersey legislators have taken measures to address the teacher and school staff shortage. First, *N.J.S.A. 18A:26-35* prohibits the State Board of Education 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 2019-2022 school years yet was unable to complete a Commissioner-approved performance-based assessment due to disruptions caused by the COVID-19 health emergency.

Additionally, *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. Furthermore, 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 2021-2023 school years.

Perhaps most relevant to the Plainfield resolution, *N.J.S.A. 18A:26-34* eliminates the requirement to pass a basic skills¹ test to become a CTE 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.

Passage of this statute suggests that the legislature believes a possible solution to teacher shortage may be found in adding flexibility to the requirements for educator certification. The teacher certification regulations available at N.J.A.C. 6A:9B provide a framework of eligibility requirements for educators designed to ensure that all students receive instruction from educators who have demonstrated competencies and content knowledge to deliver the necessary instruction to New Jersey students. Educators can obtain instructional certificates of eligibility (CE) and/or certificates of eligibility with advanced standing (CEAS) in various content areas, including CTE. *See* N.J.A.C. 6A:9B-9, *et. seq.* These CE and CEAS certificates permit an individual to be hired by a school district and then enrolled in the provisional teacher program while teaching in the classroom. *See* N.J.A.C. 6A:9B-8.4. The educator must meet certain requirements while in the provisional program to then convert the provisional certificate to a standard certificate. *See* N.J.A.C. 6A:9B-8.7. Standard certificates do not expire and are held by an educator forever unless revoked or voluntarily surrendered.

In May 2023, the DOE amended its regulations at *N.J.A.C. 6A:9B-11.3(a)3* in order to implement the provisions of *N.J.S.A. 18A:26-34*. CTE certificate candidates are *not* required to

¹ The basic skills tests refer to the test of basic reading, writing, and mathematics, which is the subject of the alternative measures at issue in this resolution. *See* N.J.A.C. 6A:9B-8.3(a)5.

pass basic skills tests in order to be issued a CE, CEAS, and/or provisional certificate. *See N.J.A.C. 6A:9B-11.3(a)1i.* However, in order for CTE candidates to obtain standard certification, the candidate must, among other requirements, demonstrate one of the following in lieu of passing the basic skills test (i.e., the alternative measures):

- (1) Hold a master's or terminal degree from an accredited institution of higher education;
- (2) Hold an occupational license or certification or industry certificate or registration; or
- (3) Complete a portfolio of work product through an approved educator preparation program, as approved by the employing school district's superintendent, or the superintendent's designee.

As the above regulation was instituted just months ago, there is no evidence yet to determine whether it will be effective at creating flexibility for non-English speaking CTE educators.

Finally, in January 2023, the Governor's Task Force on Public School Staff Shortages released its comprehensive report of recommendations to address systemic and other barriers to earning a permanent teaching certificate in New Jersey. Action plans are being developed to address the recommendations.

STATEMENT OF REASONS

Due to the shortage of teachers in most, if not all certification areas, Plainfield, like other New Jersey boards of education, experiences difficulty recruiting qualified teachers in many areas and especially those certified in CTE programs including those in trades like stone masons. Although Plainfield's concerns are understood, there are several additional considerations in analyzing the proposed resolution.

1. *N.J.S.A. 18A:26-34* and the amended regulations at *N.J.A.C. 6A:9B-11.3(a)3* provide the opportunity for CTE candidates to demonstrate English proficiency through alternate measures (i.e., portfolios, etc.). Since these revisions were implemented at the very end of the prior (2022-23) academic year and the change is only months old, the impact of the statute and regulatory amendment is undetermined. Therefore, acting now may be premature.
2. On February 1, 2023, the Governor's Task Force on Public School Staff Shortages issued its report that includes thirty-one recommendations that will increase the pool of potential New Jersey educators. The flexibility provided by these revisions is designed to increase the pool of potential teaching candidates. However, since these revisions are in the process of implementation, their impact will not be understood until they are assessed after implementation.
3. Recognizing the need for New Jersey 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 bilingual education to ensure our non-native speakers have the same advantages as native born English speakers. Since New Jersey 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.

4. CTE educators can begin a career in education by obtaining a CE, CEAS and provisional certification without passage of the basic skills tests. They can work in a classroom, filling a vacancy, while working on passage of basic skills tests, or completion of the portfolio alternative measure contemplated in the regulations.
5. Placing non-English speaking CTE educators in a classroom with English-speaking co-teacher(s) may be impractical as it requires that the DOE issue a standard certificate to a candidate who *does not* meet the same eligibility requirements as all other standard certificate holders. There is no mechanism for the State or districts to ensure that an educator with a standard CTE certificate who did not meet an alternate proficiency measure is only placed in a co-taught classroom. To an employing district, the standard CTE certificate will appear the same as all others; there does not appear to be a way to identify the uniqueness of that certificate.
6. Perhaps most importantly, Plainfield's suggestion that a solution to CTE teacher shortage is to require a second teacher in the classroom is unlikely to reduce or eliminate shortage concern(s) as it requires hiring two educators in a single classroom. It may also have a financial impact as it could result in an additional full-time or part-time salary.

