

**Penns Grove – Carneys Point
Regional School District
Board of Education**

Policy Manual



**Bylaws of the
Board of Education
Series 9000**



**Penns Grove – Carneys Point
Regional School District
Board of Education
Policy Manual**

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Role of the Board of Education

Policy 9000

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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

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

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

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

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

The Board of Education sees these as its required functions:

A. Legislative or policy-making

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

B. Appraisal

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

C. Educational Planning

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

D. Provision of financial resources

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

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E. Interpretation

The Board is responsible for providing adequate and direct means for keeping the local community informed about the school and for keeping itself and the school staff informed about the concerns and opinions of the public.

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

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

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

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

Legal References

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

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**Role of the Board of Education
Member / Limits of Authority**

Policy 9010/9011

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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It is understood that the members of the Board have authority only when acting as a Board legally in session. Individual Board Members lack authority over district affairs.

The Board shall not be bound in any way by any action or statement on the part of any individual Board Member except when such statement or action is in pursuance of specific instructions from the Board.

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

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

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

Members of the Board shall adhere to the Code of Ethics for Board Members as specified in Policy 9271.

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

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

Legal References

| | |
|-------------------------------|-------------------------------------|
| NJSA 18A:11-1 | General mandatory powers and duties |
| 18A:12-21 <u>et seq.</u> | School Ethics Act |
| NJAC 6A:28-1.1 <u>et seq.</u> | School Ethics Commission |

Possible Cross References

1250, 9020, 9271

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**Board Member Participation
in Hiring Staff Members**

Policy 9012

Date Adopted: June 27, 2016

Date Revised:

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Board Member Participation in Hiring Staff Members

In accordance with the School Ethics Commission, Advisory Opinion, A04-12, Board Members should not be present during or participate in conducting interviews for positions other than that of Superintendent of Schools except in narrow circumstances in which this activity is permissible, subject to approval of the Superintendent of Schools.

In such cases where a Board Member does participate in such interviews (other than that of the Superintendent of Schools), the Board Member participant(s) is strictly limited to offering his/her observations and assessments, with full knowledge that final recommendations are wholly within the purview of the Superintendent. The Board Members should be mindful of their obligations under NJSA_18A:12-24.1(c) and (d), as participation may put the Board Members in situations to violate those subsections.

Selecting candidates for district positions and making recommendations is the role of the Superintendent of Schools. Prior to the recommendations, Board Members have no role in selecting candidates for positions other than that of the Superintendent. Boards of Education and individual Board Members must always understand that it is the Superintendent's authority to recommend hires to the Board. A Personnel Committee cannot supersede or usurp that authority.

The functioning of a Personnel Committee, in any capacity, invites the danger that individual Board members may violate their obligations under the School Ethics Act, NJSA 18A:12-21 et seq., specifically, NJSA_18A:12-24.1(c) and (d), which limit Board Member action, accordingly:

- I will confine my Board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.
- I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.

Additionally, NJSA_18A:12-24.1(h) establishes that it is a Board Member's role to vote to appoint the best qualified personnel available after consideration of the recommendation of the Superintendent.

Board Member Participation in Exit Interviews of Staff Members

In accordance with the School Ethics Commission, Advisory Opinion, A15-10, a Board Member's participation in an exit interview violates NJSA_18A:12-24.1(c) and (d)- Prohibited Acts - of the Code of Ethics for School Board Members.

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Board Member Participation in Hiring Staff Members

Policy 9012

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Legal References

| | | |
|------|--------------------------|-------------------------------------|
| NJSA | 18A:11-1 | General mandatory powers and duties |
| | 18A:12-21 <u>et seq.</u> | School Ethics Act |
| NJAC | 6A:28-1.1 <u>et seq.</u> | School Ethics Commission |

Possible Cross References

1250, 9020, 9271

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

Policy 9020

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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

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

No Board Member shall make public statements that contradict the policies and actions of the Board, or that may jeopardize the ability of the Board to act effectively.

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

Legal References

NJSA 18A:11-1
18A:42-4

General mandatory powers and duties
Distribution of literature to candidacy, Board Issues or other
public question to be submitted at election; prohibited

Possible Cross References

1100, 1110, 9010, 9271, 9326.5

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Organization of the Board of Education

Policy 9100

Date Adopted: February 11, 2008

Date Revised: January 7, 2013

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The organization meeting of the Board of Education shall be held during the first week of January following the November election, and no later than 8:00 p.m. but if no quorum is present at the time the meeting is called, the meeting may be recessed until 9:00 p.m. If a quorum is not present by 9:00 p.m., the members present may adjourn the meeting to reconvene no later than 8:00 p.m. of another day, but not later than 3 days after the originally scheduled meeting.

Legal References

- NJSA 18A:7A-10 First regular meeting of the Board
- 18A:10-3(c) Organization deadline
- 10A:10-5 Organization meeting as business meeting

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Membership & Terms of Office

Policy 9110

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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The Board of Education shall be comprised of nine (9) members who are qualified voters and residents of the school district, and who are elected by the voters of the district, at the annual School Board election.

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

Legal References

NJSA 18A:11-1

General mandatory powers and duties

18A:12-11

Election and Number of Board Members; terms

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Bylaws of the Board of Education

Series 9000

Qualifications of Board of Education Members

Policy 9111

Date Adopted: October 19, 1990

Date Revised: February 11, 2008, July 18, 2011, March 17, 2014

Page 1 of 2

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

A Board Member:

- Must be a citizen of the United States of America and have been so for at least one year immediately preceding his/her election or appointment;
- Reside within the confines of this district and have been such for at least one year immediately preceding his/her election or appointment;
- Must be at least 18 years of age;
- Shall not have any legal claim against the Board of Education;
- May not have been convicted of a felony;
- Must be able to read and write;
- Must be registered to vote in this district and must not be disqualified from voting pursuant to the provisions of NJSA 19:4-1; and,
- Cannot concurrently hold office as Mayor or a member of the governing body of Penns Grove or Carneys Point.

Criminal Background Check

Within 30 days of his/her election or appointment to the Board of Education, each Board Members shall undergo a criminal background check investigation for the purpose of ensuring that the member is not disqualified for membership due to a conviction of a crime or offense pursuant to NJSA 18A-12-1. Individuals who do not complete the process or whose background checks reveal conviction(s) for any of the offenses listed in the statute are ineligible to serve.

Any newly elected/appointed Board Member who can truthfully swear or affirm that he/she possesses the qualifications of membership prescribed by law, including a specific declaration that he/she is not disqualified as a voter pursuant to R.S.19:4-1 and a specific declaration that he/she is not disqualified due to a conviction of a crime or offense listed in NJSA 18A:12-1, may take the oath of office notwithstanding that results of the criminal history background investigation required by NJSA 18A:12-1.2 are not yet available.

Board Members who have not submitted fingerprints to the Commissioner should be reminded of their statutory obligation to do so.

The Board of Education may, at its sole discretion, reimburse the member for the cost of the criminal history check, including all costs for administering and processing it.

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Qualifications of Board of Education Members

Policy 9111

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Legal References

| | |
|---------------|-------------------------------------|
| NJSA 18A:11-1 | General mandatory powers and duties |
| 18A:12-1 | Qualifying Oaths of Board Members |
| 18A:21 et seq | School Ethics Act |
| 19:4-1 | Qualifications |

Possible Cross References

9270

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Series 9000

Elections

Policy 9112

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

Page 1 of 1

Elections of Board Members shall be in accordance with law. Three members of the Board shall be duly chosen each for a full term. Other members, as may be necessary to replace members who will vacate un-expired terms, shall be duly chosen at an annual election on the date prescribed by law.

Legal References

NJSA 18A:11-1

General mandatory powers and duties

18A:12-11

Election and Number of Board Members; terms

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Filling Vacancies

Policy 9113

Date Adopted: October 19, 1990

Date Revised: October 2, 1995, February 11, 2008

Page 1 of 1

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

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

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

The County Superintendent of Schools is empowered to fill any vacancies that the Board fails to fill within 65 days, and those caused by the voters' failure to elect a member, or by the removal of a member because of lack of qualification, some flaw in the election, or when a recount or contested election fails to elect a member. The County Superintendent of Schools may also appoint enough members to make up a quorum.

Vacancies filled by special election or the Commissioner of Education are covered under NJSA 18A:12-15.

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

Legal References

| | | |
|------|-----------------|---|
| NJSA | 18A:6-56 | Election of members of representative assembly |
| | 18A:11-1 | General mandatory powers and duties |
| | 18A:12-1 | Qualifications of Board Members |
| | 18A:12-3 | Removal of members |
| | 18A:12-7 | Type I District |
| | 18A:12-15 | Vacancies Type II District |
| | 18A:13-11 | Vacancies of Board – Filling |
| | 18A:38-8.1 | Additional member of Board in each sending district |
| | 19:27A-1 et seq | Uniform Recall Election Law |

Possible Cross References

9111, 9114

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Resignation from Office

Policy 9114

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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The resignation of a member of the Board shall become effective upon official Board motion and the affirmative vote of a plurality of the Board at a legally convened meeting. The resignation of an officer of the Board from his/her office shall become effective by official Board motion and the affirmative vote of a majority of the total Board Membership at a legally convened meeting.

If the Board fails to fill the office of President or Vice President within 30 days thereafter, the County Superintendent of Schools shall fill the vacancy for the un-expired term.

Legal References

NJSA 18A:11-1
18A:15

General mandatory powers and duties
Vacancies

Possible Cross References

9113

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Series 9000

Removal from Office

Policy 9114.5

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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A President or Vice President who shall refuse to perform a duty imposed upon him/her by this title may be removed by the majority vote of all the members of the Board. This action requires a recorded roll-call majority vote of the full membership of the Board of Education.

The Board may remove a fellow member who shall fail to attend three consecutive regular meetings, without good cause by the affirmative vote of a majority of the full Board provided that such action shall have been proposed at the preceding meeting of the Board and provided that notice of such action has been given to the absent member in advance of the meeting for which such action has been proposed. This action requires a recorded roll-call majority vote of the full membership of the Board of Education.

Legal References

NJSA 18A:11-1

General mandatory powers and duties

18A:12-3

Removal of members

18A:15

Vacancies

Possible Cross References

9114

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Oath of Office

Policy 9115

Date Adopted: February 11, 2008

Date Revised:

Page 1 of 1

Before entering the duties of his/her office the Board Member shall take and subscribe the oaths prescribed by the statute and file the same with the Board Secretary.

