

Bylaw

ROLE OF THE BOARD

The Camden City Board of Education is an advisory board. The State District Superintendent has authority over all school operations. The board shall advise the State District Superintendent in the following areas:

A. Policy oversight

The board is responsible for evaluating the effectiveness of its policies and their implementation. This includes setting and evaluating goals in educational and financial areas.

B. Educational planning

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

C. Provision of financial resources

The board is responsible for reviewing the budget to ensure that the budget will provide the wherewithal--in terms of buildings, staff, materials, and equipment--to enable the school system to carry out its functions.

D. Interpretation

The board is responsible for keeping the local community informed about the school and for keeping itself and the school staff informed about the wishes of the public. All planning, that which is and that which is not related to the budget, needs to be interpreted to the public if citizens are to support the school program.

The board believes that, by diligently exercising these functions, it will be able to support the best educational opportunities possible for our children within the financial limitations set by the community.

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Key Words

Boards of Education, Role of the Board

Legal References: N.J.S.A. 18A:10-1 Constitution of boards of education; conduct of schools; state-operated school district
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:12-21 et seq. School Ethics Act
N.J.S.A. 18A:17-15 Appointment of superintendents; terms; apportionment of expense

ROLE OF THE BOARD (continued)

<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
<u>N.J.S.A.</u> 18A:34-1	Textbooks; selection; furnished free with supplies; appropriations
<u>N.J.S.A.</u> 18A:36-2	Time when schools are open; determination
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u>	Appeals
<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessment
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission
<u>N.J.A.C.</u> 6A:23A-1 <u>et seq.</u>	Accountability regulations
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-1.1 <u>et seq.</u>	School District Operations
<u>N.J.A.C.</u> 6A:32-3.2	Requirements for the Code of Ethics for school board members and charter school board of trustees members

Possible

Cross References:

*1000/1010	Concepts and roles in community relations; goals and objectives
*2000/2010	Concepts and roles in administration; goals and objectives
*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
4000	Concepts and roles in personnel
5000	Concepts and roles in student personnel
6000	Concepts and roles in instruction
*6140	Curriculum adoption
*6161.1	Guidelines for evaluation and selection of instructional materials
7000	Concepts and roles in construction, remodeling and renovation
*9311	Formulation, adoption, amendment of policies
*9312	Formulation, adoption, amendment of bylaws
*9313	Formulation, adoption, amendment of administrative regulations
*9314	Suspension of policies, bylaws and regulations

*Indicates policy is included in the Critical Policy Reference Manual.

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ROLE OF THE MEMBER

It is understood that the members of the board have authority only when acting as a board legally in session. The board shall not be bound in any way by any action or statement on the part of any individual board member except when such statement or action is in pursuance of specific instructions from the board.

Members of the board shall adhere to the code of ethics for board members in bylaw 9271.

No board member, by virtue of his/her office, shall exercise any administrative responsibility with respect to the schools or as an individual command the services of any school employee.

Board members visiting the schools for any reason shall observe district regulations for all visitors.

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Key Words

Individual Board Member, Board Members' Role

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:12-21 et seq School Ethics Act
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:28-1.1 et seq. School Ethics Commission

Possible

Cross References: *1250 Visitors
*9020 Public statements
*9271 Code of ethics

*Indicates policy is included in the Critical Policy Reference Manual.

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PUBLIC STATEMENTS

Only the board president shall authorize or make statements of official board positions.

No other member of the board of education individually will speak for, or in the name of, the total board unless by explicit direction of the board. Board members should emphasize that they can only speak as individual board members unless empowered by the board to speak for it.

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Key Words

Board Members' Role, Public Statements

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:42-4 Distribution of literature to candidacy, board issues, or other public question to be submitted at election; prohibited
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: *1100 Communicating with the public
*1110 Media
*9010 Role of the member
*9271 Code of ethics

*Indicates policy is included in the Critical Policy Reference Manual.

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QUALIFICATIONS AND REQUIREMENTS OF BOARD MEMBERS

Qualifications for member of the board of education are as follows:

- A. He/she is a citizen of the United States of America;
- B. He/she is at least eighteen years of age;
- C. He/she is able to read and write;
- D. He/she has been a resident of the municipality from which he/she is elected or appointed, for at least one year immediately preceding the date of the election;
- E. He/she is registered to vote in the municipality from which he/she is elected;
- F. He/she is not disqualified as a voter pursuant to N.J.S.A. 19:4.1;
- G. He/she does not hold office as mayor or as a member of the governing body of a constituent municipality;
- H. He/she has no interest directly or indirectly in any contract with or claim against the board; and
- I. He/she has not been disqualified due to the conviction of a crime or offense listed in N.J.S.A. 18A:12-1. In order to fulfill this requirement:
 - 1. Each member of the board of education, within 30 days of the election or appointment to the board shall undergo a criminal history background check investigation for the purpose of ensuring that the member is not disqualified for membership due to a conviction of a crime or offense pursuant to the statute listed above; and
 - 2. The board shall reimburse the member for the cost of the criminal history record check, including all costs for administering and processing the check.

Within 30 days of election/appointment, board members shall file with the board secretary, on forms provided by the School Ethics Commission, both a Personal/Relative Disclosure Form (N.J.S.A. 18A:12-25) and a Financial Disclosure Statement (N.J.S.A. 18A:12-26). The board secretary shall file the original with the executive county superintendent (N.J.A.C. 6A:28-3.1).

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Key Words

Board Member, Qualifications, Criminal History Check, Crime Check, Background Check

Legal References: N.J.S.A. 18A:12-1 et seq. Qualifications of Board Members
See particularly:
N.J.S.A. 18A:12-1.2 Criminal history background investigation for board of education members
N.J.S.A. 18A:12-25, 26 Personal/Relative Disclosure Form and Financial Disclosure

QUALIFICATION AND REQUIREMENTS
OF BOARD MEMBERS (continued)

File Code: 9111

<u>N.J.S.A.</u> 18A:13-7	Form
<u>N.J.S.A.</u> 19:4-1	Regional Board Members
<u>N.J.A.C.</u> 6A:28-3.1	Constitutional Qualifications
	Filing disclosure statements

Possible

Cross References: *9200 Orientation and Training of Board Members
 *9270 Conflict of Interest
 *9271 Code of Ethics

*Indicates policy is included in the Critical Policy Reference Manual.

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FILLING VACANCIES

Vacancies Filled by the Board

The board shall fill vacancies created by the resignation, removal by the board for cause or death of a serving member, or when a member ceases to be a bona fide resident of the district. The vacancy shall be filled within the 65 days prescribed by law.

Procedures by which to select the persons to fill such vacancies may include advertisement of the vacancy in suitable local media, and interviews with interested parties conducted in public by the board acting as committee of the whole.

If a vacancy occurs on the board due to the recall of a board member, all procedures of the law shall be followed to fill that vacancy.

Vacancies filled by the board shall be by a majority vote of the remaining members of the board after the vacancy occurs.

Vacancies Filled by the Executive County Superintendent

The Executive County Superintendent fills vacancies that the board fails to fill within 65 days, and those caused by the voters' failure to elect a member, or by the removal of a member because of lack of qualifications, some flaw in the election, or when a recount or contested election fails to elect a member. The Executive County Superintendent also appoints enough members to make up a quorum.

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Filling Vacancies, Board Vacancies

Legal References: N.J.S.A. 18A:6-56 Election of members of representative assembly; vacancies (educational services commission)
N.J.S.A. 18A:12-1 Qualifications of board members
N.J.S.A. 18A:12-3 Cessation of members
N.J.S.A. 18A:12-7 Boards; appointments; vacancies (Type I district)
N.J.S.A. 18A:12-15 Vacancies (Type II district)
N.J.S.A. 18A:13-11 Vacancies in membership of board; filling (regional)
N.J.S.A. 18A:38-8.1 Additional member on board of education in each sending district
N.J.S.A. 19:27A-1 et seq. Uniform Recall Election Law

Possible

Cross References: *9010 Role of member
9110 Number of members and terms of office
9112 Elections/appointments

FILLING VACANCIES (continued)

9114	Resignation/removal from office
*9270	Conflict of interest
*9271	Code of ethics

*Indicates policy is included in the Critical Policy Reference Manual.

