

Brick Township Board of Education District Policy Manual 2

Bylaws of the Board of Education

Series 9000

Role of the Board of Education

Policy 9000

Date Adopted: February 8, 2007

Date Revised:

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Date Reviewed:

The Constitution requires the Legislature to “provide for the maintenance and support of a thorough and efficient system of free public schools”. The Legislature, therefore, has sought to maintain in the management of schools an appropriate balance between local authority and initiative on the one hand, and State control and supervision on the other hand.

The State Department of Education, consisting of the State Board of Education and the Commissioner of Education, with his/her staff, has been created by the Legislature to exercise general control and supervision of public education. The school district has similarly been created as a unit for the exercise of local authority and initiative as defined in Title 18A of New Jersey statutes. Other sections of the statutes state or imply that a local Board of Education has full power to operate the public school program in its charge as it deems fit in compliance with state and federal mandates and pertinent laws of the governing entity.

The Board of Education shall be a body corporate and shall be known as the Board of Education.

The Board of Education shall organize and operate in the manner provided by law and shall have all the powers as are now or may hereafter be provided by law.

In the interpretation of the powers and duties of the Board, it is understood that the Board shall act as a governing body in the determination of general policies for the control, operation, maintenance and expansion of the school district. The details of the administration of these policies shall be the responsibility of the Superintendent of Schools and his/her administrative staff. The Board functions only when it is in session.

The Board of Education sees these as its required functions:

A. Legislative or policy-making

The Board is responsible for the development of policy and for the employment of a Superintendent of Schools who shall carry out its policies through the development and implementation of regulations/procedures.

B. Appraisal

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

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C. 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 facilitation of learning and the continuing improvement of the educational program.

D. Provision of financial resources

The Board has major responsibilities for the adoption of a budget that will provide the wherewithal in terms of buildings, staff, materials, and equipment to enable the school system to carry out its functions.

E. 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 concerns and opinions of the public.

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

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

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

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

Identification

The Board of Education of this district shall be known officially as the Board of Education of the Township of Brick in the County of Ocean. (NJSA18A:10-2).

The Brick Township School District is comprised of all the area within the municipal boundaries of the Township of Brick for the purpose of providing a program of education in grades Pre-Kindergarten through grade 12. (NJSA 18A:8-1).

The Brick Township School District shall be classified Type II. (NJSA 18A:9-3).

The official address of the Brick Township Board of Education shall be:
101 Hendrickson Avenue, Brick, NJ 08724

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Legal References

| | | |
|------|-------------------|---|
| NJSA | 18A:10-1 | Constitution of Boards of Education |
| | 18A:11-1 | General mandatory powers and duties |
| | 18A:12-21 et seq. | School Ethics Act |
| | 18A:17-15 | Appointment of superintendents; terms |
| | 18A:33-1 | District to furnish suitable facilities; adoption of courses |
| | 18A:34-1 | Textbooks; selection; furnished free with supplies |
| | 18A:36-2 | Time when schools are open; determination |
| NJAC | 6A:4-1.1 et seq. | Appeals |
| | 6A:8-1.1 et seq. | Standards and Assessments |
| | 6A:28-1.1 et seq. | School Ethics Commission |
| | 6A:30-1.1 et seq. | Evaluation of the Performance of School Districts |
| | 6A:32-1.1 et seq. | School District Operations |
| | 6A:32-3.2 | Requirements for the Code of Ethics for school board members and charter school board of trustees members |

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Role of the Board of Education Member

Policy 9010

Date Adopted: February 8, 2007

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All powers of the Board of Education lie in its actions as a duly constituted quorum acting at a legal meeting of the Board. Individual Board Members lack authority over district affairs.

The Board shall make its members, the district staff, and the public aware that only the Board, acting as a duly constituted quorum at a legal meeting, has authority to take official actions. All other actions, whether individual or collective, have no legal basis.

The Board shall be responsible for the operation of the schools but shall delegate the administrative function to the Superintendent of Schools, who shall be appointed by a recorded roll call majority vote of the whole number of members of the Board. All policies of the Board will be enforced by the Superintendent of Schools who will be accountable to the Board of Education.

No Board Member, by virtue of his/her office, shall exercise any administrative responsibility with respect to the daily operation of the school or school district or command the services of any school employee, vendor, or professional. 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.

Board Members are entitled to full information and all data necessary for the proper performance of their duties and to which they are legally entitled. Special material requested by a Board Member(s) shall be made available to all members.

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

Board Members visiting the schools for any reason shall observe district regulations for all visitors. The Board may hear appeals in complaints, grievance and disciplinary actions as defined in these policies and in the statutes.

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Role of the Board of Education Member

Policy 9010

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Board Members visiting the schools for any reason shall comply with district regulations for all visitors.

The duties and obligations of an individual Board Member may be enumerated as follows:

- A. Be familiar with state school laws, regulations of the New Jersey State Department of Education, district policies, rules and regulations.
- B. Take advantage of training opportunities that are offered locally and regionally for Board Members.
- C. Have general knowledge of educational goals and objectives of the district.
- D. Work in harmony with other Board Members.
- E. Share equally in the work of the Board.
- F. Vote and act impartially on all matters that come before the Board.
- G. Accept the will of the majority vote and give support to the resulting policy or action. This does not preclude a Board Member from working to change the decision or policy through Board action.
- H. Represent the Board and the district to the public in a manner that promotes both interest and support.
- I. Refer all suggestions and complaints regarding schools, personnel, or activities to the Superintendent.

Legal References

| | | |
|------|-------------------|---|
| NJSA | 18A:10-1 | Constitution of Boards of Education |
| | 18A:11-1 | General mandatory powers and duties |
| | 18A:12-21 et seq. | School Ethics Act |
| | 18A:17-15 | Appointment of superintendents; terms |
| | 18A:33-1 | District to furnish suitable facilities; adoption of courses |
| | 18A:34-1 | Textbooks; selection; furnished free with supplies |
| | 18A:36-2 | Time when schools are open; determination |
| NJAC | 6A:4-1.1 et seq. | Appeals |
| | 6A:8-1.1 et seq. | Standards and Assessments |
| | 6A:28-1.1 et seq. | School Ethics Commission |
| | 6A:30-1.1 et seq. | Evaluation of the Performance of School Districts |
| | 6A:32-1.1 et seq. | School District Operations |
| | 6A:32-3.2 | Requirements for the Code of Ethics for school board members and charter school board of trustees members |

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**Public Statements Made by
Board of Education Members**

Policy 9020

Date Adopted: February 18, 2007

Date Revised:

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Date Reviewed:

The Board of Education recognizes that arbitrary or independent actions of Board Members can produce serious consequences for the effectiveness of school operations. An essential quality of a good Board Member is a deep sense of loyalty to associates and to group decisions cooperatively reached.

All public statements in the name of the Board of Education shall be issued by the Board President, or if appropriate, by the Superintendent of Schools at the direction of the Board President. No individual Board Member shall make public statements in the name of the Board.

No Board Member shall make public statements that contradict the policies and actions of the Board or that may jeopardize the ability of the Board to act effectively. A Board Member shall not represent his/her personal opinions as the position of the Board and shall include in all formal expressions in which his/her Board affiliation is likely to be recognized, such as letters to government officials or newspapers, speeches to organizations, and the like, a statement that the opinion(s) expressed do not necessarily represent those of the Board.

Board Members should emphasize to the media, public officials or individual citizens that Board Members may only speak as private citizens unless empowered by the Board to speak on its behalf.

Legal References

| | |
|---------------|--|
| NJSA 18A:11-1 | General mandatory powers and duties |
| 18A:42-4 | Distribution of literature to candidacy, Board Issues or other public question to be submitted at election; prohibited |

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Expressions of Sentiment

Policy 9040

Date Adopted: February 8, 2007

Date Revised:

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Date Reviewed:

Wishing to recognize the loyalty and service of long-time employees and Board Members with a tangible proof of appreciation, the Board directs the Superintendent of Schools to produce and present appropriate certificates of recognition for employees who are retiring from active employment in the district and Board Members who have completed their appointed or elected terms of office. Recognition is to be made on a non-discriminatory basis.

The Board Secretary or designee is authorized to appropriately express the Board's wishes for a speedy recovery to Board Members, employees, and retired employees during periods of serious or prolonged illness. The Board Secretary or designee is also authorized to express the Board's condolences to members of these groups who suffer the loss of a family member or to the family of employee, retired employee, or Board Member who dies.

Legal References

NJSA 18A:11-1 General Mandatory Powers / Duties

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Membership & Terms of Office

Policy 9110

Date Adopted:

Date Revised:

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The Board of Education shall be comprised of seven (7) members who are qualified voters and residents of the school district, and who are elected by the voters of the district, at the annual School Board election.

