

ADOPTION RESOLUTION

ADOPTION RESOLUTION

RESOLVED, that the bylaws and policies printed and codified in the comprehensive document entitled "Bylaws and Policies of the South Orange and Maplewood Board of Education" are hereby adopted and that all bylaws and policies heretofore adopted by the South Orange and Maplewood Board of Education and inconsistent with the bylaws and policies hereby adopted are hereby rescinded, and be it further

RESOLVED, that in the event any policy, part of a policy or section of the bylaws is judged to be inconsistent with law or inoperative by a court of competent jurisdiction or is invalidated by a policy or contract duly adopted by this Board, the remaining bylaws, policies, and parts of policies shall remain in full effect.

Adopted by the South Orange and Maplewood Board of Education in the County of Essex at a public meeting held at Maplewood, New Jersey on the 2nd day of April, 2001.

INTRODUCTION

Definitions

The following terms used in these bylaws and policies shall have the meanings set forth below unless the context requires a different meaning or a different definition is supplied:

"Board" means the Board of Education of South Orange and Maplewood.

"Bylaw" means a rule of the Board for its own operation.

"Chief School Administrator" means the chief executive officer of this school district, whose title in this district is Superintendent (see below).

"Commissioner" means the New Jersey State Commissioner of Education.

"County Superintendent" means the County Superintendent of Schools for Essex County.

"Day" means a calendar day.

"Full Board" means the authorized number of voting members of the Board of Education.

"Meeting" means a gathering that is attended by or open to all of the members of the Board of Education, held with the intent on the part of the Board members present to discuss or act as a unit on the specific public business of the Board of Education.

"Negotiated agreement" means a contract collectively negotiated by the Board of Education and a recognized bargaining unit.

"Parent" means the parent or parents or guardian having legal custody and control of a pupil.

"Policy" means a statement, formally adopted by the Board of Education, in which the Board recognizes the mandates and constraints of law, establishes practices and standards binding on staff members and pupils, and gives direction to the Superintendent.

"President" means the President of the Board of Education.

"Professional employee" means a teaching staff member.

"Pupil" means a person enrolled in a school in this district.

"Regulation" means a statement developed and promulgated by the Superintendent that details the specific operations by which Board policy or a legal mandate is implemented.

"Secretary" means the Secretary of the Board of Education.

"Superintendent" means the chief school administrator of this school district; except where prohibited by law, "Superintendent" also means the qualified person duly delegated by the Superintendent to discharge a particular duty in place of the Superintendent.

"Support staff member" means an employee who holds a position for which no certificate issued by the New Jersey State Board of Examiners is required.

"Teaching staff member" means an employee who holds a position for which a certificate issued by the New Jersey State Board of Examiners is required.

"Treasurer" means the Treasurer of School Moneys for this school district.

Construction

The following rules of construction apply to these bylaws and policies:

1. Wherever possible, language shall be given its clear and ordinary interpretation;
2. Language shall be construed to have a meaning that complies with law;
3. In the event bylaws and policies conflict with one another, the later adopted bylaw or policy shall take precedence over the earlier, and the more specific bylaw or policy shall take precedence over the more general;
4. Except as otherwise provided by the context, the auxiliary verbs "shall," "will," and "must" indicate a mandated action, and the auxiliary verb "may" indicates an action that is permitted but is not mandated;
5. The masculine pronoun refers to both masculine and feminine antecedents.

Effectuation

Except as may otherwise be expressly provided, a bylaw or policy will become effective on the date it is adopted and a revised bylaw or policy will become effective on the date it is revised.

Citations

Bylaws and policies may contain citations to the following codifications of state and federal laws and regulations:

1. United States statutes
20 U.S.C.A. Education
2. United States regulations
34 C.F.R. Education

3. New Jersey statutes

N.J.S.A. 2C	Code of Criminal Justice
N.J.S.A. 9	Children-Juvenile and Domestic Relations
N.J.S.A. 10	Civil Rights
N.J.S.A. 11	Civil Service
N.J.S.A. 17	Corporations and Institutions for Finance and Insurance
N.J.S.A. 18A	Education
N.J.S.A. 19	Elections
N.J.S.A. 24	Food and Drug
N.J.S.A. 26	Health and Vital Statistics
N.J.S.A. 27	Highways
N.J.S.A. 30	Institutions and Agencies
N.J.S.A. 34	Labor and Worker's Compensation
N.J.S.A. 36	Legal Holidays
N.J.S.A. 39	Motor Vehicles and Traffic Regulation
N.J.S.A. 41	Oaths and Affidavits
N.J.S.A. 45	Professions and Affidavits
N.J.S.A. 47	Public Records
N.J.S.A. 52	State Government, Departments, and Officers
N.J.S.A. 53	State Police
N.J.S.A. 54	Taxation
N.J.S.A. 59	Tort Claims

4. New Jersey Administrative Code

N.J.A.C. 1	Administrative Law
N.J.A.C. 6	Education
N.J.A.C. 8	Health
N.J.A.C. 10	Human Services
N.J.A.C. 13	Law and Public Safety
N.J.A.C. 17	Treasury-General

Severability

If any part of this manual is made invalid by judicial decision or legislative or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education.

Enactment

The official record of the adoption, amendment, or repeal of the bylaws and policies of this district shall be the minutes of meetings of the Board of Education. Such alterations shall be duly entered in this manual; a master copy of the policy manual shall be maintained by the Director of Human Resources and shall be the manual to which all others may be compared for accuracy.

Reference

References to previous bylaws and policies indicate the code designation of like matter in the previous codification of the bylaws and policies of this district.

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Identification

0110 IDENTIFICATION

Name

The official name of the Board of Education shall be "The Board of Education of South Orange and Maplewood in the County of Essex."

Purpose

The Board of Education exists for the purpose of providing a thorough and efficient system of free public education to regular education students (over 5 and under 20 years of age) in Kindergarten through Grade 12, and to Special Services students (3 to 21 years of age) who are domiciled in the South Orange and Maplewood School District.

Composition

The South Orange and Maplewood School District is comprised of all the area within the municipal boundaries of South Orange and Maplewood.

Classification

The school district shall be classified as a Type II district.

Address

The address of the Board of Education shall be:
525 Academy Street, Maplewood, New Jersey 07040-1311.

N.J.S.A. 18A:8-1; 18A:9-2; 18A:9-3; 18A:10-2

N.J.S.A. 18A:13-2; 18A:13-3

Cross Reference: 0143.1

First Reading: March 12, 2001

Second Reading: March 19, 2001

Adopted: April 2, 2001

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Powers and Duties

0120 POWERS AND DUTIES

The general mandatory powers and duties of the Board are defined in Title 18A of New Jersey statutes. Other sections of the statutes state or imply that a Local Board of Education has full power to operate the local public schools as it deems fit in compliance with State and federal mandates and pertinent laws of the municipality.

The Board of Education sees these as its required functions:

A. Legislative or Policy Making

The Board is responsible for the development of policy and for the employment of a Superintendent who shall carry out its policies through the development and implementation of regulations. This includes setting goals in educational and financial areas.

B. Appraisal

The Board is responsible for evaluating the effectiveness of its policies and their implementation.

C. Educational Planning

The Board is responsible for requiring and acquiring reliable information from responsible sources which will enable it and the staff to work toward the continuing improvement of the educational program.

D. Provision of Financial Resources

The Board has major responsibilities for the adoption of a budget that will provide the wherewithal--in terms of buildings, staff, materials, equipment and development and implementation of curriculum in all instructional areas as well as assessment tools--to enable the school system to carry out its functions. The Board is further responsible for considering both the immediate and long-term needs of the district, to the degree that they can be determined, and for adopting a budget with a reasonable view both to its immediate and long-term impact.

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Powers and Duties

E. Interpretation

The Board shall exercise its powers through the legislation of bylaws and policies for the organization and operation of the school district.

The Board shall be responsible for the operation of the school but shall delegate the administration to the Superintendent, who shall be appointed by a recorded roll-call majority vote of the full Board.

The Board may hear appeals in complaints and in grievance and disciplinary actions as defined in these policies and in the law.

N.J.S.A. 18A:10-1; 18A:11-1; 18A:11-2; 18A:16-1; 18A:17-5
18A:17-15; 18A:20-1; 18A:27-4 18A:33-1;
18A:34-1; 18A:36-2;
18A:54-11 et seq.

Cross References: 0132, 6210

First Reading: September 15, 2008
Second Reading: October 20, 2008
Adopted: October 20, 2008

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Bylaws and Policies

0131 BYLAWS AND POLICIES

The Board of Education shall exercise its rule-making power by adopting bylaws and policies for the organization and operation of the school district.

Adoption, Amendment, and Repeal

Bylaws and policies may be adopted, amended, or repealed at any meeting of the Board, provided the proposed adoption, amendment, or repeal has been proposed and approved at a previous meeting of the Board.

The Board may at its organization meeting and by a majority vote of those present and voting readopt existing bylaws and policies without prior notice.

The Board may, under emergency circumstances, suspend the operation of a bylaw or policy and adopt, amend, or repeal a bylaw or policy without prior notice. The emergency adoption, amendment, or repeal of a bylaw or policy shall terminate at the next meeting of the Board or at such earlier date as may be specified by the Board unless further acted upon by the Board.

Any request for a waiver of policy or bylaw shall be considered in light of the policy or bylaw itself, rather than any particular circumstances of the moment. The policy or bylaw shall be waived by an affirmative vote of six or more of the members of the Board.

The adoption, amendment, repeal, or suspension of a bylaw or policy shall be recorded in the minutes of the Board. Any policy or part of a policy that is superseded by a subsequently adopted policy shall no longer be in force and effect as a policy.

Promulgation and Distribution

A manual of bylaws and policies shall be maintained. A copy of the manual of bylaws and policies shall be given to each Board member, the Superintendent, the Board Secretary, the Board Attorney, each building principal, and other individuals designated by the Superintendent.

The Superintendent shall institute a plan for the orderly promulgation of policies to staff members who are affected by them and shall provide staff members with access to an up-to-date manual of Board bylaws and policies.

Each copy of the manual of bylaws and policies shall be numbered; a record of the placement of each manual shall be maintained by the Superintendent. Copies of revised pages will be furnished to the holders of manuals as changes are made to bylaws and policies. The holder of a policy manual shall return the manual to the Board Secretary upon the termination of his or her service to the district.

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Bylaws and Policies

The manual of bylaws and policies shall be considered a public record open to inspection in the office of the Superintendent. The manual retained by the Superintendent shall be considered the master copy of the policy manual and shall not be modified by any person other than the Superintendent or his or her designee.

