

MEETING OF THE LAKEWOOD BOARD OF EDUCATION HELD ON WEDNESDAY, SEPTEMBER 3, 2014, AT 7:30 P.M., AT LAKEWOOD HIGH SCHOOL, 855 SOMERSET AVENUE, LAKEWOOD, NJ 08701

I. PLEDGE OF ALLEGIANCE: Mr. Zlatkin, Board President

Isaac Zlatkin, Board President, called the meeting to order at 7:40 p.m. Marc Zitomer, Board Attorney, read the following:

EMERGENCY MEETING STATEMENT (Sunshine Law)

Public notice of the emergency meeting pursuant to the Open Public Meeting Act has not been properly given. The matters to be discussed are of great urgency or importance involving the delivery of nursing services, textbooks and Chapter 192 compensatory education services to nonpublic students.

Delay in holding the meeting will result in harm to the public interest because the school year has commenced and nonpublic students are currently not receiving these services and textbooks. The meeting will be limited to discussion of and acting with respect to the matters of urgency and importance set forth above.

- (1) Written notice of the meeting was given by the Board Secretary in the following manner:
 - a. Posting written notice at Town Hall, on the Business Office bulletin board and on the District website on September 2, 2014; and
 - b. Sending written notice of the meeting to the Asbury Park Press on September 2, 2014 over 24 hours prior to the meeting.
- (2) The need for the meeting could not have been foreseen at a time when adequate notice could have been provided.

II. ROLL CALL

Board Members Present:

Mr. Yisrael Friedman, arrived 7:47 p.m., left 9:15 p.m.
Mr. Alex Janklowicz
Mr. Chaim Rosenblatt, left 10:17 p.m.
Mr. Joel Schwartz
Mr. Jonathan Silver, arrived 7:45 p.m., left 9:40 p.m.,
returned 9:45 p.m.
Mr. Tracey Tift, left 10:10 p.m. , returned 10:12 p.m.
Mr. Isaac Zlatkin, left 10:17 p.m., returned 10:19 p.m.

Board Members Absent:

Mr. Lee Mund

Also Attending:

Mrs. Laura A. Winters, Superintendent
Mr. Thomas A. D'Ambola, Business Administrator/Board Secretary
Mr. Kevin Campbell, Assistant Business Administrator
Mr. Michael Azzara, State Monitor
Marc Zitomer, Esq., Board Attorney

Translator : Miriam Medina

II. ROLL CALL

1. RESOLUTION

WHEREAS, the Open Public Meetings Act (OPMA), *N.J.S.A. 10:4-6, et seq.*, was enacted by the New Jersey State Legislature to provide the public with advanced notice of, and the right to attend, meetings of public bodies such as a board of education; and

WHEREAS, OPMA permits public bodies to hold emergency meetings without adequate advanced written notice in circumstances of such urgency and importance that a delay for the purpose of providing adequate notice would likely result in substantial harm to the public interest; and

WHEREAS, OPMA permits public bodies to hold emergency meetings subject to certain procedural safeguards, including that three-fourths of its members present vote in favor of conducting the emergency meeting and that prompt notice of the meeting is given to the public by posting and delivery to two newspapers, including the official designated newspaper of the Board; and

WHEREAS, an urgent situation has arisen due to the fact that nursing services have not commenced in the nonpublic schools, textbooks have not been delivered to the nonpublic schools pursuant to the New Jersey Nonpublic School Textbook Law and Chapter 192 Compensatory Education Services have not commenced; and

WHEREAS, the members of the Board of Education have determined that an emergency meeting must be conducted to discuss and possibly act on these matters which involve the health and welfare of these students;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Education will conduct an emergency meeting on Wednesday, September 3, 2014 at 7:30 pm; and

BE IT FURTHER RESOLVED THAT this Resolution is to be read at the next scheduled public meeting, which is being held on September 18, 2014, and that the Board Secretary is directed to reflect the same in the minutes and post a copy of this Resolution to deliver it to two newspapers, including the official designated newspaper of the Board.

MOTION TO APPROVE THE BOARD TO CONDUCT AN EMERGENCY MEETING (passed)

Motion: Mr. Zlatkin

Second: Mr. Janklowicz

ROLL CALL VOTE:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Yisrael Friedman	_____	_____	_____	X_____
Alex Janklowicz	X_____	_____	_____	_____
Lee Mund	_____	_____	_____	X_____
Chaim Rosenblatt	X_____	_____	_____	_____
Joel Schwartz	X_____	_____	_____	_____
Jonathan Silver	_____	_____	_____	X_____
Tracey Tift	X_____	_____	_____	_____
Isaac Zlatkin	X_____	_____	_____	_____

Mr. Zlatkin read a statement explaining the purpose of the Emergency Meeting and the objective to working with the Administration.

