

BYLAWS

ESSEX FELLS BOARD OF EDUCATION

ADOPTION RESOLUTION

ADOPTION RESOLUTION

RESOLVED, that the bylaws and policies printed and codified in the comprehensive document entitled “Bylaws and Policies of the Essex Fells Board of Education” are hereby adopted and that all bylaws and policies heretofore adopted by the Essex Fells Board of Education and inconsistent with the bylaws and policies hereby adopted are hereby rescinded, and be it further

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

Adopted by the Essex Fells Board of Education in the County of Essex at a public meeting held at Essex Fells, New Jersey on the 19 day of October, 2011.



INTRODUCTION

Definitions

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

“Board” means the Board of Education of Essex Fells.

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

“Chief School Administrator” means the Chief Executive Officer of this school district, whose title in this district is Superintendent.

“Commissioner” means the New Jersey State Commissioner of Education.

“County Superintendent” means the County Superintendent of Schools for Essex County.

“Day” means a calendar day.

“Full Board” means the authorized number of voting members of the Board of Education.

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

“Collective Bargaining” or “Negotiated Agreement” means a contract collectively negotiated by the Board of Education and a recognized bargaining unit.

“Parent” means the parent(s) or legal guardian(s) having legal custody and control of a pupil.

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

“Principal” means the administrator in charge of a school building or facility; except where prohibited by law, “Principal” also means the qualified person duly delegated by the Principal to discharge a particular duty in place of the Principal.

“President” means the President of the Board of Education.

“Professional employee” means an employee who holds a position for which a certificate issued by the New Jersey State Board of Examiners is required.



“Pupil” or “Student” means a person enrolled in a school in this district.

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

“Secretary” means the Secretary of the Board of Education.

“Superintendent” means the Chief School Administrator of this school district; except where prohibited by law, “Superintendent or designee” also means the qualified person duly delegated by the Superintendent to discharge a particular duty in place of the Superintendent.

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

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

“Treasurer” means the Treasurer of School Moneys for this school district.

Construction

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

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

Effectuation

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



Citations

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

1. United States Statutes
20 U.S.C.A. Education
2. United States Regulations
34 C.F.R. Education
3. New Jersey Statutes

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

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

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Severability

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

Enactment

The official record of the adoption, issuance, amendment, or repeal of the bylaws, policies and regulations of this district shall be the minutes of meetings of the Board of Education. Such alterations shall be duly entered in this manual; a master copy of the bylaw, policy and regulation manual shall be maintained by the Superintendent's office and shall be the manual to which all others may be compared for accuracy.



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0000.02 INTRODUCTION

Definitions

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“Board” means the Board of Education of Essex Fells.

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

“Chief School Administrator” means the Chief Executive Officer of this school district, whose title in this district is Superintendent.

“Collective Bargaining”, “Negotiated Agreement”, or “Collective Bargaining Agreement” means a contract collectively negotiated by the Board of Education and a recognized bargaining unit.

“Commissioner” means the New Jersey State Commissioner of Education.

“Core Curriculum Content Standards” means the New Jersey Core Curriculum Content Standards..

“County Superintendent” means the Executive County Superintendent of Schools designated by the Department of Education for this school district.

“Day” means a calendar day.

“Division of Youth and Family Services” or “DYFS” means the New Jersey Department of Children and Families – Division of Child Protection and Permanency or DCP&P.

“Executive County Superintendent” means the “County Superintendent designated by the Department of Education for this school district.”

“Full Board” means the authorized number of voting members of the Board of Education.



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

“New Jersey Student Learning Standards” or “NJSLS” means standards adopted by the State Board of Education on May 1, 1996, and as thereafter revised by the State Board, and the Common Core State Standards adopted by the State Board of June 16, 2010, and as thereafter revised by the State Board, that describe the knowledge and skills all New Jersey students are expected to acquire by benchmark grades in the following areas: English language arts; mathematics; science; social studies; visual and performing arts; comprehensive health and physical education; world languages; technology; and 21st century life and careers. The standards are established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-46 and as a basis for the evaluation of school districts in accordance with N.J.A.C. 6A:30.

“Parent” means the natural parent(s), adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a pupil. Where parents are separated or divorced, “parent” means the person or agency who has legal custody of the pupil, as well as the natural or adoptive parent(s) of the pupil provided such parental rights have not been terminated by a court of appropriate jurisdiction.

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

“President” means the President of the Board of Education.

“Principal” means the administrator in charge of a school building or facility; except where prohibited by law, “Principal or designee” means the qualified person duly delegated by the Principal to discharge a particular duty in place of the Principal.

“Professional employee” means an employee who holds a position for which a certificate issued by the New Jersey State Board of Examiners is required.

“Pupil” means a student enrolled in a school in this district.

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

“Secretary” means the Secretary of the Board of Education.



“Student” means a pupil enrolled in a school in this district.

“Superintendent” means the Chief School Administrator of this school district; except where prohibited by law, “Superintendent or designee” means the qualified person duly delegated by the Superintendent to discharge a particular duty in place of the Superintendent.

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

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 - N.J.A.C. 13 Law and Public Safety
 - N.J.A.C. 17 Treasury-General



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Introduction

Severability

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

Enactment

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

Adopted: 17 May 2017



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Identification

0110 IDENTIFICATION

Name

The official name of the Board of Education shall be “The Board of Education of Essex Fells in the County of Essex.”

Purpose

The Board of Education exists for the purpose of providing a thorough and efficient system of free public education in grades Kindergarten through six in the Essex Fells School District.

Composition

The Essex Fells School District is comprised of all the area within the municipal boundaries of Essex Fells.

Classification

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

Address

The address of the Board of Education shall be:

102 Hawthorne Road
Essex Fells, New Jersey 07021-1102

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

Adopted: 19 October 2011



0120 AUTHORITY AND POWERS

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

The Board of Education sees these as its required functions:

A. Policy oversight

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

B. Educational planning

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

C. Provision of financial resources

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

D. Interpretation

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

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



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Authority and Powers

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

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

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

N.J.S.A. 18A:10-1; 18A:11-1; 18A:16-1; 18A:20-1; 18A:27-4

Adopted: 19 October 2011



0131 BYLAWS AND POLICIES, AND REGULATIONS

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

“Regulations” for the purpose of this Bylaw are only those regulations that are required to be adopted by the Board.

Adoption, Amendment, and Abolishment

Bylaws, policies, and regulations may be adopted, and revised at any meeting of the Board, provided the proposed adoption or revision has been approved by the Board at a previous meeting of the Board. without the proposed abolishing of the proposed bylaw, policy, or regulation being approved by the Board at a previous meeting of the Board.

The Board shall at its organization meeting or annually at a meeting of the Board and by a majority vote of those present and voting, readopt existing bylaws,—policies, and regulations without prior notice.

The Board may, under emergency circumstances, suspend the operation of a bylaw, policy, or regulation and adopt, revise, or abolish a bylaw, policy, or regulation without prior notice. The emergency adoption, revision, or abolishment of a bylaw, policy, or regulation shall terminate at the next meeting of the Board or at such earlier date as may be specified by the Board unless further acted upon by the Board in accordance with this Bylaw.

The adoption, revision, abolishment, or suspension of a bylaw, policy, or regulation shall be recorded in the minutes of the Board. Any bylaw, policy, or regulation or part of a bylaw, policy, or regulation that is superseded by a term in a negotiated agreement or by a subsequently adopted bylaw, policy, or regulation shall no longer be in force and effect as a bylaw, policy, or regulation and shall be abolished by the Board in accordance with this Bylaw.

Promulgation and Distribution

The manual of bylaws, policies, and regulations shall be maintained. A copy of the manual of bylaws, policies, and regulations shall be available and accessible to each Board member, the Superintendent, the School Business Administrator/Board Secretary,



the Board Attorney, each Building Principal, and other individuals designated by the Superintendent.

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

The manual of bylaws, policies, and regulations shall be considered a public record open to inspection in the office of the Superintendent. The manual retained by the Superintendent shall be considered the master copy of the manual.

Consideration of Bylaws, Policies, and Regulations

Bylaws, policies, and regulations will be considered for adoption by the Board in accordance with the following procedure:

1. A recommendation for a new or revised bylaw, policy, or regulation shall be recommended to the Board and/or Superintendent;
2. A recommendation for a new or revised bylaw, policy, or regulation may be referred, at the discretion of the Board President and as appropriate to the subject, to the Superintendent, a Board committee, or a public advisory committee for study and formulation of a recommendation to the Board. Any study of a new or revised recommended bylaw, policy, or regulation will consider whether the matter is adequately addressed in existing Board bylaw, policy, or regulation;
3. If a recommendation for a new or revised bylaw, policy, or regulation results from referral for study, a proposed draft will be referred to the Superintendent and at the discretion of the Board President and as appropriate to the subject, to a Board committee;
4. All proposed new and revised bylaws, policies, and regulations shall be submitted to the Superintendent. The Superintendent or designee will review all new and revised draft bylaws, policies, and regulations prior to the Board receiving a draft of new or revised bylaws, policies, or regulations for Board consideration;
5. The proposed draft bylaw, policy, or regulation approved by the Board on first reading will be submitted for adoption at a succeeding meeting of the Board. Revisions in the draft may be made at any meeting prior to



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Bylaws and Policies

adoption by a simple majority vote of the Board. A revision at any succeeding meeting that alters the substantive meaning of the draft will constitute a new first reading, and the draft must be presented for adoption at a succeeding Board meeting. A change that is merely editorial may be followed by a vote to adopt the new or revised bylaw, policy, or regulation on second reading.