Development of Bylaws and Policies

Bylaws and policies will be developed and considered by the Board in accordance with the following procedure:

1. A new or revised bylaw or policy may be suggested to the Board by any Board member, the Superintendent, any staff member, or a member of the public;
2. A suggestion for a new or revised bylaw or policy may be referred, at the discretion of the President and as appropriate to the subject, to the Superintendent, a Board committee, or a public advisory committee for study and formulation of a recommendation to the Board. Any study of a policy suggestion should consider whether the matter is adequately addressed in existing Board policy and whether the matter is more appropriately addressed by administrative regulation;
3. If a recommendation for a new or revised bylaw or policy results from referral for study, a proposed draft will be submitted to the Board for discussion and approval on first reading. Copies of the proposed draft will be made available to staff members and the public, and comment will be invited. Changes in the draft may be made, by a simple majority vote, when the draft is presented for approval on first reading;
4. The proposed draft, approved on first reading, will be submitted for adoption at the next regular meeting of the Board. Changes in the draft may be made by a simple majority vote. A change that alters the substantive meaning of the draft will constitute a new first reading, and the draft will be presented for adoption at a succeeding Board meeting. A change that is merely editorial may be followed by a vote to adopt the new or revised bylaw or policy on second reading.

Ongoing Review

The Board President shall ensure that each section of the policy manual comes under systematic Board review at least once every five years.

N.J.S.A. 18A:11-1

Cross References:	Introduction, #1320
First Reading:	March 12, 2001
Second Reading:	March 19, 2001
Adopted:	April 2, 2001

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District Goals

0131.1 DISTRICT GOALS

The Board shall annually review, develop, adopt and promulgate district goals in regard to student learning and such other matters as the Board may designate. District goals shall include measurable objectives so that accountability on the part of the Board, the Superintendent, and the district may be ensured.

First Reading:	December 15, 2008
Second Reading:	January 12, 2009
Adopted:	January 12, 2009

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Executive Authority

0132 EXECUTIVE AUTHORITY

The Board of Education shall exercise its executive power in part by the appointment of a Superintendent as chief school administrator, who shall enforce the statutes of the State of New Jersey, rules of the State Board of Education, and policies of this Board.

The Superintendent shall prepare regulations for the administration of the school district that are consistent with statutes or rules of the State Board of Education and conform to the intent of Board policy. Administrative regulations shall be binding upon the employees of this district and the pupils of these schools when issued. Board members shall be notified when new regulations are promulgated.

The Superintendent is authorized to take necessary action in circumstances not governed by Board policy and shall report any such action to the Board at the first Board meeting following the action.

The Superintendent shall serve as an ex-officio member of the Board and shall be encouraged to participate in its discussions.

N.J.S.A. 18A:17-20

Cross References: 0120, 0133, 1210

First Reading: March 12, 2001

Second Reading: March 19, 2001

Adopted: April 2, 2001

0134 BOARD SELF EVALUATION

The Board of Education is committed to the belief that every part of the school system in this district should be accountable to the public and that performance evaluation is essential to that accountability. The Board further believes that the improvement and growth of any institution depends upon an honest appraisal of its strengths and weaknesses. The Board accepts, therefore, responsibility for the conduct of a systematic program of self-evaluation and appraisal. The standards against which the Board will evaluate itself will be the educational goals, bylaws, and policies duly adopted by this Board.

The Board will annually adopt an evaluation instrument that permits individual Board members to record their assessments of the conduct of Board meetings, the fiscal management of the district, the conduct of the instructional program, and the relationship of the Board with the Superintendent, other district staff members, and the community.

The assessments of Board members will be tabulated and presented for discussion at a regular meeting of the Board in which the Superintendent will be invited to participate. Any discussion regarding Board-Superintendent relations that may legally be reserved to closed session shall be so conducted, unless the Board and Superintendent mutually agree to hold it publicly. The Board will formulate, as appropriate, goals and priorities that will serve to guide the Board in the ensuing school year.

N.J.S.A. 18A:11-1

First Reading:	March 12, 2001
Second Reading:	March 19, 2001
Adopted:	April 2, 2001

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Information Regarding District Accomplishments

0135 INFORMATION REGARDING DISTRICT ACCOMPLISHMENTS

The Superintendent shall employ all appropriate means to provide for continuous and candid reports of the results achieved by district staff in the pursuit of those goals and objectives for which reliable measurement indicators have been established. Where reliable measurement indicators are not available, the Superintendent shall describe the alternative basis of assessment. Reports shall include a straightforward statement as to whether goals and objectives have been surpassed, have been accomplished as stated, or remain unmet. The purposes of these reports shall be to allow the Board to exercise its monitoring function and to provide the Board with information needed for making on-going policy and planning decisions.

N.J.S.A. 18A:11-1

First Reading:	March 12, 2001
Second Reading:	March 19, 2001
Adopted:	April 2, 2001

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Board Member Number and Term

0141 BOARD MEMBER NUMBER AND TERM

The Board of Education shall consist of nine (9) members, three of whom shall be elected each year by the legal voters of the district.

The term of a Board member shall be three years, except that:

The term of a Board member appointed to fill a vacancy shall be from the member's appointment to the organizational meeting following the next annual election. Any vacancy for the remainder of the term shall be filled at the next annual school election, except that

1. A Board member appointed to fill a vacancy occurring within sixty days immediately preceding an annual election occurring in April, to fill a term extending beyond the next election, shall serve until the organizational meeting following the second annual election next succeeding the occurrence of the vacancy; or
2. A Board member appointed to fill a vacancy occurring after the third Monday in July for an annual election occurring in November, to fill a term extending beyond the next election, shall serve until the organizational meeting following the second annual election next succeeding the occurrence of the vacancy.

Any vacancy for the remainder of a term shall be filled at the annual election or the second annual election next succeeding the occurrence of a vacancy, as the case may be.

N.J.S.A. 18A:12-6; 18A:12-9; 18A:12-11; 18A:12-15
N.J.S.A. 18A:13-8 et seq.

Cross Reference: 0143

Initial Adoption: April 2, 2001

First Reading: June 16, 2014
Second Reading: July 28, 2014
Latest Adoption: July 28, 2014

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Board Member Qualifications, Prohibited Acts
and Code of Ethics

0142 BOARD MEMBER QUALIFICATIONS, PROHIBITED ACTS AND CODE OF ETHICS

Each member of the Board of Education shall possess the qualifications required by law and shall be bound by the provisions of the School Ethics Act.

Qualification of Office

1. A Board member must be a citizen of the United States.
2. A Board member must be a resident of the district the member represents and must have been such for at least one year immediately preceding the member's election or appointment.
3. A Board member must be able to read and write.
4. A Board member must be registered to vote in the district and not disqualified from voting pursuant to N.J.S.A. 19:4-1.
5. A Board member may not have been convicted of a crime or offense as listed in N.J.S.A. 19:4-1.
6. A Board member cannot concurrently hold office as a member of the governing body of South Orange or Maplewood.

Each member of the Board of Education, within thirty days of election or appointment to the Board shall undergo a criminal history background investigation for the purpose of ensuring the member is not disqualified from membership due to a criminal conviction of a crime or offense listed in N.J.S.A. 18A:12-1 et seq. The Board of Education will reimburse the Board member for the costs of the criminal history record check unless the record check discloses a disqualifying offense. The Commissioner of Education shall notify the Board of Education if a member has been disqualified from membership on the Board as the result of the criminal history record check. The Commissioner of Education will also notify the Board if a Board member has charges enumerated in N.J.S.A. 18A:12-1 pending against him/her and the Board shall take appropriate action. If the pending charges result in conviction, the member shall be disqualified from continued membership on the Board.

Prohibited Acts

"Business" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, political organization, or other legal entity but does not include a school district or other public entity.

"Interest" means the ownership of or control of more than ten percent of the profits, assets, or stocks of a business but does not include the control of assets in a labor union.

"Immediate family" means the person to whom the Board member is legally married and any dependent child of the Board member residing in the same household.

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Board Member Qualifications, Prohibited Acts
and Code of Ethics

No Board member or member of his or her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity that is in substantial conflict with the proper discharge of his or her duties in the public interest.

No Board member shall use or attempt to use his or her official position to secure unwarranted privileges, advantages, or employment for him or herself, members of his or her immediate family, or other.

No Board member shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or a business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her independence of judgment in the exercise of official duties.

No Board Member shall act in his or her official capacity in any matter where he or she or a member of his or her immediate family has a personal involvement that is or creates some benefit to the Board Member or to a member of his or her immediate family. No Board member shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of official duties.

No Board member or member of his or her immediate family or business organization in which he or she has an interest shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him or her, directly or indirectly, in the discharge of his or her official duties, except that the member may have solicited or accepted contributions to his or her campaign for election to public office if he or she had no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence him or her in the discharge of official duties. Board members may not accept offers of meals, entertainment or hospitality which are limited to clients/customers of the individual providing such hospitality. Board members may attend hospitality suites or receptions at conferences only when they are open to all persons attending the conference.

No Board member shall use, or allow to be used, his public office or any information not generally available to the members of the public which he or she receives or acquires in the course of and by reason of his or her office, for the purpose of securing financial gain for him or herself, any member of his or her immediate family, or any business organization with which he or she is associated.

No Board member or business organization in which he or she has an interest shall represent any person or party other than the Board of Education or this school district in connection with any cause, proceeding, application, or other matter pending before this school district or in any proceeding involving this school district, except that this provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities.

It is not a conflict of interest if, merely by reason of his or her participation in any matter voted upon by the Board, a Board member accrues material or monetary gain that is no greater than the gain that could reasonably be expected to accrue to any other member of the member's business, profession, occupation, or group.

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Board Member Qualifications, Prohibited Acts
and Code of Ethics

No elected Board member shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward, or other thing of value is promised to or given to or accepted by the member or a member of his or her immediate family, whether directly or indirectly, in return for the information so requested.

Nothing shall prohibit a Board member or members of his or her immediate family from representing him or herself or themselves in negotiations or proceedings concerning his or her or their own interests, except that Board members shall disqualify themselves from participating in negotiations and voting on collective bargaining agreements where their spouse or dependent children are members of the bargaining unit.

Each Board member shall annually, in accordance with N.J.S.A. 18A:12-25 and 18A:12-26, file a disclosure statement regarding potential conflicts of interest.

Ineligibility for District Employment

A Board member cannot be appointed to a paid office or position required to be filled by the Board, except where law permits or requires that the office or position be filled by a Board member, and is ineligible for appointment to a paid office or position in the district for at least six months after the member's retirement, resignation, or removal from Board membership.

Code of Ethics

In accordance with N.J.S.A. 18A:12-24.1, every Board member will abide by the following Code of Ethics. The Board member will:

- a. Uphold and enforce all laws, rules and regulations of the State Board of Education and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.
- b. Make decisions in terms of the educational welfare of children and seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, color, military service, marital or domestic partnership or civil union status, national origin, age, ancestry, nationality, sex, gender identity of expression, disability, affectional or sexual orientation, atypical cellular or blood trait, genetic information, r or social standing.
- c. Confine his/her Board action to policy making, planning and appraisal, and help to frame policies and plans only after the Board has consulted those who will be affected by them.
- d. Carry out his/her responsibility not to administer the schools, but together with fellow Board members, insure that they are well run.
- e. Recognize that authority rests with the Board of Education and make no personal promises nor take any private action that may compromise the Board.

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and Code of Ethics

- f. Refuse to surrender his/her independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.
- g. Hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals, or the schools. In all other matters, he/she will provide accurate information and, in concert with fellow Board members, interpret to the staff the aspirations of the community for its schools.
- h. Vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.
- i. Support and protect school personnel in proper performance of their duties.
- j. Refer all complaints to the chief administrative officer and act on the complaints at public meetings only after the failure of an administrative solution.