Legal References

NJSA 18A:11-1

General mandatory powers and duties

18A:12-1

Qualifying Oaths of Board Members

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Election & Appointment of Officers

Policy 9120

Date Adopted: October 19, 1990

Date Revised: August 19, 1996, February 11, 2008

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

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

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

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

Legal References

NJSA 18A:11-1

General mandatory powers and duties

18A:15-1

President and Vice President election

Possible Cross References

9121, 9122

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President

Policy 9121

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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

The President shall preside at all meetings of the Board and shall perform other duties as directed by statute, State Department of Education regulations, and the Board of Education. In carrying out these responsibilities, the President shall:

- Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the Board of Education;
- Consult with the Superintendent of Schools on the Boards' agendas;
- Appoint Board committees and chairpersons;
- Call such meetings of the Board as he/she may deem necessary upon at least two day's notice (in accordance with law - NJAC 6:3-1.2);
- Be an ex-officio member of all Board committees;
- Confer with the Superintendent of Schools on crucial matters that may occur between Board meetings;
- Approve all bills for expenses or charges incurred with the authority of the Board including expenses of individual Board Members;

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

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

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

Legal References

| | | |
|------|-----------|---|
| NJSA | 18A:6-20 | Right to testify |
| | 18A:6-54 | Representative assembly; organization |
| | 18A:13-12 | Organization of Board |
| | 18A:15-1 | President and Vice President - election |
| | 18A:19-9 | Compensation of teachers |
| NJAC | 6A:32-3.1 | Special meetings of the Board |

Possible Cross References

1120, 9020, 9130, 9322

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Vice President

Policy 9122

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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A Vice-President shall be elected by a roll call majority vote of the full Board at the organizational meeting.

In case of the absence or disability of the President, the Vice President shall perform the duties of the President. In case of absence or disability of both the President and Vice President, the Board shall choose a President pro-tempore, who shall perform all the duties of the President.

In case of the resignation or removal of the President, the Vice President shall perform the duties of the President until such time as the Board conducts a special election to name a new President. This election should take place at the next regularly scheduled meeting of the Board.

Legal References

| | | |
|------|-----------|---|
| NJSA | 18A:6-20 | Right to testify |
| | 18A:6-54 | Representative assembly; organization |
| | 18A:13-12 | Organization of Board |
| | 18A:15-1 | President and Vice President - election |
| | 18A:19-9 | Compensation of teachers |
| NJAC | 6A:32-3.1 | Special meetings of the Board |

Possible Cross References

1120, 9020, 9130, 9322

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Board Secretary

Policy 9123

Date Adopted: October 19, 1990

Date Revised: February 11, 2008, August 16, 2010

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

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

Legal References

NJSA 18A:17-5

Appointment of Board Secretary; term. Compensation, vacancy

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Attorney - Legal Services

Policy 9126

Date Adopted: October 19, 1990

Date Revised: February 11, 2008, August 18, 2008

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

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

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

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

The Attorney or representative shall attend Board meetings upon request.

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

Procedures and Recordkeeping

The Board of Education hereby establishes procedures and recordkeeping of the use of those legal services. The Superintendent of Schools shall establish and the Board of Education shall approve procedures that shall include:

- A. A limited number of contact persons with the authority to request services or advice from contracted legal counsel;
- B. The criteria or guidance to prevent the use of legal counsel unnecessarily for management decisions or readily available information contained in district materials such as policies, administrative regulations or guidance available through professional source materials;
- C. A provision that requests for legal advice shall be made in writing and shall be maintained on file in the district offices and a process to determine whether the request warrants legal advice of if legal advice is necessary.
- D. A provision to maintain a log of all legal counsel contact including name of legal counsel contacted, date of contact, issue discussed and length of contact. Legal bills shall be compared to the contract log and any variances shall be investigated and resolved.

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

- A. Advance payments shall be prohibited;
- B. Services to be provided shall be described in detail in the contract;

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- C. Invoices for payment shall itemize the services provided for the billing period; and,
- D. Payment shall only be for services actually provided.

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

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

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

Legal References

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

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Series 9000

Auditor

Policy 9127

Date Adopted: October 19, 1990

Date Revised: February 11, 2008, August 16, 2010

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

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

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

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

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

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

Legal References

NJSA 18A:23-1 through -9

Annual Audit

Possible Cross References

9123, 9125

Penns Grove - Carneys Point Regional School District Board of Education Policy Manual

Bylaws of the Board of Education

Series 9000

Committees

Policy 9130

Date Adopted: October 19, 1990

Date Revised: February 11, 2008, March 14, 2016

Page 1 of 2

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

Standing Committees

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

- A. The committee shall be established through action of the Board.
- B. The committee chairperson and members shall be appointed by the Board President.
- C. The committee may make recommendations for Board action, but it may not act for the Board.
- D. The Board President and Superintendent of Schools shall be ex officio members of all standing committees.
- E. The committee chairman, with the option of assistance from the office of the Superintendent of Schools, shall schedule all meetings.
- F. In emergency situations pertaining to specific committee affairs, the Superintendent of Schools will advise the Board President and committee chair of action anticipated or taken.

The standing committees shall include:

- A. Governance / Personnel
- B. Finance, Facilities, Transportation
- C. Curriculum & Program
- D. Negotiations

Special Committees

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

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Committees**

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Policy 9130**

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Ad Hoc Committees

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

Committee of the Whole

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

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

Legal References

NJSA 10:4-6 et seq
18A:10-6
18A:11-1
NJAC 6A:28-1.1 et seq

Open Public Meetings Act
Board Meeting Public; Frequency; etc - Quorum
General Mandatory Powers and Duties
School Ethics Commission
School Ethics Commission Advisory Opinion A01-93
School Ethics Commission Advisory Opinion A10-93
School Ethics Commission Advisory Opinion A33-95
School Ethics Commission Advisory Opinion A02-00
School Ethics Commission Advisory Opinion A14-00

Possible Cross References

1220, 9121, 9320

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Board Representatives (Pupils. PTA)

Policy 9140

Date Adopted: February 11, 2008

Date Revised:

Page 1 of 1

Board Members and the Superintendent of Schools and/or designee are encouraged to participate in meetings of the Parent Teacher Association, meetings of other school organizations and student functions.

Legal References

NJSA 18A:11-1

General Mandatory Powers and Duties

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Consultants to the Board – Professional Services

Policy 9150

Date Adopted: October 19, 1990

Date Revised: February 11, 2008, August 18, 2008

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In order to pursue its educational mission and to protect the public's financial investment in the schools, the Board may, from time to time, engage the services of qualified professional consultants to provide new insights and ideas for dealing with especially difficult problems and/or to provide special services that the staff is unable to provide.

The Board will not contract for vague services such as undefined "management studies," and all proposals will be submitted to the school solicitor for review before a contract for consulting services is signed. The Superintendent of Schools will establish procedures necessary for an efficient working relationship between the consultant and the Board and/or staff members.

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

Professional services contracts 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.

District employees and individual Board Members are prohibited from contracting with consultants without the written approval of the Board of Education.

The Board shall fix compensation for consultant services.

Legal References

NJSA 18A:11-1

General Mandatory Powers and Duties

18A:18A-5(a)(1)

Professional Services

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Series 9000

Negotiations / Consultation

Policy 9150.1

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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The Board of Education recognizes its duty to negotiate in good faith regarding terms and conditions of employment with the majority representatives of its unionized employees. To effectuate this responsibility, the Board shall appoint a Negotiations Committee(s) to represent it in negotiations with employee organizations, but the entire Board retains the authority to review and to accept or reject any tentative agreement(s) reached by its Negotiations Committee(s).

The Board's Negotiations Committee(s) may include Board Members, administrators, and such outside negotiations experts as designated by the Board; however, the number of Board Members assigned to any such committee shall not constitute a majority of the Board. Whenever possible, the Negotiations Committee(s) shall include Board Members who are in the first and second year of their elected/appointed term. The Board, at its discretion, shall appoint one member of the committee to serve as the Board's chief spokesperson.

The Board, in consultation with administrators and the Negotiations Committee(s) shall set bargaining goals and parameters for any settlement. The committee(s) shall have the authority to negotiate within the parameters determined by the Board; the committee(s) shall not have the authority to make proposals, or to agree to union proposals that are not in accord with the Board's parameters.

Members of the committee(s), other Board Members and administrators shall not have the authority to negotiate with any employees or representatives of employees regarding any matters currently the subject of negotiations without the express consent of the committee.

The committee(s) shall regularly report to the Board in executive session, the progress of negotiations and may seek additional direction or advice from the full Board, the administrative staff, or any outside negotiations expert designated by the Board.

The Board shall provide committee members and other interested Board Members with the opportunity to attend labor relations training programs. To keep the full Board informed of the process, members attending such programs will report to the Board at the first Board meeting following the program.

The Board President shall act as spokesperson for contacts with the public and the press regarding negotiations. Board Members and administrators shall refer all inquiries concerning negotiations to the Board President. No Board member or administrator other than the Board President has the authority to discuss any aspect of negotiations without the express consent of the Board.

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The Board of Education shall direct the Superintendent of Schools to establish, in consultation with the Board, the administration staff and any labor relations consultants designated by the Board, procedures for administrative involvement in the negotiations process and for the administration of the negotiated agreement(s).

Legal References

NJSA 18A:11-1

General Mandatory Powers and Duties

18A:18A-5(a)(1)

Professional Services

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Public Relations Initiatives & Services

Policy 9160

Date Adopted: August 18, 2008

Date Revised:

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The Board of Education recognizes that the use of public relations initiatives is an integral part of the governance of the school district it serves and that public relations activities must be used prudently, ethically and only to further the educational program of the district.

The Board of Education shall annually approve a maximum dollar limit to be used for public relations activities of the district as defined in NJAC 23A-9.3(c)14, and each type of professional service, with appropriate notification to the Board of Education if it becomes necessary to exceed the established maximum dollar limit. Upon such notification, the Board of Education may adopt a specified dollar amount of increase to the amount established. Such increase shall be approved by formal action of the Board of Education.

Professional Public Relations Services

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

Professional services contracts for public relations 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.

District employees and Board Members are prohibited from contracting with professional public relations firms or using in-house resources for personal gain or promotion.

Publications

District publications shall be produced and distributed in the most cost-efficient manner possible that will enable the district to inform and education the targeted community. The use of expensive materials or production techniques where lower cost methods are available, such as the use of multi-color glossy publications instead of suitable, less expensive alternatives, is prohibited.

