

BOARD OF EDUCATION
(Official)

July 21, 2011
Elizabeth, New Jersey

The regular meeting of the Board of Education was called on July 21, 2011 at 7:00 p.m., in the Multi Purpose Room, Donald Stewart Center for Early Childhood Education, 544 Pennsylvania Avenue, Elizabeth, New Jersey.

Board President Marie Munn presented the following statement at 7:45 p.m.

“Ladies and Gentlemen, good evening. This is a regularly scheduled meeting of the Board of Education. Pursuant to New Jersey Statutes and the rules adopted by the Board of Education, notice of this meeting was sent to The Star Ledger and Cablevision of Elizabeth on Monday, July 18, 2011. In addition, this notice is posted on the Bulletin Board in the lobby of 500 North Broad Street, and pursuant to this act, a copy has been filed with the City Clerk of Elizabeth.”

“I wish to extend a warm welcome to everyone present and to our television viewers to this July 21, 2011 meeting of the Board of Education. We are here to govern, provide management oversight, and make policy for the district. The Superintendent manages the district. This is a meeting of the Board in public, not a meeting of the public.”

“This meeting is being recorded and will become part of the Elizabeth Board of Education permanent record. In order that the recording will adequately reflect the proceedings, please refrain from talking while others are speaking. I also ask that you silence the sound on your electronic devices. Since it is legally mandated that these proceedings be accurately recorded, I may have to ask for order periodically should noise begin to interfere with our recording capabilities. I am pleased that you have taken time this evening to join us. Thank you for your interest in the Elizabeth Public Schools.”

“There will be a public portion for citizens to address the Board. Participants for the public portion must sign in one hour prior to the advertised start of the meeting so that they may have the opportunity to speak. The sign-in sheet states the name, address, telephone number and reason that the person wants to comment, whether it is an agenda item or a general education comment.”

Present: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso (arr. 8:06 p.m.)
González, Nazco, Trujillo, Mrs. Munn – 8

Absent: Mr. Perreira – 1

Superintendent of Schools Pablo Muñoz, School Business Administrator/Board Secretary Harold E. Kennedy, Jr., Board Attorney Kirk Nelson, Assistant Superintendent for Schools Jennifer Barrett, Assistant Superintendent for Family and Community Outreach Jerome Dunn, Assistant Superintendent for Teaching and Learning Olga Hugelmeyer, Executive Director of Human Resources/Labor Attorney Karen Murray, Assistant Board Secretary Donald Gonçalves, and members of the public were in attendance.

Pastor Burgos gave the invocation.

Pledge of Allegiance
National Anthem
Pledge of Ethics

Mrs. Munn introduced a video presentation of the Core Beliefs and Commitments.
The National Anthem of Columbia was played.

Mrs. Munn introduced pianist Manuel Mercado who performed a Colombian medley.
Mrs. Munn thanked Mr. Mercado for the wonderful performance.

Mr. Trujillo excused himself from the meeting at 8:05 p.m.

A motion was made by Mr. DaSilva, seconded by Mr. González, that the minutes of the meetings of June 16 and 30, 2011 be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, González, Nazco,
Mrs. Munn – 6

Negative: None

Secretary and Treasurer's Report for the Month of May 2011

A motion was made by Mr. DaSilva, seconded by Mr. González, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, González, Nazco,
Mrs. Munn – 6

Negative: None

Personnel Report – Transfers, etc.

A motion was made by Mr. González, seconded by Mr. Nazco, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, González, Nazco
(abstain- S.E.), Mrs. Munn – 6

Negative: None

Supplemental Personnel Report – Leaves of Absence, etc.

A motion was made by Mr. González, seconded by Mrs. Castillo-Ospina, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, González, Nazco,
Mrs. Munn – 6

Negative: None

Tuition Report

A motion was made by Mr. González, seconded by Mrs. Castillo-Ospina, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, González, Nazco,
Mrs. Munn – 6

Abstain: Mr. Donoso – 1

Negative: None

Superintendent's Report – Considerations

A motion was made by Mr. Nazco, seconded by Mrs. Castillo-Ospina, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Superintendent's Report – Use of Facilities

A motion was made by Mr. DaSilva, seconded by Mrs. Castillo-Ospina, that the requests be approved with a waiver of fees.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Supplemental Superintendent's Report – Use of Facilities

A motion was made by Mr. DaSilva, seconded by Mrs. Castillo-Ospina, that the requests be approved as recommended.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Superintendent's Report – Field Trips