Each Board member is required to sign an acknowledgement that he/she received a copy, read and will become familiar with the Code of Ethics for School Board Members contained within N.J.S.A. 18A:12-21 et seq. The Board Secretary will provide each Board member with a copy of the Code of Ethics and the required acknowledgement on an annual basis and will maintain the original signed acknowledgement(s) in the Board Secretary's office.

The Board will receive a copy of and discuss the School Ethics Act and the Code of Ethics for School Board Members, pursuant to N.J.A.S. 12-21 et seq., at a regularly scheduled public meeting each year. The discussion may include presentations by school administrative staff, the Board attorney, Board members and/or other professionals familiar with the School Ethics Act and the Code of Ethics. In addition, the Superintendent or his/her designee shall keep the Board informed of decisions by the School Ethics Commission, the Commissioner of Education, the State Board of Education and the courts.

Oath of Office

Each Board member shall, before entering upon the duties of the office, swear or affirm under oath that he or she qualifies for membership and will faithfully discharge the duties of the Office of Board member.

N.J.S.A. 18A:12-1; 18A:12-1.1; 18A:12-2; 18A:12-2.1;
18A:12-21 through 12-34; 41:1-3
N.J.A.C. 6A:32-3.2

School Ethics Commission Policy Guideline 1.

Cross References: 0143, 1540

Previous Adoptions: November 3, 2003 & November 21, 2011

First Reading: June 20, 2016

Second Reading: July 18, 2016

Latest Adoption: July 18, 2106

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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NEPOTISM
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0142.1 NEPOTISM

The Board of Education adopts this Policy in accordance with the requirements of N.J.A.C. 6A:23A-6.2.

For the purposes of this policy, "relative" shall be defined in accordance with N.J.S.A. 52:13D-21.2 and N.J.A.C. 6A:23A-1.2 and shall mean an individual's spouse, civil union partner pursuant to N.J.S.A. 37:1-33, or domestic partner pursuant to N.J.S.A. 26:8A-3, or the individual's or spouse's or civil union or domestic partners' parent, child, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother or half sister, whether the relative is related to the individual or the individual's spouse civil union partner or domestic partner by blood, marriage, or adoption.

For purposes of this policy, "administrator" is defined as set forth in N.J.S.A. 18A:12-23.

No relative of a Board member or administrator may be employed in an office or position in the school district except that a person employed by the school district on the effective date this policy is adopted by the Board or the date a relative becomes a Board member or administrator shall not be prohibited from continuing to be employed or promoted in the person's current district.

No relative of an individual currently employed by the district may be hired by the district unless the Superintendent of Schools, as part of the recommendation for hire submitted to the Board, includes a statement of reasons sufficient to justify the hiring. This requirement shall not apply to those individuals currently employed by the district on the date this policy goes into effect.

The Superintendent of Schools is prohibited from recommending to the Board, pursuant to N.J.S.A. 18A:27-4.1, any relative of a Board member or administrator. However, in accordance with N.J.A.C. 6A:23A-6.2(a)2, the district may employ a relative of a Board member or Superintendent of Schools provided the district obtains the approval from the Executive County Superintendent of Schools. Such approval shall be granted only upon demonstration by the school district that it conducted a thorough search for candidates and that the proposed candidate is the only qualified and available person for the position.

In accordance with N.J.A.C. 6A:23A-6.2(a)6 .(b), per diem substitutes and student employees who are relatives of a Board member or the Superintendent of Schools shall be excluded from the provisions of this Policy and N.J.A.C. 6A:23A-6.2.

A school district administrator is prohibited from exercising direct or indirect authority, supervision, or control over a relative of the administrator. Where it is not feasible to eliminate such a direct or indirect supervisory relationship, appropriate screens and/or alternative supervision and reporting mechanisms must be put in place.

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NEPOTISM

A school district administrator or Board member who has a relative who is a member of the bargaining unit is prohibited from discussing or voting on the proposed collective bargaining agreement with that unit or from participating in any way in negotiations, including but not limited to, being a member of the negotiating team; nor should that school district administrator or Board member be present with the Board in closed session when negotiation strategies are being discussed; provided however, that the administrator may serve as a technical resource to the negotiating team and may provide technical information necessary to the collective bargaining process when no one else in the district can provide such information.

A school district administrator or Board member who has a relative who is a member of the same Statewide union in another district is prohibited from participating in any way in negotiations, including but not limited to, being a member of the negotiating team or being present with the Board in closed sessions when negotiation strategies are being discussed, prior to the Board attaining a tentative memorandum of agreement with the bargaining unit. That includes a salary guide and total compensation package. Once the tentative memorandum of agreement is established, a school district administrator or Board member with an immediate family member who is a member of the same Statewide union in another district may fully participate in the process, absent other conflicts. Notwithstanding these provisions, a district administrator who has a relative who is a member of the same statewide union in another district may serve as a technical resource to the negotiating team and may provide technical information necessary to the collective bargaining process when no one else in the district can provide the information.

In determining when it is appropriate not to participate in negotiations, Board members will be further guided by the general requirements of the School Ethics Act, and will strive to avoid both actual conflicts of interest and the appearance of a conflict of interest.

In accordance with N.J.S.A. 18A:55-3, the Commissioner may withhold State aid from school districts that have not demonstrated compliance with this policy.

N.J.A.C. 6A:23A-6.2

N.J.A.C. 6A:10A:4.1(g), N.J.S.A. 18A:12-23; N.J.A.C. 6A:28-1.2; N.J.S.A. 52:13D-21.2;

N.J.A.C. 6A:23A-1.2.

N.J.S.A. 37:1-33, N.J.S.A. 26:8A-3

First Reading: March 22, 2010

Second Reading: April 19, 2010

Adopted: April 19, 2010

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Board Member Election and Appointment

0143 BOARD MEMBER ELECTION AND APPOINTMENT

The election and appointment of Board of Education members will be conducted in strict compliance with law.

A vacancy in the membership of a regional Board of Education shall be filled in accordance with N.J.S.A. 18A:13-11. A vacancy shall be filled from the constituent districts represented by the former incumbents in the same manner as vacancies in the membership of Boards of Education of Type II districts having elected Board of Education are filled.

A vacancy in the membership of a Board of Education shall be filled as follows:

1. By the Executive County Superintendent, if the vacancy is caused by:
 - a. The absence of candidates for election to the school Board; or
 - b. The removal of a member because of lack of qualifications; or
 - c. The failure of the Board to appoint a person to a vacancy within sixty-five days following its occurrence; or
 - d. Two or more candidates qualified by law for membership on the Board receiving an equal number of votes in a special runoff election.
2. By the Executive County Superintendent, to a number sufficient to make up a quorum of the Board if, by reason of vacancies, a quorum is lacking;
3. By special election within sixty days of the annual school election, if;
 - a. Two or more candidates qualified by law for membership on the school Board receive an equal number of votes in the annual school election; or
 - b. The annual election is disqualified due to improper campaign practices; or
4. By the Commissioner if there is a failure to elect a member at the annual school election due to improper campaign practices; or
5. By a majority vote of the remaining members of the Board of Education after the vacancy occurs in all other cases.

The Board Secretary shall promptly notify the President of a vacancy to be filled by the Board. The President shall inform all other Board members. The Board will give public notice of the vacancy and invite any qualified person to submit a written request for consideration of his/her candidacy for the vacancy. The Board may also require candidates submit a resume with their written request.

In considering candidates who have expressed an interest in a vacancy, the Board of Education may interview candidates in public or executive session. The Board must vote to appoint a candidate to a vacancy in public session and there shall be no decisions made in executive session. In the event interviews are conducted in executive session, Board members, in the public session nomination and voting process, shall express their opinion in support of their vote so the public can witness any deliberations, policy formulation and the decision making process of the Board.

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Board Member Election and Appointment

A roll call vote will be conducted on candidates in the order the candidates were nominated with a second. If there are two or more vacancies, each vacancy will be filled by a separate election process. The first candidate who receives the votes of a majority of the remaining Board members will be elected to the vacancy. In the event no candidate receives a majority vote of the remaining Board members, another election process shall be conducted between the two candidates receiving the highest number of votes.

N.J.S.A. 18A:12-11; 18A:12-15;
N.J.S.A. 18A:13-15; 18A:13-10; 18A:13-11

Cross References: 0141, 0142

Initial Adoption: April 2, 2001

First Reading: June 16, 2014

Second Reading: July 28, 2014

Latest Adoption: July 28, 2014

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Board of School Estimate

0143.1 BOARD OF SCHOOL ESTIMATE

The South Orange and Maplewood School is a Type II School District with the unique arrangement of having a Board of School Estimate. The Board of School Estimate is charged with approving all budgets for the school district. The Board of School Estimate is composed of three representatives of the Village Trustees of the Township of the Village of South Orange, appointed by a majority of the Village Trustees, three representatives of the Township Commission of the Township of Maplewood, appointed by a majority of the Commission and two representatives of the South Orange and Maplewood Board of Education, appointed by a majority of the Board.

Cross References: 0110, 0153

First Reading: March 12, 2001

Second Reading: March 19, 2001

Adopted: April 2, 2001

0143.2 STUDENT REPRESENTATIVE TO BOARD OF EDUCATION

The Board of Education believes that having student representation on the Board of Education is consistent with and promotes the mission of the South Orange and Maplewood School District. To this end, the Board authorizes the appointment of a non-voting student member to be seated with the Board and to participate in public deliberations. Additionally, the Board authorizes the appointment of an alternate, who will serve as a non-voting student member of the Board in the absence of the student representative

Qualifications

The individual candidate for student representative and student representative alternate to the Board shall:

1. Be members of the Columbia High School student body in grades 9 to 11;
2. Acquire signatures from at least ten (10) teachers or staff members, as well as seventy five (75) students and one (1) member of the Board of Education; and
3. Have attended school in the district for at least two (2) years.

Term

The term of the student representative shall be for one (1) year.

Election

The student representative shall be elected by the student body at large, and shall attain a plurality of the votes in the election. The election shall occur on the same date as the election for Student Council officers at the High School. In the event of a contested election for student representative, the candidate receiving the second highest number of votes shall become the student representative alternate. The student representative shall not be required to serve as a student Council Officer. If there are insufficient candidates for student representative so that no candidate is elected as an alternate, an alternate may be appointed at the discretion of the superintendent.

Duties and Responsibilities

The student representative will receive a copy of the public Board agenda. The student representative to the Board shall sit with the Board at all public meetings, including regularly scheduled meetings, workshops and special Board meetings, and participate in discussions at such meetings at the discretion of the Board President. The student representative shall not be present at nor participate in Executive Session meetings of the Board, nor participate in any discussions pertaining to any matter which the Open Public Meetings Act permits the Board to discuss in Executive Session.

The student representative shall be held to the same code of ethics as elected and appointed members of the Board. The student representative shall be expected to regularly attend public meetings of the Board. Absence from three (3) consecutive meetings by both the student representative and his or her alternate may result in the student representative being removed from his or her position, and a replacement appointed at the discretion of the Superintendent. The student representative will be expected to adhere to all bylaws, policies and regulations of the Board.

