

Bylaw

ROLE OF THE BOARD

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 trustees has full power to operate as a local public school as it deems fit in compliance with state and federal mandates and pertinent laws of the municipality. The board functions only when in session.

The board of trustees sees these as its required functions:

A. Policy oversight

The board is responsible for the development of policy and for the employment of a chief school administrator who shall carry out its policies through the development and implementation of regulations. 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 has major responsibilities for the adoption of a budget that 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 providing adequate and direct means 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, both 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 provide the best educational opportunities possible for our children within the financial limitations set by the community.

The experiences, affiliations, and contributions of PACS board members may include, but not be limited to the following:

- social services field (eg: health/social work/psychology)
- legal field (eg: lawyer)
- financial field (eg: accountant)
- education and institutions of higher education
- foundations and corporations

ROLE OF THE BOARD (continued)

- community organizations in the region of residence
- parent/guardian of a student attending the school or in region of residence

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 chief school administrator, who shall be appointed by a recorded rollcall 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.

Date:

Key Words

Boards of Education, Role of the Board

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:101	Constitution of boards of education; conduct of schools; state-operated school district
	<u>N.J.S.A.</u> 18A:111	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	School Ethics Act
	<u>N.J.S.A.</u> 18A:1715	Appointment of superintendents; terms; apportionment of expense
	<u>N.J.S.A.</u> 18A:331	District to furnish suitable facilities; adoption of courses of study
	<u>N.J.S.A.</u> 18A:341	Textbooks; selection; furnished free with supplies; appropriations
	<u>N.J.S.A.</u> 18A:362	Time when schools are open; determination
	<u>N.J.S.A.</u> 18A:5420	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:11	Charter Schools, Administrative Code
	<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission
	<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

<u>Cross References:</u>	*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

ROLE OF THE BOARD (continued)

4000	Concepts and roles in personnel
5000	Concepts and roles in pupil 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.

Bylaw

ROLE OF THE MEMBER

It is understood that the members of the board of trustees 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.

Date:

Key Words

Individual Board Member, Board Members' Role

<u>Legal References:</u>	<u>N.J.S.A. 18A:111</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:12-21 et seq.</u>	School Ethics Act
	<u>N.J.S.A. 18A:5420</u>	Powers of board (county vocational schools)
	<u>N.J.A.C. 6A:28-1.1 et seq.</u>	School Ethics Commission

Possible

<u>Cross References:</u>	*1250	Visitors
	*9020	Public statements
	*9271	Code of ethics

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

Bylaw

PUBLIC STATEMENTS

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

No other member of the board of trustees 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.

Date:

Key Words

Board Members' Role, Public Statements

<u>Legal References:</u>	N.J.S.A. 18A:111	General mandatory powers and duties
	N.J.S.A. 18A:424	Distribution of literature to candidacy, board issues, or other public question to be submitted at election; prohibited

Possible

<u>Cross References:</u>	*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.

Bylaw

FILLING VACANCIES

Vacancies Filled by the Board

The PACS board of trustees will consist of nine voting members, and may have up to 5 ex officio non-voting members. All board members will serve a maximum of eight years. The initial Trustees and Officers will be selected by the founding members of the Pride Academy Charter School. After formal incorporation, additional or replacement Board members will be elected during a regularly scheduled monthly Board meeting. Candidates for the Board must get a majority vote of the full Board.

The board shall fill vacancies created by the resignation, removal by the board for cause or death of a serving member. The vacancy shall be filled as soon as possible in order to ensure continuity and efficient operations.

Procedures by which to select the persons to fill such vacancies may include advertisement of the vacancy in charter school publications or on the charter school web site. Interviews with interested parties will be conducted in public by the board acting as committee of the whole unless the applicant asks for privacy.

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

Date:

Key Words

Filling Vacancies, Board Vacancies

Legal References:

N.J.S.A. 18A:656

N.J.S.A. 18A:121

N.J.S.A. 18A:123

N.J.A.C. 6A:11

Election of members of representative assembly; vacancies (educational services commission)

Qualifications of board members

Removal of members

Charter Schools, Administrative Code

Bylaw

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.