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

Adopted: 6 October 2021

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Executive Authority

0132 EXECUTIVE AUTHORITY

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

The Superintendent shall prepare regulations for the administration of the school district that are consistent with statutes or rules of the State Board of Education and are dictated by the policies of this Board. Administrative regulations shall be binding on the employees and the pupils of this school district when issued and shall be provided to the Board for the information of Board members except where Board approval is required by law.

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

The Superintendent shall have a seat on the Board and shall have the right to speak on all matters at meetings of the Board, but shall have no vote.

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

Adopted: 20 February 2013



0133 ADJUDICATION OF DISPUTES

The Board of Education may assume jurisdiction over any dispute or controversy arising within this school district and concerning any matter over which authority has been vested in the Board by statute, rule of the State Board of Education, or a contract or policy of this Board.

The Board may hold hearings that will offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter.

Beyond the basic requirements of due process a hearing will vary in form and content as dictated by the severity of the consequences that may flow from the Board's determination, the degree of difficulty of establishing findings of fact from conflicting evidence, and the impact of the Board's decision on the school district.

Regulations for the conduct of adjudicatory hearings of the Board shall be prepared as guidelines for those who may be heard by the Board.

A decision of the Board may be appealed to the Commissioner of Education.

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

Adopted: 19 October 2011



0134 BOARD SELF EVALUATION

The Board of Education may determine to conduct a self-evaluation on a periodic or regular basis. In the event the Board determines to conduct a self-evaluation, it will adopt an evaluation instrument that permits individual Board members to record their assessments of the conduct of the Board in fulfilling its responsibilities in accordance with applicable statutes and administrative codes.

The assessments will be tabulated by the Board President or designee 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's future conduct.

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

Adopted: 16 September 2015



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Board Member Number and Term

June 24

0141 BOARD MEMBER NUMBER AND TERM

The Board of Education shall consist of five members.

The term of a Board member shall be three years, except vacancies in the membership of the Board shall be filled in accordance with the provisions of N.J.S.A. 18A:12-15. Each Board member appointed to fill a vacancy shall serve until the organizational meeting following the next annual election unless the Board member is appointed to fill a vacancy occurring within the sixty days immediately preceding such election if the annual election is held in April, or occurring after the third Monday in July if the election is held in November, to fill a term extending beyond such election, in which case the Board member shall serve until the organizational meeting following the second annual election next succeeding the occurrence of the vacancy, and any vacancy for the remainder of the term shall be filled at the annual election or the second annual election next succeeding the occurrence of the vacancy, as the case may be.

N.J.S.A. 18A:12-6; 18A:12-9; 18A:12-11; 18A:12-15

Adopted: 18 September 2024



0141.1 BOARD MEMBER NUMBER AND TERM – SENDING DISTRICT

The Board of Education shall consist of 5 members.

The term of a Board member shall be 3 years, except vacancies in the membership of the Board shall be filled in accordance with the provisions of N.J.S.A. 18A:12-15. Each Board member appointed to fill a vacancy shall serve until the organizational meeting following the next annual election unless the Board member is appointed to fill a vacancy occurring within the sixty days immediately preceding such election if the annual election is held in April, or occurring after the third Monday in July if the election is held in November, to fill a term extending beyond such election, in which case the Board member shall serve until the organizational meeting following the second annual election next succeeding the occurrence of the vacancy, and any vacancy for the remainder of the term shall be filled at the annual election or the second annual election next succeeding the occurrence of the vacancy, as the case may be.

The Board of Education shall have representation on the receiving district Board(s) of Education in accordance with N.J.S.A.18A:38-8.2.

In accordance with N.J.S.A. 18A:38-8.2.a.(1), if the students of the sending district comprise less than ten percent of the total enrollment of the students in the grades of the receiving district in which the students of the sending district will be enrolled, the sending district shall have no representation on the receiving district Board of Education. If the students of the sending district comprise at least ten percent of the total enrollment of the students in the grades of the receiving district in which the students of the sending district will be enrolled, the sending district shall have one representative on the receiving Board of Education in accordance with N.J.S.A. 18A:38-8.2.a.(2).

If the total number of students of two or more sending districts, which do not qualify for representation in accordance with N.J.S.A. 18A:38-8.2.a., comprise at least fifteen percent of the total enrollment of the students in the grades of the receiving district in which the students of the sending district will be enrolled, the sending districts shall have collectively two representatives on the receiving district Board of Education in accordance with N.J.S.A. 18A:38-8.2.b.

The annual designation of the representatives, in the event more than two districts collectively qualify under N.J.S.A. 18A:38-8.2.b., shall be rotated among the Boards of Education of the sending districts according to a schedule determined by the joint agreement of the Boards.



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Board Member Number and Term-Sending District
Acts and Code of Ethics

Notwithstanding the provisions of N.J.S.A. 18A:38-8.2.a. and b., the number of representatives designated by the sending districts to be additional members shall not exceed three additional members on a receiving Board with originally nine or more members, two additional members on a receiving Board with originally seven or eight members, and one additional member on a receiving Board with originally less than seven members. In the event that this restriction results in unequal representation of sending districts, the annual designation of the representative or representatives shall be rotated among the Boards of Education of the sending districts according to a schedule determined by the joint agreement of the Boards in accordance with N.J.S.A. 18A:38-8.2.c.

Notwithstanding the provisions of N.J.S.A. 18A:38-8.2 or any other law or regulation to the contrary, a school district which is located in a county of the sixth class according to the latest Federal decennial census, which has an October 1998 resident enrollment greater than 2,400 students but less than 2,600 students, and which sends its students in grades nine through twelve to a school district in the same county pursuant to N.J.S.A. 18A:38-8 shall have representation on the Board of Education of the receiving district in accordance with the provisions of N.J.S.A. 18A:38-8.4.

The sending district Board of Education shall designate their representative(s) to serve on the receiving district Board of Education on an annual basis upon notification from the Executive County Superintendent of the appropriate representation on the receiving Board of Education. A representative of a sending district Board of Education shall be designated at the meeting of the Board which is closest in time to the annual organizational meeting of the receiving district Board of Education and shall serve a one-year term beginning with the organizational meeting of the receiving district Board of Education in accordance with N.J.S.A. 18A:38-8.2.d. The sending district representative(s) shall be subject to the rules and procedures of the receiving district Board of Education. If the sending district position on the receiving Board becomes vacant, the sending Board shall designate a new representative to serve on the receiving Board for the remainder of the term.

The calculation of percentages required shall be based on the number of students reported as of the last school day prior to October 16 of each prebudget year pursuant to N.J.S.A. 18A:38-8.2.e. and N.J.S.A. 18A:38-8.4.b.

A sending district representative(s) shall be eligible to vote on the following matters before the receiving district Board of Education in accordance with N.J.S.A. 18A:38-8.1:

- a. Tuition to be charged the sending district by the receiving district and the bill lists or contracts for the purchase, operation or maintenance of facilities, equipment and instructional materials to be used in the education of the students of the sending district;



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Acts and Code of Ethics

- b. New capital construction to be utilized by sending district students;
- c. Appointment, transfer or removal of teaching staff members providing services to the students of the sending district, including any teaching staff member who is a member of the receiving district's central administrative staff;
- d. Addition or deletion of curricular and extracurricular programs involving students of the sending district;
- e. Any matter directly involving the sending district students or programs and services utilized by those students;
- f. Approval of the annual receiving district budget;
- g. Any collectively negotiated agreement involving employees who provide services utilized by sending district students;
- h. Any individual employee contracts not covered by a collectively negotiated agreement, if those employees provide or oversee programs or services utilized by sending district students; and
- i. Any matter concerning governance of the receiving district Board of Education including, but not limited to, the selection of the Board President or Vice President, approval of Board Bylaws, and the employment of professionals or consultants such as attorneys, architects, engineers, or others who provide services to the receiving district Board of Education.

While the sending district representative shall have limited voting rights in accordance with N.J.S.A. 18A:38-8.1, in all other respects the representative shall function as a full member of the receiving Board of Education, including participation in the closed session discussions.

N.J.S.A. 18A:12-6; 18A:12-9; 18A:12-11; 18A:12-15; 18A:38-8;
18A:38-8.1; 18A:38-8.2; 18A:38-8.3; 18A:38-8.4
N.J.A.C. 6A:23A-2.1 et seq.

Adopted: September 18, 2024



0141.3 BOARD MEMBER NUMBER AND TERM – REGIONAL SCHOOL DISTRICT

The regional Board of Education shall consist of nine members unless it consists of more than nine constituent districts, in which case the membership shall be the same as the number of constituent districts, plus one. Except as otherwise provided pursuant to N.J.S.A. 18A:13-34a or N.J.S.A. 18A:13-46.1, if there are nine or less constituent districts, the members of the regional Board shall be apportioned by the Executive County Superintendent or Executive County Superintendents of the county or counties in which the constituent districts are situate, among said districts as nearly as may be according to the number of their inhabitants except that each constituent district shall have at least one member in accordance with N.J.S.A. 18A:13-8. A member of a regional Board shall be for at least one year a resident of the constituent district of the regional district, to be represented by the member, in the regional Board pursuant to N.J.S.A. 18A:13-7.

In making the apportionment of the membership of a regional Board among the several school districts uniting to create a regional school district having nine or less constituent districts, as required by N.J.S.A. 18A:13-36, there shall be subtracted from the number of inhabitants of a constituent school district, as shown by the last Federal census officially promulgated in this State as reported by the New Jersey Secretary of State pursuant to N.J.S.A. 52:4-1.6, the number of such inhabitants who according to the records of the Federal Bureau of the Census were patients in any State or Federal hospital, or who are military personnel stationed at, or civilians residing within the limits of, any United States Army, Navy, or Air Force installation, located in such constituent school district.