It will be the responsibility of the student representative to periodically update the Board on school activities; to represent the viewpoint of the student body; suggest through appropriate channels additional Board agenda items; serve on Board committees at the discretion of the Committee Chairperson; and to perform such other duties as determined by the Board President in consultation with the Superintendent.

Previously Adopted: October 15, 2007 & August 27, 2012

First Reading: June 16, 2014
Second Reading: July 28, 2014
Latest Adoption: July 28, 2014

0144 BOARD MEMBER ORIENTATION

The preparation of each member for the performance of Board of Education duties is essential to the proper functioning of the Board. The Board encourages each new Board member in the acquisition of information about school district governance, the separate functions of the Board and the Superintendent, the operations of the district, and Board procedures.

The Board directs that each new member receive, for use during the member's term of office, the Board manual of bylaws and policies, each negotiated agreement, the current budget statement and audit report, and such other materials as deemed appropriate by the Superintendent.

The Board President, Superintendent, and the Board Secretary shall meet and discuss the Board functions, policies and procedures with each new Board member.

Each new Board member shall complete during the first year of his or her term the training program offered by the New Jersey School Boards Association regarding the skills and knowledge necessary to serve as a Board member.

N.J.S.A. 18A:12-33

First Reading: March 12, 2001
Second Reading: March 19, 2001
Adopted: April 2, 2001

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Board Member Resignation and Removal

0145 BOARD MEMBER RESIGNATION AND REMOVAL

The membership of a Board of Education member shall terminate immediately upon:

1. The cessation of the member's bona fide residency in the school district the member represents; or
2. The member's election or appointment to a governing body of South Orange or Maplewood; or
3. The member's disqualification from voting pursuant to N.J.S.A. 19:4-1; or
4. The member's conviction for false swearing for having falsely affirmed or declared that he or she is qualified to vote; or
5. The removal of the member by the Commissioner of Education.

A member who fails to attend three consecutive regular meetings of the Board without good cause may be removed from office on the affirmative votes of six of the remaining Board members, provided that:

1. The member's removal was proposed at the immediately previous Board meeting; and
2. Notice of the proposed removal was given to the affected member at least twenty-four hours in advance of the meeting at which the vote will be taken.

N.J.S.A. 18A:12-2; 18A:12-3; 18A:12-29

Cross References: 0142, 0142.1, 0143

First Reading: March 12, 2001
Second Reading: March 19, 2001
Adopted: April 2, 2001

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Board Member Authority

0146 BOARD MEMBER AUTHORITY

The Board of Education's authority and powers reside only in the collective body and not in its individual members. No Board member by virtue of his/her office shall exercise any administrative responsibility with respect to the operation of the school district or as an individual command the services of any school district employee.

Release of Information

Board member access to public, personnel, and pupil records shall be governed by law and by the provisions of Policy Nos. 8310, 8320, and 8330.

Confidential information to which a Board member becomes privy as a result of his or her office shall be used only for the purpose of helping the member discharge his or her responsibilities as Board member. No Board member shall reveal information contained in a confidential record or received during a duly convened private session of the Board except when that information has been released to the public by the Board.

No portion of the records of the district as pertain to employees or pupils shall be public record except as provided by law.

No working papers, internal memoranda or other documents generated by members of the Board of Education or members of the district staff shall be public documents or open to inspection by the public except by specific approval of the Board.

Public Expressions

Board members are entitled to express themselves publicly on any matter, including issues involving the Board and the school district. Individual Board members cannot, however, express the position of the Board except as expressly authorized, in accordance with Board Policy No. 9120. A Board member shall not represent his or her personal opinion as the position of the Board and shall include in all formal expressions in which his or her Board affiliation is likely to be recognized, such as letters to government officials or newspapers, speeches to organizations, and the like, a statement that the opinions expressed do not necessarily represent those of the Board.

N.J.S.A. 18A:11-1

Cross References: 0120, 0142.1

First Reading: March 12, 2001

Second Reading: March 19, 2001

Adopted: April 2, 2001

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Board Member Compensation and Expenses

0147 BOARD MEMBER COMPENSATION AND EXPENSES

THIS POLICY HAS BEEN REPEALED. REFER TO POLICY 6471.

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Board Member Indemnification

0148 BOARD MEMBER INDEMNIFICATION

The Board of Education shall indemnify Board members in accordance with law whenever a civil, administrative, criminal or quasi-criminal action or other legal proceeding has been or shall be brought against a Board member for any act or omission arising out of and in the course of the performance of his/her duties as a Board member. In the case of a criminal or quasi-criminal action resulting in a final disposition in favor of the Board member, the Board will assume all costs of defending the action, including reasonable counsel fees and expenses, together with costs of appeal, and will save harmless and protect the Board member from any financial loss resulting from the action.

Indemnification for exemplary or punitive damages is not required and will be governed by the standards and procedures set forth in N.J.S.A. 59:10-4. The Board of Education may indemnify a Board member for exemplary or punitive damages resulting from the Board member's civil violation of State or federal law if, in the opinion of the Board, the acts committed by the Board member upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong. The Board may determine to indemnify Board members in these instances on a case-by-case basis, taking into account the Board's prior practices and the good faith of the particular Board member for whom indemnification is considered.

The Board may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

N.J.S.A. 18A:11.1, 18A:12-20;
18A:16-6; 18A:16-6.1;
18A:18A-46; 18A:18A-47

Cross Reference: 8750

First Reading: October 7, 2002
Second Reading: October 21, 2002
Adopted: October 21, 2002

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Organization Meeting

0151 ORGANIZATION MEETING

The Board of Education shall organize annually at a regular meeting held in all Type II school districts with an April school election, on any day during the first or second week following the April school election or with a November school election, on any day of the first week in January.

If the organization meeting cannot take place on the date(s) above by reason of lack of quorum or for any other reason, said meeting shall be held within three days thereafter.

The meeting shall be called to order by the School Business Administrator/Board Secretary, who shall serve as presiding officer pro tempore until the election of a President.

The Board Secretary shall administer the oath of office to new Board members.

N.J.S.A. 18A:10-3; 18A:10-5
N.J.S.A. 41:1-1; 41:1-3

Cross References: 0152, 0153, 0154, 0164

Previous Adoption: April 2, 2001

First Reading: February 23, 2015
Second Reading: March 16, 2015
Latest Adoption: March 16, 2015

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Board Officers

0152 BOARD OFFICERS

The Board of Education shall organize by electing three different members as President, First Vice President and Second Vice President.

Any member may place a member's name in nomination; a second is not required. Election for each office will be conducted by roll call vote when the nominations for that office are closed. The candidate receiving the votes of a majority of Board members present and voting will be elected to office. In the event no candidate receives a majority of the votes cast, a second election shall be conducted between the two candidates receiving the highest number of votes.

Officers shall serve for one year and until their respective successors are elected and qualified.

An officer who refuses to perform a duty imposed upon him or her by law may be removed by a two-thirds majority vote of the full Board.

The Board shall fill a vacancy in any office within thirty days of the occurrence of the vacancy.

N.J.S.A. 18A:15-1; 18A:15-2
N.J.A.C. 6:56-1.1

Cross References: 0151, 0153, 0154, 0171

First Reading: March 12, 2001
Second Reading: March 19, 2001
Adopted: April 2, 2001

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Annual Appointments

0153 ANNUAL APPOINTMENTS

The Board of Education may appoint at the organizational meeting, but shall appoint before July 1 of the year in which the Board organizes:

1. A Board Secretary, N.J.S.A. 18A:17-2, 17-5;
2. A Treasurer of School Moneys, N.J.S.A. 18A:17-31;
3. A public school accountant, N.J.S.A. 18A:23-1;
4. A medical inspector, N.J.S.A. 18A:40-1;
5. A psychological examiner, N.J.S.A. 18A:46-11;
6. A member to serve as delegate to the New Jersey School Boards Association, N.J.S.A. 18A:6-46;
7. An attendance officer, N.J.S.A. 18A:38-32;
8. Attorneys as needed;
9. A member to serve as delegate to the Essex County School Boards Association;
10. A member to serve as delegate to the Essex County Educational Services Commission;
11. Members to serve on Standing Committees of the Board;
12. Delegates to other associations as shall be determined annually by the Board of Education; and
13. Affirmative Action/Title IX/Section 504/ADA officer(s).

The Board shall appoint annually in January two of its members to serve on the Board of School Estimate and shall thereafter fill any vacancies immediately.

Cross References: 0143.1, 0151, 0152, 0154

First Reading: March 12, 2001
Second Reading: March 19, 2001
Adopted: April 2, 2001

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Annual Motions and Designations

0154 ANNUAL MOTIONS AND DESIGNATIONS

The Board of Education shall at the organizational meeting:

1. Designate one or more depositories for school funds,
N.J.S.A. 17:9-9; 18A:17-34;
2. Designate those persons authorized to sign school warrants, N.J.S.A. 18A:19-1;
3. Designate the official newspaper,
N.J.S.A. 18A:14-19; 18A:22-11; 18A:39-3;
4. Designate a second newspaper for the publication of Board meetings,
N.J.S.A. 10:4-8;
5. Designate the day, place, and time for regular meetings of the Board;
6. Approve the curriculum for all grades;
7. Readopt existing bylaws and policies for the Board's operation and the operation of the school system;
8. Approve a list of the types of pupil records that professional employees are authorized to collect and maintain;
9. Adopt a calendar for the Board's guidance in taking action and making and receiving reports; and
10. Approve textbooks.

Cross References: 0151, 0152, 0153, 0161, 0162, 0168, 8330

First Reading: September 8, 2003
Second Reading: November 3, 2003
Adopted: November 3, 2003

0155 BOARD COMMITTEES

Standing Committees

The Board may authorize the establishment of such standing committees from among its membership as it finds necessary and to explore and present options for Board action. The following rules will govern the appointment and function of such committees:

1. The committee shall be established through action of the Board.
2. The committee chairperson and members shall be appointed by the Board President. All committee appointments shall be approved by the Board.
3. The committee shall be provided with a list of its functions and duties.
4. The committee may make recommendations for Board action, but it may not act for the Board.
5. The Board President and Superintendent shall be ex officio members of all standing committees.
6. All standing committees shall be dissolved automatically at the end of the Board's year--at the annual organizational meeting. They may also be dissolved at any time by a motion of the Board.

Special Committees

Special committees may be created for special assignments, drawing only upon sitting members of the Board. The same rules shall apply to special committees as apply to standing committees, except that they shall be dissolved by Board resolution upon completion of their assignment.

Committee Meetings

Assuming no quorum is present, committee meetings shall not be open to the public, except that a majority of the committee or the chairperson may open the meeting to the public or invite persons whose knowledge or expertise may be useful to the committee.

Committee of the Whole

The Board reserves the right to meet and work as a committee of the whole in informational, discussion, and exploratory sessions. No official action shall be taken at these meetings, unless so advertised.