The duties of the PACS board president will be as set forth in the charter application approved by NJDOE:

- presides at all meetings of the Board.
- signs instruments, acts and orders necessary to carry out state requirements and the will of the Board.
- consults with the Principal and staff regularly.
- appoints Board committees.
- calls meetings of the board as necessary with at least 3 days notice.
- is responsible for orderly conduct of Board meetings.
- serves as an ex officio member of all Board committees.
- enforces parliamentary procedure.
- communicates Board policy to Management.
- allows public comments to be made during public meetings.

In carrying out these responsibilities, the president shall:

- A. Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the board;
- B. Consult with the chief school administrator 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 chief school administrator on crucial matters which may occur between board meetings;
- 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

ELECTION AND DUTIES OF PRESIDENT (continued)

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;
- 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.

Date:

Key Words

President, Board President

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:620	The right to testify; counsel; witnesses; compulsory process
	<u>N.J.S.A.</u> 18A:654	Representative assembly; organization; election of board of directors and officers (educational services commission)
	<u>N.J.S.A.</u> 18A:1312	Organization of boards; failure to organize
	<u>N.J.S.A.</u> 18A:151	President and vice president; election or failure to elect
	<u>N.J.S.A.</u> 18A:152	Removal of president or vice president; vacancies
	<u>N.J.S.A.</u> 18A:191	Expenditure of funds on warrant only; requisites
	<u>N.J.S.A.</u> 18A:199	Compensation of teachers, etc., payrolls

Possible

<u>Cross References:</u>	*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

The board shall operate as a committee of the whole. Although the board does not have standing committees, it may create parent committees and special committees for particular assignments. When so created, such committees shall be appointed by the president, subject to board approval, and shall terminate upon completing their assignments (or they may be terminated by a vote of the board at any time).

During new parent orientation sessions at PACS in August, Parent Council positions will be offered, as well as opportunities for parents to join committees in any of the following areas: Graduation, Special Events, Fundraising, Academic Success, NCLB, School Culture, Pride Pledge (discipline), Student Life, Athletic Program, Project Pride, and Hospitality.

It shall be the responsibility of such committees to make appropriate and effective use of professional expertise and resources within and outside the charter school. These committees may actively seek input and participation by parents/guardians, staff, community and pupils, as well as consult with other local public boards and agencies.

The president shall be an ex officio member of each task force or committee. The chief school administrator or a member of the chief school administrator's staff may also be named as liaison to each committee when appropriate.

Date:

Key Words

Committees, Board Committees

Legal References:	<u>N.J.S.A.</u> 10:46 <u>et seq.</u>	Open Public Meetings Act
	<u>N.J.S.A.</u> 18A:106	Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum
	<u>N.J.S.A.</u> 18A:111	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	School Ethics Act
	<u>N.J.S.A.</u> 18A:5420	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

COMMITTEES (continued)

School Ethics Commission, Advisory Opinion, A14-00

Possible

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

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

Legal ReferencesORIENTATION AND TRAINING OF BOARD MEMBERS**Mandated:**

N.J.A.C. 6A:32-3.2(a) requires boards to adopt policies and procedures regarding board training in understanding the Code of Ethics for School Board Members, N.J.S.A. 18A:12-24.1.

Other Reasons:

N.J.S.A. 18A:12-33 requires each newly elected or appointed board member to complete during the first year of his/her term a training program prepared and offered by NJSBA in consultation with New Jersey Association of School Administrators, the New Jersey Principals and Supervisors Association, and the Department of Education addressing the skills and knowledge to serve as a local school board member. This training 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.

N.J.S.A. 18A:12-33 and N.J.A.C. 6A:28-4.1 require each newly elected or appointed board member or charter school trustee to complete during the first year of his/her term a training program prepared and offered by NJSBA which includes in its content instruction relative to the board member's responsibilities under the School Ethics Act. Additional training is required in both the second and third year of service on any board. An advanced training program that includes information on changes in New Jersey school law must be completed within one year of re-election or reappointment to the board of education or charter school board of trustees.

P.L. 2010, c. 122 amended N.J.S.A. 18A:12-33 to include the requirement that 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 under N.J.S.A. 18A:37-13 et seq. A board member shall be required to complete the program only once. Training on harassment, intimidation, and bullying in schools shall be provided by the New Jersey School Boards Association, in consultation with recognized experts in school bullying from a cross section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies.

N.J.S.A. 18A:17-20.3(b) requires NJSBA training of newly elected or appointed board members in superintendent evaluation within six months of commencing his/her term of office.