Except as otherwise provided pursuant to N.J.S.A. 18A:13-34a or N.J.S.A. 18A:13-46.1, if there are more than nine constituent districts, the members on the regional Board shall be apportioned among the constituent districts and the weight of their votes in all proceedings of the regional Board shall be determined by the appropriate Executive County Superintendent or Superintendents through the following procedure:

1. The number of inhabitants of each constituent district shall be determined as shown by the last Federal census officially promulgated in this State as reported by the Secretary of State pursuant to N.J.S.A. 52:4-1.6.
2. A representative ratio shall be calculated by adding the number of inhabitants of all constituent districts and dividing the sum by the regional Board size.
3. All constituent districts shall be listed in ascending order of their number of inhabitants. If the first constituent district in said list has a number of



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inhabitants which is less than the representative ratio, it shall be combined with the constituent district contiguous to it having the smallest number of inhabitants. This process shall be repeated for each successively larger constituent district or combination of constituent districts until all remaining constituent districts or combinations of constituent districts shall have a number of inhabitants equal to, or exceeding the representative ratio. The districts formed in this manner shall be known as representative districts.

4. There shall be established a priority list according to the method of equal proportions for the apportionment of the members of the regional Board among the representative districts.
5. The members of the regional Board shall be apportioned among the representative districts according to the method of equal proportions, and where a representative district is composed of more than one constituent district, members shall be elected at large from within the representative district.
6. The number of inhabitants of each representative district shall be divided by the number of members assigned to that district to find the number of inhabitants per member.
7. The vote to be cast by each member of the regional Board in all proceedings of the regional Board shall be determined by dividing the number of inhabitants per member in the representative district from which the member is elected by the representative ratio for the regional district, and rounding off the quotient to the nearest tenth of a full vote.

Wherever any statute or bylaw of the regional Board requires decision in any matter by vote of a majority of the regional Board members, or of the members present, this shall be interpreted as meaning a majority of the weighted votes of all members, or of the members present, as the case may be.

8. Whenever the above reapportionment procedure is used for a regional district having more than nine constituent districts, the terms of office of all incumbent Board members shall terminate on the day on which the annual organization meeting of the regional Board is held pursuant to N.J.S.A. 18A:13-12 following certification by the Executive County Superintendent of the representative districts and the number of members to be elected from each; provided, that if the reapportionment results in



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any representative district retaining its former boundaries and the same number of Board members, that the members elected from such a district shall serve the full term for which they were elected. All other Board members shall be elected in an election to be held on the date of the annual school election at least sixty days following certification by the Executive County Superintendent for initial terms of office to be designated in advance by the Executive County Superintendent so that, as nearly as possible, one-third of the regional Board shall be elected in each future year, to serve for three-year terms, and where a representative district has more than one member, their terms of office shall terminate in different years.

If any constituent district is a consolidated district, or a district composed of two or more municipalities, and:

1. The original district is a limited purpose regional district and such constituent district has such population that it is entitled to have apportioned to it a number of members equal to or greater than the number of districts making up such constituent district, or
2. The regional district is an all purpose district, the membership of the regional Board from such district shall be apportioned, and from time to time reapportioned, and the members from the district shall be elected, as their respective terms expire, in the same manner as though each of the municipalities making up such constituent district were constituent districts of the regional district.

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

Reapportionment of the regional Board shall follow the rules prescribed in N.J.S.A. 18A:13-9; 18A:13-9a; 18A:13-9.1; and 18A:13-9.2.

N.J.S.A. 18A:13-7; 18A:13-8 et seq.; 18A:13-9; 18A:13-9a; 18A:13-9.1;
18A:13-9.2.; 18A:13-34a; 18A:13-36; 18A:13-46.1;
N.J.S.A. 52:4-1.6

Adopted: 17 September 2025



0142 BOARD MEMBER QUALIFICATIONS, PROHIBITED ACTS AND CODE OF ETHICS

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

Qualification of Office

A Board member must be a citizen of the United States.

A Board member must be a resident of the district the member represents and must have been such for at least one year immediately preceding the member's election or appointment.

A Board member may not be convicted of a felony.

A Board member must be able to read and write.

A Board member must be registered to vote in the district and not disqualified from voting pursuant to N.J.S.A. 19:4-1.

A Board member cannot concurrently hold office as mayor or a member of the governing body of Essex Fells.

Prohibited Acts

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

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

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

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



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Board Member Qualifications, Prohibited
Acts and Code of Ethics

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

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

No Board member shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his/her independence of judgment in the exercise of official duties.

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

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

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



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

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

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

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

Ineligibility for District Employment

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

Code of Ethics

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

1. Uphold and enforce all laws, rules and regulations of the State Board of Education and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.
2. Make decisions in terms of the educational welfare of children and seek to develop and maintain a public school that meets the individual needs of all children regardless of their ability, race, creed, sex, or social standing.



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3. Confine his/her Board action to policy making, planning and appraisal, and help to frame policies and plans only after the Board has consulted those who will be affected by them.
4. Carry out his/her responsibility not to administer the school, but together with fellow Board members, insure it is well run.
5. Recognize that authority rests with the Board of Education and make no personal promises nor take any private action that may compromise the Board.
6. Refuse to surrender his/her independent judgment to special interest or partisan political groups or to use the school for personal gain or for the gain of friends.
7. Hold confidential all matters pertaining to the school, which, if disclosed, would needlessly injure individuals, or the school. In all other matters, he/she will provide accurate information and, in concert with fellow Board members, interpret to the staff the aspirations of the community for its school.
8. Vote to appoint the best-qualified personnel available after consideration of the recommendation of the chief administrative officer.
9. Support and protect school personnel in proper performance of their duties.
10. Refer all complaints to the chief administrative officer and act on the complaints at public meetings only after failure of an administrative solution.

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

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



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Oath of Office

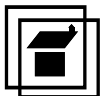
Each Board member shall, before entering upon the duties of the office, swear or affirm under oath that he/she qualifies for membership and will faithfully discharge the duties of the office of Board member.

N.J.S.A. 18A:12-1; 18A:12-1.1; 18A:12-2;
18A:12-2.1; 18A:12-21 through 18A:12-34

N.J.S.A. 41:1-3

School Ethics Commission Policy Guideline 1.

Adopted: 19 October 2011



0142.1 NEPOTISM

The Board of Education adopts this Nepotism Policy as a condition of receiving State aid pursuant to N.J.A.C. 6A:23A-6.2(a).

For the purpose of this Policy, “relative” means an individual’s spouse, civil union partner as defined at N.J.S.A. 37:1-28 et seq., domestic partner as defined at N.J.S.A. 26:8A-3, or the parent, child, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister of the individual or of the individual’s spouse, civil union partner, or domestic partner, whether the relative is related to the individual or the individual’s spouse, civil union partner, or domestic partner by blood, marriage, or adoption pursuant to N.J.A.C. 6A:23A-1.2.

For the purpose of this Policy, “immediate family member” means the person’s spouse, partner in a civil union as defined at N.J.S.A. 37:1-28 et seq., domestic partner as defined at N.J.S.A. 26:8A-3, or dependent child, residing in the same household.

For the purpose of this Policy, “administrator” is defined as set forth in N.J.S.A. 18A:12-23.

No relative of a Board member or the Superintendent of Schools shall be employed in an office or position in this school district except:

1. A person employed by the district on or before October 1, 2008 or on or before the date an employee’s relative becomes a Board member or Superintendent shall not be prohibited from continuing to be employed or to be promoted in the district in accordance with the effective date as outlined in the initial version of N.J.A.C. 6A:23A-6.2 adopted on July 1, 2008. However, this shall not pertain to extending an employment contract to allow for an increase in annual pay directly related to an extension of the work year; and
2. The district may employ a relative of a Board member or the Superintendent provided the district has obtained approval from the Executive County Superintendent. Such approval shall be granted only upon demonstration by the district that it conducted a thorough search for candidates and the proposed candidate is the only qualified and available person for the position.



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The Superintendent shall not recommend to the Board, pursuant to N.J.S.A. 18A:27-4.1, the relative of the Superintendent or a Board member, unless the relative is subject to an exception as outlined at N.J.A.C. 6A:23A-6.2(a)2. and at 1. and 2. above.

A district administrator shall not exercise direct or indirect authority, supervision, or control over the administrator's relative. If it is not feasible to eliminate such a direct or indirect supervisory relationship, appropriate screens and/or alternative supervision and reporting mechanisms shall be put in place.

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

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

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

Adopted: 25 February 2026



0143 BOARD MEMBER ELECTION AND APPOINTMENT

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

Vacancies in the membership of Boards of Type II districts having elected Boards shall be filled in accordance with N.J.S.A. 18A:12-15. Vacancies in the membership of a regional Board shall be filled from the constituent districts represented by the former incumbents in the same manner as vacancies in the membership of Boards of Type II districts having elected Boards in accordance with N.J.S.A. 18A:13-11. Such vacancies shall be filled as follows:

1. By the Executive County Superintendent, if the vacancy is caused by the absence of candidates for election to the Board or by the removal of a member because of lack of qualifications, or is not filled within sixty-five days following its occurrence;
2. By the Executive County Superintendent, to a number sufficient to make up a quorum of the Board if, by reason of vacancies, a quorum is lacking;
3. By special election, if in the annual school election two or more candidates qualified by law for membership on the Board receive an equal number of votes. Such special election shall be held only upon recount and certification by the County Board of Elections of such election result, shall be restricted to such candidates, shall be held within sixty days of the annual school election, and shall be conducted in accordance with procedures for annual and special school elections set forth in Title 19 of the Revised Statutes. The vacancy shall be filled by the Executive County Superintendent if in such special election two or more candidates qualified by law for membership on the Board receive an equal number of votes;
4. By special election, if there is a failure to elect a member at the annual school election due to improper election procedures. Such special election shall be restricted to those persons who were candidates at such annual school election, shall be held within sixty days of such annual school election, and shall be conducted in accordance with the procedures for annual and special school elections set forth in Title 19 of the Revised Statutes;
5. By the Commissioner of Education if there is a failure to elect a member at the annual school election due to improper campaign practices; or



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Board Member Election and Appointment

6. By a majority vote of the remaining members of the Board after the vacancy occurs in all other cases.

Each member so appointed shall serve until the organizational meeting following the next annual election unless the member is appointed to fill a vacancy occurring within the sixty days immediately preceding such election if the annual election is held in April, or occurring after the third Monday in July if the election is held in November, to fill a term extending beyond such election, in which case the member shall serve until the organizational meeting following the second annual election next succeeding the occurrence of the vacancy, and any vacancy for the remainder of the term shall be filled at the annual election or the second annual election next succeeding the occurrence of the vacancy, as the case may be in accordance with N.J.S.A. 18A:12-15.

