

**MINUTES OF THE PATERSON BOARD OF EDUCATION
SPECIAL MEETING**

January 6, 2022 – 5:30 p.m.
Remote - Zoom

Presiding: Comm. Nakima Redmon, Vice President

Present:

Ms. Eileen F. Shafer, Superintendent of Schools
Ms. Susana Peron, Deputy Superintendent
Khalifah Shabazz-Charles, Esq., General Counsel
Boris Zaydel, Esq., Board Counsel

Comm. Vincent Arrington
Comm. Emanuel Capers
Comm. Jonathan Hodges

Comm. Dania Martinez
Comm. Kenneth Simmons, President
Comm. Corey Teague

Absent:

Comm. Oshin Castillo-Cruz
Comm. Manuel Martinez

Comm. Redmon read the Open Public Meetings Act:

The New Jersey Open Public Meetings Act was enacted to insure the right of the public to have advance notice of, and to attend the meetings of the Paterson Public School District, as well as other public bodies at which any business affecting the interest of the public is discussed or acted upon.

In accordance with the provisions of this law, the Paterson Public School District has caused notice of this meeting:

**Special Meeting
January 6, 2022 at 5:30 p.m.
Remote - Zoom
90 Delaware Avenue
Paterson, New Jersey**

to be published by having the date, time and place posted in the office of the City Clerk of the City of Paterson, at the entrance of the Paterson Public School offices, on the district's website, and by sending notice of the meeting to the Arab Voice, El Diario, the Italian Voice, the North Jersey Herald & News, and The Record.

Comm. Redmon: This meeting is to discuss the district's budget. I'm turning the meeting over to the Superintendent, Ms. Shafer.

DISCUSSION ON THE SCHOOL DISTRICT BUDGET

Ms. Shafer: Thank you, Vice President Redmon. Good evening everyone. I'm going to turn it over to Mr. Leon Matthews, our Business Administrator, to go over the preliminary budget as it stands right now.

Mr. Richard Matthews: As Ms. Shafer said, we're going to go through the budget. I was also tasked with having a conversation regarding our tax levy and giving some historical perspective to it and what's happened over the last couple of years. It's about 21 slides. I'm going to take my time going through this presentation because I think this conversation is really important and each slide provides some real good information regarding our historical tax levy breakdown in Paterson over the last 20 years. The beginning part of the presentation is a review of what we went through last month in terms of the budget gap. I think it sets the stage to have the deeper conversation regarding the tax levy and tax investment discussion. In 2021-2022, we got additional state aid of \$29 million. We were entering year 4 of legislation S2 which says they will fully fund us by 2024-2025. Salary and benefits account for over half of our total budget. Charter school and vocational costs are increasing at a high rate, 18% to be specific. They account for over \$105 million of our operating budget. We talked a little bit about structural deficit. Structural deficit and balancing the budget are two different things. If you recall back in the 2014-2015 timeframe, there was a lot of conversation about Paterson going over the fiscal cliff. During those times we were getting no additional state aid or increase in tax levy, and we were overspending our budget every year. The prediction that we were going into a fiscal cliff was a good prediction based on the current trends with our appropriations and revenues. Revenues were flat. We were increasing salaries and benefits every year. We were increasing special education, custodial services, legal services, and charter schools. Based on the trends of the increases and all those cost drivers, no additional state aid, no additional investment in the tax levy, the prediction that we were going over a fiscal cliff was right on target. We had to reverse that course, or we would have been in financial straits with continuing to drop programs, cut staff, reduce music, art, and gym. One year we even cut student accident insurance. I was watching this from afar. I wasn't even in education at the time. This structural deficit is different than balancing the budget. We balanced the budget on the backs of cutting staff and programs. These are some of the items I mentioned earlier. These are our cost drivers – salaries and benefits, instruction and programming, and charter schools. These are some of the big cost drivers in our operating budget, which you will see in the next slide regarding what I had given to you last month as far as a snapshot of our budget gap. I circled for 2022-2023 projected. This is our total revenue line for 2022-2023. \$569 million is what we are projecting. That's based on a tax increase of 9%, maintaining the revenues in tuition and miscellaneous revenues, and state aid being flat at \$476 million. Our revenues based on no additional state aid say this is where we are going to come in as far as our projections for revenues. Our appropriations have gone to \$614 million. Our appropriations went up \$46 million. That's based on charter school costs going up 18%. In 2021-2022, we're spending \$87 million for charter school costs. Non-salary is custodial, security, and transportation and that number is going up 13%. That brings us to \$152 million. Non-salary, which is pension, FICA, social security, is going up 10%. Salaries are up based on the collective bargaining agreement and benefits. Our appropriations are going up \$46 million. The difference between the \$46 million and the \$1.3 million in revenue is a budget gap of \$44 million. Are there any questions at this point before I continue? I'm not going to go into any detail because this is district priorities. This is a very fluid document. These things will change as we go through the budget season. We start having budget meetings on Monday, January 10. The meat of our presentation tonight is starting from here. This slide comes from the Department of Consumer Affairs. It's an 18-year breakdown of the total tax levy at the county, city, and school level. In 2000, the county was at \$16 million. The percent of the total tax was 13.9%. School was at \$36 million. As a percent of the total taxes, we were at 29%. The City of Paterson was at 56% on a total levy of \$122 million. That's a starting point. I want to move down these years over time and you will see the impact of not raising