The term of a Board Member shall be three years, except that a member appointed to fill a vacancy shall serve until the organization meeting following the next annual election, unless he/she has been appointed to fill a vacancy occurring within 60 days immediately preceding such election to fill a term extending beyond such election, in which case he/she shall serve until the organization meeting following the second annual election next succeeding the occurrence of the vacancy. All members shall serve after the expiration of their respective terms until the appointment and qualification of their successors.

Legal References

| | |
|---------------|---|
| NJSA 18A:11-1 | General mandatory powers and duties |
| 18A:12-11 | Election and Number of Board Members; terms |
| 18A:12-15 | Filling vacancies |

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Bylaws of the Board of Education

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Filling Vacancies

Policy 9113

Date Adopted: February 8, 2007

Date Revised:

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Date Reviewed:

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 qualified resident of the district. The vacancy shall be filled within 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 a committee of the whole.

In the event of the resignation or death of a serving Board Member, the vacancy shall be filled within the statutory time limit by action of the Board as follows:

- A. Advertisement of the vacancy in suitable local media;
- B. Interviews with interested parties conducted by the Board as a whole;
- C. Recommendation by the Board acting as a committee of the whole;
- D. Appointment by the Board of the person adjudged most capable of filling the vacancy.

The person appointed shall serve until the next organizational meeting of the Board of Education, following the next annual School Board Election unless he/she is appointed to fill a vacancy occurring within 60 days immediately preceding such election to fill a term extending beyond such election, in which case he/she shall serve until the organizational meeting following the second School Board Election as outlined in NJSA 18A:12-15.

The Executive County Superintendent is empowered to fill any 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 qualification, some flaw in the election, or when a recount or contested election fails to elect a member. The Executive County Superintendent may also appoint enough members to make up a quorum.

Vacancies filled by special election or the Executive County Superintendent are covered under NJSA 18A:12-15.

In case the office of President or Vice President shall become vacant, the Board shall, within 30 days thereafter, fill the vacancy for the un-expired term. If the Board fails to fill such vacancy within said time, the Executive County Superintendent shall fill the vacancy for the un-expired term.

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Legal References

| | | |
|------|-----------------|--|
| NJSA | 18A:6-56 | Election of members of representative assembly |
| | 18A:11-1 | General mandatory powers and duties |
| | 18A:12-1 | Qualifications of Board Members |
| | 18A:12-3 | Removal of members |
| | 18A:12-7 | Type I District |
| | 18A:12-15 | Vacancies Type II District |
| | 19:27A-1 et seq | Uniform Recall Election Law |

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**Bylaws of the Board of Education
Election & Appointment of Officers**

**Series 9000
Policy 9120**

Date Adopted: February 8, 2007

Date Revised:

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Date Reviewed:

Election of officers shall be by plurality vote of the Board. Officers shall serve for one year and until their respective successors are elected and shall qualify. Appointees may be appointed at the organization meeting, but if the Board shall fail to hold said election as prescribed by law, the Executive County Superintendent shall appoint from among the members of the Board a President and Vice President.

Officers shall serve for one year and/or until their respective successors are elected and may be removed by a majority vote of the full membership of the Board, should either officer refuse to perform the duties of his/her office. This action requires a recorded roll-call majority vote of the full membership of the Board of Education.

In case the office of President or Vice President shall become vacant, the Board shall, within 30 days thereafter, fill the vacancy for the un-expired term. If the Board fails to fill such vacancy within said time, the Executive County Superintendent shall fill the vacancy for the un-expired term.

If the Board President or Vice President resigns his/her seat as a member of the Board of Education, the newly appointed Board Member shall not assume the role of the President or Vice President, unless elected to do so by the Board. In all cases, upon the resignation or removal of the President or Vice President, an election will be held at the next regularly scheduled meeting of the Board of Education to elect a President or Vice President.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

18A:15-1 President and Vice President election

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President

Policy 9121

Date Adopted: April 14, 1994

Date Revised: August 27, 2009

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Date Reviewed:

A President shall be elected by a roll call majority vote of the full Board at the annual organization meeting.

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 the Board of Education. In carrying out these responsibilities, the President shall:

- Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the Board of Education;
- Consult with the Superintendent of Schools on the Boards' agendas;
- Appoint Board committees and chairpersons;
- Issue subpoenas to compel attendance of witnesses and production of documents pursuant to NJSA 18A:6-20;
- Call such meetings of the Board as he/she may deem necessary upon at least two day's notice (in accordance with law - NJAC 6:3-1.2);
- Be an ex officio member of all Board committees;
- Confer with the Superintendent of Schools on crucial matters that may occur between Board meetings;
- Approve all bills for expenses or charges incurred with the authority of the Board including expenses of individual Board Members;
- Direct the issuance of a "Rice Notice" to the Superintendent of Schools whenever such notice is required under the provisions of the Open Public Meetings Act;
- Be responsible for the orderly conduct of all Board meetings.

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

- Call the meeting to order at the appointed time;
- Be responsible for the orderly conduct of all Board meetings;
- Announce the business to come before the Board in its proper order;
- Enforce the Board's policies relating to the order of business and the conduct of meetings;
- Recognize persons who desire to speak and protect the speaker who has the floor from disturbance or interference;
- Explain what the effect of a motion would be if it is not clear to every member;
- Restrict discussion to the question when a motion is before the Board;
- Answer all parliamentary inquiries, referring questions of law to the Board Attorney.

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

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President**

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Policy 9121**

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Legal References

| | | |
|------|-----------|---|
| NJSA | 18A:6-20 | Right to testify |
| | 18A:6-54 | Representative assembly; organization |
| | 18A:13-12 | Organization of Board |
| | 18A:15-1 | President and Vice President - election |
| NJAC | 6A:32-3.1 | Special meetings of the Board |

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Board Secretary

Policy 9123

Date Adopted: February 8, 2007

Date Revised:

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A Secretary shall be appointed by a recorded roll call majority vote for a term to expire not later than the following June 30th, except as subject to the tenure laws, but he/she shall continue to serve after the expiration of his/her term until his/her successor is appointed and qualified. The Board Secretary shall:

- Provide adequate notice of all public meetings (including the organization meeting) of the Board to the members and those requesting notice in accordance with law.
- Record the minutes of all proceedings of the Board and the results of annual or special school elections.
- Post and give notice of annual and special elections.
- Post and maintain a schedule of the regular meetings of the Board.
- Be responsible for all duties concerning school Board elections as specified in NJSA 19:60-1 et seq.
- Collect tuition fees and other monies due to the Board and transmit them to the Treasurer.
- Keep accounts of the school district's financial transactions including a correct detailed account of all expenditures.
- Report to the Board at each regular meeting the amount of the total appropriations and cash receipts for each account, and the amounts of warrants drawn against each account, and the amounts of orders or contractual obligations incurred and chargeable against each account.
- Keep all contracts, records and documents belonging to the Board.
- Give the Board a detailed report of its financial transactions at the close of each fiscal year and file a copy with the Executive County Superintendent.
- Report to the Commissioner annually the amount of unpaid school debt, the interest rate payable, the dates of issue and the due dates of bonds or of the indebtedness.
- Prepare a summary of the annual audit and recommendations prior to the meeting of the Board to act thereon and supply copies of the summary to interested persons.
- Under the direction of the Superintendent of Schools and Board President, prepare agendas for all meetings.
- Approve all contracts to be entered into by the district or any person on behalf of the district and act as authorized agent of the district and the Board in contracts between the district and other governmental agencies.

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**Bylaws of the Board of Education
Board Secretary**

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Policy 9123**

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- Be responsible for recommending an adequate program of insurance in all phases of district operations with regard to those prescribed by law.
- Make proper reports to the Board, keeping the Board fully advised as to the financial status of the district and all the implications of the financial aspects of school administration.
- Perform such other duties as may be required by the Board.

Legal References

NJSA 18A:17-5 Appointment of Board Secretary; term. Compensation, vacancy

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**Bylaws of the Board of Education
Treasurer of School Monies**

**Series 9000
Policy 9125**

Date Adopted: February 8, 2007

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Date Reviewed:

The Board of Education shall provide a surety bond in the amount prescribed in NJAC 6A:23-2.5 for the Treasurer. The auditor shall verify the adequacy of the Treasurer's surety bond, which is required by NJSA 18A:17-32, and shall include appropriate comment, and a recommendation, if needed, in the annual school report.

The Treasurer shall receive from the Board of Education such compensation as the Board shall determine.

The money or funds of the Board in the custody of its Treasurer of School Monies shall be expended by such Treasurer by, and only by, warrants, each made payable to the order of the person entitled to receive the amount thereof and specifying the object for which it is issued, signed by the President and Secretary of the Board, and the Treasurer of School Monies:

1. After audit of the account or demand to be paid, by the secretary after approval by the Board, or
2. In accordance with payrolls duly certified as provided by this title, or
3. For debt service.

Payment of the compensation of teachers and other employees may be made on the basis of payrolls certified by the Board President, Superintendent of Schools and Secretary of the Board, slating the names and amounts to be paid to each, and delivered to the Treasurer of School Monies.