N.J.S.A. 10:4-6; 18A:11-1

Cross Reference: 0171

First Reading: March 12, 2001
Second Reading: March 19, 2001
Adopted: April 2, 2001

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Board Member Compensation and Expenses

0516 BOARD LIASONS TO DISTRICT SCHOOLS

THIS POLICY HAS BEEN REPEALED. (REFER TO POLICY 0156.1.)

0156.1 – BOARD REPRESENTATIVES

Guidelines for Board Liaisons to District Schools

The role of Board Liaisons to district schools is to improve communication between the Board and the parent community. Board members who are appointed to serve as liaisons to district schools are expected to familiarize themselves with their assigned school and be visible to the parent community. Board liaisons to district schools are also expected to communicate and build an understanding of Board initiatives through the sharing of school news and information. Board liaisons are not advocates for their particular assigned schools; rather the main intent of this role is to inform parents of Board actions and activities.

In order to promote a consistent Board presence across the school district, the following procedures are recommended.

1. Board liaisons should arrange an orientation meeting in September at the beginning of the school year with the building principal to discuss the principal's vision for the school and what s/he sees as challenges and opportunities. A building tour should be part of the initial meeting.
2. Board liaisons should be introduced to the building's P. T.A./Home and School Association leadership to clarify the representative's role. Parents should be reminded to use the established process of working with building/school administrators prior to bringing issues to the attention of the Board.
3. The Communications Committee will write and submit a monthly message for the schools' newsletter to report on Board activities.
4. Board liaisons should receive a calendar of school events, announcement of activities, and be invited to attend such events. Board liaisons who cannot attend school events may ask another Board member to attend in their stead.

The Superintendent shall notify principals and co-presidents of the PTA Presidents' Council on a yearly basis of board members assigned to respective district schools.

First Reading: June 19, 2006

Second Reading: August 28, 2006

Issued: August 28, 2006

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Call, Adjournment and Cancellation

0161 CALL, ADJOURNMENT AND CANCELLATION

The Board of Education shall meet in public session at least once every two months during the period in which the schools are in session.

All meetings shall be called to commence not later than 8:00 p.m. of the day designated.

The Board may at any time recess or adjourn to an adjourned meeting at a time, date, and place announced before the adjournment takes place. The adjourned meeting shall take up its business at the point in the agenda where the motion to adjourn was passed.

When circumstances are such as to prevent the attendance of a majority or all of Board members or to frustrate the purpose of the meeting, a meeting may be canceled by the Board Secretary at the request of the President. Notice of the cancellation shall be given, by expedient means, to all Board members, to the Superintendent, and, whenever possible, to the newspapers in which notice of Board meetings is regularly given. If possible, written notice of the cancellation shall also be posted at the place where the canceled meeting was scheduled to occur. Notice of the cancellation shall include the date, time, and place of the next scheduled meeting. Notice of the cancellation shall be read at the next following Board meeting and shall be duly recorded in the official minute book.

Special Meetings

Special meetings shall be called by the Secretary of the Board of Education whenever requested by the President of the Board to do so (or in his absence or illness by either Vice President) or whenever there shall be presented to such Secretary a petition signed by a majority of the whole number of members of the Board requesting the calling of such special meeting, or whenever ordered by resolution of the majority of the Board.

The object of the special meeting shall be stated in the call and no other business shall be transacted at the meeting.

N.J.S.A. 18A:10-6
N.J.A.C. 6:3-1.2

Cross References: 0162, 0163

First Reading: March 12, 2001
Second Reading: March 19, 2001
Adopted: April 2, 2001

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Notice of Board Meetings

0162 NOTICE OF BOARD MEETINGS

The Board of Education will give notice of all meetings in accordance with law.

Public Notice

Annual notice of the year's regular meeting schedule shall be posted publicly in the Board office, delivered to two newspapers designated by the Board, and filed with the clerks of South Orange and Maplewood within seven (7) days of the annual reorganization meeting, to the extent that it is known at that time. Any revisions to the schedule shall be noticed in the same way within seven (7) days of the revision. The schedule of meetings shall be posted and maintained throughout the year.

The Board Secretary shall notify, in writing and no later than forty-eight hours in advance of the meeting, each Board member and each person who has duly requested such notification of the time, date, location, and, to the extent it is known, the agenda of any regular, special, or rescheduled meeting. Forty-eight (48) hour notice shall also be posted in the Board Office, delivered to two newspapers designated by the Board, and filed with the clerks of South Orange and Maplewood, except that forty-eight (48) hour notice is not required where the time, date, and location of the meeting has been published in the annual list of meetings approved by the Board in accordance with law.

Upon the affirmative vote of three-quarters of the members present, the Board may meet in the absence of adequate notice, provided that discussion and action is limited to specific and unforeseen or unforeseeable matters of such urgency and importance that delay for the provision of notice would be likely to result in substantial harm to the public interest and that notice is given as soon as possible after the call of the meeting in accordance with the provisions of law and this bylaw.

Personal Notice of Meeting

The Board shall provide personal notice in writing to an adult pupil, the parent or legal guardian of a minor pupil, an employee or officer of this district, or a prospective employee whose privacy may be invaded or whose employment may be affected by the Board's deliberations in private session. Such personal notice will include the date and time of the private meeting, the subject or subjects scheduled for discussion at the private meeting, and the right of the individual given notice to request that the discussions be conducted at a public meeting. Reasonable effort shall be made to ensure that personal notice will be given no less than three (3) days in advance of the private meeting.

A written request for public discussion must be signed by the person making the request and must be submitted to the Board Secretary prior to the commencement of the meeting. Any such properly submitted request will be granted as appropriate. In the event that one or more, but fewer than all, of a group of persons whose employment will be discussed request a public meeting, the discussion regarding the person or persons who have submitted the request will be severed from the rest and will be conducted publicly.

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A discussion held in public by reason of the written request of an individual will be conducted at a regularly scheduled meeting for which annual notice has been given or at a meeting for which adequate public notice has been given in accordance with law.

Nothing in this bylaw will permit an employee to request or the Board to grant the public discussion of tenure charges or permit the public disclosure of information regarding a disabled pupil.

N.J.S.A. 10:4-6 et seq.; 10:4-8d; 10:4-9b
N.J.S.A. 18A:6-11; 18A:10-6
N.J.A.C. 6:3-1.2

Cross References: 0154, 0161, 0164

First Reading: March 12, 2001
Second Reading: March 19, 2001
Adopted: April 2, 2001

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0163 QUORUM

A quorum shall consist of five (5) Board members, and no business shall be conducted in the absence of a quorum, except when the Doctrine of Necessity is invoked.

In the event a quorum is not present at the hour of convening, the meeting may be recessed to a time not later than 9 o'clock p.m. of the same day. If a quorum is not then present, the members present may adjourn the meeting to a later date within seven (7) days.

The Board of Education recognizes that there may be matters that come before the Board or acts required of Board members in their official capacity where the Board member may be have a conflict of interest or the act would be in violation of N.J.S.A. 18A:12-24. In these matters, the Board member(s) will remove himself/herself from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter. The Board will consider this matter without the Board member(s) who has the conflict.

In the event a matter comes before the Board or an act is required of a Board member in his/her official capacity that is a conflict or would be in violation of N.J.S.A. 18A:12-24, the Board would still be required to have a quorum to consider the matter. However, the New Jersey Department of Education and the School Ethics Commission have envisioned this prohibition could create a situation in which so many Board members have a conflict, that the Board would be unable to take action on a matter. Therefore, when a quorum or more of the Board members must abstain from voting on a matter, the Board will invoke the Doctrine of Necessity consistent with the New Jersey Department of Education and School Ethics Commission guidelines as follows:

A. Board Member(s) in Conflict - Less Than a Majority of The Board

1. In the event a Board member(s) has a conflict of interest where the Board member will act in his/her official capacity, the Board member must remove himself/herself from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter.
2. In the event a Board member is unsure whether he/she or any other Board member has a conflict of interest or whether the matter, if acted upon by a Board member(s) is in violation of N.J.S.A. 18A:12-24 - Prohibited Acts, the school board attorney will make a determination.
3. The school board attorney will provide the Board of Education an opinion on whether the matter is a conflict of interest or act prohibited by N.J.S.A. 18A:12-24 - Prohibited Acts.

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4. If the Board member(s) believes he/she has a conflict of interest where he/she will act in his/her official capacity or if the school board attorney renders an opinion that the Board member has a conflict of interest where the Board member will act in his/her official capacity, the Board member will remove himself/herself from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter.
- B. A Majority of Board Members in Conflict
1. In the event:
 - a. A Board member(s) believes he/she has a conflict of interest where he/she will act in his/her official capacity; or
 - b. If the school board attorney renders an opinion that the a Board member(s) has a conflict of interest where the Board member will act in his/her official capacity; and
 - c. The number of Board members that have a conflict would make it so the Board would be unable to take action on matter,

then the Board may invoke the "Doctrine of Necessity," thus allowing conflicted members to vote. (Citing U.S. v. Will, 449 U.S. 200 (1980)).
- C. Doctrine Of Necessity
1. The Doctrine of Necessity may be invoked when a quorum or more of the Board must abstain from voting on a matter.
 2. There are three prerequisites necessary for a Board to invoke the Doctrine of Necessity:
 - a. The Board must be unable to act without the members in conflict taking part; and
 - b. There must be a pressing need for action, i.e. the matter cannot be laid aside until another date; and
 - c. There can be no alternative forum that can grant the same relief. (Allen v. Toms River Regional Board of Education, 233 N.J. Super 651 (Law Division 1989)).

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3. When the school board attorney advises the Board the Doctrine of Necessity must be invoked in order to obtain a quorum on a vote, the Board must announce that it is invoking the Doctrine.
 - a. The announcement must include the reason the Board must invoke the Doctrine of Necessity including stating the nature of each Board members conflict.
 - b. The announcement will be recorded in the minutes of the meeting by the Board Secretary at the point when the vote takes place.
 - c. It is enough for the Board to announce it is invoking the Doctrine and a Board Resolution is not required.
4. When the Board announces the Doctrine of Necessity is being invoked, the details, parameters and/or other pertinent facts of the matter to be voted should be revealed on an agenda for the public meeting in which the matter is to be voted upon.
5. The Board members who have a conflict in the matter are prohibited from:
 - a. Participating in any discussions on the matter prior to the announcement and public meeting; and
 - b. From entering an executive session in order to discuss the merits of the matter or contract; and
 - c. From offering their opinions on the matter at any time prior to the announcement and public meeting.
6. The Board members who have a conflict in the matter may only participate to the extent they may vote after the motion to approve and/or ratify the matter has been made and seconded and the Doctrine of Necessity has been thoroughly explained to the public.
7. Board members in conflict may only ask questions regarding the matter to be voted on in public and after the Board has invoked the Doctrine of Necessity.
8. Board members in conflict may explain their reasons for not voting just before the vote.

N.J.S.A. 18A:12-24
New Jersey School Ethics Commission Advisory Opinion A10-93(b)
and A07-94; A08-96; A38-95.