taxes and what it did to the school budget. Keep in mind that during 2014, 2015, and 2016 we were talking about a fiscal cliff and there was no additional revenue coming into the school budget. Let's go to 2007. The School Board did not raise taxes. The county raised taxes at 12%. The city raised taxes at 10%. We went from 29% of the total tax share to 22%. Let's go to 2010. The city raised taxes 14%. We raised taxes 2.2%. The county raised taxes 5.7%. Our share of the pie went to 19%. Let's go to 2011. The city raised their taxes 29%. Their percent went from 56% to 62%. We're now down to 17% of the share. This is done for every city in the state. Later on, you will see that I have comparisons between Paterson and other like cities of socioeconomic situations. In 2018 the county raised taxes 10%. The School Board did not raise taxes. The city raised taxes 6.8%. In 2018 the city's percent of the pie was 64% up from 56%. We are now at 16% down from 29%. The county is at 19% up from 13%. I know it's a lot of numbers and I try to put circles on things so that you can see where we are. I think this is very important to note that 60% over that period of time shows to me that we really didn't make the investment in our kids over that 18-year period that we should have been making. During this time, we're having fiscal cliff and layoff conversations, but nothing was being done regarding raising revenues from the state and the City of Paterson. We will talk about how the City of Paterson should be looking as far as the revenue. In 2018, you see that we're at \$41 million. The next slide is going to give you another story about what we should be doing as an entity that invests in our kids. This is what's called local fair share. It takes into consideration high wealth districts, low wealth districts, demographics, population, and socioeconomic situation. They have a formula that says what your fair share should be. Going into 2021, it says that our fair share should be \$108 million. We were at \$54 million. \$47 million was the previous year. \$61 million says that we as an entity can levy or invest into our Board of Education an additional \$61 million. Paterson local fair share for FY2021 is \$108 million. This means that we can increase our tax levy \$61.4 million above the 2%. For 2021, I think we raised taxes 14.856%. We were compassionate and understanding of the demographics and the situation of Paterson being a low-wealth district. But I just want people to understand our ability as an entity is to increase the investment into our kids. We did so at a much lower clip than an additional \$61 million. Are we good here? Are there any questions or comments? I'll stop and answer any questions before I go to the next slide. I want to make sure people understand what we're doing, what we look at, and how we compare to other districts. We're just trying to get off the path we were on heading towards the fiscal cliff.

Comm. Teague: The City Council is trying to pull a stunt and it seems to me that they're the ones who have been raising taxes.

Mr. Matthews: If you look at this slide here, you will see something really important. Our percent of the total taxes has gone down and theirs has gone up. You're going to see in later slides how those percentages for the school, county, and city fit into a pie. When we look at our percent of the tax share, we should also look at the county and the city percent of the tax share. It's all three pieces combined that we have to look at. I think we're being very fair in terms of our investment into the kids considering our structural deficit that we have in place right now. We're trying to reverse course. We're not going to reverse course in one or two years on the backs of the taxpayers because this slide here tells you that we have the ability in one fell swoop to raise taxes an additional \$61 million, which we did not. This is a collaborative effort. Ms. Shafer and I sit down, and we have these conversations. She and I are understanding of the demographics and the socioeconomic situation of the taxpayers in Paterson. There are other factors outside our control. For what we control, we try to be compassionate. Ms. Shafer has mandated from day one that she didn't want to reduce staff anymore. We don't need to reduce staff because that impacts class sizes and a whole lot of things.

We wanted to make sure that we built a budget that allowed us to meet those district goals of adding programs and maintaining our staff. You don't want to be bringing people to Paterson and then they leave. That was a very big thing that she pushed onto us and I support wholeheartedly. We're trying to make it work for everybody and not hurt anybody. We also have to make sure that we do right by our students and staff. At the end of the day, that's what we really have to do. I had conversations well before I became the BA with people in City Council. I am a Patersonian. I was born here, I went to school here, and my family is still here. I was living on the outside, but still looking at what was happening in Paterson and asking these questions. What's happening with the budget and this fiscal cliff? I had conversations about raising revenues. Even though we didn't agree, I think the picture has to be painted in terms of not just the last one or two years. We have to look at the picture of the last 20 years and say, how did we get to this point? Ms. Shafer, myself, and the Cabinet have had these conversations of moving in the right direction so that we increase our reserves and put money back into capital and emergency reserves. We can't keep balancing the budget every year and not be putting money into the reserve accounts for future boards of education and our students. We have to make investments into our facilities. We have to grow our staff. We have to retain our staff. We have to keep maintaining programs. We have to keep things sustainable. We can't bring in new stuff and then it's gone in a year or two. We can't bring on new people and they're gone in a year or two. It's just no way to operate a business. We are trending in the right direction towards getting there, but we didn't get here overnight and we're not going to get out of it overnight. This local tax levy is a piece that I think needs to be brought to more meetings to have a conversation about as we go through the budget season. People have to get a better picture of where we are, as opposed to just looking at a percent and say we're raising taxes and not understanding the true impact of it. The impact over last year's budget was about \$140 for a year as an annual increase. I know in 2019-2020 the actual impact was a reduction in taxes. The number was like \$30.40. We need to tell the whole story, as opposed to people getting this information about a percent and not understanding what the real impact is to the homeowner and what we're doing as part of our local fair share as a body that does an investment into our programs.

Comm. Hodges: Have we taken the opportunity to present any of this data to the City Council or the Mayor's office?

Mr. Matthews: No, Commissioner, we have not done that. I think that could be another step. For today, I think just really educating our own people in-house about this is really important. When you're out in the community and you get a question, you can understand local fair share a little better. You can understand the impact of the total taxes over a 20-year period. The last two years don't tell the whole story. What I'm trying to do here today is give the whole story in terms of what the true impact is and how does it really work. I don't think people understand what local fair share is. What does that really mean? I've only heard the state is going to fully fund us. Now they have legislation that says they're going to fully fund us. The state is doing their part. As an entity, we have to do our part as well. Obviously, we got help from a lot of our legislators. When we got that \$5.1 million in emergency aid a couple of years ago, they did say by us having skin in the game and raising our taxes, it helped us get that money. They said that at the meeting. They wanted us to do our part as well. Doing our part means we have to be collaborative. What can the city handle? When you really put it down to annual impact and cents per day, that's what we're talking about. When you hear 12%, the impact was \$140 for the year. You're going to see later on the total taxes and what our part is.