The Board of Education prohibits the distribution, via mass mailings or other means to the district community at large, publications that include the picture(s) of any members of the Board of Education within 90 days before any election in which any Board Member is seeking any elective office or any election relating to district operations held in the district.

Any publication(s) distributed by the Board of Education via mass mailings or other means to the district community at large within 60 days before any election in which any Board Member is seeking any elective office or any election relating to district operations held in the district must be submitted to the Executive County Superintendent for review prior to distribution to ensure that the public funds are being expended in a reasonable and cost-effective manner.

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Public Relations Initiatives & Services**

**Series 9000
Policy 9160**

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Public relations activities, such as booths at statewide conferences, marketing activities and celebrations for opening schools and community events and TV productions that are not part of the instructional program or do not provide, in a cost-effective way, information about district or Board operations to the public, that are excessive in nature are prohibited.

All activities involving promotional efforts to advance a particular position on school elections or any referendums are prohibited.

Nothing herein shall preclude the Board of Education from accepting donations or volunteer services from community members, local provide education foundations and local business owners to conduct or assist in public relations services. Examples include, but are not limited to:

- A. Providing district flyers, newsletters or other materials containing district related information of public concern to local businesses, public meeting places or other local organizations to display or make available for dissemination;
- B. Making district related information of public concern available to local newspapers to publish related articles; and,
- C. Utilizing volunteered services of local community members, district employees, members of parent organizations or local business with expertise in related areas such as printing, advertising, publishing or journalism.

Legal References

| | | |
|------|-----------------|--|
| NJSA | 18A:16-1 | Officers and employees |
| | 18A:19-1 | Expenditure of funds on warrant only |
| NJAC | 6A:23A-5.2 | Additional Measures To Ensure Effective and Efficient Expenditures Of District Funds |
| | 6A:23A-9.3(c)14 | Public Relations Expenses |

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Bylaws of the Board of Education

Series 9000

Orientation & Training of Board Members

Policy 9200

Date Adopted: October 19, 1990

Date Revised: March 17, 2003, February 11, 2008,
March 9, 2009, May 9, 2011

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Orientation of Board Members

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

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

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

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

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

Code of Ethics Training

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

Inservice Development

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

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Policy 9200**

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

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

District representatives, who attend such events, shall prepare reports for the Board and the district as a whole. The report shall be presented at a regular meeting of the Board within a month of the delegation's return.

Legal References

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

Possible Cross References

1500, 2131, 3335, 9250, 9271

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Series 9000

Reservation Commitments

Policy 9250.1

Date Adopted: February 11, 2008

Date Revised:

Page 1 of 1

In the event that unusual circumstances make it impossible for a Board Member to attend a Board-related function for which reservations have been obtained or financial commitments made, it shall be the responsibility of that member to notify the appropriate administrative office of the change in plans in order that a refund be obtained or so that a substitute member may have the opportunity to attend the function.

Legal References

NJSA 18A:11-1

General Mandatory Powers and Duties

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**Bylaws of the Board of Education
Protection**

**Series 9000
Policy 9260**

Date Adopted: February 11, 2008

Date Revised:

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Indemnification

Whenever a civil or criminal action has been brought against any person for any act or omission arising out of and in the course of the performance of his/her duties as a member of a Board of Education, and in the case of a criminal action such action results in final disposition in favor of such person, the cost of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, shall be borne by the Board of Education.

Legal References

| | | |
|------|-----------|-------------------------------------|
| NJSA | 18A:11-1 | General Mandatory Powers and Duties |
| | 18A:12-20 | Indemnity of Board Members |

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Conflict of Interest

Policy 9270

Date Adopted: October 19, 1990

Date Revised: March 8, 2004, February 11, 2008

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The Board of Education accepts the responsibility of governing the operation of the district in the best interests of the total community. Individual members shall all subscribe to the philosophy and guidelines for action outlined by Policy #9271 (Code of Ethics for School Board Members). The Board as a body, and the members individually, wish at all times to avoid attitudes and actions that might give rise to public questioning of the integrity of any Board decision.

Therefore:

- A. No Board Member shall hold any form of paid employment with the district while he/she is serving, nor for six months after leaving office;
- B. No spouse, sibling, parent, child, or grandchild of a serving Board Member shall be considered for any paid employment in the district. Pre-existing employment shall not be affected. Where such pre-employment exists, the Board Member shall take no active part in contract negotiations, nor shall he/she discuss the vote on the resulting contract, or any other agreement entered into between the Board and the relative.
- C. When a relative of a Board Member is employed by the Board, that Board Member shall take no active part in contract negotiations, nor any other agreement entered into between the Board and the relative, nor any action concerning that specific employee, unless a majority of the remaining Board Members present requests that he/she vote;
- D. No Board Member will accept gratuities or favors for himself/herself or on behalf of relatives that are offered by a vendor or contractor to the district. Should a Board Member learn that such a situation exists between a relative and a vendor or contractor to the district, he shall recognize that the Board deems this to represent the appearance of conflict of interest. The Board Member shall refrain from voting on matters pertaining to that vendor/contractor, and enter the reason for his/her abstention in the minutes;
- E. No Board Member shall be a contractor for goods or services to the district during the Board Member's term or for six months after leaving office.
- F. In the event a Board Member is employed by a corporation or business or has secondary interest in a corporation or business which furnishes goods or services to the school district, the Board Member shall declare that interest and refrain from debating or voting upon the question of contracting with the company.
- G. Employees of the school district are precluded from serving on the Board by statute which makes it unlawful for a Board member to receive compensation or reward for services to the district.
- H. No Board Member having immediate family members employed by the district shall participate in decisions affecting the terms and/or conditions of employment, salary, benefits, appointment, dismissal, etc., of the Superintendent of Schools.

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Policy 9270**

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

Legal References

| | | |
|------|----------------------|---|
| NJSA | 18A:6-8 | Interest of School Officers in Sale of Supplies |
| | 18A:6-8.4 | Right to Hold Elective/Appointive Office |
| | 18A:4-24 | Determining Efficiency |
| | 18A:12-1.1 | Ineligibility for Appointment to Paid Office |
| | 18A:12-2 | Inconsistent Interests or Office Prohibited |
| | 18A:12-21 et seq | School Ethics Act |
| | 18A:52:13D-12 et seq | Legislative Findings – Conflict of Interest |
| NJAC | 6A:4-1.1 et seq | Appeals |
| | 6A:28-1.1 et seq | School Ethics Commission |
| | 6A:32-3.2 | Requirements for Code of Ethics for Board Members |
| | 6A:23A-1.2 et seq | Fiscal Accountability Definitions |
| | 6A:23A-6.2 et seq | Accountability - Nepotism |

Visoticky v. City Council of Garfield 113 NJ Super 263 App Div 1971
Vittoria v. W. Orange Bd of Ed. 122 NJ Super 340 App Div 1973
Elms v. Mt Olive Bd of Ed 1977 SLD 713
Scola v. Frinwood Bd of Ed 1978 SLD 413
Salerno v. Old Bridge Twp Bd of Ed 1984 SLD April 23
Scannella v. Scudillo School Ethics Decision Complaint No. C-14-93
School Ethics Commission Advisory Opinion A01-93
School Ethics Commission Advisory Opinion A10-93
School Ethics Commission Advisory Opinion A33-95
School Ethics Commission Advisory Opinion A02-00
School Ethics Commission Advisory Opinion A14-00

Possible Cross References

4112.8, 4212.8, 9271

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Code of Ethics for Board of Education Members

Policy 9271

Date Adopted: October 19, 1990

Date Revised: March 8, 2004, February 11, 2008

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

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

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

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**Bylaws of the Board of Education
Code of Ethics for Board of Education Members**

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Legal References

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

Possible Cross References

4112.8, 4212.8, 9270

Penns Grove – Carneys Point Regional School District Board of Education Policy Manual

Bylaws of the Board of Education

Series 9000

Prohibition of “Pay-to-Play”

Policy 9272

Date Adopted: September 8, 2008

Date Revised:

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The Board of Education wishes to maintain honest and ethical relations with vendors and to avoid any appearance of impropriety or favoritism in its contracting practices. Therefore the Board of Education prohibits “pay-to-play.”

The Board of Education will not vote upon or otherwise participate in the awarding of any contract in the amount of \$17,500 to any individual, firm, partnership, corporation, association or other business entity which has contributed funds including campaign contributions to that member of the Board of Education within the previous one-year period pursuant to P.L. 1973, c.83 (NJSA 19:44A-1 et. seq.).

Contributions to any Board Member from any individual, firm, partnership, association, or other business entity doing business with the school district are prohibited during the term of a contract, pursuant to P.L. 1973, c.83 (NJSA 19:44A-1 et. seq.).

When a business entity referred to above is a natural person, a contribution by that person’s spouse or child that resides therewith shall be deemed to be a contribution by the business entity. Where a business entity is other than a natural person, a contribution by any person or the business entity having an interest therein shall be deemed to be a contribution by the business entity.

The disclosure requirement set forth in section 2 of P.L. 2005, c. 271 (NJSA 19:44A-20.26) also shall apply when the contract is required by law to be publicly advertised for bids.

Contributions that are prohibited include cash contributions, in-kind contributions, pledges to make contributions of any kind to a candidate for or holder of public office, or any other thing of value pursuant to P.L. 1973, c.83 (NJSA 19:44A-1 et. seq.).

Not later than 10 days prior to entering into any contract having an anticipated value in excess of \$17,500, except for a contract that is required by law to be publicly advertised for bids, any business entity bidding thereon or negotiating therefore, shall submit along with its bid or price quote, a list of political contributions made by the corporation, its principals and employees, or others on its behalf, along with the date and amount of each contribution and the name of the recipient of each contribution. If the required list of contributions is missing, incomplete or untimely, the contract is void *ab initio*, as a material defect that invalidates the contract.

In addition, the business entity may be subject to a fine imposed by the New Jersey Election Law Enforcement Commission.

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**Bylaws of the Board of Education
Prohibition of "Pay-to-Play"**

**Series 9000
Policy 9272**

Page 2 of 2

Provisions of this ban on pay-to-play will not apply to a contract when a public emergency requires the immediate delivery of goods or services.

The Board of Education directs the Board Secretary/Business Administrator to file this policy with the N.J. Secretary of State, Office of Secretary of State, Laws & Commission Section, (P.O. Box 300, Trenton, NJ, 08625-0300), to inform vendors of the requirements of this policy, and to keep the Board of Education informed about the implementation of this policy.