An amended resolution of the School Ethics Commission of March 1999 removes the previously allowed exemption from NJSBA training for new board members who have had prior service on a school board. Any board member who has been on a board since June 1992 is "grandfathered."

Recommendation:

A bylaw clarifying for both the public and board members the necessity for spending public funds to train board members to fulfill their function as expertly as possible through initial training as required by law, and through continuing inservice development.

Legal References: N.J.S.A. 18A:645
through 50

New Jersey School Boards Association established

ORIENTATION AND TRAINING OF BOARD MEMBERS (continued)

<u>N.J.S.A.</u> 18A:111	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 requirements
<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	<u>Anti-Bullying Bill of Rights Act</u>
<u>N.J.S.A.</u> 18A:5420	Powers of board (county vocational schools)
<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 <u>et seq.</u>	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
<u>N.J.A.C.</u> 6A:32-4.3	Evaluation of tenured and nontenured chief school administrators

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	Chief school administrator
	*9250	Expenses
	*9271	Code of Ethics

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

Bylaw

ORIENTATION AND TRAINING OF BOARD MEMBERS

Orientation of New Board Members

The chief school administrator 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.

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.

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. A maximum of _____ members may attend any such function held outofstate.

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

The chief school administrator 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.

Date:

ORIENTATION AND TRAINING OF BOARD MEMBERS (continued)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:645 through 50	New Jersey School Boards Association established ...
	<u>N.J.S.A.</u> 18A:111	General mandatory powers and duties
	<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:5420	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:28-1.2	Definitions
	<u>N.J.A.C.</u> 6A:28-1.6	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
	<u>N.J.A.C.</u> 6A:32-4.3	Evaluation of tenured and nontenured chief school administrators

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

Possible

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Sample Bylaw

ORIENTATION AND TRAINING OF BOARD MEMBERSOrientation of New Board Members

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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: operations; instruction and program; governance; fiscal management and personnel.

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 and charter school trustee 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 or trustees within one year of re-election or reappointment to the board of education or charter school board of trustees.

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

ORIENTATION AND TRAINING OF BOARD MEMBERS (continued)

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.

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. A maximum of members may attend any such function held out of state.

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

The chief school administrator 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.

Date:

Legal References: Use legal reference sheet.

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

Key Words

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

<u> </u>	Monitored
<u> X </u>	Mandated
<u> X </u>	Other Reasons

Bylaw

EXPENSES AND REIMBURSEMENTS

Board members and Charter school trustees 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, trustees and employees shall only be reimbursed for work-related travel that is directly related to and within the scope of the board member's, trustee's and employee's current work responsibilities. Board members, trustees 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, trustees 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 A-87 (found at http://www.whitehouse.gov/omb/circulars/a087/a87_2004.html). 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. The board of education shall specify in its travel policy the applicable restrictions and requirements set forth in the State and federal guidelines including,

EXPENSES (continued)

but not limited to, types of travel, methods of transportation, mileage allowance, subsistence allowance, and submission of supporting documentation including receipts, checks or vouchers.

- D. Board members, trustees 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-5.8 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 chief school administrator or charter school lead person, and prior approval by a majority of the full voting membership of the board (as set forth below).

Prior Approval Is Required

Board members and trustees 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 is 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 chief school administrator and prior approval by a majority of the full voting membership of the board.
- 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.

EXPENSES (continued)

An employee of the school board, a school board member, or organization, shall not receive an amount for travel and travel-related expenses in advance of the travel pursuant to N.J.S.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 bare 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;

EXPENSES (continued)

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 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; and
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.
7. Air and rail tickets shall be purchased via the internet, if possible, using online travel services.

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

EXPENSES (continued)

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 chief school administrator or charter school lead person may develop regulations to implement this policy.

Adopted: June 2008

NJSBA Review/Update: July 2009

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:21	Power to effectuate action
	<u>N.J.S.A.</u> 18A:4-23	Supervision of schools; enforcement of rules
	and 24	Determining efficiency of schools; report to state board
	<u>N.J.S.A.</u> 18A:111	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:124	Compensation of members
	<u>N.J.S.A.</u> 18A:1224	School Ethics Act
	and 24.1	Code of Ethics
	<u>N.J.S.A.</u> 18A:5420	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:23A5.9	Out of state and high cost travel
	<u>N.J.A.C.</u> 6A:23B-1.1 <u>et. seq.</u>	Travel and Related Expense Reimbursement (Non-Abbott Districts)
	<u>P.L.</u> 2005, c.132	Appropriations Act
	<u>P.L.</u> 2007, c. 52	A5 provides for various school district accountability measures

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 trustees accepts the responsibility of governing the operation of the charter school 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.