Cross References: 0151, 0152, 0161
First Reading: March 12, 2001
Second Reading: March 19, 2001
Adopted: April 2, 2001

0164 CONDUCT OF BOARD MEETINGS

Parliamentary Authority

Roberts' Rules of Order, Newly Revised, shall govern the Board of Education in its deliberations and acts in all cases in which it is consistent with statutes of the State of New Jersey, rules of the State Board of Education, or these bylaws.

Presiding Officer

The President shall preside at all meetings of the Board. In the absence, disability, or disqualification of the President, the First Vice President shall act in his or her place. If neither the President nor the First Vice President is present, then the Second Vice President shall preside. If no officer is present, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

Type of Board Meetings

Pursuant to the Open Public Meetings Act, the Board may schedule three types of meetings: regularly scheduled public meetings, special meetings and emergency meetings. Regularly public meetings are scheduled and noticed at the organization meeting at the beginning of the Board year. Special meetings require public notice at least 48 hours prior to the scheduled meeting. The public notice must state specifically what topics will be discussed and whether action will be taken. The presiding officer shall commence each adequately noticed meeting by announcing that adequate notice has been provided and specifying the time, place and manner of the notice.

Emergency Meetings

When adequate public notice cannot be provided, the Board may conduct an emergency meeting if the following requirements are met. When adequate notice has not been provided, the presiding officer shall so state, and additionally state:

1. the nature of the matter which impels the calling of a meeting without adequate notice; and
2. the nature of the substantial harm to the public interest likely to result from a delay in holding the meeting; and
3. that the meeting will be limited to discussion of and action on the matter described in #1 and #2 above; and
4. the time, place and manner in which some notice of the meeting has been provided; and
5. either of the following:
 - a. that the need for such a meeting could not reasonably have been foreseen at a time when adequate notice could have been provided and why this was so, or

- b. that such need could reasonably have been foreseen in time for adequate notice, but nevertheless, such notice was not provided and the reasons why.

Statements concerning the provision of adequate notice, or the lack thereof, shall be entered into the minutes of the meeting.

Agenda

The Superintendent or designee, the Board Secretary and the Board President shall prepare an agenda of items of business to come before the Board at each meeting. The agenda shall be delivered to each Board member no later than seven (7) calendar days before the meeting and shall include such reports and supplementary materials as are appropriate. Fiscal and personnel resolutions may be added or updated as needed prior to the meeting; changes shall be clearly marked. The Board President may authorize any extraordinary exceptions to the seven-day requirement. The Board shall follow the order of business set up by the agenda unless the order is altered by the consent of the majority of the members present and voting.

Items of business suggested by any Board member, staff member, or citizen of the district may be included at the discretion of the Superintendent and Board President. The Board President shall place on the agenda any item of business suggested by two or more Board members, provided that it does not require the preparation of supporting documentation.

Provision may be made for the introduction of business not on the agenda when the matter is of such urgency or wide interest that delaying consideration of it to the next meeting would not be in the public interest, or when it is necessary to bring closure to an issue or to give direction to the administration and delaying such would not be in the interest of efficient running of the meeting or efficient administration. Such an issue may be brought forward by a motion of a Board member, a second and a majority vote by attending members of the Board.

The order of business for a regularly scheduled public meeting shall be as follows:

- Call to Order
- Announcement of Notice
- Roll Call
- Pledge of Allegiance
- Approval of Minutes
- Hearing of Individuals and Delegations
- Presentations
- Action Items
- New Business
- Hearing of Individuals and Delegations
- Future Public Board Meetings
- Adjournment

In addition to its regularly scheduled public meetings, the Board may meet in public workshop session or adjourn to closed session for purposes outlined in Bylaw 0166. The order of business for these publicly noticed meetings of the Board shall be as follows:

Call to Order
Announcement of Notice
Roll Call
Workshop Session or Adjournment to Closed Session
Return to Public Session from Closed Session
Action Items
Adjournment

Request to be Placed on Presentations Section of Board Agenda

Any person desiring to be placed formally on the Board of Education Agenda shall give notice of the request by contacting the Secretary of the Board in writing. Notice shall be given at least seven days prior to a regularly scheduled meeting of the Board.

The notice shall set forth a description of the topic or subject to be discussed, the length of time required and identify any audio-visual or other equipment necessary for the presentation. A person's presentation shall be limited to fifteen minutes unless otherwise approved by the Board Chairperson.

The Board President has discretion on whether to grant a person's request to be placed on the agenda. The individual will be so informed several days prior to the Board meeting.

If a request is granted, the person shall address the Board during the formal "Presentations" section of the Board meeting.

Any person wishing to address the Board to register a concern, seek a service or ask for a change of service should sign up for the "Hearings of Individuals and Delegations" section of the agenda and follow the procedures established in policy 0167, Public Participation in Board Meetings.

Development of Changes to District Operations

Any major new change to district operations requiring Board approval may be adopted at any meeting of the Board, provided the proposed adoption has been proposed and discussed at a previous meeting of the Board. The Board President, in consultation with the Superintendent, shall determine whether a proposed resolution is a "major change to district operations."

N.J.S.A. 10:4-10; 18A:16-1.1

Cross References: 0161, 0166, 0167, 0171

First Reading: November 17, 2003

Second Reading: January 5, 2004

Adopted: January 5, 2004

0164.1 ANNUAL AGENDA PLANNING

To accomplish its stated objectives, the Board will follow an Annual Agenda Planning Calendar. The calendar will schedule development, review, monitoring and refinement of district and Board goals, Superintendent evaluation, district policies, meetings with community and other groups, and activities to improve Board governance through education and deliberation.

First Reading:	December 15, 2008
Second Reading:	January 12, 2009
Adopted:	January 12, 2009

0165 VOTING

All Board of Education actions requiring a vote may be conducted by voice, show of hands, or roll call provided that the vote of each member is recorded in the minutes of the meeting. Proxy voting shall not be permitted.

Abstentions shall not be counted as votes but shall be recorded.

All motions shall require for adoption the majority vote of Board members present and voting, except as provided by statutes of the State of New Jersey, this bylaw, or parliamentary authority and provided that the number of affirmative votes is at least a majority of the Board's quorum.

1. The affirmative votes of three-quarters of the members present are required for the conduct of a Board meeting when adequate notice has not been provided in accordance with law, N.J.S.A. 10:4-9;
2. A two-thirds vote of the full membership of the Board is required for:
 - a. Bids that have been advertised pursuant to N.J.S.A. 18A:18A-4 on two occasions and;
 - (1) No bids have been received on both occasions in response to the advertisement; or
 - (2) The Board of Education has rejected such bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the Board prior to the advertising therefore, or have not been independently arrived at in open competition; or
 - (3) On one occasion no bids were received pursuant to #(1) and on one occasion all bids were rejected pursuant to #(2), in whatever sequence; any such contract may then be negotiated.
 - b. Purchase of goods also available under state contract when the Board has received at least three quotations and the lowest responsible quotation is at least ten percent less than the price under the state contract for the identical goods and quantities, N.J.S.A. 18A:18A-5;
 - c. Determining that it is necessary to sell bonds to raise money for any capital project, N.J.S.A. 18A:22-27; and
 - d. Selling bonds without further advertisement at private sale if no legally acceptable bid is received for the bonds pursuant to N.J.S.A. 18A: 24-45.
3. A majority roll call vote of the full membership of the Board is required for:
 - a. Admission after October 1 of a pupil who has never attended school, N.J.S.A. 18A:38-6;

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- b. Adoption or alteration of a course of study, N.J.S.A. 18A: 33-1;
- c. Application for membership in an established county audiovisual aid center, N.J.S.A. 18A:51-11;
- d. Appointment of a Superintendent, N.J.S.A. 18A:17-15; School Business Administrator, N.J.S.A. 18A:17-14.1; Board Secretary, N.J.S.A. 18A:17-5; Assistant Superintendent, N.J.S.A. 18A:17-16; or assistant board secretary, N.J.S.A. 18A:17-13; and Administrative Principals, N.J.S.A. 18A: 17-20.5;
- e. Appointment, transfer, removal and/or renewal of a teaching/certificated and/or non-certificated staff member, N.J.S.A. 18A:25-1, 27-1;
- f. Approval of budgets and capital construction, N.J.S.A. 18A:22-32, 22-39;
- g. Approval of employee salary deductions for hospital and insurance plans and government bonds, N.J.S.A. 18A:16-8;
- h. Authorization of school bonds, N.J.S.A. 18A:24-10;
- i. Decision to establish with other school districts a county audiovisual educational aid center, N.J.S.A. 18A:51-1;
- j. Determination of sufficiency of charges warranting dismissal or reduction in salary of a tenured employee, N.J.S.A. 18A:6-11;
- k. Disposition or exchange of lands owned by the Board, N.J.S.A. 18A:20-5, 20-8;
- l. Purchase of bonds or other obligations as investments, N.J.S.A. 18A:20-37;
- m. Removal of the President or Vice President of the Board, N.J.S.A. 18A:15-2;
- n. Restoration or removal following suspension of an Assistant Superintendent, Principal, or teacher, N.J.S.A. 18A:25-6;
- o. Selection of textbooks, N.J.S.A. 18A:34-1;
- p. Withholding a salary increment, N.J.S.A. 18A:29-14.
- q. Directing the Board Secretary to deduct salaries of employees to participate in any plan for the purchase of bonds of the United States government, N.J.S.A. 18A: 16-8.

4. Executive Session Meetings on Short Notice:

Board members must be present at a public meeting in order to participate and to vote. In the event a special meeting is scheduled on short notice to be held in executive session for the sole purpose of discussing ongoing contract negotiations a member may participate in the meeting via telephone conference if the following conditions are met:

- a. The telephone conference shall be conducted by speaker phone, or similar device, that permits the member to hear all speakers and the members to hear each other.
- b. The member's participation via telephone conference in the executive session shall be duly noted in the minutes of the meeting and shall include a certification from the member so participating that no one other than the member was able to hear any of the conference.
- c. The member must be unavailable as a result of a previously scheduled vacation, a business meeting that cannot be rescheduled, illness or injury of the member or of an immediate family member or other personal or family emergency of a nature that precludes attendance.
- d. A member who wishes to participate in a specially scheduled executive session by telephone conference shall advise the President at least 3 (three) hours prior to the start of the meeting.

N.J.S.A. 10:4-14

Cross Reference: 0163

First Reading: March 16, 2009
Second Reading: April 20, 2009
Third Reading: May 18, 2009
Adopted: May 18, 2009

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Closed Sessions

0166 CLOSED SESSIONS

The Board of Education may meet in closed session only to discuss issues exempted by law from the requirement that all Board meetings be public and only after the adoption at a public meeting of a resolution stating the general nature of the subject or subjects to be discussed and, as precisely as possible, the time when and circumstances under which the discussion conducted in closed session can be disclosed to the public. The Board may not act on such issues in closed session, except for tenure charges.