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ELECTION AND DUTIES OF PRESIDENT

The president shall preside at all meetings of the board and shall perform other duties as directed by statute, state department of education regulations, and this board. In carrying out these responsibilities, the president shall:

- B. Consult with the superintendent on the board's agendas;
- C. Appoint board committees and chairpersons;
- D. Call such meetings of the board as he/she may deem necessary upon at least two days' notice;
- E. Be an ex officio member of all board committees;
- F. Confer with the superintendent on crucial matters which may occur between board meetings; and
- G. Be responsible for the orderly conduct of all board meetings.

As presiding officer at all meetings of the board, the president shall:

- A. Call the meeting to order at the appointed time;
- B. Announce the business to come before the board in its proper order;
- C. Enforce the board's policies relating to the order of business and the conduct of meetings;
- D. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
- E. Explain what the effect of a motion would be if it is not clear to every member;
- F. Restrict discussion to the question when a motion is before the board;
- G. Answer all parliamentary inquiries, referring questions of law to the board's attorney; and
- H. Put motions to a vote, stating definitely and clearly the vote and result thereof.

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

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Key Words

President, Board President

ELECTION AND DUTIES OF PRESIDENT (continued)

Legal References:	<u>N.J.S.A.</u> 18A:6-20	The right to testify; counsel; witnesses; compulsory process
	<u>N.J.S.A.</u> 18A:6-54	Representative assembly; organization; election of board of directors and officers (educational services commission)
	<u>N.J.S.A.</u> 18A:13-12	Organization of boards; failure to organize
	<u>N.J.S.A.</u> 18A:15-1	President and vice president; election or failure to elect
	<u>N.J.S.A.</u> 18A:15-2	Removal of president or vice president; vacancies
	<u>N.J.S.A.</u> 18A:19-1	Expenditure of funds on warrant only; requisites
	<u>N.J.S.A.</u> 18A:19-9	Compensation of teachers, etc., payrolls
	<u>N.J.S.A.</u> 18A:54-18	Organization of boards of education (county vocational schools)
	<u>N.J.A.C.</u> 6A:32-3.1	Special meetings of district boards of education

Possible

Cross References:	*1120	Board of education meetings
	*9020	Public statements
	*9130	Committees
	*9322	Public and executive sessions

*Indicates policy is included in the Critical Policy Reference Manual.

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COMMITTEES

In order to use the time, effort and expertise of the members of the board effectively, the board shall operate under a committee system.

Standing Committees

The board may authorize the establishment of such standing committees from among its membership as it finds necessary to study operations in specific areas and to make recommendations for board action. The following rules will govern the appointment and function of such committees:

- A. The committee shall be established through action of the board;
- B. The committee chairperson and members shall be appointed by the board president;
- C. The committee shall be provided with a list of its functions and duties;
- D. The committee may make recommendations for board action, but it may not act for the board;
- E. The board president and superintendent shall be ex officio members of all standing committees;
- F. All standing committees shall be dissolved at the end of the board's year – at the annual organizational meeting. They may be dissolved at any time by a motion of the board.

Special Committees

Special committees may be created for special assignments. The same rules shall apply to special committees as apply to standing committees, except that they shall be dissolved upon completion of their assignment.

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.

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Committees, Board Committees

Legal References: N.J.S.A. 10:4-6 et seq.
N.J.S.A. 18A:10-6

Open Public Meetings Act
Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum

COMMITTEES (continued)

<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	<u>School Ethics Act</u>
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

School Ethics Commission, Advisory Opinion, A01-93

School Ethics Commission, Advisory Opinion, A10-93

School Ethics Commission, Advisory Opinion, A33-95

School Ethics Commission, Advisory Opinion, A02-00

School Ethics Commission, Advisory Opinion, A14-00

Possible

Cross References: *1220 Ad hoc advisory committees
*9121 Election and duties of president
9320 Meetings

*Indicates policy is included in the Critical Policy Reference Manual.

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ORIENTATION AND TRAINING OF BOARD MEMBERS

Orientation of New Board Members

The superintendent shall prepare materials to introduce new board members to the operating procedures of the district and the details of the curriculum.

Sufficient funds shall be allocated to reimburse new board members for attending NJSBA training in superintendent evaluation within the first six months after taking office, and an NJSBA new board member orientation within the first year of taking office.

Administrative code defines "newly elected or appointed board member" as any board member who has never served as a member of either an elected or appointed school board.

Code of Ethics Training

The board shall ensure that all members of the board receive and review a copy of the Code of Ethics for School Board Members. Each board member shall sign an acknowledgement that he/she has received and read it. Training as required by the administrative code shall be scheduled to familiarize board members with the contents and requirements of the Code of Ethics.

Mandated Training

The board shall ensure that each newly elected or appointed board member receive training in their first year of service regarding skills and knowledge necessary to serve as a school board member. This training shall be offered by the NJSBA, in consultation with New Jersey Association of School administrators, the New Jersey Principals and Supervisors Association, and the Department of Education, and shall include information regarding the New Jersey Quality Single Accountability Continuum, and the five key components of school district effectiveness on which the school district is monitored: instruction and program; personnel; fiscal management, operations and governance.

Within one year after being newly elected or appointed or being re-elected or re-appointed to the board of education, a board member shall complete a training program on harassment, intimidation, and bullying in schools, including the school district's responsibilities as required by law (N.J.S.A. 18A:37-13 et seq.). A board member shall be required to complete the program only once (N.J.S.A. 18A:12-33).

Each board member shall, in both the second and third year of service on the board, complete the NJSBA training on school district governance.

The NJSBA advanced training program shall be completed by board members within one year of re-election or reappointment to the board of education.

Inservice Development

State, regional and national workshops, conventions, conferences and seminars developed by associations such as the New Jersey School Boards Association, the National School Boards Association, the New Jersey Association of School Administrators, etc., provide unique opportunities for board members to broaden their understanding of their responsibilities, learn new tools and techniques for coping with them, and keep up to date on educational trends.

ORIENTATION AND TRAINING OF BOARD MEMBERS (continued)

Therefore, the board recommends that, in addition to sending the mandated delegate to the New Jersey School Boards Association's Delegate Assemblies, the board send representatives to such educational conferences, workshops, conventions and seminars as it shall decide upon each year.

The same regulations regarding travel arrangements and reimbursement developed for other district-paid attendance at such events shall apply.

The superintendent shall prepare a checklist for district representatives to such events, to aid them in preparing meaningful reports for the board and the district as a whole. The report shall be presented at a regular meeting of the board within a month of the delegation's return.

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Key Words

Orientation and Training of Board Members, Board Member Orientation, Board Member Training

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-45	
	through -50	New Jersey School Boards Association established ...
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-21 <u>et. seq.</u>	<u>School Ethics Act</u>
	<u>N.J.S.A.</u> 18A:12-24.1	Code of Ethics for School Board Members
	<u>N.J.S.A.</u> 18A:12-33	Training program for new board members
	<u>N.J.S.A.</u> 18A:17-20.3	Evaluation of superintendents; school board training program
	<u>N.J.S.A.</u> 18A:37-13	Anti-Bullying Bill of Rights Act
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:10-8.1 <u>et seq.</u>	Evaluation of the superintendent
	<u>N.J.A.C.</u> 6A:28-1.2	Definitions
	<u>N.J.A.C.</u> 6A:28-1.6	Order to show cause
	<u>N.J.A.C.</u> 6A:28-4.1	Board member training
	<u>N.J.A.C.</u> 6A:32-3.2	Requirements for the Code of Ethics for school board members and charter school board of trustee members

Amended resolution of the School Ethics Commission (3/23/99)

Possible

<u>Cross References:</u>	1500	Relations between area, county, state, regional and national associations and the district
	*2131	Superintendent
	*9250	Expenses
	*9271	Code of Ethics

*Indicates policy is included in the Critical Policy Reference Manual.