RECOMMENDATION

1 The Resolutions Subcommittee recognizes the challenges that boards of education across New
2 Jersey have been and continue to experience in filling open teaching positions with qualified
3 candidates. The RSC also recognizes the additional challenges of recruiting certificated CTE
4 teachers.

5
6 Nevertheless, the Resolution Subcommittee does not recommend support of a statutory or
7 regulatory revision to permit non-English speaking skilled professionals to obtain certification
8 without English proficiency at this time, regardless of whether there is a requirement that the
9 classroom placement include an English-speaking co-teacher.

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

18
19 The Resolutions Subcommittee does not support this resolution.

**Career and Technical Education
(CTE) Teacher Certification
Requirements**

RESOLUTION NO. 2

NEW JERSEY SCHOOL BOARDS ASSOCIATION

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

1-888-886-5722

**SEMIANNUAL DELEGATE ASSEMBLY
December 2, 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.*) 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, 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;” and

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

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

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 and subsequently paired with an English speaking "co-teacher"; and, be it further

RESOLVED, That this resolution be placed on the agenda for consideration at the December 2, 2023 Delegate Assembly.

Adopted at a regular meeting of the
Plainfield Board of Education on
September 26, 2023

Cameron E. Cox, MPA, SSS
School Business Administrator

RESOLUTION NO. 3

SYNOPSIS

Resolution No. 3 from the Essex County School Boards Association (“ECSBA”) concerns “book bans and guidelines for evaluation and selection of instructional materials in New Jersey Public Schools. “

Specifically, the resolution proposes *additional policy language to File Code 6161.1* for adoption by the Delegate Assembly and inclusion in NJSBA's Manual of Positions and Policies on Education. Pursuant to Delegate Assembly procedures, “additional” policy language seeks to expand existing language to either broaden the scope of the Association’s position or to add implementation strategies. As currently written, *Policies and Positions File Code 6161.1* does not address the selection of textbooks. The operative clauses of the filed resolution read as follows:

The NJSBA believes:

- 1. All state and local officials, as well as school administrators and librarians should uphold the right to access educational information and resist any efforts to ban books.*
- 2. NJSBA pledges to work collaboratively with other organizations and stakeholders to advocate for policies that protect the freedom to read and to learn.*

BACKGROUND

Currently in the State of New Jersey and elsewhere, local citizens and organized groups have engaged in efforts to make some materials, including books, unavailable in public schools, public school libraries, as well as local public libraries. Recent news publications are replete with news articles detailing such efforts. Proponents of these efforts argue that certain books are vulgar, offensive, and not suitable for children of tender years. Opponents stand upon academic freedom and the 1st Amendment. It is acknowledged that delegates represent boards with varying opinions and, at times, are diametrically opposed to the proposed resolution. Nevertheless, the proposed resolution offers delegates the opportunity to reach consensus on a controversial issue.

The ECSBA resolution proffers that:

- The freedom to read and the freedom to select reading material for oneself is a fundamental cornerstone of democracy.
- The suppression of ideas and information through the banning or exclusions of books is a direct violation of the right to free speech.
- Public schools play an essential role in the democratic process by offering free access to ideas and information.
- NJSBA has a responsibility to stand against activities that undermine the rule of law and infringe upon fundamental rights and freedoms.

It is noteworthy that the Essex County School Board Association’s adoption of the resolution was published in the October 6, 2023 edition of the Patch.com. That article reports that the county association, by passing the resolution, intended to take a stand against censorship and sought to ensure that students have access to a wide range of perspectives that reflect the complexities of our world. The article went on to note that the resolution was also intended to establish robust and fair guidelines for selecting instructional materials in observance of *Banned Books Week*.

The guidelines a district establishes to evaluate those materials are based on the local community’s beliefs. Reviews of materials include assessments of the alignment with state standards, accurate data and information, readability, opportunities to extend and reinforce learning and inclusive of all family backgrounds. The review process and the standards of evaluation are applied to determine all purchases of instructional materials. Additionally, the term “book ban” is subject to multiple interpretations. Absent an agreed upon definition of the term, local boards are subject to interpret this term in various ways.

RELEVANT NJSBA POLICY

A review of NJSBA policy reveals that the Association has adopted series of belief statements which are related to the substance of this resolution. The most pertinent policies are those related to controversial issues and academic freedom (FC 6144) and afore-mentioned policy on the selection of instructional materials (FC6161.1)

Pertinent Association Policy:

- **File Code 6144** Controversial
 - Academic Freedom

A. **The NJSBA believes** in the fundamental American right of freedom of speech, but also recognizes the need for local school district control over matters of particular sensitivity to individual school district communities. Because of the differing maturity levels of students at the various grade levels, care must be taken to ensure the appropriateness of instructional materials selected for use in the classroom at all grade levels and in all subject areas.