Deposit is made by the Board Secretary into the payroll and agency account.

The Treasurer shall keep records of sums received and paid on books provided for that purpose.

The Treasurer shall render to the Board monthly, and at such other times as shall be requested by the Board, reports giving a detailed account of all receipts, the amounts of all warrants signed by him/her since the date of his/her last report and the accounts against which, and the purposes for which, the warrants were drawn and the balance to the credit of each account, and at the close of the school year and not later than August 1st of each year he/she shall render an annual report showing the amounts received and disbursed by him/her for school purposes during said year, a duplicate whereof shall be filed with the County Superintendent of Schools, and shall also report to the Executive County Superintendent in the manner and form prescribed by the Commissioner.

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Treasurer of School Monies

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Policy 9125

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Legal References

| | | |
|------|------------------|--------------------------------------|
| NJSA | 18A:16-1 | Officers and employees |
| | 18A:17-31 et seq | Treasurer of School Monies |
| | 18A:19-1 | Expenditure of funds on warrant only |

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Series 9000

Attorney - Legal Services

Policy 9126 [M]

Date Adopted: February 8, 2007

Date Revised:

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Date Reviewed:

The School Board Attorney (Solicitor) shall be selected by the Board of Education and employed at will.

The Attorney should advise the Board as to proper legal and contractual procedures in which the Board must take action and/or make a decision.

The Attorney shall be accessible for consultation by the Superintendent of Schools, Board President and members and Board Secretary concerning legal matters. Legal inquiries of administrative staff shall be directed through the Superintendent of Schools.

The Attorney shall act as counsel for the Board in prosecuting and defending any action or suit in which the Board is involved and perform such other legal services as the Board may from time to time subscribe.

The Attorney or representative shall attend Board meetings as directed by the Board of Education.

The Board of Education recognizes that the use of legal services is an integral part of the governance of the school district it serves and that these legal services must be used prudently and ethically.

Professional services contracts for legal services shall be issued in a deliberative and efficient manner such as through a Request For Proposal (RFP) based on cost and other specified factors or other comparable process that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement.

Professional services contracts for legal services shall be limited to non-recurring or specialized work for which the district does not possess adequate in-house resources or in-house expertise to conduct.

Procedures and Recordkeeping

The Board of Education hereby establishes procedures and recordkeeping of the use of those legal services.

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Attorney - Legal Services**

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Policy 9126**

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Contracts for legal services comply with payment requirements and restrictions pursuant to NJSA 18A:19-1 et seq., and as follows:

- A. Advance payments shall be prohibited;
- B. Services to be provided shall be described in detail in the contract;
- C. Invoices for payment shall itemize the services provided for the billing period;
and,
- D. Payment shall only be for services actually provided.

District employees and Board Members are prohibited from contracting with legal counsel or using in-house legal counsel to pursue any affirmative claim or cause of action on behalf of district employees, administrators and/or Board Members for any claim or cause of action in which the damages to be awarded would benefit an individual rather than the district as a whole.

Legal References

| | | |
|------|------------|---|
| NJSA | 18A:16-1 | Officers and employees |
| | 18A:19-1 | Expenditure of funds on warrant only |
| NJAC | 6A:23A-5.2 | Additional Measures To Ensure Effective and Efficient Expenditures Of District Funds |

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Auditor

Policy 9127

Date Adopted: February 8, 2007

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Date Reviewed:

The Auditor shall conduct the necessary investigation, accounting and checking of those accounts, bills, revenues, etc., essential to the public statement of the financial status of the Board for the school year as demanded by State Department of Education rules of audit, which audit shall be completed not later than three months after the end of the school fiscal year.

Each annual audit shall include an audit of the books, accounts and monies, and a verification of all cash and bank balances, of the Board and of any officer or employee thereof and of monies derived from athletic events or the activities of any organization of public school pupils conducted under the auspices of the Board, from the date of the last annual audit to the date of the audit in question.

The report of each annual audit shall be filed by the public school accountant making the same, with his/her recommendations to the Board of Education of the district, and such Auditor shall within five days thereafter file two duplicate copies thereof certified under his/her signature in the office of the Executive County Superintendent.

The Secretary of the Board shall prepare or have prepared a synopsis or summary of the annual audit and recommendations, prior to the holding of the meeting of the Board of Education to take action thereon; a copy of which shall be available for distribution to interested parties at the meeting.

Within 30 days following receipt of the report of the annual audit the Board of Education of the district shall, at a regularly scheduled public meeting, cause the recommendations of the Auditor to be read and to be discussed. The discussion shall be duly noted in the official minutes of said meeting.

In the event of the resignation or dismissal of the Board Secretary/Business Administrator or any other individual charged with the responsibility of handling school funds, the Auditor shall be asked to review the appropriate books within a thirty (30) day period.

Legal References

NJSA 18A:23-1 through -9 Annual Audit

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**Bylaws of the Board of Education
Committees**

**Series 9000
Policy 9130**

Date Adopted:

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Committee of the Whole

The Board meets as a Committee of the Whole to discuss matters of school concern and policy. In accordance with the provisions of the Open Public Meetings Act these meetings shall be open to the public. The schedule of Committee of the Whole meetings shall be determined at the annual organizational meetings and the public shall be adequately notified. No official action shall be taken at these meetings unless so noticed according to the Open Public Meetings Act. The President shall be the chairperson of the Committee of the Whole.

Standing Committees

The Board president shall appoint Board committees and committee chairpersons as soon after the organizational meeting as practical. The Board President and Superintendent of Schools shall serve as ex-officio members on all committees and is notified of all committee meetings.

Standing committees are established to improve the operations of the Board of Education by:

- A. Providing opportunities for extensive informal discussion of issues, relevant facts, and alternative courses of action before they are taken up for formal consideration by the full Board.
- B. Identifying, acquiring, and analyzing relevant data, recommendations (from internal and external sources), and advantages and disadvantages of proposed or possible courses of action, at greater length than would be possible at formal Board meetings.
- C. Presenting clarifications of underlying issues, findings of fact, identification of alternatives to improve the efficiency of Board deliberations, the quality of Board decisions, and the level of public understanding of Board deliberations and actions.
- D. Making specific recommendations, when appropriate, as to Board actions that might be taken.

The standing committees of the Board and their duties are as follows:

Curriculum and Instruction

This committee will concern itself with the educational programs of the district, reviewing policies and programs in its areas of responsibility, and making recommendations to the Board of Education.

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Human Resources

This committee will concern itself with matters affecting employees of the Board of Education, reviewing policies on such matters as the qualification of employees, their remuneration, terms of service and other related matters, including procedures for evaluation of teachers and other employees, administrative structure, and management improvement. The committee will make recommendations within the areas of its responsibility to the Board of Education.

Finance

This committee will make recommendations to the Board as necessary in the areas of finance, maintenance, transportation, and capital programs.

Facilities

This committee will make recommendations to the Board as necessary in the areas of finance, maintenance, and capital programs.

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.

Ad Hoc Committees

Ad Hoc committees shall be appointed by the President to research specific problems before deliberation by the full Board. The same rules shall apply to Ad Hoc committees as apply to standing committees except that they shall be dissolved upon completion of their assignment.

All meetings shall be held in accordance with the provisions of the Open Public Meetings Law.

Legal References

| | | |
|------|------------------|--|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meeting Public; Frequency; etc - Quorum |
| | 18A:11-1 | General Mandatory Powers and Duties |
| NJAC | 6A:28-1.1 et seq | 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 |

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Consultants to the Board – Professional Services

Policy 9150

Date Adopted: February 8, 2007 | Date Revised:

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Date Reviewed:

The modern school system is a complex organization established to provide a high quality educational program for children, youth and adults who live in a changing and highly complex society. Additionally, the school system represents an investment of millions of dollars by the public for the cause of public education. In order to pursue its educational mission and also to protect the public's financial investment in the schools, the Board will from time to time engage the services of qualified professional consultants to provide new insights and ideas for dealing with especially difficult problems, and/or to provide special services which present staff is unable to provide. Assistance sought from consultants may include, but not necessarily be limited to:

- A. Conducting fact-finding studies, surveys, and research.
- B. Providing counsel or services requiring special expertise.
- C. Assisting the Board in developing policy and program recommendations.

Before engaging any consultant, the Board will require submission of a written proposal that can be incorporated into a contract or purchase order if it satisfies the wishes of the Board. Proposals will detail:

- A. The specific objectives to be accomplished by the consultant.
- B. The specific tasks to be performed.
- C. The procedures to be used in carrying out the tasks.
- D. The target dates for the completion of tasks.
- E. The method to be used to report results to the Board and/or to deliver any "product" (e.g. long-range plans, codified policy manual, etc.) to the Board.

The Board will not contract for vague services such as undefined "management studies," and all proposals shall be submitted to the school legal counsel for review before a contract is approved. The Board in consultation with the Superintendent will establish procedures necessary to affect an efficient working relationship between the consultant and the Board and/or staff members.