Comm. Hodges: I think it's wonderful for you to show this to the Board of Education and to the people who are listening to us. But the real issue is with the city and the community. I think since this has been brought about by actions of the city, the city has to understand its position. I don't think the people really know about fair share.

Mr. Matthews: They don't.

Comm. Hodges: So, it's incumbent upon us to educate them as to where we are. I have resisted increasing taxes because I do know that we are a distressed city and I also know that the state did not increase taxes when they were in control. They didn't do it once.

Mr. Matthews: It's terrible.

Comm. Hodges: I knew this was going to happen because they were always pushing us. I made the statement very clear that they were going to force us to increase taxes when they left control. The community needs to understand this in a major way. The City Council needs to understand this and the people who are watching the City Council's channel need to understand what's going on. This presentation should at some point be shown to the City Council.

Comm. Redmon: Just to add to Dr. Hodges' point, as a Board we can't move forward to present this to the City Council unless we get invited for a joint meeting. The education joint committee hasn't had a meeting with them in a while. Maybe we can reach out to them and have a meeting and present our perspective. We can see what their budget levy is so they can have a whole budget process from both sides.

Comm. Hodges: You can do it in a joint committee, but from my point of view this kind of information shouldn't stay on the committee level. It should be presented citywide. We need to reach out to them to give them the opportunity to allow us to present this information to the City Council and to the city.

Comm. Redmon: Dr. Hodges, I totally agree with you on that point. Mr. Matthews, I would like to say that when you break down, can we get an example of what the local taxpayer bill will look like from the school's portion, the increase in their taxes?

Mr. Matthews: I can tell you, but I don't have it in this presentation. I can include it in future presentations. I do have it over a six-year period. I actually have it in front of me right now. I can put that into the next presentation. We do have community budget forums scheduled for January 26, February 2, and February 10. I will include that homeowner impact into those presentations as well. I actually had it in here.

Comm. Redmon: It's okay. I just wanted to make sure that we wanted to get our point across. If we're educating the homeowners on how this is impacting their taxes, then they can actually see an example when they get their tax bill of what we're presenting at the school level.

Mr. Matthews: I definitely will have that in the next presentation. I had it and then took it out, but we will put it back in.

Comm. Hodges: I think we should reach out to the City Council and offer to bring them the information that they apparently don't have.

Ms. Shafer: We can certainly do that, Dr. Hodges. We can reach out to have a joint meeting and present to them this information.

Comm. Hodges: Thank you.

Mr. Matthews: Thank you for your input. Let me just continue. This is the current information for Paterson. Our percent of the taxes in the current budget is 19% of the school share property taxes. You see a slide that says 19%. Paterson is at 62% and the county is at 18%. A very important slide here is the average school property tax. We're at \$1,579. The City of Paterson is at \$5,111 and the county is at \$1,556. That's everything broken down by percentages. Our percentage of the impact to the taxpayer is \$1,579. That's what our portion of the property tax share is for Paterson in the 2020 budget. This is information that I found in the Department of Consumer Affairs. This pie chart breaks it all down. I went to four similar cities and looked at their situation and compared it to us. Not just the school, but also the pie percent for the city as well. Going into it, you see we're in Elizabeth. Their school portion is 22%. Their property tax is \$2,250 of their total tax share. The city is at 61%. They're close to Paterson. When you look at Jersey City and Newark, you're going to see a big jump in terms of the school share and the city share for those communities. Jersey City gets 27% of the property taxes. I understand the ratables are different, but this is a city with a similar socioeconomic situation as us. The city portion is 45% compared to our 62%. Again, their portion of the property tax is \$1,957 on the average taxpayer of \$7,779. If we go to Newark, you see it's at 30% for their school share of the property tax. We're at 19% and Newark is at 30%. Newark's city share is 53%. We're over 60%. I looked at Trenton and Garfield and it's even more glaring. We are probably not making the investment as a percentage that we should. Understanding all of that, we are being compassionate for these decisions that we have to make in terms of trying to balance out our budget knowing that our appropriations increase at a much faster rate than our revenues. The next chart is a comparative in terms of percentages. Paterson is 19%, Newark is 31%, Elizabeth is 23%, and Jersey City is 27%. We're under similar cities in terms of how we tax and how we invest in our kids. We say we want the best for our kids and part of that is more than saying it. It's putting our money behind it. We are compassionate during this whole process, and we don't want to hurt anybody while we go through this process. Local fair share is a part of the total pie in terms of funding the district adequately so that we can sustain programs, maintain and grow our staff the right way, and keep programs going on. Before I go to the next part, I want to stop for a second and ask if there are any questions. I could have done the city and the county share, but I wanted to focus on the school district's share more than anything else. The source is the Department of Consumer Affairs. This is the 2020 information. It's relevant and current. Remember, we were at 29% in 2000 and in 2020 we're at 19%. Our share of the tax pie has been cut 10% over the last 20 years. We did raise taxes at 14% and 12% in the last two fiscal years. The 9% is not a real number right now. It's just a snapshot of where we are early in the game with the budget process. We're below where like cities are. We understand the ratable thing is another story, but we don't control that. What we do control we're below these other cities. If you go to Garfield, Irvington, and Trenton, I didn't find a city at 19%. Let's put it that way. There are 1,000 cities in the state going through the Department of Consumer Affairs and I couldn't even find one lower than Paterson. I'm not saying there wasn't one, but I couldn't find one. I kept trying to find similar cities and couldn't find one. Willingboro and those cities, none of them are at this number. It was lower than I thought. I knew we were on the low end, but I didn't know we were at the lowest end. I'm going to look up Camden maybe tonight or tomorrow. Are there any questions before I go to the administrative costs? We keep hearing that we're high. That's fine, but I have a source for that information, and I want to share that with you as well. Every year I have to meet