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EXPENSES AND REIMBURSEMENTS

Board members receive no payment for their services. With board approval, they may be reimbursed for out-of-pocket expenses incurred on board business.

Travel and Related Expenses

Travel reimbursement will be paid only upon compliance with the board's policy provisions and approval requirements. Board members and employees shall only be reimbursed for work-related travel that is directly related to and within the scope of the board member's and employee's current work responsibilities. Board members and employees shall only be reimbursed for travel that:

- A. Promotes the delivery of instruction and is critical to the instructional needs of the school district or furthers the efficient operation of the school district;
- B. Is educationally necessary and fiscally prudent; and
- C. Is directly related to and within the scope of the board member's current responsibilities, and for school district employees, the school district's professional development plan.

As described in this policy, school district travel expenditures include, but are not limited to, all costs for transportation, meals, lodging, and registration or conference fees to and for the travel event. School district travel expenditures include costs for all required training and all travel authorized in existing school district employee contracts and school board policies. This includes, but is not limited to, required professional development and other staff training, required training for new school board members, and attendance at specific conferences authorized in existing employee contracts.

Travel Payments

Travel payments will be paid only upon compliance with the school board's policy provisions and approval requirements. The school board will not ratify or approve payments or reimbursements for travel after completion of the travel event. All board members and employees shall adhere to the following specifications to be considered for reimbursement:

- A. Reimbursement may not exceed State travel reimbursement guidelines as established by the Department of Treasury in NJOMB circular, including but not limited to the types of travel, methods of transportation, mileage allowance, meal allowance, overnight travel and supporting documentation;
- B. Reimbursement must also be in compliance with OMB Circular 16-11-OMB (found at <http://www.state.nj.us/infobank/circular/circindx.htm>). No reimbursement will be issued without submission of written documentation such as receipts, checks and vouchers detailing the amount the expenditures. Such documentation must be submitted within a timeframe to be established by the board;
- C. Travel expenditures must be in compliance with state travel payment guidelines as established by the Department of the Treasury and with guidelines established by the federal Office of Management and Budget; except that those guidelines that conflict with the provisions of Title 18A of the New Jersey Statutes shall not be applicable, including, but not limited to, the authority to issue travel charge cards. All applicable restrictions and requirements set forth in the State and federal guidelines including, but not limited to, types of travel, methods of transportation, mileage allowance, subsistence allowance, and submission of supporting documentation including receipts, checks or vouchers, shall be observed;

EXPENSES (continued)

- D. Board members and employees shall provide within one week, a brief report that includes, as appropriate, but may not be limited to, a description of the primary purpose for the travel, and a summary of the goals and key issues that were addressed at the event and their relevance to improving instruction or the operation of the school district. This report will be submitted to the board secretary or other appropriate party designated by the board;
- E. Pursuant to N.J.A.C. 6A:23A-5.9 concerning out-of state and high-cost travel events, out-of-state travel shall be limited to the fewest number of board members or employees needed to present the content at the conclusion of the event. Lodging may only be provided if the event occurs on two or more consecutive days and where home-to-event commute exceeds 50 miles. Prior written approval of the Executive County Superintendent may be required when the travel event has a total cost that exceeds \$5000.

In addition to the requirements above, employee travel, to be reimbursable, must be directly related to the employee's professional development. No district employee shall be reimbursed for travel and related expenses without prior written approval of the superintendent and prior approval by a majority of the full voting membership of the board (as set forth below).

Prior Approval Is Required

Board members shall only be reimbursed for travel and related expenses that have received prior approval by a majority of the full voting membership of the board, and are in compliance with N.J.S.A. 18A:12-24 and 24.1 of the School Ethics Act.

- A. Specifically, a board member must recuse himself from voting on travel if the board member, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that may reasonably be expected to impair his objectivity or independence of judgment;
- B. Also, a board member shall not: act in his official capacity in any matter in which 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; or undertake any employment or service, whether compensated or not, which may reasonably be expected to prejudice his independence of judgment in the execution of his official duties;
- C. For employees, a board of education requires that travel occur only upon prior written approval of the superintendent and prior approval by a majority of the full voting membership of the board; and
- D. For board members, travel may occur only upon prior approval by a majority of the full voting membership of the board and that the travel be in compliance with section 4 of P.L.1991, c.393 (C.18A:12-24) and section 5 of P.L.2001, c.178 (C.18A:12-24.1).

Regular Business Travel Authorization and Approval

Regular business travel, such as NJDOE meetings and association events, is authorized by the board not to exceed \$1,500 per employee, pursuant to N.J.A.C. 6A:23A-7.3(b). Approval by the superintendent or designee is required, including justification for the travel. Regular business travel is authorized for regularly scheduled in-state professional development activities for which the registration fee does not exceed \$150 per employee or board member.

Travel Advances Are Banned

An employee of the school board, a school board member, or organization, shall not receive an amount for

EXPENSES (continued)

travel and travel-related expenses in advance of the travel pursuant to N.J.S.A 18A:19-1 et seq.

Annual Maximum Travel Expenditure Amount

The board shall:

- A. Allot in its annual budget a maximum travel expenditure amount and annually review its policy to assure that it properly reflects the amount budgeted;
- B. Vote to authorize each reimbursement; specifying the way in which it promotes the delivery of instruction or furthers the efficient operation of the school district, within the maximum annual amount;
- C. Annually in the prebudget year, establish by school board resolution, a maximum travel expenditure amount for the budget year, which the school district shall not exceed in that budget year. The school board resolution shall also include the maximum amount established for the prebudget year and the amount spent to date;
- D. Provide that the maximum school district travel expenditure amount shall include all travel in accordance with this policy supported by local and State funds.

Additional Detailed Accounting Requirements which Demonstrate Compliance

In order to demonstrate compliance with this policy, documentation of all reimbursed travel expenses shall be maintained on file. This record may include receipts, checks and vouchers submitted in connection with any reimbursement. The district shall maintain separate accounting for school district travel expenditures as necessary, to ensure compliance with the school district's maximum travel expenditure amount. This may include, but need not be limited to, a separate or offline accounting of such expenditures or expanding the school district's accounting system. The tracking system shall be sufficient to demonstrate compliance with the board's policy and this section, and shall provide auditable information.

To minimize travel expenditures, school boards and staff will take the following steps:

- A. "Retreats" will be held at school district facilities, if available. A retreat is a meeting of school district employees and school board members, held away from the normal work environment, at which organizational goals and objectives are discussed;
- B. A school district shall not bear costs for car rentals, limousine services, and chauffeuring costs to or during the event, as well as costs for employee attendance for coordinating other attendees accommodations at the travel event;
- C. One-day trips that do not involve overnight lodging are not eligible for a subsistence payment or reimbursement except in limited circumstances authorized in Department of the Treasury guidelines;
- D. Overnight travel is eligible for a subsistence payment or reimbursement as authorized in Department of the Treasury guidelines, except as otherwise superseded by the following:
 1. Per diem payment or reimbursement for lodging and meals will be actual reasonable costs, not to exceed the federal per diem rates as established in the federal register for the current year;
 2. Lodging expenses may exceed the federal per diem rates if the hotel is the site of the convention, conference, seminar or meeting and the going rate of the hotel is in excess of the federal per diem rates. If the hotel at the site of the convention, conference, seminar, or meeting is no longer available, lodging may be paid for similar accommodations at a rate not to exceed the hotel rate for the event;
 3. Receipts are required for hotel expenses. Meal expenses under the federal per diem allowance limits

EXPENSES (continued)

- do not require receipts;
4. In any case in which the total per diem reimbursement is greater than the federal per diem rate, except when the going rate for lodging at the site of the convention or meeting exceeds federal per diem rates, the costs will be considered to be excessive and shall not be paid by school district funds;
 5. School districts shall patronize hotels and motels that offer special rates to government employees unless alternative lodging offers greater cost benefits;
 6. Payment or reimbursement is approved for the full cost of an official convention meal that the employee or school board member attends, when the meal is scheduled as an integral part of the convention or conference proceedings. If a meal is included in the registration fee, the allowance for the meal is not eligible for reimbursement; and
 7. Air and rail tickets shall be purchased via the internet, if possible, using online travel services such as Travelocity, Expedia, or Hotwire.