For the purpose of this bylaw, family member shall be defined as grandparent, parent, spouse, child, grandchild or sibling, whether by blood or marriage.

Therefore, in addition to complying with all statutory requirements:

- A. No board member shall hold any form of paid employment with the charter school while he/she is serving, nor for six months after leaving office.
- B. No board member shall participate in any way in the employment, appointment, terms and conditions of employment, performance evaluation of or promotion of his/her family member.
- C. No board member shall discuss or vote on a proposed collective bargaining agreement with a bargaining unit; participate in any way as a member of the negotiating team; be present in closed session when the board is discussing negotiation strategies nor participate in negotiations in any way when his/her family member belongs to that bargaining unit.
- D. No board member who is a member of the same statewide union or whose immediate family member is a member of that same statewide union shall participate in any way in negotiations, prior to the board's attaining a tentative memorandum of agreement with the bargaining unit. Once the tentative memorandum of agreement is established, the board member with an out of district same statewide union affiliation may fully participate in the process, absent other conflicts. Prior to that time, the board member shall not be a member of the negotiating team and shall not be present with the board in closed session when negotiation strategies are being discussed. The board member may vote on the collective bargaining agreement.
- E. No board member shall use, attempt to use, or allow to be used any property owned or leased by the charter school for the purpose of securing financial gain for the board member, a family member, a political organization, or a business in which the board member or a family member has an interest or which employs or provides compensation to the board member or family member.
- F. No board member shall use, attempt to use, or allow to be used his/her position for the purpose of securing financial gain for the board member, a family member, a political organization, or a business in which the board member or a family member has an interest or which employs or provides compensation to the board member or family member.
- G. No board member shall use, attempt to use, or allow to be used any information which is not generally available to the public, and which the board member acquired by reason of his/her position, for the purpose of securing financial gain for the board member, family member, a political organization, or a business in which the board member or a family member has an interest or which employs or provides compensation to the board member or family member.

CONFLICT OF INTEREST (continued)

- H. No board member shall solicit, accept, or agree to accept, either directly or indirectly, any gift, loan, political contribution, service, promise of future employment, or other thing of value if the board member knows or reasonably should know that the gift, loan, political contribution, service, promise of future employment, or other thing of value was given or offered for the purpose of influencing the board member, directly or indirectly, in the discharge of his/her duties.
- I. No board member shall direct or request that any person or business which is a party to a contract with the charter school perform, whether for compensation or not, any services for, or contribute anything of value to, a political organization.
- J. No board member shall use his/her position to direct or request that any other school official or any person employed by the charter school perform any services, whether for compensation or not, for, or contribute anything of value to, a political organization.
- K. No board member shall participate in any way in charter school action which he/she knows or reasonably should know would result in the payment of charter school funds, from whatever source derived, to the board member, family member, a political organization, or a business in which the board member or family member has an interest or which employs or provides compensation to the board member or family member.
- L. Nothing in this bylaw shall be construed to prohibit a board member from taking action in an official capacity if by reason of that action no benefit or detriment could reasonably be expected to accrue to the board member or a family member as a member of a group to any greater extent than any such benefit or detriment could reasonably be expected to accrue to any other member of such group.

Date:

Key Words

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

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:68	Interest of school officers, etc., in sale of textbooks or supplies; royalties
	<u>N.J.S.A.</u> 18A:68.4	Right to hold elective or appointive state, county or municipal office
	<u>N.J.S.A.</u> 18A:121.1	Ineligibility for appointment to paid office or position filled by board
	<u>N.J.S.A.</u> 18A:122	Inconsistent interests or office prohibited
	<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	School Ethics Act
	<u>N.J.S.A.</u> 52:13D12 <u>et seq.</u>	Legislative findings ... (regarding conflict of interest)
	<u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u>	Appeals
	<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission
	<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

CONFLICT OF INTEREST (continued)

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

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 Nepotism
- *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 board of trustees 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 pupils 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.
 - * [Not legally required. See "recommendation" on legal reference pages.]
- 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 trustees 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 school 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 school.
- J. I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief school administrator.
- K. I will support and protect school personnel in proper performance of their duties.
- L. I will refer all complaints to the chief school administrator and will act on such complaints at public meetings only after failure of an administrative solution.