This policy shall not apply to a contract when a district emergency requires the immediate delivery of goods or services.

Legal References

| | | |
|------|---|---|
| NJSA | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:12-21 et seq | School Ethics Act |
| | 19:44-1 et seq | Fair & Open Procurement Process |
| | 19:44A:20.26 | Political Contributions |
| NJAC | 6A:4-1.1 et seq | Appeals |
| | 6A:28-1.1 et seq | School Ethics Commission |
| | 6A:32-3.2 | Requirements for Code of Ethics for Board Members |
| | 6A:23A-1.2 et seq | Fiscal Accountability Definitions |
| | Manual for the Evaluation of Local School Districts | |
| | New Jersey Quality Single Accountability Continuum (NJQSAC) | |

Possible Cross References

9270, 9271

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Bylaws of the Board of Education

Series 9000

Governance

Policy 9300

Date Adopted: February 11, 2008

Date Revised:

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Three functional activities are recognized in respect to policies of the Board:

1. Legislative

Planning is basic to all activity. It is that function which makes policies, selects an executive, and delegates to the executive the placing of plans and policies into operation, and provides the financial means for their execution.

2. Executive

The executive function is that which is concerned with the placing into operation the plans and policies, keeping the Board of Education informed, and furnishing creative leadership to the Board of Education and to the profession.

3. Appraisal – Appraisal is the function which attempts, through careful examination and study of facts and conditions, to determine the efficiency of operation of the general activities, and the worth and value of results of the activities in relation to the efficiency and value of instruction.

The Board of Education reserves to itself the legislative and appraisal functions, and shall make periodically such appraisal. The executive function shall be completely delegated to the Superintendent of Schools. The Superintendent of Schools shall be completely responsible for devising ways and means for executing efficiently the policies adopted by the Board of Education.

Legal References

NJSA 18A:11-1 General Mandatory Powers / Duties
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Bylaws of the Board of Education

Series 9000

**Development, Distribution &
Maintenance of Policy Manual**

Policy 9310

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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The Board of Education desires to make this manual of Bylaws and Policies a useful guide to all members of the Board, and the administration of this district; therefore, copies of this manual shall be given to the following people: Board Members, Superintendent of Schools, Assistant Principal, Board Secretary, and Board Attorney. It shall be accessible on the district website for access by bargaining units and the general public.

Copies of this manual shall be numbered and a record maintained by the Board Secretary as to the placement of each copy. Copies of revised pages will be furnished to the holders of copies as changes are made. An additional copy shall be placed in the school library as a reference tool for all staff members.

The manual of bylaws, policies and procedures shall be considered a public record and shall be open for inspection in the Board offices and in each school building during regular office hours, in accordance with the Open Public Records Laws and regulations.

The Superintendent of Schools shall maintain an orderly plan for the promulgation of policies to staff members who are affected by them and shall provide easy accessibility to an up-to-date collection of bylaws and policies for all employees of the school system. In addition, he/she is designated to review existing policies in light of Board actions and in light of revisions to state statutes and procedures, and to recommend such changes as may be desirable to maintain the Board Manual of Bylaws, Policies and Procedures in a current status.

Each holder of a policy manual shall return the same to the Board Secretary upon the termination of his/her service with the district.

The Board Secretary/Business Administrator shall maintain a master policy manual that shall be the official record of the bylaws, policies and procedures adopted by the Board.

No copies of individual policies or sections of the manual will be made by any holder of a copy of the manual without the approval of the Superintendent of Schools and then, in that case, copies will be made in accordance with the provisions of Policy 9330 Public Access to Board of Education Records.

Legal References

| | | |
|------|--|-----------------------------------|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:17-20 | Superintendents – Powers / Duties |
| | NJ Dept of State – School District Records | |
| | Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988 | |

Possible Cross References

2210, 9000, 9311, 9314, 9322, 9323/9324

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Bylaws of the Board of Education

Series 9000

Formulation, Adoption & Amendment of Policies

Policy 9311

Date Adopted: October 19, 1990

Date Revised: February 11,
2008

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Introduction

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

Except for policy actions to be taken on emergency measures, the adoption of Board policies shall follow this sequence that will take place at two consecutive regular meetings of the Board.

1. Proposed new or revised policies shall be placed in their entirety on the agenda, and formally introduced at both meetings. It shall be noted on the agenda and in the minutes whether it is the first "reading" or second "reading" of the proposal(s). During the first and second "readings" of any new or revised policies, a copy of these new or revised policies shall be available for reference, but it shall not be necessary for the entire text of the policies to be read.
2. Discussion and final action by the Board on a policy shall occur after the second "reading."
3. At least two (2) weeks shall elapse between the meeting at which policy proposals are first placed on the agenda and the meeting at which the final vote to adopt or not to adopt occurs.

Final Action

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

Emergency Procedures

On matters of unusual urgency, the Board may waive the two (2) week limitation and take immediate action to adopt new or revised existing policies. When such immediate action is necessary, the Superintendent of Schools shall inform affected groups or individuals of the new or revised policies within three (3) working days after adoption.

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Board of Education Policy Manual**

**Bylaws of the Board of Education
Formulation, Adoption & Amendment of Policies**

**Series 9000
Policy 9311**

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In the interest of efficient administration, the Superintendent of Schools shall have the power to decide all matters of detail that may arise for which no specific provision is made in the policies adopted by the Board, but no emergency action shall constitute official Board policy. Whenever possible, the Superintendent of Schools shall consult with the Board President prior to such emergency action. The Superintendent of Schools shall present the matter at the next Board meeting so the Board can consider policy to deal with that situation in the future.

The Board reserves to itself the final determination of what shall be the official policy of the school district.

Continual Review of Board Policies

The Board directs the Superintendent of Schools to develop procedures for continuous orderly review of the policies in the Board policy manual during the time provided for “policy” on the agenda of the regular Board meeting. Each policy shall be reviewed at least once every five years. Any necessary revisions shall be made in conformity with Board policy #9311 – Formulation, Adoption and Amendment of Policy.

If the terms of the policy are not affected by the changes in law, and the policy still reflects the intent of the Board in the matter, then the policy shall be officially readopted as of that date.

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

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

Legal References

| | |
|--|-----------------------------------|
| NJSA 10:4-6 et seq | Open Public Meetings Act |
| 18A:10-6 | Board Meetings |
| 18A:11-1 | General Mandatory Powers / Duties |
| 18A:17-20 | Superintendents – Powers / Duties |
| NJ Dept of State – School District Records | |
| Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988 | |

Possible Cross References

2210, 9000, 9311, 9314, 9322, 9323/9324

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Bylaws of the Board of Education

Series 9000

Formulation, Adoption & Amendment of Bylaws

Policy 9312

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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

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

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

Proposed new bylaws and suggested amendments to or revisions of existing bylaws shall be adopted by a majority vote of all members of the Board during the second of two regularly scheduled meetings of the Board.

Legal References

| | |
|--|-----------------------------------|
| NJSA 10:4-6 et seq | Open Public Meetings Act |
| 18A:10-6 | Board Meetings |
| 18A:11-1 | General Mandatory Powers / Duties |
| 18A:17-20 | Superintendents – Powers / Duties |
| NJ Dept of State – School District Records | |
| Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988 | |

Possible Cross References

2210, 9000, 9311, 9314, 9322, 9323/9324

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Bylaws of the Board of Education

Series 9000

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

Policy 9313

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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

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

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

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

Such rules and regulations shall be binding on all employees unless or until the Board should vote to change or rescind any such rule or regulation following its presentation at a public meeting of the Board. The Board itself will adopt administrative regulations when specific state laws require Board adoption, and may do so when the Superintendent of Schools recommends Board adoption.

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

Legal References

| | |
|--|-----------------------------------|
| NJSA 10:4-6 et seq | Open Public Meetings Act |
| 18A:10-6 | Board Meetings |
| 18A:11-1 | General Mandatory Powers / Duties |
| 18A:17-20 | Superintendents – Powers / Duties |
| NJ Dept of State – School District Records | |
| Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988 | |

Possible Cross References

2210, 9000, 9311, 9314, 9322, 9323/9324

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**Adoption & Amendment of
Administrative Regulations**

Policy 9313.1

Date Adopted: February 11, 2008

Date Revised:

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The Board does not adopt administrative regulations unless specifically required to do so by law, or unless requested to do so by the Superintendent of Schools, or as required by negotiated agreements with employee organizations, in which case, any such regulation shall be subject to amendment as provided in any such agreement. Adoption and amendment of such Board adopted regulations shall be by the same procedure as that specified for policies in 9311.

Legal References

| | |
|--|-----------------------------------|
| NJSA 10:4-6 et seq | Open Public Meetings Act |
| 18A:10-6 | Board Meetings |
| 18A:11-1 | General Mandatory Powers / Duties |
| 18A:17-20 | Superintendents – Powers / Duties |
| NJ Dept of State – School District Records | |
| Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988 | |

Possible Cross References

2210, 9000, 9311, 9314, 9322, 9323/9324

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Bylaws of the Board of Education

Series 9000

Suspension of Policies, Bylaws & Regulations

Policy 9314

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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

Therefore:

- A. Any request for a waiver of policy or bylaw shall be considered in light of the policy or bylaw itself, rather than any particular circumstances of the moment.
- B. The Board shall decide whether the policy or bylaw still reflects the considered intent of the Board. If it does, the suspension will be denied and the policy or bylaw reaffirmed in the minutes.
- C. If the policy or bylaw does not reflect the intent of the Board, then the policy shall be waived by a majority vote of the members of the Board present and voting and development of a revised policy or bylaw shall become the Board's prime policy priority.

Development of a new policy shall become the Board's prime policy priority. In the event of an emergency requiring immediate action, the Superintendent of Schools shall have the authority to waive policy or regulation in the single instance. In such cases, the Superintendent of Schools shall report the instance to the Board President immediately, and request reconsideration of the policy at the next regular meeting.

Legal References

| | |
|--|-----------------------------------|
| NJSA 10:4-6 et seq | Open Public Meetings Act |
| 18A:10-6 | Board Meetings |
| 18A:11-1 | General Mandatory Powers / Duties |
| 18A:17-20 | Superintendents – Powers / Duties |
| NJ Dept of State – School District Records | |
| Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988 | |

Possible Cross References

2210, 9000, 9311, 9314, 9322, 9323/9324

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Bylaws of the Board of Education Meetings

**Series 9000
Policy 9320**

Date Adopted: February 11, 2008

Date Revised: August 16, 2010

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The Board of Education shall organize annually at a date and time specified by law at which time newly appointed members shall take office.