Blanket or general pre-approval for travel is not authorized, and will not be permitted by the board. Specifically, approval shall be itemized by event, event total cost, and number of employees and school board members attending the event. However, a school board may also approve, at any time prior to the event, travel for multiple months as long as the school board approval, as detailed in school board minutes, itemizes the approval by event, total cost, and number of employees and school board members attending the event.

Types of Expenditures Not Eligible for Reimbursement

Unnecessary and excessive travel expenditures as listed in N.J.A.C. 6A:23A:7.8 are prohibited. Prohibited types of expenditures include: travel by spouses and other relatives; costs for unnecessary employee attendance (for example employees who merely coordinate other attendees' accommodations at the travel event); charges for laundry, valet service and entertainment; district payment for alcoholic beverages; excessive tipping and gratuities; airfare without documentation of at least three (3) price quotes; and souvenirs. Travel expenses, subsistence expenses and incidental travel expenses shall only be allowable when consistent with N.J.A.C. 6A:23A-7.

Penalties

The board by this policy informs its members and staffs that the penalties for violating this policy based on state law include:

- A. By law, any district board of education that violates its established maximum travel expenditure, or that otherwise is not in compliance with the travel limitations set forth in this section may be subject to sanctions by the commissioner as authorized pursuant to N.J.S.A. 18A:4-23 and N.J.S.A. 18A:4-24, including reduction of State aid in an amount equal to any excess expenditure;
- B. A person who approves any travel in violation of the school district's policy or this section shall be required to reimburse the school district in an amount equal to three times the cost associated with attending the event;
- C. An employee or member of the board of education who travels in violation of the school district's policy or this section shall be required to reimburse the school district in an amount equal to three times the cost associated with attending the event.

The superintendent may develop regulations to implement this policy.

Adopted:	June 24, 1985
Revised:	September 10, 1991
Revised:	August 23, 1995
Revised:	September 19, 1998

EXPENSES (continued)

Revised: August 14, 2007
 NJSBA Review/Update: March 2009, October 2019
 Readopted:

Key Words

Reimbursement of Board Members, Board Member Reimbursement, Board Member Expenses, Employee Reimbursement, Employee Expenses, Reimbursement of Employees

Legal References:

<u>N.J.S.A.</u> 18A:2-1	Power to effectuate action
<u>N.J.S.A.</u> 18A:4-23 and 24	Supervision of schools; enforcement of rules Determining efficiency of schools; report to state board
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A: 11-12	Travel and expenditures; definitions; policies and procedures; application to charter schools
<u>N.J.S.A.</u> 18A:12-4	Compensation of members
<u>N.J.S.A.</u> 18A:12-24 and 24.1	<u>School Ethics Act</u> (conflict of interest) Code of Ethics
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 18A:55-3	School districts, conditions for receipt of State aid.
<u>N.J.S.A.</u> 6A:23A-5.9	Out of state and high cost travel
<u>N.J.S.A.</u> 6A:23A-7.1 <u>et seq.</u>	Travel policies and procedures

See also: In the Matter of Anthony Esgro, Luis Perez, Clifford Meeks and Frank Speziali,
 Glassboro Board of Education, CO7-97, March 30, 1998

Possible

Cross References: 3571 Financial reports
 *9200 Orientation and training of board members
 *9270 Conflict of interest

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

CONFLICT OF INTEREST

The board of education accepts the responsibility of governing the operation of the district in the best interests of the total community. Individual members shall subscribe to the code of ethics in bylaw #9271 Code of Ethics. The board as a body, and the members individually, wish at all times to avoid attitudes and actions that might give rise to public questioning of the integrity of any board decision.

Therefore, in addition to complying with all statutory requirements:

- A. No board member shall hold any form of paid employment with the district while he/she is serving, nor for six months after leaving office;
- B. No board member shall have an interest directly or indirectly in any contract with or claim against the board;
- C. No board member shall serve as mayor or as a member of the municipal or county level governing body of the district;
- D. Board members shall be in compliance with policy 4112.8/4212.8 Nepotism.

Prohibited Actions

In accordance with the N.J.S.A. 18A:12-21 et seq. no board member shall:

- A. Have an interest nor shall his/her immediate family have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;
- B. Use or attempt to use his/her official position to secure unwarranted privileges, advantages or employment for himself/herself, members of his/her immediate family or others;
- C. Act in his official capacity in any matter where he/she, a member of his/her immediate family, or a business organization in which he/she has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his/her objectivity or independence of judgment. No school official shall act in his/her official capacity in any matter where he/she or a member of his/her immediate family has a personal involvement that is or creates some benefit to the school official or member of his/her immediate family;
- D. Undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his/her independence of judgment in the exercise of his/her official duties;
- E. 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/her, directly or indirectly, in the discharge of his/her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the school official has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the school official in the discharge of his/her official duties, nor shall a member of his/her immediate family, or business organization in which he/she has an interest;

CONFLICT OF INTEREST (continued)

- F. Use, or allow to be used, his/her public office or employment, or any information, not generally available to the members of the public, which he/she receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his/her immediate family, or any business organization with which he is associated;
- G. Represent any person or party other than the school board or school district in connection with any cause, proceeding, application or other matter pending before the school district in which he/she serves or in any proceeding involving the school district in which he/she serves or, for officers or employees of the New Jersey School Boards Association, any school district. This provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities, nor shall a business organization in which he/she has an interest;
- H. Be deemed in conflict with these provisions if, by reason of his/her participation in any matter required to be voted upon, no material or monetary gain accrues to him/her as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of that business, profession, occupation or group;
- I. 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, given to or accepted by the member or a member of his immediate family, whether directly or indirectly, in return therefor; and
- J. Nothing shall prohibit any board member, or members of his/her immediate family, from representing himself/herself, or themselves, in negotiations or proceedings concerning his, or their, own interests.

Adopted: June 24, 1985
 Revised: September 10, 1991
 Revised: August 23, 1995
 Revised: August 14, 2007
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 Readopted:

Key Words

Conflict of Interest, Board Member Conflict of Interest, Board Member Ethics, Ethics

Legal References: N.J.S.A. 18A:6-8 Interest of school officers, etc., in sale of textbooks or supplies; royalties
N.J.S.A. 18A:6-8.4 Right to hold elective or appointive state, county or municipal office
N.J.S.A. 18A:12-1.1 Ineligibility for appointment to paid office or position filled by board
N.J.S.A. 18A:12-2 Inconsistent interests or office prohibited
N.J.S.A. 18A:12-21 *et seq.* School Ethics Act
N.J.S.A. 52:13D-12 *et seq.* Legislative findings ... (regarding conflict of interest)
N.J.A.C. 6A:4-1.1 *et seq.* Appeals
N.J.A.C. 6A:28-1.1 *et seq.* School Ethics Commission
N.J.A.C. 6A:32-3.2 Requirements for the Code of Ethics for school board members and charter school board of trustee members

Visotcky v. City Council of Garfield, 113 N.J. Super. 263 (App. Div. 1971)