"Member of the board, members of the administration, Mr. Azzara, and members of the public, I have asked for this Emergency Meeting to be held tonight to discuss certain matters of great concern to me. As the Board president, specifically, I learned that despite the Lakewood school district legal obligation to provide textbooks in the nonpublic schools, they were not order by the district until very recently. Which has resulted in the nonpublic schools starting the school year without this essential instruction material. I was informed in the early August that the books will be order and there's nothing that holds back from that happening. To this day it is not clear to me when the books will be delivered to the schools. I believe it's an outrage. In addition, I'm very trouble by the fact that the nursing services still have not started in the nonpublic schools despite fact that the nonpublic schools started last week. This is a truly health, safety and welfare emergency. Children with serious medical condition cannot be without a nurse. I have received phone calls from parents who have diabetic children, whose children need to use EpiPen and there's nobody qualified in the school to administer them. Just so that it is clear to the public, these are services and supplies which the district is required by state law to provide to the nonpublic schools and which is funded by the state. It is the obligation of the Lakewood school district to make sure that the services and supplies are delivered on time before the school starts. For reasons which I still don't have and are unclear to me this did not happen. And I believe that the Board of Education, the nonpublic schools and the public deserve answers. Finally, compensatory education services under Chapter 192 also have not begun because there is a new interpretation in the stricter manner than the district has done in the past. I am hoping that we can come to a compromise solution with the state on this issue so all children can get their services.

I would like to ask Mrs. Winters, Mr. Azzara and any other members of the administration to explain why we are still in this predicament with the nursing services, textbooks and to discuss what is being done to fix the problem immediately."

Mrs. Winters responded to Mr. Zlatkin.

“Due to the fact that the Lakewood School District has been the subject of several audits conducted by the New Jersey Department of Education (6 million dollars in refund requests, and a 192/193 audit in process), the Office of Legislative Services and the State Comptroller, and as a result has committed to Corrective Action measures to ensure compliance with State and Federal laws and regulations, compiled with the fact that the district office has recently undergone a reorganization of the Grants Office, all textbook orders were under review, as the district sought clarification from the New Jersey Department of Education regarding several textbook mandates:

1. As per the textbook grant, parents should have requested “Individual Student Request for Loan of Textbooks,” no later than March 1, 2014, for which the district had not one form. Individual written requests are based on a graduating class and an incoming class.
2. When reviewing Purchase Orders, many were found to be consumable workbooks, which according to textbook law are not textbooks, as they do not have a shelf life of 5 plus years. In addition:
 - a. Approximately 50% of the textbook orders were received as of July 15, 2014, which is when the NJDOE released the 2014-2015 allocations.
 - b. Purchase Orders had to be reviewed, as several were found to be unallowable under the textbook law as they were for materials excluded by the grant: reference materials, supplementary materials, testing materials, teachers’ editions, etc...

On July 16, 2014, a meeting was held at the Lakewood School District Office with several Nonpublic School Administrators, the State Monitor and the Lakewood Board Attorney Marc Zitomer, at the request of the Board President, Isaac Zlatkin. At this meeting, Mr. Zitomer was asked if he was aware of the Textbook Guidance mandates, in which Mr. Zitomer stated he was; however, he was unaware that it was a problem.

In addition to the textbook mandates that were in question, were the Corrective Action measures that were put in place by this administration, and in which all schools were made aware of:

- a. All schools must submit a daily schedule, their English and Mathematics Curriculum, and a copy of their standardized test scores by August 30, 2014.
- b. A tentative 10 month PD and Technology plan, which is due to the district by September 30, 2014.

After the meeting on July 16, 2014, a compromise was made for the 2014 school year, in which the nonpublic schools would be given an extension to submit the required “Individual Student Request for Loan of Textbooks.”

A letter stating such was sent to all nonpublic schools on July 18, 2014.

All nonpublic schools were notified of the documentation requirements via email or fax on July 2nd, July 18th, July 23rd and July 26th.

At the request of Board President Zlatkin, Mr. Azarra and I met with several nonpublic school administrators to discuss the stated changes on July 16th, July 28th and August 11th.

The Nonpublic Schools in the Lakewood School District have received approximately **\$4,435,685** in Text book funding since the 2011-2012 school year.

School Year	Total Students	Student Increase	Per Pupil Amount	Textbook Entitlements	Expenditures
FY 2011-12	18,195		\$44.88	\$889,662	\$880,915
FY 2012-13	19,630	+1,435	\$52.84	\$1,037,249	\$1,018,292
FY 2013-14	21,267	+ 1,637	\$54.85	\$1,166,495	\$ 1,117,212.28
FY 2014-15	22,529	+ 1,262	\$59.58	\$1,342,279	Not Available
Total				\$4,435,685	

As of today, all nonpublic textbook orders that have been submitted have been processed with the exception of those book orders that have been utilizing a new vendor, as new Vendor accounts can only be set-up after submission of required documents, and orders that have exceeded their budget, which the grant office has to work with the school administrators on re-submitting their orders.