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

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

Regular Meetings

The time and place of the regular business meetings of the Board of Education shall be established at the organization meeting.

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

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

Special Meetings

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

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

Adjourned Meetings

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

Legal References

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

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Bylaws of the Board of Education

Series 9000

Time, Place & Notification of Meetings

Policy 9321

Date Adopted: February 11, 2008

Date Revised:

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Time/Place of Meetings

The Board of Education shall adopt annually, at its organization meeting, a schedule of meetings for the next ensuing year for the purpose of conducting the regular business of the Board and enabling full discussion of issues before the Board. The schedule shall list the time and date of each meeting, its location, and shall be posted, delivered to the Board's official newspaper, and filed with the clerk of the township. If the schedule so adopted and published is subsequently revised during said year, the Board will publish the revised schedule in the same manner within seven days of its adoption.

Notice of Meetings

The Secretary of the Board shall give notice to all Board Members of all meetings. Adequate notice must be given for all meetings of the Board except in the event of an emergency or when dealing with matter exempted from public purview under the law. Adequate notice means written advance notice of at least 48 hours, giving time, date and location, and to the extent known, the addenda of the meeting. The notice must state whether formal action may or may not be taken at the meeting. The notice must be:

1. Prominently posted in at least one public place reserved for such announcement.
2. Communicated to the designated official newspaper(s).
3. Filed with the clerk of the township.
4. Sent to those persons requesting that such notice be mailed to them.

Annual Notice

Annual notice of the year's regular meeting schedule must be posted publicly, sent to the official newspaper(s), and the clerk of the municipality within 10 days following the annual organization meeting. This notice shall contain the location of each meeting to the extent it is known as well as the time and date. If the schedule is revised at all, notice must be given within 10 days of the revision. This schedule of meetings must be posted and maintained throughout the year.

Advance Notice

Any person may request advance written notice of the current school year's regular or special meetings of the Board of Education. The Board reserves the right to assess a fee for providing such notice with the exclusion of fee for the official newspaper for the district that shall receive such notice free of charge. All requests for notice made under this resolution shall terminate at midnight on the current operating year.

Emergency Meetings

The Board of Education may hold a meeting without providing adequate notice if:

1. Three-quarters of the members present vote to do so, and
2. The meeting is required to deal with matters of such urgency and importance that delay would be likely to result in substantial harm to the public interest; and

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Time, Place & Notification of Meetings**

**Series 9000
Policy 9321**

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3. The meeting will be limited to discussion of an action on these matters; and
4. Notice of such meeting was provided as soon as possible following the calling of the such meeting; and
5. One of the following:
 - a. either the Board could not reasonably have foreseen at a time when adequate notice could have been provided; or
 - b. the need could have been foreseen in time but the Board failed to do so.

Statement of Adequate Notice

At the beginning of every meeting, the Board President shall announce that adequate notice of the meeting has been provided and shall specify the time, place and or in which the notice was provided. If adequate notice was not provided, the President shall say so and in addition, shall state:

1. The nature of the matter of urgency or importance for which the meeting without adequate notice was called; and
2. The nature of the substantial harm to the public interest likely to result from a delay in holding the meeting; and
3. That the meeting will be limited to discussion of and action on such matters of urgency and importance; and
4. The time, place and manner in which some notice of the meeting as provided; and
5. Either of the following:
 - a. that the need for such meeting could not reasonably have been foreseen at a time when adequate notice could have been provided and why this was so, or
 - b. that such need could reasonably have been foreseen in time for adequate notice, but nevertheless such notice was not provided, and the reasons why.

Statements concerning the provision of adequate notice, or the lack thereof, shall be entered in the minutes of the meeting.

Mailing Lists

A mailing list will be established to send the annual schedule and notice of any additional meetings to persons who apply in writing and submit an annual fee established by the Board. This notice will not include a complete detailed agenda.

Legal References

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

Possible Cross References

1120, 2240, 9320

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Bylaws of the Board of Education

Series 9000

Public & Executive Sessions

Policy 9322

Date Adopted: October 19, 1990

Date Revised: February 11, 2008, May 9, 2011

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

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

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

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

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

When public employees make statements pursuant to their official duties: in the classroom, at Board meetings, and at other meetings related to educational issues affecting the district, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.

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

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

Public Participation

Meetings of the Board are open to the public and all members of the community should feel free to attend. A time for public discussion of agenda items shall be included in the order of business at an appropriate time. The Board President has the discretion to limit the time an individual may speak based upon the available time on the agenda. Where possible, notice of time limits will be given at the beginning of the meeting. At least one week prior to the meeting, a member of the public may request time on the agenda. This will be granted at the discretion of the Board President.

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

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Public & Executive Sessions**

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Policy 9322**

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Provision may be made for the introduction by a member of the public of business not on the agenda when the matter is of such urgency or wide interest that delaying consideration of it until the next meeting would not be in the public interest.

No member of the public is permitted to present orally or discuss at an open meeting of the Board complaints against individual employees or students of the district.

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

Legal References

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

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

Rice v. Union City Board of Education, 143 NJ Super 64 (1978)
5 USC Section 552 as amended by Public Law
No. 104-231, 110 Stat. 3048 Freedom of Information Act
Garcetti v. Ceballos 2006 US LEXIS 4341 (May 2006)
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1120, 3570, 6142.10, 9121, 9271, 9323/9324, 9326, 9330

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Series 9000

**Electronic Communications
Among Board Members**

Policy 9322.1

Date Adopted: February 11, 2008

Date Revised:

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

- A. Board Members shall not use or any other electronic messaging service as a substitute for deliberations at Board meetings. The Open Public Meetings Act defines a “meeting” as any gathering attended by, or open to the members of a public body, held with the intent to discuss or act as a unit upon the specific public business of that body.
- B. Board Members shall be aware that any attachments received or prepared for use in Board business are likely to be regarded as public records that may be inspected by any person upon request, unless otherwise made confidential by law.
- C. Board Members shall avoid reference to confidential information about employees, students or others in communications because of the risk of improper disclosure.
- D. Board Members shall adhere to the district “acceptable use” policy in all communications and shall refrain from sending inappropriate, profane, harassing or abusive Emails.

Legal References

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

Possible Cross References

1120, 3570, 6142.10, 9121, 9271, 9323/9324, 9326, 9330

Penns Grove - Carneys Point Regional School District Board of Education Policy Manual

Bylaws of the Board of Education

Series 9000

Organization Meeting

Policy 9322.3

Date Adopted: October 19, 1990

Date Revised: February 11, 2008, August 16, 2010

Page 1 of 2

The annual organizational meeting shall be held at a date and time specified by law.

The suggested Order of Business shall be as follows, unless altered by the chairperson or a majority of those present and voting:

1. Call to Order
2. Flag Salute
3. Reading of Open Public Meetings Act – Report of Meeting Announcement Postings, Publication in Newspapers and Communications to Municipal Clerks
4. Report of Election Results
5. Installation of New Members
6. Nominations and Election of President
7. Nominations and Election of Vice-President
8. Nominations and Election of Board Representative and Alternate to the State Board of Education
9. Nominations and Election of Board Representative and Alternate to the Salem County School Boards Association
10. Nominations and Election of Board Representative and Alternate to the Urban School Boards Association
11. Establishment of Monthly Meeting Dates, Time and Place
12. Adoption of Policies
13. Adoption of Curricula and Textbooks
14. Designation of Official Newspaper(s)
15. Establishment of Official Depository(ies)
16. Approval of Signatories
17. Approval of Petty Cash Funds
18. Appointment of Business Administrator / Board Secretary
19. Appointment of Public Agency Compliance Officer
20. Appointment of District 504 Compliance Officer and Homeless Liaison Coordinator
21. Appointment of Right to Know Officer
22. Appointment of Integrated Pest Management Coordinator
23. Appointment of Custodian of School Records
24. Appointment of Americans With Disabilities Act Coordinator
25. Appointment of School District Solicitor
26. Appointment of Labor Relations Consultant
27. Appointment of School District Auditor
28. Appointment of School District Architect of Record
29. Approval of State Contract Vendors
30. Appointment of Health Insurance Broker
31. Appointment of School District Medical Inspector

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Organization Meeting**

**Series 9000
Policy 9322.3**

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- 32. Appointment of Environmental and Safety Consulting Group
- 33. Appointment of Affirmative Action Officer / Committee – Personnel
- 34. Appointment of Affirmative Action Officer – Business
- 35. Appointment of Custodian of Records
- 36. Appointment of Purchasing Agent
- 37. Transfer Bank Accounts
- 38. Adjournment

Legal References

| | | |
|------|---------------|--|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 10:4-9.1 | Electronic Notice of Meetings |
| | 18A:10-3 | First Regular Board Meeting |
| | 18A:10-4 | Secretary to Give Notice |
| | 18A:10-5 | Organization Meeting as Business Meeting |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |

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Series 9000

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

Policy 9323 / 9324

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

Page 1 of 1

The Superintendent of Schools and the Board President shall prepare the agenda for all meetings of the Board. In doing so, they shall consult the Board Secretary.

Items of business suggested by any Board Member, staff member, or citizen of the district may be included at the discretion of the Superintendent of Schools and Board President. The agenda shall allow time for the remarks of citizens, staff members or pupils who wish to speak briefly before the Board.

The Board shall follow the order of business set up by the agenda unless the order is altered by a majority vote of the members present and voting. At a regularly scheduled meeting, notice of which has been provided in the annual schedule of meetings, items of business not on the agenda may be discussed and acted upon if a majority of the Board present and voting agrees to consider them. However, existing Board policies and bylaws may not be revised or new ones adopted unless the proposals are on the written agenda.

The Board of Education will provide an agenda of the topics called upon for any and all special or emergency meetings. The Board will also make note of any action that will be taken but this action is solely at the discretion of the Board.

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

Legal References

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

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Advance Notice & Agenda Requests / Fees

Policy 9324.1

Date Adopted: February 11, 2008

Date Revised:

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Any person may request that the Board of Education mail to him/her advance written notice giving the time, date, location and to the extent known the agenda of any regular, special or rescheduled meetings upon prepayment by such person of a reasonable sum to cover the costs of providing such notice. All requests for notice shall terminate at midnight on June 30th of each year, but shall be subject to renewal upon a new request to the Board of Education as provided in section 10:4-19 of the Open Public Meetings Act.

Any fees to be charged individuals and organizations requesting notification of Board meetings other than those required by law shall be set by the Board Secretary and approved by the Board.