with the county and do a midyear review. They look at every cost, such as student support services and classroom sizes. They want to know what we are spending on administrative costs per pupil. This is one cost that we look at to see whether or not we're heavy with administrators. If you have too many administrators, you can have more people in the classroom or more of something else. This is the 2020 information. This is from the Taxpayer Guide for Educational Spending. This is where we get our data to send to the county to talk about our entire budget. The average cost for the region is \$2,360 for administrative costs per pupil. Paterson is at \$1,699. Newark is at \$1,821. Jersey City is at \$1,564. Obviously, they lost state aid over the last couple of years. That's why that number has been hit hard. They were way above us a couple of years ago, but this is the number for 2020. Elizabeth is at \$1,410. When we do the budget, we look at our administrative costs. We have to make sure that we don't exceed that regional number. This is our number for 2020. Are there any comments about that? We can always do better. I'm going to go into the next slide in terms of how we reduced our administrative costs in the district over the last couple of years. The next slide is going to go into some of the things we have done to keep that cost in line. We don't want to be at \$2,000. We think there's a smoothing out process where you can maintain proper administrative levels and still have sustainability as you do instruction and programming. There's a level we want to be at. We don't want to be the lowest and we don't want to be highest. We want what's best for our kids. We have to manage that number and that's what we try to do.

Comm. Hodges: One possible challenge that's going to come is the student performance. Where do we stand relative to these districts in terms of student performance? You might get that back as a report. For the amount of money that you're putting into administrative expenditure, what are you getting in terms of student performance? Where do we rank amongst all of these?

Mr. Matthews: That's a good question. There should be some kind of marriage between administrative costs and academic achievement. We have to find out what is that number and where should we be in terms of academic achievement. Everything should be geared towards that. You're making a good point and that's something that we have to take back. You're spending this, but what's the outcome? Are you delivering at this level based on your spend? There's spend and also achievement. Achievement has to match the spend and that's the challenge in everything that we do. It's money, dollars, and cents, but also achievement has to match all the money or it's not money well spent. The investment is not there. If you're not going to get the return on the investment, then we have to look at how we're doing business. Those are things that have to come together in terms of costs and academic achievement. That's a very good point and that's something we have to come to grips with in terms of how we present information to you regarding costs and how it's matching academic achievement. I agree with you. I'm presenting the numbers, but you're giving us something very good to show what that number means in terms of impact on the kids' performance. That's me talking. I don't want to go into all the positions, but these are the ones that were eliminated in 2018. I'm just going to pause for a second so you can take a look at some of them. These were eliminated to affect administrative costs in certain areas. This is 2019 and one I think we all remember is this one here. This was a painful cut right there. I was here for that. These are central office cuts, also very painful. In 2020, these were positions that were cut as part of reducing some head count in some areas. We have 2021. These are cuts as part of the high school restructuring program. I was a little worried about putting this out, but this is what we have going on right now. I hope I didn't go too fast or too slow. I'll entertain any comments or questions for any action items we need to take going forward.

Comm. Arrington: Thank you for the presentation. What has been the trend for our student count over the past five years?

Mr. Matthews: The last year it went down. I don't have the actual numbers.

Ms. Shafer: For the most part, it's been flat. We had an anomaly with COVID last year, but for the most part it's been flat.

Comm. Hodges: If it's flat, what's causing the expenditures to go up? Are the programs going to be more costly? What's happening to drive up the costs if the numbers of students aren't increasing and the test scores aren't increasing? Where are those drivers going?

Ms. Shafer: Leon showed the cost drivers. One example is the charter schools. Another example is transportation, more now than ever because of COVID. We could look at out-of-district tuition, increase in salaries and benefits. There's no fluff or added luxuries here. These are all the basics driving the costs.

Mr. Matthews: Dr. Hodges, I pulled up the slide again real quick. Those are good questions. You see here in fiscal year 2023 projected, charter school is at \$102 million. That's up 18% from last year. We said it was going to go up 18%. It went from \$73 to \$87 million. Now we're saying to them \$87 to \$102 million. Non-salaries went from \$133 to \$152 million.

Comm. Hodges: You're losing students at the same time. The money is being spent, not on our students, but on students going to a different school system. That money is leaving our system and the students are leaving as well. I'm just preparing you for what you're going to get back when you present this. You need to have those answers prepared. When you analyze this data, the charter school money goes to the students who are leaving our system.

Ms. Shafer: When students leave, they don't leave in groups of 24.

Comm. Hodges: I agree.

Ms. Shafer: You may have students leaving, but you still have a class remaining with a teacher. You still have gas and electric and all your other bills that come along with it. Our children are not leaving in nice little packages of 24 where you could close down a classroom or a school and not have a teacher. That's not what happens.

Comm. Hodges: Okay. Just have that explanation because people don't understand the charter costs. They do understand students are leaving. It's one per class or five per building. They don't understand that. You have to tell them that.

Comm. Arrington: Is the number you gave our number? Are you giving the total number of Paterson students?

Mr. Matthews: That's Paterson Public Schools.

Comm. Arrington: To Dr. Hodges' point, the charter school student count is part of our expenses, correct? Even though our number has been flat, the charter school number is going up and that's driving our expenses.

Mr. Matthews: Yes. Let's go back to fiscal year 2021. That year started at \$75 million and was revised to \$73 million because we got a midyear adjustment. In January we get a new number, and it went down to \$73 million. That was a good thing. In fiscal year 2022, we went from \$73 to \$87 million. That number went up. Salaries and benefits go up every year because you have collective bargaining. That number is baked in here for 2023. We were at \$249 million for our current fiscal year. Next year we're projecting \$257 million. That's an additional \$8 million.

Comm. Arrington: The number of students in Paterson is increasing. Even though we're flat, the charter school number is going up. The revenue from the city has been flat, but the number of students and our expenses are going up. That's part of the problem. I won't go into details. I'm preaching to the choir. That's the deficit you talked about. The enrollment number is going up if you add Paterson Public Schools and charter together. Am I making sense there?