A meeting was held this afternoon with several nonpublic school administrators in which all nonpublic issues were addressed. The district addressed the issues by agreeing to have staff members call the textbook companies to have book orders expedited. Regarding Title 1 and 192 Services, Mr. Azzara will be contacting New Jersey Department of Education officials to set-up a meeting between nonpublic school representatives, school district administrators and third party vendors sometime next week to discuss programming issues.

Mr. Roselle, from Mr. Zitomer's office was contacted on the evening of September 2, 2014, to have Nursing and IDEA services started in the nonpublic schools immediately, with or without a contract; however, our largest Third Party Vendor was in fact supplying Nurses to our Nonpublic Schools without a contract.

One only needs to read the recently released audit performed by Legislative auditors to understand why this year was a tough year regarding these issues and that the district can no longer afford to conduct business as usual. It is imperative that we provide nonpublic services in compliance with state and federal laws and regulations."

III. BOARD DISCUSSION

Mr. Rosenblatt motioned and Mr. Silver seconded the motion that the contracts for Nursing Services from 2013-2014 school year remain in effect until the new contracts for the 2014-2015 school year are signed, subject to Board attorney review to insure compliance of new regulations and law.

A discussion ensued. The Board attorney stated that he felt a Letter Of Intent would suffice until the vendors signed and executed their contracts.

Mr. Rosenblatt's motion was withdrawn.

After further discussion, Mr. Rosenblatt motioned and Mr. Friedman seconded the motion that the Board allows the vendor contracts from the 2013-2014 school and the procedures that were previously followed be allowed to continue.

MOTION TO APPROVE VENDOR CONTRACTS AND GRANT PROCESSING PROCEDURES (passed)

Motion: Mr. Rosenblatt **Second:** Mr. Friedman

5 Ayes: Mr. Friedman, Mr. Janklowicz, Mr. Rosenblatt, Mr. Silver, Mr. Zlatkin

1 Nays: Mr. Tift

1 Abstained: Mr. Schwartz

1 Absent: Mr. Mund

Michael Azzara, State Monitor, overruled the Board's discussion to continue to allow vendors to provide services based on the 2013-2014 contracts and to continue to follow the previous procedures.

Therefore, the motion failed.

STATEMENT BY BOARD PRESIDENT

Pursuant to Board Policy 0164, Roberts' Rules of Order shall govern the Board of Education in its deliberations and in the conduct of its meetings. As such, all comments from the public and from other members of the Board should be directed to the Board President who is responsible for presiding over the meeting.

The President shall direct all inquiries or comments to the appropriate Administrator or Board member for response, as appropriate. The law requires a period of public comment at our meetings, not a question or answer session or debate. The board president at his discretion may or may not feel it is appropriate to answer questions raised during the public comment period. The board and administration do take all public comments seriously and consider them when conducting business.

The President may interrupt, warn, or terminate a participant's statement when the statement is too lengthy, abusive or obscene. In addition, Security Personnel may direct any individual to leave the meeting when that person does not observe reasonable decorum, whether the

person is at the microphone or at any other place in the meeting room. New Jersey law makes it a crime for any person to intentionally disrupt a public meeting. Law enforcement will be contacted if a person disrupts the meeting and fails to desist after being directed to do so. Finally, we ask that you silence all electronic devices.

- IV. RECOGNITION OF THE PUBLIC**
1. Josh Pruzansky
 2. Avi Schnall
 3. Roxann Martin
 4. Alejandra Morales
 5. Michelle Jackson
 6. Kim Singleton
 7. Pastor Geln Wilson
 8. Fred Rush
 9. Dr. Miachel Rush
 10. Bill Hobday
 11. Annette Kearney
 12. Melanie Andrews
 13. Joseph Defalco
 14. Chaya Kaufman

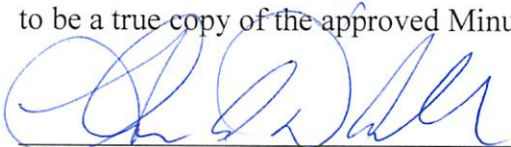
V. ADJOURNMENT

Motion to Adjourn:

Motion: Mr. Silver **Second:** Mr. Janklowicz

Meeting was adjourned at 10:35 p.m.

I, Thomas A. D'Ambola, Board Secretary of the Lakewood Board of Education, hereby certify this to be a true copy of the approved Minutes from a public meeting held on September 3, 2014.



Thomas A. D'Ambola, Board Secretary

October 31, 2014