Legal References

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

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Series 9000

Meeting Conduct

Policy 9325

Date Adopted: February 11, 2008

Date Revised:

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All actions of the Board of Education shall be taken only in official Board meetings called, scheduled and conducted according to these bylaws and the New Jersey State statutes.

Orderly Procedure

In order to provide for orderly discussion and careful consideration of questions and to expedite business, it is understood that the following procedures will be followed during meetings of the Board:

1. Members wishing to speak will address the President and be recognized.
2. Any person wishing to address the Board shall be given the opportunity provided his/her remarks are relevant to the subject being considered and provided he/she does not become personal or abusive. It shall be the responsibility of the President to place any restriction on the time that may be allotted to a speaker.
3. Members of the Board and the Superintendent of Schools shall address the President and be recognized in their participation in questions being discussed by the Board. The Board, through the President, may call upon other officers of the Board or consultants to participate in the discussion of questions at any time.

Board Actions

All actions of the Board of Education shall be taken only during official Board meetings called, scheduled and conducted according to these bylaws and New Jersey statutes.

When a question is submitted to vote, every member present shall vote upon it, unless excused by the Board.

Public Participation

In order to insure full dissemination of its official actions, to apprise the public of the schools and the educational program, and to hear the views of the public, the Board of Education shall provide a period of public participation in each of its regular and special meetings, but the Board reserves the right to establish rules for the conduct of such public participation.

Legal References

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

Possible Cross References

1000/1010, 1100, 1100.1, 1250, 9020, 9271, 9325.4

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Quorum

Policy 9325.1

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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Five (5) members present shall constitute a quorum of the Board of Education. In the event a quorum is not present at the hour of convening, the meeting may be recessed to a time not later than 9:00 PM of the same day. If a quorum is not then present the members may adjourn the meeting to commence on a later day within seven days.

In the event that any meeting of the Board is rescheduled due to lack of a quorum of the Board or for any other reason, the public will be given appropriate notice of the date, time and location of the rescheduled meeting.

Legal References

NJSA 10:4-6 et seq
18A:10-6
18A:11-1

Open Public Meetings Act
Board Meetings
General Mandatory Powers / Duties

Penns Grove - Carneys Point Regional School District Board of Education Policy Manual

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Regular Meeting / Order of Business

Policy 9325.2

Date Adopted: February 11, 2008

Date Revised: August 17, 2015

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The order of business shall be as follows, unless altered by the chairperson or a majority of those present and voting:

1. Call to Order
2. Reading of Open Public Meeting Act
3. Attendance Roll Call
4. Call for Executive Session (if needed)
5. Reconvene (following Executive Session)
6. Salute to the Flag
7. Presentations
8. Open for Public Discussion
9. Approval of Minutes
10. Report of the Superintendent
 - Education/Curriculum
 - Business Administrator's Report - Finance Facilities
 - Policy
 - Personnel
11. Old Business
12. New Business
13. Adjournment

The Board of Education may take action on any subject within the agenda or additional matters that it deems appropriate.

Legal References

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

Possible Cross References

1000/1010, 1100, 1100.1, 1250, 9020, 9271, 9325.4

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Series 9000

Parliamentary Procedure

Policy 9325.3

Date Adopted: February 11, 2008

Date Revised:

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In the conduct of its business, the procedure of the Board will be governed by the educational laws of the State, by principles and rules set forth in the Board of Education Bylaws, or otherwise by *Robert's Rules of Order*.

Legal References

NJSA 18A:10-6
18A:11-1

Board Meetings
General Mandatory Powers / Duties

Penns Grove - Carneys Point Regional School District Board of Education Policy Manual

Bylaws of the Board of Education

Series 9000

Voting Methods

Policy 9325.4

Date Adopted: February 11, 2008

Date Revised:

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Official actions may be taken only at a regular monthly or specially called meeting at which a quorum is present. All motions shall require for adoption a simple majority vote of those present and voting (minimally, a majority of the quorum), except as provided by statute. Abstentions shall not be counted as votes, but shall be recorded and are deemed to count as no vote at all.

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

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

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

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

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

- A. Placement of a contract following failure to receive responsible bids on two occasions. (NJSA 18A:18A-5(c))
- B. Adopting a refunding bond ordinance. (NJSA 18A:24-61.4)
- C. Selling or exchanging refunding bonds. (NJSA:18A24-61.9)
- D. Authorizing to negotiate, award or enter into a contract or agreement after the Board has solicited and received at least three quotations on materials, supplies or equipment for which a state contract has been issued, and the lowest responsible quotation is at least 10% less than the cost charged under the state contract. (NJSA 18A:18A-5(e))
- E. Determining the necessity to raise funds for capital project(s) in Type II districts having a Board of School Estimate. (NJSA 18A:22-27)
- F. Permitting the private sale of certain bonds if no legally acceptable bid is received by a Type II district. (NJSA 18A:24-45(c))
- G. Adopting a resolution endorsing approval of the lease purchase concept of acquiring property for building construction/renovation and authorizing the Superintendent of Schools and/or Board Secretary to advertise and solicit proposals for the selection of a lessor and underwriter and to request the approval of the Commissioner and Local Finance Board in the Department of Community Affairs of a lease purchase agreement in excess of five years. (NJAC 6A:26-7.1, 6A:26-10.1 et seq)

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**Series 9000
Policy 9325.4**

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

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

- A. Adopting or altering a course of study. (NJSA 18A:33-1)
- B. Appointment and fixing of the term of Superintendent of Schools. (NJSA 18A:17-15), Board Secretary (NJSA 18A:17-5), Assistant or Acting Board Secretary. (NJSA 18A:17-13)
- C. Appointing or removing an Assistant Superintendent of Schools. (NJSA 18A:17-16)
- D. Appointment or transfer of a teaching staff member. (NJSA 18A:25-1; 18A:27-1)
- E. Approval of employee salary deductions for governmental bonds. (NJSA 18A:16-8)
- F. Disposition or exchange of lands owned by the Board of Education. (NJSA 18A:20-5, 18A:20-8)
- G. Selection of textbooks. (NJSA 18A:34-1)
- H. Restoration or removal following suspension by the Superintendent of Schools, Assistant Principal, Teacher or Instructional Aid. (NJSA 18A:25-6)
- I. Withholding, for inefficiency or other good cause, a prescribed employment or adjustment salary increment. (NJSA 18A:29-14)
- J. Admission after October 1st of a pupil who has never attended public or private school. (NJSA 18A:38-6)
- K. Appointing a School Business Administrator. (NJSA 18A:17-14.1); appointing or removing and fixing the salary of a Business Manager in a Type I District. (NJSA 18A:17-25)
- L. Decision to establish with other school district(s) a county audiovisual educational aids center (NJSA 18A:51-1); application for membership in an already established county audiovisual educational aids center. (NJSA 18A:51-11)
- M. Determining sufficiency of charges warranting dismissal or reduction in salary of a tenured employee. (NJSA 18A:6-11)
- N. Removal of the President or Vice President of the Board. (NJSA 18A:15-2)
- O. Purchase of bonds or other obligations as securities. (NJSA 18A:20-37)
- P. Sale of bonds or other obligations purchased as securities. (NJSA 18A:20-39)
- Q. Adoption of school budget to be submitted to voters. (NJSA 18A:22-32)
- R. Adoption of school budget in Type II districts with a Board of School Estimate. (NJSA 18A:22-26)
- S. Approval of capital construction projects. (NJSA 18A:7G-1 et seq, NJAC 6A:26-1 et seq)
- T. Authorization of school bonds. (NJSA 18A:24-10)

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**Bylaws of the Board of Education
Voting Methods**

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Policy 9325.4**

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Additional Legal References

NJSA 18A:11-1

General Mandatory Powers / Duties

Aurentz v Little Egg Harbor Twp Planning Bd 171 NJ Super Law Div 1979

King v. Asbury Park Bd of Ed 1939-49 SLD 20

Matawan Teachers Assn v Bd of Ed 223 Super 504 App Div 1988

Lincoln Park Bd of Ed v Boonton Bd of Ed 97 NJAR 2d EDU July 24

Little Ferry Bd of Ed v Ridgfield Park Bd of Ed 97 NJAR 2d EDU July 24

Green Twp Bd of Ed v Newton Bd of Ed 97 NJAR 2d EDU August 5

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Persons Addressing the Board of Education

Policy 9325.5

Date Adopted: February 11, 2008

Date Revised:

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Prior to addressing the Board, each speaker is requested to state his/her name, address and nature of his/her remarks.

At the discretion of the Board President and if confirmed by a majority vote of the entire Board of Education, public remarks may be limited to a specific amount of time.

Legal References

NJSA 18A:10-6
18A:11-1

Board Meetings
General Mandatory Powers / Duties

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Series 9000

Adjournment

Policy 9325.6

Date Adopted: February 11, 2008

Date Revised:

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

Legal References

NJSA 18A:10-6
18A:11-1

Board Meetings
General Mandatory Powers / Duties

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Bylaws of the Board of Education

Series 9000

Minutes

Policy 9326

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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The minutes of the meetings of the Board of Education shall include:

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

A copy of the minutes shall be filed permanently for reference purposes.

All reports requiring Board action, resolutions, agreements and other written documents shall be placed in the files of the Board Secretary and/or the Superintendent of Schools as a permanent record.

Regulation

Official copies of the minutes of the Penns Grove-Carneys Point Regional Board of Education meetings will be distributed to the following people:

- A. All current Board of Education members;
- B. Superintendent of Schools and Principals.

A copy of the Board of Education minutes of all meetings will be available in the office of the director of finance/Board secretary for inspection by any person or group of persons.

Interested persons may request copies of public records, using fees in accordance with law.

Public records will be copies at a time designated by the director of finance/Board secretary so as not to interfere with the regular work schedule.