CODE OF ETHICS (continued)

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.

Date:

Key Words

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

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:111	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:122	Inconsistent interests or office prohibited
	<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	School Ethics Act
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:12-24, -24.1	
	<u>N.J.S.A.</u> 18A:5420	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:28-1.1 <u>et seq.</u>	School Ethics Commission
	<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

Manual for the Evaluation of Local School Districts**Possible**

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

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

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Bylaw

FORMULATION, ADOPTION, AMENDMENT OF POLICIES

The governance of the charter school through policies directed toward providing a thorough and efficient education for its pupils is one of the most important functions of the board of trustees. Therefore, the board shall establish a careful process to ensure:

- 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 charter school objectives and progress toward goals.

In order to ensure that the total policy process is implemented effectively, the board appoints the chief school administrator as policy coordinator. In cooperation with the board, he/she shall establish procedures to implement this bylaw that shall include an action plan for the careful development of policies and their regular review; appropriate policy goal-setting; a process for evaluation of charter school progress toward or achievement of policy goals; and appropriate standards of measurement and criteria for judging such progress.

The procedures shall conform in all respects to the bylaws of the board concerning agenda and meetings. The procedures shall provide a means whereby all interested parties in the school community may submit proposals for additions and amendments to the charter school 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 may be adopted on second reading by a majority vote of the members of the board present and voting or may be further revised until consensus is reached. NOTE: FIRST READING MEANS THE FIRST TIME THE POLICY IS PRESENTED, NOT THE FIRST TIME A POLICY IS APPROVED IN ITS FINAL FORM. When necessary for efficient operations, to meet an NJDOE timeline, or to protect the public interest, the first and second readings may be combined.

In the interest of efficient administration, the chief school administrator 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. The chief school administrator shall present the matter at the next board meeting, so the board can consider policy to deal with that situation in the future.

The board reserves to itself the right to final determination of what shall be the official policy of the charter school.

Date:

FORMULATION, ADOPTION, AMENDMENT OF POLICIES (continued)Key Words

Policy, Board Policy

Legal References:	<u>N.J.S.A. 10:46 et seq.</u>	Open Public Meetings Act
	<u>N.J.S.A. 18A:106</u>	Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum
	<u>N.J.S.A. 18A:111</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:1720</u>	Tenured and nontenured superintendents; general powers and duties
	<u>N.J.S.A. 18A:5420</u>	Powers of board (county vocational schools)
	<u>N.J.S.A. 47:1A1 et seq.</u>	Public Records; Examination and Copies ("Open Public Records Act")

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

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
	*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 trustees'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 trustees 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 adopted by a majority vote of the members of the board present and voting during a regularly or specially scheduled meeting of the board. The proposed additions, amendments or revisions shall have been described in writing in the calls for these meetings.

Date:

Key Words

Bylaws, Board Bylaws

<u>Legal References:</u>	<u>N.J.S.A. 10:46 et seq.</u>	Open Public Meetings Act
	<u>N.J.S.A. 18A:106</u>	Board meetings public; frequency; hours commencement; adjournment, etc., for lack of quorum
	<u>N.J.S.A. 18A:111</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:5420</u>	Powers of board (county vocational schools)

Possible

<u>Cross References:</u>	*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 board of trustees delegates to the chief school administrator the function of specifying required actions and designing 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 board 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 charter school, the chief school administrator 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 board should vote to change or rescind any such rule or regulation following its presentation at a public meeting of the board. The board itself will adopt administrative regulations when specific state laws require board adoption, and may do so when the chief school administrator recommends board adoption. The board reserves the right to review and cause revisions of administrative regulations should they, in the board's judgment, be inconsistent with the policies adopted by the board.

Date:

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:32-2.1

Definitions (chief school administrator and administrative principal)

N.J.A.C. 6A:32-4.3

Evaluation of tenured and nontenured chief school administrator

Possible**Cross References:**

*2131

Chief school administrator

*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 trustees has developed a careful and deliberate process of formulating and adopting its policies and bylaws. Requests for suspension of any existing policy or bylaw should receive the same careful consideration.