The Board may exclude the public only from that portion of a meeting at which the Board discusses:

1. Any matter that has been rendered confidential by express provision of federal or state law or rule of court;
2. Any matter in which the release of information would impair a right to receive funds from the Government of the United States;
3. Any material the disclosure of which constitutes an unwarranted invasion of a pupil's privacy, including but not limited to records, data, reports, or recommendations relative to the pupil's personal and family circumstances, treatment, progress or condition, unless the adult pupil or the pupil's parent or legal guardian requests in writing that the same be disclosed publicly;
4. Any Collective Bargaining Agreement, or the terms and conditions that are proposed for inclusion in any Collective Bargaining Agreement, including the negotiation of the agreement with school district employees or representatives of employees;
5. Any matter involving the purchase, lease, or acquisition of real property with public funds or the investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed;
6. Any tactics and techniques utilized in protecting the safety and property of the public when their disclosure could impair such protection and any investigations of violations or possible violations of the law;
7. Any contract negotiation other than as stated in #4 above, or any pending or anticipated litigation in which the Board is or may become a party and any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer;

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8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the Board, unless the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting, except that, regardless of the employee's request, the consideration and actions of the Board as to any tenure charge shall be conducted in private session;
9. Any deliberations occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of the responding party's certification as a result of an act or omission for which the responding party bears responsibility.

N.J.S.A. 10:4-12; 10:4-13; 18A:6-11

First Reading: March 12, 2001
Second Reading: March 19, 2001
Adopted: April 2, 2001

0167 PUBLIC PARTICIPATION IN BOARD MEETINGS

The Board is committed to hearing public comments on issues relating to the schools and school district. Public comment, however, must not inhibit the Board's primary responsibility to conduct the business of the school district in public meetings. Therefore, the Board establishes procedures for public comment to inform the Board prior to action, to conduct business efficiently, and to provide for other public communications.

In order to allow members of the public to comment in a fair and orderly manner on school matters of community interest, the Board provides two periods of public comment at every regularly scheduled meeting. Public participation shall be managed at the discretion of the presiding officer.

Opportunity for participation is extended to residents of this district, persons having a legitimate interest in the actions of this Board, persons representing groups in the community or school district, representatives of firms eligible to bid on materials or services solicited by the Board, and employees and pupils of this district. When the issue addressed by the participant is subject to remediation by an alternate method provided for in policies or contracts of the Board, the participant shall be encouraged to use such method. It is anticipated that there may be issues on the agenda in which the public may have specific interest or relating to which specific public input may usefully inform Board action. Upon majority vote, the Board shall allow such public participation according to the rules set forth below.

Grievances or complaints that have not previously been considered through administrative channels shall be referred to the proper channels.

Public participation during Hearings of Individuals and Delegations is governed by the following rules:

1. The presiding officer will start each public comment period with a statement on the purpose of public comment and the rules governing it.
2. Any person desiring to address the Board of Education at any regular meeting of the Board may speak at either of the two periods designated on the agenda for Hearings of Individuals and Delegations. In order to address the Board during the first period, members of the public must register prior to the start of the meeting by completing the form provided at the back of the meeting room. The presiding officer will call registrants forward at the appropriate time. In order to address the Board during the second period, members of the public must indicate their interest in speaking by raising their hands and awaiting recognition by the presiding officer, who will indicate the appropriate moment to come forward.
3. A participant must be recognized by the presiding officer and must preface comments by an announcement of his or her name, place of residence, and group affiliation, if appropriate.

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4. Each statement made by a participant is limited to three (3) minutes, although the presiding officer shall retain discretion with regard to time allotment. Participants are encouraged to provide written copies of their statements or additional information to the Board secretary for distribution to the Board.
5. The first public comment period may be limited to one-half hour or a longer time period that a majority of the Board, including the presiding officer, judges as sufficient for the presentation of public comments. In exercising its judgment under this policy, the Board shall be mindful of the value of public comment being heard to the maximum reasonable degree before Board action takes place. In setting a time limit, a Board majority may also empower the presiding officer to alter the order of speakers from the order in which they have signed up for the first public comment period, either for the purpose of hearing a diversity of topics or ensuring that speakers wishing to comment on Board action have the opportunity to do so before action takes place, as long as doing so is compatible with all perspectives being heard and is necessary for the effective conduct of the meeting. The second public comment period shall have no time limit other than the three-minute requirement of paragraph 4, unless a majority of the Board, including the presiding officer, votes to impose a time limit of one hour or more on the basis that doing so is necessary for the effective conduct of the meeting.
6. No participant may speak more than once on the same topic until all others who wish to speak on that topic have been heard.
7. All statements shall be directed to the presiding officer; no participant may address or question Board members or district staff individually. The Board will not answer questions or dialog with participants, except when the presiding officer wishes to clarify a specific point.
8. The presiding officer may:
 - a. Interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
 - b. Request any individual to leave the meeting when that person does not observe reasonable decorum;
 - c. Request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;

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- d. Call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action; and
- e. Waive these rules when necessary for the protection of privacy or the efficient administration of the Board's business.

N.J.S.A. 2C:33-8
N.J.S.A. 10:4-12

Cross Reference: 0164

First Reading: December 15, 2008
Second Reading: January 12, 2009
Adopted: January 12, 2009

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Recording Board Meetings

0168 RECORDING BOARD MEETINGS

The Board of Education directs the creation and maintenance of an official record of the formal proceedings of the Board and will permit the unofficial recording of Board meetings in accordance with this bylaw.

Minutes

The Board shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subject considered, the actions taken, the vote of each member, information sufficient to explain the actions taken, and any other information required to be shown in the minutes by law.

Minutes of public meetings shall be public records signed by the Board Secretary and filed in the Secretary's office in a minute book as the permanent record of the acts of this Board.

Minutes of private meetings shall be filed in the Board Secretary's office in a place separate from the public meetings minute book until the time, if any, when the proceedings may be made public. At that time, the minutes shall be public records and shall be filed in the public meetings minute book. The Board Secretary shall regularly notify the Board of minutes of private sessions which no longer require confidentiality as the reason for confidentiality passes, at which point the Board shall vote to release them as public minutes. No later than once per year at the last regularly scheduled public board meeting before the reorganization meeting, the Board Secretary shall report to the Board those minutes which remain confidential and the reasons therefor. The minutes of any Board meeting shall be promptly available to the public in accordance with the Open Public Meetings Act.

Electronic Recording

For each public meeting of the Board at which action is taken an audio recording shall be made by the certified School Business Administrator/Board Secretary for reference by the Board and the administration. The electronic recording shall be retained for a minimum of 45 days or until the minutes are approved, whichever is longer, after which time they may be erased only if permission is granted on an annual basis by the New Jersey Department of State, Division of Archives and Public Records. All such tapes will be erased or destroyed in compliance with laws and rules for the destruction of public records.

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Recording by the Public

Any member of the public may record the proceedings of a public meeting of the Board in a manner that does not interrupt the proceedings, inhibit the conduct of the meeting, or distract Board members or other observers present at the meeting.

The Board will permit the use of tape recorder (s), still or movie camera(s), or videotape camera(s) only when notice of such intended use has been given to the Board Secretary one day in advance of the meeting. No more than three movie or video camera(s) may be in use at any time, and any camera must be operated in an inconspicuous location in the meeting room.

The presiding officer shall determine when any recording device interferes with the conduct of a Board meeting and may order that an interfering device be removed.

Any record of a Board meeting that is made available to persons other than the maker of the record and is set forth as a true and accurate record of that meeting must be open to inspection by the Board and may be copied by this Board at the Board's expense.

N.J.S.A. 10:4-14

Cross Reference:	0154
First Reading:	July 22, 2002
Second Reading:	September 9, 2002
Adopted:	September 9, 2002

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Duties of President and Vice Presidents

0171 DUTIES OF PRESIDENT AND VICE PRESIDENTS

It shall be the duties of the President, or in his/her absence, the First Vice President, followed by the Second Vice President, to preside at all meetings of the Board, and to perform other duties as directed by statute, State Department of Education regulations, and this Board. In carrying out these responsibilities, the President shall:

1. Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the Board;
2. Consult with the Superintendent and Board Secretary on the Board's agendas;
3. Appoint Board committees and chairpersons subject to Board approval;
4. Call such meetings of the Board as he/she may deem necessary upon at least two days' notice;
5. Be an ex officio member of all Board committees;
6. Confer with the Superintendent on crucial matters which may occur between Board meetings;
7. Be responsible for the orderly conduct of all Board meetings.

As presiding officer at all meetings of the Board, the President shall:

1. Call the meeting to order;
2. Announce the business to come before the Board in its proper order;
3. Enforce the Board's policies relating to the conduct of meetings;
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
5. Explain what the effect of a motion would be if it is not clear to every member;
6. Restrict discussion to the question when a motion is before the Board;
7. Answer all parliamentary inquiries, referring questions of law to the Board's attorney;
8. Put motions to a vote, stating definitely and clearly the vote and result thereof.

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Duties of President and Vice Presidents

The President shall have the right, as other Board members have, to offer resolutions, to discuss questions, and to vote.

Removal From Office

A President or Vice-President of the Board of Education who shall refuse to perform a duty imposed upon him/her by law may be removed by a majority vote of all of the members of the Board.

N.J.S.A. 18A:6-20; 18A:6-54
18A:13-12
18A:15-1; 18A:15-2
18A:16-1
18A:19-1; 18A:19-9

Cross References: 0152, 0155, 0164

First Reading: March 12, 2001
Second Reading: March 19, 2001
Adopted: April 2, 2001

0172 DUTIES OF TREASURER OF SCHOOL MONIES

The Treasurer of School Monies shall:

1. Receive and hold in trust all school monies, except monies from athletic events and pupil organization activities, and deposit them in the bank or banks designated by the Board, N.J.S.A. 18A:17-34;
2. Pay out school monies only on warrants made payable to the person entitled to receive payment and specifying the object for which it is issued and signed by the President, Secretary and Treasurer, N.J.S.A. 18A:19-1;
3. Receive school employee payrolls and a warrant for the full amount of each payroll certified by the President and Secretary, deposit the warrants in a separate payroll account, and issue individual checks drawn on such account to each employee, N.J.S.A. 18A:19-9, 19-10;
4. Give public notice when funds are on hand for payment of interest bearing warrants issued for which no funds were available, N.J.S.A. 18A:19-12;
5. Keep a record of monies received and paid out in books provided for that purpose and in accordance with a bookkeeping system prescribed by the State Board, N.J.S.A. 18A:17-35;
6. Pay over the balance of school funds on hand to his or her successor, N.J.S.A. 18A:17-35;
7. Render a monthly report to the Board giving a detailed account of all receipts, the amounts of all warrants issued, the accounts from which they were drawn and the balance in each account, N.J.S.A. 18A:17-36;
8. Render an annual report showing the amounts received and disbursed by him or her during the school year and file a copy with the County Superintendent, N.J.S.A. 18A:17-36; and
9. Receive the proceeds of any bond sale and disburse them only to pay the expenses of issuing and selling the bonds, the purpose for which the bonds were issued, and the temporary investment of the funds, N.J.S.A. 18A:24-47.