Vittoria v. West Orange Board of Education, 122 N.J. Super. 340 (App. Div. 1973)

Elms v. Mt. Olive Board of Education, 1977 S.L.D. 713

Scola v. Ringwood Board of Education, 1978 S.L.D. 413

CONFLICT OF INTEREST (continued)

Salerno v. Old Bridge Township Board of Education, 1984 S.L.D. (April 23)

Scannella v. Scudillo, School Ethics Decision, Complaint No. C-14-93

In the Matter of Frank Pannucci, 2000 S.L.D. March 1, State Board Rev'g Commissioner 97

School Ethics Commission, Advisory Opinion, A01-93

School Ethics Commission, Advisory Opinion, A10-93

School Ethics Commission, Advisory Opinion, A021-93

School Ethics Commission, Advisory Opinion, A07-94

School Ethics Commission, Advisory Opinion, A33-95

School Ethics Commission, Advisory Opinion, A02-00

School Ethics Commission, Advisory Opinion, A14-00

Possible

Cross References: *4112.8/4212.8 Nepotism
*9271 Code of ethics

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

CODE OF ETHICS

The members of the Camden City Board of Education recognize that they hold authority not as individuals but as members of the board. In order to make a clear public statement of its philosophy of service to the students of the district, the board adopts this code of ethics.

- A. I will uphold and enforce all laws, state board rules and regulations, and court orders pertaining to schools. Desired changes should be brought about only through legal and ethical procedures;
- B. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools which meet the individual needs of all children regardless of their ability, race, creed, sex or social standing;
- C. I will confine my board action to policymaking, planning and appraisal and I will help to frame policies and plans only after the board has consulted those who will be affected by them;
- D. I will behave toward my fellow board members with the respect due their office--demonstrating courtesy, decorum and fair play at all public meetings and in all public statements;
- E. I will refrain from inappropriate conduct in public meetings and in making public statements, refraining from any disparagement of my fellow board members or others on a personal, social, racial or religious basis;
- F. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run;
- G. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action which may compromise the board;
- H. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends;
- I. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. But in all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its schools;
- J. I will vote to appoint the best qualified personnel available after consideration of the recommendation of the superintendent;
- K. I will support and protect school personnel in proper performance of their duties;
- L. I will refer all complaints to the superintendent and will act on such complaints at public meetings only after failure of an administrative solution.

The board shall see that all members of the board receive training in understanding and adhering to this code of ethics and shall discuss it annually at a regularly scheduled public meeting. Each member shall sign documentation that he/she has received a copy of it and has read and understood it.

Adopted: June 24, 1985
Revised: September 10, 1991

CODE OF ETHICS (continued)

Revised: August 23, 1995
Revised: August 14, 2007
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Readopted:

Key Words

Conflict of Interest, Code of Ethics, Board Member Conflict of Interest, Board Member Ethics, Ethics

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:12-2 Inconsistent interests or office prohibited
N.J.S.A. 18A:12-21 et seq. School Ethics Act
See particularly:
N.J.S.A. 18A:12-24, -24.1
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:4-1.1 et seq. Appeals
N.J.A.C. 6A:28-1.1 et seq. School Ethics Commission
N.J.A.C. 6A:32-3.2 Requirements for the Code of Ethics for school board members and charter school board of trustee members

Possible

Cross References: *4112.8/4212.8 Nepotism
*9270 Conflict of interest

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

FORMULATION, ADOPTION, AMENDMENT OF POLICIES

The governance of the district through policies directed toward providing a thorough and efficient education for its students is an important means of ensuring that each member of the school community treated fairly and consistently. Therefore, the board shall establish a careful process to review district policies and advise the superintendent on the:

- A. Development of clear, workable, legal policies that reflect mature consideration of the will and needs of the community, and
- B. Timely, accurate evaluation of the effectiveness of the policies in the achievement of district objectives and progress toward goals.

The superintendent shall be policy coordinator. The superintendent shall establish procedures for the careful development of policies and their regular review; appropriate policy goal-setting; a process for evaluation of district and school progress toward or achievement of policy goals; and appropriate standards of measurement and criteria for judging such progress.

The procedures shall provide a means whereby all interested parties in the school community may submit proposals for additions and amendments to the school district governance manual, and may contribute opinions and information for the board's consideration.

The policy coordinator shall ascertain any conflicts between proposed and existing policies and bring them to the attention of the board at the first reading of the draft.

Policies to be recommended to the superintendent for adoption, shall be read at public board meetings and voted on by the board. A majority vote of the members of the board present and voting shall be required for the policy, amendment or repeal to be recommended to the superintendent.

NOTE: FIRST READING MEANS THE FIRST TIME THE POLICY IS PRESENTED, NOT THE FIRST TIME A POLICY IS APPROVED IN ITS FINAL FORM.

In the interest of efficient administration, the superintendent shall have the power to decide all matters of detail that may arise for which no specific provision is made in the policies adopted by the board, but no emergency action shall constitute official board policy.

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Revised: April 15, 1988
Revised: September 10, 1991
Revised: August 23, 1995
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Key Words

Policy, Board Policy

Legal References: N.J.S.A. 10:4-6 et seq. Open Public Meetings Act
N.J.S.A. 18A:10-6 Board meetings public; frequency; hours of commencement;

FORMULATION, ADOPTION, AMENDMENT OF POLICIES (continued)

	adjournment, etc., for lack of quorum
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:17-20	Tenured and nontenured superintendents; general powers and duties
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 47:1A-1 <u>et seq.</u>	Public Records; Examination and Copies (<u>Open Public Records Act</u>)
<u>N.J.S.A.</u> 15:3-2.1	Records retention

New Jersey Department of Treasury, Division of Revenue and Enterprise Service, Records Management Services (RMS), School District Records Retention and Disposition Schedule

Matawan Teachers Assn. v. Board of Education, 223 N.J. Super. 504 (App. Div.1988)

Possible

<u>Cross References:</u>	*2210	Administrative leeway in absence of board policy
	*9000	Role of the board
	*9314	Suspension of policies, bylaws and regulations
	*9322	Public and executive sessions
	*9323/9324	Agenda preparation/advance delivery of meeting material

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

FORMULATION, ADOPTION, AMENDMENT OF BYLAWS

The board of education's bylaws are rules designed to organize and control its internal operations. Some bylaws are set by statute. Others may be formulated and adopted at its option by the board of education itself as long as they are in harmony with the intent and specifics of the statutes.

In its deliberations leading to the establishment or amendment of its bylaws, the board's central concern will be for increased efficiency and effectiveness in carrying out its legally mandated tasks.

Proposed new bylaws and suggested amendments to or revisions of existing bylaws shall be voted on by a majority of the members of the board present and recommended to the superintendent for approval. The proposed additions, amendments or revisions shall have been described in writing in the board agenda.

Adopted: June 24, 1985
Revised: April 15, 1988
Revised: September 10, 1991
Revised: August 23, 1995
Revised: August 14, 2007
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Key Words

Bylaws, Board Bylaws

Legal References: N.J.S.A. 10:4-6 et seq. Open Public Meetings Act
N.J.S.A. 18A:10-6 Board meetings public; frequency; hours commencement; adjournment, etc., for lack of quorum
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: *9311 Formulation, adoption, amendment of policies
*9314 Suspension of policies, bylaws and regulations
*9323/9324 Agenda preparation/advance delivery of meeting material

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

FORMULATION, ADOPTION, AMENDMENT OF ADMINISTRATIVE REGULATIONS

The superintendent shall specify required actions and design the detailed procedures under which the school will be operated. Such rules and detailed procedures shall constitute the administrative regulations governing the schools.

These administrative rules and regulations must be consistent with the contracts and policies, the law, rulings of the Commissioner, and rules of the State Board of Education.

In the development of rules, regulations, and procedures for the operation of the school system, the superintendent shall include at the planning stage, whenever appropriate, those employees who will be affected by such provisions.