Therefore:

- 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. If it does, the suspension will be denied and the policy or bylaw reaffirmed in the minutes.
- C. If the policy or bylaw does not reflect the intent of the board, then the policy shall be waived by a majority vote of the members of the board present and voting and development of a revised policy or bylaw shall become the board's prime policy priority.
- 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 suspension or waiver will be denied.

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

Date:

Key Words

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

Legal References: N.J.S.A. 18A:111

N.J.S.A. 18A:1720

N.J.S.A. 18A:5420

N.J.A.C. 6A:32-2.1

General mandatory powers and duties

Tenured and non-tenured superintendents; general powers and duties

Powers of board (county vocational schools)

Definitions (chief school administrator and administrative principal)

SUSPENSION OF POLICIES, BYLAWS
AND REGULATIONS (continued)

N.J.A.C. 6A:32-4.3 Evaluation of tenured and nontenured chief school administrator

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 trustees 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 trustees may hold an emergency meeting without providing adequate public notice if:

- A. Threequarters 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 will announce that adequate notice of the meeting was provided and shall specify the time, place and manner in which the notice was provided.

TIME, PLACE, NOTIFICATION OF MEETINGS (continued)

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
- 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; and
- 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 onceayear 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.

Date:

Key Words

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

TIME, PLACE, NOTIFICATION OF MEETINGS (continued)

<u>Legal References:</u>	<u>N.J.S.A.</u> 10:46 <u>et seq.</u>	Open Public Meetings Act
	<u>N.J.S.A.</u> 10:49.1	Electronic notice of meeting of public body; terms defined
	<u>N.J.S.A.</u> 18A:103	First regular meeting of board
	<u>N.J.S.A.</u> 18A:104	Secretary to give notice of meeting
	<u>N.J.S.A.</u> 18A:105	Organization meeting as business meeting
	<u>N.J.S.A.</u> 18A:106	Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum
	<u>N.J.A.C.</u> 6A:11	Charter Schools, Administrative Code
	especially 6A:11-4.11	compliance with Open Public Meetings Act
	<u>N.J.A.C.</u> 6A:323.1	Special meetings of district boards of education

Possible

<u>Cross References:</u>	*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 trustees shall officially transact all business at a legal meeting of the board in accordance with New Jersey law.

All meetings of the board of trustees 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 pupil records, and any reports or recommendations concerning a specific individual (see 1120 for "needless public labeling");
- 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;
- 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

PUBLIC AND EXECUTIVE SESSIONS (continued)

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 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 considered by the board.

Electronic Communication Among Board Members

The board of trustees 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.

PUBLIC AND EXECUTIVE SESSIONS (continued)

- 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 chief school administrator immediately.

Electronic “Surveying” Communications

The board of trustees believes that “paperless board meetings” are a type of 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 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.
- 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.
- F. The board shall periodically review its electronic communication policy and practices with the board attorney.

Date:

Key Words

PUBLIC AND EXECUTIVE SESSIONS (continued)

Board Meetings, Public and Executive Sessions, Executive Sessions

<u>Legal References:</u>	<u>N.J.S.A. 2C:338</u>	Disrupting meetings and processions
	<u>N.J.S.A. 10:46 et seq.</u>	Open Public Meetings Act
	<u>N.J.S.A. 18A:106</u>	Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum
	<u>N.J.S.A. 18A:111</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:12-21 et seq.</u>	School Ethics Act
	<u>N.J.S.A. 18A:5420</u>	Powers of board (county vocational schools)
	<u>N.J.S.A. 47:1A-1 et seq.</u>	Public Records; Examination and Copies ("Open Public Records Act")
	<u>N.J.A.C. 6A:11</u> especially 6A:11-4.11	Charter Schools, Administrative Code compliance with Open Public Meetings Act
	<u>N.J.A.C. 6A:32-12.1</u>	Reporting requirements
	<u>Rice v. Union City Board of Education, 143 N.J. Super 64 (1978)</u>	
	5 U.S.C. Section 552	
	as amended by Public Law	
	No. 104-231, 110 Stat. 3048 Freedom of Information Act	
	<u>Garcetti v. Ceballos 2006 U.S. LEXIS 4341 (May 2006)</u>	

Possible

<u>Cross References:</u>	*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 chief school administrator and the board president shall prepare the agenda for all meetings of the board. In doing so, they shall consult the board secretary.