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Policy 9326**

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Legal References

| | | |
|------|-------------------|---|
| NJSA | 18A:10-6 et seq | Open Public Meetings Act |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:17-7 | Secretary to Give Notices / Keep Minutes |
| | 47:1A-1 et seq | Examination/Copies of Public Records OPRA |
| NJAC | 6A:8-4.3 | Accountability |
| | 6A:30-1.4 | Evaluation Process for Annual Review |
| | 6A:32-12.1 | Reporting Requirements |
| | 6A:23A-1.2 et seq | Fiscal Accountability Definitions |

Exec Order No. 9 Sept 30, 1963 modified by Exed Order No. 11 Nov 15, 1974

Maurice River Bd of Ed v Maurice River Teachers Assn 193 NJ Super 488 App Div 1984

Matawan Ed Assn v. Matawan-Aberdeen Ed Bd 121 NJ Super 328

Liebeskind v Mayor & Mun Coun of Bayonne 265 NJ Super 389 400-401 App Div 1993

Atlantic City Convention Cntr Auth v South Jersey Publishin Co Inc 135 NJ 53 1994

Manual for the Evaluation of Local School Districts

NJ Dept of State Div Archives & Records Management School District Records Retention Schedule

Robt Wayne Tarus v Boro of Pine Hill et al NJ Supreme Court A-93-2005 decided March 7, 2007

New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3570, 9123, 9330

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Bylaws of the Board of Education

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Public Access to Minutes

Policy 9326.1

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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The approved minutes of the Board shall be shown to the public upon request in the presence of the Board Secretary or his/her designee. Requests for single copies of minutes shall be honored at the convenience of the Board Secretary. The Board reserves the right to assess a charge to copy the cost of copying the minutes.

A copy of the approved minutes of Board of Education meetings will be made available to the staff members of the district.

Any other persons may request, in writing, copies of minutes of all meetings of the Board of Education to be mailed to them as soon as conveniently possible. The Board reserves the right to assess a charge to cover the cost of copying and mailing meeting minutes.

Legal References

| | | |
|------|-------------------|---|
| NJSA | 18A:10-6 et seq | Open Public Meetings Act |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:17-7 | Secretary to Give Notices / Keep Minutes |
| | 47:1A-1 et seq | Examination/Copies of Public Records OPRA |
| NJAC | 6A:8-4.3 | Accountability |
| | 6A:30-1.4 | Evaluation Process for Annual Review |
| | 6A:32-12.1 | Reporting Requirements |
| | 6A:23A-1.2 et seq | Fiscal Accountability Definitions |

Exec Order No. 9 Sept 30, 1963 modified by Exed Order No. 11 Nov 15, 1974

Maurice River Bd of Ed v Maurice River Teachers Assn 193 NJ Super 488 App Div 1984

Matawan Ed Assn v. Matawan-Aberdeen Ed Bd 121 NJ Super 328

Liebeskind v Mayor & Mun Coun of Bayonne 265 NJ Super 389 400-401 App Div 1993

Atlantic City Convention Cntr Auth v South Jersey Publishin Co Inc 135 NJ 53 1994

Manual for the Evaluation of Local School Districts

NJ Dept of State Div Archives & Records Management School District Records Retention Schedule

Robt Wayne Tarus v Boro of Pine Hill et al NJ Supreme Court A-93-2005 decided March 7, 2007

New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3570, 9123, 9330

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Taping of Meetings

Policy 9326.2

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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Use of Recording Devices

The Board recognizes that there may be occasions when use of a tape recording device can be a useful tool for a parent/guardian or citizen.

Any person in attendance may tape record any public session of the Board of Education, including public work sessions and public special meetings, provided that the recording device used does not disrupt the proceedings or disturb other persons attending.

Videotape recording or audio recording of Board meetings will be permitted by the Board on the following terms:

- A. A permanent record, either by tape or shorthand reporter, is made of the proceedings.
- B. No more than two (2) cameras shall be used at any one time, on a first-come, first-served basis.
- C. Equipment used shall be that approved by the New Jersey Supreme Court guidelines. No additional lighting shall be permitted.
- D. Cameras shall be placed in inconspicuous corners of the room toward the rear. The specific location shall be approved by the secretary of the Board, but shall be in such a place as shall permit unobstructed view by the camera.
- E. As to videotaping, notice shall be given to the Board at least 24 hours before the commencement of the meeting, and an opportunity shall be given prior to the meeting to set up the equipment. As to sound recordings only, notice shall be given to the director of finance/Board secretary immediately prior to the meeting being recorded.
- F. The Board shall be given an opportunity to obtain copies of the tape at its expense, but shall have no power to edit or abridge the same.
- G. Those meetings or portions of meetings, which are permitted by law to be closed to the public, shall not be recorded.

No equipment that interferes with the orderly conduct of a meeting will be permitted.

Legal References

| | |
|---|---|
| NJSA 18A:10-6 et seq | Open Public Meetings Act |
| 18A:11-1 | General Mandatory Powers / Duties |
| 18A:17-7 | Secretary to Give Notices / Keep Minutes |
| 47:1A-1 et seq | Examination/Copies of Public Records OPRA |
| Maurice River Bd of Ed v Maurice River Teachers Assn 193 NJ Super 488 App Div | |
| Atlantic City Convention Cntr Auth v South Jersey Publishin Co Inc 135 NJ 53 1994 | |

Penns Grove - Carneys Point Regional School District Board of Education Policy Manual

Bylaws of the Board of Education

Series 9000

Audiotaping of Meetings by the Board of Education

Policy 9326.25

Date Adopted: February 18, 2014

Date Revised:

Page 1 of 1

The Board of Education welcomes and invites members of the community to attend any and all of its public meetings and desires to keep the community informed regarding the school district and various initiatives and programs associated with the schools.

At its option, the Board of Education may cause any or all of its public meetings to be audiotape recorded for the purpose of providing clarification, if needed, during the preparation of the official minutes of that meeting. Should tapes be prepared, they shall be treated in conformity with N.J.S.A. 47:1a-I et. seq.. “The Right to Know Law” and N.J.S.A. 47:3-15 et seq., “The Destruction of Public Records Law”.

Public access to the contents of meeting tapes that are in conformity with the previously cited passages of N.J.S.A. 47 shall be provided exclusively through the Board office. Requests for such access shall be made to the Board Secretary in writing, with an appointment to be set by the Board Secretary. A charge may be made at the Board’s sole discretion to cover the costs of Board office personnel.

In order to ensure that audiotaped meetings are not used for the political or commercial gain of attendees, the Board may limit the amount of time a member of the public is granted to speak during any of its meetings. Additionally, should the comments of any member of the public be deemed to be made for political and/or commercial gain, the Board empowers the Board President or his/her designated replacement to call a halt to such statements and/or cause the cessation of additional audiotaping of the meeting.

Nothing in this policy shall be construed to mean that the Board must audiotape any specific meeting or any portion of same. At all times, pupil and individual privacy shall be maintained.

Legal References

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

Maurice River Bd of Ed v Maurice River Teachers Assn 193 NJ Super 488 App Div
Atlantic City Convention Cntr Auth v South Jersey Publishing Co Inc 135 NJ 53 1994

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Chain of Command

Policy 9326.3

Date Adopted: February 11, 2008

Date Revised: January 24, 2011

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The Board of Education recognizes that at times concerns may arise. It is the Board's intention to attempt to resolve these matters promptly and efficiently. In order to resolve issues in a professional manner, Board Members, employees, parents and/or community members, and are to follow the "chain of command." The "chain of command" provides for courtesy and respect among all those who are involved in the concern.

Employees

Employees who have a concern about policies, procedures, practices or any issue arising in the school are directed to refer them to their immediate supervisor first for discussion and resolution. The employee is expected to take this step before bringing the matter directly to the next higher line of authority. In the event that the resolution offered by his/her immediate supervisor does not satisfy the employee, the employee may then present his/her case to the next higher line of authority. It is suggested that employee review and follow the Board of Education's District Organization Chart (Policy 2120) to ensure that the chain of command is followed. Employees who have followed the chain of command are invited to petition the Board of Education in writing. Included in this written petition shall be a brief description of the issue of concern, dates, times (when appropriate) and any resolutions previously sought and/or offered.

Nothing in this policy shall be construed to violate or contradict formal negotiated grievance procedures in place with any bargaining unit employee.

The Board may elect to invite the employee to an executive meeting with the Board to discuss the matter.

Should the employee circumvent the "chain of command" by bringing his/her complaint directly to the Board or an individual Board Member, the Board or the Board Member will refer the employee to the Superintendent of Schools to resolve the issue. In such cases, the Board will not act on the employee's complaint until after resolution has been attempted between the employee and the Superintendent of Schools.

Failure on the part of the employee to follow this procedure may result in a letter of reprimand being placed in the employee's personnel file. Employees represented by a bargaining unit who fail to follow the chain of command may be in violation of the grievance procedures contained in the contract between the district and the bargaining unit.

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Parents and/or Community Members

Parents and/or community members who have a concern about policies, procedures, practices or any issue arising in the school are directed to refer them to the employee or group of employees who are directly responsible for resolving the matter first. Should the issue not be resolved to the satisfaction of the parents and/or community members, they are to be instructed to follow the chain of command as diagramed in Policy 2120 – Organization Chart until the matter is resolved. They are expected to take this step before bringing the matter directly to the Board of Education. In the event that the resolution offered by the Superintendent of Schools does not satisfy the parent(s) or community members, the parent(s) or community members may then present the matter directly to the Board of Education. The Board suggests that the matter should be made in writing and that it be presented in a timeframe that will allow the Board to review the matter before acting on it at a regularly scheduled meeting.

The Board may elect to invite the parent(s) and/or community member(s) to an executive meeting of the Board to discuss the matter. Should the parent(s) and/or community member(s) circumvent the “chain of command” by bringing the complaint directly to the Board or to an individual Board, the Board or Board Member will refer the parent(s) and/or community member(s) to attempt to resolve the issue with the Superintendent of Schools. In such cases, the Board will not act on the parent(s) and/or community member(s) complaint until after resolution has been attempted between the parent(s) and/or community member(s) and the Superintendent of Schools.

Board Members

Board Members who have a concern or complaint about policies, procedures, practices or any issue arising in the school are directed to refer them to the Superintendent of Schools for discussion and resolution. In the event that the resolution offered by the Superintendent of Schools does not satisfy the Board Member, the Board Member may then present the matter directly at a regularly scheduled Board meeting. As a professional courtesy, it is suggested that the matter be discussed with the Board President prior to the Board meeting.

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Complaints, Concerns, Inquiries Regarding Administrators by Staff Members

Staff members who have complaints, concerns and/or inquiries regarding any member of the administrative team are directed to submit those complaints, concerns and/or inquiries to that administrator's direct supervisor. In the event that the complaint, concern and/or inquiry deals with the Superintendent of Schools, the staff member may submit the complaint, concern and/or inquiry to the Board of Education in writing. All such complaints, concerns and/or inquiries shall be addressed to the Board President, who will discuss the matter with the full Board at the next regularly scheduled Board meeting. Should the matter be of an urgent nature, the Board President may elect to convene a special meeting of the Board to review the matter and to make a determination as to how best to resolve the matter. All discussions by the Board on such matters shall be held in executive session and in accordance with the Open Public Meeting Law.