The Board shall fix compensation for consultant services.

Legal References

| | |
|-----------------|-------------------------------------|
| NJSA 18A:11-1 | General Mandatory Powers and Duties |
| 18A:18A-5(a)(1) | Professional Services |

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Bylaws of the Board of Education

Series 9000

Orientation & Training of Board Members

Policy 9200 [M]

Date Adopted: February 8, 2007

Date Revised:

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Date Reviewed:

Orientation of Board Members

The Superintendent of Schools/designee shall prepare materials to introduce new Board Members to the operating procedures of the district and the details of the curriculum.

As required and stipulated by law, all newly elected and reelected Board Members shall attend New Jersey School Boards Association (NJSBA) training within the timeframes established by law.

Sufficient funds shall be allocated to reimburse Board Members for attending NJSBA training.

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 district's responsibilities as required by law (NJSA 18A:37-13 et seq.). Board Members are required to complete the program only once (NJSA 18A:12-33).

Code of Ethics Training

The Board shall ensure that all Board Members 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.

Annually, at a public Board Meeting, all Board Members will review and discuss the Code of Ethics in accordance with the School Ethics Act, C. 178, P.L. 2001.

In-service 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.

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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 (See Policy 3335 – Travel Expenses).

District representatives, who attend such events, shall prepare 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.

Legal References

| | | |
|------|-----------------------|---|
| NJSA | 18A:6-45 through - 50 | NJSBA Established |
| | 18A:11-1 | General Mandatory Powers and Duties |
| | 18A:12-24.1 | Code of Ethics for Board Members |
| | 18A:12-33 | Training Program for Board Members |
| | 18A:17-20.3 | Evaluation of Superintendents; Board Training |
| NJAC | 6A:28-1.2 | Definitions |
| | 6A:28-1.6 | Board Member Training |
| | 6A:32-3.2 | Requirements for the Code of Ethics |
| | 6A:32-4.3 | Evaluation of Chief School Administrator |

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Series 9000

Conflict of Interest

Policy 9270 [M]

Date Adopted: September 26, 2013

Date Revised:

Page 1 of 2

Date Reviewed:

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 all subscribe to the philosophy and guidelines for action outlined by Policy #9271 - Code of Ethics for School Board Members. The Board as a body, and the members individually should avoid attitudes and actions that might give rise to public questioning of the integrity of any Board decision.

Therefore:

- 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 spouse, sibling, parent, child, or grandchild of a serving Board Member shall be considered for any paid employment in the district. Pre-existing employment shall not be affected. Where such pre-employment exists, the Board Member shall take no active part in contract negotiations, nor shall he/she discuss the vote on the resulting contract, or any other agreement entered into between the Board and the relative.
- C. When a relative of a Board Member is employed by the Board, that Board Member shall take no active part in contract negotiations, nor any other agreement entered into between the Board and the relative, nor any action concerning that specific employee, unless a majority of the remaining Board Members present requests that he/she vote;
 - For the purposes of this policy, “relative” shall include any and all relatives as defined by the New Jersey School Ethics Commission in either any decision or advisory opinion.
- D. No Board Member will accept gratuities or favors for himself/herself or on behalf of relatives that are offered by a vendor or contractor to the district. Should a Board Member learn that such a situation exists between a relative and a vendor or contractor to the district, he shall recognize that the Board deems this to represent the appearance of conflict of interest. The Board Member shall refrain from voting on matters pertaining to that vendor/contractor, and enter the reason for his/her abstention in the minutes;
- E. No Board Member shall be a contractor for goods or services to the district during the Board Member’s term or for six months after leaving office.
- F. In the event a Board Member is employed by a corporation or business or has a secondary interest in a corporation or business, which furnishes goods or services to the school district, the Board Member shall declare that interest and refrain from debating or voting upon the question of contracting with the company.

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- G. Employees of the school district are precluded from serving on the Board by statute, which makes it unlawful for a Board Member to receive compensation or reward for services to the district.
- H. No Board Member having immediate family members employed by the district shall participate in decisions affecting the terms and/or conditions of employment, salary, benefits, appointment and dismissal of the Superintendent of Schools.

It is not the intent of this policy to prevent the district from contracting with corporations or businesses because a Board Member is an employee of the firm. The policy is designed to prevent placing a Board Member in a position whereby his/her interest in the public schools and his/her interest in his/her place of employment or other indirect interest might conflict and to avoid an appearance of a conflict of interest even when no such conflict may exist

Legal References

| | | |
|------|---|---|
| NJSA | 18A:6-8 | Interest of School Officers in Sale of Supplies |
| | 18A:6-8.4 | Right to Hold Elective/Appointive Office |
| | 18A:4-24 | Determining Efficiency |
| | 18A:12-1.1 | Ineligibility for Appointment to Paid Office |
| | 18A:12-2 | Inconsistent Interests or Office Prohibited |
| | 18A:12-21 et seq | School Ethics Act |
| | 18A:52:13D-12 et seq | Legislative Findings – Conflict of Interest |
| NJAC | 6A:4-1.1 et seq | Appeals |
| | 6A:28-1.1 et seq | School Ethics Commission |
| | 6A:32-3.2 | Requirements for Code of Ethics for Board Members |
| | 6A:23A-1.2 et seq | Fiscal Accountability Definitions |
| | 6A:23A-6.2 et seq | Accountability - Nepotism |
| | Visoticky v. City Council of Garfield 113 NJ Super 263 App Div 1971 | |
| | Vittoria v. W. Orange Bd of Ed. 122 NJ Super 340 App Div 1973 | |
| | Elms v. Mt Olive Bd of Ed 1977 SLD 713 | |
| | Scola v. Frinwood Bd of Ed 1978 SLD 413 | |
| | Salerno v. Old Bridge Twp Bd of Ed 1984 SLD April 23 | |
| | Scannella v. Scudillo School Ethics Decision Complaint No. C-14-93 | |
| | 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 | |

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Code of Ethics for Board of Education Members

Policy 9271

Date Adopted:

Date Revised:

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The members of the Board of Education recognize that they hold authority not as individuals but as members of the Board of Education. In order to make a clear public statement of its philosophy of service to the pupils of the district, the Board of Education adopts this Code of Ethics:

- A. I will uphold and enforce all laws, state Board of Education 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 of Education action to policymaking, planning and appraisal and I will help to frame policies and plans only after the Board of Education 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 of Education.
- 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 of Schools.

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Code of Ethics for Board of Education Members

Policy 9271

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- K. I will support and protect school personnel in proper performance of their duties.
- L. I will refer all complaints to the Superintendent of Schools and will act on such complaints at public meetings only after failure of an administrative solution.

The Board of Education shall see that all members of the Board of Education receive training in understanding and adhering to this code of ethics and shall discuss it annually at a regularly scheduled public meeting.

Legal References

| | | |
|------|---|---|
| NJSA | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:12-2 | Inconsistent Interests or Office Prohibited |
| | 18A:12-21 et seq | School Ethics Act |
| | 18A:12-24 et seq | Conflict of Interest |
| NJAC | 6A:4-1.1 et seq | Appeals |
| | 6A:28-1.1 et seq | School Ethics Commission |
| | 6A:32-3.2 | Requirements for Code of Ethics for Board Members |
| | 6A:23A-1.2 et seq | Fiscal Accountability Definitions |
| | 6A:23A-6.2 et seq | Accountability - Nepotism |
| | Manual for the Evaluation of Local School Districts | |
| | New Jersey Quality Single Accountability Continuum (NJQSAC) | |

Possible Cross References

4112.8, 4212.8, 9270

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Bylaws of the Board of Education

Series 9000

**Formulation, Adoption, Amendment,
Revision & Deletion of Policies**

Policy 9311

Date Adopted: February 18, 2007

Date Revised:

Page 1 of 3

Date Reviewed:

Introduction

In formulating any policy, the Board of Education has pledged to consider the will and needs of the community within the parameters of New Jersey law. The passage of time and changing circumstances may alter the community's point of view. Changes in the law may alter what is allowable or what is required.

Adoption of New Policies

Except for policy actions to be taken on emergency measures, the adoption of new Board policies shall follow this sequence that will take place at two consecutive regular meetings of the Board. Proposed new policies shall be noted on the agenda, and formally introduced at both meetings. It shall be noted on the agenda and in the minutes whether it is the first "reading" or second "reading" of the proposed policies. During the first and second "readings" of any new policies, a copy of these new policies shall be available, but it shall not be necessary for the entire text to be read.

Approval of Deleted Policies

Policies to be deleted shall be placed in their entirety on the agenda of a regularly scheduled Board meeting, and formally introduced at said meeting. During the "reading" of any such policies, a copy of these revised policies shall be available, but it shall not be necessary for the entire text to be read.

Adoption of Revised Policies

The adoption of revisions to existing Board policies shall take place at one regular meeting of the Board. Proposed revised policies shall be noted on the agenda, and formally introduced at a regularly scheduled Board meeting. During the "reading" of any such revised policies, a copy of these revised policies shall be available, but it shall not be necessary for the entire text to be read.