Items of business suggested by any board member, staff member, or citizen of the charter school may be included at the discretion of the chief school administrator and board president. When appropriate, the agenda shall allow time for the remarks of citizens, staff members, or pupils 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 unless the order is altered by a majority vote of the members present and voting. 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 if a majority of the board present and voting agrees to consider them.

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.

Date:

Key Words

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

Legal References: N.J.S.A. 18A:111 General mandatory powers and duties
 N.J.A.C. 6A:11 Charter Schools, Administrative Code
 especially 6A:11-4.11 compliance with Open Public Meetings Act

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. All motions shall require for adoption a majority vote of those present and voting (minimally, a majority of the quorum), except as provided by code or statute.

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.

Date:

Key Words

Voting Method, Abstentions

Legal References: N.J.A.C. 6A:11 Charter Schools, Administrative Code
 especially 6A:11-4.11 compliance with Open Public Meetings Act

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

King v. Asbury Park Board of Education, 193949 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)

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 trustees 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 chief school administrator, 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;
- 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 chief school administrator 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

MINUTES (continued)

board of trustees having a total district enrollment of 500 pupils 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.

NOTE: IF THE BOARD TAPE RECORDS PUBLIC MEETINGS, A SECTION ON TAPING SHOULD BE INCLUDED IN THIS BYLAW.

Taping of Public Meetings

Official Tapes: The board secretary may tape record public meetings of the board in order to assure proper documentation of occurrences and the preparation or transcription of minutes. All tapes 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. Tapes shall not be removed from the board office and must be played in the presence of the board secretary/designee. All tapes shall be stored in a locked cabinet located in the board office and shall be retained under the NJDARM schedule for 45 days or until official transcripts or minutes are prepared and adopted, whichever is longer.

Taping by Members of the Public: Any member of the public is entitled to make an audio or video tape recording of a board of trustees meeting subject to reasonable restrictions including that the taping will minimize intrusiveness and not interrupt the proceedings. Any person wishing to audio or video tape meetings 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 and indemnify the board against all damage or injury whether to equipment, to themselves or to others. To protect privacy, there shall be no taping of closed executive sessions and no audio pick-up of private conversations occurring in the audience or between the board and its attorney. Persons taping 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 tape 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 taping 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.

Date:

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

Key Words

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

<u>Legal References:</u>	<u>N.J.S.A. 10:46 et seq.</u> <u>See particularly:</u> <u>N.J.S.A. 10:410, 14</u> <u>N.J.S.A. 18A:111</u>	Open Public Meetings Act General mandatory powers and duties
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MINUTES (continued)

<u>N.J.S.A.</u> 18A:177	Secretary to give notices and keep minutes, etc.
<u>N.J.S.A.</u> 18A:5420	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 47:1A-1 <u>et seq.</u>	Public Records; Examination and Copies ("Open Public Records Act")
<u>N.J.A.C.</u> 6A:8-4.3	Accountability
<u>N.J.A.C.</u> 6A:11	Charter Schools, Administrative Code
especially 6A:11-4.11	compliance with Open Public Meetings Act
<u>N.J.A.C.</u> 6A:30-1.4	Evaluation process for the annual review
<u>N.J.A.C.</u> 6A:32-12.1	Reporting requirements

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

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

Matawan Ed. Ass'n. v. MatawanAberdeen 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.

Manual for the Evaluation of Local School Districts (September 2002)

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 SELFEVALUATION

The members of the board of trustees shall conduct an selfevaluation each year to determine the degree to which they are meeting their responsibilities as board members and the needs of their educational community. This annual selfevaluation shall be positive, frank and honest, and shall be used to establish priorities for action and specific goals and objectives to strengthen the operation of the board.

The board shall use a multifaceted selfevaluation instrument.

Date:

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

Key Words

Board Self-evaluation, Evaluation

Legal References: N.J.S.A. 18A:111 General mandatory powers and duties
 N.J.A.C. 6A:11 Charter Schools, Administrative Code
 especially 6A:11-4.11 compliance with Open Public Meetings Act

Possible

Cross References: *2131 Chief school administrator
 *9000 Role of the board

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