Matters of this nature that do not require Board action or in cases where the staff member requests information that may legally be released by the Board President may be handled by the Board President upon consultation with the administrative team, the Superintendent of Schools and/or the districts Solicitor, as appropriate.

Legal References

| | | |
|------|-------------------|--|
| NJSA | 10:4-6 et seq. | Open Public Meetings Act |
| | 18A:11-1 | General Mandatory Powers/Duties |
| | 47:1A-1 et seq. | Examination and copies of public records ("Open Public Records Act") |
| NJAC | 6A:9-12.3 | Authorization |
| | 6A:9-12.4 | School administrator |
| | 6A:32-1.1 et seq. | School District Operations |

Possible Cross
References

2120, 9126

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Staff Members Addressing the Board of Education

Policy 9326.4

Date Adopted:

Date Revised:

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

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

Legal References

NJSA 18A:11-1

General Mandatory Powers / Duties

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**Public Statements at Board
of Education Meetings**

Policy 9326.5

Date Adopted: February 11, 2008

Date Revised:

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It shall be the policy of the Board of Education that a copy of any statement read by a member of the public at a public Board meeting shall be requested of the individual reading such a statement.

Such copy of any statement read shall be filed as a part of the official minutes of the Board meeting and shall so serve as an accurate report of what was, in fact, read.

In the event that a copy of a statement to be read or having been read is not available for any reason, the Board Secretary shall be advised to record simply that the individual, by name, read a prepared statement concerning a particular topic and did not make a copy available to the Board.

In any case where a particular student is discussed, it shall be the procedure that no names or designations that would identify a student or class be used. The Superintendent of Schools is directed to devise methods to protect the identity of the student by using other identification means both in public meetings and in executive sessions of the Board of Education.

Legal References

NJSA 18A:11-1
18A:42-4

General mandatory powers and duties
Distribution of literature to candidacy, Board Issues or other
public question to be submitted at election; prohibited

Possible Cross References

1100, 1110, 9010, 9020, 9271

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Challenge

Policy 9327

Date Adopted: February 11, 2008

Date Revised:

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When any action of the Board is challenged by any person on the grounds it was taken at a meeting in violation of the Open Public Meetings Act, the Board may cure the alleged defect by action taken at a public meeting to which adequate advance notice has been given or, where circumstances warrant, at a duly convened special meeting. Such action shall not be mere ratification of the prior act; the Board shall consider the matter fully and record its action as if for the first time. Absent a declaration of the Superior Court that the initial action is void, however, the action shall be considered to have been taken at the meeting at which it was first acted upon.

Legal References

NJSA 10:4-6 et seq
18A:11-1

Open Public Meetings Act
General Mandatory Powers / Duties

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Public Access to Board of Education Records

Policy 9330

Date Adopted: February 11, 2008

Date Revised: August 16, 2010

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

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

Exemptions

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

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

Custodian of Board Records

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

Responsibility of the Custodian of School Records

The Custodian of Board Records must permit Board records to be inspected, examined, and copied during regular business hours. The district position of Board Secretary/Business Administrator is officially designated by this action custodian of Board records. The Board Secretary/Business Administrator is required to keep and maintain all records and documents belonging to the Board.

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Timely Access

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

Redaction of Records

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

Form for Requesting Records

The custodian shall adopt a form for the public to use to make requests for Board records. The form must provide the following:

1. Space for the name, address and telephone of the requestor;
2. Space for a brief description of the record sought;
3. Space for the custodian to indicate which record will be made available, and fees (if any), to be charged;
4. Specific directions and procedures for requesting the record;
5. A statement as to whether prepayment of fees (if any) are required;
6. An indication that, in general, the custodian has seven (7) business days after receiving the request to respond;
7. A statement of the requestor's right to challenge a decision denying access and the procedure for filing an appeal;
8. Space for the requestor to sign and date the form;
9. Space for the custodian to sign and date the form if the request is fulfilled or denied.

Fees Charged for Copying Records

The Board may assess fees for providing copies of records. If the Custodian of School Records can demonstrate that the actual cost for duplicating a record exceeds these rates, he/she shall charge the actual cost per page. Under certain circumstances, special service fees may also be charged.

Appeal of Denial or Access to Records

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

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Public Access to Board of Education Records

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Legal References

- NJSA 10:4-6 et seq. Open Public Meetings Act
18A:4-14 Uniform system of bookkeeping for school districts
18A:7A-11 Annual report of local school district; contents; annual report of commissioner; report on improvement of basic skills
18A:11-2 Power to sue and be sued; reports; census of school
18A:17-7 through -12 Secretary to give notices and keep minutes, etc.
18A:17-28(e) Duties of business manager
18A:17-35 Records of receipts and payments
18A:17-36 Accounting; monthly and annual reports
18A:17-46 Act of violence; report by school employee; notice of action taken; annual report
18A:36-19 Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
47:1A-1 et seq. Examination and copies of public records ("Open Public Records Act")
47:3-15 et seq. Destruction of Public Records Law
- NJAC 2:36-1.1 et seq. Child Nutrition Programs
6A:16-5.3 Incident reporting of violence, vandalism and substance abuse
6A:23-2.1 et seq. Double Entry Bookkeeping and GAAP Accounting in Local School Districts
6A:27-7.9 Vehicle records
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A: 32-7.1 et. seq. Student Records
6A:32-12.2 School level planning
15:3-2.1 et. seq. Records Retention
- Annual Data Collection Plan, New Jersey State Department of Education Records Retention Schedule, New Jersey State Department of Education
Matawan Regional Teachers Association v. Matawan-Aberdeen Bd. of Ed., 212 N.J. Super. 328 (Law Div. 1986)
Laufgas v. Barnegat Twp. Bd. of Ed., 1987 S.L.D. 2442, aff'd St. Bd. 1988 S.L.D. 2496
Horner v. Kingsway Regional, 1990 S.L.D. 752 Beatty v. Chester Bd of Ed, 1999 S.L.D. (Sept.)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3570, 4112.6, 4212.6, 5125

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Membership in Organizations

Policy 9340

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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The Board of Education shall be a member of the New Jersey School Boards Association, the Salem County School Boards Association and such other associations as shall be determined by the Board of Education annually.

The Board shall participate as fully as possible in the activities of all associations to which it belongs.

Legal References

NJSA 18A:11-1

18A:6-45

18A:6-50

General Mandatory Powers / Duties

NJSBA Established

NJSBA Dues

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Legislative Program

Policy 9360

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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To ensure that the Board has the opportunity to make its views known to the elected representatives of the district at the local, state and national level, the Superintendent of Schools is directed to notify the Board of any pending legislation that might affect the district.

This Board will send resolutions to the governor, members of the legislature, and any other appropriate officials of the state or federal government expressing the Board's concern on matters affecting public education.

Legal References

NJSA 18A:11-1

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**Monitoring Products and
Processes of the School District**

Policy 9370

Date Adopted: February 11, 2008

Date Revised:

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The school district's written educational plan shall be sequential and specific. The standards and procedures for assessing and evaluating the plan's long and short-range objectives shall be based on the following major elements:

1. Clear statements of expectations and purposes (i.e. philosophy, goals and objectives) coupled with specifications of how successful achievement will be determined.
2. Provisions for the staff, resources, and support necessary to achieving purposes.
3. Evaluation carefully designed to determine how well expectations and purposes are met, and
4. Revisions and modifications as needed for continued improvement.

Every effort shall be made by the Board, Superintendent of Schools, and staff to fulfill the responsibilities of providing a thorough and efficient education for the pupils of the school district.

Legal References

NJSA 18A:11-1

General Mandatory Powers / Duties

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Board of Education Self-Evaluation

Policy 9400

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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The Penns Grove-Carneys Point Regional Board of Education acknowledges the necessity for the Board to evaluate its own performance as well as that of the school district.

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

The Board of Education shall use a multi-faceted self-evaluation instrument. The results of the self-evaluation will become public and part of the minutes of the Board of Education.

Legal References

NJSA 18A:11-1

General Mandatory Powers / Duties

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**Evaluation & Public Announcement
of District Accomplishments**

Policy 9410

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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The Board directs the Superintendent of Schools to employ all appropriate means to provide for continuous and candid reports of accomplishments in the pursuit of district goals and objectives and to establish reliable indicators of accomplishment. The purpose of these accomplishment reports shall be to provide the Board with information needed for making continual policy and planning decisions.

The Board of Education, in compliance with the rules of the State Board of Education, shall provide district citizens with an annual report at a public Board meeting. As required by law, the accomplishment report shall include:

1. The implementation of school-level plans, NJAC 6:8-4.4;
2. The achievement of performance objectives, NJAC 6:8-4.4;
3. Each school report card, including pupil performance results and pupil behavior data, NJAC 6:8-4.4;
4. Professional development activities, NJAC 6:8-4.8;
5. The condition of the school facilities, NJAC 6:8-4.9;
6. The status of mandated program reviews, NJAC 6:8-4.10; and
7. Community support data consisting of:
 - a. A review of demographic data,
 - b. A Community survey,
 - c. Identification of available resources and linkages to social service agencies,
 - d. Strategies to overcome any community and environmental conditions that hinder learning,
 - e. Methods to eliminate any barriers to community participation,
 - f. Planned level of community involvement, and
 - g. Strategies for parental involvement, and parent-teacher interaction.

The annual accomplishment report shall be in the form of the Quality Assurance Annual Report (as required by law) and presented in clear and concise language.

Special and/or significant accomplishments of staff, students or the district as a whole shall be announced as they occur at the discretion of the Board.

Legal References

NJSA 18A:11-1

General Mandatory Powers / Duties

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**Recognition of Retired Employees
& Board of Education Members**

Policy 9420

Date Adopted: February 11, 2008

Date Revised:

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

Legal References

NJSA 18A:11-1

General Mandatory Powers / Duties

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Evaluation of District Accomplishments

Policy 9430

Date Adopted: October 19, 1990

Date Revised: February 11, 2008

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

- A. Administration
- B. Business and Non-Instructional Operations (including all construction of whatever type)
- C. Personnel (as a whole)
- D. Instructional Programs (including pupil progress and the State evaluation) into a unified report to the Board on the strengths and weaknesses of the district on or before the October meeting of the Board.

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

Legal References

NJSA 18A:11-1

General Mandatory Powers / Duties