Mr. Matthews: We agree, and Ms. Shafer's answer is spot on regarding how they leave. If we lose 300 kids, they're scattered through 54 buildings. We can't reduce staffing when you're losing two or six kids per building. If they all left in one class, we could maybe reduce.

Comm. Arrington: The enrollment number for students is increasing when you add Paterson Public Schools and all the charter schools together.

Mr. Matthews: Yes.

Comm. Redmon: Are there any other questions or comments? Seeing none, I'm moving on to the Report of the Superintendent.

REPORT OF THE SUPERINTENDENT

Ms. Shafer: Thank you, Comm. Redmon. I'm going to ask Neil Mapp if he would just give us a quick update on School No. 15 and some of the macadam around the school.

Mr. Neil Mapp: Good evening Commissioners, Paterson Public School families and students. There has been some erosion of the blacktop at School No. 15 and I'm understanding now that there is some action around someone tripping at that location. I just want to step back a second and say that the district had an initiative to fix all of our walking pathways throughout the district. We have spent over \$100,000 in the last six months at John F. Kennedy just repairing their sidewalks. We have plans to spend another \$100,000 at School No. 18 to repair their sidewalks. So, I urge the families and students of the district to use our walking pathways as opposed to our driveways where vehicle traffic circulates. It's creating a safety hazard where pedestrians are using vehicle pathways to access our buildings. I urge everyone to use our walking paths in order to access the buildings. That being said, at School No. 15 we had an erosion of the blacktop macadam entering the parking lot of that building. We have plans in place to have it milled, patched, and resurfaced to the tune of over \$90,000. That can't take place until the weather modulates to 45 degrees and rising, and then we'll be able to lay asphalt in that area. That, along with many other school locations, we have planned in the next fiscal year to repair those blacktop macadam to make those areas safe for pedestrians who are parking in that area and using those areas to access the buildings. Temporarily we will be safin-off those areas where the surface is uneven to make it a little safer, but we urge everyone to use our walking pathways as opposed to our roadway access to parking lots to access our school facilities.

Comm. Hodges: Is there any signage that will point them to that hazard, or that will encourage them to do that?

Mr. Mapp: We will cordon off the area with caution tape so they will see that they can't go there, but they will be able to use our walking pathways to access the building.

Comm. Arrington: In the Eastside parking lot by the gym, even since Principal Glisson was here, he talked about how when it rains it's like a lake there.

Mr. Mapp: Yes, that's a major project. We'd have to regrade the entire area and add drainage in order to keep that area from flooding and make it safe. We have a multimillion-dollar project going on right now at Eastside High School putting solar panels on the roof. After that project is completed, we will look at resurfacing that area also. That's all planned with the resurfacing projects we're planning for next fiscal year for John F. Kennedy and Eastside High School. We're planning to have cranes in that area. Until those cranes leave, we will not begin to resurface that blacktop.

Mr. Matthews: Just to add, we're waiting for the funding for the repaving of Eastside and Kennedy. That's already in the State of New Jersey regarding emergent funds. Those two projects are in for that work. We're just waiting for the check to come and then we will start processing the work. It's already in the works.

Comm. Arrington: It rained a couple of weeks ago. I drove by and you could see it's pretty bad. The other thing is the lease that we just learned about.

Ms. Shafer: We looked into that, and we do not lease that building. That was a concern for me and so I looked into it last night and again today. I had our attorneys look into it. We lease Bauerle Field. We do not lease School No. 15. Either way, it is still our responsibility. We own School No. 15.

Comm. Arrington: Thank you.

Ms. Shafer: Thank you, Neil. I'm going to ask Boris if he would please put up the information around COVID testing. I just wanted the Board to know that we are looking into providing testing for all our employees and students. I'm going to ask Boris to go over that please.

Mr. Zaydel: We will be making testing available and encouraging everyone vaccinated and unvaccinated who's a student or employee to get tested next week, Tuesday through Friday from 1:00 to 5:00, and Saturday from 10:00 to 3:00. Students and staff can go after they are done with their day of remote instruction. On Friday, students will go earlier than teachers because teachers still have professional development that day. It will be at 12 different sites throughout Paterson. We tried to disperse them as conveniently as we could. It will be a walk-in operation right up to the school. If the testing area is not in the main entrance, there will be a sign there indicating where in the school to go. You will need to register. There may be a link that we will receive and share with everybody for pre-registration in order to get tested. Anyone who goes should bring a photo ID and a health insurance card if they have one. If you have any questions about that, please let me know.

Ms. Shafer: I just want the Board, community, students, and staff to understand that this is a health advisory. We want to do everything possible to keep everyone safe and healthy. Right now, lines are long. We have our own testing company that was doing testing prior to the holiday, especially for those individuals who were unvaccinated

according to the Governor's executive order. We are now employing them to come next week and be there for five days and give our employees and students an opportunity not to have long lines and have to be waiting for long periods of time. There could be a line, but when we have 12 sites and five days, I don't think the lines are going to be as long as other lines have been. You will be able to get tested and being tested keeps you safe as well as those around you and your family. We are going to be sending out a letter tomorrow to all our staff and parents. We will be putting it out on social media that these sites will be open next week. I don't want anyone to be turned away. If you don't have insurance, it will not cost you anything. Please come and take advantage of this opportunity to stay healthy and safe and get tested.

Comm. Redmon: Is this open to our parents also?

Ms. Shafer: No. This is only for Paterson employees and students. It is a contract that we have had for students and staff since we started testing.

Comm. Hodges: Is this a one-time event?

Ms. Shafer: No. This is not going to be a one-time event. This has been ongoing for anyone who's not vaccinated, but in order for us to get back in, we want to make sure that anyone who could be positive and doesn't know it has an opportunity to be tested before we return to in-person instruction. Again, I said last night we're constantly looking at the data. We now get on a daily basis the county, the city, and we have the district data to be looking at so we can make a determination by Tuesday if we're going to be able to open up on the 18th.

Comm. Hodges: The concern I have is that it will help us open up the schools initially, but it doesn't address what happens on a week-to-week basis. That's what I'm trying to get at.