B. **The NJSBA believes** that classroom presentations on any controversial matter should include a review of diverse points of view, and that any expression of personal opinion should be so identified. NJSBA further believes that there is a need for greater academic freedom for teachers at the public secondary level (9-12) than at the public elementary level (preK-8).

C. **The NJSBA believes** that the local board of education should serve as the final authority in determining the appropriateness of selected instructional materials at any grade level and in all subject areas, recognizing that there may be parental/community objections to any such material. [Authority: *BD 3/61, BD 1/71, BD 12/90, DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR*]

- **File Code 6161.1** Guidelines for Evaluation and Selection of Instructional Materials
 - High Quality Curricular Materials

B. The NJSBA believes that instructional materials should be rigorous in content and should be updated and upgraded often to reflect advances in technology in appropriate curriculum areas, the best scholarship in each discipline, and the latest research in learning and teaching. Funds should also be available to encourage developers of curricular materials to address the unique needs of diverse student populations. [*Authority: DA 12/83-1, DA 11/97-CR Special Education, DA 11/97-SR, DA 11/02-SR, DA 11/07- SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR*]

File Code 1430: State and National Units

State Role in Education

A. The NJSBA believes the authority for management of public schools should rest with local boards of education and State authority over school districts should not exceed the scope necessary to fulfill the constitutional mandate for a thorough and efficient system of free public education. [*Authority: DA 10/78-CR Graduation Requirements, DA 6/80-A, DA 6/93-SR, DA 6/95-SR*]

File Code 1500: Relations Between Area, County, State, Regional, and National Associations and NJSBA

Cooperative Relationships with Other Educational Organizations

A. The NJSBA believes that it can best accomplish its advocacy for children by working in a cooperative relationship with county, state, regional and national organizations. A close working relationship should exist between the NJSBA and these organizations to preserve a federal income tax deduction for state and local taxes. [*Authority: BD 2/74, BD 11/75, BD 4/93-SR, DA 6/85B, DA 6/95-SR, DA 5/11-SR*]

File Code 6000: Concepts and Roles in Instruction

Commitment to Quality Education

A. The NJSBA believes all children should receive the highest quality education.

B. The NJSBA believes that the federal and state governments and local school boards should provide the resources necessary to advance student academic success and close achievement gaps.

C. The NJSBA believes that local boards of education should adopt policies that promote the success of all students by supporting effective practices in curriculum, school culture, management and organization. [*Authority: DA 6/79-32, DA 6/93 SR*]

DA 11/02-SR, DA 11/07- SR, DA 11/12-SR, DA 5/17-CR (Task Force on Student Achievement), DA 11/17-SR, DA 11/22-SR]

File Code 6141: Curriculum Design/Development

Study Skills and Classroom Behavior Curriculum

The NJSBA believes that study skills, critical thinking and problem solving should be stressed at all levels of the curriculum. [*Authority: DA 12/82-CR Urban Education, DA 12/83-1, DA 11/97 SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR*]

File Code 6142: Subject Fields

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, DA 11/22-SR*]

High School Curriculum

A. **The NJSBA believes** that the teaching of language arts in high school should equip graduates to comprehend, interpret, evaluate, and use what they read; write well-organized, effective papers; listen effectively and discuss ideas intelligently. This should include knowledge of our literary heritage, including an examination of how it enhances imagination and ethical understanding, and how it relates to the customs, ideas, and values of today's life and culture.

B. **The NJSBA believes** that the teaching of mathematics in high school should equip graduates to understand algebraic and geometric concepts; understand elementary probability and statistics; apply mathematics in everyday situations; and estimate, approximate, measure, and test the accuracy of their calculations. Mathematics curricula at the high school- level should include instruction appropriate for college-bound and non-college-bound students.

C. **The NJSBA believes** that the teaching of science in high school should provide students with an introduction to the concepts, laws, and processes of physical and biological sciences; the methods of scientific inquiry and reasoning; the application of scientific knowledge to everyday life; and the social and environmental implications of scientific and technological development. High school science courses should address the needs of college-bound and non-college-bound students.

D. **The NJSBA believes** that the teaching of social studies in high school should be designed to enable students to understand their places and possibilities within the larger social and cultural structure; to understand the broad sweep of both ancient and contemporary ideas that have shaped our world; understand the fundamentals of how our economic system works and how our political system functions; and grasp the difference between free and repressive societies. [*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, DA 11/22-SR*]

DISCUSSION

Families and educators share the goals of preparing children to be productive, contributing members of our society in safe climates. Concurrently, NJSBA advocates for local boards of education to have “control” over decisions made for their district. The NJSBA has long-standing policy, (FC 6144, cited above) that establishes the Board of Education as the final authority regarding controversial issues. This policy also addresses freedom speech, diverse points of view, and the appropriateness of materials.