In all cases, in order for a policy to be adopted, revised, amended or deleted, a positive majority vote of the Board Members present shall be required.

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Final Action

1. Prior to enactment, all policy proposals shall be titled and coded as appropriate to subject and in conformance with the codification system used in the Board Policy Manual.
2. Insofar as possible, each policy statement shall be limited to one subject.
3. Policies, amendments or revisions adopted by the Board shall be part of the minutes of the meeting at which they are adopted and shall also be included in the policy manual of the district as soon as possible.
4. Policies and amendments or revisions to policies shall be effective immediately upon adoption unless a specific effective date is provided in the adopted resolution.

Policy Consultant Services

At its sole discretion, the Board of Education may secure the services of a qualified policy consultant to assist with the formulation, amendment, revision and deletion of its policies. If a consultant is retained for this purpose, immediately following any Board meeting at which any policy matter is acted upon, the chairperson of the Board's Policy Committee shall discuss and verify the policies that were acted upon with the person present at the meeting, assigned the duty of preparing the minutes of that meeting. The person preparing the official minutes of said meeting shall notify the policy consultant of the actions taken by the Board within 24 hours of the meeting.

In the interest of efficient administration, the Superintendent of Schools 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. Whenever possible, the Superintendent of Schools shall consult with the Board President prior to such emergency action. The Superintendent of Schools 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 final determination of what shall be the official policy of the school district.

Continual Review of Board Policies

The Board directs the Superintendent of Schools to develop procedures for continuous orderly review of the policies in the Board policy manual during the time provided for "policy" on the agenda of the regular Board meeting. Each policy shall be reviewed at least once every five years. Any necessary revisions shall be made in conformity with this policy.

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Policy 9311

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The Board directs the Superintendent of Schools to review the rules and regulations implementing any revised or altered policy to ensure that they confirm to the intent of the policy as revised or changed.

The Board of Education shall develop and implement a five-year review cycle to ensure that all policies and bylaws of the district are current with present practice and statute.

Legal References

NJSA 10:4-6 et seq Open Public Meetings Act
18A:10-6 Board meetings public
18A:11-1 General mandatory powers/duties
18A:17-20 Superintendents – general powers and duties
47:1A-et seq Public Records – Open Public Records Act

NJ Dept of State – School District Records
Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988

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Bylaws of the Board of Education

Series 9000

**Formulation, Adoption, Amendment,
Revision & Deletion of Bylaws**

Policy 9312

Date Adopted: February 8, 2007

Date Revised:

Page 1 of 1

Date Reviewed:

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, revision or amendment of its bylaws, the Board's central concern will be for increased efficiency and effectiveness in carrying out its legally mandated tasks.

The Board will formulate and adopt a bylaw safeguarding the right of Board Members to be informed of and to participate fully in the discussion of each proposed new or amended bylaw.

Proposed new bylaws, suggested amendments or revisions to or deletions of existing bylaws shall be adopted by at least a two-thirds majority vote of the full membership of the Board, and shall follow the procedures for the approval of new, revised and deleted policies as noted in 9311 above.

Legal References

NJSA 10:4-6 et seq Open Public Meetings Act
18A:10-6 Board meetings public
18A:11-1 General mandatory powers/duties
18A:17-20 Superintendents – general powers and duties
47:1A-et seq Public Records – Open Public Records Act

NJ Dept of State – School District Records
Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988

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**Formulation, Adoption & Amendment
of Administrative Regulations**

Policy 9313

Date Adopted: February 8, 2007

Date Revised:

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Date Reviewed:

The Board of Education shall delegate to the Superintendent of Schools the function of specifying required actions and designing the detailed arrangements under which the schools will be operated. Such rules and detailed arrangements shall constitute the administrative regulations governing the schools.

The administrative regulations must be in every respect consistent with the policies adopted by the Board. The Board itself will formulate and adopt administrative regulations only when specific state laws require Board adoption, and may do so when the Board so desires or when the Superintendent of Schools recommends Board adoption.

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

The Board reserves the right to review and request revisions of administrative regulations should they, in the Board's judgment, be inconsistent with the policies adopted by the Board.

Legal References

NJSA 10:4-6 et seq Open Public Meetings Act
18A:10-6 Board meetings public
18A:11-1 General mandatory powers/duties
18A:17-20 Superintendents – general powers and duties
47:1A-et seq Public Records – Open Public Records Act
NJ Dept of State – School District Records
Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988

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Suspension of Policies, Bylaws & Regulations

Policy 9314

Date Adopted: February 8, 2007

Date Revised:

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Date Reviewed:

The Board of Education 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 full membership of the Board and development of a revised policy or bylaw shall become the Board's prime policy priority.

In the event of an emergency requiring immediate action, the Superintendent of Schools shall have the authority to waive policy or regulation in the single instance. In such cases, the Superintendent of Schools shall report the instance to the Board President, who immediately, and request reconsideration of the policy at the next regular meeting. The Board President shall have the responsibility of informing all members of the Board of Education of all such actions, immediately.

Legal References

NJSA 10:4-6 et seq Open Public Meetings Act
18A:10-6 Board meetings public
18A:11-1 General mandatory powers/duties
18A:17-20 Superintendents – general powers and duties
47:1A-et seq Public Records – Open Public Records Act

NJ Dept of State – School District Records

Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988

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**Bylaws of the Board of Education
Meetings**

**Series 9000
Policy 9320**

| | | |
|--------------------------------|---------------|-------------|
| Date Adopted: February 8, 2007 | Date Revised: | Page 1 of 3 |
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The Board of Education shall organize annually at a date and time specified by law at which time newly appointed members shall take office.

During its organization meeting, the Board shall elect one of its members as President and another as Vice President; officially select a depository; appoint a Secretary to the Board and an auditor; and establish the time and place of Board meetings for the ensuing year.

The Board may conduct such other business as it deems desirable.

Regular Meetings

The time and place of the regular business meetings of the Board of Education shall be established at the annual Reorganization Meeting of the Board.

The Board of Education shall conduct its business in public in accordance with the provisions of the New Jersey Open Public Meetings Law.

The Board of Education will consider and act upon matters within its authority as prescribed by the statutes, the rules and regulations of the State Board of Education, and its own policies.

Public Participation

A time for public participation shall be included in the order of business. Additional time for public comments on any matter of interest to the district shall also be included after the Board has acted on the entire agenda.

The Board President shall call for public comments after district administrators have presented the agenda item and Board Members have exhausted their initial questions. When no member of the public wishes to be heard, the President shall close the public comment portion on the agenda item and shall entertain no additional public comment on that item.

At meetings other than agenda and regular meetings, members of the public will be invited to comment on issues before the Board. Public comment will follow any presentation on the issue offered by district administrators and any questions posed by Board Members. At the beginning of any such meeting, the Board President will announce the manner in which public comment will be entertained.

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**Bylaws of the Board of Education
Meetings**

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Policy 9320**

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At any meeting of the Board, public comment shall be governed by the following rules:

- A participant must be recognized by the presiding officer and must state his or her name, address, and group affiliation if appropriate for the record.
- Participants shall direct all statements to the presiding officer; no participant may address or question Board Members individually.
- Any participant wishing to address the Board shall be given the opportunity provided his/her remarks are relevant to the subject being considered and provided he or she does not become personal or abusive. It shall be the responsibility of the presiding officer to place any restriction on the time that may be allotted to a speaker.
- The Board shall not consider grievances or complaints that have not previously been considered through administrative channels.
- No participant may speak more than once on the same topic unless all others who wish to speak on that topic have been heard.

The presiding officer may:

- Interrupt, warn, or terminate a participant's statement when the statement is too lengthy, duplicative, personally directed, abusive, obscene or irrelevant;
- Request any individual to leave the meeting when that person does not observe reasonable decorum;
- Request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the order and progress of the meetings;
- Call for a recess or an adjournment to another time when the lack of public decorum so interferes with orderly conduct of the meeting as to warrant such action;
- Waive these rules when necessary for the protection of privacy or the efficient administration of the Board's business.

Special Meetings

Special meetings of the Board shall be held whenever called by the President or upon the signed petition of a majority of the whole number of members of the Board.

Special meetings of the Board of Education shall be held in public in accordance with the provisions of the New Jersey Open Public Meetings Act. The notice and purpose of all special meetings shall be given to all Board Members and the public. Public discussion shall be limited to those items on the agenda.

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Meetings

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Policy 9320

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Adjourned or Suspended Meetings

An adjourned meeting or a suspended meeting is the continuation of the meeting from which there was an adjournment. At the adjourned meeting, the business interrupted by the adjournment motion is the first order of business after the reading of the minutes.