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

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

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

N.J.S.A. 18A:12-11; 18A:12-15
N.J.S.A. 18A:54-16

Adopted: 17 September 2025



0144 BOARD MEMBER ORIENTATION AND TRAINING

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

The Board directs that each new member receive access to and/or a copy of the Board of Education Bylaw and Policy Manual, the manual of administrative regulations, each negotiated agreement, the current budget statement and audit report, the most recent long range facilities plan, and other materials as deemed appropriate by the Superintendent.

Each new Board member will be invited and is encouraged to meet and discuss the responsibilities and authority of a Board member, Board functions, and Board policies and procedures with the Board President (if available), the Superintendent, and the School Business Administrator/Board Secretary.

Within the first ninety days of a new Board member's first term, the Board member shall complete a training program to be prepared and offered by the New Jersey School Boards Association. The training shall include instruction relative to the Board member's responsibilities pursuant to the School Ethics Act and N.J.S.A. 18A:12-33.

The training program shall include information regarding the school district monitoring system established pursuant to P.L. 2005, c. 235, the New Jersey Quality Single Accountability Continuum, and the five key components of school district effectiveness on which school districts are evaluated under the monitoring system: instruction and program; personnel; fiscal management; operations; and governance.

The Board member shall complete a training program on school district governance in each of the subsequent two years of the Board member's first term.

Within one year after each re-election or re-appointment to the Board of Education, the Board member shall complete an advanced training program to be prepared and offered by the New Jersey School Boards Association. This advanced training program shall include information on relevant changes to New Jersey school law and other information deemed appropriate to enable the Board member to serve more effectively.

The New Jersey School Boards Association shall examine options for providing training programs to Board members through alternative methods such as on-line or other distance learning media or through regional-based training.



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Board Member Orientation and 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 a school district's responsibilities under N.J.S.A. 18A:37-13 et seq. A Board member shall be required to complete the program only once. Training on harassment, intimidation, and bullying in schools shall be provided by the New Jersey School Boards Association, in consultation with recognized experts in school bullying from a cross section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies.

N.J.S.A. 18A:12-33; 18A:37-13 et seq.
N.J.A.C. 6A:28-4.1

Adopted: 16 August 2023



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Board Member Resignation and Removal

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0145 BOARD MEMBER RESIGNATION AND REMOVAL

[See Policy Alert Nos. 94, 113, and 222]

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

1. The cessation of the member's bona fide residency in the school district the member represents (N.J.S.A. 18A:12-2.2); or
2. The member's election or appointment to the office of mayor or member of the governing body of Essex Fells (municipality(ies) within district) (N.J.S.A. 18A:12-2.2) ; or
3. The member's disqualification from voting pursuant to N.J.S.A. 19:4-1 (N.J.S.A. 18A:12-2.2); or
4. The member falsely affirms or declares that he/she is not disqualified as a voter pursuant to N.J.S.A. 19:4-1 or that he/she is not disqualified from membership on the Board due to conviction of a crime or offense listed in N.J.S.A. 18A:12-2.2; or
5. The removal of the member by the Commissioner of Education; or
6. Recall of a Board member pursuant to N.J.S.A. 19:27A-1 et seq.

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

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

N.J.S.A. 18A:12-2; 18A:12-2.2; 18A:12-3; 18A:12-29

N.J.S.A. 19:27A-1 et seq.

Adopted: 19 October 2011



0146 BOARD MEMBER AUTHORITY

A Board member does not possess individually the authority and powers that reside in the Board of Education. No Board member by virtue of his/her office shall exercise any administrative responsibility with respect to the operation of the school district or as an individual command the services of any school district employee.

Release of Information

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

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

Public Expressions

Board members are entitled to express themselves publicly on any matter, including issues involving the Board and the school district. Individual Board members cannot, however, express the position of the Board except as expressly authorized, in accordance with Board Policy No. 9120. A Board member shall not represent his/her personal opinion 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 opinions expressed do not necessarily represent those of the Board.

Board members visiting a school shall comply with school policy and procedures for school visitors.

Members of the Board shall adhere to the Code of Ethics for Board members in Bylaw 0142.

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

Adopted: 19 October 2011



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Board Member Indemnification

0148 BOARD MEMBER INDEMNIFICATION

The Board of Education will indemnify Board members in accordance with law whenever a civil, administrative, criminal or quasi-criminal action or other legal proceeding is brought against a Board member for any act or omission arising out of and in the course of the performance of his/her duties as Board member. In the case of a criminal or quasi-criminal action which results in a final disposition in favor of the Board member, the Board will defray all costs of defending the action, including reasonable counsel fees and expenses, together with costs of appeal, and will save harmless and protect the Board member from any financial loss resulting from the action. Indemnification for exemplary or punitive damages is not required and will be governed by the standards and procedures set forth in N.J.S.A. 59:10-4.

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

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

Adopted: 19 October 2011



BYLAWS

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Organization Meeting

0151 ORGANIZATION MEETING

The Board of Education shall organize annually at a regular meeting held for that purpose on any day of the first or second week following the annual school election.

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

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

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

N.J.S.A. 41:1-1; 41:1-3

Adopted: 20 September 2012



0152 BOARD OFFICERS

The Board of Education shall organize at its first regular meeting by electing one of its members as President and another as Vice President.

Any Board member may place a Board member's name in nomination for Board President and Vice President; a second on the nomination is not required. Election for each office will be conducted by a vote when the nominations for that office are closed.

Voting shall take place by verbal roll call vote after nominations are closed. When more than one person has been nominated for a single position, the Board will vote on candidates in the order in which they were nominated.

The person with the majority vote of the members of the Board present and constituting a quorum shall be elected. In the event no candidate receives a majority vote of the Board members present and constituting a quorum, the procedure shall be repeated until someone receives a majority vote of those Board members present and constituting a quorum.

Officers shall serve for one year and until their respective successors are elected and shall qualify, but if the Board shall fail to hold the organization meeting or to elect Board officers as prescribed by N.J.S.A. 18A:15-1, the Executive County Superintendent shall appoint from among the members of the Board a President and/or Vice President.

A President or Vice President who refuses to perform a duty imposed upon them by law may be removed by a majority vote of all of the members of the Board. In the event the office of President or Vice President shall become vacant the Board shall, within thirty days thereafter, fill the vacancy for the unexpired term. If the Board fails to fill the vacancy within such time, the Executive County Superintendent shall fill the vacancy for the unexpired term.

N.J.S.A. 18A:15-1; 18A:15-2

Adopted: 15 February 2023



0153 ANNUAL APPOINTMENTS

The Board of Education may annually appoint the following positions at the organizational meeting:

1. A Board Secretary,
N.J.S.A. 18A:17-2, 17-5;
2. A Treasurer of School Moneys,
N.J.S.A. 18A:17-31;
3. A public school accountant,
N.J.S.A. 18A:23-1;
4. A school physician,
N.J.S.A. 18A:40-1;
5. A member to serve as delegate to the New Jersey School Boards Association,
N.J.S.A. 18A:6-46;
6. A member to serve as delegate to the Essex County School Boards Association;
7. An attorney; and
8. An insurance broker.

Adopted: 20 September 2012

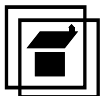


0154 ANNUAL MOTIONS AND DESIGNATIONS

The Board of Education shall at the organizational meeting:

1. Designate one or more depositories for school funds, N.J.S.A. 18A:17-34;
2. Designate those persons authorized to sign school warrants, N.J.S.A. 18A:19-1;
3. Designate the official newspaper, N.J.S.A. 18A:22-11; 18A:39-3;
4. Designate a second newspaper for the publication of Board meetings, N.J.S.A. 10:4-8;
5. Designate the day, place, and time for regular meetings of the Board;
6. Approve the curriculum for all grades; and
7. Readopt existing bylaws and policies for the Board's operation and the operation of the school system;

Adopted: 19 October 2011



0155 BOARD COMMITTEES

The Board of Education authorizes the creation of committees of Board members charged to conduct studies, make recommendations to the Board, and act in an advisory capacity. Committees are not authorized to take action on behalf of the Board.

An ad hoc committee may be created and charged at any time by the President or a majority of the Board members present and voting. The President shall appoint members to any committee so created and charged; members shall serve until the committee is discharged.

Committees shall consist of no more than two Board members, one of whom shall be the President, who shall serve as ex officio member on all Board committees. A member may request or refuse appointment to a committee; a member's refusal to serve on any one committee shall not prejudice his/her appointment to another committee.

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

A chairperson shall be appointed by the President.

Ad Hoc committee meetings may be called at any time by the committee chairperson or when a meeting is requested by a majority of the members of the committee.

Committee of the Whole meetings shall be open to the public.