In general, NJSBA supports the concepts contained in the resolution submitted by the ECSBA:

1. All school officials, as well as school administrators and librarians should uphold the right to access educational information and resist any efforts to ban books.
2. NJSBA pledges to work collaboratively with other organizations and stakeholders to advocate for policies that protect the freedom to read and to learn.

However, while promoting open access to instructional materials, the proposal does not contemplate the critical role of the board of education in serving as the final authority over determining the appropriateness of such materials for inclusion in the classroom. It is important to emphasize that current and long-standing standing NJSBA policy attempts to balance the authority of boards with concepts such as academic freedom, maturity levels of student, and potential parental/community concerns.

As noted above, current NJSBA Policy File Code 6144 Controversial Issues: states:

- A. **The NJSBA believes** in the fundamental American right of freedom of speech, but also recognizes the need for local school district control over matters of particular sensitivity to individual school district communities. Because of the differing maturity levels of students at the various grade levels, care must be taken to ensure the appropriateness of instructional materials used in the classroom at all grade levels and in all subject areas.
- B. **The NJSBA believes** that classroom presentations on any controversial matter should include a review of diverse points of view, and that any expression of personal opinion should be so identified. NJSBA further believes that there is a need for greater academic freedom for teachers at the public secondary level (9-12) than at the public elementary level (preK-8).

C. **The NJSBA believes** that the local board of education should serve as the final authority in determining the appropriateness of selected instructional materials at any grade level and in all subject areas, recognizing that there may be parental/community objections to any such material. [Authority: *BD 3/61, BD 1/71, BD 12/90, DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR*]

NJSBA also believes that policies regarding the selection of instructional materials and the appropriateness thereof should not infringe on the rights of others. By including a process that enables parents to determine the participation of their children in specific activities, their right to exclude does not infringe on another family's right to include their child in an activity about which another family has concerns. In other words, limiting or restricting (i.e., "banning") access to materials for a particular group of students should not automatically result in a blanket restriction for all students.

One difficulty identified in the filed resolution is the opposition to book bans of any sort, contrasted against the board's statutory authority to approve textbooks as set forth in *N.J.S.A. 18A:34-1*. While boards are encouraged to exercise this statutory function, the filed resolution does not seek to distinguish boards that engage in pedagogically appropriate and non-discriminatory selections of textbooks.

Of great concern are potential board actions that could violate established case law regarding the removal of books based on sexual orientation and gender identity:

Board of Education (Island Trees School District) v. Pico, 457 U.S. 853 (1982);

First Amendment; Title IX (*ACLU filed a complaint with the USDOE's Office for Civil Rights alleging that a district violated Title IX's prohibition of discrimination on the basis of sex when it remove books based on sexual orientation and gender identity*).

Courts have established and affirmed that it is unconstitutional to remove books based on sexual orientation and gender identity. For example, in *Campbell v. St. Tammany Parish School Board*, 64 F.3d 184 (5th Cir. 1995), the court relied on the United States Supreme Court opinion in *Pico*, as follows:

The *Pico* plurality recognized that the high degree of deference accorded to educators' decisions regarding curricular matters diminishes when the challenged decision involves a noncurricular matter. Emphasizing the voluntary nature of public-school library use, the plurality in *Pico* observed that school officials' decisions regarding public school library materials are properly viewed as decisions that do not involve the school curriculum and that are therefore subject to certain constitutional limitations.... the *Pico* plurality recognized that students have a First Amendment right to receive information and that school officials are prohibited from exercising their discretion to remove books from school library shelves "simply because they dislike the ideas contained in those books and seek by their removal to "prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion." " The *Pico* plurality observed that if school officials intended by their removal decision to deny students access to ideas with which the school

officials disagreed, and this intent was the decisive factor in the removal decision, then the school officials had "exercised their discretion in violation of the Constitution."

Inherent in the *Campbell* decision is the acknowledgment that boards are entrusted to use their discretionary authority in a manner that does no injury to the Constitution.

STATEMENT OF REASONS

1. Consistent with NJSBA policy, it is the responsibility of each board of education to ensure their policies and practices reflect their community.
2. An inclusive review processes to make recommendations to the board of education regarding the selection of specific instructional materials is a critical process that ensures the board is fully informed regarding the pros and cons regarding the inclusion of specific materials in the curricula through the inclusion of community sentiments in deliberations.
3. Due consideration has been given to the fact that current policies provide families with a process for including or excluding their children from activities that are not congruent with their family's belief system.
4. While current NJSBA policy does not address the specific issue of "book bans", the NJSBA does have long-standing policy which promotes academic freedom while preserving the right of boards of education to determine the appropriateness of instructional materials selected for use in the classroom at all grade levels and in all subject areas.
5. It is appropriate for the NJSBA to supplement its existing policy to provide clarification that student access to instructional materials should only be limited or restricted after thorough review and consideration of the educational appropriateness of such materials, while preserving the final decision-making authority of local boards of education.
6. Any additions to NJSBA policy should maintain local board authority to select the books and materials that are most appropriate for their district, while simultaneously protecting the rights of families to determine that which is best for their children, upholding the right to access educational information, and resisting any efforts to exclude books from the curriculum for unconstitutional reasons.