A motion was made by Mr. DaSilva, seconded by Mr. González, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Superintendent's Report

Superintendent Pablo Muñoz stated that on July 19, 2011 NJDOE Acting Commissioner Christopher D. Cerf released three erasure analysis reports of 2008-2010 New Jersey Assessment of Skills and Knowledge (NJASK) for grades 3-8. Mr. Muñoz stated that Acting Commissioner Cerf provided these reports and introduced the next steps by NJDOE to ensure the integrity and accuracy of NJDOE data and in response to cheating scandals across the country. Mr. Muñoz stated that since 2008 NJDOE has asked Measurement Incorporated (MI), the state's assessment contractor, to provide NJDOE with a report on erasure patterns for NJASK at the school and grade levels. Mr. Muñoz stated that NJDOE uses these reports both to evaluate statewide trends from year to year and to identify potential testing irregularities at the individual school level. Mr. Muñoz stated that the letter from Acting Commissioner Cerf outlined the key findings of the reports including that the average number of "wrong to right" erasures in 2010 across the state was 2.43 per student, the percentage of "wrong to right" erasures among all erasures was 58.5% in 2010 compared to 56.9% in 2009, that in total 120 schools are listed for having "wrong to right" erasure marks over 2 standard deviations above the mean, that 2 standard deviations was arbitrary and does not necessarily indicate that the erasure rate at these schools is statistically significant and that "in conversations with testing experts we believe these results to be in line with trends across the country." Mr. Muñoz stated that Acting Commissioner Cerf wrote in his letter that "in no way do these reports prove that cheating occurred, nor do they implicate any school or teacher in wrong doing."

Mr. Muñoz stated that in order to ensure the integrity of the data, NJDOE is strengthening their internal data systems and refining the type of data they collect, asking school districts to examine a number of schools listed in the erasure reports, and asking NJDOE's Office of Fiscal Accountability and Compliance (OFAC) to conduct examinations into a smaller number of schools where significantly high erasure marks at the school level warrant a comprehensive review. Mr. Muñoz stated that on July 19, 2011 he was advised by NJDOE that Christopher Columbus School No. 15 requires a district review and John Marshall School No. 20 requires a NJDOE OFAC review. Mr. Muñoz stated that he has asked Board Attorney Kirk Nelson to conduct a full inquiry of all our schools to ensure the integrity, quality, and accuracy of our data. Mr. Muñoz read a letter he sent to all team members.

Mrs. Munn thanked Superintendent Muñoz for his report.

Finance and Accounting Report – Authorization to Pay Vouchers

A motion was made by Mr. González, seconded by Mr. DaSilva, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Supplemental Finance and Accounting Report – Transfer of Funds

A motion was made by Mr. González, seconded by Mr. DaSilva, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Award of Contracts Report – Award of Contracts, etc.

A motion was made by Mr. González, seconded by Mr. Nazco, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Supplemental Award of Contracts Report – Award of Contracts, etc.

A motion was made by Mr. González, seconded by Mrs. Castillo-Ospina, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Miscellaneous Communication

None.

Claims List

A motion was made by Mr. González, seconded by Mr. Nazco, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos (abstain- J.D., O.H.), Mrs. Castillo-Ospina, Messrs. DaSilva (abstain- J.D., D.G.), Donoso, González, Nazco (abstain- O.H.), Mrs. Munn – 7

Negative: None

Resolution – Assignment of Custodian of Records 2011-2012 – Harold E. Kennedy, Jr.

A motion was made by Mr. González, seconded by Pastor Burgos, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Resolution – Deferred Compensation Plan Administrator 2011-2012 – Harold E. Kennedy, Jr.

A motion was made by Mr. González, seconded by Mrs. Castillo-Ospina, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Resolution – Public Agency Compliance Officer 2011-2012 – Harold E. Kennedy, Jr.

A motion was made by Mr. González, seconded by Mrs. Castillo-Ospina, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Resolution – Assignment of Homeless Student Liaison 2011-2012 – Lisette Calvo

A motion was made by Mr. González, seconded by Mrs. Castillo-Ospina, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Pastor Burgos asked if this is a new position.

Mr. Muñoz explained that this position was under the Supervisor of Guidance which is vacant at this time and in the interim Lisette Calvo will be handling this.