Adopted: 19 October 2011



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Board of Education Website

0157 BOARD OF EDUCATION WEBSITE

For the purposes of keeping the community informed, the Board authorizes the Technology Coordinator to coordinate and oversee a school district website to be maintained on the Internet. All items to be posted on the website shall be approved by the Superintendent or designee, prior to posting. In the event the Technology Coordinator finds certain material that is submitted to be posted, should not be posted, the Technology Coordinator shall seek approval of the Superintendent prior to posting such material. In the event the Superintendent, upon review of the material from the Technology Coordinator, believes the material should not be posted on the website, the material shall not be posted.

The types of information that may be posted on the website include, but are not limited to:

- Board Meeting public agendas
- Board Meeting approved minutes
- Selected Board of Education policies
- Board of Education meeting dates
- School District Newsletter Information
- School Administration Information
- Curriculum updates
- Job postings
- School E-Mail information

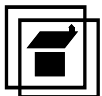
and any other information the Superintendent determines appropriate for posting on the website.

Materials containing political or editorial points of view shall be prohibited from the website.

The Board and Superintendent shall periodically evaluate the effectiveness of the school district website and this Policy.

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

Adopted: 19 October 2011



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Call, Adjournment and Cancellation

0161 CALL, ADJOURNMENT AND CANCELLATION

All Board of Education meetings shall be in public and each Board shall hold a meeting at least once every two months during the period in which the schools in the district are in session.

The Secretary of the Board shall call a special meeting of the Board whenever: requested by the President of the Board; requested by the Superintendent when the Board fails to meet within two months during the period in which the schools in the district are in session; or when presented with a petition signed by a majority of the full membership of the Board requesting the special meeting.

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

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

N.J.S.A. 18A:10-6
N.J.A.C. 6A:32-3.1

Adopted: 15 February 2023



0162 NOTICE OF BOARD MEETINGS

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

Adequate Notice

The Board Secretary shall provide written advance notice of at least forty-eight hours, giving the time, date, location and, to the extent known, the agenda of any regular, special, or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken and which shall be prominently posted in at least one public place reserved for such or similar announcements; mailed, telephoned, telegraphed, or hand delivered to at least two newspapers which newspapers shall be designated by the public body to receive such notices because they have the greatest likelihood of informing the public within the area of jurisdiction of the public body of such meetings, one of which shall be the official newspaper, where any such has been designated by the public body or if the public body has failed to so designate, where any has been designated by the governing body of the political subdivision whose geographic boundaries are coextensive with that of the public body; and filed with the clerk of the municipality when the public body's geographic boundaries are coextensive with that of a single municipality, with the clerk of the county when the public body's geographic boundaries are coextensive with that of a single county, and with the Secretary of State if the public body has Statewide jurisdiction. Where annual notice or revisions thereof in compliance with N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act, set forth the location of any meeting, no further notice shall be required for such meeting.

In accordance with N.J.S.A. 10:4-9, upon the affirmative vote of three-quarters of the members present, the Board may hold a meeting notwithstanding the failure to provide adequate notice if:

1. Such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and
2. The meeting is limited to discussion of and acting with respect to such matters of urgency and importance; and
3. Notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place described in N.J.S.A. 10:4.8.d., and also by notifying the two newspapers described in N.J.S.A. 10:4.8.d. by telephone, telegram, or by delivering a written notice of same to such newspapers; and



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Notice of Board Meetings

4. Either the public body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided or although the public body could reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided, it nevertheless failed to do so.

Personal Notice of Meeting

In accordance with the provisions of N.J.S.A. 10:4-12.b.(8), the Board may exclude the public from that portion of a meeting at which the Board discusses any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the Board, unless all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting.

The Board will provide notice to the affected person that will include the date and time of the closed session meeting, the subject or subjects scheduled for discussion at the closed session meeting, and the right of the affected person to request that the discussions be conducted at a public meeting. Such notice will be given no less than forty-eight hours in advance of the closed session meeting.

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

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

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

N.J.S.A. 10:4-6 et seq.; 10:4-8; 10:4-9
N.J.S.A. 18A:6-11; 18A:10-6
N.J.A.C. 6A:32-3.1

Adopted: 15 February 2023



0163 QUORUM

A quorum of the Board of Education shall consist of a minimum of 3 Board members, and no business shall be conducted in the absence of a quorum, except when the Doctrine of Necessity is invoked.

All Board meetings shall be called to commence not later than 8:00 p.m. of the designated day but, if a quorum is not present at the time for which the meeting is called, the Board member or Board members present may recess the meeting to a time not later than 9:00 p.m. of the same day and, if a quorum be not present at that time, the member or members present may adjourn the meeting to commence not later than 8:00 p.m. of another day, but not more than seven days following the date for which the original meeting was called, but no further recess or adjournment of the meeting shall be made.

The Board of Education recognizes 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 by a Board member would be in violation of N.J.S.A. 18A:12-24. In these matters, the Board member(s) shall remove themselves 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 their official capacity that is a conflict or would be in violation of N.J.S.A. 18A:12-24, the Board would still be required to have a quorum to consider the matter. However, the New Jersey Department of Education and the School Ethics Commission envisioned this prohibition could create a situation in which the number of conflicted Board members would prevent the Board to take action on a matter. Therefore, when more than a quorum of the Board members must abstain from voting on a matter due to a conflict or the act would be in violation of N.J.S.A. 18A:12-24, the Board will invoke the Doctrine of Necessity consistent with the New Jersey Department of Education and School Ethics Commission guidelines as follows:

- A. Board Member(s) in Conflict - Less Than a Majority of The Board
 - 1. In the event a Board member(s) has a conflict of interest where the Board member will act in their official capacity, the Board member must remove themselves from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter.



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Quorum

2. In the event a Board member is unsure whether they or any other Board member has a conflict of interest or whether the matter, if acted upon by a Board member(s) is in violation of N.J.S.A. 18A:12-24 - Prohibited Acts, the School Board Attorney will make a determination.
 3. The School Board Attorney will provide the Board of Education an opinion on whether the matter is a conflict of interest or act prohibited by N.J.S.A. 18A:12-24 - Prohibited Acts.
 4. If the Board member(s) believes they have a conflict of interest where they will act in their official capacity or if the School Board Attorney renders an opinion the Board member has a conflict of interest where the Board member will act in their official capacity, the Board member will remove themselves from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter.
- B. Board Member(s) in Conflict - A Majority of Board Members in Conflict
1. In the event:
 - a. A Board member(s) believes they have a conflict of interest or if acted upon by a Board member is in violation of N.J.S.A. 18A:12-24; or
 - b. If the School Board Attorney renders an opinion a Board member(s) has a conflict of interest or if acted upon by a Board member is in violation of N.J.S.A. 18A:12-24; and
 - c. The number of Board members that have a conflict would make it so the Board would be unable to take action on the matter, then the Board may invoke the Doctrine of Necessity.
- C. Doctrine Of Necessity
1. The Doctrine of Necessity may be invoked when more than a quorum of the Board must abstain from voting on a matter.
 2. There are three prerequisites necessary for a Board to invoke the Doctrine of Necessity:



- a. The Board must be unable to act without the members in conflict taking part;
 - b. There must be a pressing need for action, i.e. the matter cannot be laid aside until another date; and
 - c. There can be no alternative forum that can grant the same relief.
3. When the School Board Attorney advises the Board the Doctrine of Necessity must be invoked in order to obtain a quorum on a vote, the Board must publicly state:
 - a. That it is invoking the Doctrine of Necessity;
 - b. The specific reason/purpose for which the Doctrine of Necessity is being invoked; and
 - c. The specific nature of the conflict of interest for each Board member that has a conflict of interest:
 - (1) The specific nature of the conflict of interest for each Board member should include the Board member's name; the name of the immediate family member or relative which is the basis for the conflict of interest, and the position that immediate family member or relative holds; or
 - (2) If the specific nature of the conflict of interest for a Board member is a conflict other than an immediate family member or relative, the announcement should include the conflict which is the basis for the conflict of interest.
4. When the Board invokes the Doctrine of Necessity, it will adopt a Resolution setting forth the same information as outlined in C.3. above.
5. When the Board invokes the Doctrine of Necessity, the Resolution will be:
 - a. Read at a regularly scheduled public meeting;
 - b. Posted in such places the Board posts public notices for thirty days; and



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Quorum

- c. Provided to the School Ethics Commission.
- 6. The Board members who have a conflict in the matter are prohibited from:
 - a. Participating in any discussions on the matter prior to the announcement of the invocation of the Doctrine of Necessity at the public meeting;
 - b. Being present in an executive session when the matter is being discussed; and
 - c. Offering their opinions on the matter at any time prior to the announcement or the invocation of the Doctrine of Necessity.
- 7. The Board members who have a conflict may only ask questions regarding the matter to be voted on in public and after the Board has invoked the Doctrine of Necessity.
- 8. The Board members who have a conflict may explain their reasons for not voting just before the vote.

N.J.S.A. 18A:10-6; 18A:12-24

New Jersey School Ethics Commission – Advisory Opinions A10-93(b), A07-94, and C07-96

New Jersey School Ethics Commission – Resolution on Invoking the Doctrine of Necessity – June 25, 2018

Adopted: 21 September 2022



0164 CONDUCT OF BOARD MEETINGS

Parliamentary Authority

Roberts' Rules of Order, Newly Revised, shall govern the Board of Education in its deliberations and acts in all cases in which it is not inconsistent with statutes of the State of New Jersey, rules of the State Board of Education, or these bylaws.

Presiding Officer

The President shall preside at all meetings of the Board. In the absence, disability, or disqualification of the President, the Vice President shall act in his/her place; if neither person is present, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

Announcement of Adequate Notice

The person presiding shall commence each meeting with an announcement of the notice given for the meeting or a statement regarding the lack of adequate notice, in accordance with law.

Agenda

The Superintendent and School Business Administrator/Board Secretary shall prepare an agenda of items of business in conjunction with the Board President to come before the Board at each meeting. The agenda shall be delivered to each Board member no later than two days before the meeting and shall include such reports and supplementary materials as are appropriate and available.