RECOMMENDATION

The Resolutions Subcommittee recommends approval of this resolution with the substitute policy language that would create *additional* policy language to be included in the NJSBA's *Manual of Positions and Policies on Education*, File Code 6144, *Controversial Issues*.

The NJSBA believes that Boards of Education have the responsibility to ensure all instructional materials are age-appropriate, complement the district curriculum and/or student support programs, facilitate critical thinking, further learning, and are congruent with local community

10 preferences. In light of this belief, a board of education book selection process should only
11 restrict access to or exclude a book or other learning materials from its curriculum, library, or
12 other support resources following a process that evaluates the book or materials in a manner that
13 is consistent with the constitutional and statutory protections afforded individuals by the State.

14

15 **The NJSBA believes** that in support of this belief NJSBA will encourage local boards to consult
16 with other educational organizations and local stakeholders in the selection of curricular and
17 support materials while retaining its statutory authority over such decisions.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

**413 West State Street
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**SEMIANNUAL DELEGATE ASSEMBLY
December 2, 2023**

**The following resolution was received from the
Essex County School Boards Association (Essex):**

- WHEREAS, The freedom to read and the freedom to select reading material for oneself is a fundamental cornerstone of democracy; and
- WHEREAS, The suppression of ideas and information through the banning of books is a direct violation of the right to free speech; and
- WHEREAS, Public schools play an essential role in the democratic process by offering free access to ideas and information; and
- WHEREAS, Book bans in public schools limit the availability of diverse ideas and perspectives, thereby infringing upon the educational rights of students; and
- WHEREAS, The NJSBA has a responsibility to stand against activities that undermine the rule of law and infringe upon fundamental rights and freedom; and
- WHEREAS, NJSBA hereby officially denounces efforts to ban books in New Jersey’s public schools; and
- WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and
- WHEREAS, Educational related policies resulting from prior Delegate Assembly and Board of Directors’ actions are codified in the NJSBA Manual of Positions and Policies on Education; and, now, therefore, be it
- RESOLVED, That the Essex County School Boards Association proposes the following additional policy language to File Code 6161.1 for adoption by the Delegate Assembly and inclusion in NJSBA’s Manual of Positions and Policies on Education:

The NJSBA believes:

1. All school officials, as well as school administrators and librarians should uphold the right to access educational information and resist any efforts to ban books.
2. NJSBA pledges to work collaboratively with other organizations and stakeholders to advocate for policies that protect the freedom to read and to learn; and, be it further

RESOLVED, That this resolution be placed on the agenda for consideration at the December 2, 2023 Delegate Assembly.

Adopted at a regular meeting of the
Essex County School Boards
Association on
September 27, 2023

Reginald Bledsoe
President

RESOLUTON NO. 4

SYNOPSIS

Resolution No. 4 from the Franklin Township Board of Education (Warren County), proposes additional policy language supporting its belief that the State must support school district pre-employment practices/procedures by assuming responsibility for school district access to data resources that effectively and thoroughly document prior employment history(ies) of individual(s) whose conduct implicates the physical or emotional abuse of children.

BACKGROUND

Ensuring the health, safety and welfare of New Jersey students has been, and continues to be, a priority in public education. A school district's obligation to ensure the health and safety of students is one of its most important duties. New Jersey has historically accepted this obligation and taken direct efforts to protect students in a variety of ways, including ensuring individuals are of appropriate moral and ethical character before they are permitted to obtain educator certification and/or be employed by a school district. The proposed resolution seeks to further support this obligation by addressing potential gaps in the availability and reliability of employment history data for prospective school employees.

New Jersey has adopted several statutes and regulations designed to protect students by ensuring educators are of appropriate moral and ethical character such that they can be entrusted with the health, safety, and education of New Jersey students. Specific measures include:

1. criminal background checks prior to employment;
2. loss of educator certification based upon finding of unbecoming conduct or other just cause;
3. previous employment history checks for child abuse prior to employment, or before the end of 30-days of provisional employment; and
4. interagency transfer of investigation information from the Division of Child Protection and Permanency (DCP&P).

Criminal Background Checks

N.J.S.A. 18A:6-7.1 and N.J.S.A. 18A:39-19.1 prevent school districts from employing individuals who have been convicted of certain crimes by requiring all school district employees, including visitors, volunteers, and bus drivers to undergo a criminal history background history check prior to employment. If the criminal background check of a prospective employee contains certain criminal convictions¹, the statutes require that the individual be disqualified from public school employment. Some examples of disqualifying convictions include burglary, aggravated assault, official misconduct, and sexual assault.