Cross References: 0153, 0154

First Reading: March 12, 2001
Second Reading: March 19, 2001
Adopted: April 2, 2001

0173 DUTIES OF PUBLIC SCHOOL ACCOUNTANT

The Board will engage only a licensed public school accountant to conduct the annual audit in accordance with N.J.S.A. 18A:23-1 et seq. The accountant must have an external peer/quality report performed in accordance with N.J.A.C. 6A:23-2.2(i)1., unless the accountant or firm can show good cause as to why there was a delay completing such report within the required timelines established by Government Auditing Standards. The Board will require the submission of the most recent external peer/quality report for review and evaluation prior to the appointment of the licensed public school accountant. The Board will acknowledge the receipt, review, and evaluation of the external peer/quality report in the public session and board minutes in which the accountant or firm to perform the audit is engaged.

After the accountant or firm is engaged, the Board will require the submission of any updated external peer/quality report of the accountant within thirty (30) days after the issuance date of the external peer/quality report if the report is issued prior to the date of the audit opinion for the most recent fiscal year.

In accordance with NJOMB Circular Letter 98-07, the public school accountant will provide a copy of the most recent external peer/quality report to the Department of Education, within thirty (30) days after the initial engagement by the Board and within thirty (30) days after the issuance of a subsequent peer/quality report.

The Board may be prohibited for good cause by the Commissioner of Education from engaging a particular licensed public school accountant, or may be directed by the Commissioner on a process to be used in the appointment of a licensed public school accountant pursuant to N.J.A.C. 6A:23-2.2(i)6.

The public school accountant will complete the annual audit as required by the Department of Education and N.J.S.A. 18A:23-2. Each annual audit shall include an audit of the books, accounts and moneys, and verification of all cash and bank balances of the Board and of any officer or employee and of moneys derived from athletic events or other activities of any organization of pupils conducted under the auspices of the Board, from the date of the last annual audit to the date of the current audit. The audit will also determine the extent to which the district used contracts entered into by the State Division of Purchase and Property pursuant to P.L. 1969 c 104 (C. 52:25-16.1 et seq.) in the purchase of materials, supplies or equipment for the district. Each audit report will be completed not later than four months after the end of the school fiscal year as required in N.J.S.A. 18A: 23-1 and will be filed by the public school accountant in accordance with N.J. S. A. 23-2.3.

Within thirty (30) days following receipt of the report, at a regularly scheduled public meeting, the Board will cause the accountant's recommendations to be read and discussed. Such discussion will be duly noted in the Board meeting minutes in accordance with N.J.S.A. 18A:23-5. The Board Secretary will prepare or have prepared a summary of the annual audit for this board meeting in accordance with N.J.S.A. 18A:23-4.

N.J.S.A. 18A: 23-1 et seq.
N.J.A.C. 6A: 23-2.2 et seq.

Cross References: 6830

First Reading: October 7, 2002
Second Reading: October 21, 2002
Adopted: October 21, 2002

0174 LEGAL SERVICES

In accordance with N.J.A.C. 6A:23A-5.2, the Board of Education adopts this Policy and its strategies to ensure the use of legal services by employees and the Board of Education members and the tracking of the use of legal services.

The Board attorney shall, upon the request of the Board:

1. Advise the Board as to the proper legal and contractual procedures in which the Board must take action or make a decision;
2. Be accessible for consultation concerning legal matters with the persons designated below and in accordance with the procedures set forth below ;
3. Attend any Board meetings or conferences as requested by the President of the Board or the Superintendent;
4. Act as counsel for the Board in prosecuting or defending any action or suit to which the Board is a party;
5. Give his/her written opinion on all legal questions referred to him/her by the persons designated below;
6. Perform such other special legal services as the Board may from time to time prescribe. In accordance with N.J.A.C. 6A:23A-5.2, the Board of Education adopts the following strategies to ensure the use of legal services by employees and the Board of Education members and the tracking of the use of legal services.

The Board of Education designates the Superintendent of Schools, School Business Administrator/Board Secretary, Assistant Superintendent for Human Resources, Director of Special Services, Board President, and In-House Counsel as "designated contact person(s)" to request services or advice from contracted legal counsel.

In accordance with the provisions of N.J.A.C. 6A:23A-5.2(a)2, the Board designates the administrative staff member to review all legal bills and designates contact persons to ensure the prudent use of legal services.

School districts with legal costs that exceed one hundred thirty percent of the Statewide average per pupil amount should establish the procedures outlined in 1., 2., 3., and 4. below and, if not established, provide evidence such procedures would not result in a reduction of costs.

1. The designated contact person(s) shall ensure that contracted outside legal counsel is not contacted unnecessarily for management decisions or readily available information contained in district materials such as Board policies, administrative regulations, or guidance available through professional source materials.

2. All requests for legal advice shall be made by the designated contact person(s). Where non-designated employees desire legal advice, any such request for advice will be made in writing to a designated contact person and shall be maintained on file in the district offices.
3. The designated contact person(s) shall maintain a log of all legal counsel contacts including the name of the legal counsel contacted, date of the contact, issue discussed, and length of contact.
4. All written requests for legal advice and logs of legal counsel contacts shall be forwarded to the School Business Administrator and the In-House Counsel who shall be responsible for reviewing all legal bills to the contact logs and to investigate and resolve any variances.

Any professional services contract(s) for legal services shall prohibit advance payments. Services to be provided shall be described in detail in the contract and invoices for payment shall itemize the services provided for the billing period. Payments to legal counsel(s) shall only be for services actually provided.

In accordance with applicable regulation, the district is prohibited from contracting with legal counsel or using in-house legal counsel to pursue any affirmative claim or cause of action on behalf of district administrators and/or any individual Board members or pursuing any claim or cause of action for which the damages to be awarded would benefit an individual rather than the school district as a whole.

The Board of Education will annually establish prior to budget preparation, a maximum dollar limit for legal services. In the event it becomes necessary to exceed the established maximum dollar limit for legal services, the Superintendent of Schools shall recommend to the Board of Education an increase in the maximum dollar amount. Any increase in the maximum dollar amount shall require formal Board action.

Contracts for legal services will be issued by the Board in a deliberative and efficient manner that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement. This may include, but is not limited to, issuance of such contracts through a Request for Proposals (RFP) based on cost and other specified factors or other comparable processes. Contracts for legal services shall be limited to non-recurring or specialized work for which the district does not possess adequate in-house resources or in-house expertise to conduct.

N.J.S.A. 18A:24-13.1; 18A:12-20; N.J.A.C. 6A:23A-5.2

First Reading: April 19, 2010
Second Reading: May 3, 2010
Adopted: May 3, 2010

0175 CONTRACTS WITH INDEPENDENT CONSULTANTS

Upon recommendation of the Superintendent, the Board of Education may from time to time engage the services of one or more independent contractors to advise and assist the Board in analyzing school district operations and preparing Board reports when those tasks cannot be performed as economically, capably or efficiently by district staff members. The engagement of consultants to assist in the evaluation of the Superintendent or the process of hiring a new Superintendent shall be specifically permitted without the Superintendent's recommendation.

Except in cases of extraordinary unspecifiable services (N.J.S.A. 18A: 18A - 2g), the Board will seek proposals from at least three sources before a contract with an independent consultant is entered. The Board will not contract with a Board member or the spouse, child, parent or legal guardian, or sibling, in fact or in law, of a Board member as an independent consultant.

The Board will engage the services of an independent consultant only by written contract, which must specify the work to be accomplished by the consultant, the time within which the work is to be completed, and the fee that will be paid the consultant. An independent consultant engaged by the Board is neither agent nor employee of the Board and may represent the Board only as expressly authorized to do so in writing.

An independent consultant may have access to such school facilities and school district employees as may be reasonably required in the performance of the consultant's contract with the Board. Except as expressly permitted by the contract, any communication between the consultant and a district employee or community member regarding the work of the contract must be conducted through the Board or a designated school official.

Materials and reports generated and created by the independent consultant in the performance of his or her contract with the Board are and will remain the property of the Board and are subject to Board Policy No. 8310 on public records. Expectations for use and possession of district materials shall be agreed upon in the contract.

N.J.S.A. 18A: 18A-1, et seq.,
18A: 18A-5

Cross Reference: 1240

First Reading: March 12, 2001
Second Reading: March 19, 2001
Adopted: April 2, 2001

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0176 COLLECTIVE BARGAINING AND CONTRACT APPROVAL/RATIFICATION

The Board of Education recognizes that a Board member and/or a member of his/her immediate family may be a member of, or such person's salary may be determined as a result of negotiations by a labor bargaining unit, professional association and/or union that has an affiliation with a bargaining unit, professional organization and/or union within the school district. The Board member does not automatically violate N.J.S.A. 18A: 24 by voting to approve and/or ratify this contract solely on the basis of his/her status or that of an immediate family member with respect to membership or representation by a different local affiliate of the same statewide association with whom the agreement is made, provided the Board member's involvement with such local affiliate has not or appears to have not compromised the member's objectivity or independence of judgment.

In accordance with N.J.S.A. 18A: 12-24, the Board member shall not participate in the collective bargaining process and/or serve on the negotiations committee representing the Board with this unit, association and/or union. The Board member may be apprised of the terms of a tentative memorandum of agreement with this unit, association, and/or union, in closed and/or open session, only after a tentative memorandum of agreement has been reached. The Board member may vote during the public meeting to approve and/or ratify a contract with this bargaining unit, professional association and/or union.

The School Ethics Commission Decision A16-00 states that a Board member shall not negotiate or vote upon a contract with the local education association, or other bargaining unit if he, a member of his immediate family, or a business organization in which he holds an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family. If such a conflict arises and thereby results in a lack of a quorum, the Board may, if appropriate, invoke the doctrine of necessity in accordance with Policy 0163.

N.J.S.A. 18A:12-21 et. Seq.

NJ School Ethics Commission Advisory Opinion A02-00 and A16-00

Commissioner of Education Decision – in the matter of Bruce White, Ewing Township Board of Education, Mercer County, June 1, 2000

NJ State Board of Education Decision – in the matter of Frank Pannucci, Board of Education of Brick Township, Ocean County, March 3, 2002

Cross References: 0163

First Reading: July 22, 2002

Second Reading: September 9, 2002

Adoption: September 9, 2002

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0177 PROFESSIONAL SERVICES

In accordance with N.J.A.C. 6A:23A-5.2, the Board of Education adopts this Policy and its strategies to minimize the cost of professional services.

The Board of Education will establish annually prior to budget preparation a maximum dollar limit for each type of professional service. In the event it becomes necessary to exceed the established maximum dollar limit for the professional services, the Superintendent of Schools shall recommend to the Board of Education an increase in the maximum dollar amount. Any increase in the maximum dollar amount shall require formal Board action.

Contracts for professional services will be issued by the Board in a deliberate and efficient manner that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement. This may include, but is not limited to, issuance of such contracts through a Request for Proposals (RFP) based on cost and other specified factors or other comparable processes. Contracts for professional services shall be limited to non-recurring or specialized work for which the district does not possess adequate in-house resources or in-house expertise to conduct.

Nothing in this Policy or N.J.A.C. 6A:23A-5.2 shall preclude the Board from complying with the requirements of any statute, administrative code, or regulation for the award of professional services contracts.

N.J.A.C. 6A:23A-5.2

First reading: March 22, 2010
Second reading: April 19, 2010
Adopted: April 19, 2010