Such rules and regulations shall be binding on all employees unless or until the superintendent changes or rescinds any such rule or regulation following its presentation at a public meeting of the board. The board may review and recommend revisions of administrative regulations should they, in the board's judgment, be inconsistent with the district policies.

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Revised: September 10, 1991
Revised: August 23, 1995
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Key Words

Administrative Regulations, Procedures

Legal References: N.J.S.A. 18A: 11-1 General mandatory powers and duties
N.J.S.A. 18A:17-20 Superintendent; general powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:10-1.2 Definitions (superintendent and administrative principal)
N.J.A.C. 6A:10-8.1 et seq. Evaluation of the superintendent

Possible

Cross References: *2131 Superintendent
*2210 Administrative leeway in absence of board policy
*9130 Committees
*9311 Formulation, adoption, amendment of policies
*9312 Formulation, adoption, amendment of bylaws
*9314 Suspension of policies, bylaws and regulations
*9323/9324 Agenda preparation/advance delivery of meeting material

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

SUSPENSION OF POLICIES, BYLAWS AND REGULATIONS

The board of education has developed a careful and deliberate process of reviewing and evaluating policies and bylaws. Requests for suspension of any existing policy or bylaw should receive the same careful consideration. Following this careful consideration, the board may recommend that the superintendent suspend a policy, bylaw or regulation.

- A. 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;
- B. The board shall decide whether the policy or bylaw still reflects the considered intent of the board before making its recommendation to the superintendent. If it does, the suspension will be denied and the policy or bylaw reaffirmed in the minutes;
- C. If the board agrees by a majority vote of the members of the board present that policy or bylaw does not reflect the intent of the board, the board will recommend to the superintendent that the policy be suspended. The board advise the superintendent on the revision or development of policy or bylaw as appropriate;
- D. The board shall determine whether rights of the public would be adversely affected by the proposed suspension or waiver of policy. If the public's rights would be adversely affected, the board will recommend that the suspension or waiver be denied.

In the event of an emergency requiring immediate action, the superintendent shall have the power to waive policy or regulation in the single instance. In such cases, the superintendent shall report the instance to the board president immediately, and request reconsideration of the policy at the next regular meeting.

Adopted: June 24, 1985
Revised: April 15, 1988
Revised: September 10, 1991
Revised: August 23, 1995
Revised: August 14, 2007
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Key Words

Policy; Board Policy; Bylaws; Board Bylaws; Regulations; Administrative Regulations; Suspension of Policies; Bylaws and Regulations

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:17-20 Tenured and non-tenured superintendents; general powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:10-8.1 et seq. Evaluation of the superintendent
N.J.A.C. 6A:32-2.1 Definitions (superintendent and administrative principal)

SUSPENSION OF POLICIES, BYLAWS AND REGULATIONS (continued)

Matawan Teachers' Assn. v. Board of Education 223 N.J. Super 504 (App. Div. 1988)

Possible

Cross References: *2210 Administrative leeway in absence of board policy
*9311 Formulation, adoption, amendment of policies
*9312 Formulation, adoption, amendment of bylaws
*9313 Formulation, adoption, amendment of administrative regulations

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

TIME, PLACE, NOTIFICATION OF MEETINGS

Regular meetings of the board of education shall be held on dates and at times and places determined by the board at its annual organization meeting. Special meetings shall be called by the board secretary at the request of the president or upon a petition signed by a majority of the board members, and shall commence no later than 8 p.m.

Adequate Notice

Adequate notice shall be given for all regular and special meetings. Adequate notice for regular meetings shall be in accordance with the annual notice provisions set forth below. Adequate notice for special meetings generally means written advance notice of at least 48 hours, giving the time, date and location, and, to the extent known, the agenda of the meeting. The notice must state whether formal action may or may not be taken at the meeting. The notice must be:

- A. Prominently posted in at least one public place reserved for such announcements;
- B. Communicated to at least two newspapers designated by the board because they have the greatest likelihood of informing the board's public; and
- C. Filed with the clerk of the municipality.

The board of education may hold an emergency meeting without providing adequate public notice if:

- A. Three-quarters of the members present vote to do so; and
- B. The meeting is required to deal with matters of such urgency and importance that delay would be likely to result in substantial harm to the public interest; and
- C. The meeting will be limited to discussion of and action on these matters; and
- D. Adequate notice of such meeting is provided as soon as possible following the calling of such meeting; and
- E. One of the following:
 - 1. Either the board could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or
 - 2. The need could have been foreseen in time but the board failed to give adequate notice.

Announcement of Adequate Notice/Statement of Compliance

At the beginning of every meeting, the presiding officer must announce that adequate notice of the meeting was provided and must specify the time, place and manner in which the notice was provided.

However, if adequate notice was not provided, the presiding officer must say so, and in addition, must state:

- A. The nature of the matter of urgency or importance for which the meeting without adequate notice was called; and

TIME, PLACE, NOTIFICATION OF MEETINGS (continued)

- B. The nature of the substantial harm to the public interest likely to result from a delay in holding the meeting; and
- C. That the meeting will be limited to discussion of and action on such matters of urgency and importance;
- D. The time, place, and manner in which some notice of the meeting was provided; and
- E. Either of the following:
 - 1. That the need for such meeting could not reasonably have been foreseen at a time when adequate notice could have been provided, and why this was so; or
 - 2. That such need could reasonably have been foreseen in time for adequate notice, but nevertheless such notice was not provided, and the reasons why.

Annual Notice

Annual notice of the year's regular meeting schedule must be posted publicly and sent to at least two newspapers and the municipal clerk within seven days following the annual organization meeting. This notice should contain the location of each meeting to the extent it is known as well as the time and date. If the schedule is revised at all, notice must be given within seven days of the revision.

The annual schedule serves as sufficient notice of any regularly scheduled meeting as long as it contains the proper date and location. If most meetings are on a regularly scheduled basis, whether they are formal sessions or study sessions, the notice requirement can be largely met through the once-a-year schedule.

Both the annual schedule of meetings, any revisions to that schedule, and notices of any additional meetings must be sent to any person upon request and upon prepayment of a sum set by the board. Requests to be on the mailing list for notices can be made on an annual basis and are renewable each reorganization meeting.

Adjournment

The board may at any time recess or adjourn to an adjourned meeting at a specified date and place. The adjourned meeting shall take up its business at the point in the agenda where the motion to adjourn was acted upon.

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Key Words

Meetings; Board of Education Meetings; Time, Place, Notification of Meetings

Legal References:	<u>N.J.S.A.</u> 10:4-6 <u>et seq.</u>	<u>Open Public Meetings Act</u>
	<u>N.J.S.A.</u> 10:4-9.1	Electronic notice of meeting of public body; terms defined
	<u>N.J.S.A.</u> 18A:10-3	First regular meeting of board
	<u>N.J.S.A.</u> 18A:10-4	Secretary to give notice of meeting
	<u>N.J.S.A.</u> 18A:10-5	Organization meeting as business meeting
	<u>N.J.S.A.</u> 18A:10-6	Board meetings public; frequency; hours of commencement;

TIME, PLACE, NOTIFICATION OF MEETINGS (continued)

N.J.A.C. 6A:32-3.1 adjournment, etc., for lack of quorum
Special meetings of district boards of education

Possible

Cross References: *1120 Board of education meetings
*2240 Research, evaluation and planning

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

PUBLIC AND EXECUTIVE SESSIONS

The board of education shall officially transact all business at a legal meeting of the board in accordance with New Jersey law.