Ms. Shafer: We're going to do this more than once. Are we going to do this every week? I don't think so. We have another break in February. My understanding from everyone I talk to, including our health director, is that this is going to start to turn around the end of January and then you right into super bowl, which is another time of gatherings. We're going to have this as often as we need to have it. We have that availability with our contract.

Comm. Hodges: Thank you. That's the concern I had.

Comm. Arrington: Is that the rapid test? What type of test are we giving?

Mr. Zaydel: It is the PCR test? It will be saliva, nasal, and perhaps cheek swab.

Comm. Arrington: Is that the more accurate one?

Mr. Zaydel: Yes.

Comm. Hodges: The PCR test could remain positive if you've had the virus a while ago. The rapid test is actually more accurate for detecting live viral loads. The PCR will detect whether you have ever had it and hold onto it for a long period of time. I'm just putting that out there. You may not be actively positive and still have a positive PCR. With the rapid test, you won't if you're not actively having a viral load. You just need to be clear about that. I think Dr. Persaud should be consulted about that.

Ms. Shafer: He has been consulted. Just so everyone knows, the CDC just came out with new guidance that if you have had COVID within the last 90 days, you should not test because there is a good chance that you're going to come up positive again. We're following that.

Comm. Hodges: Thank you.

Ms. Shafer: I'm going to ask Deputy Peron to go over the hotline numbers we have for parents for remote or any questions they may have about anything.

Ms. Peron: Good evening Commissioners and community. Boris, can you put up the flyer with the numbers so that I can make reference to it? There really is a lot going on in the district. Parents are experiencing a little bit of late time when they call the schools because principals are remote. We are working on that. We will have phone numbers transferred over to district cell phones so that if a parent calls the school, they can reach the principal right away. In the meantime, there are other questions that parents have. We've opened up our parent hotline once again as we did in the past and we have four different numbers. They will not receive a live person. They can leave their name, phone number, a detailed message, and someone will return their call and have an answer to their question within 24 hours. The English hotline is (973)321-0609, Spanish is (973)321-0611, Arabic is (973)321-0610, and Bengali is (973)321-0612. For the hotlines in the other languages, we have the people who speak the respective language. I'm just going to make this announcement in Spanish because I can. I wish I could make it in other languages, but I cannot. Bear with me. (Spoke in Spanish). The numbers are available on the district website. This is the announcement for parents that you can scroll and find all the information on. Thank you.

Ms. Shafer: Thank you, Ms. Peron. That concludes my report.

PUBLIC COMMENTS

It was moved by Comm. Arrington, seconded by Comm. D. Martinez that the Public Comments portion of the meeting be opened. On roll call all members voted in the affirmative. The motion carried.

Ms. Rosie Grant: Good evening Commissioners, Madam Superintendent, Madam Deputy, staff, and community. Thank you, Ms. Shafer and Mr. Matthews, for the budget information. The more we put that out there, the better opportunity we have for people to understand what it is that we are facing when we talk about the school budgets. Thanks also for the onsite testing. This will go a long way towards our goal of keeping everyone safe. I want to again recommend to the Board to seek a joint meeting with the City Council. I know that was discussed today. I think it is really important that we go this route rather than have a vote-off of who gets to do what around School Board elections and essentially school budgets. Thank you so much and everybody have a good night.

It was moved by Comm. Hodges, seconded by Comm. Arrington that the Public Comments portion of the meeting be closed. On roll call all members voted in the affirmative. The motion carried.

RESOLUTIONS FOR A VOTE:

Resolution No. 1

Confirming that the Election of Board Members of the Paterson Board of Education Shall Remain in November and Not Be Moved Back to April, Regardless of Any Action or Attempted Action by the City of Paterson to the Contrary

WHEREAS, P.L. 2011, c. 202 authorized the Paterson Board of Education to change the election date of school board members from the third Tuesday in April to the first Tuesday after the first Monday in November (the General Election); and

WHEREAS, Such action required the adoption of a resolution by the local board of education requesting the State District Superintendent to submit a request to the Commissioner of Education as set forth in P.L. 2011, c. 202; and

WHEREAS, On September 3, 2013, the Paterson Board of Education voted to move the Board member elections to November to coincide with the General Election; and

WHEREAS, As stated in the prior September 3, 2013, resolution that moved the election to November, the Paterson Board of Education still believes that the financial interest of its constituents is safeguarded by the substantial financial savings of the school board annual election; and

WHEREAS, As stated in the prior September 3, 2013, resolution that moved the election to November, the Paterson Board of Education still believes that more citizens will participate in the selection of its members at the General Election than on the third Tuesday in April and that the higher level of participation will foster positive interest in our public schools; and

WHEREAS, As stated in the prior September 3, 2013, resolution that moved the election to November, the Paterson Board of Education is still committed to the non-partisan status of school board membership and the non-partisan conduct of school elections, and believes this principle will not be compromised by conducting board member elections in November; and

WHEREAS, Since November 2013, the election of Board members for the Paterson Board of Education has successfully been held year after year in November with a greater voter participation than when the election was held in April; and

WHEREAS, On or about February 14, 2017, the Council of the City of Paterson ("City Council") attempted to pass an illegal resolution to move the Board elections back to April, but the vote on that resolution failed; and

WHEREAS, On December 29, 2021, the City Council discussed Resolution No. 21:681 entitled, "Resolution to return school board elections to April, so that the annual School Budget would become subject to voter approval"; and

WHEREAS, On December 29, 2021, prior to the City Council meeting, the Paterson Board of Education delivered to the Mayor, City Council President, Law Director, and other City officials a notice to the City Council that included: 1) Discussion of Resolution No. 21:681 that the annual School Budget would become subject to voter approval; 2) Notice to cease and desist from voting on Resolution No. 21:681; 3) Notice of violation of *N.J.S.A. 19:60-1.1*; 4) Notice of violation of *Open Public Meetings Act*; 5) Notice of deprivation of the Board's rights due to the City's violations of law; 6)