¹ The full list of Title 2C criminal code violations which require disqualification are delineated in [N.J.S.A. 18A:6-7.1](#). The final determination as to whether a conviction requires disqualification if made by the New Jersey Office of Student Protection, within the New Jersey Department of Education.

Loss of educator certification

Additionally, N.J.S.A. 18A:6-34, *et. seq.* authorizes the creation of the State Board of Examiners (“SBEx”), which is the entity responsible for issuing, revoking, and/or suspending educator certificates. The SBEx, composed of volunteer educators appointed by the State Board of Education, initiates actions for revocation and/or suspension of educator certificates when the educator has been charged and/or convicted of a crime or has otherwise engaged in unbecoming conduct². SBEx action to revoke/suspend an educator’s certificate(s) ensures certified educators who engage in unbecoming conduct do not retain their teaching certifications.

Prior Employment History Check

The proposed resolution relates to a law that was passed because of several high-profile teacher sexual misconduct cases that received widespread media coverage. On June 1, 2018, Governor Philip Murphy signed N.J.S.A. 18A:6-7.6 through 7.13 into law. Known as “pass the trash”, the law was an attempt to address situations where an employee who engaged in questionable conduct involving children is then encouraged to resign “quietly”, short of formal termination or tenure charges, and in exchange, the employing district provided a neutral employment reference.

The law requires that the hiring school district cannot hire or contract with a new employee for any position involving regular contact with students unless it conducts a review of the employment history of the applicant by contacting current and former employers and requesting information regarding child abuse and sexual misconduct investigations and/or allegations pertaining to that applicant. In practice, school districts use forms provided by the State Department of Education to conduct this pre-employment review/research.

Applicants for a position involving regular contact with students at a school, or with a school-contracted service provider, must provide contact information for the applicant’s current employer as well as former employers over the last 20 years where the applicant was employed in a school district or in a position involving direct contact with children. The applicant must also provide a written statement addressing whether the applicant, due to allegations of misconduct or abuse:

1. has been the subject of any child abuse or sexual misconduct investigation (unless allegations were found to be false or the alleged incident was unsubstantiated); or
2. was subject to discipline or separation from employment (voluntary or involuntary) or had a license or certificate suspended, surrendered, or revoked.

² N.J.A.C. 6A:9B-4.3(a) requires the chief school administrator to report to the SBEx when a certified educator is terminated, resigns, or is retires after an investigation into unbecoming conduct. That report may then be used by the SBEx to initiate an action for revocation and/or suspension.

Districts must then contact the employers listed by the applicant and request the dates of employment, as well as request a statement that is substantially similar to that which must be provided by the applicant above. Employers receiving this request must respond within 20 days.

The law also imposes penalties for applicants that willfully provide false information or willfully fail to disclose information, and prohibits districts from entering into agreements, such as severance or settlement agreements that limit access to derogatory information discovered through the hiring process.

Release of Investigative Information/Findings from DCP&P

The Division of Child Protection and Permanency (DCP&P), New Jersey's child protective services agency (formerly "DYFS") functions to protect children from abuse and neglect. *See* N.J.S.A. 9:6-8.9, N.J.S.A. 9:6-8.6-1 and N.J.S.A. 9:6-8.21. All acts of abuse and neglect must be reported. The failure to report an act of child abuse constitutes a disorderly persons offense. N.J.S.A. 9:6-8.14.

Once a report is made, the investigatory process begins. The results of the investigation are entitled to statutory confidentiality. However, pursuant to N.J.S.A. 9:6-8.10a, all records of child abuse reports shall be kept confidential and may be disclosed to any person or entity mandated by statute to consider child abuse or neglect information when conducting a background check or employment-related screening of an individual employed by or seeking employment with an agency or organization providing services to children. Accordingly, DCP&P investigation records are subject to release to school districts conducting pre-employment background checks, thus permitting the sharing of essential information to inform hiring decisions.

RELEVANT NJSBA POLICY

The proposed resolution seeks to add position and policy language that is not currently contained within NJSBA's Positions and Policies on Education Manual ("P&P"). Although Franklin Township did not cite a specific P&P file code where it would seek to add the proposed resolution language, there are several relevant file codes which relate generally to the substantive content of the proposed resolution. For example:

1. File Code 4112.5 indicates the belief that all applicants for school employment, including school bus drivers, should be required to undergo federal and state criminal background checks and that disqualification of prospective school employees based upon specific criminal history status is appropriate.
2. File Code 4212.2 indicates the belief that the Department of Education and the Motor Vehicle Commission (MVC) should develop a notification procedure whereby county superintendents receive information regarding the suspension or revocation of MVC licenses for bus drivers.
3. File Code 5141.4 indicates the belief that a child's physical and mental well-being is required for academic success. As such, DCP&P should keep local districts, counties,

county prosecutors and the SBEx informed, make reports available, and allow reports to be used regarding the investigation of school district employees.