All meetings of the board of education shall be open to the public with the exception of meetings to discuss:

- A. Any matter which by express provision of state or federal law or rule of court shall be rendered confidential;
- B. Any matter in which the release of information would impair a right to receive federal funds;
- C. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy, unless the individual (or all the individuals) concerned shall request in writing that the same be disclosed publicly. This includes information contained in student records, and any reports or recommendations concerning a specific individual (see policy 1120 Board of Education Meeting);
- D. Any collective bargaining agreement or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the actual negotiating sessions with representatives of employee groups;
- E. Any matter involving the purchase, lease or acquisition of real property (land or buildings) with public funds, where it could adversely affect the public interest if discussion of such matters were disclosed;
- F. The tactics and techniques used in protecting the safety and property of the public, provided that their disclosure could impair such protection;
- G. Any investigations of violations or possible violations of law;
- H. Any pending or anticipated litigation or contract negotiations other than collective bargaining, and any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his/her ethical duties as a lawyer;
- I. Any matter involving employment, appointment, termination, terms and conditions of employment, evaluation, promotion or disciplining of any prospective or current public employee or officer unless all the individual employees whose rights could be adversely affected request in writing that the matter be discussed at a public meeting; and
- J. Any deliberations occurring after a public hearing that may result in the imposition of a specified civil penalty or loss of license to an individual.

Such sessions shall be closed to the public and press, and shall be declared so by a formal motion at a public meeting. Minutes taken at such meetings shall remain confidential only so long as their publication would defeat the purpose of the executive session. That such a meeting will be or was held shall be recorded in the minutes of the preceding or subsequent regular meeting. Board members and other persons attending the session shall not disclose the topic or details of discussion at executive session.

The board may invite staff members or others to attend executive sessions at its discretion.

When public employees make statements pursuant to their official duties: in the classroom, at board

PUBLIC AND EXECUTIVE SESSIONS (continued)

meetings, and at other meetings related to educational issues affecting the district, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline (Garcetti v. Ceballos).

No official action shall be taken at executive sessions, except such as may be sanctioned by law. To take final action on any other matter discussed, the board shall convene or reconvene in open session.

Public Participation

Meetings of the board are open to the public and all members of the community should feel free to attend. A time for public discussion of agenda items shall be included in the order of business at an appropriate time.

Brief comments on any matter of interest to the district should be reserved for the time provided in the order of business.

Provision may be made for the introduction by a member of the public 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.

Grievances or complaints that have not previously been considered through administrative channels shall not be acted upon by the board.

Electronic Communication among Board Members

The board of education believes that electronic communication among its members and the administration is an efficient and convenient way to exchange information, but must not be misused to deliberate issues that are appropriately discussed only in a public meeting. Therefore, board members and administrators shall exercise caution when communicating between and among themselves via electronic messaging services including but not limited to email, internet web forums and internet chat rooms. They should understand at all times that these communications represent permanent school district records that can be subject to public disclosure. Electronic messaging communication shall conform to the same standards of judgment, propriety and ethics as other forms of board-related communication (committee meetings, telephone calls, etc.). Board members shall adhere to the following guidelines when communicating electronically:

- A. Board members shall not use email or any other electronic messaging service as a substitute for deliberations at board meetings. The Open Public Meetings Act defines a "meeting" as any gathering attended by, or open to, all of the members of a public body, held with the intent to discuss or act as a unit upon the specific public business of that body;
- B. Board members shall be aware that email and email attachments received or prepared for use in board business are likely to be regarded as public records that may be inspected by any person upon request, unless otherwise made confidential by law;
- C. Board members shall avoid reference to confidential information about employees, students or others in email communications because of the risk of improper disclosure;
- D. Board members shall adhere to the district "acceptable use" policy in all email communications and shall refrain from sending inappropriate, profane, harassing or abusive emails. (See file code 6142.10 Technology);
- E. Board members shall not reveal their passwords to others in the network or to anyone outside of it, except to the system administrator. If any board member has reason to believe a password has been lost or stolen, or that email is being accessed by someone without authorization, he/she shall notify the

PUBLIC AND EXECUTIVE SESSIONS (continued)

superintendent immediately.

Electronic "Surveying" Communications

The board of education believes that "paperless board meetings" are a type of electronic communication among its members and the administration that is an efficient and convenient way to exchange information, but must not be misused to deliberate issues that are appropriately discussed only in a public meeting. Therefore, board members and administrators shall exercise caution when communicating between and among themselves via electronic messaging services including but not limited to surveying, email, internet web forums and internet chat rooms.

The surveying features of paperless board meetings shall be used consistent with the New Jersey Open Public Meetings Act by restricting its use in the following ways:

- A. The board shall maintain and provide access to all electronic communications pursuant to the New Jersey Open Public Records Act;
- B. Surveying is a type of electronic messaging communication, and shall conform to the same standards of judgment, propriety and ethics as other forms of board-related communications (committee meetings, telephone calls, etc.);
- C. Board members shall not use surveys, email or any other electronic messaging service as a substitute for deliberations at board meetings. The Open Public Meetings Act defines a "meeting" as any gathering, whether corporeal or by means of communication equipment, attended by or open to all of the members of a public body, held with the intent to discuss or act as a unit upon the specific public business of that body;
- D. Surveying will not be used for topics referring to confidential information about employees, students or others in email communications because of the risk or improper disclosure; and
- E. The district will avoid the appearance of conducting board discussion or actions, in which opinions are exchanged among a quorum of board members through repeated survey questions and answers, outside an open public meeting.

The board shall annually review its electronic communication policy and practices with the board attorney.

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 Revised: September 10, 1991
 Revised: February 24, 1992
 Revised: August 23, 1995
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 Readopted:

Key Words

Board of Education Meetings, Public and Executive Sessions, Executive Sessions

Legal References: N.J.S.A. 2C:33-8 Disrupting meetings and processions
N.J.S.A. 10:4-6 *et seq.* Open Public Meetings Act
N.J.S.A. 18A:10-6 Board meetings public; frequency; hours of

PUBLIC AND EXECUTIVE SESSIONS (continued)

N.J.S.A. 18A:11-1 commencement; adjournment, etc., for lack of quorum
N.J.S.A. 18A:12-21 et seq. School Ethics Act
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.S.A. 47:1A-1 et seq. Public Records; Examination and Copies (Open Public Records Act)
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the performance of school districts

Rice v. Union City Board of Education, 143 N.J. Super 64 (1978)

5 U.S.C. Section 552as amended by Public Law No. 104-231,110 Stat. 3048 Freedom of Information Act

Garcetti v. Ceballos 2006 U.S. LEXIS 4341(May 2006)

Possible

Cross References: *1120 Board of education meetings
*3570 District records and reports
*6142.10 Technology
*9121 Election and duties of president
*9271 Code of ethics
*9323/9324 Agenda preparation/advance delivery of meeting material
*9326 Minutes

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

AGENDA PREPARATION/ADVANCE DELIVERY OF MEETING MATERIAL

The superintendent may consult the board president and shall prepare the agenda for all meetings of the board. In doing so, the superintendent shall consult the board secretary.

Items of business suggested by any board member, staff member, or citizen of the district may be included at the discretion of the superintendent. The agenda shall allow time for the remarks of citizens, staff members, or students who wish to speak briefly before the board.

The agenda shall be published pursuant to provisions of the Open Public Meetings Act. The board shall follow the order of business set up by the agenda. At a regularly scheduled meeting for which an advance agenda has been provided to the public, items of business not anticipated at the time the agenda was prepared may be discussed and acted upon at the discretion of the superintendent. However, existing board policies and bylaws may not be revised or new ones adopted unless the proposals are on the written agenda.

The agenda, together with supporting materials, shall be distributed to board members sufficiently prior to the board meeting to permit them to give items of business careful consideration. The agenda shall also be made available to the press, representatives of community and staff groups, and others, upon request.