Notice of potential harm to students, parents, residents, and school district by the passage of Resolution No. 21:681; and 7) Reservation of rights to file legal challenge to overturn municipal action; and

WHEREAS, By e-mail dated December 29, 2021, in response to the notice, Paterson's Law Director wrote that the City Council anticipates voting on a resolution to change the Board member elections back to April at its January 12, 2021¹ [sic] Workshop meeting or its January 18, 2021 [sic] Regular Meeting; and

WHEREAS, The Paterson Board of Education is endowed by law for its own governance, and the Paterson Board of Education is not subordinate to the City of Paterson, and the City of Paterson does not have supremacy or primacy over the Paterson Board of Education to move Board member elections from November back to April against the will and desire of the Paterson Board of Education; and

WHEREAS, The effect of a City Council resolution to move Board member elections from November back to April will effectively shorten and divest the Board members of their rights to serve the full three-year term that they were elected for in violation of *N.J.S.A. 18A:12-11*; and

WHEREAS, The Superior Court of New Jersey has concluded and declared that "the Legislature did not authorize moving of a school election back from November to April, where that would result in divesting a sitting board member's tenure", and that it would result in voter disenfranchisement because "By doing so, it would negate the voice of the voters who elected them for the mandated term"; and

WHEREAS, The Superior Court of New Jersey has declared that any meeting or resolution of a public entity to move a board member election from November back to April "pursuant to *N.J.S.A. 19:60-1.1 (b)(1)*, is declared substantively invalid, because the [public entity] lacks the authority to divest its members of the length of their terms and may only extend terms or create vacancies", and that *N.J.S.A. 19:60- 1.1(b)(1)*, "as adopted must be read to prohibit the termination of a lawfully elected board member's tenure"; and

WHEREAS, It is clear from Superior Court precedent that any attempt made by the City Council to move the Board member elections from November back to April is illegal; and

WHEREAS, Under *N.J.S.A. 19:60-1.1(a)(1)*, even if it was legal for the Board elections to be moved from November back to April, the Paterson Board of Education is legally authorized to move the election to November immediately and without a waiting period, thus any attempt for the City Council to move the Board elections back to April is futile.

NOW, THEREFORE, BE IT RESOLVED:

RESOLVED, That, it is in the best interests of: a) the Paterson Board of Education; b) the students, parents, employees, and stakeholders of Paterson Public Schools; and c) the residents and voters of the City of Paterson; that Board member elections remain in November and not move back to April; and be it further

RESOLVED, That, consistent with law, the Paterson Board of Education is endowed by law for its own governance, and the Paterson Board of Education is not subordinate to the City of Paterson, and the City of Paterson does not have supremacy or primacy over the Paterson Board of Education to move Board member elections

from November back to April against the will and desire of the Paterson Board of Education; and be it further

RESOLVED, That, to date, the City of Paterson has not provided the Paterson Board of Education with “adequate notice” under *N.J.S.A. 19:60-1.1* and the *Open Public Meetings Act*, for any prior or future City Council resolution to change the Board member elections from November back to April; and be it further

RESOLVED, That, City Council’s resolution to move Board member elections from November back to April would effectively shorten and divest the Board members of their rights to serve the full three-year term that they were elected for in violation of *N.J.S.A. 18A:12-11*, and the Paterson Board of Education hereby rejects and objects to City Council’s illegal attempt to shorten and divest the Board members of our rights to serve our full three-year terms in accordance with the will of the voters; and be it further

RESOLVED, That, the City Council’s attempt to move the Board elections from November back to April pursuant to *N.J.S.A. 19:60-1.1(b)(1)* has been declared to be illegal, so the Paterson Board of Education hereby rejects and objects to City Council’s illegal attempt to move the Board member elections from November back to April; and be it further

RESOLVED, That, in addition to the aforementioned procedural legal prohibitions, substantively, any decision of the City Paterson to move the Board member elections from November back to April is arbitrary, capricious, and/or unreasonable, and therefore illegal, be it further

RESOLVED, That, regardless of any action or attempted action by the City of Paterson to change the Board member elections from November back to April, the Paterson Board of Education hereby confirms that Board member elections shall remain in November to coincide with the General Election and not move back to April, and be it further

RESOLVED, That, counsel for the Paterson Board of Education is hereby authorized to legally challenge, to the fullest extent of the law, any attempt by the City of Paterson to move Board elections from November back to April against the will and desire of the Paterson Board of Education.

It was moved by Comm. Capers, seconded by Comm. Teague that Resolution No. 1 be adopted. On roll call all members voted in the affirmative, except Comm. Hodges who voted no and Comm. D. Martinez who abstained. The motion carried.

Paterson Board of Education Standing Abstentions

Comm. Arrington

- Self
- Family

Comm. Capers

- Self
- 4th and Inches
- Westside Park Group
- Insight

- Jersey Kids

Comm. Castillo-Cruz

- Self
- City of Paterson
- Transportation
- Downtown Special Improvement District
- Celebrate Paterson

Comm. Hodges

- Self
- City of Paterson

Comm. Dania Martinez

- Self
- City of Paterson
- Ilearn Schools
- Paterson Arts & Science Charter School

Comm. Manuel Martinez

- Self

Comm. Redmon

- Self
- Historic Preservation of the City of Paterson
- County of Passaic

Comm. Simmons

- Self
- Family

Comm. Teague

- Self
- YMCA

Resolution No. 2

Implementation of a COVID Screening Testing Protocol for Return to In-person Instruction and Increasing the Screening Testing for Unvaccinated Staff to Two Times Per Week
in Accordance with Executive Order 253

WHEREAS, On March 9, 2020, Governor Murphy issued Executive Order No. 103, declaring the existence of a Public Health Emergency for COVID-19; and