4. File Code 1400 indicates the belief that communities and boards are best served when governmental agencies adopt procedures that comply with law and ensure prompt release of information to school districts.

DISCUSSION

The above statutes and regulations appear to provide a comprehensive framework to ensure school districts do not hire individuals whose previous employment history or other background information demonstrates that they are not suitable or appropriate for New Jersey students. However, the resolution asserts that the existing practices and procedures regarding collection of prior employment history information are ineffective since they rely upon information provided by a prospective employee and the data collected is not centrally located but limited to local level collection.

The resolution seeks to accomplish the universal goal of protecting students from child abuse and sexual misconduct, but does not provide how the practices or procedures should be modified to meet this goal, including details on what data is needed and how the data should be collected for school districts to make informed employment decisions that protect students.

Upon discussion, Franklin Township provided clarification on the first question as to what data the State data resources should collect. Specifically, the proposed resolution contemplates that the data relates to the statutory elements stemming out of the Pass the Trash law only. The resolution does not seek to collect data regarding unbecoming conduct, criminal conduct, or other related conduct that does not rise to the level of child abuse or sexual misconduct, as those areas are currently addressed via the criminal background check process and the reporting process to the SBEx.

How the data is collected and the implications of the collection and use of the data, however, is not detailed and is fraught with uncertainty and potential legal and privacy implications. First, how would the State collect data of all prior employment history for school employees? Would it require that all school districts submit histories to the State regarding every single school employee within an identified period of time in the past, i.e. 20 years? Moreover, the data collected would not include information on new school employees, those that had never before been employed in a school setting.

Additionally, the resolution does not contemplate the level of detail required for the data, or the impact of such collection. Currently, a criminal background check returns specific results; the applicant either has been convicted of a specified crime or has not. That data is reported as either present or absent. There is significantly more nuance to the issue of whether a school employee has a history of investigation(s) into child abuse or sexual misconduct. For example, the reported information would be subject to reporting districts determinations of what constitutes abuse. There would certainly be inconsistency in this determination across the State

which could negatively impact educator employment. Recording this type of data is not as simple as checking a box without providing context on the alleged conduct or investigation.

Another issue is the balance that needs to be struck between ensuring the safety of children while protecting rights to privacy and not sharing protected information. Prospective employees could be removed from hiring consideration based upon the mere existence of a record that there was some alleged conduct that was not fully substantiated. The resulting action on employment could be grounds for litigation, the cost of which would likely be borne by employing school districts.

There are also concerns regarding protected access to this information and unintended release of personally identifiable information. Franklin Township clarified that its resolution contemplates a password or other protected access type database/system. However, the management of that would be difficult across many school districts with numerous staff access points, the potential for sharing of passwords, etc. As with the possible employment impact, this privacy impact could also lead to litigation that is costly to districts.

Finally, the resolution does not contemplate the potential for liability to either school districts or the State relating to the collection and/or use of the data. There are several unanswered questions in this regard:

1. does the creation and maintenance of the data resources absolve an employing school district of responsibility for school employee conduct?
2. what is the impact of inaccurate data?
3. who is responsible if data is not reported correctly and a gap in data has a negative impact on a student?

STATEMENT OF REASONS

1. All of the questions and concerns above are significant and there may be other concerns that have not been contemplated by the proposed resolution. Accordingly, the resolution, as written does not address how or what specific data resources should be provided by the State, nor does it contemplate the potential impact or ramifications of such data and its collection.
2. Nevertheless, the cornerstone of the proposed resolution is the belief that student health and safety must be protected. There is little argument that this goal is supported across the State from the Department of Education to individual school districts, parents, teachers, and students. However, since the resolution as proposed draws significant practical questions concerning access to data, creation of a database and privacy and liability implications of such data resources, the resolution is not recommended for adoption as filed. The suggested amended resolution language below will appropriately capture the spirit of Franklin Township's resolution.

RECOMMENDATION

1 The Resolutions Subcommittee recommends approval of the proposed resolution with the
2 following substitute language which would create **additional** policy language to be included in
3 NJSBA's *Manual of Positions and Policies on Education* in File Code 1410:

4
5 **The NJSBA believes** the State of New Jersey should support local school districts by sharing
6 and/or providing resources, technology, and related tools to assist school districts in collecting
7 and maintaining information that will limit or prevent physical or emotional abuse of children by
8 school employees.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

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

1-888-886-5722

**SEMIANNUAL DELEGATE ASSEMBLY
December 2, 2023**

**The following resolution was received from the
Franklin Township Board of Education (Warren):**

WHEREAS, It is of paramount importance for school districts in the State of New Jersey to have the means to secure complete and accurate information regarding any history of physical or emotional abuse of children by a prospective employee, during the course of their prior employment; and

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 Franklin Township 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:

The NJSBA believes that the State of New Jersey should support local school districts by assuming the responsibility of providing said districts with access to data resources that effectively and thoroughly chronicle situations regarding the physical or emotional abuse of children by specific individuals, in the course of their prior employment, so that school districts may purge said individuals from consideration for employment; and, be it further

RESOLVED, That this resolution be placed on the agenda for consideration at the December 2, 2023 Delegate Assembly.