Legal References

| | | |
|------|---------------|--|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 10:4-9.1 | Electronic Notice of Meetings |
| | 18A:10-3 | First Regular Board Meeting |
| | 18A:10-4 | Secretary to Give Notice |
| | 18A:10-5 | Organization Meeting as Business Meeting |
| | 18A:10-6 | Board Meetings |
| NJAC | 6A:32-3.1 | Special Meetings of the Board |

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**Bylaws of the Board of Education
Public & Executive Sessions**

**Series 9000
Policy 9322**

Date Adopted: February 8, 2007

Date Revised:

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Date Reviewed:

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 the 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 of the individuals) concerned shall request in writing that the same be disclosed publicly. This included information contained in public records, and any reports or recommendations concerning a specific individual (see Policy 1120 for “needless public labeling”);
- D. Any collective bargaining agreement or the terms and conditions that 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 investigation 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 hearing;
- 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.

Brick Township Board of Education District Policy Manual

**Bylaws of the Board of Education
Public & Executive Sessions**

**Series 9000
Policy 9322**

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Such sessions shall be closed to the public and press, 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 are honor-bound not to disclose the topic or details of any discussions during the executive session.

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.

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

The minutes of all executive sessions must be approved by a majority vote of the full Board of Education at the following, regularly scheduled meeting of the Board of Education.

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.

The Board shall not consider grievances or complaints that have not previously been considered through administrative channels.

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Legal References

| | | |
|------|----------------|-----------------------------------|
| NJSA | 2C:33-8 | Disrupting Meetings |
| | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 47:1A-1 et seq | Public Records |

| | | |
|------|------------|------------------------|
| NJAC | 6A:32-12.1 | Reporting Requirements |
|------|------------|------------------------|

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

5 USC Section 552 as amended by Public Law

No. 104-231, 110 Stat. 3048 Freedom of Information Act

Garcetti v. Ceballos 2006 US LEXIS 4341 (May 2006)

New Jersey Quality Single Accountability Continuum (NJQSAC)

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**Electronic Communications
Among Board Members**

Policy 9322.1

Date Adopted: February 8, 2007

Date Revised:

Page 1 of 2

Date Reviewed:

Use of electronic communications by Board Members shall conform to the same standards of judgment, propriety and ethics as other forms of school Board-related communication. Electronic communications should not be used to discuss, deliberate, or build consensus concerning any matters that require public discussion under the Open Public Meetings Act.

Electronic communications include but are not limited to electronic mail (e-mail), Internet Web forums, Instant Messaging (IM), Internet chat rooms, FAX and conference calls.

Board Members shall comply with the following guidelines when using electronic communications in the conduct of Board responsibilities.

Board Members shall not use e-mail as a substitute for deliberations at Board Meetings or for other communications or business properly confined to Board meetings.

Board Members shall not make any reference to confidential information about employees, students or other matters in e-mail communications because of the risk of improper disclosure. Board Members shall comply with the same standards as school employees with regard to confidential information.

Under the Open Public Meetings Act, deliberation by a quorum of members constitutes a meeting. Deliberation is defined as movement toward a decision including but not limited to the sharing of an opinion regarding business over which the Board or committee has supervision, control, jurisdiction, or advisory power. A quorum may be arrived at sequentially by using electronic communications without the knowledge and intent by the author.

Examples of appropriate uses of electronic communications:

- The dissemination of factual information by a Board Member to any number of Board Members by one-way distribution (no discussion);
- The dissemination of information by a Board Member to any number of Board Members and the return of information that is not a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

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Electronic Communications Among Board Members

Policy 9322.1

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- Acceptable forms of information to be returned.
- Housekeeping information such as availability of meeting dates and times, and requesting or communicating agenda items.

Examples of inappropriate use of electronic communications:

- Any matter or matters over which the Board or a Board committee has supervision, control, jurisdiction or advisory power.
- Discussion of such matters even though the number of Board Members involved does not constitute a quorum of the Board.
- Forwarding of a Board Member's comments to another Board Member on such matters.
- Polling Board Members by the administration or a Board Member regarding any such matters.

Legal References

| | | |
|------|------------------|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:12-21 et seq | School Ethics Act |
| | 19:44-1 et seq | Fair & Open Procurement Process |
| | 47:1A-1 et seq | Public Records |
| NJAC | 6A:28-1.1 et seq | School Ethics Commission |
| | 6A:32-3.2 | Requirements for Code of Ethics for Board Members |

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**Agenda Preparation / Advance
Delivery of Meeting Materials**

Policy 9323 / 9324

Date Adopted: February 8, 2007

Date Revised:

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Date Reviewed:

The Superintendent of Schools 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 district may be included at the discretion of the Superintendent of Schools 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. 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.

Legal References

| | |
|--------------------|-----------------------------------|
| NJSA 10:4-6 et seq | Open Public Meetings Act |
| 18A:10-4 | Secretary to Give Notice |
| 18A:10-6 | Board Meetings |
| 18A:11-1 | General Mandatory Powers / Duties |
| 18A:12-21 et seq | School Ethics Act |

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Quorum

Policy 9325.1

Date Adopted: February 8, 2007

Date Revised:

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Date Reviewed:

A quorum shall consist of four Board Members, and no business shall be conducted in the absence of a quorum, except when the Doctrine of Necessity is invoked. In the event a quorum is not present at the hour of convening, the meeting may be recessed to a time not later than 9:00 p.m. of the same day. If a quorum is not then present, the members present may adjourn the meeting to a later date within seven days.

The Board recognizes that there may be matters that come before the Board or acts required of Board Members in their official capacity where the Board Member may have a conflict of interest or the act would be in violation of NJSA 18A:12-24. In these matters, the Board Member(s) will remove himself/herself from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter. The Board will consider this matter without the Board Member(s) who has the conflict. In the event a matter comes before the Board or an act is required of a Board Member in his/her official capacity that is a conflict or would be in violation of NJSA 18A:12-24, the Board would still be required to have a quorum to consider the matter.

The New Jersey Department of Education and the School Ethics Commission envisioned this prohibition could create a situation in which so many Board Members have a conflict, that the Board would be unable to take action on a matter. Therefore, when more than a quorum of the Board Members must abstain from voting on a matter, the Board will invoke the Doctrine of Necessity consistent with the New Jersey Department of Education and School Ethics Commission guidelines as follows:

Board Member(s) in Conflict - Less Than a Majority of the Board

- In the event a Board Member has a conflict of interest where the Board member will act in his/her official capacity, the Board Member must remove himself/herself from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter.
- In the event a Board Member is unsure whether he/she or any other Board Member has a conflict of interest or whether the matter, if acted upon by a Board Member is in violation of NJSA 18A:12-24, the Board's Legal Counsel will make a determination.
- The Board may request an advisory opinion of Legal Counsel concerning whether or not a matter is a conflict of interest and therefore be fully protected.

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- If a Board Member believes he/she has a conflict of interest where he/she will act in his/her official capacity or if the Board's Legal Counsel renders an opinion that the Board Member has a conflict of interest where the Board Member will act in his/her official capacity, the Board Member will remove himself/herself from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter.

A Majority of Board Members in Conflict

In the event:

- A Board Member believes he/she has a conflict of interest where he/she will act in his/her official capacity; or
- If the Board's Legal Counsel renders an opinion that a Board Member has a conflict of interest where the Board Member will act in his/her official capacity; and
- The number of Board Members that have a conflict would make it so that the Board would be unable to take action on the matter, then the Board may invoke the "Rule [or Doctrine] of Necessity." (U.S. v. Will, 449 U.S. 200 (1980).

Rule [Doctrine] of Necessity

The Doctrine of Necessity may be invoked when more than a quorum of the Board must abstain from voting on a matter. There are three prerequisites necessary for a Board to invoke the Doctrine of Necessity:

1. The Board must be unable to act without the members in conflict taking part; and
2. There must be a pressing need for action, i.e. the matter cannot be laid aside until another date; and
3. There can be no alternative forum that can grant the same relief. (Allen v. Toms River Regional Board of Education, 233 NJ Super 651 (1989).

When the Board's Legal Counsel advises the Board that the Doctrine of Necessity must be invoked in order to obtain a quorum on a vote, the Board must announce that it is invoking the Doctrine by the adoption of a resolution setting forth the invocation of the Doctrine of Necessity, the reason for doing so and the specific nature of the conflicts of interest. The resolution must be adopted and read at a regularly scheduled public meeting. A copy of the resolution must be posted by the Board, where it posts public notices for 30 days, and a copy of the resolution must be forwarded to the School Ethics Commission.

When the Board announces the Doctrine of Necessity is being invoked, the details, parameters and other pertinent facts of the matter to be voted upon should be revealed on an agenda for the public meeting in which the matter is to be voted upon.

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The Board Members who have a conflict in the matter are prohibited from:

- Participating in any discussions on the matter prior to the adoption of the resolution invoking the Doctrine of Necessity; and
- From entering an executive session in order to discuss the merits of the matter or contract; and
- From offering their opinions on the matter at any time prior to the adoption of a resolution invoking of the Doctrine of Necessity.