The order of business shall be as follows:

- Call to order
- Roll call
- Flag salute
- President's Report
- Public comment on agenda items
- Superintendent's report
- Superintendent's resolutions
- Business Administrator's report
- Business resolutions
- Board/committee reports



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Conduct of Board Meetings

Old Business
New Business
Meeting open to the public
Resolution to enter executive session
Adjournment

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

Adopted: 19 October 2011



0165 VOTING

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

Abstentions shall not be counted as votes but shall be recorded; a member who abstains from voting is deemed to acquiesce in the outcome of the vote.

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

1. The affirmative votes of three-quarters of the members present are required for the conduct of a Board meeting when adequate notice has not been provided in accordance with law, N.J.S.A. 10:4-9;
2. A two-thirds vote of the full membership of the Board is required for:
 - a. Bids that have been advertised pursuant to N.J.S.A. 18A:18A-4 on two occasions and;
 - (1) No bids have been received on both occasions in response to the advertisement; or
 - (2) The Board of Education has rejected such bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the Board of Education prior to the advertising therefore, or have not been independently arrived at in open competition; or
 - (3) On one occasion no bids were received pursuant to #(1) and on one occasion all bids were rejected pursuant to #(2), in whatever sequence; any such contract may then be negotiated.
 - b. Purchase of goods also available under state contract when the Board has received at least three quotations and the lowest responsible quotation is at least ten percent less than the price under the state contract for the identical goods and quantities, N.J.S.A. 18A:18A-5.e;



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- c. Determine that it is necessary, in a Type II school district having a Board of School Estimate, to sell bonds to raise money for any capital project, N.J.S.A. 18A:22-27; and
 - d. Sell bonds of a Type II district without further advertisement at private sale if no legally acceptable bid is received for the bonds pursuant to N.J.S.A. 18A:24-45.
- 3. A majority vote of the full membership of the Board is required for:
 - a. Admission after October 1 of a pupil who has never attended school, N.J.S.A. 18A:38-6;
 - b. Adoption or alteration of a course of study, N.J.S.A. 18A:33-1;
 - c. Application for membership in an established county audiovisual aid center, N.J.S.A. 18A:51-11;
 - d. Appointment of a Superintendent, N.J.S.A. 18A:17-15; School Business Administrator, N.J.S.A. 18A:17-14.1; Board Secretary, N.J.S.A. 18A:17-5; Assistant Board Secretary, N.J.S.A. 18A:17-13; Administrative Principals, N.J.S.A. 18A:17-20.5; and Shared Superintendent or School Business Administrator, N.J.S.A. 18A:17-24.3. Appointment and removal of Assistant Superintendent(s), N.J.S.A. 18A:17-16 and appointment, salary, and removal of Business Manager in Type I school district, N.J.S.A. 18A:17-25.
 - e. Appointment, transfer, removal and/or renewal of teaching/certificated and/or non-certificated staff members, N.J.S.A. 18A:25-1, 27-1;
 - f. Fix and determine, in a Type II district having no Board of School Estimate, the amount of money to be raised for budgets and capital construction, N.J.S.A. 18A:22-32, 22-39;
 - g. Approval of employee salary deductions for hospital and insurance plans and government bonds, N.J.S.A. 18A:16-8;
 - h. Authorization, in Type II school districts, of school bonds, N.J.S.A. 18A:24-10;



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- i. Decision to establish with other school districts a county audiovisual educational aid center, N.J.S.A. 18A:51-1;
 - j. Determination of sufficiency of charges warranting dismissal or reduction in salary of a tenured employee, N.J.S.A. 18A:6-11;
 - k. Disposition or exchange of lands owned by the Board, N.J.S.A. 18A:20-5, 20-8;
 - l. Purchase of bonds or other obligations as investments, N.J.S.A. 18A:20-37;
 - m. Removal of the President or Vice President of the Board, N.J.S.A. 18A:15-2;
 - n. Restoration or removal following suspension of an Assistant Superintendent, Principal, or teacher, N.J.S.A. 18A:25-6;
 - o. Selection of textbooks, N.J.S.A. 18A:34-1;
 - p. Withholding a salary increment, N.J.S.A. 18A:29-14;
 - q. Direct the Secretary of the Board to deduct salaries of employees to participate in any plan for the purchase of bonds of the United States government, N.J.S.A. 18A:16-8;
 - r. Appointment and salary of Executive Superintendent in district in city of the first class with a population over 325,000 have a unit control organizational structure.
4. A roll call vote of the Board is required for the following actions with the necessary vote as indicated:

Issue	Required Vote
a. Salary deductions for government bonds N.J.S.A. 18A:16-8	Majority of full Board



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	Issue	Required Vote
b.	Appointment of a secretary of Board of Education; terms; compensation; vacancy N.J.S.A. 18A-17-5	Majority of full Board
c.	Assistant and acting secretaries; appointment, powers and duties N.J.S.A. 18A:17-13	Majority of full Board
d.	Appointment of Superintendents; terms; apportionment of expense N.J.S.A. 18A:17-15	Majority of full Board
e.	Appointment and removal of Assistant Superintendents N.J.S.A. 18A:17-16	Majority of full Board
f.	Appointment of Administrative Principals N.J.S.A. 18A:17-20.5	Majority of full Board
g.	Appointment of shared Superintendent, School Business Administrator; terms N.J.S.A. 18A:17-24.3	Majority of the membership of each Board
h.	Appointment; salary; removal of Business Managers N.J.S.A. 18A:17-25	Majority of full Board
i.	Unit control organizational structure; Executive Superintendent N.J.S.A. 18A:17A-1	Majority of full Board
j.	Disposition of property N.J.S.A. 18A:20-5	Majority of full Board
k.	Exchange of lands N.J.S.A. 18A:20-8	Majority of full Board

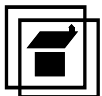


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Issue	Required Vote
l. Type II districts with Board of School Estimate; determination; certification and raising of appropriations; notice of appeal N.J.S.A. 18A:22-26	Majority of full Board
m. Type II districts with Boards of School Estimate; estimate by Board of Education; certification of estimate N.J.S.A. 18A:22-27	Two thirds of full membership of Board
n. Determination of amounts by Board of School Estimate N.J.S.A. 18A:22-31	Board of School Estimate majority of full Board
o. Type II districts without Board of School Estimate; determination and certification of appropriation N.J.S.A. 18A:22-32	Majority of full Board
p. Type II districts without Board of School Estimate; submission of capital projects N.J.S.A. 18A:22-39	Majority of full Board
q. School bonds, when deemed to be authorized Type II. N.J.S.A 18A:24-10	Majority of full Board
r. Private sale if no bids at public sale N.J.S.A. 18A:24-45	Two thirds of full membership of Board
s. Transfer of teaching staff member N.J.S.A. 18A:25-1	Majority of full Board
t. Suspension of Assistant Superintendents, Principals and teaching staff members N.J.S.A. 18A:25-6	Majority of membership



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Voting

	Issue	Required Vote
u.	Appointment of teaching staff members; vote required N.J.S.A. 18A:27-1	Majority of full Board
v.	Board of Education, procedure for certain personnel actions; recommendation of Chief School Administrator N.J.S.A. 18A:27-4.1	Majority of full Board
w.	Renewal of personnel N.J.S.A. 18A:27-4.1	Majority of full Board
x.	Withholding increments; causes notice appeals N.J.S.A. 18A:29-14	Majority of full Board
y.	District to furnish suitable facilities; adoption of courses of study N.J.S.A. 18A:33-1	Majority of full Board
z.	Textbooks; selection; furnished free with supplies; appropriations N.J.S.A. 18A:34-1	Majority of full Board
aa.	Single county educational audiovisual aids center in county N.J.S.A. 18A:51-11	Majority of full membership

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

Adopted: 19 October 2011



0166 EXECUTIVE SESSIONS

The Board of Education may meet in a private session only to discuss and act on issues exempted by law from the requirement that all Board meetings be public and only after the adoption at a public meeting of a resolution stating the general nature of the subject or subjects to be discussed and, as precisely as possible, the time when and circumstances under which the discussion conducted in private session can be disclosed to the public.

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

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



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Executive Sessions

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

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

Adopted: 19 October 2011



0167 PUBLIC PARTICIPATION IN BOARD MEETINGS

The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.

In order to permit the fair and orderly expression of such comment, the Board shall set aside a portion of every Board meeting, the length of the portion to be determined by the Board, for public comment on any school or school district issue that a member of the public feels may be of concern to the residents of the school district.

Public participation shall be governed by the following rules:

1. A participant must be recognized by the presiding officer and must preface comments by an announcement of his/her name, place of residence, and group affiliation, if appropriate;
2. In the event it appears the public comment portion of the meeting may exceed thirty minutes, the presiding officer may limit each statement made by a participant to three minutes' duration;
3. No participant may speak more than once on the same topic until all others who wish to speak on that topic have been heard;
4. All statements shall be directed to the presiding officer; no participant may address or question Board members or administrators individually;
5. The presiding officer may:
 - a. Interrupt, warn, or terminate a participant's statement when the statement is too lengthy, abusive, obscene, or irrelevant;
 - b. Request any individual to leave the meeting when that person does not observe reasonable decorum;
 - c. Request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;



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Public Participation in Board Meetings

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

N.J.S.A. 2C:33-8

N.J.S.A. 10:4-12

Adopted: 20 September 2012



0168 RECORDING BOARD MEETINGS

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

Minutes

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

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

Minutes of executive meetings shall be filed in the Board Secretary's office in a place separate from the minute book until the time, if any, when the proceedings may be made public. At that time, the minutes shall be public records and shall be filed in the regular minute book.