Adopted at a regular meeting of the
Franklin Township Board of
Education on September 20, 2023

Timothy Duryea
Board Secretary

RESOLUTON NO. 5

SYNOPSIS

Resolution No. 5 from the Union County Vocational-Technical Board of Education (Union County) proposes **revised** policy modifying the procedures for selection of NJSBA Nominating Committee members.

BACKGROUND

The Union County Vocational-Technical Schools Board of Education submitted a resolution seeking to revise NJSBA bylaws to specifically provide that “Each Board of Directors member selected by the Vocational Boards Committee or by the President pursuant to Article VI Section 1 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.” Thus, the resolution seeks to ensure that the representative of vocational boards on the NJSBA Board of Directors deliberates with the members from the same geographical area that the vocational representative is from.

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 3, 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;* (Emphasis Added)
 - (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

What is the Nominating Committee and how is it structured?

The Nominating Committee is responsible for preparing a report for the annual Delegate Assembly naming one candidate for each of the offices of president, vice president for finance, vice president for legislation/resolutions, and vice president for county activities, to be voted upon at the next regular election. The Nominating Committee is composed of 14 members of the NJSBA Board of Directors, which itself is composed of 26 members. One of the 26 Board of Directors members must be “a member of a county vocational board of education” who is selected by the president with the advice and consent of the Board of Directors. *Bylaws*, Art. VI, Sec. 1.

How are Nominating Committee members currently selected?

Four members are selected by the Board of Directors itself, four are selected by the county school board association presidents, and four are selected at-large by the president with the advice and consent of the Board of Directors. The immediate past president and the current president are also members. *Bylaws*, Article X Sect. 3. When the Board of Directors selects its four nominating committee members, the *Bylaws* direct that those board of directors members that do not represent a specific geographic region deliberate with the board of directors members from their geographic region. While the *Bylaws* specifically mention that the Board of Directors members representing the Urban Boards should deliberate with their geographic counterparts, the *Bylaws* do not specifically mention with whom the board of directors county vocational member should deliberate. Despite this lack of specificity, it has been the practice of the Board of Directors that the county vocational member deliberates with others of their geographic region when selecting members of the Nominating Committee.

Conclusion

The *Bylaws* do not explicitly mention with whom the county vocational board of directors member should deliberate, although the practice has been for that member to deliberate with their geographic counterpart when selecting members of the Nominating Committee. Therefore, the *Bylaws* should be specifically amended to reflect this practice. While the text of the submitted resolution mentions a “Vocational Boards Committee”, the NJSBA has no such standing committee. As such, the NJSBA will be recommending a substitute resolve clause that specifically mentions with whom the county vocational board of directors **member** (not committee) shall deliberate.

STATEMENT OF REASONS

1. When the Board of Directors selects its four members for the Nominating Committee in accordance with Art. X, Sec 3, it explicitly mentions with whom the Urban Boards

Committee members must deliberate, while the county vocational Board of Directors member is not explicitly mentioned.

2. The practice of the Board of Directors has been to have the county vocational member deliberate with other members from their same geographic region.
3. Therefore, the *NJSBA Bylaws* should be updated to reflect this practice.

1 **RECOMMENDATION**

2
3 The Resolution Subcommittee recommends the adoption of this resolution with the following
4 substitute resolved clause for inclusion in the *NJSBA Bylaws* amending Art. X, Sec. 3:

5
6 a. There shall be a standing committee of the Association called the Nominating Committee
7 consisting of the following persons, selected in the following order at least 170 days prior to the
8 annual meeting:

9
10 (1) Four members of the Board of Directors, one from each of the geographical areas of
11 the state as defined in Article X, Section 15 shall be elected by the Board of Directors.
12 Any member representing the Urban Boards Committee or the county vocational boards
13 shall participate in the election of the Board of Directors members of the Nominating
14 Committee by deliberating with the Board of Directors members from the geographical
15 area in which his or her local board is located.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

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**SEMIANNUAL DELEGATE ASSEMBLY
December 2, 2023**

**The following resolution was received from the
Union County Vocational-Technical Schools Boards 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 specify how participation by vocational board representatives should occur on the Nominating Committee; and
- WHEREAS, Such specificity would clarify the participation of the state’s vocation boards 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, such that “Each Board of Directors member selected by the Vocational Boards Committee or by the President pursuant to Article VI Section 1 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,; and be it further

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

Adopted at a regular meeting of the
Union County Vocational-Technical Schools
Boards of Education
on September 18, 2023



Janet Behrmann
School Business Administrator/
Board Secretary

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 Semiannual Meeting on December 2, 2023.



New Jersey School Boards Association

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This book was bound and printed in-house by the staff of NJSBA.