MERCHANTVILLE BOARD OF EDUCATION **130 South Centre Street** **Merchantville, New Jersey 08109**	**FILE CODE: 9322** **Proposed: 08/23/88** **Adopted: 08/23/88** **Revised: 05/18/2022** **Reviewed: 02/05/2024**

Public And Executive Sessions

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

All meetings of the Board of Education shall be open to the public with the exception of meetings to discuss:

A. Any matter which by express provision of state or federal law or rule of court shall be rendered confidential;

B. Any matter in which the release of information would impair a right to receive federal funds;

C. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy, unless the individual (or all the individuals) concerned shall request in writing that the same be disclosed publicly. This includes information contained in pupil records, and any reports or recommendations concerning a specific individual (see 1120 for "needless public labeling");

D. Any collective bargaining agreement or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the actual negotiating sessions with representatives of employee groups;

E. Any matter involving the purchase, lease or acquisition of real property (land or buildings) with public funds, where it could adversely affect the public interest if discussion of such matters were disclosed;

F. The tactics and techniques used in protecting the safety and property of the public, provided that their disclosure could impair such protection;

G. Any investigations of violations or possible violations of law;

H. Any pending or anticipated litigation or contract negotiations other than collective bargaining, and any matters falling with the attorney-client privilege, to the extent that confidentially is required in order for the attorney to exercise his/her ethical duties as a lawyer.

I. Any matter involving employment, appointment, termination, terms and conditions of employment, evaluation, promotion or disciplining of any prospective or current public employee or officer unless all the individual employees whose rights could be adversely affected request in writing that the matter be discussed at a public meeting.

J. Any deliberations occurring after a public hearing that may result in the imposition of a specified civil penalty or loss of license to an individual.

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

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

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

Electronic Participation in Meetings

It is the preference of the Board of Education that members attend in-person meetings. No board member shall be permitted to participate remotely on a routine or consistent basis. However, when that is not practical, the board authorizes the board President or designee to allow a board member to participate in a board meeting from a remote location through the use of an electronic device according to the following guidelines:

A. There is a good reason why the board member cannot attend the meeting in person;

B. A request for remote participation is made in advance via email to the board president as early as possible in advance of said board meeting;

C. All responses to requests will be via email. All requests and approvals are contingent upon the ability to accommodate the request;

- An electronic connection must be available and sufficiently heard by the public;

D. The board member, when connecting / participating from a remote location into an Executive portion of a board meeting from which the public is generally excluded, will assure that no other persons are able to see or hear these discussions;

E. The board member, when connecting / participating from a remote location will assure that no recordings or screen captures of the meeting, participants or attendees are made; and

F. Board members approved to participate in a board meeting from a remote location are considered present.

The above notwithstanding, the board president may exercise latitude in permitting the remote electronic participation of board members in order to achieve a quorum, when a quorum of physically attending

members can not be achieved and there are pressing State mandates, regulatory requirements, or other critical district operational needs requiring timely deliberation and action by 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.

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

Legal References:		
	N.J.S.A. 2C:33-8	Disrupting meetings and processions
	N.J.S.A. 10:4-6 et seq.	Open Public Meeting Act
	N.J.S.A. 18A:10-6	Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum
	N.J.S.A. 18A:11-1	General mandatory powers and duties
	N.J.S.A. 18A:54-20	Powers of board (county vocational schools)

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

Possible Cross References:		
	*1120	Board of education meetings
	*9121	Election and duties of president
	*9323/9324	Agenda preparation/advance delivery of meeting material
	*9326	Minutes

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

Key Words

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