The Board Secretary shall provide each Board member with a copy of the minutes prior to Board approval.

Electronic Recording

The School Business Administrator/Board Secretary shall make an audio tape recording of regular Board meetings as an administrative aid in the preparation of minutes. The recording shall be retained forty-five days or until either summary or verbatim transcripts have been approved as minutes, whichever is longer, after which time they may be erased only if permission is granted by the New Jersey Department of State, Division of Archives and Record Management. All such recordings will be erased or destroyed in compliance with laws and rules for the destruction of public records.

The recording may not be able to be destroyed if a subject matter, vote, or Board action on the recording is the subject of litigation. The district will notify the New Jersey Division of Archives and Records Management when requesting permission that a recording be destroyed if the recording includes subject matter in litigation, or the district will not request permission to destroy such recording if the subject matter is in litigation.



Recording by the Public

A member of the public may record the proceedings of a public meeting of the Board provided the audio or video recording process compiles with reasonable guidelines as outlined in this Bylaw. These guidelines are adopted to ensure the recording of the public meeting does not interrupt the proceedings, inhibit the conduct of the meeting, or distract Board members or other observers present at the meeting.

The Board will permit the use of video recording devices only when notice of such intended use has been given to the Board Secretary in advance of the meeting. The Board Secretary or designee shall review the video recording guidelines with the person requesting to video record. Prior notice is not required to audio record a meeting.

All audio and video recording devices shall be silent in operation, inoffensive, and unobtrusive. Any video recording device must be located and operated from inconspicuous location in the meeting room as determined by the presiding officer of the meeting. Prior to the meeting, the presiding officer will determine the location of each recording device so the video recording device can video record the meeting with an unobstructed view. The presiding officer may permit a person wanting to video record the meeting using a small hand-held video recording device to sit with their video recording device in the public seating area of the meeting room provided the person recording and/or the recording device is not distracting or obtrusive to the meeting. A person that wants to audio record a public meeting shall sit with their audio recording device in the public seating area of the meeting room and shall not be distracting or obtrusive to the meeting. Additional lighting shall not be used unless approved by the presiding officer prior to the meeting. All recording devices must be battery operated, as the district cannot guarantee convenient availability or location of electric outlets in the meeting room.

The presiding officer shall determine when the number of video recording devices or if any audio or video recording device interferes with the conduct of a Board meeting and may order that an interfering device be removed or relocated. The presiding officer may also limit the number of video recording devices if he/she determines the number and positioning of the video recording devices will be an unnecessary intrusion to the meeting. In this event, preference will be given based on the order in which prior notice requesting to record the meeting was provided to the Board Secretary.

Any person who video records a public meeting in accordance with the provisions of this Policy shall provide the Board the opportunity to obtain a copy of the recording at the Board's expense, but the Board shall have no power to edit or abridge the original recording.

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

Adopted: 15 February 2012



0169 BOARD MEMBER USE OF ELECTRONIC MAIL/INTERNET

The Board of Education is a public body as defined in the New Jersey Open Public Meetings Act, N.J.A.C. 10:4-6 et seq., and the Board and its members are required to comply with the provisions of this Act. It is the right of the public to be present at meetings of public bodies and to witness in full all phases of the deliberations, policy formulation, and decision-making. Board members acknowledge certain discussions between Board members, other than during a Board meeting, may be subject to the provisions of the Open Public Meetings Act.

The Board of Education is also subject to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. The Open Public Records Act requires public agencies/School Boards to make certain governmental records subject to public access. Board members may, by written and/or electronic mail (e-mail), communicate with each other and with certain school staff regarding the school district's public business. "Public business" means and includes all matters that relate in any way, directly or indirectly, to the performance of the public body's functions or the conduct of its business. Board members acknowledge these written communications may be classified as a governmental record and may be subject to public access pursuant to the Open Public Records Act.

In order to ensure the Board and/or individual Board members comply with the requirements of the Open Public Meetings Act and the Open Public Records Act, the following guidance is provided regarding certain discussions and written communications regarding the public business:

1. Written letters, e-mails, and supporting documents regarding school district matters written by Board members to other Board members or written by Board members to school staff, unless the subject matter is specifically exempt under the Open Public Records Law, are governmental records and are subject to public access. Based on the potential for improper/inappropriate disclosure and/or breach of confidentiality that may compromise the Board or Board member, these communications should not involve confidential matters, especially any matter the Board may discuss in executive/private session outside the presence of the public pursuant to the Open Public Meetings Act.
2. Written letters, internet (chat) discussions, e-mails, and supporting documents regarding the school district's public business written by Board members to other Board members shall not replace deliberations that would prevent the public from witnessing in full detail all phases of the Board's deliberations, policy formulation, and decision-making process in accordance with the intent of the Open Public Meetings Act.



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Board Member Use of Electronic Mail/Internet

3. Internet (chat) discussions between Board members regarding the school district's public business shall not include multiple Board members with the potential that a quorum of the Board may be involved, or become involved, in such discussion.

In the event a Board member(s) fails to comply with the guidance of this Policy, the matter shall be referred to the Board President, who will meet and/or discuss the matter and this Policy with the Board member(s). The Board President may request the Board Attorney participate in this meeting and/or discussion.

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

N.J.S.A. 47:1A-1 et seq.

Adopted: 19 October 2011



0169.02 BOARD MEMBER USE OF SOCIAL NETWORKS

In accordance with the School Ethics Act – N.J.S.A. 18A:12-21 et seq., Board of Education members must avoid conduct which is in violation of the public trust or which creates a justifiable impression among the public that such trust is being violated. To avoid conduct that may be in violation or perceived to be in violation of the School Ethics Act, The Board of Education adopts this Policy to provide guidance to Board members in their use of social networks.

For the purposes of this Policy, “social network(s)” shall include, but not be limited to: Internet blogs, electronic bulletin boards, emails, social networking websites, text messages, or any other online platform where people may post or communicate interests, opinions, or any other information that may be viewed by others with or without permission from the person making such post or republishing such post. “Social networks” also means an Internet-based service that allows individuals to: construct a public or semi-public profile within a bounded system created by the service; create a list of other users with whom they share a connection within the system; and view and navigate their list of connections and those made by others within the system.

For the purpose of this Policy, “use of social network” shall include, but not be limited to: posting to a social network, reposting to a social network, reposting another person’s post to a social network, messaging, or any other publication of material on a social network.

Nothing in this Policy prevents a Board of Education member from using a social network. However, a Board member must avoid conduct on a social network that would violate the School Ethics Act – N.J.S.A. 18A:12-21 et seq., which includes the Code of Ethics for Board Members. Board members should be advised communications, publications, photographs, and any other information posted by the Board member or reposted by the Board member on a social network could violate the School Ethics Act and be cause for sanctions in accordance with the law.

While this Policy respects the right of Board members to use social networks, Board members shall recognize they are held to a higher standard than the general public with regard to standards of conduct and ethics. A Board member’s use of social networks shall not damage the reputation of the school district, employees, students, or their families. Board members who use social networks shall ensure their conduct is appropriate for a Board of Education member. Board members should exercise care in setting appropriate boundaries between their personal and public online behavior, understanding what is private in the digital world often has the possibility of becoming public, even without their knowledge or consent.



Board members should carefully review the privacy settings on social networks they use and exercise care and good judgment when posting content and information. When using social networks, Board members are advised to:

1. Not post anything that would violate any of the district's policies for Board members;
2. Uphold the district's value of respect for any individual(s) and avoid making defamatory statements about the Board of Education, the school district, employees, students, or their families;
3. Not disclose any confidential information about the school district or confidential information obtained as a result of being a Board member, about any individual(s) or organization, including students and/or their families;
4. Not use or refer to their Board of Education title or position when soliciting for a business organization that he or she or any immediate family member has an interest in, as well as posting or referencing any confidential information regarding the Board of Education or the school district obtained through their Board membership, unless authorized by law;
5. Refrain from having communications through social networks with other Board members regarding any Board of Education business to avoid any potential violation of the New Jersey Open Public Meetings Act;
6. Not respond to any postings regarding Board of Education or school district business or respond to any question or inquiry posted to the Board member or posted on any social network regarding Board of Education or school district business and shall refer any such questions or inquiries to the Superintendent of Schools to address, as appropriate; or
7. Not post any information on a social network determined by the New Jersey School Ethics Commission to be a violation of the New Jersey School Ethics Act.

A Board member shall comply with all Board policies regarding acceptable use of computers and computer networks whenever a Board member is using a Board of Education electronic device.

If the Board or Superintendent believes a Board member's activity on any social network may violate the Board's policies or the New Jersey School Ethics Act, the Board or Superintendent may request the Board member cease such activity.



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Board Member Use of Social Networks

This Policy has been developed and adopted by this Board to provide guidance and direction to a Board member to avoid actual and/or a perceived appearance of inappropriate conduct or conduct prohibited by the School Ethics Act while using social networks.

N.J.S.A. 18A:12-21 et seq.,
N.J.S.A. 10A:12-21 et seq.

Adopted: 7 March 2018



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0171 DUTIES OF BOARD PRESIDENT AND VICE PRESIDENT

The President of the Board of Education shall:

1. Preside at all meetings of the Board;
2. Require the Board Secretary to call special meetings of the Board, N.J.A.C. 6A:32-3.1;
3. Sign all school warrants, N.J.S.A. 18A:19-1;
4. Certify to all payrolls, N.J.S.A. 18A:19-9;
5. Subscribe bonds, notes, contracts, and other legal instruments for which the signature of the President is required, N.J.S.A. 18A:24-32;
6. Issue subpoenas to compel attendance of witnesses and production of documents, N.J.S.A. 18A:6-20; and
7. Appoint all committees of the Board.