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Key Words

Board Meeting Agenda, Delivery of Meeting Materials, Board Meeting Materials, Agenda

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Crifasi v. Governing Body of the Borough of Oakland, 156 N.J. Super. 182 (App. Div. 1978)

Possible

Cross References: *1120 Board of education meetings
*9311 Formulation, adoption, amendment of policies
*9312 Formulation, adoption, amendment of bylaws

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

VOTING METHOD

Official actions may be taken only at a regular monthly or specially called meeting at which a quorum is present. As an advisory board, an official action shall require for adoption a majority vote of those present and voting (minimally, a majority of the quorum). An official action that is voted on and approved by the board shall be recommended to the superintendent for final approval.

A vote can be conducted by voice, show of hands or roll call, provided that the vote of each member is recorded, except where a recorded roll call majority is required by code or statute. Proxy voting is prohibited. Any member may request that the board be polled.

Abstentions

A member may abstain from voting. An abstention shall be so recorded and shall not be counted as either an affirmative or a negative vote. Abstentions are to be so recorded, regardless of whether a person speaks for or against a motion prior to stating his/her wish to abstain. The silence of a member on any vote shall be recorded as an abstention.

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Key Words

Voting Method, Abstentions

Legal References: N.J.S.A. 18A:38-8.1 Additional member on board of education to represent board of education in each sending district

Aurentz v. Little Egg Harbor Township Planning Board, 171 N.J. Super. (Law Div.1979)

King v. Asbury Park Board of Education, 1939-49 S.L.D. 20

Matawan Teachers' Assn. v. Board of Education, 223 N.J. Super. 504 (App. Div. 1988)

Lincoln Park Bd. of Ed. v. Boonton Bd. of Ed., 97 N.J.A.R. 2d (EDU) _ (May 30)

Little Ferry Bd. of Ed. v. Ridgefield Park Bd. of Ed., 97 N.J.A.R. 2d (EDU) _ (July 24)

Green Twp. Bd. of Ed. v. Newton Bd. of Ed., 97 N.J.A.R. 2d (EDU) __ (August 5)

Possible

Cross References: *1120 Board of education meetings
*3570 District records and reports
*9121 Election and duties of president
*9271 Code of ethics
*9322 Public and executive sessions
*9323/9324 Agenda preparation/advance delivery of meeting material

*9326 Minutes

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

MINUTES

The minutes of all meetings of the board shall be sufficiently detailed to serve as documentation of board compliance with New Jersey statutes and administrative code.

The minutes of the meetings of the board of education shall include:

- A. The classification (regular, adjourned or special), date, and place of meeting;
- B. The call to order stating time, person presiding and his/her office;
- C. The record of the roll call of board members;
- D. A notation of the presence of the superintendent, school business administrator, board secretary, administrators and the public;
- E. Announcement of notification listing the newspapers by name;
- F. A record of any corrections to the minutes of the previous meetings and the action approving them;
- G. A record of all communications presented to the board; and
- H. A record of each motion placed before the board, the result of the vote, and the vote of each member.

A copy of the minutes of the previous meeting shall be sent to all board members along with agenda materials.

The minutes shall be filed permanently for reference purposes.

All reports requiring board action, resolutions, agreements and other written documents shall be placed in the files of the board secretary and/or the superintendent as a permanent record.

Minutes of Closed Meetings

The minutes of closed meetings must be made available to the public as soon as the reason for confidentiality no longer applies. When a closed meeting deals with more than one privileged matter, the minutes shall be prepared in such a way that each matter can be separated and disclosed in a timely manner.

Public Access to Minutes

Minutes of all regular meetings shall be available to the public for inspection within two weeks of the meeting.

The board secretary (or other person deemed to be the custodian of public records) shall permit the minutes to be inspected, examined and copied by any person during regular business hours. However, for a board of education having a total district enrollment of 500 students or fewer, minutes shall be available during not less than six regular business hours over not less than three business days per week or the board's regularly-scheduled business hours, whichever is less. The board may charge a fee for copies of the minutes as provided by law.

Official Tapes of Public Meetings

MINUTES (continued)

The board secretary may make video or audio recordings of public meetings of the board in order to assure proper documentation of occurrences and the preparation or transcription of minutes. All video or audio recordings are the sole property of the board, and any individual requesting access to these materials must do so in writing five working days in advance. The video or audio recordings shall not be removed from the board office and must be played in the presence of the board secretary/designee. All video or audio recordings shall be stored in a locked cabinet located in the board office and shall be retained under the New Jersey Department of Treasury, Division of Revenue and Enterprise Service, Records Management Services (RMS) schedule for 45 days or until official transcripts or minutes are prepared and adopted, whichever is longer.

Video and Audio Recordings by Members of the Public

Any member of the public is entitled to make an audio or video recording of a board of education meeting; subject to reasonable restrictions including that the taping will minimize intrusiveness and not interrupt the proceedings. Any person wishing to make an audio or video recording of a meeting shall provide written notice of their name, address and telephone number and will consent to the board, at its own expense and upon request, to make a reproduction of the recording. Absent prior board approval, no additional artificial lighting shall be permitted. No electrical or other wiring is allowed due to the danger of entanglement and tripping. All persons recording board proceedings shall hold the board harmless against all damage or injury whether to equipment, to themselves or to others. To protect privacy, there shall be no recording of closed executive sessions and no audio pick-up of private conversations occurring in the audience or between the board and its attorney. Persons making video or audio recordings of public meetings shall not move around the room while meetings are in session and equipment, once positioned, shall not be moved during the board meeting. Unless waived by the board, no more than two portable video cameras, operated by not more than two persons, shall be allowed, on a first-come, first-served basis. Following the adjournment of the board's meeting, any persons responsible for recording shall immediately remove all equipment and restore the facility to the same condition it was in immediately prior to the recording equipment being set up.

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Key Words

Minutes, Board Meeting Minutes, Records, District Records and Reports

Legal References: N.J.S.A. 10:4-6 et seq. Open Public Meetings Act
See particularly:
N.J.S.A. 10:4-10, -14
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:17-7 Secretary to give notices and keep minutes, etc.
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.S.A. 47:1A-1 et seq. Public Records; Examination and Copies (Open Public Records Act)
N.J.A.C. 6A:8-4.3 Accountability
N.J.A.C. 6A:30-2.1 NJQSAC

Executive Order No. 9, September 30, 1963; modified by Executive Order No. 11, November 15, 1974

MINUTES (continued)

Maurice River Board of Education v. Maurice River Teachers Assn., 193 N.J. Super. 488 (App. Div. 1984)

Matawan Ed. Ass'n. v. Matawan-Aberdeen Ed. Bd., 212 N.J. Super. 328

Liebeskind v. Mayor & Mun. Coun. of Bayonne, 265 N.J. Super. 389, 400-401 (App. Div. 1993)

Atlantic City Convention Center Authority v. South Jersey Publishing Co., Inc., 135 N.J. 53 (1994). Tapes made during closed government meetings are common law public records, subject to the removal of any confidential or privileged information before disclosure. "Blanket access to the tapes would not be required: rather, access could be limited to those portions of the tapes necessary to vindicate the public interest."

Robert Wayne Tarus v. Borough of Pine Hill, et al., NJ Supreme Court (A-93-2005, decided March 7, 2007). The public's right of access to governmental proceedings includes the right to videotape.

New Jersey Department of State, Division of Archives and Records Management, School District Records Retention Schedule

Possible

Cross References: *3570 District records and reports
9123 Appointment of board secretary

*Indicates policy is included in the Critical Policy Reference Manual.

Bylaw

BOARD SELF-EVALUATION

The members of the Camden City Board of Education shall conduct an annual self-evaluation to determine the degree to which they are meeting their responsibilities as board members and the needs of their educational community. This self-evaluation shall be positive, frank and honest, and shall be the board's professional development improvement plan that establishes priorities for action and specific goals and objectives to strengthen the operation of the board.

The board shall use a multifaceted self-evaluation instrument.

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Key Words

Board Self-evaluation, Evaluation

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: *2131 Superintendent
*9000 Role of the board

*Indicates policy is included in the Critical Policy Reference Manual.