After the Doctrine of Necessity has been invoked and thoroughly explained to the public, the Board Members who have a conflict in the matter may participate only to the extent they may vote after a motion to approve and/or ratify the matter has been made and seconded.

Board Members in conflict may only ask questions regarding the matter to be voted on in public after the Board has invoked the Doctrine of Necessity.

Board Members in conflict may, but shall not be required to explain their reasons for not voting just before the vote.

Legal References

| | | |
|------|---------------|-----------------------------------|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |

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Voting Methods

Policy 9325.4

Date Adopted: February 8, 2007

Date Revised:

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Date Reviewed:

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 simple majority vote of those present and voting (minimally, a majority of the quorum), except as provided by statute. Abstentions shall not be counted as votes, but shall be recorded and are deemed to count as no vote at all.

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 statute. Proxy voting is prohibited. Any member may request that the Board be polled.

It shall be the responsibility of the President to certify the results of every matter voted upon by the Board. He/she may at his/her discretion poll the members of the Board to be certain of the outcome of the vote.

The Board Secretary will record, by name, the individual votes of Board Members anytime a roll call vote is taken. This record will be made a part of the minutes of the meeting.

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.

Actions requiring a two-thirds vote of the full membership of the Board of Education:

- A. Placement of a contract following failure to receive responsible bids on two occasions. (NJSA 18A:18A-5(c))
- B. Adopting a refunding bond ordinance. (NJSA 18A:24-61.4)
- C. Selling or exchanging refunding bonds. (NJSA:18A24-61.9)
- D. Authorizing to negotiate, award or enter into a contract or agreement after the Board has solicited and received at least three quotations on materials, supplies or equipment for which a state contract has been issued, and the lowest responsible quotation is at least 10% less than the cost charged under the state contract. (NJSA 18A:18A-5(e))
- E. Determining the necessity to raise funds for capital project(s) in Type II districts having a Board of School Estimate. (NJSA 18A:22-27)
- F. Permitting the private sale of certain bonds if no legally acceptable bid is received by a Type II district. (NJSA 18A:24-45(c))

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- G. Adopting a resolution endorsing approval of the lease purchase concept of acquiring property for building construction/renovation and authorizing the Superintendent of Schools and/or Board Secretary to advertise and solicit proposals for the selection of a lessor and underwriter and to request the approval of the Commissioner and Local Finance Board in the Department of Community Affairs of a lease purchase agreement in excess of five years. (NJAC 6A:26-7.1, 6A:26-10.1 et seq)

Actions involving holding a meeting, notwithstanding the failure to provide adequate notice shall require an affirmative vote of three-quarters of the members present (NJSA 10:4-9(b))

Actions requiring a recorded roll-call majority vote of the full membership of the Board of Education:

- A. Adopting or altering a course of study. (NJSA 18A:33-1)
- B. Appointment and fixing of the term of Superintendent of Schools. (NJSA 18A:17-15), Board Secretary (NJSA 18A:17-5), Assistant or Acting Board Secretary. (NJSA 18A:17-13)
- C. Appointing or removing an Assistant Superintendent of Schools. (NJSA 18A:17-16)
- D. Appointment or transfer of a teaching staff member. (NJSA 18A:25-1; 18A:27-1)
- E. Approval of employee salary deductions for governmental bonds. (NJSA 18A:16-8)
- F. Disposition or exchange of lands owned by the Board of Education. (NJSA 18A:20-5, 18A:20-8)
- G. Selection of textbooks. (NJSA 18A:34-1)
- H. Restoration or removal following suspension by the Superintendent of Schools, Assistant Principal, Teacher or Instructional Aid. (NJSA 18A:25-6)
- I. Withholding, for inefficiency or other good cause, a prescribed employment or adjustment salary increment. (NJSA 18A:29-14)
- J. Admission after October 1st of a pupil who has never attended public or private school. (NJSA 18A:38-6)
- K. Appointing a School Business Administrator. (NJSA 18A:17-14.1); appointing or removing and fixing the salary of a Business Manager in a Type I District. (NJSA 18A:17-25)
- L. Decision to establish with other school district(s) a county audiovisual educational aids center (NJSA 18A:51-1); application for membership in an already established county audiovisual educational aids center. (NJSA 18A:51-11)

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- M. Determining sufficiency of charges warranting dismissal or reduction in salary of a tenured employee. (NJSA 18A:6-11)
- N. Removal of the President or Vice President of the Board. (NJSA 18A:15-2)
- O. Purchase of bonds or other obligations as securities. (NJSA 18A:20-37)
- P. Sale of bonds or other obligations purchased as securities. (NJSA 18A:20-39)
- Q. Adoption of school budget to be submitted to voters. (NJSA 18A:22-32)
- R. Adoption of school budget in Type II districts with a Board of School Estimate. (NJSA 18A:22-26)
- S. Approval of capital construction projects. (NJSA 18A:7G-1 et seq, NJAC 6A:26-1 et seq)
- T. Authorization of school bonds. (NJSA 18A:24-10)

Additional Legal References

NJSA 18A:11-1

General Mandatory Powers / Duties

Aurentz v Little Egg Harbor Twp Planning Bd 171 NJ Super Law Div 1979
King v. Asbury Park Bd of Ed 1939-49 SLD 20
Matawan Teachers Assn v Bd of Ed 223 Super 504 App Div 1988
Lincoln Park Bd of Ed v Boonton Bd of Ed 97 NJAR 2d EDU July 24
Little Ferry Bd of Ed v Ridgfield Park Bd of Ed 97 NJAR 2d EDU July 24
Green Twp Bd of Ed v Newton Bd of Ed 97 NJAR 2d EDU August 5

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Minutes

Policy 9326 [M]

Date Adopted: February 8, 2007

Date Revised:

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Date Reviewed:

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 of Schools, Board Secretary/Business Administrator, 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.
- I. Temporary notes written by the Board Secretary/designee as an administrative convenience in the preparation of Board minutes and notes written by a school official or Board Member for his/her personal convenience are not public records and are not open for public inspection;

A copy of the minutes of the previous meeting shall be provided to all Board Members along with agenda materials.

A copy of 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 of Schools as a permanent record.

Minutes of Closed Meetings

Minutes of any closed sessions or executive sessions of Board Meetings shall include:

- A. A statement of the reason(s) for the closed meeting or executive session which will be compliant with the most recent rulings of the Department of Education and the Open Public Meetings Law supporting the decision for the executive session;
- B. A record of all members present;
- C. All minutes of closed meetings and executive sessions shall be approved by the Board at the next regular Board meeting and filed securely apart from the minutes of regular meetings of the Board of Education.

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Minutes**

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Public Access to Closed Meeting Minutes

The minutes of closed session meetings of the Board must be made available to the public when the reason for confidentiality no longer exists. 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 matter.

Public Access to Regular Meeting Minutes

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

The minutes of the Board's meetings shall be shown to the public upon request in the presence of the Board secretary or his or her designee. Requests for single copies of minutes as approved by Board at regular meetings shall be honored at the convenience of the Board secretary.

The Board secretary shall tape record all public meetings of the Board in order to assure proper documentation of occurrences and the 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.

Tapes shall not be removed from the Board office and must be played in the presence of the Board secretary or his or her designee.

All tapes shall be stored in a locked cabinet located in the Board office and shall be destroyed in accordance with the law.

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Legal References

| | | |
|------|-----------------|---|
| NJSA | 18A:10-6 et seq | Open Public Meetings Act |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:17-7 | Secretary to Give Notices / Keep Minutes |
| | 47:1A-1 et seq | Examination/Copies of Public Records OPRA |

| | | |
|------|-------------------|--------------------------------------|
| NJAC | 6A:8-4.3 | Accountability |
| | 6A:30-1.4 | Evaluation Process for Annual Review |
| | 6A:32-12.1 | Reporting Requirements |
| | 6A:23A-1.2 et seq | Fiscal Accountability Definitions |

Exec Order No. 9 Sept 30, 1963 modified by Exed Order No. 11 Nov 15, 1974
Maurice River Bd of Ed v Maurice River Teachers Assn 193 NJ Super 488 App
Div 1984
Matawan Ed Assn v. Matawan-Aberdeen Ed Bd 121 NJ Super 328
Liebeskind v Mayor & Mun Coun of Bayonne 265 NJ Super 389 400-401 App Div
1993
Atlantic City Convention Cntr Auth v South Jersey Publishin Co Inc 135 NJ 53 1994
Manual for the Evaluation of Local School Districts
NJ Dept of State Div Archives & Records Management School District Records
Retention Schedule
Robt Wayne Tarus v Boro of Pine Hill et al NJ Supreme Court A-93-2005 decided
March 7, 2007
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Staff Members Addressing the Board of Education

Policy 9326.4

Date Adopted:

Date Revised:

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Date Reviewed:

In order to provide for an efficient and orderly method of communication between the official bargaining unit(s), the administration of the school and the Board of Education, the following procedures shall be used in connection with the bargaining unit addressing meetings of the Board:

- Employees are expected to attempt to resolve any complaints or concerns with the administration before presenting them at a Board of Education meeting.
- The established grievance procedure of the district shall be followed prior to being made public at Board of Education meetings.
- Areas of concerns to any individual employee or the bargaining unit should be discussed informally with the administration in an attempt to resolve matters to the mutual satisfaction of all involved.
- When an individual or the bargaining unit is dissatisfied with the outcome of the procedure above and wishes to present the concern to the Board, that individual or the bargaining unit shall submit the concern or question to the Superintendent of Schools. This submission shall be in writing and be accompanied by any documentation necessary. An indication that it is desired for this submission to be placed on the agenda of an upcoming Board meeting shall be made as a part of the submission.
- Such submission shall be made no later than the close of school on the Monday preceding the next upcoming Board meeting in order that it is available for distribution to the appropriate individuals.
- The individual or a representative of the bargaining unit shall be present at the Board meeting to present the area of concern to the Board if requested.
- In the event of an extremely heavy agenda, the Superintendent of Schools may, after consultation with the President of the Board, defer placing the item on the agenda. The individual and the President of the bargaining unit will be so notified in writing by the Superintendent of Schools if time permits. In any case the individual and the President of the bargaining unit shall be notified by the bargaining unit verbally of this situation and the concern will be addressed at the next Board meeting.

Legal References

NJSA 18A:11-1

General Mandatory Powers / Duties

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Public Access to Board of Education Records

Policy 9330 [M]

Date Adopted: February 8, 2007

Date Revised:

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Date Reviewed:

In accordance with the provisions of P.L. 2001, c.404, the Board of Education will provide reasonable access, inspection, copying and examination of all public records except those specifically exempted by law.

For the purpose of this policy, Board records shall be defined as, any paper, written or printed book, document drawing, map, plan, photograph, microfilm, data processed or image processed, stored or maintained electronically or by sound-recording or in a similar device or any copy thereof that has been made, maintained or kept on file in the course of the Board's official business and/or that has been received in the course of the Board's official business.

Exemptions

Documents, records and/or information that are exempted from public access include:

1. In general, the portion of any document that discloses the social security number, credit card number, unlisted telephone number or driver license number of any person;
2. Personnel or pension records, with the exception of an individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, and the amount and type of any pension received are considered government records;
3. Inter-agency or intra-agency advisory consultative or deliberative material;
4. Any record within the attorney-client privilege;
5. Administrative or technical information regarding computer hardware, software or networks that, if disclosed, would jeopardize computer security;
6. Emergency or security information or procedures for any building or facility that, if disclosed, would jeopardize security;
7. Information that if disclosed would give an advantage to competitors or bidders;
8. Information relating to any sexual harassment complaint;
9. Information relating to any grievance filed by or against an individual in connection with collective negotiations;
10. Information that is a communication between the Board and its insurance carrier, administrative service organization or risk management office; and
11. Information that is to be kept confidential pursuant to a court order.
12. Building plans.

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Public Access to Board of Education Records

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13. Provisions of this Policy in N.J.S.A. 47:1A-1 shall not abrogate any exception of a public or government record from public access hereto made pursuant to N.J.S.A. 47:1A-1, et seq.; any other statutes; resolution of either both Houses of the Legislature; regulation promulgated under the authority of any statute or executive order of the Governor; executive order of the Governor; rule of court; any federal law; federal regulation; or federal order.
14. The provision of this Policy and N.J.S.A. shall not abrogate or erode any executive or legislative privilege or grant of confidentiality hereto established or recognized by the Constitution of the State, State statute, court rule or judicial case-law which privilege or grant of confidentiality may be excluded to restrict public access to public or government record.

Custodian of Board Records

The Custodian of Board Records shall be the Board Secretary/Business Administrator.

Responsibility of the Custodian of School Records

The Custodian of Board Records must permit Board records to be inspected, examined, and copied during regular business hours. The district position of Board Secretary/Business

Administrator is officially designated by this action custodian of Board records. The Board Secretary/Business Administrator is required to keep and maintain all records and documents belonging to the Board.

Timely Access

In general, the Custodian of Board Records has a duty to provide access to a Board record immediately. However, there may be instances where the requested record(s) may be archived. In that case, the Custodian of Board Records will attempt to provide the requested record(s) within seven (7) business days after receiving the request. In general, failure to respond within seven (7) business days may be deemed a denial of the request.

Redaction of Records

In general, before providing public access, the Custodian of School Records has a duty to redact any information that discloses the social security number, credit card number, unlisted telephone number, driver license number and/or other exempted information.

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Fees Charged for Copying Records

Except as otherwise provided by law and regulation, the fee assessed for the duplication of a government record embodied in the form of a printed matter shall be \$.05 per letter size or smaller and \$.07 per legal size page or larger. If the School District can demonstrate that its actual cost for duplication of a government record exceeded the per page rates, the District shall be permitted to charge the actual cost of duplicating the record. The actual cost of duplicating the record, upon all copy and fees are based shall be the cost of materials and supplies used to make a copy of the record, but shall not include the cost of labor or overhead expenses associated with making the copies except for as provided for N.J.S.A. 47:1A-5.Z.

Appeal of Denial or Access to Records

A person who is denied access to a Board Record may file suit in Superior Court or may file a complaint with the newly created Government Records Council within the New Jersey Department of Community Affairs.

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Public Access to Board of Education Records

Policy 9330

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Legal References

- NJSA 10:4-6 et seq. Open Public Meetings Act □
18A:4-14 Uniform system of bookkeeping for school districts □
18A:7A-11 Annual report of local school district; contents; annual report of commissioner; report on improvement of basic skills □
18A:11-2 Power to sue and be sued; reports; census of school □
18A:17-7 through -12 Secretary to give notices and keep minutes, etc. □
18A:17-28(e) Duties of business manager □
18A:17-35 Records of receipts and payments □
18A:17-36 Accounting; monthly and annual reports □
18A:17-46 vVolence; report school employee; notice action taken; annual report □
18A:36-19 Pupil records; creation, maintenance and retention, security and access; regulations; nonliability □
47:1A-1 et seq. Examination and copies public records ("Open Public □ Records Act") □
47:3-15 et seq. Destruction of Public Records Law □
- NJAC 2:36-1.1 et seq. Child Nutrition Programs □
6A:16-5.3 Incident reporting of violence, vandalism and substance abuse □
6A:23-2.1 et seq. Double Entry Bookkeeping and GAAP Acctg Local School Dists □
6A:27-7.9 Vehicle records □
6A:30-1.1 et seq. Evaluation of the Performance of School Districts □
6A: 32-7.1 et. seq. Student Records □
6A:32-12.2 School level planning □
15:3-2.1 et. seq. Records Retention □
□
Annual Data Collection Plan, New Jersey State Department of Education Records Retention Schedule, New Jersey State Department of Education □ □
Matawan Regional Teachers Association v. Matawan-Aberdeen Bd. of Ed., 212 N.J. Super. 328 (Law Div. 1986) □
Laufgas v. Barnegat Twp. Bd. of Ed., 1987 S.L.D. 2442, aff'd St. Bd. 1988 S.L.D.
Horner v. Kingsway Regional, 1990 S.L.D. 752 □ □ Beatty v. Chester Bd of Ed, 1999
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Board of Education Self-Evaluation

Policy 9400

Date Adopted: February 6, 2007 | Date Revised: April 30, 2015

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Date Reviewed:

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

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

The assessments of Board Members will be tabulated and presented for discussion at a regular meeting of the Board in which the Superintendent will be invited to participate. The Board will formulate, as appropriate, goals and priorities that will serve to guide the Board in the ensuing school year.

The annual evaluation shall be conducted at a time determined by the Board and shall include the following guidelines:

- A self-evaluation instrument shall be developed by the Board which provides for an individual analysis of the functioning of the Board as a whole and a self-analysis of the individual's own involvement in meeting his/her responsibilities as a Board Member; and
- A summary of the evaluation instrument shall be prepared; and
- A discussion of the summary results shall take place; and
- A committee appointed by the Board President shall compile a written summary of the Board discussion and may recommend to the Board specific areas for action and a determination of priorities. These actions shall be incorporated into the next year's evaluation.

Legal References

NJSA 18A:11-1 General Mandatory Powers / Duties

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Evaluation of District Accomplishments

Policy 9430

Date Adopted:

Date Revised:

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Date Reviewed:

The Board has directed the annual evaluation of all parts of the operation of the district. The evaluation of the district as a whole must rest on the results of these individual evaluations. Therefore, the Superintendent of Schools is directed to coordinate the results of the evaluation of:

- A. Administration
- B. Business and Non-Instructional Operations including any and all construction
- C. Personnel as a whole
- D. Instructional Programs including pupil progress and the State evaluation.

This unified report shall state the indicators of achievement used in each area.

Legal References

NJSA 18A:11-1 General Mandatory Powers / Duties