WHEREAS, The Governor has, on numerous occasions, extended the state of emergency, and ordered and reiterated school districts' mandate to implement policies to protect the health and safety of students and staff, and to protect against the spread of COVID-19; and

WHEREAS, Paterson Public Schools has since adopted the 2021-2022 Safe Return Plan and The Road Forward, which outline the extraordinary health and safety measures to ensure a safe and healthy school environment, and to protect against the spread of COVID-19;

WHEREAS, The Safe Return Plan indicates that the District will implement a screening testing strategy if warranted by local pandemic conditions, and

WHEREAS, The Road Forward states: "During periods of high community transmission, the District may implement screening testing in order to prevent secondary transmission among staff and students without symptoms or known exposure. Screening testing is intended to identify new cases even if there is no reason to suspect infection. If screening becomes necessary, the District will work closely with its contracted testing provider and with the Paterson Department of Health and Human Services to develop a data-driven testing strategy"; and

WHEREAS, When studying the Delta variant of COVID-19, experts concluded that vaccinated persons can still contract and transmit COVID-19; and

WHEREAS, When studying the Omicron variant of COVID-19, experts concluded that it is highly transmissible, even among vaccinated persons; and

WHEREAS, Based on the realities of the 2021 Holiday Season where families are at higher risks of spreading COVID-19, and based on the high rates of community spread in December 2021 and January 2022, the District implemented remote instruction plan; and

WHEREAS, Under Executive Order 253, Governor Murphy mandates that school districts must screen test all unvaccinated staff a minimum of one to two times per week.

NOW, THEREFORE, BE IT RESOLVED:

RESOLVED, That, consistent with CDC, NJDOH, and NJDOE guidance, it is prudent to implement screening testing as an additional protective measure for the return to in-person instruction, and be it further

RESOLVED, That, the Superintendent shall consider the implementation and efficacy of a screening testing procedure for the return to in-person instruction; the Superintendent should determine who is to be tested, whether the testing is optional or a mandatory requirement to return to in-person instruction, when the testing should take place, the consequences of failing to get tested, and other considerations consistent with the Safe Return Plan and The Road Forward, and be it further

RESOLVED, That, due to the high rate of transmission in Passaic County and surrounding vicinity, and consistent with Executive Order 253, the Superintendent will increase the current screening testing requirement for unvaccinated staff to two times per week.

It was moved by Comm. Teague, seconded by Comm. Simmons that Resolution No. 2 be adopted by the Board. On roll call all members voted in the affirmative. The motion carried.

**Paterson Board of Education
Standing Abstentions**

Comm. Arrington
• Self

- Family

Comm. Capers

- Self
- 4th and Inches
- Westside Park Group
- Insight
- Jersey Kids

Comm. Castillo-Cruz

- Self
- City of Paterson
- Transportation
- Downtown Special Improvement District
- Celebrate Paterson

Comm. Hodges

- Self
- City of Paterson

Comm. Dania Martinez

- Self
- City of Paterson
- Ilearn Schools
- Paterson Arts & Science Charter School

Comm. Manuel Martinez

- Self

Comm. Redmon

- Self
- Historic Preservation of the City of Paterson
- County of Passaic

Comm. Simmons

- Self
- Family

Comm. Teague

- Self
- YMCA

Resolution No. 3

WHEREAS, the District's Five-Year Strategic Plan for 2019-2024, Goal 3 is to establish viable partnerships with parents, educational institutions and community organizations to support Paterson Public Schools educational programs, advance student achievement and enhance communication, and;

WHEREAS, the partnership aligns with the Paterson Public School District's goal of increasing student achievement by preparing students for career and life, and;

WHEREAS, Paterson Public Schools will partner with TD Bank to use their TD Bank WOW! Zone Financial Education Resources. The program will teach Paterson students

in grades Kindergarten through 3rd grade about money in an easy and simple way. It will provide students with money management and investing tools to help prepare them for a strong financial future.

WHEREAS, TD Bank's managers will conduct virtual workshop sessions from January 2022 to May 2022. Areas of foci will be Intro to Savings & Spending and checking accounts.

WHEREAS, TD Bank will also conduct parent education workshop sessions with a foci on Banking Basics (Accounts, Checkbook, Budget), Building Good Credit, Income Taxes and First Time Homebuyers. The five (5) virtual sessions will occur from February 2022 to May 2022.

THEREFORE, BE IT RESOLVED, the Paterson Board of Education approves the partnership with TD Bank to provide students and their families financial literacy workshops, at no cost to the district.

It was moved by Comm. Arrington, seconded by Comm. Simmons that Resolution No. 3 be adopted by the Board. On roll call all members voted in the affirmative. The motion carried.

Paterson Board of Education Standing Abstentions

Comm. Arrington

- Self
- Family

Comm. Capers

- Self
- 4th and Inches
- Westside Park Group
- Insight
- Jersey Kids

Comm. Castillo-Cruz

- Self
- City of Paterson
- Transportation
- Downtown Special Improvement District
- Celebrate Paterson

Comm. Hodges

- Self
- City of Paterson

Comm. Dania Martinez

- Self
- City of Paterson
- Ilearn Schools
- Paterson Arts & Science Charter School

Comm. Manuel Martinez

- Self

Comm. Redmon

- Self
- Historic Preservation of the City of Paterson
- County of Passaic

Comm. Simmons

- Self
- Family

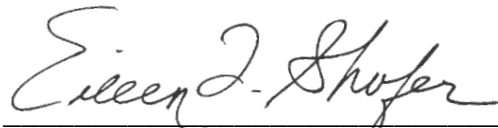
Comm. Teague

- Self
- YMCA

ADJOURNMENT

It was moved by Comm. Simmons, seconded by Comm. D. Martinez that the meeting be adjourned. On roll call all members voted in the affirmative. The motion carried.

The meeting was adjourned at 6:42 p.m.

A handwritten signature in cursive script, reading "Eileen F. Shafer".

Ms. Eileen F. Shafer, M.Ed.
Superintendent of Schools