The Vice President shall assume and discharge the duties of the President in the President's absence, disability, or disqualification. N.J.S.A. 18A:16-1.1

Adopted: 19 October 2011



0172 DUTIES OF TREASURER OF SCHOOL MONIES

The Treasurer of School Monies shall:

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

Adopted: 19 October 2011



0173 DUTIES OF PUBLIC SCHOOL ACCOUNTANT

The Board of Education shall cause an audit of the annual financial statements to be made pursuant to N.J.S.A. 18A:23-1 et seq., and shall engage, to conduct the annual audit, only a licensed public school accountant who has an external peer/quality report performed in accordance with Government Auditing Standards (Yellow Book) by the Comptroller General of the United States (U.S. Government Printing Office, Stop SSOP, Washington, DC 20402-0001). The Board shall ensure that the external peer/quality report is completed within the time established the Government Auditing Standards issued by the Comptroller General of the United States unless the accountant or firm can show good cause as to why there is a delay.

The Board shall require the submission of the most recent external peer/quality report and letter of comment to the Board for review and evaluation prior to each appointment of a licensed public school accountant to conduct the annual audit in accordance with the provisions of N.J.A.C. 6A:23A-16.2(i)2.

The Board shall acknowledge the receipt, review, and evaluation of the external peer/quality report in the public session and Board minutes in which the Board authorizes the engagement of the accountant or firm to perform the audit in accordance with the provisions of N.J.A.C. 6A:23A-16.2(i)2.i.

The Board shall require the submission of an updated external peer/quality report of the engaged licensed public school accountant, within thirty days after the issuance date of the external peer/quality report if such report is issued prior to the date of the audit opinion for the most recent fiscal year in accordance with the provisions of N.J.A.C. 6A:23A-16.2(i)2.ii.

In accordance with NJOMB Circular Letter 15-08, Single Audit Policy for Recipients of Federal Grants, State Grants, and State Aid, including any amendments or revisions thereto, the Board shall ensure the public school accountant provides a copy of the most recent external peer/quality report to the New Jersey Department of Education, within thirty days after the initial engagement of a licensed public school accountant or firm and within thirty days after the issuance of a subsequent peer/quality report in accordance with the provisions of N.J.A.C. 6A:23A-16.2(i)2.iii.

The Board shall engage a public school accountant during the audit engagement period for non-auditing, management, or other consulting services only if the services comply with the independence standards as established in Government Auditing Standards (Yellow Book) by the Comptroller General of the United States in accordance with the provisions of N.J.A.C. 6A:23A-16.2(i)3.



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Duties of Public School Accountant

The Commissioner of Education may prohibit, for good cause, the Board from engaging a particular licensed public school accountant, or may direct the use of a process for the appointment of a licensed public school accountant pursuant to N.J.A.C. 6A:23A-16.2(i)4.

The public school accountant shall complete the annual audit as required by the New Jersey Department of Education and N.J.S.A. 18A:23-1. Each annual audit shall include an audit of the books, accounts and moneys, and a verification of all cash and bank balances, of the Board and of any officer or employee thereof and of moneys derived from athletic events or the activities of any organization of public school students conducted under the auspices of the Board, from the date of the last annual audit to the date of the audit in question. Such audit shall also include a determination of the extent to which the district has used contracts entered into by the State Division of Purchase and Property pursuant to N.J.S.A. 52:25-16.1 et seq. in the purchase of materials, supplies, or equipment for the district in accordance with N.J.S.A. 18A:23-2. The report of each annual audit shall be completed in accordance with the time requirements of N.J.S.A. 18A:23-1 and shall be filed by the public school accountant in accordance with N.J.S.A. 18A:23-3.

The Board Secretary 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 to take action thereon; a copy of which synopsis or summary shall be available for distribution to interested parties at the meeting in accordance with N.J.S.A. 18A:23-4. Within thirty days following the receipt of the report of the annual audit the Board shall, at a regularly scheduled public meeting, cause the recommendations of the auditor to be read and to be discussed and the discussion duly noted on the Board meeting minutes in accordance with N.J.S.A. 18A:23-5.

N.J.S.A. 18A:23-1 et seq.
N.J.A.C. 6A:23A-16.2

Adopted: 17 September 2025



0174 LEGAL SERVICES

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

The Board authorizes the Superintendent of Schools, Superintendent of Schools' designee, School Business Administrator/Board Secretary, and Board President as designated contact person(s) to request services or advice from contracted legal counsel.

In accordance with the provisions of N.J.A.C. 6A:23A-5.2(a)2, the Board shall designate an administrative staff member to review all legal bills and confer with designated contact person(s) to ensure the prudent use of legal services and the tracking of the use of those services.

In the event the school district's legal costs exceed one hundred thirty percent of the Statewide average per student amount, the procedures established in 1., 2., 3., and 4. below shall be implemented and, if not implemented, the district shall provide evidence the procedures established in 1., 2., 3., and 4. below would not result in a reduction of costs:

1. The designated contact person(s) shall ensure that contracted legal counsel is not contacted unnecessarily for management decisions or readily available information contained in district materials such as Board policies, administrative regulations, or guidance available through professional source materials.
2. All requests for legal advice shall be made to the designated contact person(s) in writing and shall be maintained on file in the district offices. The designated contact person(s) shall determine whether the request warrants legal advice or if legal advice is necessary.
3. The designated contact person(s) shall maintain a log of all legal counsel contact including the name of the legal counsel contacted, date of the contact, issue discussed, and length of contact.
4. All written requests for legal advice and logs of legal counsel contacts shall be forwarded to the designated contact person(s) who shall be responsible to review all legal bills and compare all legal bills to the contact logs and to investigate and resolve any variances.



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Legal Services

Any professional services contract(s) for legal services shall prohibit advance payments. Services to be provided shall be described in detail in the contract and invoices for payment shall itemize the legal services provided for the billing period. Payments to legal counsel(s) shall only be for legal services actually provided in accordance with N.J.A.C. 6A:23A-5.2(a)4.

School districts and county vocational school districts shall not contract with legal counsel or use in-house legal counsel to pursue any affirmative claim or cause of action on behalf of district administrators and/or any individual Board member(s) for any claim or cause of action in which the damages to be awarded would benefit an individual rather than the school district as a whole in accordance with N.J.A.C. 6A:23A-5.2(b).

Pursuant to N.J.A.C. 6A:23A-5.2(a)1., the Board will annually establish prior to budget preparation, a maximum dollar limit for legal services. In the event it becomes necessary to exceed the established maximum dollar limit for legal services, the Superintendent shall recommend to the Board an increase in the maximum dollar amount. Any increase in the maximum dollar amount shall require formal Board action.

Contracts for legal services will be issued by the Board in a deliberative and efficient manner that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement. This may include, but is not limited to, issuance of such contracts through a Request for Proposals (RFP) based on cost and other specified factors or other comparable processes in accordance with N.J.A.C. 6A:23A-5.2(a)5. 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 in accordance with N.J.A.C. 6A:23A-5.2(a)6.

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

Adopted: 17 September 2025



0175 CONTRACTS WITH INDEPENDENT CONSULTANTS

The Board of Education may from time to time engage the services of one or more independent contractors to advise and assist the Board in analyzing school district operations and preparing Board reports when those tasks cannot be performed as economically by district staff members.

Wherever possible, the Board will seek proposals from multiple sources before a contract with an independent consultant is entered. The Board will not contract with a Board member or the spouse, child, parent(s) or legal guardian(s), or sibling, in fact or in law, of a Board member as an independent consultant.

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

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

Materials and reports generated and created by the independent consultant in the performance of his/her contract with the Board are and will remain the property of the Board and are subject to Board Policy No. 8310 on public records.

Adopted: 19 October 2011



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Collective Bargaining and Contract
Approval/Ratification

0176 COLLECTIVE BARGAINING AND CONTRACT APPROVAL/RATIFICATION

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

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

The Board member shall not participate in any aspect of negotiations and/or vote to approve/ratify a tentative memorandum of agreement/contract ratification if the Board member has an immediate family who is a member of the bargaining unit, professional association and/or union within the school district. Under this circumstance, the Board member may only vote in the event the school Board attorney advises the Board the Doctrine of Necessity must be invoked in accordance with Policy No. 0163.

In addition, the School Ethics Commission Decision A16-00 states a Board member may not participate in any aspect of negotiations and/or vote to approve/ratify a tentative memorandum of agreement/contract ratification if the Board member has a "relative" who is a member of the bargaining unit, professional association and/or union within the school district. Under this circumstance, the Board member may only vote in the event the school Board attorney advises the Board the Doctrine of Necessity must be invoked in accordance with Policy No. 0163.

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

New Jersey School Ethics Commission Advisory Opinion A02-00 and A16-00

Commissioner of Education Decision - In the Matter of Bruce White, Ewing Township Board of Education, Mercer County - June 1, 2000

New Jersey State Board of Education Decision - In the Matter of Frank Pannucci, Board of Education of Brick Township, Ocean County - March 3, 2000

Adopted: 19 October 2011



0177 PROFESSIONAL SERVICES

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

The Board shall establish a maximum dollar limit, annually prior to budget preparation, for each type of professional service, with appropriate notification to the Board if it becomes necessary to exceed the maximum. Upon such notification, the Board may adopt a dollar increase in the maximum amount through formal Board action in accordance with N.J.A.C. 6A:23A-5.2(a)1.

Contracts for professional services will be issued by the Board in a deliberative and efficient manner that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement. This may include, but is not limited to, issuance of such contracts through a Request for Proposals (RFP) based on cost and other specified factors or other comparable processes and professional services contracts are limited to non-recurring or specialized work for which the district does not possess adequate in-house resources or in-house expertise to conduct in accordance with N.J.A.C. 6A:23A-5.2(a)5. and 6.

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

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

Adopted: 17 September 2025