Resolution – Requisition for Taxes

A motion was made by Pastor Burgos, seconded by Mr. González, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Resolution – 200th Independence Day for the Bolivarian Republic of Venezuela

Mr. Nazco read the resolution.

A motion was made by Mr. Nazco, seconded by Mr. González, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Resolution – Additional State Funding 2011-2012 School Year

A motion was made by Pastor Burgos, seconded by Mr. DaSilva, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Resolution – Columbia's Independence Day

Mrs. Castillo-Ospina read the resolution.

A motion was made by Mrs. Castillo-Ospina, seconded by Mr. González, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Resolution – Agreement for Rental of Property between EBOE and Archdiocese of Newark

A motion was made by Mr. González, seconded by Mrs. Castillo-Ospina, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Mrs. Munn presented the following public participation statement.

“At this time, the microphones are open for public comment to those who have signed in prior to this session. I shall call individuals to the microphones based on the order of the sign-in. Each statement made by a participant shall be limited to three minutes in duration. The total time of public comment shall be limited to sixty minutes. No individual is able to yield their time to another individual. All statements shall be directed to the presiding officer; no participant may address or question Board members individually. The following rules for public participants shall apply: time limits will be strictly enforced, no personal attacks on individuals, no vulgar or indecent language, a person may address the Board no more than once during a single meeting, speakers should refrain from naming individuals, and comments or questions posed during public participation will not be debated. As a reminder, this is a meeting of the Board in public, not a meeting of the public.”

Mrs. Munn called upon the first public participant, Barbara Burke, to address the Board.

Barbara Burke, 750 Grier Avenue, stated that she is a resident, retired teacher, and a member of the Education Organizing Committee. Ms. Burke stated that she spoke at the June Board meeting and came tonight for answers to her two questions and asked if the Board will begin at 7:00 p.m. and have the public speaking portion by 8:30 p.m. and if the Board will have the presentations on nights other than when the school board meetings are held.

Mrs. Munn thanked her for her comments.

Mr. Nazco commented that the public speaking started at 8:35 p.m. and we are on schedule.

Since there were no other citizens signed in to address the Board, Mrs. Munn declared this portion of the public meeting closed.

The President requests a motion to go into Private Session to consider matters exempt under the Open Public Meetings Act, specifically for discussion of personnel, specifically, D.B., R.E., M.H., E.Q., A.R., J.A., G.K., C.V., S.J., C.M., J.T., N.G., E.R., J.D., B.M., and M.O.; reorganization personnel actions and workers' compensation claims, specifically P.T., R.J., R.F., L.W., L.G., B.V., G.G., E.Y., S.F., J.R. and M.D. The Board will reconvene in public to take formal action.

A motion was made by Mr. González, seconded by Mr. Nazco, to go into private session at 8:38 p.m.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Negative: None

Mr. Trujillo returned to the meeting at 9:20 p.m.

The Board reconvened in public at 10:45 p.m. to continue with the meeting and take formal action.

Mrs. Munn amended the Private Session Statement to include appointment of special counsel.

Resolution – Appointment of Special Counsel

A motion was made by Mr. Trujillo, seconded by Mrs. Castillo-Ospina, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Trujillo, Mrs. Munn – 8

Negative: None

Resolution – Reorganization – Personnel Actions

A motion was made by Mr. Trujillo, seconded by Mrs. Castillo-Ospina, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Trujillo, Mrs. Munn – 8

Negative: None

Resolution – Settlement of Workers’ Compensation Claim No. 2008-11372 – P.T.

A motion was made by Mr. Trujillo, seconded by Mr. DaSilva, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Trujillo, Mrs. Munn – 8

Negative: None

A motion was made by Mr. Trujillo, seconded by Mr. Nazco, to adjourn.

A motion was made by Mr. Gonzalez, seconded by Mr. Nazco to withdraw the motion to adjourn.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Trujillo, Mrs. Munn – 8

Negative: None

Resolution – Withhold Increment and Salary Adjustment for 2011-2012 – M.H.

A motion was made by Mr. González, seconded by Mr. Trujillo, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Trujillo, Mrs. Munn – 8

Negative: None

On a motion by Mr. Trujillo, seconded by Mr. Nazco, the meeting was adjourned at 10:58 p.m.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. DaSilva, Donoso, González, Nazco, Mrs. Munn – 7

Abstain: Mr. Trujillo – 1

Negative: None

Harold E. Kennedy, Jr.
School Business Administrator/Board Secretary